

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF HEALTH

IN THE MATTER OF PROMULGATION
OF RULE 7.4.8 NMAC, MATERNAL
MORTALITY AND SEVERE MORBIDITY REVIEW

**STATEMENT OF REASONS FOR ADOPTION OF PROPOSED RULE 7.4.8 NMAC,
MATERNAL MORTALITY AND SEVERE MORBIDITY REVIEW**

The Acting Cabinet Secretary for the New Mexico Department of Health (“Department,”) David R. Scrase, M.D., following a public hearing conducted on July 26, 2022, hereby adopts the proposed rule, as revised after the hearing in response to public comments received. This decision is based on the entire record in this matter, which includes a recording of the hearing and the Report and Recommendation of the Hearing Officer, Craig T. Erickson, dated September 2, 2022.

The Acting Cabinet Secretary has familiarized himself with the rulemaking record, and finds as follows:

1. The Department is authorized to promulgate rules as may be necessary to carry out the duties of the Department and its divisions, NMSA 1978, Section 9-7-6(E) NMSA 1978, and to enact this rule pursuant to NMSA 1978, Section 24-1-3, and Sections 24-32-1 through 24-32-5 of the Maternal Mortality and Morbidity Prevention Act.
2. By a letter dated June 15, 2022, the Acting Secretary of the Department, David R. Scrase, M.D. designated Craig T. Erickson to serve as hearing officer for the purpose of conducting the hearing and submitting a recommendation regarding the proposed rules.
3. In accordance with NMSA 1978, Section 14-4-5.2, notice of the public hearing for the proposed rule adoption was provided to the public, through the following:

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- a. In accordance with NMSA 1978, Section 14-4-5.2, more than 30 days prior to the date of the rule hearing, notice of the public hearing and proposed rule text was posted to the agency website at <http://www.nmhealth.org>, as well as to the New Mexico Sunshine Portal at [Home - New Mexico Sunshine Portal \(nm.gov\)](http://www.nm.gov).
 - b. In accordance with NMSA 1978, Section 9-7-6(E), notice of the public hearing for the proposed rule was published in the Albuquerque Journal newspaper on June 1, 2022.
 - c. In accordance with NMSA 1978, 14-4-5.2, notice of the public hearing for the proposed rule was published in the New Mexico Register.
 - d. In accordance with the State Rules Act at NMSA 1978, § 14-4-2(E), the Notice of Public Hearing was emailed on June 1, 2022, to the following persons who have made a written request for notice from the department of announcements addressing the subject of rulemakings and who have provided the department an electronic mail address: Tom Gardner at Disability Rights New Mexico (DRNM); Marilyn Wolf at Disability Rights New Mexico (DRNM); Crystal Hodges at New Mexico Attorney General's Office.
 - e. In accordance with NMSA 1978, § 14-4-2(E), the Notice of Public Hearing was emailed to the New Mexico Legislative Counsel Service at lcs@nmlegis.gov on June 1, 2022.
 - f. In accordance with NMSA 1978, § 14-4A-4, the Notice of Public Hearing was emailed to Westlee Painter at the New Mexico Small Business Advisory Commission on June 1, 2022.

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4. A public rule hearing was held via Cisco Webex Online and by telephone in Santa Fe, New Mexico, on July 26, 2022 pursuant to NMSA 1978, Section 9-7-6(E).

5. Members of the public were afforded an opportunity to comment on the proposed rule at the hearing, in writing prior to the hearing and via email through the close of business on the date of the hearing.

6. Oral and written comments from members of the public were received prior to the rule hearing, at the rule hearing, and by email through the close of business on the day of the hearing, and the written comments are described in the August 22, 2022 letter from the Department to the Hearing Officer, responding to certain public comments.

7. The Secretary finds that the Hearing Officer has appropriately considered the comments received, and finds that the recommendations of the Hearing Officer, are appropriate.

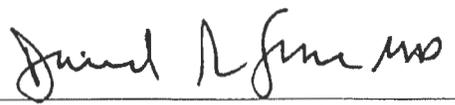
8. The Secretary finds that the Hearing Officer has appropriately considered the comments received, and finds that the recommendations of the Hearing Officer are appropriate; and, by this reference, the Secretary hereby adopts and incorporates all of the findings and recommendations of the Hearing Officer that are stated in the Hearing Officer's Report, issued by the Hearing Officer on September 2, 2022 and received by the Secretary on September 9, 2022.

9. The Acting Cabinet Secretary finds that the proposed rule 7.4.8 NMAC, as revised by public comment received, the response of the Department, and the Hearing Officer's recommendations, is appropriate and consistent with the authorizing law, and the proposed revised rule, a copy of which is attached hereto, is hereby adopted.

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

10/25/2022

Date