

TITLE 8 SOCIAL SERVICES
CHAPTER 321 SPECIALIZED BEHAVIORAL HEALTH SERVICES
PART 13 REQUIREMENTS FOR ADULT ACCREDITED RESIDENTIAL TREATMENT CENTER

8.321.13.1 ISSUING AGENCY: New Mexico Health Care Authority - Division of Health Improvement.
[8.321.13.1 NMAC - N, 5/19/2026]

8.321.13.2 SCOPE: Agencies that receive state or federal funding for the purpose of providing one or more services.
[8.321.13.2 NMAC - N, 5/19/2026]

8.321.13.3 STATUTORY AUTHORITY: These regulations are promulgated by the secretary of the New Mexico health care authority pursuant to the general authority granted under Subsection E of Section 9-8-6 of the Health Care Authority Act, NMSA 1978, as amended; and the authority granted under Subsection D of Section 24A-1-2, Subsection I of Section 24A-1-3, and Section 24A-1-5 of the Health Care Code, NMSA 1978, as amended. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority as a single, unified department responsible for administering laws and exercising functions related to health care purchasing and regulation.
[8.321.13.3 NMAC - N, 5/19/2026]

8.321.13.4 DURATION: Permanent.
[8.321.13.4 NMAC - N, 5/19/2026]

8.321.13.5 EFFECTIVE DATE: May 19, 2026 unless a later date is cited at the end of a section or paragraph.
[8.321.13.5 NMAC - N, 5/19/2026]

8.321.13.6 OBJECTIVE:

A. To establish minimum standards for licensing of adult accredited residential treatment centers (AARTC) that provide quality mental health, substance use and co-occurring stabilization services outside of a hospital setting.

B. To ensure the provision of quality services which maintain or improve the health and quality of life to the clients.

C. To monitor compliance under these regulations through surveys and to identify any facility areas which could be dangerous or harmful.

[8.321.13.6 NMAC - N, 5/19/2026]

8.321.13.7 DEFINITIONS:

A. Definitions beginning with "A":

(1) "AARTC" means adult accredited residential treatment center.

(2) "Accreditation organization (AO)" means to evaluate and recognize institutions and programs as meeting specific quality standards.

(3) "Applicant" means the organization that applies for a license. The individual signing the application on behalf of the organization must have authority from the organization.

B. Definitions beginning with "B": "BHSD" means behavioral health services division.

C. Definitions beginning with "C":

(1) "CHOW" means a change of ownership.

(2) "CLIA" means clinical laboratory improvement amendments of 1988 as amended.

(3) "Client" means any individual who is requesting or receiving mental health and substance use treatment services from an adult accredited residential treatment center as defined in this regulation.

D. Definitions beginning with "D":

(1) "Deficiency" means a violation of or failure to comply with a provision(s) of these regulations.

(2) "Department" means the New Mexico health care authority.

E. Definitions beginning with "E": [RESERVED]

F. Definitions beginning with “F”: “Facility” means a building or buildings, including all branches, in which mental health and substance use treatment services are provided to the public and which is licensed pursuant to these regulations.

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: “HCA” means the New Mexico health care authority.

I. Definitions beginning with “I”: [RESERVED]

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”:

(1) “License” means the document issued by the licensing authority pursuant to these regulations granting the legal right to operate for a specified period of time.

(2) “Licensee” means the organization which has an ownership, leasehold, or similar interest in the facility and in whose name a license for a facility has been issued and who is legally responsible for compliance with these regulations.

(3) “Licensing authority” means the agency within the New Mexico health care authority vested with the authority by HCA to regulate and enforce these regulations.

(4) “Life Safety Code (LSC)” is another way to describe NFPA 101, which is a set of regulations developed by the national fire protection association (NFPA). It provides minimum requirements for the design, construction, operation and maintenance of buildings to protect occupants from fire and other hazards.

M. Definitions beginning with “M”: [RESERVED]

N. Definitions beginning with “N”:

(1) “NFPA” means the national fire protection association which sets codes and standards for fire and life safety. NFPA 11 and related standards, current edition as required by the authority.

(2) “NMSA” means the New Mexico Statutes Annotated, 1978 compilation, and all the revisions and compilations thereof.

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:

(1) “Plan of correction (POC)” means the plan submitted by the licensee or representative of the licensee addressing how and when deficiencies identified at the time of a survey will be corrected.

(2) “Plan review” means the evaluation of the building plans.

(3) “Policy” means a statement of principle that guides and determines present and future decisions and actions.

(4) “Premises” means buildings, grounds, and equipment of a facility.

(5) “Procedure” means the action(s) that must be taken to implement a policy.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: [RESERVED]

S. Definitions beginning with “S”: [RESERVED]

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: “U/L approved” means approved for safety by the national underwriter’s laboratory.

V. Definitions beginning with “V”: “Variance” means to refrain from pressing or enforcing compliance with a portion or portions of these regulations for an unspecified period of time where the granting of a variance will not create a danger to the health, safety, or welfare of clients or staff of a facility, and is issued at the sole discretion of the licensing authority.

W. Definitions beginning with “W”:

(1) “Waive/waiver” means to refrain from pressing or enforcing compliance with a portion or portions of these regulations for a limited period of time provided the health, safety, or welfare of the clients and staff are not in danger. Waivers are issued at the sole discretion of the licensing authority.

(2) **Withdrawal management:** means the medical and psychological care of patients who are experiencing withdrawal symptoms because of ceasing or reducing substance use.

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[8.321.13.7 NMAC - N, 5/19/2026]

8.321.13.8 STANDARD OF COMPLIANCE: The degree of compliance required throughout these regulations is designated using the words “shall” or “must” or “may.” “shall” or “must” means mandatory. “may” means permissive. The use of the words “adequate,” “proper,” and other similar words means the degree of compliance that is generally accepted throughout the professional field by those who provide services to the public in facilities governed by these regulations.
[8.321.13.8 NMAC - N, 5/19/2026]

8.321.13.9 SCOPE OF SERVICES:

A. Adult Accredited Residential Treatment Center (AARTC) for adults with substance use disorders: To help an eligible recipient 18 years of age and older, who has been diagnosed as having substance use disorder (SUD), and the need for AARTC has been identified in the eligible recipient’s diagnostic evaluation as meeting criteria of the American society of addiction medicine (ASAM) level of care three, for whom a less restrictive setting is not appropriate, MAD pays for services furnished to individuals by an AARTC accredited by the joint commission (JC), the commission on accreditation of rehabilitation facilities (CARF) or the council on Accreditation (COA). Services may include a variety of therapeutic approaches including withdrawal management. Facilities utilizing withdrawal management must adhere to the following requirements:

(1) ASAM Level 3.2-WM AARTC facilities must provide 24-hour supervision, observation, and support for individuals who are intoxicated or experiencing withdrawal.

(2) ASAM Level 3.7-WM AARTC facilities must provide 24-hour registered nursing care with physician visits and protocols in place should a patient’s conditions deteriorate or appear to need intensive inpatient withdrawal management interventions.

B. Adult Accredited Residential Treatment Center (AARTC) for adults with serious mental health conditions: To help an eligible recipient 18 years of age and older, who is diagnosed as having a serious mental health condition, the need for ARRTC has been identified in the eligible recipient’s diagnostic evaluation as meeting criteria of the level of care utilization system (LOCUS) for psychiatric and SUD services level of care five for whom a less restrictive setting is not more appropriate. MAD pays for services furnished to them by an ARRTC accredited by the joint commission (TJC), the commission on accreditation of rehabilitation facilities (CARF), or the council on accreditation.

[8.321.13.9 NMAC - N, 5/19/2026]

8.321.13.10 PROHIBITION ON UNLICENSED OPERATION: These regulations apply to all adult accredited residential treatment centers (AARTC) for substance use disorders and mental health conditions operating within New Mexico as set out in the scope of these regulations. No AARTC, or branch thereof, may operate in New Mexico without being duly licensed according to these regulations.

[8.321.13.10 NMAC - N, 5/19/2026]

8.321.13.11 INITIAL LICENSURE PROCEDURES: These regulations should be thoroughly understood and used by the applicant, when applying for the initial AARTC license. The applicant for an initial AARTC license under these regulations must follow these procedures when applying for a license.

A. Notification and letter of intent: The owner shall advise the licensing authority of its intent to open an AARTC pursuant to these regulations by submitting a letter of intent. The letter of intent must be on the applicant’s letter head and signed by a person with authority to make legal decisions for the owner and the AARTC and at a minimum, including the following:

- (1) the name of AARTC;
- (2) the name of the legal owner and licensee and the type of legal entity under which the AARTC shall be owned;
- (3) the name of the management company, if any;
- (4) the type of facility license requested;
- (5) the name and resume of the proposed administrator;
- (6) the anticipated number of residential and non-residential clients to be served;
- (7) the intended population and age range of the clients to be served;
- (8) the number of residential beds in the proposed AARTC;
- (9) the physical address of AARTC including building name or suite number;
- (10) the mailing address, if different from physical address;
- (11) the applicant’s contact name(s), address, e-mail address, and telephone number(s);
- (12) the anticipated payers and sources of reimbursement;

- (13) a list of all services to be provided at the AARTC location which is requesting the license;
- (14) a behavioral health services division approval letter; and
- (15) the accreditation organization approval letter.

B. License application and fees: Prior to completion of construction, renovation or addition to an existing building, the applicant will submit to the licensing authority the following:

- (1) **Application forms:** appropriately completed and submitted:
- (2) **Fees:**
 - (a) Current fee schedules must be provided by the licensing authority.
 - (b) Fees must be in the form of a certified check, money order, personal, or business check, or other approved electronic payment method, made payable to the state of New Mexico.
 - (c) Fees are non-refundable.
- (3) **Zoning and building approval:**
 - (a) All initial applications must be accompanied by written zoning approval from the appropriate authority (city, county or municipality).
 - (b) Prior to licensure, initial applicants must submit written building approval (certificate of occupancy) from the appropriate authority (city, county, or municipality).
- (4) **Fire authority approval:** Prior to licensure, initial applicants must submit written approval of the fire authority having jurisdiction.
- (5) **New Mexico environment department approval:** Prior to licensure, initial applicants are responsible for submission of the written approval of the New Mexico environment department for the following:
 - (a) private water supply, if applicable;
 - (b) private waste or sewage disposal, if applicable; and
 - (c) kitchen, if meals are prepared on site.

(6) **Drug permit:** copy of appropriate drug permit issued by the state board of pharmacy, in accordance with Subsection 11 of Section 16.19 New Mexico Administrative Code.

(7) **Patient notification policy & procedure:** In accordance with Subsection A of Section 24A-3-4 NMSA 2024 concerning residential behavioral health facilities requirement to provide the patient with the opportunity to notify the patient's family member that the patient has been admitted.

C. Life Safety Code (LSC) Initial survey: This only applies to new facilities. Upon receipt of a properly completed application with all supporting documentation as outlined above, an initial LSC on-site survey will be scheduled by the licensing authority.

D. Issuance of new or renewal of license:

- (1) **New facilities:** Upon approval of the AO and the completion of the initial LSC survey that will determine that the facility complies with these regulations, the licensing authority will issue a license.
- (2) **Existing facilities:** Upon approval of the accrediting organization, the licensing authority will issue a license.

E. New facility plan review phase: These regulations apply to the design of a new building or renovation or addition to an existing building for licensure as a facility pursuant to these regulations. Prior to starting construction, renovations or additions to an existing building the applicant of the proposed facility shall:

- (1) advise the licensing authority in writing of intention to open a facility pursuant to these regulations.
- (2) submit a set of floor plans for the building which must be of professional quality, be on substantial paper of at least 18 inches by 24 inches and drawn to an accurate scale of one-quarter inch to one foot. These plans must include:
 - (a) proposed use of each room e.g., waiting room, counseling/ therapy room, office, etcetera;
 - (b) interior dimensions of all rooms;
 - (c) one building or wall section showing exterior and interior wall construction. Section must include floor, wall, ceiling, and the finishes, e.g., carpet, tile, gyp board with paint, wood paneling;
 - (d) door types, swing, and sizes of all doors, e.g. solid core, hollow core, three feet by six feet, eight inches, one and three-quarters inches thick;
 - (e) if the building is air-conditioned;
 - (f) all sinks;
 - (g) furnaces and hot water heaters, and if gas or electric;
 - (h) windows including size and type;

- (i) any level changes within the building, e.g., steps or ramps;
 - (j) fire extinguishers, heat and smoke detectors and alarm systems,
 - (k) location of the building on a site/plot plan to determine surrounding conditions;
- include all steps, ramps, parking areas, walks, and any permanent structures; and
- (l) plans if the building is new construction, remodeled or alteration, or an addition.
- If remodeled or an addition, indicate existing and new construction on the plans.
- (3) Blueprints or floor plans must be reviewed by the licensing authority for compliance with current licensing regulations, building and fire codes.
 - (4) If blueprints or plans are approved, the licensing authority will advise the applicant that construction may begin.

F. Construction phase: During the construction of a new building or renovations or additions to an existing building, the applicant must coordinate with the licensing authority and submit any changes to the blueprints or plans for approval before making such changes.
[8.321.13.11 NMAC - N, 5/19/2026]

8.321.13.12 LICENSES:

- A. Biennial license:** A license is issued for a two-year period to an AARTC which has met all requirements of these regulations.
- B. Amended license:** A licensee must apply to the licensing authority for an amended license when there is a change of administrator/director or when there is a change of name for the facility.
 - (1) Application must be on a form provided by the licensing authority.
 - (2) Application must be accompanied by the required fee for amended license.
 - (3) Application must be submitted within 10 working days of the change.

[8.321.13.12 NMAC - N, 5/19/2026]

8.321.13.13 LICENSE RENEWAL:

- A.** Licensee must submit a renewal application on forms provided by the licensing authority, along with the required fee at least 30 days prior to expiration of the current license.
- B.** Upon receipt of renewal application and required fee prior to expiration of their current license, the licensing authority will issue a new license effective the day following the date of expiration of the current license if the facility complies with these regulations.
- C.** If a licensee fails to submit a renewal application with the required fee and the current license expires, the facility shall cease operations until it obtains a new license through the initial licensure procedures. Subsection A of Section 24a-1-5 NMSA 1978, as amended, provides that no health facility shall be operated without a license.

[8.321.13.13 NMAC - N, 5/19/2026]

8.321.13.14 POSTING OF LICENSE: The facility's license must be posted on the licensed premises in an area visible to the public.

[8.321.13.14 NMAC - N, 5/19/2026]

8.321.13.15 NON-TRANSFERABLE RESTRICTION OF LICENSE: A license shall not be transferred by assignment, or otherwise, to other persons or locations. The license shall be void and must be returned to the licensing authority when any one of the following situations occur:

- A.** ownership of the facility changes,
- B.** the facility changes location,
- C.** licensee of the facility changes
- D.** the facility discontinues operation,

[8.321.13.15 NMAC - N, 5/19/2026]

8.321.13.16 AUTOMATIC EXPIRATION OF LICENSE: A license will automatically expire at midnight on the day indicated on the license as the expiration date, unless renewed, suspended, or revoked, or

- A.** on the day a facility discontinues operation,
- B.** on the day a facility is sold, leased, or otherwise changes ownership or licensee; or
- C.** on the day a facility changes location.

[8.321.13.16 NMAC - N, 5/19/2026]

8.321.13.17 SUSPENSION OF LICENSE WITHOUT PRIOR HEARING: In accordance with Subsection H of Section 24a-1-5 NMSA 1978, if immediate action is required to protect human health and safety, the licensing authority may suspend a license pending a hearing, provided such hearing is held within five working days of the suspension, unless waived by the licensee.
[8.321.13.17 NMAC - N, 5/19/2026]

8.321.13.18 GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE, DENIAL OF INITIAL OR RENEWAL APPLICATION FOR LICENSE, OR IMPOSITION OF INTERMEDIATE ACTIONS OR CIVIL MONETARY PENALTIES: A license may be revoked or suspended, an initial or renewal application for license may be denied, or intermediate sanctions or civil monetary penalties may be imposed after notice and opportunity for a hearing, for any of the following:

- A. failure to comply with any provision of these regulations;
- B. failure to allow survey by authorized representatives of the licensing authority;
- C. allowing any person active in the operation of a facility licensed pursuant to these regulations to be under the influence of, or impaired by, alcohol or other behavior altering substances;
- D. misrepresentation or falsification of any information on application forms or other documents provided to the licensing authority;
- E. repeated violations of these regulations; or
- F. failure to provide the required care and services as outlined by these regulations for the clients receiving care at the facility.

[8.321.13.18 NMAC - N, 5/19/2026]

8.321.13.19 HEARING PROCEDURES:

- A. Hearing procedures for an administrative appeal of an adverse action taken by the licensing authority against a facility's license as outlined in sections 17 and 18 above will be held in accordance with adjudicatory hearings for licensed facilities, New Mexico health care authority, 8.370.2 NMAC.
- B. A copy of the above regulations will be furnished to a facility at the time an adverse action is taken against its license by the licensing authority. A copy may be requested at any time by contacting the licensing authority.

[8.321.13.19 NMAC - N, 5/19/2026]

8.321.13.20 LICENSED FACILITIES:

- A. Any AARTC, currently licensed on the date these regulations are promulgated, and which provides the services prescribed under these regulations, may continue to operate as an AARTC as described in these regulations.

- B. Any AARTC, not currently licensed on the date these regulations are promulgated, and which provides the services prescribed under these regulations, must seek licensure as an AARTC within 90 days from the effective date of these regulations.

(1) AARTC may seek variances for those building requirements the facility cannot meet under the criteria outlined in these regulations if not in conflict with existing building and fire codes.

(2) Variances or waivers may be considered for circumstances where the facility demonstrates an extreme financial hardship to comply with requirements outlined in these regulations.

[8.321.13.20 NMAC - N, 5/19/2026]

8.321.13.21 NEW FACILITY: A new facility may be opened in an existing building or a newly constructed building.

- A. If opened in an existing building, a variance may be granted for those building requirements the facility cannot meet under the criteria outlined in these regulations if not in conflict with existing building and fire codes. This is at the sole discretion of the licensing authority.

- B. A new facility opened in a newly constructed building must meet all requirements of these regulations.

[8.321.13.21 NMAC - N, 5/19/2026]

8.321.13.22 FACILITY SURVEYS:

A. Application for licensure, LSC initial, shall constitute permission for entry into, and survey of, a facility by authorized licensing authority representatives at reasonable times during the status of the application and, if licensed, during the licensure period.

B. Surveys may be announced or unannounced at the sole discretion of the licensing authority.

C. Upon receipt of a written notice of deficiency from the licensing authority, the licensee, or their representative, will be required to submit a plan of correction to the licensing authority within 10 calendar days stating how the facility intends to correct each violation noted, the expected date of correction and who is responsible for monitoring the violation.

D. The licensing authority may at its sole discretion accept the plan of correction as written or require modifications of the plan by the licensee.

[8.321.13.22 NMAC - N, 5/19/2026]

8.321.13.23 POLICIES AND PROCEDURES: All AARTC's licensed pursuant to these regulations must have written policies and procedures in accordance with the standards set forth by BHSD.

[8.321.13.23 NMAC - N, 5/19/2026]

8.321.13.24 GENERAL BUILDING REQUIREMENTS:

A. New construction, additions and alterations: When construction of new buildings, additions, or alterations to existing buildings are contemplated, plans and specifications covering all portions of the work must be submitted to the licensing authority for plan review and approval prior to beginning actual construction. When an addition or alteration is contemplated, plans for the entire facility must be submitted

B. Access to the disabled: AARTC licensed pursuant to these regulations must be accessible to and useable by disabled employees, staff, visitors, and clients, including as governed by the Americans with Disabilities Act.

C. Extent of a facility: All buildings on the premises providing client care and services will be considered part of the facility and must meet all requirements of these regulations. Where a part of the facility's services is contained in another facility, separation and access shall be maintained as described in current building and fire codes.

D. Additional requirements: A facility applying for licensure pursuant to these regulations may have additional requirements not contained herein. The complexity of building and fire codes and requirements of city, county, or municipal governments may stipulate these additional requirements. Any additional requirements will be outlined by the appropriate building and fire authorities, and by the licensing authority through plan review, consultation and on-site surveys during the licensing process.

[8.321.13.24 NMAC - N, 5/19/2026]

8.321.13.25 MAINTENANCE OF BUILDING AND GROUNDS: Facilities must always maintain the building(s) in good repair. Such maintenance shall include, but is not limited to, the following:

A. all electrical, mechanical, water supply, heating, fire protection, and sewage disposal systems must be maintained in a safe and functioning condition, including regular inspections of these systems;

B. all equipment and materials used for client care shall be maintained clean and in good repair;

C. all furniture and furnishings must be kept clean and in good repair; and

D. the grounds of the facility must be always maintained in a safe and sanitary condition.

[8.321.13.25 NMAC - N, 5/19/2026]

8.321.13.26 COMMON ELEMENTS FOR FACILITIES:

A. Entrance shall be able to accommodate wheelchairs.

B. Public services shall include:

(1) conveniently accessible wheelchair storage;

(2) a reception and information counter or desk;

(3) waiting areas;

(4) conveniently accessible public toilets; and

(5) drinking fountain(s) or water dispensing device easily accessible to clients or other

visitors.

C. Interview space(s) for private interviews related to mental health, medical information, etc., shall be provided.

- D.** General or individual office(s) for business transactions, records, administrative, and professional staff shall be provided. These areas shall be separated from public areas for confidentiality.
 - E.** Special storage for staff personal effects with locking drawers or cabinets shall be provided.
 - F.** General storage facilities for supplies and equipment shall be provided.
 - G.** Drug distribution stations shall be in accordance with standards set forth by the New Mexico board of pharmacy.
- [8.321.13.26 NMAC - N, 5/19/2026]

8.321.13.27 HOUSEKEEPING:

- A.** The facility must be kept free from offensive odors and accumulations of dirt, rubbish, dust, and safety hazards.
 - B.** Counseling/therapy rooms, waiting areas and other areas of daily usage must be cleaned as needed to maintain a clean and safe environment for the clients.
 - C.** Floors and walls must be constructed of a finish that can be easily cleaned. Floor polishes shall provide a slip resistant finish.
 - D.** Deodorizers must not be used to mask odors caused by unsanitary conditions or poor housekeeping practices.
 - E.** Storage areas must be kept free from accumulation of refuse, discarded equipment, furniture, paper, et cetera.
- [8.321.13.27 NMAC - N, 5/19/2026]

8.321.13.28 WATER:

- A.** A facility licensed pursuant to these regulations must be provided with an adequate supply of water that is of a safe and sanitary quality suitable for domestic use.
 - B.** If the water supply is not obtained from an approved public system, the private water system must be inspected, tested, and approved by the New Mexico environment department prior to licensure. It is the facility's responsibility to ensure that subsequent periodic testing or inspection of such private water systems be made at intervals prescribed by the New Mexico environment department or recognized authority.
 - C.** Hot and cold running water under pressure must be distributed at sufficient pressure to operate all fixtures and equipment during maximum demand periods.
 - D.** Back flow preventers (vacuum breakers) must be installed on hose bibbs, laboratory sinks, janitor's sinks, and on all other water fixtures to which hoses or tubing can be attached.
 - E.** Water distribution systems are arranged to always provide hot water at each hot water outlet. Hot water to hand washing facilities must not exceed 120 degrees F.
- [8.321.13.28 NMAC - N, 5/19/2026]

8.321.13.29 SEWAGE AND WASTE DISPOSAL:

- A.** All sewage and liquid waste must be disposed of into a municipal sewage system where such facilities are available.
 - B.** Where a municipal sewage system is not available, the system used must be inspected and approved by the New Mexico environment department or recognized local authority.
 - C.** Where municipal or community garbage collection and disposal service are not available, the method of collection and disposal of solid wastes generated by the facility must be inspected and approved by the New Mexico environment department or recognized local authority.
 - D.** All garbage and refuse receptacles must be durable, have tight fitting lids, must be insect and rodent proof, washable, leak proof and constructed of materials which will not absorb liquids. Receptacles must be kept clean.
- [8.321.13.29 NMAC - N, 5/19/2026]

8.321.13.30 FIRE SAFETY COMPLIANCE: All current applicable requirements of state and local codes for fire prevention and safety must be met by the facility.

[8.321.13.30 NMAC - N, 5/19/2026]

8.321.13.31 FIRE CLEARANCE AND INSPECTIONS: Each facility must request from the fire authority having jurisdiction, an annual fire inspection. If the policy of the fire authority having jurisdiction does not provide

for annual inspection of the facility, the facility must document the date the request was made and to whom. If the fire authorities do make annual inspections, a copy of the latest inspection must be kept on file in the facility.
[8.321.13.31 NMAC - N, 5/19/2026]

8.321.13.32 STAFF FIRE AND SAFETY TRAINING:

A. All staff of the facility must know the location of, and be instructed in, proper use of fire extinguishers and other procedures to be observed in case of fire or other emergencies. The facility should request the fire authority having jurisdiction to give periodic instruction in fire prevention and techniques of evacuation.

B. Facility staff must be instructed as part of their duties to constantly strive to detect and eliminate potential safety hazards such as frayed electrical cords, faulty equipment, blocked exits or exit pathways and any other condition which could cause burns, falls, or other personal injury to the clients or staff.

[8.321.13.32 NMAC - N, 5/19/2026]

8.321.13.33 EVACUATION PLAN: Each facility must have a fire evacuation plan posted in each separate area of the building showing routes of evacuation in case of fire or other emergency.

[8.321.13.33 NMAC - N, 5/19/2026]

8.321.13.34 PROVISIONS FOR EMERGENCY CALLS: An easily accessible telephone for summoning help, in case of emergency, must be available in the facility.

[8.321.13.34 NMAC - N, 5/19/2026]

8.321.13.35 FIRE EXTINGUISHERS:

A. Fire extinguishers as approved by the state fire marshal or fire prevention authority having jurisdiction must be in the facility.

B. Fire extinguishers must be properly maintained as recommended by the manufacturer, state fire marshal or fire authority having jurisdiction.

C. All fire extinguishers must be inspected yearly and recharged as specified by the manufacturer, state fire marshal, or fire authority having jurisdiction. All fire extinguishers must be tagged, noting the date of inspection.

[8.321.13.35 NMAC - N, 5/19/2026]

8.321.13.36 ALARM SYSTEM: A manually operated, electrically supervised fire alarm system shall be installed in each facility only as required by the national fire protection association (NFPA) 101 (life safety code). Multiple story facilities do require manual alarm systems.

[8.321.13.36 NMAC - N, 5/19/2026]

8.321.13.37 FIRE DETECTION SYSTEM: The facility must be equipped with smoke detectors as required by the NFPA 101 (life safety code) and approved in writing by the fire authority having jurisdiction as to number, type and placement.

[8.321.13.37 NMAC - N, 5/19/2026]

8.321.13.38 JANITOR'S CLOSET(S):

A. Each facility shall have at least one janitor's closet.

B. Each janitor's closet shall contain:

(1) a service sink; and

(2) storage for housekeeping supplies and equipment.

C. Each janitor's closet must be vented.

D. Janitor closets are hazardous areas and must be provided with one hour fire separation and one and three-quarters inches solid core doors which are rated at a 20-minute fire protection rating.

[8.321.13.38 NMAC - N, 5/19/2026]

8.321.13.39 HAZARDOUS AREAS:

A. Hazardous areas include the following:

(1) fuel fired equipment rooms;

(2) bulk laundries or laundry rooms with more than 100 sq. ft.;

(3) storage rooms with more than 50 sq. ft. but less than 100 sq. ft. not storing combustibles;

- (4) storage rooms with more than 100 sq. ft. storing combustibles;
- (5) chemical storage rooms with more than 50 sq. ft.; and
- (6) garages, janitor's closets, maintenance shops, or maintenance rooms.

B. Hazardous areas on the same floor or abutting a primary means of escape or a sleeping room shall be protected by either:

- (1) an enclosure of at least one-hour fire rating with self-closing or automatic closing on smoke detection fire doors having a three-quarter hour rating; or
- (2) an automatic fire protection (sprinkler) and separation of hazardous areas with self-closing doors or doors with automatic closing on smoke detection; or
- (3) any other hazardous areas shall be enclosed with walls with at least a 20-minute fire rating and doors equivalent to one and three-quarter inch solid bonded wood core, operated by self-closures or automatic closing on smoke detection.

C. All boilers, furnace or fuel fired water heater rooms shall be protected from other parts of the building by construction having a fire resistance rating of not less than one hour. Doors to these rooms shall be one and three-quarter inch solid core.

[8.321.13.39 NMAC - N, 5/19/2026]

8.321.13.40 EMERGENCY LIGHTING:

A. A facility must be provided with emergency lighting that will activate automatically upon disruption of electrical service.

B. The emergency lighting must be sufficient to illuminate paths of egress and exits of the facility.
[8.321.13.40 NMAC - N, 5/19/2026]

8.321.13.41 ELECTRICAL STANDARDS:

A. All electrical installation and equipment must comply with all current state and local codes.

B. Circuit breakers or fused switches that provide electrical disconnection and over current protection shall be:

- (1) enclosed or guarded to provide a dead front assembly;
- (2) readily accessible for use and maintenance;
- (3) set apart from traffic lanes;
- (4) located in a dry, ventilated space, free of corrosive fumes or gases;
- (5) able to operate properly in all temperature conditions.
- (6) Panel boards servicing lighting and appliance circuits shall be on the same floor and in the same facility area as the circuits they serve.
- (7) each panel board will be marked showing the services; and
- (8) the use of jumpers or devices to bypass circuit breakers or fused switches is prohibited.

[8.321.13.41 NMAC - N, 5/19/2026]

8.321.13.42 LIGHTING:

A. All spaces occupied by people, machinery, or equipment within buildings, approaches to buildings, and parking lots shall have lighting.

B. Lighting will be sufficient to make all parts of the area clearly visible.

C. All lighting fixtures must be shielded.

D. Lighting fixtures must be selected and located with the comfort and convenience of the staff and clients in mind.

[8.321.13.42 NMAC - N, 5/19/2026]

8.321.13.43 ELECTRICAL CORDS AND RECEPTACLES:

A. Electrical cords and extension cords:

- (1) Electrical cords and extension cords must be U/L approved.
- (2) Electrical cords and extension cords must be replaced as soon as they show wear.
- (3) Under no circumstances shall extension cords be used as a general wiring method.
- (4) Extension cords must be plugged into an electrical receptacle within the room where used and must not be connected in one room and extended to some other room.
- (5) Extension cords must not be used in series.

B. Electrical receptacles:

(1) Duplex-grounded type electrical receptacles (convenience outlets) must be installed in all areas in sufficient quantities for tasks to be performed as needed. Each examination must have access to a minimum of two duplex receptacles.

(2) The use of multiple sockets (gang plugs) in electrical receptacles is strictly prohibited.
[8.321.13.43 NMAC - N, 5/19/2026]

8.321.13.44 HEATING, VENTILATION, AND AIR-CONDITIONING:

A. Heating, air-conditioning, piping, boilers, and ventilation equipment must be furnished, installed and maintained to meet all requirements of current state and local mechanical, electrical, and construction codes.

B. The heating method used by the facility must have a minimum indoor winter design capacity of 75 degrees F. with controls provided for adjusting temperature as appropriate for clients and staff comfort.

C. The use of non-vented heaters, open-flame heaters or portable heaters is prohibited.

D. An ample supply of outside air must be provided in all spaces where fuel-fired boilers, furnaces, or heaters are located to ensure proper combustion.

E. All fuel-fired boilers, furnaces, or heaters must be connected to an approved venting system to take the products of combustion directly to the outside air.

F. A facility must be adequately ventilated at all times to provide fresh air and the control of unpleasant odors.

G. All gas-fired heating equipment must be provided with a one hundred percent automatic cutoff control valve in event of pilot failure.

H. The facility must be provided with a system for maintaining clients and staff's comfort during periods of hot weather.

I. All boiler, furnace or heater rooms shall be protected from other parts of the building by construction, having a fire resistance rating of not less than one hour. Door must be self-closing with three-quarters of an hour fire resistance.

[8.321.13.44 NMAC - N, 5/19/2026]

8.321.13.45 WATER HEATERS:

A. Must be able to supply hot water to all hot water taps within the facility at full pressure during peak demand periods and maintain a maximum temperature of 120 degrees F.

B. Fuel-fired hot water heaters must be enclosed and separated from other parts of the building by construction as required by current state and local building codes.

C. All water heaters must be equipped with a pressure relief valve (pop-off valve).

[8.321.13.45 NMAC - N, 5/19/2026]

8.321.13.46 TOILETS AND LAVATORIES:

A. All fixtures and plumbing must be installed in accordance with current state and local plumbing codes.

B. All toilets must be enclosed and vented.

C. All toilet rooms must be provided with a lavatory for hand washing.

D. All toilets must be kept supplied with toilet paper.

E. All lavatories for hand washing must be kept supplied with disposable towels for hand drying or provided with mechanical blower.

F. The number of and location of toilets and lavatories will be mandated by requirements for each type of facility. Such factors as extent of services provided and size of facility will also dictate requirements.

[8.321.13.46 NMAC - N, 5/19/2026]

8.321.13.47 COLLECTION/DRAW/LAB AREA: Facilities shall be rewarded to support laboratory procedures, if provided. Minimum facilities provided on-site shall include space for the following:

A. A urine collection room equipped with a toilet and hand washing sink.

B. Blood collection facilities with space for a chair, work counter, and lavatory.

C. Each AARTC shall have accommodations for storage and refrigeration of blood, urine and other specimens in a dedicated specimen refrigerator.

[8.321.13.47 NMAC - N, 5/19/2026]

8.321.13.48 EXITS:

A. Each facility and each floor of a facility shall have exits as required by the National Fire Protection Association 101 (Life Safety Code).

B. Each exit must be marked by illuminated signs having letters at least six inches high whose principal strokes are at least three-quarters of an inch wide.

C. Illuminated exit signs must be always maintained in operable condition.

D. Exit ways must be always kept free from obstructions.

E. Exit doors to exit or exit access doors must be at least 36 inches wide.

[8.321.13.4 NMAC - N, 5/19/2026]

8.321.13.49 CORRIDORS:

A. Minimum corridor width shall be five feet except work corridors less than six feet in length may be four feet in width.

B. Facilities will often be contained within existing commercial or residential buildings and less stringent corridor widths may be allowed other than those contained in Subsection A of 8.321.13.49 NMAC, above if not in conflict with building or fire codes and approved by the licensing authority prior to occupying the licensed part of the building.

[8.321.13.49 NMAC - N, 5/19/2026]

8.321.13.50 STAFF STATION:

A. Each client care area in the residential unit shall have a staff station located to provide visual or virtual monitoring of all resident room corridors and access to secured access to outdoor area, equipped with access to residential clients' records, a desk or work counter, a cleaning area with a sink with hot and cold running water, operational telephone, and emergency call system.

B. Locked storage area for drugs or pharmacy grade, locked medication cart.

C. Access to a biohazard disposal unit for needles, and other "sharps," and breakable items.

D. A reliable monitored emergency call system shall be provided for staff use in the event of an emergency.

E. If a kitchen is not open at all times to residents, a nourishment station with sink, hot and cold running water, refrigerator, and storage for serving residents between meal nourishment shall be provided.

F. View of fire alarm control panel, generator panel (if any), and any other life safety code components.

[8.321.13.50 NMAC - N, 5/19/2026]

8.321.13.51 SECURED ENVIRONMENT/OUTDOOR AREA:

A. The AARTC shall provide a secure environment for client safety. A secure environment is an AARTC and grounds that have secured or monitored exits. A secure environment for facilities that offer residential services may include but is not limited to double alarm systems; gates connected to the fire alarm; or tab alarms for residents at risk for elopement. Locked areas shall have an access code or key which AARTC employees shall always have on their person or available in accordance with the Life Safety Code, NPFA 101, 2012 or subsequent updates. For an AARTC located within an existing licensed facility, a request for waiver may be submitted to the licensing authority containing an alternate plan for providing security for clients, if health, safety or welfare of the clients or staff would not be adversely affected.

B. In addition to the interior common areas required by this rule, an AARTC providing residential services shall provide an outdoor secured environment independently accessible to residents for their year-round use.

(1) Fencing or other enclosures, not less than six feet high, shall protect the safety, security and privacy of the residents and have emergency egress gates that are connected to the emergency call system.

(2) Outdoor area shall not provide access to contact the public.

[8.321.13.51 NMAC - N, 5/19/2026]

8.321.13.52 ASSESSMENT ROOMS: general purpose assessment rooms shall meet the following requirements:

A. minimum floor area of 80 square feet, excluding vestibules, toilets, and closets;

B. room arrangement shall permit at least two feet - eight-inch clearance around furniture items used for exam or assessment;

C. a lavatory or sink for hand washing.

D. assessment rooms shall not be in a public area.
[8.321.13.52 NMAC - N, 5/19/2026]

8.321.13.53 THERAPY/TREATMENT ROOMS:

A. Shall have a minimum floor area of 120 square feet, excluding vestibule, toilet, and closets.

B. All walls shall be constructed to a minimum length of 10 feet.

[8.321.13.53 NMAC - N, 5/19/2026]

8.321.13.54 ACTIVITY OR MULTIPURPOSE ROOM: The AARTC shall provide a minimum of 250 square feet for common living area, dining and social spaces, or 40 square feet per resident, whichever is greater.

A. The AARTC shall have a living or multipurpose room for the use of the residents. The furnishings shall be well constructed, comfortable and in good repair.

B. The activity or multi-purpose room may be used as a dining area.

C. The activity room or multipurpose rooms shall be provided with supplies to reasonably meet the interests and needs of the residents.

D. Each activity room shall have a window area of at least one tenth of the floor area with a minimum of at least 10 square feet.

E. A dining area shall be provided for meals. Facilities shall have tables and chairs in the dining area to accommodate the total number of residents in one sitting. All seating arrangements during meals shall allow clear access to the exits. Lunch times for adults and youth must be separate if there is only one lunchroom.

[8.321.13.54 NMAC - N, 5/19/2026]

8.321.13.55 MEETING ROOM: The AARTC shall have adequate meeting rooms and office space for use by staff, the interdisciplinary care team and client and family visits. Other rooms may serve as meeting rooms, provided resident confidentiality is maintained.

[8.321.13.55 NMAC - N, 5/19/2026]

8.321.13.56 RESIDENT ROOMS: These regulations apply to those facilities providing a residential treatment program.

A. An AARTC that provides residential treatment shall not exceed the bed capacity approved by the licensing authority.

B. Resident rooms may be private or semi-private or dormitory style depending on assessed, resident acuity and need resident rooms must be separated by gender.

(1) Private rooms shall have a minimum of 100 square feet of floor area. The closet and locker area shall not be counted as part of the available floor space.

(2) Semi-private rooms shall have a minimum of 80 square feet of floor area for each resident and shall be furnished in such a manner that the room is not crowded and passage out of the room is not obstructed.

(3) A separate closet, bed (at least 36 inches wide), chair, towel bar, and non-metal trash receptacle, for each resident shall be provided.

(4) The beds shall be spaced at least three feet apart. Bunk beds, roll away beds, stacked beds, hide-a-beds, or beds with springs, cranks, rails or wheels, are not allowed.

D. Each resident room shall have a window to the outside. The area of the outdoor window shall be at least one tenth of the floor area of the room and allow for emergency egress. Windows may be textured or obscured glass to provide privacy without the use of any window coverings.

E. Every sleeping room shall provide a secondary means of escape, which may be any one of the following:

(1) a door leading directly to the outside, at or to grade level;

(2) a door, stairway, passage or hall remote from the primary escape and to the exterior; or

(3) an outside window or door, operable without tools from the inside with a minimum clear opening measured 20 inches wide, measured 24 inches high; the distance of the bottom of the opening from the floor is a maximum of 44 inches; this means of escape is acceptable if the bottom of the window is no more than 20 feet above grade or is accessible by fire department rescue apparatus, approved by the authority having jurisdiction, or it opens onto an exterior balcony; and

(4) bars, grills, grates or similar devices that are installed on emergency escape or rescue windows or doors shall be equipped with release mechanisms which are operable from the inside without the use of a key or special knowledge or effort.

F. Resident rooms shall not be less than seven feet in any horizontal direction.

G. There must be no through traffic in resident rooms. Resident rooms must connect directly to hallway or other internal common areas of the facility.

[8.321.13.56 NMAC - N, 5/19/2026]

8.321.13.57 DOORS:

A. The minimum door width for client's use shall be 34 inches in width.

B. Rooms where client treatment takes place shall have a minimum door width of 36 inches.

[8.321.13.57 NMAC - N, 5/19/2026]

8.321.13.58 FLOORS AND WALLS:

A. Floor and wall areas penetrated by pipes, ducts, and conduits shall be tightly sealed to minimize entry of rodents and insects. Joints of structural elements shall be similarly sealed.

B. Threshold and expansion joint covers shall be flush with the floor surface to facilitate use of wheelchairs and carts.

[8.321.13.58 NMAC - N, 5/19/2026]

8.321.13.59 EMERGENCY MEDICAL SERVICES: Each facility licensed pursuant to these regulations must maintain a list of emergency phone numbers co-located with telephones in the facility. This list must include fire and police departments, ambulance or EMS crew numbers, the New Mexico poison control center and the nearest hospital.

[8.321.13.59 NMAC - N, 5/19/2026]

8.321.13.60 HOURS OF OPERATION: Each facility licensed pursuant to these regulations must post its hours of operation where it can clearly be seen by clients and visitors.

[8.321.13.60 NMAC - N, 5/19/2026]

8.321.13.61 RELATED REGULATIONS AND CODES: Facilities or agencies subject to these regulations are also subject to other regulations, codes and standards as the same may from time to time be amended as follows.

A. health facility licensure fees and procedures, New Mexico health care authority, 8.370.3 NMAC;

B. health facility sanctions and civil monetary penalties, 8.370.4 NMAC;

C. adjudicatory hearings, New Mexico health care authority, 8.370.2 NMAC;

D. adult accredited residential treatment center (AARTC) for adults with substance use disorders, 8.321.2.10 NMAC;

E. adult accredited residential treatment center (AARTC) for adults with serious mental health conditions, 8.321.2.11 NMAC; and

F. nursing home and custodial care facilities; 16.19.11 NMAC.

[8.321.13.1 NMAC - N, 5/19/2026]

HISTORY OF NMAC: [RESERVED]