

## NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of rule, 7.28.2 NMAC, "Requirements For Home Health Agencies." The public hearing will be held on September 17, 2020, at 9:30 am via Cisco Webex online, via telephone, and, comments will be received via email through the day of the hearing until 5:00 pm.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding Coronavirus and in accord with Governor Michelle Lujan Grisham's Executive Order 2020-004, Declaration of a Public Health Emergency, and any subsequent executive orders, and the March 12, 2020 Public Health Emergency Order to Limit Mass Gatherings Due to COVID-19. This hearing will be conducted to receive public comment regarding the proposed repeal and replacement of the emergency rule in effect which governs public, profit or nonprofit home health agencies providing medically directed therapeutic or supportive services to a patient or client in their place of residence. All facilities licensed as home health agencies, pursuant to Section 24-1-5 (A) NMSA 1978, are subject to all provisions of these regulations.

The hearing will be conducted to receive public comments regarding the proposed repeal and replacement of the emergency rule to amend 7.28.2 NMAC, including the following rule parts:

Amended Subsection A of 7.28.2.33 NMAC-Plan of Care: change to Subsection A and Paragraph (2) and (3) of Subsection A to expand the list of providers who can write and review a plan of care for a patient or client of a home health agency and who will be consulted to approve additions or modifications to the original plan.

The legal authority authorizing the proposed repeal and replacement of the rule by the Department is at Subsection E of Section 9-7-6, Subsection F of Section 24-1-2, Subsection J of Section 24-1-3 and Subsection B of Section 24-1-5 NMSA 1978. 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 offer public comments on the **proposed repeal and replacement of the** rule during the hearing. To access the hearing by telephone: please call 1-408-418-9388. Your telephone comments will be recorded. To access the hearing via internet: please go to Webex.com; click the "Join" button; click the "Join a meeting" button; enter the following meeting number and password where indicated on screen-Meeting number (access code): 146 936 0124 #, Meeting password: 8jhCqgKY43; click the "OK" button. You may also provide comment via Chat during the live streaming.

Written public comments may also be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rule to the attention of:

Christopher Burmeister  
Division Director, Health Improvement  
New Mexico Department of Health  
2040 S. Pacheco,  
Santa Fe, NM 87505  
[Christopher.Burmeister@state.nm.us](mailto:Christopher.Burmeister@state.nm.us)  
505-476-9074

Mailed written comments must be received by 5 pm MST on September 17, 2020. Written comments may also be submitted to the email address shown above through 5:00 pm MST on the date of the hearing. All written comments will be published on the agency website at <https://nmhealth.org/publication/regulation/> 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 Sheila Apodaca by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.