



MICHELLE LUJAN GRISHAM  
Governor

PATRICK M. ALLEN  
Cabinet Secretary

October 13, 2023

Craig T. Erickson, Esq.  
Utton & Kery, P.A.  
500 Tijeras Ave., NW  
Albuquerque, NM 87102

**Re: Rule 7.7.3 NMAC, "Requirements for Rural Emergency Hospitals".**

Dear Mr. Erickson:

Pursuant to NMSA 1978, § 9-7-6(E), I hereby appoint you to serve as the hearing officer to preside at the Department of Health's public hearing on November 27, 2023. This rulemaking hearing is scheduled for 9:00 a.m. and will be conducted via Microsoft Teams online and via telephone, per the attached Notice of Public Hearing.

The hearing will be conducted to receive public comment regarding the proposed adoption of 7.7.3 NMAC, "Requirements for Rural Emergency Hospitals". Exhibits will be provided to you prior to the date of the hearing.

Thank you for accepting this appointment.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Patrick Allen".

B0CCB0A6504A457...

Patrick M. Allen  
Cabinet Secretary

cc: Ann Washburn, Assistant General Counsel

ceg/PMA

## NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of a new rule, 7.7.3 NMAC, “Requirements for Rural Emergency Hospitals”. The public hearing will be held on November 27, 2023, at 9:00 a.m. MDT via web video conference and telephone. The hearing will be conducted to receive public comment regarding the adoption of the proposed rule, which concern requirements for licensing of Rural Emergency Hospitals, pursuant to Section 24-1-5.12, NMSA 1978 (“Rural emergency hospital licensure; licensing requirements”) effective June 16, 2023.

The purpose of this emergency rule is to protect the immediate health and safety of individuals who reside in rural areas of the state which have been provided health care at critical access hospitals, or hospitals with no more than 50 licensed beds located in a county in a rural area, as of December 27, 2020. Rural Emergency Hospitals (REH) are meant to reinforce access to outpatient medical services and reduce health disparities in areas that may not be able to sustain a full-service hospital. The new regulation will allow eligible types of facilities to continue operating under a new license status and then apply to be the new Medicare provider type with outpatient and emergency services only, instead of closing. Without regulation the health, safety and welfare of some state residents living in rural areas served by these two eligible types of facilities is in imminent peril.

The purpose of the new rule is also to conform to the final federal Center for Medicaid and Medicaid rule changes concerning Rural Emergency Hospitals which had an effective date of January 1, 2023.

The legal authority authorizing the proposed rule by the Department is at Subsection E of Section 9-7-6, NMSA 1978, and the Section 24-1-5.12, NMSA 1978 entitled Rural emergency hospital licensure; licensing requirements.

A free copy of the full text of the proposed rule can be obtained from the Department’s website at <https://nmhealth.org/publication/regulation/>.

Any interested member of the public may attend the hearing, and anyone may offer public comments on the proposed rule amendments orally at the hearing. To access the hearing by telephone: please call 1-505-312-4308, phone conference i.d. code 780720462#. To access the hearing via internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, enter the following meeting i.d. code and passcode where indicated on screen—meeting i.d. code 258 278 534 982, Passcode: 72hE2M, then click the “Join a meeting” button. All oral comments will be recorded.

Any person may submit written public comment concerning the rule amendments. Written comments may be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rules to the attention of:

Christopher Burmeister  
Division Director, Health Improvement  
New Mexico Department of Health  
2040 S. Pacheco,  
Santa Fe, NM 87505  
[christopher.burmeis@doh.nm.gov](mailto:christopher.burmeis@doh.nm.gov)  
505-252-4492

Mailed written comments must be received no later than 5:00 p.m. MDT on November 27, 2023. Written comments may also be submitted to the email address shown above through 5:00 pm MDT on the date of the hearing. All written comments will be published on the agency website at <http://nmhealth.org/publication/regulation/> within 3 business days of receipt, and will be available at the Office of the New Mexico Department of Health, at the address above, 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 Felicia Garcia by telephone at (505) 490-7012. The Department requests at least ten (10) days’ advance notice to provide requested special accommodations.