

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF HEALTH**

**IN THE MATTER OF PROPOSED
REPEAL OF DEPARTMENT RULE PART 7.20.2 NMAC**

**STATEMENT OF REASONS FOR ADOPTION OF PROPOSED REPEAL OF
RULE 7.20.2**

Lynn Gallagher, Secretary for the New Mexico Department of Health, following a public hearing conducted on March 29, 2018 on the proposed repeal of the Comprehensive Behavioral Health Standards rule 7.20.2 NMAC, hereby adopts the proposed repeal. This decision is based on the entire record in this matter, which includes a recording of the hearing and the Report and Recommendation of the Hearing Officer, Susan M. Hapka, Esq., dated April 3, 2018.

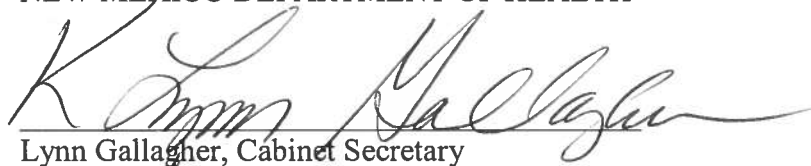
In further support of this action, the Secretary finds the following:

1. The Department of Health is authorized to repeal department promulgated regulations as may be necessary to carry out the duties of the Department and its division. NMSA 1978, Section 9-7-6(E).
2. By a letter dated January 26, 2018, the Deputy Secretary, Gabrielle Sanchez-Sandoval, as designee for the Secretary, designated Ms. Hapka to serve as hearing officer for the purpose of conducting the hearing and submitting a recommendation regarding the proposed repeal.
3. A Notice of Public Hearing, compliant with NMSA 1978, Section 14-4-5.2, for the proposed rule repeal was provided to the public pursuant to NMSA 1978, Section 14-4-2(E), through the following:
 - a. On February 9, 2018, the Notice of Public Hearing was electronically posted on the agency website at <http://164.64.110.239/nmac/parts/title07/07.020.0002.htm>.

- b. On February 7, 2018, the Notice of Public Hearing and proposed Repeal Language was posted on the New Mexico Sunshine Portal website.
 - c. On February 12, 2018, the Notice of Public Hearing was posted in all NMDOH facilities, all field and regional public health offices, Division of Health Improvement (DHI) main office and the Office of the Secretary.
 - d. On February 5, 2018, the Notice of Public Hearing was emailed to Disability Rights New Mexico (DRNM) per their request for all notices of public hearings relating to Department of Health rules.
 - i. No other person made a written request for hearing notices from the DOH addressing the subject of the rulemaking proceeding.
 - e. There are no other persons who participated in the repeal process who provided an electronic mail address to the agency.
 - f. No person provided a postal address requesting notice of hearings regarding the subject of this rulemaking by mail, therefore the Notice of Public Hearing was not mailed to any person.
 - g. On February 9, 2018, the Notice of Public Hearing was emailed to the New Mexico Legislative Council Service.
4. A public rule hearing was held in Santa Fe, New Mexico on March 29, 2018 pursuant to NMSA 1978, Section 9-7-6(E).
5. Members of the public were afforded an opportunity to comment on the proposed repeal at the hearing, and in writing prior to the hearing.
6. No written comments were received prior to the hearing, and no oral comments were made at the rule hearing.

7. The Hearing Officer has appropriately considered the entire record and the recommendations of the Hearing Officer are appropriate and well taken.
8. Changes in the standards for the delivery of behavioral health services in New Mexico have been codified by the Human Services Department in 7.21.2 NMAC "Standards of Delivery for Behavioral Health Services" which supersede 7.20.2 NMAC.
9. The repeal of 7.20.2 NMAC is appropriate and consistent with law, and the repeal is hereby adopted.

NEW MEXICO DEPARTMENT OF HEALTH



Lynn Gallagher, Cabinet Secretary

4/10/18
Date