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State of New Mexico
Health Care Authority
Human Services Register

I. DEPARTMENT
NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT
8.311.2 NMAC, HOSPITAL SERVICES

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULE

V. BACKGROUND SUMMARY
The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.311.2, *Hospital Services*.

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: October 6, 2026
Hearing Date: November 6, 2026
Adoption Date: Proposed as January 1, 2027
Technical Citations: Centers for Medicare & Medicaid Services (CMS) State Medicaid Director letter, SMD #21-005, related to qualifying clinical trial (QCT) for experimental and investigational services.

Background

1. HCA MAD is amending the NMAC to update coverage and separate reimbursement for pasteurized human donor milk (PHDM), long-acting reversable contraceptive (LARC) devices and Comprehensive Addiction and Recovery Act (CARA) plans of safe care (POSC) in the hospital setting.

2. HCA MAD is amending language and providing updates and clarity to Inpatient and Outpatient services related to experimental, investigational services.

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The HCA is proposing to amend the rule as follows:

8.311.2

Section 8
The Mission Statement has been updated to include HCA's current mission statement.

Section 14
Subsection G has been amended to remove the reference to expired MAD-765 form, *Experimental or Investigational Procedures or Therapies,* and clarifies and adds language referring to NMAC 8.310.2 that details coverage for qualifying clinical trial (QCT) for experimental or investigational services.

Subsection K has been amended to add language that allows hospitals to bill and be reimbursed separately for PHDM, LARC devices, and CARA POSC.

Section 15
Language has been amended to clarify and add language referring to NMAC 8.310.2 that details coverage for QCT for experimental or investigational services.

Throughout the NMAC updates have been made to comply with formatting and language requirements and to update outdated NMAC references.

VI. RULE

These proposed rule changes will be implemented in NMAC 8.311.2. This register and the proposed rule are available on the HCA website at: https://www.hca.nm.gov/lookingforinformation/registers/ and https://www.hca.nm.gov/2026-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.

VII. EFFECTIVE DATE

The HCA proposes to implement this rule effective January 1, 2027.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on **November 6, 2026, at 9:00 a.m., Mountain Time (MT)**. The hearing will be held in the Large Conference Room at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting
Join: https://teams.microsoft.com/meet/229912860055385?p=thdLETOOMuvMuZ4SS6
Meeting ID: 229 912 860 055 385
Passcode: Ar3CN7jC

Dial in by phone
+1 505-312-4308,,268496404# United States, Albuquerque
Phone conference ID: 268 496 404#

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

Copies of all comments will be made available by 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.

IX. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority
Office of the Secretary
ATTN: 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: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m. MT on November 6, 2026**. 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 HCA website at https://www.hca.nm.gov/lookingforinformation/registers/ and https://www.hca.nm.gov/2026-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.

X. PUBLICATION

Publication of this rule approved by:

DocuSigned by:
kari Armijo
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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY