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State of New Mexico
Health Care Authority
Human Services Register

I. DEPARTMENT
NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT
8.310.2 NMAC, HEALTH CARE PROFESSIONAL SERVICES, GENERAL BENEFIT DESCRIPTION
8.310.16 NMAC, HEALTH CARE PROFESSIONAL SERVICES, STATE FUNDED BENEFITS

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULES

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 8.310.2, *Health Care Professional Services, General Benefit Description*. HCA/MAD is also proposing a new NMAC, 8.310.16, *Health Care Professional Services, Sate Funded Benefits*.

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: 2023 Legislative HB 73; 2025 Legislative HB 56; 42 CFR 410.78

The HCA is proposing to amend the rule as follows:

8.310.2 NMAC

Section 10
Language has been amended in the Relationship to Medicare section to align with current reimbursement methodologies.

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Section 12
Language regarding the medical practitioners related to the birthing options program (BOP) has been amended to align with the 2025 Legislative House Bill 56.

Language has been amended to add biomarker services to align with the 2023 Legislative House Bill 73.

Language for telehealth services has been amended to align with the 42 CFR 410.78.

Pregnancy termination services have been removed from NMAC 8.310.2 and will be added into a new NMAC 8.310.16, *Health Care Professional Services, State Funded Benefits*.

Language related to experimental or investigational services (qualified clinical trials) has been amended and updated to align with the Centers for Medicare & Medicaid Services (CMS).

Language has been amended to include new benefits and requirements for: lactation care services, prenatal maternal genetic screening, dental, medically tailored meals, client medical transportation, gender affirming care, community health workers/community health representatives, chiropractic services and medical respite.

Section 14
Language has been amended to provide clarification on dental services regarding criteria and prior authorization requirements.

8.310.16 NMAC

Pregnancy termination services have been moved from NMAC 8.310.2 and will be included in the new NMAC 8.310.16, *Health Care Professional Services, State Funded Benefits*.

VI. RULE

These proposed rule changes will be contained in 8.310.2 & 8.310.16 NMAC. This register and the proposed rules 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 implementing 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, 2026, at 11:00 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 Microsoft Teams.

Join Teams Meeting

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Join: https://teams.microsoft.com/meet/25604335268768?p=qcv0i29sTMMGKlY0fL
Meeting ID: 256 043 352 687 68
Passcode: hi2XW6MR

Dial in by phone
+1 505-312-4308,,98058573# United States, Albuquerque
Phone conference ID: 980 585 73#

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 accommodations.

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