

## NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to promulgate New Mexico Administrative Code (NMAC) rule 8.3.2, *Family Health and Well Being, Plan of Safe Care for Substance-Exposed Infants*. The administration of the Comprehensive Addiction Recover Act (CARA) program is transitioning from the Children, Youth, and Families Department to the HCA effective July 1, 2026.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: March 10, 2026  
Hearing Date: April 9, 2026  
Adoption Date: Proposed as July 1, 2026  
Technical Citations: NMSA 32A-3A-13

### **Background**

New Mexico's CARA Program supports families living with substance use to provide a safe environment for newborns and children that are free from risks of abuse, neglect or abandonment through programmatic processes that connect CARA Families to services that promotes a healthy family environment. A Plan of Safe Care (POSC) may be identified during prenatal care, during the delivery episode or after a child is born.

Pursuant to NMSA 32A-3A-13, the administration of the CARA program administration will transfer from the Children, Youth, and Families Department (CYFD) to the HCA effective July 1, 2026. As a result, the HCA is proposing a new chapter within Title 8 of the New Mexico Administrative Code (NMAC) for the Plan of Safe Care for Substance-Exposed Infants. The proposed NMAC includes the following policy sections:

- Identification of Substance-Exposed Infants
- Responsibilities Regarding Plan of Safe Care Creation
- Requirements of the Plan of Safe Care
- Implementation of the CARA Navigation Program
- Referral to CYFD for Family Assessment
- Training Requirements
- Data and Reporting Requirements

### **I. RULE**

This proposed new rule will be contained in 8.3.2 NMAC. This register and the proposed rule are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

### **II. EFFECTIVE DATE**

The HCA proposes implementing this rule effective July 1, 2026.

### **III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on **April 9, 2026, at 11:00 a.m., Mountain Daylight Time (MDT)**. The hearing will be held in the ASD Large Conference Room in the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

### **Join Teams Meeting**

[Join the meeting 4/9/2026](#)  
Meeting ID: 298 286 479 124 68  
Passcode: 3Cn6Au3i

**Dial in by phone**

+1 505-312-4308, United States, Albuquerque

Find a local number

Phone conference ID: 299 362 262#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodation.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

**IV. ADDRESS**

Interested persons may address written comments to:

New Mexico Health Care Authority  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [HCA-madrules@hca.nm.gov](mailto:HCA-madrules@hca.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m. MDT on April 9, 2026**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.