

VIRTUE & NAJJAR, PC

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July 14, 2025

VIA HAND DELIVERY

Gina DeBlassie, Cabinet Secretary
New Mexico Department of Health
Office of the Secretary
1190 St. Francis Dr., Suite N4100
P.O. Box 26110
Santa Fe, New Mexico 87502

New Mexico Department of Health
Rulemaking Hearing on Proposed Repeal and Replacement of Proposed Repeal and Replacement of Rules 7.27.2 NMAC; 7.27.4 NMAC; 7.27.5 NMAC; 7.27.6 NMAC; and 7.27.11 NMAC

Dear Secretary DeBlassie,

Enclosed for your consideration, please find the Report of Hearing Officer and Recommendation with respect to the proposed repeal and replacement of Rules Proposed Repeal and Replacement of Rule 7.27.2 NMAC (“Licensing of Emergency Medical Services Personnel”); 7.27.4 NMAC (“Emergency Medical Services Fund Act”); 7.27.5 NMAC (“Certification of Air Ambulance”); 7.27.6 NMAC (“Emergency Medical Services Advance Directives”); and 7.27.11 NMAC (“Supplemental Licensing Provisions”).

Please contact me at (505) 982-8514, or at jnajjar@virtuelaw.com if you have any questions.

Sincerely,

VIRTUE & NAJJAR, PC

By: 
Jared D. Najjar
Hearing Officer

Enclosure

**NEW MEXICO DEPARTMENT OF HEALTH
RULEMAKING HEARING ON PROPOSED REPEAL AND REPLACEMENT OF
RULES 7.27.2 NMAC, 7.27.4 NMAC, 7.27.5 NMAC, 7.27.6 NMAC, 7.27.11 NMAC**

Public Hearing: Proposed Repeal and Replacement of Rule 7.27.2 NMAC (“Licensing of Emergency Medical Services Personnel”); 7.27.4 NMAC (“Emergency Medical Services Fund Act”); 7.27.5 NMAC (“Certification of Air Ambulance”); 7.27.6 NMAC (“Emergency Medical Services Advance Directives”); and 7.27.11 NMAC (“Supplemental Licensing Provisions”).

Actions in Question: Proposed Repeal and Replacement of Rule 7.27.2 NMAC (“Licensing of Emergency Medical Services Personnel”); 7.27.4 NMAC (“Emergency Medical Services Fund Act”); 7.27.5 NMAC (“Certification of Air Ambulance”); 7.27.6 NMAC (“Emergency Medical Services Advance Directives”); and 7.27.11 NMAC (“Supplemental Licensing Provisions”).

Hearing Date: June 6, 2025

Report Date: July 14, 2025

REPORT OF HEARING OFFICER

A public hearing was held on Friday, June 6, 2025 beginning at 9:00 a.m. via Microsoft Teams and via telephone. The hearing was held for the purpose of considering the proposed repeal and replacement of Rules 7.27.2, 7.27.4, 7.27.5, 7.27.6, and 7.27.11 NMAC, as noted above. Jared D. Najjar presided as Hearing Officer. The New Mexico Department of Health (the “Department”) was represented by Christopher D. Woodward, Acting General Counsel.

The proceeding was recorded via Microsoft Teams and hosted in that platform by Mr. Woodward. The original recording is in the possession of the Department, Office of General Counsel.

SUMMARY OF PROCEEDING

The Hearing Officer opened the proceeding by introducing himself and noting that the hearing was open to any interested member of the public. Additionally, interested parties were given the opportunity to submit written comments. Notice of the public hearing (the “Notice”) was published in the Albuquerque Journal and the New Mexico Register.

As reflected in the Notice, the hearing was conducted to receive public comments regarding the proposed repeal and replacement of the above-referenced rules, to incorporate various new and modified provisions, including but not limited to provisions concerning:

- Definitions (section 7.27.2.7);
 - General Licensure (7.27.2.8);
 - Initial Licensure (7.27.2.9);
 - Reciprocity (7.27.2.10);
 - Licensure Renewal (7.27.2.11);
 - Identification of EMS Personnel (7.27.2.12);
 - Fees (7.27.2.13);
 - Enforcement (7.27.2.14);
 - Hearings (7.27.2.15);
 - Criminal History Screening (7.27.2.16);
 - Revocation (7.27.2.17);
 - Disqualifying Criminal Offenses (new section);
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- Definitions (section 7.27.4.7);
 - Duty of the Bureau (7.27.4.8);
 - Annual Report (7.27.4.9);
 - Extension of time (7.27.4.10);
 - Local EMS funding program (7.27.4.11);
 - Local EMS System Improvement Projects, EMS Vehicle Purchase Projects, Statewide EMS System Improvement Projects, and EMS Agency Support Programs (7.27.4.12);
 - Statewide Trauma Care System Programming and Statewide Emergency Medical Services System Support (7.27.4.13);
 - Administration (7.27.4.14);
-
- Definitions (section 7.27.5.7);
 - Use of Terms and Advertising (7.27.5.8);
 - Disclosure to the Public (7.27.5.9);
 - Full Certification Period (7.27.5.10);
 - Reporting (7.27.5.11);
 - Emergency Information Required (7.27.5.12);
 - Certification Process and Procedures (7.27.5.13);
 - Fees (7.27.5.14);
 - Enforcement (7.27.5.15);
 - Standards (7.27.5.16);
 - Radio Communication Frequencies (7.27.5.17);
 - Application for Air Ambulance Certification (7.27.5.18);
 - Aircraft Equipment Standards (7.27.5.19);
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- Definitions (section 7.27.6.7);
 - EMS Do Not Resuscitate (DNR) Order (7.27.6.8);

- EMS Personnel and Procedures (7.27.6.9);
- Enforceability and Program Administration (7.27.6.10);
- Definitions (section 7.27.11.7);
- Scopes of Practice for Licensed Emergency Medical Services Personnel (7.27.11.8);
- Approved Training Programs (7.27.11.9);
- Special Skills Application and Reporting Procedures (7.27.11.10);
- EMS Personnel Job Descriptions (7.27.11.11).

It was explained that the purpose of the proposed repeal and replacement of the above-referenced rules is to satisfy the Department’s regulatory obligations pursuant to various sections of the Emergency Medical Services Act and Emergency Medical Services Fund Act.

The Hearing Officer explained that interested parties were given the opportunity to submit written comments concerning the proposed rule amendments via US mail and email. Written comments were accepted until the close of the public hearing on June 6, 2025. A free copy of the full text of the proposed repeal and replacement was available to the public on the Department’s website. Further, pursuant to the Notice, individuals in need of special assistance or accommodations to attend or participate in the hearing were encouraged to contact the Department.

The legal authority authorizing the proposed repeal and replacement of the rule by the Department may be found at Subsection E of Section 9-7-6, NMSA, and the *Emergency Medical Services Act*, Subsections A, H, and I; and the *Emergency Medical Services Fund Act*.

Following the Hearing Officer’s opening remarks, counsel for the Department, Mr. Woodward, introduced the Department’s Exhibits and moved for their admission into the record. Twenty-four exhibits were admitted with no objection. The exhibits are as follows:

DOH Exhibit No. 1: Proposed Replacement – Rule 7.27.2 NMAC

DOH Exhibit No. 2: Proposed Repeal Statement – Rule 7.27.2 NMAC

DOH Exhibit No. 3: 7.27.2 NMAC, Comparison of Proposed and Current Rule

DOH Exhibit No. 4: 7.27.2 NMAC, Table Summarizing Substantive Changes

DOH Exhibit No. 5: Proposed Replacement – Rule 7.27.4 NMAC

DOH Exhibit No. 6: Proposed Repeal Statement – Rule 7.27.4 NMAC

DOH Exhibit No. 7: 7.27.4 NMAC, Comparison of Proposed and Current Rule

- DOH Exhibit No. 8:** 7.27.4 NMAC, Table Summarizing Substantive Changes
- DOH Exhibit No. 9:** Proposed Replacement – Rule 7.27.5 NMAC
- DOH Exhibit No. 10:** Proposed Repeal Statement – Rule 7.27.5 NMAC
- DOH Exhibit No. 11:** 7.27.5 NMAC, Comparison of Proposed and Current Rule
- DOH Exhibit No. 12:** Proposed Replacement – Rule 7.27.6 NMAC
- DOH Exhibit No. 13:** Proposed Repeal Statement – Rule 7.27.6 NMAC
- DOH Exhibit No. 14:** 7.27.6 NMAC, Comparison of Proposed and Current Rule
- DOH Exhibit No. 15:** Proposed Replacement – Rule 7.27.11 NMAC
- DOH Exhibit No. 16:** Proposed Repeal Statement – Rule 7.27.11 NMAC
- DOH Exhibit No. 17:** 7.27.11 NMAC, Comparison of Proposed and Current Rule
- DOH Exhibit No. 18:** 7.27.11 NMAC, Table Summarizing Substantive Changes
- DOH Exhibit No. 19:** Notice of Public Hearing
- DOH Exhibit No. 20:** Affidavit of Publication in the Albuquerque Journal
- DOH Exhibit No. 21:** Affidavit of Publication in the New Mexico Register
- DOH Exhibit No. 22:** Letter Appointing Hearing Officer
- DOH Exhibit No. 23:** Affidavit of Notice to the Public
- DOH Exhibit No. 24:** Public Comments

Subsequently, Kyle Thornton, Emergency Medical Systems Bureau Chief, provided comment on behalf of the Department. He explained the content and reasoning behind the proposed repeal and replacement. He also identified proposed changes to comport with the Uniform Licensing Act.

The Hearing Officer then announced that members of the public would be given an opportunity to comment on the proposed repeal and replacement. Deborah Walker, the Executive Director of the New Mexico Nurses Association, provided comment, noting her initial concerns regarding education and training. She is now satisfied after working with the Department early

on. Sheena Ferguson, the Executive Director of the New Mexico Board of Nursing echoed these comments, and also noted that she is now satisfied. Next, Mr. Benjamin Diven provided comment, noting his concerns with the DNR revisions. Additionally, My Ha identified some suggestions with respect to creating a performance improvement team for internal review. Jordan Richards, Director of Clinical Services for AIT echoed these comments. Then, Jenna White, and Emergency Physician, provided comment regarding her concerns with respect to licensing reciprocity, and a potential for bias. She also noted that she believes the proposed language creates an opportunity for variability in provider skill level. Finally, Scott Maxwell, Director of Clinical Services for Trans Aero MedEvac provided comment regarding his concerns that required license level will delay requests for ambulances and scene time.

Numerous additional written comments were submitted, including comments from Bobby Sanchez, Darren Braude, Jan Eichel, Jopaul Valles, Jordan Richards, Kimberly Pruett, My Ha, Ronnie Rivas, and Scott Maxwell. Bobby Sanchez provided questions for consideration, such as whether respiratory therapists should be provided in the definition of critical care provider, and how to quantify variables with respect to response times. Darren Braude echoed these comments, and also asked questions with respect to interpreting various definitions. Jan Eichel noted concerns regarding the exclusion of CAMTS. This acronym was not defined in the written comment. Jopaul Valles submitted a comment suggesting that a new section be created recognizing critical care paramedics. Jordan Richards noted concerns with respect to the review process for enforcement within a committee. Kimberly Pruett identified various alleged findings of the Medical Direction Committee, which were not discussed at the hearing. My Ha supplemented her oral comments with a letter on behalf of the Air Medical Transport Advisory Committee. Ronnie Rivas provided written comment with respect to CAMTS, concerns regarding selective enforcement, and licensing. Finally, Scott Maxwell proposed two recommended revisions to the language. The Hearing Officer reviewed all written public comments and considered the ideas and comments set forth therein in conjunction with the arguments made during the public hearing.

RECOMMENDATION

The proposed repeal and replacement of the above-referenced rules is consistent with current state law. These changes will allow the Department to satisfy its regulatory obligations pursuant to the Emergency Medical Services Act and Emergency Medical Services Fund Act.

Given the above, I recommend that the rules be repealed and replaced to incorporate the various new and modified provisions described above. This recommendation is based on my review of the written comments submitted and the testimony presented at the hearing.

Respectfully submitted,



Jared D. Najjar
Hearing Officer

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BY: