

NOTICE OF RULEMAKING

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to repeal and replace the New Mexico Administrative Code (NMAC) rule 8.313.3, *Long Term Care Services, Intermediate Care Facilities Cost Related Reimbursement of ICF-IID*; and 8.313.2, *Long Term Care Services - Intermediate Care Facilities for the Mentally Retarded*.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: June 7, 2022

Hearing Date: July 8, 2022

Adoption Date: Proposed as November 1, 2022

Technical Citations: 42 CFR 456 subpart F; 42 CFR 440.150

The Department is proposing to amend the rules as follows:

8.313.3 NMAC

Throughout the rule - Removal of Intermediate Care Facilities for Individuals with Mental Retardation (ICF/MR) and replace with Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).

Section 8 - Updated to include the current Human Services Department Mission Statement.

Section 11 Paragraph (2) of Subsection D - Language added to reflect the state agency, or its audit agent, will retain all cost reports submitted by providers for a period of ten years.

8.313.2 NMAC

Throughout the rule

Replacement of terminology “Intermediate Care Facilities for Individuals with Mental Retardation (ICF/MR)” with “Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID)” to reflect nationwide changes.

Section 8 - Updated to include the current Human Services Mission Statement.

Section 13 - Addition of Subsection C - Eligibility Requirements from NMAC 8.281.400.

Section 13 - Addition of Subsection D - Admission. Adopted from Department of Health NMAC 7.26.9 as this rule will be rescinded.

Section 13 - Addition of Subsection E - Transfer. Adopted from Department of Health NMAC 7.26.9 as this rule will be rescinded.

Section 13 - Addition of Subsection F - Discharge. Adopted from Department of Health NMAC 7.26.9 as this rule will be rescinded.

Throughout both 8.313.2 and 8.313.3 NMAC amendments have been made to comply with formatting requirements.

The register for these proposed amendments to this rule will be available June 7, 2022 on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

The Department proposes to implement these rules effective November 1, 2022. A public hearing to receive testimony on these proposed rules will be held **via conference call on Friday, July 8, 2022, at 10 a.m. Mountain Time (MT). Conference phone number: 1-800-747-5150. Access Code: 2284263.**

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on July 8, 2022. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at [https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-~~notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/~~](https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/) along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.