

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of amendments to rule Part 7.5.3 NMAC, “Exemptions From School, Childcare, and Pre-School Immunization”, Sections 6 (“Objective”), 7 (“Definitions”), 8 (“Requirements For Approval Of Exemptions From Immunization”), and 9 (“Review Criteria”). The public hearing will be held on July 7, 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 amendments, which concern requirements for the approval of exemptions from immunization for children, pursuant to Section 24-5-3, NMSA 1978 (“Exemption From Immunization”).

The proposed amendments seek to make the following changes:

- Expand the list of medical practitioners who may issue a certificate or affidavit attesting that a required immunization would seriously endanger the life or health of a child, in accordance with a recent statutory amendment. The healthcare professionals who are qualified to issue an exemption certificate or affidavit are being expanded from a “duly licensed physician”, to “a licensed physician, a physician assistant or a certified nurse practitioner”.
- Include new definitions for “physician assistance” and “certified nurse practitioner”, and make certain edits to existing definitions.
- Change certain existing references to the Immunization Program Manager, to Immunization Program staff.
- Remove provisions authorizing the agency to provide a signed copy of a request for exemption, and denial of an exemption request, to the administrative authority of a school, pre-school, or daycare center at which the affected child has been conditionally enrolled.

The purpose of the proposed rule amendments is to adopt the rule changes described, some of which are proposed in order to conform the Immunization Exemption rule to recent statutory amendments to Section 24-5-3 of the NM Immunization Act enacted via Senate Bill 81 of the 2023 legislative session, which go into effect on July 1, 2023.

The legal authority authorizing the proposed amendment of the rule by the Department is at Subsection E of Section 9-7-6, NMSA 1978, and the Immunization Act at 24-5-1 and 24-5-3 NMSA 1978.

A free copy of the full text of the proposed rule amendments 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 460 889 552#. 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 248 667 629 571, Passcode: mj6X42, 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:

Via Postal Mail:
Kathryn Cruz, NMSIIS Manager
P.O. Box 26110
1190 St. Francis Drive, Suite S-1250
Santa Fe, NM 87502-6110

Via E-mail: Kathryn.Cruz@doh.nm.gov

Mailed written comments must be received no later than 5:00 p.m. MDT on Wednesday, July 5, 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 Brandy Sanchez by telephone at (505) 827-2997. The Department requests at least ten (10) days' advance notice to provide requested special accommodations.