

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of rule 7.4.3 NMAC, "Control of Disease and Conditions of Public Health Significance." The hearing will be held on April 30, 2026, at 10:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the proposed repeal and replacement of the rule will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment.

The Department proposes to repeal and replace the entirety of rule 7.4.3 NMAC, to incorporate various new and modified provisions, including but not limited to provisions concerning:

- Additional language on Statutory Authority (section 3);
- Definitions (section 7);
- Methods and requirements to report notifiable conditions (section 8);
- Addition of sentinel surveillance of infectious and non-infectious diseases or conditions that are not already included under section 13 and details about the requirements for sentinel surveillance to be initiated (section 9)
- Listing of required emergency department visit variables (section 10);
- Move Healthcare Associated Infections to section 13 where the other notifiable conditions are listed (section 11);
- Add new notifiable conditions and modify certain existing notifiable conditions to update terminology or provide current laboratory test requirements (tuberculosis is one example) (section 13);

The purpose of the proposed repeal and replacement of 7.4.3 NMAC is to implement the Public Health Act. Administration and enforcement of these rules are the responsibility of the Epidemiology and Response Division of the Department of Health, under Section 24-1-3, which authorizes the department to "investigate, control and abate the causes of disease, especially epidemics, sources of mortality and other conditions of public health," and to "maintain and enforce rules for the control of communicable diseases deemed to be dangerous to public health." 7.4.3 NMAC has not been updated since 2016 and therefore requires extensive updates to allow the department to effectively address its duties.

The legal authority authorizing the proposed repeal and replacement of the rule by the Department is at the Department of Health Act, Subsection E of Section 9-7-6 NMSA 1978, which authorizes the secretary of the department of health to "...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions" and to "maintain and enforce such rules as may be necessary to carry out the provisions of the Public Health Act and to publish the rules." (Public Health Act Section 24-1-3). And by the authority of and in conformity with the Public Health Act, Subsections B through G, Q through S, Y and Z of Section 24-1-3, NMSA 1978, Sections 24-1-7, 24-1-15, 24-1-15.2, 24-1-15.3, and 24-1-36, NMSA 1978 and pursuant to the Hospital-Acquired Infection Act, Sections 24-29-1 through 24-29-6, NMSA 1978.

A free copy of the full text of the proposed repeal and replacement can be obtained online from the New Mexico Department of Health's website at <http://nmhealth.org/about/asd/cmo/rules/> or by contacting the Department using the contact information below.

The public hearing will be conducted to receive public comment on the proposed repeal and replacement. Any interested member of the public may attend the hearing and may submit data, views, or arguments on the proposed rule either orally or in writing during the hearing.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 219 293 526 532 36 and passcode Py3c8pF6 and then click the "Join a meeting" button.

To access the hearing by telephone: please call (888) 506-1357 and enter phone conference i.d. 217586114#

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Jacob Clark at jacob.clark@doh.nm.gov, or U.S. postal mail to the following address:

Jacob Clark
NMDOH OGC
P.O. Box 26110
1190 St. Francis Dr., Suite N-4095
Santa Fe, NM 87502-6110

Written comments must be received by the close of the public rule hearing on April 30, 2026. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health 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 Jacob Clark by telephone at (505) 827-2997. The Department requests at least ten (10) days' advance notice to provide special accommodation.