

From: [Julia Ruetten](#)
To: [Apodaca, Sheila, DOH](#)
Subject: [EXTERNAL] Public comment re: 7.4.6 NMAC proposed rule
Date: Wednesday, August 17, 2022 8:50:35 AM
Attachments: [image001.png](#)
[8.17.22 NMHA 7.4.6 NMAC Proposed Rule Comment Letter.pdf](#)

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Good morning, Ms. Apodaca,

On behalf of the New Mexico Hospital Association and its President and CEO, Troy Clark, please find attached our comment letter regarding the proposed rule 7.4.6 NMAC.

Should there be any questions regarding our comments please reach out to me or Troy.

Thank you,
Julia

Julia Ruetten

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SENT VIA EMAIL

August 17, 2022

New Mexico Department of Health
c/o Sheila Apodaca
Office of General Counsel
1190 St. Francis Drive, Suite N-4095
Santa Fe, NM 87505

Sent to Sheila.Apodaca@state.nm.us

RE: Proposed Rule – 7.4.6 NMAC – Harm Reduction Program/Syringe Exchange Program

To Whom It May Concern:

On behalf of our 47 New Mexico hospital members, the New Mexico Hospital Association (NMHA) submits for your consideration the following comments regarding proposed rule 7.4.6 NMAC – Requirements Governing the Harm Reduction/Syringe Exchange Program (proposed rule).

The efforts of state lawmakers and policymakers to address the negative health consequences of substance use and reduce overdose mortality in our state are critically important and valuable. Our NMHA Behavioral Health Task Force, which is comprised of hospital chief executives and hospital-based behavioral health clinicians, supported House Bill 52 (2022) – the impetus for this rulemaking. Hospital emergency departments across New Mexico continue to see an increase in patients with substance use and behavioral health disorders as the primary or secondary reasons for seeking emergency treatment. Hospitals in rural areas are commonly the only place for these patients to be seen where there are few if any outpatient options. Our members are grateful that the Department is proposing to include an option that would allow their teams to provide fentanyl test strips, which they are currently unable to provide.

With that said, we respectfully request that in the final rule the Department clarify the following items:

1. Will organizations exercising only the limited option available in 7.4.6.8(C) be required to apply to and be accepted by the Department (as implied in 7.4.6.7(F) – definition of “Harm Reduction Provider”)? If so, inclusion of information related to the application process would also be appreciated.

As written, it is unclear if these organizations will be able to provide the fentanyl test strips upon effective date of the final rule or will need to first seek approval of the Department.

2. Will organizations exercising only the limited option available in 7.4.6.8(C) be required to meet the provisions of 7.4.6.9 (NMAC), which apply to “full-scale” Harm Reduction Providers? If not, clarifying language, such as that provided below in red, would be beneficial for organizations considering exercising the 7.4.6.8(C) option:

7.4.6.8 C. All organizations ~~who~~ that provide direct services to individuals who use substances, including law enforcement, emergency medical response, medical providers, substance use treatment programs, and correctional institutes shall be considered an HRP for the sole purpose of providing fentanyl test strips or other devices approved by the department to check for potential adulterants.

(1) Organizations utilizing this limited option do not need to meet the HRP requirements outlined in 7.4.6.9 (NMAC).

Thank you for the opportunity to comment on the proposed rule; we fully support the objectives outlined in it. As the Department finalizes the rule, please do not hesitate to contact me with any questions at tclark@nmhsc.com.

Sincerely,



Troy Clark
President and CEO