

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Nursing Home Administrators noticed a rule hearing for proposed rulemaking, which was published in the New Mexico Register on October 26, 2021. This notice replaces the previous notice to reschedule the rule hearing due to a discrepancy in the notice of the meeting to the Albuquerque Journal. The New Mexico Board of Nursing Home Administrators has rescheduled the rule hearing for Friday, January 14, 2022, at 9:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held virtually, via Cisco Webex Meetings.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=ecfdd52393e5d33aae149a14f7fda00f2>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2498 447 3917

The purpose of the rule hearing is to consider proposed amendments to the following rules:

16.13.1 NMAC – General Provisions

16.13.2 NMAC – Fees

16.13.3 NMAC – Application for Licensure by Examination

16.13.4 NMAC – Examination of Approved Applicants

16.13.5 NMAC – Application for Licensure by Reciprocity

16.13.6 NMAC – Licensure for Military Service Members, Spouses, Dependent Children and Veterans

16.13.8 NMAC – License Renewal

16.13.18 NMAC – Grounds for Disciplinary Action

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/nha-board-information/nha-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Roxann Ortiz, Board Administrator, via electronic mail at: Nursinghomeadminbd@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, January 14, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/nha-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/nha-board-information/nha-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Roxann Ortiz, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Roxann Ortiz, Board Administrator at (505) 476-4622.

Statutory Authority: Legal authority for this rulemaking can be found in the Nursing Home Administrators Act, Sections 16-13-1 to 17 NMSA 1978, which, among other provisions, specifically authorizes the Board to “formulate, adopt and regularly revise such rules and regulations not inconsistent with law as may be necessary to adopt and enforce standards for licensing nursing home administrators and to carry into effect the provisions of the Nursing Home Administrators Act.” Subsection A of Section 61-13-6 NMSA 1978. Additional legal authority for this rulemaking can be found in the Uniform Licensing Act, Sections 61-1-1 to 36 NMSA 1978.

Purpose and Summary of the Proposed Rules Changes:

16.13.1 NMAC – General Provisions

The amendments to this part include citation edits and revisions of some definitions in order to align with the current usage. Further, a new proposed section (16.13.1.9 NMAC) has been added which permits an applicant or licensee to request a waiver by the board of any requirement in Title 16, Chapter 13 NMAC.

16.13.2 NMAC - Fees

The amendments to this part include citation edits, removal of extraneous language with respect to the examination and computer based testing fees due to the fact that those fees are paid directly to NAB, as well as removal of hyperlinks to the board's website as the website location is subject to change.

16.13.3 NMAC – Application for Licensure by Examination

The amendments to this part include the revisions of some definitions in order to align with current usage, as well as the addition of the condition that a NAB certified preceptor be utilized for the prerequisite requirement that an individual complete a board approved administrator in training program or board approved internship program. Further, proposed changes have been made to the method by which proof of completion of the required administrator in training program or internship program must be provided. Additional amendments to this part include the removal of exam related information that does not reflect the current examination process.

16.13.4 NMAC – Examination of Approved Applicants

This part is being repealed in its entirety due to the fact that the information does not reflect the current examination process.

16.13.5 NMAC – Application for Licensure by Reciprocity

The amendments to this part include the removal of the reference to the PES and NAB examination, as well as the addition of a requirement that an applicant for licensure by reciprocity either complete an approved administrator in training program or demonstrate proof that the applicant has worked full-time for twelve consecutive months as an administrator. Additional amendments to this part include the removal of the notary requirement for signature as well as minor grammatical revisions to Paragraph (4) of Subsection A of 16.13.5.12 NMAC.

16.13.6 NMAC - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

The amendments to this part includes a repeal and replace of the part due to the 2021 legislative change regarding HB120 Military Spouses Expedited Licensure. The proposed rule changes the time for approving an application for license from 60 days to 30 days and removes "recent" from the definition of veteran. The rule also sets out application and renewal requirements.

16.13.8 NMAC – Licensure Renewal

The amendment to this part includes the removal of 16.13.8.10 NMAC due to the fact that licensing and renewal processes are being transitioned to an online format and mail notifications will no longer be sent to physical addresses.

16.13.18 NMAC – Grounds for Disciplinary Actions

The amendments to this part include the addition of new language to the rule to comply with the 2021 legislative change regarding SB2. The proposed rule sets out what criminal felony convictions directly relate to the particular profession of nursing home administration that may disqualify the applicant or licensee from holding a license. Amendments to this part also include the removal of the definition of "conviction", as the term "disqualifying criminal conviction" is now defined in Subsection E of Section 61-1-36 NMSA 1978.