

Chavez, Georgette, SRCA

From: Hendricks, Rick, SRCA
Sent: Tuesday, September 29, 2020 3:05 PM
To: Chavez, Georgette, SRCA
Subject: FW: [EXT] Re: CONFIRMATION OF RECIEPT: written comments on rulemaking of NMAC

Rick Hendricks, Ph.D.
State Records Administrator
1205 Camino Carlos Rey
Santa Fe, NM 87507
(505) 476-7955



Follow us! [Facebook](#)

From: Chris Mechels [mailto:cmechels@q.com]
Sent: Tuesday, September 29, 2020 11:25 AM
To: Ortiz, Matt, SRCA <Matt.Ortiz@state.nm.us>
Cc: Hendricks, Rick, SRCA <Rick.Hendricks@state.nm.us>; Sally Malave <smalave@nmag.gov>; John Kreienkamp <jKreienkamp@nmag.gov>
Subject: [EXT] Re: CONFIRMATION OF RECIEPT: written comments on rulemaking of NMAC

Dear Mr. Ortiz,

Thanks for the email, which I noticed just after I sent off my Comments #2 at 1041. Yes, please notify me of the rescheduled Rule Making, and all future SRCA rule makings.

The 9/29 email, with Comments #1, was the result of a glitch in my pathetic email server, and should be discards.

My 9/28 email, and the 9/29 email, Comments #2, are valid.

As noted in these comments, the many issues I raise with the SRAC filing, both as to procedure and text, are common throughout the state agencies within the current administration, with my recent experience with the Department of Health Rule Makings. I have yet to find them compliant with the Rules Act, and they seem immune to input.

I believe the cancellation of the 30 Sept Hearing entirely appropriate and necessary. This will allow for a clean hearing in the future, or no hearing, as the proposal seems unwise, and in conflict with the Rules Act. Just

letting the Emergency Rule expire would seem appropriate, unless there is something more than presented.

I am relieved that the SRCA has chosen not to proceed with the flawed proposal, as this leaves you in a stronger position to contend with the rampant Rules Act violations in our State Agencies.

If I can be of any assistance, please call on me. I consider the Rules Act to be a central piece of our NM Legislative Process, and today compliance is unusual. This makes for some really terrible rules, with no public involvement, such as the recent 7.8.2 and 7.9.2 which propose to put our Nursing Home residents in serious jeopardy from Covid, with no adequate discussion. Disgraceful, and also illegal, as they violated the Rules Act in both hearings.

Another area that needs attention is 1.24.25, the Default Hearing Procedure. It is not being complied with. This would appear to be part of the SRCA responsibility, and the Attorney General's, as they created that Rule in 2018. The DOH does not allow questions or those proposing the changes, and this cripples the right of the public to examine the change thoroughly. This is not specifically addressed in 1.24.25 and I believe it needs to be. This could be via a Rule Making or an AG Opinion. Either would work. Barring such question is like a Legislature hearing without questions. A farce.

I am aware that the Rules Act is not generous in specifically calling out the SRCA authority to enforce the Rules Act. However, SRCA does have, via control of NM Register contents, implicit power, which could prove very useful.

I encourage both the SRCA and the AG in efforts to uniform compliance with the Rules Act. It is not perfect, but its a great improvement, and can do a lot of good.

We really must improve our legislative performance to make progress, and stop placing last in governance. The Rules Act is a key component.

I think the public is unaware of the Rules Act, and is not turning out at Rules Hearings. The very important 7.8.2 and 7.9.2 hearing produced NO public input, and that is a disgrace.

I encourage SRCA to engage this very serious problem with all possible dispatch.

Regards,

Chris Mechels
505-982-7144

----- Original Message -----

From: Ortiz, Matt, SRCA <Matt.Ortiz@state.nm.us>

To: Chris Mechels <cmechels@q.com>

Cc: Hendricks, Rick, SRCA <Rick.Hendricks@state.nm.us>, Malave, Sally <smalave@nmag.gov>, Kreienkamp, John <jkreienkamp@nmag.gov>

Sent: Tue, 29 Sep 2020 12:33:09 -0400 (EDT)

Subject: CONFIRMATION OF RECIEPT: written comments on rulemaking of [1.24.10.15](#) NMAC

Dear Mr. Michels, Your 9/28 email entitled "1.24.10 Public Hearing Comments #1" and your 9/29 email entitled the same will be included as exhibits to the rule hearing to be held on the above administrative rule.

Thank you for

taking time to provide your input and for your comments. Please note that the proposed rule hearing has been POSTPONED and will be re-scheduled in the near future. (<http://www.srca.nm.gov/notices/>) If you would like to be kept abreast of when the rescheduled rule hearing is scheduled, please respond to this email and I will ensure that you receive notice of published rescheduled notice of rulemaking via

email. matt Matthew Ortiz Administrative Law Division Directormatt.ortiz@state.nm.us 505-476-7941 Follow us on Facebook >>> CONFIDENTIALITY NOTICE <<<

This electronic mail message, including any and/or all attachments, is for the sole use of the intended recipient(s), and may contain confidential and/or privileged information, pertaining to business conducted under the direction and supervision of the sending

organization. All electronic mail messages, which may have been established as expressed views and/or opinions (stated either within the electronic mail message or any of its attachments), are left to the sole responsibility of that of the sender, and are

not necessarily attributed to the sending organization. Unauthorized interception, review, use, disclosure or distribution of any such information contained within this electronic mail message and/or its attachment(s) is(are) strictly prohibited. If you are

not the intended recipient, please contact the sender by replying to this electronic mail message, along with the destruction all copies of the original electronic mail message (along with any attachments).