NOTICE OF HEARING

The New Mexico Health Care Authority, through the Division of Health Improvement, is finalizing repeal and replacement of rule 8.369.2 NMAC Regulations Governing Residential Shelter Care Facilities for Children. These regulations apply to public, profit or nonprofit home health agencies providing services as outlined by these regulations, and any facility providing services as outlined by these regulations which by federal regulation must be licensed by the state of New Mexico to obtain or maintain full or partial, permanent or temporary federal funding. Specifically, the changes include: 8.369.2 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements. Specifically, updating the scope of children's crisis shelters multi-service homes, new or innovative programs and removing oversight of community homes, updating the statutory authority from the Department of Health to the Health Care Authority, updating and aligning definitions related to residential shelter and mental health services and facilities for children, removing outdated related regulations, laws and codes, and updating associated laws and codes, identifying types of facilities and scope of services, removing outdated licensure procedures, creating general licensing requirements, adding waivers and variances, updating incorrect citations throughout the rule, updating grounds for revocation, suspension, or denial of initial or renewal of license, or the imposition of sanctions, or civil monetary penalties, correcting hearings and appeals, adding a new corrective action section, updating reporting of incidents, adding a new section related to survey or monitoring visits, clarifying reports and records required, clarifying facility rules, adding children's rights language, updating personnel and staffing requirements, updating staff evaluation and development, clarifying direct service staff/child ratio, updating staff records and policies and procedures, clarifying children's rooms, beds, cribs, and highchairs, updating the pets section, updating medical care, updating nutrition, clarifying building requirements, updating fire safety clearances and inspections, fire detection and response systems, and removing all references and regulations governing community homes.

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

This notice of Hearing and the proposed rule changes are available on the HCA website at https://www.hca.nm.gov/dhi-regulations/

Notice Date: November 3, 2026
Hearing Date: December 4, 2026
Proposed Effective Date: December 22, 2026

A public hearing to receive testimony on this proposed rule will be held on December 4, 2026 from 8:00 a.m. to 10:00 a.m. Mountain Time (MT). The hearing will be in hybrid format, and there are three options for attending:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.

2. Join via a Teams Link:
Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/264464672413240?p=NmAE4nP3a4NTDOgyzL
Meeting ID: 264 464 672 413 240
Passcode: TV3Y7ds3

3. Or call in (audio only)
Dial in by phone
+1 505-312-4308,,429694091# United States, Albuquerque
(888) 506-1357,,429694091# United States (Toll-free)
Phone conference ID: 429 694 091#

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Interested persons who do not wish to attend the hearing may submit comments in writing or by leaving a voicemail. Address written comments to:
Division of Health Improvement
P.O. Box H
Santa Fe, NM 87504

Recorded comments may be left at (505) 476-9093. Interested persons may also address comments via electronic mail to: HCA-DHI-Public-Comment@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. on December 3, 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 on the HCA website within three days of the close of the public comment period. The public posting will include the name and any contact information provided by the commenter.