

**NOTICE OF INTENT TO ISSUE EMERGENCY RULEMAKING**

The Health Care Authority, through the Health Care Affordability Bureau, will implement a temporary emergency rule effective November 6. The Health Care Affordability Bureau is proposing amendments to rule 8.401.2 NMAC Health Care Authority-Health Care Affordability Plan. Due to recent federal changes, thousands of New Mexico residents will lose eligibility for the federal Premium Tax Credit (PTC) and Marketplace, resulting in the loss of medical coverage, increased costs for care, and health risks. As a result, absent immediate action, gaps in healthcare coverage will result in loss of access to life-saving care as well as increased reliance on emergency care, both of which are direct threats to public health, safety and welfare. During the recent Special Legislative Session, the state legislature passed House Bill 2, which authorized the Health Care Authority to establish such programs. The law was passed with an emergency clause. It is critical that the HCA implement these programs to help residents maintain health insurance coverage amidst federal policy changes.

Due to the short notification time there is insufficient time to complete the standard rule promulgation process. This temporary emergency process does not permanently amend or repeal the existing rule. The emergency rule will only remain in effect until a permanent rule takes effect under the normal rule making process, which will occur within 180 days of the effective date of the emergency rule.

**LEGAL AUTHORITY**

Pursuant to Section 14-4-5.6 NMSA 1978, whenever an agency finds that the time required to comply with the rulemaking procedures of the State Rules Act would threaten public health, safety or welfare, the agency may promulgate an emergency rule. 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 Emergency Rulemaking and the rule changes are available on the HCA website at: <https://www.hca.nm.gov/health-care-coverage-innovations-initiatives/> . If you do not have internet access, a copy of the emergency rule may be requested by contacting the Health Care Affordability Bureau at 3900 Masthead St, NE Albuquerque, NM 87109-4485 or by phone at 505-695-8496.