NMAC
Transmittal Form

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Issuing agency name and address:
New Mexico Dept. of Health, PO Box 26110, Santa Fe, New Mexico 87502-6110

Contact person's name: Kenneth Getter Phone number: 505-827-2694 E-mail address: Kenneth.Getter@doh.nm.gov

Type of rule action:
New Amendment Repeal Emergency Renumber

Title number: 7 Title name: Health

Chapter number: 1 Chapter name: Health-General Provisions

Part number: 31 Part name: Statewide Health Care Claims Database

Amendment description (If filing an amendment):
Amended (1) Section

Amendment's NMAC citation (If filing an amendment):
Section 9 of 7.1.31 NMAC

Are there any materials incorporated by reference? Yes X No

Please list attachments or Internet sites if applicable:
All Payer claims Database --APCD-Common Data Layout
https://www.apcdcouncil.org/request-apcd-cdl%E2%84%A2

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

Specific statutory or other authority authorizing rulemaking:
Department of Health Act, Section 9-7-6 (E), NMSA 1978, Public Health Act, Section 24-1-3, NMSA 1978, and Health Information Systems Act, Sections 24-14A-3 (D)(5) and 24-14A-5, NMSA 1978.

Notice date(s):
1/31/2023

Hearing date(s):
3/3/2023

Rule adoption date:
4/12/2023

Rule effective date:
4/25/2023

12/1/2021
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.

Please see the attached Statement of Reasons for Adoption of Proposed Violence Intervention Program Fund Rule Pursuant to the Violence Intervention Program Fund Act.

Issuing authority (If delegated, authority letter must be on file with ALD):
Name: Patrick Allen
Title: Cabinet Secretary
Signature: (BLACK ink only OR Digital Signature)

Check if authority has been delegated

Date signed: 04/13/2023

12/1/2021
This is an amendment to 7.1.31 NMAC, Section 9, effective 4/25/2023.

7.1.31.9 SUBMISSION OF CLAIMS DATA TO DATABASE:
A. All-payer claims database data providers:
   (1) Data providers must submit all available data and health information with necessary
        identifiers to the database as described in the APCD-Common Data Layout (APCD-CDL™, Version [1-1] 2.1 with
        errata, Copyright [2018-2020] 2021 by APCD Council, National Association of Health Data Organizations, the
        University of New Hampshire) within the time frames in this rule and in accordance with procedures established
        herein.
   (2) Any data provider used by an entity that participates in the database such as a third-party
        administrator or pharmacy benefit manager must provide claims data to the department or the data vendor upon
        request of the entity.
   (3) The following plans or entities may voluntarily provide claims data to the database within
        the time frames and in accordance with procedures established by the department:
         (a) Employer sponsored plans subject to the Employee Retirement Income Security
             Act of 1974; and
         (b) any governmental or tribal program or facility that provides health care services
             to American Indians and Alaska Natives.
   (4) Health insurance carriers that only offer the following excepted benefit coverages are not
        required to report:
         (a) specific disease;
         (b) accident or injury;
         (c) hospital indemnity and other fixed indemnity;
         (d) disability;
         (e) long-term care; and
         (f) vision coverage.
   (5) [Centennial care] Medicaid managed care organizations provide claims data to the New
       Mexico human services division (HSD), and who will then submit that data to the department of health.
   (6) Health insurance carriers covering less than 500 individuals are not required to submit
       files to the database but are required to report the number of individuals with coverage during the previous year on
       March 1st.

B. Data submission procedures:
   (1) The department shall:
        (a) utilize an internet-based user interface (or similar technology) that allows for
            secure submission and acceptance of data submissions;
        (b) perform quality assurance and validation of all submitted data and provide
            feedback to the data providers; and
        (c) provide data submissions procedures to data providers in a data submission
            guide that is based on a current version of the APCD-Common Data Layout.
   (2) Data submission frequency: data shall be submitted at least monthly.
   (3) Data providers shall make every effort to initially submit complete, accurate, and valid
       data in the APCD-Common Data Layout and shall correct all identified errors within the timelines established by the
       department or its designee.
   (4) An initial test submission of data may be required.
   (6) The department may sanction data providers who do not comply with this rule.

[7.1.31.9 NMAC - N, 04/20/2021; A, 4/25/2023]