

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF HEALTH**

**IN THE MATTER OF PROPOSED
NEW RULE 7.30.15 NMAC**

**STATEMENT OF REASONS
FOR ADOPTION OF PROPOSED
RULE 7.30.15 NMAC,
“SCHOOL BASED HEALTH CENTERS”**

The Cabinet Secretary for the New Mexico Department of Health, Gina DeBlassie (“Secretary”), adopts the proposed rule 7.30.15 NMAC, for the reasons stated below. This decision is based on the rulemaking record in this matter, which includes Exhibits 1 through 7, the recording of the hearing, and the Report and Recommendation of the Hearing Officer, Craig Erickson, dated April 2, 2025.

In support of this action, the Secretary finds the following:

1. The Department of Health (“Department”) is authorized to promulgate regulations as may be necessary to carry out the duties of the Department and its divisions. NMSA 1978, Section 9-7-6(E).
2. Pursuant to the Public Health Act at NMSA 1978, § 24-1-44, the Department is responsible for providing funding, technical assistance, clinical oversight, and other necessary supports for school-based public health centers; and the statute states that school-based health centers receiving funding from the Department “shall be regulated by the department to provide services” through licensed providers, including primary health care; preventative health care; treatment of minor, acute, and chronic conditions; mental health care; substance use disorder assessments, treatment, and referral; crisis intervention; or referrals as necessary for additional treatment, including inpatient care,

specialty care, emergency psychiatric care, oral health care and vision health care services.

3. Pursuant to the Public Health Act at NMSA 1978, § 24-1-44(F), “the department shall adopt and promulgate rules for the regulation, operation and oversight of school-based health centers receiving funding from the department.”

4. By a letter dated December 20, 2024, the Secretary designated Mr. Erickson to serve as hearing officer for the purpose of conducting the hearing and submitting a recommendation regarding the proposed rule.

5. The purpose of the proposed rule 7.30.15 NMAC is to implement Section 24-1-44 NMSA 1978 of the Public Health Act, by adopting rules for the regulation, operation, and oversight of school-based health centers receiving funding from the Department.

6. Notice of the March 28, 2025 hearing concerning the proposed rule was provided to the public in accordance with the Department of Health Act at NMSA 1978, Section 9-7-6(E), and the State Rules Act at NMSA 1978, § 14-4-5.2, which included publication in the Albuquerque Journal newspaper on February 25, 2025, and publication in the New Mexico Register on the same date. *See* Exhibit 3 (Affidavit of Publication in the Albuquerque Journal); Exhibit 4 (Affidavit of Publication in the NM Register).

7. The proposed rule was posted on the New Mexico Sunshine Portal website at http://statenm.secure.force.com/public/SSP_RuleHearingSearchPublic in accordance with NMSA 1978, § 14-4-5.4(A). *See* Exhibit 7 (Affidavit of Notice to the Public).

8. The proposed rule was also posted on the Department of Health website at <http://www.nmhealth.org/about/asd/cmo/rules/>, and an Internet link to that website was

included within the published notice of rulemaking in accordance with NMSA 1978, § 14-4-5.2(C). *See* Exhibit 7 (Affidavit of Notice to the Public).

9. A public rule hearing was held via the Internet-based video conference platform Microsoft Teams on March 28, 2025 in accordance with NMSA 1978, Section 9-7-6(E).

10. Members of the public were afforded the opportunity to submit data, views, and arguments on the proposed rule orally and in writing, and those comments were received by the Hearing Officer until 5:00 p.m. on the date of the hearing.

11. No written or oral public comments were received.

12. The Secretary finds that the finished rule falls within the scope of the rulemaking proceeding, is a logical outgrowth of the notice given and comment received, and that members of the public were afforded a fair opportunity to present their views on the contents of the final plan. *See* 1.24.25.14(C) NMAC; *see also* N.M. Att’y Gen. Op. 87-59 (1987) (*citing* *BASF Wyandotte Corp. v. Costle*, 598 F.2d 637, 642 (1st Cir. 1979)); *see also* *Wylie Bros. Contracting Co. v. Albuquerque-Bernalillo Cty. Air Quality Control Bd.*, 1969-NMCA-089, ¶ 39, 80 N.M. 633, 642.

13. The Secretary finds that the Hearing Officer has appropriately considered the proposed rule and the public comments received, and finds that the recommendations of the Hearing Officer are reasonable and appropriate; and the Secretary adopts the Hearing Officer’s recommendations and incorporates the Hearing Officer’s Report and Recommendation by this reference.

14. The Secretary finds that the proposed rule is consistent with the statutory purposes of the New Mexico Department of Health, including but not limited to those expressed in

the Department of Health Act, NMSA 1978, § 9-7-3 and the Public Health Act, NMSA 1978, § 24-1-3.

15. The Secretary further finds that the rule promulgation process satisfied the requirements of the State Rules Act, NMSA 14-4-1 through -11 and the New Mexico Attorney General’s Default Procedural Rule for Rulemaking at 1.24.25 NMAC.

16. The Secretary has familiarized herself with the rulemaking record, and finds that the proposed rule 7.30.15 NMAC is appropriate and consistent with the authorizing law; and the proposed rule 7.30.15 NMAC is hereby adopted.

NEW MEXICO DEPARTMENT OF HEALTH

Signed by:

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Gina DeBlasie
Cabinet Secretary

Apr 3, 2025 | 10:57 AM MDT

Date