

**NOTICE OF PROPOSED RULEMAKING AMENDMENT AND PUBLIC RULE HEARING**

The New Mexico Retiree Health Care Authority (NMRHCA) is considering amending the effective date of existing rule 2.81.11 NMAC - ESTABLISHING SUBSIDY LEVELS ON THE BASIS OF AGE AND CREDITABLE SERVICE, amending sections 6 through 10 to July 31, 2021. The purpose of the amendment of existing sections of the rule is to delay the effective date of the minimum age and years of service requirement to coincide with the school year. A summary of the full text of the proposed rule follows:

Section 6 of the existing rule 2.81.11.6 NMAC establishes subsidy levels commensurate with a retiree's year of credited service with a participating employer for employees who become eligible for enrollment into the NMRHCA health care program on or after July 1, 2001, and their dependents, and subject to a minimum retiree age for employees who become eligible for enrollment into the NMRHCA health care program on or after January 1, 2021. The amendment changes the effective date to July 31, 2021.

Section 7 of the existing rule 2.81.11.7 NMAC provides definitions of credited service, disabled retiree, member of an enhanced retirement plan, the authority, state retirement agency, and subsidy effective January 1, 2021. The amendment changes the effective date to July 31, 2021.

Section 8 of the existing rule 2.81.8 NMAC provides for the NMRHCA to pay a percentage of the subsidy to monthly premiums of eligible retirees, which percentage is dependent on the years of credited service of the retiree and is 100% at 20 years of credited service. The amendment changes the years at which 100% is paid to 25 and changes the percentages for fewer years of credited service for retirees who are not members of an enhanced retirement plan and become eligible for participation on or after January 1, 2021. The amendment changes the effective date to July 31, 2021.

Section 9 of the existing rule 2.81.11.9 established subsidies for duty disability and non-duty disability retirees effective January 1, 2021. The amendment changes the effective date to July 31, 2021.

Section 10 requires that eligible retirees who are not members of an enhanced retirement plan and become eligible for participation on or after January 1, 2021 be 55 years of age to receive subsidies. Section 9 is amended to clarify that disabled retirees receive a 100% subsidy regardless of years of service or age. Section 6 is amended to clarify that the objective of the part includes that subsidies will have a minimum age requirement for those retiring on or after January 1, 2021. The amendment changes the effective date to July 31, 2021.

The NMRHCA is authorized to promulgate rules to implement the Retiree Health Care Act, NMSA 1978, Sections 10-7C-1 to - 16 (1990, as amended through 2009) ("Act") by NMSA 1978, Section 10-7C-7 (1998). By resolution dated May 8, 2018, the NMRHCA resolved to undertake the rulemaking in conformity with the Act, the State Rules Act, NMSA 1978, Sections 14-4-1 to -11 (1967, as amended through 2017), the Default Procedural Rule for Rulemaking, 1.24.25 NMAC (4/10/2018) and the Open Meetings Act, NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013).

The NMRHCA is amending the effective date of minimum years of service and age requirements to receive the maximum subsidy provided by the program to from January 1, 2021 to July 31, 2021 in order to coincide with the school year. A study of NMRHCA's long-term solvency projections, NMRHCA 2017 Long-Term Solvency Model, is available at its website, <http://www.nmrhca.org/rule-change-proposal.aspx>.

The full text of the proposed rule may be obtained by contacting Greg Archuleta, Director of Communication and Member Engagement, New Mexico Retiree Health Care Authority, 4308 Carlisle Blvd. NE, Suite 104, Albuquerque, New Mexico 87107; telephone 505-440-3366 or 505-222-6403, to request a copy of the rule. The full text and this notice are also available on NMRHCA's website: <http://www.nmrhca.org/>.

A person may submit, by mail or electronic form, written comments on the proposed rule through the end of the public comment period, which ends May 22, 2020. Written comments should be submitted to Greg Archuleta,

Director of Communication and Member Engagement, New Mexico Retiree Health Care Authority, 4308 Carlisle Blvd. NE, Suite 104, Albuquerque, New Mexico 87107. Written comments also will be accepted by email: [gregoryr.archuleta@state.nm.us](mailto:gregoryr.archuleta@state.nm.us) or by fax: (505) 884-8611. All written comments received by the agency will be posted on <http://www.nmrhca.org/> no more than 3 business days following receipt to allow for public review. Written comments will also be available for public inspection at New Mexico Retiree Health Care Authority, 4308 Carlisle Blvd. NE, Suite 104, Albuquerque, New Mexico 87107, as soon as restrictions on the current coronavirus (COVID-19) quarantine are lifted.

A public rule hearing on the proposed rule will be held before Greg Archuleta, Director of Communication and Member Engagement, NMRHCA, on May 22, 2020 from 2:30-4:30 p.m. at the NMRHCA office's Alfredo R. Santistevan Board Room, located at 4308 Carlisle Blvd. NE, Suite 207 in Albuquerque, NM, 87107. Individuals may submit data, views or arguments orally or in writing to the proposed rule at the public rule hearing. Persons offering written comments at the hearing must have 2 copies for the hearing officer.

Any individual with a disability in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule in an accessible form may contact Greg Archuleta at 505-440-3366 or 505-222-6403 at least 10 days before the hearing.

**\*IN THE EVENT THAT THE CORONAVIRUS (COVID-19) QUARANTINE ORDER IS STILL IN PLACE, NMRHCA WILL HOLD CONDUCT THE PUBLIC HEARING VIA WEBINAR AND WILL POST THE DETAILS OF JOINING THE WEBINAR ON THE FRONT PAGE OF ITS WEBSITE, [WWW.NMRHCA.ORG](http://WWW.NMRHCA.ORG) AS SOON AS THE GOVERNOR OFFICIALLY ANNOUNCES AN EXTENSION OF THE QUARANTINE BEYOND MAY 22, 2020.\***