

NOTICE OF PROPOSED RULE MAKING

The Health Care Authority, through the Health Care Affordability Bureau, issued emergency rule amendments on November 6, 2025 for Administrative Code (NMAC) rule 8.401.2 NMAC, Health Care Authority-Health Care Affordability Fund. The Health Care Affordability Bureau is proposing the temporary emergency rule be made permanent. The HCA issued this emergency rule to address recent federal changes impacting thousands of New Mexico residents facing the loss of federal Premium Tax Credit (PTC) and marketplace eligibility, resulting in the loss of medical coverage, increased costs for care, and health risks. During the Special Legislative Session, the state legislature passed House Bill 2, which authorized the Health Care Authority to establish affordability programs. The HCA is re-promulgating the rule in full within six months of issuance of the emergency rules in accordance with the New Mexico State Rules Act.

LEGAL AUTHORITY

Section 59A-23F-12 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 New Rulemaking is available on the HCA website at: Health Care Coverage Innovations - HCAF - New Mexico Health Care Authority. If you do not have internet access, a copy of the rule may be requested by contacting The Health Care Affordability Bureau at 3900 Masthead St NE Suite 310, Albuquerque, NM 87109-4485 or by phone at 505-695-8496.

Notice Date: March 10, 2026
Hearing Date: April 16, 2026
Proposed Effective Date: May 6, 2026

A public hearing to receive testimony on these proposed rule changes will be held on Thursday April 16, 2026 at 10:00am 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 Health Care Authority, 3900 Masthead Street NE Suite 310, Albuquerque NM 87109.

2. Join the Zoom Meeting
<https://us02web.zoom.us/j/88418316497?pwd=uPsfQaMfzaoXhzBOCykqa4UqL4vQ7G.1>
Meeting ID: 884 1831 6497
Passcode: 168145

3. Or call in (audio only):
1-253-215-8782 United States,
Phone Conference ID: 168145#
Or
1-346-248-7799 United States,
Phone Conference ID: 168145#

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 the public hearing, please contact HCA at 505-695-8496. 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:

Health Care Authority
Health Care Affordability Bureau

3900 Masthead Street NE Suite 310
Albuquerque, NM 87109

Recorded comments may be left at 505-695-8496. Interested persons may also address comments via electronic mail to: 3900 Masthead Street NE Suite 310, Albuquerque NM 87109. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on Friday, April 10, 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.