

# NMAC

## Transmittal Form



Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action: New  Amendment  Repeal  Emergency  Renumber  (ALD Use) Recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes  No  Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes  No  Public domain

### Specific statutory or other authority authorizing rulemaking:

This rulemaking by the Secretary of the Department of Health is made in accordance with the following authorities:  
The Department of Health Act, Section 9-7-6E., NMSA 1978.  
The Violence Intervention Program Fund Act, Section 31-30-8, NMSA 1978.

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

# Concise Explanatory Statement For Rulemaking Adoption:

## Findings required for rulemaking adoption:

### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

The finding in support of this emergency rule adoption are as stated in the attached letter from Acting Cabinet Secretary David R. Scrase, M.D. dated August 10, 2022.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Billy J. Jimenez


Check if authority has been delegated



Title:

General Counsel/Acting Deputy Secretary for New Mexico Department of Health

Signature: (BLACK ink only OR Digital Signature)



Date signed:

08/11/2022



MICHELLE LUJAN GRISHAM  
Governor

DAVID R. SCRASE, M.D.  
Acting Cabinet Secretary

August 10, 2022

Pamela Lujan y Vigil  
Administrative Law Division  
New Mexico State Records Center and Archives  
1205 Camino Carlos Rey  
Santa Fe, NM 87507

Dear Ms. Lujan y Vigil:

The New Mexico Department of Health is filing a new rule, Part 19 of Title 7, Chapter 1 to be named Violence Intervention Program Fund, via emergency rulemaking. This emergency rule is adopted to administer the provisions of the Violence Intervention Program Act and to establish standards and procedures designed for the purpose of making funds available as awarded violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults, and develop standards pertaining to the collection and sharing of data by grantees.

On March 9, 2022, Governor Michelle Lujan Grisham signed into law House Bill 68, passed by the New Mexico Legislature on February 17, 2022. HB 68 enacted the Violence Intervention Program Act, creating the Violence Intervention Program Fund and assigning the Department as the agency to administer the fund, establish the standards and procedures for taking applications and awarding grants to the agencies described above for the purposes stated. The Department has worked to establish the same in the proposed rule, but must act quickly to award the funding for FY22 so that the agencies to be awarded funds can make application therefore and make use of the funds for their violence intervention programs in FY22.

In accordance with the State Rules Act at section 14-4-5.6, NMSA 1978, the Department adopts rule part 7.1.19 via emergency rulemaking. For the reasons stated, the Department finds that the time required to complete the procedures of the State Rules Act for permanent rulemaking would cause the potential unanticipated loss of funding for the Violence Intervention Program Fund. This emergency rule is temporary and will expire in 180 days pursuant to section 14-4-5.6 (E), NMSA 1978, unless a permanent rule is adopted under the normal rulemaking process in that period.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Scrase".

David R. Scrase, M.D.  
Acting Cabinet Secretary

**OFFICE OF THE SECRETARY**

1190 St. Francis Dr., Suite N4100 • P.O. Box 26110 • Santa Fe, New Mexico • 87502  
(505) 827-2613 • FAX: (505) 827-2530 • [www.nmhealth.org](http://www.nmhealth.org)