

NOTICE OF PUBLIC HEARING

The New Mexico Health Care Authority Division of Health Improvement is finalizing repeal and replacement of the rule 8.370.8 NMAC Employee Abuse Registry.

These regulations apply to a broad range of New Mexico providers of health care and services and employees of these providers who are not licensed health care professionals or certified nurse aides. This rule requires that providers check with the registry and avoid employing an individual on the registry. This rule provides for the investigation and determination of complaints alleging abuse, neglect or exploitation of recipients of care or services by employees. This rule further requires listing employees with substantiated registry-referred abuse, neglect or exploitation on the registry, following an opportunity for a hearing. This rule supplements other pre-employment screening requirements currently applicable to health care providers, such as the requirement for criminal history screening of caregivers employed by care providers subject to the Caregiver Criminal History Screening Act, Sections 29-17-1 et seq. NMSA 1978, and that Act's implementing rule, 8.370.5 NMAC. It also supplements requirements for pre-employment screening of certified nurse aides applicable to nursing facilities pursuant to 42 CFR Sections 483.75(e) and 488.335; and 8.370.25 NMAC. This rule does not address the consequences of abuse, neglect, or exploitation for which a provider, as distinguished from an employee, is responsible.

Specifically, the changes include: 8.370.8 NMAC

Repeal/replace the expiring emergency rule to establish new updated rule to comply with federal regulations as well as NMAC rule requirements. Specifically, reformatting Section 7 definitions, updating the reporting contact information in Section 9, updating the investigation timelines in Section 10, and the severity standard in Section 11. The proposed rule may be viewed at the Division of Health Improvement website at <https://www.hca.nm.gov/dhi-regulations/>.

A public hearing to receive testimony on this proposed rule will be held on January 26th, 2026 10:00 a.m. The public hearing will be a Hybrid, via Zoom as well as in person, pursuant to Section 14-4-5.6 NMSA 1978. Join on your computer, mobile app, or room device.

You are invited to a Zoom webinar!

When: January 26th, 2026, 10:00 AM Mountain Time (US and Canada)

Topic: DHI Rules Hearing (8.321.13, 8.370.3, 8.370.8, 8.370.12, 8.370.17)

Description:

8.370.8 Employee Abuse Registry

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/81120401229?pwd=K0HaayYSwgtr9vVTYker7FgyZstqHD.1>

Passcode:832267

Or call in (audio only)

Dial in by phone,

Phone one-tap:

+16694449171,,81120401229#,,, *832267# US

+16699006833,,81120401229#,,, *832267# US (San Jose)

Join via audio:

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 305 224 1968 US

+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 931 3860 US
+1 689 278 1000 US
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
Webinar ID: 811 2040 1229
Passcode: 832267
International numbers available: <https://us02web.zoom.us/j/kdK3rrPdf>

All written comments may be dropped off during the scheduled hearing time (see above) at the Division of Health Improvement offices, 5300 Homestead Rd. NE, Albuquerque NM 87110 at the Hozho conference room #109.

Individuals wishing to testify may contact the Division of Health Improvement (DHI), P.O. Box H, Santa Fe, NM 87504, or by calling (505) 476-9093.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on January 26th, 2026, 10:00 AM. Please send comments to: Division of Health Improvement P.O. Box H Santa Fe, NM 87504, Recorded comments may be left at (505) 476-9093. You may send comments electronically to HCA-DHI-Public-Comment@hca.nm.gov. Written and recorded comments will be posted to the agency's website within 3 days of receipt. All comments will be given the same consideration as oral testimony made at the public hearing.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD 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 a 10-day advance notice to provide requested alternative formats and special accommodations.