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Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 4326 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXX, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 4326, and that Invoice # 4326 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

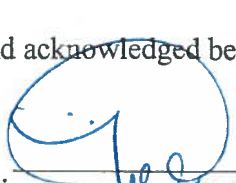
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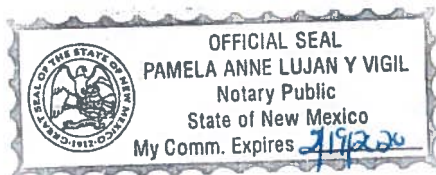
  
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 28<sup>th</sup> day of August, 2019.

Notary Public:

My Commission Expires:

  
7/19/2020



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NEW MEXICO



## Commission of Public Records

at the State Records Center and Archives

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# New Mexico Register

The official publication for all official notices of rulemaking and filing of proposed, adopted and emergency rules.

**Volume XXX - Issue 16 - August 27, 2019**

# New Mexico Register

Volume XXX, Issue 16

August 27, 2019

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## Notices of Rulemaking and Proposed Rules

### HEALTH, DEPARTMENT OF

#### NOTICE OF RULEMAKING HEARING

The New Mexico Department of Health (Department) will hold a public hearing on the proposed repeal and replace of part 7.2.2 NMAC "Vital Records and Statistics". The hearing will be held on October 1, 2019 at 9:00 a.m. in the auditorium of the Harold Runnels Building, located at 1190 St. Francis Drive in Santa Fe, New Mexico.

The proposed rule amendments include:

- \* Addition of the process in which an individual may amend their gender on their birth certificate to reflect as Male, Female, or X.

- \* Update the delayed birth certificate issuance process.

- \* Update the death certificate guidelines.

- \* Updated the requirements for filing a fetal death report to align with statutory requirements.

- \* Remove the requirement that documentary evidence for amendments to birth certificates be prior to the registrants 7<sup>th</sup> birthday, allowing for documentation from any age as long as it was issued at least 5 years prior to the date of application.

- \* Updated language and formatting to meet current NMAC requirements.

- \* Updated costs section to reflect current statutory cost requirements.

The legal authority for the proposed rule amendments is at Subsection E of Section 9-7-6 NMSA 1978, and the Vital Statistics Act Sections 24-14-1 to 24-14-31 NMSA 1978.

Free copies of the full text of the proposed rule amendments can be obtained online from the New Mexico Department of Health's website at <http://nmhealth.org/about/asd/cmo/>

rules/ or from Franchesca Martinez using the contact information below.

The public hearing will be conducted to receive public comment the proposed repeal and replace of Part 7.2.2 NMAC. Any interested member of the public may attend the hearing and submit data, views, or arguments either orally or in writing on the proposed rule amendments during the hearing. Written public comment may also be submitted prior to the date of the hearing. Please submit any written comments regarding the proposed rule amendments to the attention of:

Franchesca Martinez  
NM Department of Health  
P.O. Box 26110  
Santa Fe, NM 87502-6110

Or at:

[franchesca.martinez@state.nm.us](mailto:franchesca.martinez@state.nm.us)

All written comments must be received by 5:00 p.m. MDT on September 30, 2019, or may be submitted at the public hearing. All written comments will be published on the agency website at <http://nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health Office of General Counsel for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Franchesca Martinez by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

### HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

#### NOTICE OF RULEMAKING

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.320.2, Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services. These proposed rule changes will ensure New Mexico Centennial Care is in compliance with the federal mandate Section 12006 of the 21st Century Cures Act which requires implementation of Personal Care Services no later than January 1st, 2020.

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: August 27, 2019  
Hearing Date: September 30, 2019  
Adoption Date: Proposed as January 1st, 2020  
Technical Citations: Section 12006 of the 21st Century Cures Act

**The Department is proposing to amend the rule as follows:**

#### Section 7

Language added to define Electronic Visit Verification (EVV).

#### Section 18

**Subsection B, Paragraph (3):** Language added to include EVV as a requirement of the training curriculum.

**Subsection G:** New subsection added stating that the "Use of the Electronic Visit Verification (EVV) system is required for payment of Personal Care Services including EPSDT eligible members. The managed care organizations shall