

## NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.324.7, *Adjunct Services, Transportation Services and Lodging*.

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: January 27, 2026

Hearing Date: February 26, 2026

Adoption Date: Proposed as June 1, 2026

Technical Citations: 2023 Legislative Session Senate Bill 485- Non-Emergency Medical Transportation (NEMT)

### **Background**

The Health Care Authority is proposing to amend 8.324.7 NMAC, *Adjunct Services, Transportation Services and Lodging* to: 1) Increase the outside of the home community travel mileage; 2) Revise the referral frequency requirements for continued out-of-community transportation; 3) Implement legislative changes enacted under Senate Bill 485 (2023 Regular Session), establishing requirements for the contracting and reimbursement of NEMT; 4) Aligns language regarding transportation limitations to pharmacy providers from 8.310.2 NMAC to 8.324.7 NMAC for consistency purposes; and 5) Updates NMAC citations that currently reference archived NMAC citations.

### **NMAC 8.324.7**

Section 8 has been updated to include the Departments current mission statement.

Section 10 has been updated to add language changes to implement contracting and reimbursement to NEMT companies as passed in the 2023 legislative session Senate Bill 485.

Section 10 has been updated to separate the benefits that are certified by the New Mexico Public Regulation Commission and Transportation Network Company licensed under the Transportation Network Company Services Act. Language has also been added stating that the permits are issued by the Department of Transportation.

Section 13 has been updated to include current NMAC 8.310.2 as NMAC 8.301.3 has been archived.

For consistency purposes, adding language about transportation limitations to pharmacy providers from 8.310.2 NMAC to 8.324.7 NMAC.

Section 15 has been updated to include current NMAC 8.310.2 as NMAC 8.302.5 has been archived.

Additionally, MAD is increasing the outside of the home community travel mileage from 65 miles to 120 miles and increasing the frequency requirement for obtaining referrals for continued out-of-community transportation from six months to twelve months.

Throughout the NMAC the following changes have been made:

1. Revising references to "his or her" to "their".
2. Changed HSD to HCA

### **I. RULE**

These proposed rule changes will be contained in 8.324.7 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 Health Care Authority proposes implementing this rule effective June 1, 2026.

### **III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on February 26, 2026, at 9:00 am. The hearing will be held in the Large Conference Room at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

#### **Join Zoom Meeting**

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Meeting ID: 299 163 985 170 5

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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 accommodations.

Copies of all comments will be made available by the Medical Assistance Division 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. MT on February 26, 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.