

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Nursing Home Administrators will hold a rule hearing on Friday, December 9, 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=e0e08039234cc50a5252e6f47075d30fb>

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

Access Code: 2481 425 1973

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

16.13.5 NMAC – Application for Licensure by Reciprocity

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

16.13.7 NMAC – License Issuance

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: nursinghome.adminbd@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, December 8, 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 needs 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: Subsection A of Section 61-13-6 of the Nursing Home Administrators Act, NMSA 1978, Sections 61-13-1 to -17, specifically authorizes the Board to “promulgate rules in accordance with the State Rules Act”. Also, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, Sections 61-1-1 to -36 NMSA 1978, provides that “[a] board by rule shall determine those states and territories of the United States and the District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the board will accept an applicant for expedited licensure.” Subsection A of Section 61-1-34 NMSA 1978 of the Uniform Licensing Act, requires that “as soon as practicable but no later than thirty days after a military service member or a veteran files an application, and provides a background check if required” the Board must “process the application; and issue a license prima facie to a qualified applicant [...]” Additionally, Laws 2022, ch. 39, § 104 provides that a board that is required by Laws 2022, ch. 39 to change its licensing provisions to allow for new or different expedited licensure shall have rules in place and operational by January 1, 2023.

Purpose of the Proposed Rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among expedited licensure applicants, and to generally satisfy the Board’s statutory obligation “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. In addition, the proposed rule changes are intended to comply with 2022 legislative changes made during the regular session in HB 191 to the Uniform Licensing Act signed into law by Governor Lujan Grisham on March 3, 2022.

Summary of Proposed Changes:

16.13.1 NMAC – General Provisions

The amendments to this part are to be in compliance with the 2022 legislative requirements under HB 191. The proposed rule change removes generic “reciprocity” language and clarifies the process as “licensure by examination.” The proposed changes also strike surplus terms from the definitions section. These proposed rule changes ensure the language regarding licensure by examination is consistent.

16.13.2 NMAC – Fees

The amendments to this part are intended to be in compliance with the 2022 legislative requirements under HB 191. This proposed rule change updates the “reciprocity” language in the existing rule to reflect the “expedited licensure” language in accordance with HB 191. The changes also clarify the part’s “objective” section’s language and strikes unnecessary administrative fees.

16.13.5 NMAC – Expedited Licensure

The amendments to this part include a repeal and replace due to the 2022 legislative requirements under HB 191 to the Uniform Licensing Act. This proposed rule sets out the requirements to apply for an “expedited license” in New Mexico. It also lists the states and territories that are excluded from the expedited licensure process and the grounds for their exclusion. The proposed rule includes a section defining the expedited licensure process for military service members and veterans. Lastly, the proposed rule defines an expedited license’s duration and the renewal process.

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

The proposed rule change recommends a repeal of 16.13.6 NMAC due to its provisions incorporation into 16.13.5 NMAC. The proposed rule change repeals the Licensure for Military Service Members, Spouses and Veterans rule, which affords an expedited licensure process to members of the military, and consolidates the expedited licensure process into 16.13.5 for both military and non-military applicants.

16.13.7 NMAC - License Issuance

The amendments to this part are intended to be in compliance with the 2022 legislative requirements under HB 191. The language in the “scope” section has been revised so that it is consistent with the expedited licensure provisions. The “Approved Reciprocity Applicant” and “Prorated First Renewal” sections have been struck from the rule.