

NEW MEXICO DEPARTMENT OF HEALTH

Proposed repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards"

OFFICIAL FILE

Tab A - Hearing Officer's Report and Recommendation

Tab B - The Department's Exhibits

Tab C - CD containing a recording of the hearing

SUTIN THAYER & BROWNE
A PROFESSIONAL CORPORATION
LAWYERS

IRWIN S. MOISE (1906-1984)
LEWIS R. SUTIN (1908-1992)
FRANKLIN JONES (1919-1994)
RAYMOND W. SCHOWERS (1948-1995)
GRAHAM BROWNE (1935-2003)
NORMAN S. THAYER (1933-2019)

ROBERT G. HEYMAN (Of Counsel)
DEREK V. LARSON (Of Counsel)

ANDREW J. BARANOWSKI
ANNE P. BROWNE
SUZANNE WOOD BRUCKNER

MARIA MONTOYA CHAVEZ
KATHARINE C. DOWNEY
EDUARDO A. DUFFY
TINA MUSCARELLA GOOCH
SUSAN M. HAPKA
BRANA L. HARDWAY
CHRISTOPHER A. HOLLAND
WADE L. JACKSON
ROBERT J. JOHNSTON
JACQUELINE K. KAFKA
CHRISTINA M. LOONEY
STEVAN DOUGLAS LOONEY
KEITH C. MIER

LYNN E. MOSTOLLER
CHARLES J. PIECHOTA
JAY D. ROSENBLUM
FRANK C. SALAZAR
JUSTIN R. SAWYER
ANDREW J. SIMONS
MARIPOSA PADILLA SIVAGE
BENJAMIN E. THOMAS
L. CURTIS VERNON

6100 UPTOWN BLVD NE, SUITE 400
ALBUQUERQUE, NEW MEXICO 87110
POST OFFICE BOX 1945
ALBUQUERQUE, NEW MEXICO 87103
505-883-2500
FAX 505-888-6565

150 WASHINGTON AVE, SUITE 210
SANTA FE, NEW MEXICO 87501
POST OFFICE BOX 2187
SANTA FE, NEW MEXICO 87504
505-888-5521
FAX 505-982-5297

WWW.SUTINFIRM.COM

April 3, 2018

Federal Express

Cabinet Secretary Lynn Gallagher
New Mexico Department of Health
1190 South St. Francis Drive N 4095
Santa Fe, New Mexico 87502

Re: Proposed repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards"

Dear Cabinet Secretary Gallagher:

We enclose the Hearing Officer's Report and Recommendation and the Official File in the above-referenced matter.

Very truly yours,

SUTIN, THAYER & BROWNE
A Professional Corporation

By Susan M. Hapka
Susan M. Hapka
Albuquerque Office

SMH:xxm

Enclosures

cc: Shelley Strong, Esq.

(Hearing Officer's Report and Recommendation only)

4588852.docx

HEARING OFFICER'S REPORT AND RECOMMENDATION

Public Hearing: New Mexico Department of Health

Proposed Action in Question: Repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards"

Public Hearing Date: March 29, 2018

Report Date: April 3, 2018

RECOMMENDATIONS: See Attached Hearing Officer's Report and Recommendation

The Hearing Officer recommends that 7.20.2 NMAC be repealed.

Susan M. Hapka
Susan M. Hapka

April 3, 2018
Date

HEARING OFFICER'S REPORT AND RECOMMENDATION

A public hearing was held on March 29, 2018 at approximately 9:00 a.m. at the Harold Runnels Building Auditorium, located at 1190 St. Francis Drive in Santa Fe, New Mexico, for the purpose of considering the repeal of 7.20.2 NMAC, the New Mexico Department of Health's "Comprehensive Behavioral Health Standards."

Susan M. Hapka, Esq., presided as Hearing Officer. Shelley Strong, Esq., Assistant General Counsel, represented the New Mexico Department of Health ("Department").

At the beginning of the hearing, the Hearing Officer introduced the public hearing, explained how the hearing would be conducted, that members of the interested public could provide comment on the proposed rule, and requested members of the audience sign the attendance sheet.

I. SUMMARY OF EVIDENCE

A. Department's Exhibits

Ms. Strong described and submitted the following Exhibits, which were made part of the record:

1. Notice of Public Hearing;
2. Affidavit of Publication and Proof of Publication in the New Mexico Register;
3. Affidavit of Publication and Proof of Publication in the Albuquerque Journal;
4. Affidavit of Providing Notice to Public, by Benito M. Gomez, Paralegal-Advanced;
5. Hearing Officer Appointment Letter; and
6. Proposed Repeal Language.

The Attendance Sheet for the hearing is also part of the record and is designated as Exhibit 7.

B. Recording of Hearing

The hearing was recorded on a digital recorder. A CD containing a recording of the hearing is part of the hearing record.

C. Presentation of the Rule by the Department

Shelley Strong, Esq. explained that the Department is proposing to repeal 7.20.2 NMAC because another rule was enacted quite some time ago, 7.21.2 NMAC, which sets out of the standards for delivery of behavioral health services. 7.21.2 NMAC supersedes 7.20.2

NMAC. Since 7.20.2 NMAC has been superseded, it is longer in effect and should be repealed.

D. Public Comment and the Department's Response

No written comments were received. Five people signed the hearing Attendance Sheet, including Ms. Strong and Benito Gomez, Paralegal-Advanced, with the Department. No member of the public spoke.

II. HEARING OFFICER'S COMMENTS

The Department enacted 7.21.2 NMAC "Standards of Delivery for Behavioral Health Services," which has been in effect for several years. 7.21.2 NMAC supersedes 7.20.2 NMAC. There is no longer any need for 7.20.2 NMAC. Having two conflicting rules governing the standards for delivery of behavioral health services, one of which has been superseded, could cause confusion.

III. HEARING OFFICER'S RECOMMENDATION

The Hearing Officer recommends that 7.20.2 NMAC "Comprehensive Behavioral Health Standards" be repealed.

New Mexico Department of Health

Proposed repeal of

7.20.2 NMAC – “Comprehensive Behavioral Health Standards”

Hearing Date: March 29, 2018

Table of Contents

1	Notice of Public Hearing
2	Affidavit of Publication and Proof of Publication in the New Mexico Register
3	Affidavit of Publication and Proof of Publication in the Albuquerque Journal
4	Affidavit of Providing Notice to Public, by Benito M. Gomez, Paralegal-Advanced
5	Hearing Officer Appointment Letter
6	<u>Proposed Repeal Language</u> 7.20.2 NMAC - “Comprehensive Behavioral Health Standards”

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards" at 9:00 a.m. on March 29, 2018 in the Harold Runnels Building Auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

Changes in the standards for the delivery of behavioral health services in New Mexico have been codified in 7.21.2 NMAC - "Standards of Delivery for Behavioral Health Services," which has superseded 7.20.2 NMAC.

The legal authority authorizing the proposed rule repeal and the adoption of the rule repeal by the New Mexico Department of Health is at Subsection E of Section 9-7-6 NMSA 1978.

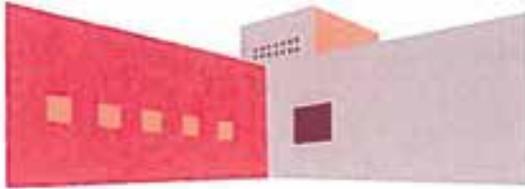
A free copy of the rule is available at <http://164.64.110.239/nmac/parts/title07/07.020.0002.htm>. Free copies of the full text of the proposed rule repeal may be obtained online from the New Mexico Department of Health's website at <https://nmhealth.org/publication/regulation> or from Benito M. Gomez using the contact information below.

The public hearing will be conducted to receive public comment on the proposed repeal of 7.20.2 NMAC. Any interested member of the public may attend the hearing and offer public comment on the proposed rule repeal 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 repeal of 7.20.2 NMAC to the attention of:

Benito M. Gomez at P.O. Box 26110, Santa Fe, New Mexico 87502 or Benito.Gomez@state.nm.us.

All written comments must be received by 5pm MST March 28, 2018.

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



NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe, NM 87507 US
(505) 476-7902

Invoice

BILL TO

DOH -Division of Health
Improvement
2040 S. Pacheco St
Santa Fe, NM 87505

INVOICE #	DATE	TOTAL DUE	DUE DATE	ENCLOSED
2915	02/13/2018	\$45.00	02/13/2018	

VOLUME XXIX **ISSUE** 3 **P.O. NUMBER** 66500-0000148567

DATE	ACTIVITY	QTY	RATE	AMOUNT
02/13/2018	N.M. Register - 431902 - Columnar Inch - Vol. XXVIII, Notice of Termination of Public Hearing.	3	3.00	9.00
02/13/2018	N.M. Register - 431902 - Columnar Inch - Vol. XXVIII, Notice of Public Hearing, on 3/29/2018.	12	3.00	36.00

Thank you for your business!

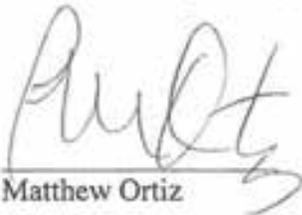
BALANCE DUE

\$45.00

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 2915 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXIX, 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 # 2915, and that Invoice # 2915 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant:


Matthew Ortiz

Subscribed, sworn and acknowledged before me this 18th day of February 2018.

Notary Public:

My Commission Expires:


7/19/2020



1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

Robert J. Tórréz
Historian/Chair

Hon. Hector Balderas
Attorney General

Hon. Tim Keller
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Veronica Gonzales
Department of Cultural Affairs

Edwynn Burckle
General Services Department

Lynne S. Rhys
State Law Librarian

NEW MEXICO 
Commission of Public Records
at the State Records Center and Archives
Your Access to Public Information

New Mexico Register

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

Volume XXIX - Issue 3 - February 13, 2018

New Mexico Register

Volume XXIX, Issue 3

February 13, 2018

Table of Contents

Notices of Rulemaking and Proposed Rules

Health, Department of	
Notice of Termination of Public Hearing.....	92
Notice of Public Hearing.....	92
Regulation and Licensing Department	
Construction Industries Division	
Notice of Public Hearing.....	92
Secretary of State	
Notice of Rulemaking.....	93
Superintendent of Insurance	
Notice of Proposed Rulemaking.....	94

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

Game and Fish, Department of	
19.31.4 NMAC A Fisheries.....	96
Transportation, Department of	
18.31.4 NMAC R Litter Control And Beautification Grant Requirements.....	97
Water Quality Control Commission	
20.6.4 NMAC A Standards for Interstate and Intrastate Surface Waters.....	97

Other Material Related to Administrative Law

Medical Board	
Notice of Minor, Non-Substantive Corrections.....	99

Notices of Rulemaking and Proposed Rules

HEALTH, DEPARTMENT OF

NOTICE OF TERMINATION OF PUBLIC HEARING

The New Mexico Department of Health (DOH) is providing notice to terminate the public rule hearing scheduled on Wednesday February 21, 2018 at 9:00 a.m., in accordance with Subsection C of Section 14-4-5 NMSA 1978. The proposed new rule, 7.30.9 NMAC, "Crisis Triage Centers" is being terminated due to a purposed statutory change to the Crisis Triage definition this legislative session.

HEALTH, DEPARTMENT OF

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards" at 9:00 a.m. on March 29, 2018 in the Harold Runnels Building Auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

Changes in the standards for the delivery of behavioral health services in New Mexico have been codified in 7.21.2 NMAC - "Standards of Delivery for Behavioral Health Services," which has superseded 7.20.2 NMAC.

The legal authority authorizing the proposed rule repeal and the adoption of the rule repeal by the New Mexico Department of Health is at Subsection E of Section 9-7-6 NMSA 1978.

A free copy of the rule is available at <http://164.64.110.239/nmac/parts/title07/07.020.0002.htm>. Free copies of the full text of the proposed rule repeal may be obtained online from the New Mexico Department of Health's website at <https://nmhealth.org/publication/regulation> or from Benito M. Gomez using the contact information below.

The public hearing will be conducted to receive public comment on the proposed repeal of 7.20.2 NMAC. Any interested member of the public may attend the hearing and offer public comment on the proposed rule repeal 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 repeal of 7.20.2 NMAC to the attention of:

Benito M. Gomez at P.O. Box 26110, Santa Fe, New Mexico 87502 or Benito.Gomez@state.nm.us.

All written comments must be received by 5pm MST March 28, 2018.

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

**REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

NOTICE OF PUBLIC HEARING

The Manufactured Housing Committee (MHC) of the Regulation and Licensing Department will convene a public hearing on the following proposed changes to repeal its rule 14.12.3 NMAC - NEW MEXICO MODULAR BUILDING STRUCTURES.

At the conclusion of that hearing, the Construction Industries Commission (CIC) of the Regulation and

Licensing Department, will convene a public hearing on the following proposed changes, to repeal its rule 14.6.7 NMAC - CONSUMER PROTECTION and replace it with 14.6.7 NMAC - MODULAR BUILDING STRUCTURES.

The MHC proposes to repeal 14.12.3 NMAC - NEW MEXICO MODULAR BUILDING STRUCTURES as the function of that rule is proper to be served by the proposed new 14.6.7 NMAC and not applicable to MHC.

The CIC proposes to repeal 14.6.7 NMAC - CONSUMER PROTECTION and replace it with 14.6.7 NMAC - MODULAR BUILDING STRUCTURES as the function of 14.6.7 NMAC - CONSUMER PROTECTION is no longer applicable to CIC. Replacing it with MODULAR BUILDING STRUCTURES will place this rule properly within CIC jurisdiction and update procedures.

Subsections L and M of Section 60-13-2, Subsections F and K of Section 60-13-9, Section 60-13-10, Subsection H of Section 60-13-41, Subsection E of Section 60-13-42 and Subsections H and I of Section 60-13-44 of the Construction Industries Licensing Act, NMSA 1978 authorize the commission and the Construction Industries Division (CID) to adopt rules to carry out the provisions for modular building structures.

The hearings are scheduled as follows:

MHC hearing - 9:00 a.m., March 16th, 2018 at the New Mexico Regulation and Licensing Department (Toney Anaya Building - Hearing Room 2 on the 2nd Floor), located at 2550 Cerrillos Rd., Santa Fe, NM 87504. **The CIC hearing - 9:30 a.m. on the same date at the same location.**

Please Note: All persons wishing to participate in the public hearing



State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

Department of Health

1190 St. Francis Dr
P. O. Box 26110
Santa Fe NM 87502-6110
United States

CHANGE ORDER - REPRINT

Dispatch Via Print

Purchase Order 66500-0000148567	Date 07-25-2017	Revision 1 - 2018-01-26
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer THERESA M RIVERA- GALLEGOS	Phone	Currency USD

Supplier: 000000729
STATE RECORDS
CENTER & ARCHIVES
COMMISSION OF PUBLIC
RECORDS
1205 CAMINO CARLOS
REY
SANTA FE NM 87507
United States

Ship To: 23
2040 S. Pacheco St.,
Room 413
Santa Fe NM 87505
United States

Bill To: 2040 S. Pacheco St.,
Room 413
Santa Fe NM 87505
United States

Origin:	EXE	Excl/Excl#:	13-1-98-A					
Line- Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date	
1 - 1	PUBLICATION IN THE NM REGISTRY		1.00	EA	200.00	200.00	07/25/2017	
	66500-06101-8001000000-546900- -000001- -00000001-118-B0000							
	66500-06101-8001-546900-000001 COVERAGE DATES 7/1/2017 THRU 6/30/2018 ANGELICQUE BACA							
					Schedule Total	<u>\$200.00</u>		
					Item Total	<u>\$200.00</u>		
					Total PO Amount	<u>\$200.00</u>		

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

Authorized Signature

STATE OF NEW MEXICO
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (07/92)

1. **GENERAL:** When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. **VARIATION IN QUANTITY:** No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. **ASSIGNMENT:**
 - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
 - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. **STATE FURNISHED PROPERTY:** State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. **DISCOUNTS:** Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. **INSPECTION:** Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. **INSPECTION OF PLANT:** The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. **COMMERCIAL WARRANTY:** The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. **TAXES:** The unit price shall exclude all State taxes.
10. **PACKING, SHIPPING AND INVOICING:**
 - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
 - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
 - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. **DEFAULT:** The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. **NON-COLLUSION:** In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. **NON-DISCRIMINATION:** Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. **THE PROCUREMENT CODE:** Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.
16. **PAYMENT FOR PURCHASES:** Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in section 13-1415B NMSA 1978.
17. **WORKERS COMPENSATION:** The Contractor agrees to comply with state laws and rules pertaining to workers compensation benefits for its employees. If the Contractor fails to comply with Workers Compensation Act and applicable rules when required to do so, this (Agreement) may be terminated by the contracting agency.
18. **PAY EQUITY RECORDING:** The Contractor agrees to comply with New Mexico Pay Equity reporting requirements as detailed in Executive Order 2009-049 Implementation Guidance available at <http://www.generalservices.state.nm.us/spd/guidance.pdf>

NEW MEXICO
HEALTH

NOTICE OF PUBLIC
HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards" at 9:00 a.m. on March 29, 2018 in the Herold Runnels Building Auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

Changes in the standards for the delivery of behavioral health services in New Mexico have been codified in 7.21.2 NMAC - "Standards of Delivery for Behavioral Health Services," which has superseded 7.20.2 NMAC.

The legal authority authorizing the proposed rule repeal and the adoption of the rule repeal by the New Mexico Department of Health is at NMSA 1978, Section 6-7-4(E).

A free copy of the rule is available at

<http://184.84.110.239/nmac/parts/title07/07.020.0002.htm>.

Free copies of the full text of the proposed rule repeal may be obtained online from the New Mexico Department of Health's website at <https://nmhealth.org/publication/regulation> or from Benito M. Gomez using the contact information below.

The public hearing will be conducted to receive public comment on the proposed repeal of 7.20.2 NMAC. Any interested member of the public may attend the hearing and offer public comment on the proposed rule repeal 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 repeal of 7.20.2 NMAC to the attention of:

Benito M. Gomez at P.O. Box 26110, Santa Fe, New Mexico 87502 or Benito.Gomez@state.nm.us.

All written comments must be received by 5pm MST March 28, 2018.

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 Benito Gomez by telephone at (505) 827-2967. The Department

requests at least ten (10) days advance notice for special accommodation requests.

Journal: February 4, 2018

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Bernadette Gonzales, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

02/04/2018



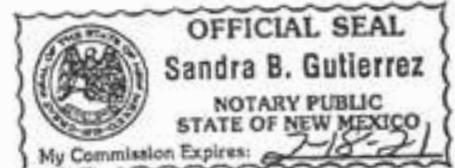
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

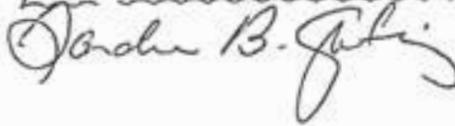
4 day of February of 2018

PRICE \$92.06

Statement to come at the end of month.

ACCOUNT NUMBER 1060434







State of New Mexico Purchase Order

PO Number to be on all invoices and Correspondence

Department of Health

1190 St. Francis Dr
P. O. Box 26110
Santa Fe NM 87502-6110
United States

Page: 1

Dispatch Via Print

Purchase Order 66500-0000152263	Date 02-01-2018	Revision
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer THERESA M RIVERA- GALLEGOS	Phone	Currency USD

Supplier: 0000049778
ALBUQUERQUE
PUBLISHING CO
P O DRAWER J-T
ALBUQUERQUE NM 87103
United States

Ship To: 23
2040 S. Pacheco St.,
Room 413
Santa Fe NM 87505
United States

Bill To: 2040 S. Pacheco St.,
Room 413
Santa Fe NM 87505
United States

Line-Sch	Item/Description	Excl/Excl#	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
----------	------------------	------------	--------	----------	-----	----------	--------------	----------

1 - 1	AD TO RUN ON 2/4/2018 SEE ATTACHED QUOTE TOTAL COST WITH TAX INCLUDED \$92.06 NOTICE OF HEARING POSTING - ADDITIONAL POSTINGS MAY BE NEEDED WILL INCREASE AS NEEDED			1.00	EA	\$92.06	\$92.06	02/01/2018
-------	---	--	--	------	----	---------	---------	------------

66500-06101-8001000000-546900- -000001- -00000001-118-B0000

66500-06101-8001000000-546900-000001

ANGELICQUE BACA 476-8929

Schedule Total \$92.06

Item Total \$92.06

Total PO Amount \$92.06

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and of other outstanding purchase commitments and accounts payable.

Authorized Signature

STATE OF NEW MEXICO
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (07/92)

1. GENERAL: When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. VARIATION IN QUANTITY: No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. ASSIGNMENT:
 - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
 - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. STATE FURNISHED PROPERTY: State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. DISCOUNTS: Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. INSPECTION: Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. INSPECTION OF PLANT: The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. COMMERCIAL WARRANTY: The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. TAXES: The unit price shall exclude all State taxes.
10. PACKING, SHIPPING AND INVOICING:
 - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
 - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
 - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. DEFAULT: The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. NON-COLLUSION: In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. NON-DISCRIMINATION: Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. THE PROCUREMENT CODE: Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.
16. PAYMENT FOR PURCHASES: Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in section 13-14158 NMSA 1978.
17. WORKERS COMPENSATION: The Contractor agrees to comply with state laws and rules pertaining to workers compensation benefits for its employees. If the Contractor fails to comply with Workers Compensation Act and applicable rules when required to do so, this (Agreement) may be terminated by the contracting agency.
18. PAY EQUITY RECORDING: The Contractor agrees to comply with New Mexico Pay Equity reporting requirements as detailed in Executive Order 2009-049 Implementation Guidance available at <http://www.generalservices.state.nm.us/spd/guidance.pdf>

Affidavit of providing notice to public

I, Benito Gomez, the undersigned, on oath, swears and affirms that Notice of the Public Hearing for the proposed repeal of 7.20.2 NMAC - "Comprehensive Behavioral Health Standards" was provided to the public through the following:

1. 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>.
2. On February 7, 2018, electronically I posted the Notice of Public Hearing and proposed Repeal Language on the New Mexico Sunshine Portal website.
3. On February 12, 2018, I received email confirmations that 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.
4. On February 5, 2018, I emailed the Notice of Public Hearing to Disability Rights New Mexico (DRNM).
 - (a) No other person has made a written request for notice from the DOH of announcements addressing the subject of the rulemaking proceeding.
5. There are no other persons who have participated in the repeal process who have provided an electronic mail address to the agency.
6. No persons have provided a postal address requesting notice by mail.
7. On February 9, 2018, I emailed the Notice of Public Hearing to the New Mexico Legislative Council Service.

State of New Mexico
County of Santa Fe

Signed and sworn before me on March 20th, 2018 by Benito Gomez making statement.

Ann M. Panko
Signature of notarial officer

My commission expires: 1/22/21



Via Email and U.S. First Class Mail

January 26, 2018

Susan M. Hapka, Esq.
Sutin Thayer & Browne P.C.
P.O. Box 1945
Albuquerque, NM 87103
SMH@sutinfirm.com

Re: Hearing Officer Appointment--"7.20.2 NMAC "Comprehensive Behavioral Health Standards"

Dear Ms. Hapka:

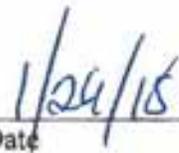
Pursuant to NMSA 1978, § 9-7-6(E), I hereby appoint you to serve as the hearing officer to preside at the Department of Health's public hearing on Thursday, March 29, 2018. This rulemaking hearing is scheduled for 9:00 a.m. in the Harold Runnels Building Auditorium at 1190 St. Francis Drive in Santa Fe, New Mexico.

The hearing will be conducted to receive public comment regarding the proposed repeal of the Comprehensive Behavioral Health Standards rule. I am enclosing a copy of the proposed rule 7.20.2 NMAC. An exhibit binder will also be provided to you at the time of the hearing. Thank you for accepting this appointment.

Sincerely,



Gabrielle Sanchez-Sandoval
Deputy Secretary



Date

Enclosure: Proposed 7.20.2 NMAC

cc: Shelley Strong, Assistant General Counsel (w/out enclosures)
Karen Meador, Deputy Director of Policy and Quality, HSD (w/out enclosures)

The Department of Health approved, at its 03/29/2018 hearing, the repeal of its rule 7 NMAC 20.2- entitled Comprehensive Behavioral Health Standards (filed 04/12/2018), effective April 24, 2018.

DEPARTMENT OF HEALTH
PUBLIC HEARING – MARCH 29, 2018

7.20.2 NMAC - "Comprehensive Behavioral Health Standards"

PLEASE PRINT LEGIBLY

<u>NAME</u>	<u>REPRESENTING</u>	<u>WILL PROVIDE TESTIMONY</u>	
		<u>YES</u>	<u>NO</u>
KAREN MEADOR	HSD/BHSD		✓
DAUNA HOWARTH	HSD/BHSD		✓
CYNTHIA MURPHY	HSD/BNSD		✓
Shelley Strong	DOH		
Bonita Gomez	DOH		✓