

New Mexico Department of Health

Proposed Adoption of Revisions to rules 7.5.2 NMAC (Immunization Requirement), 7.5.3 NMAC (Exemption from School, Childcare, and Pre-School Immunization), and 7.5.4 NMAC (Vaccine Purchasing Fund), and a New Rule, 7.5.6 NMAC (Adult Immunizations)

Hearing Date: June 5th, 2026

LIST OF EXHIBITS

1.	<u>Proposed Amendment Integrated</u> 7.5.2 NMAC Immunization Requirement
2.	<u>Proposed Amendment Red-Lined</u> 7.5.2 NMAC Immunization Requirement
3.	<u>Proposed Amendment Integrated</u> 7.5.3 NMAC Exemption from School, Childcare, and Pre-School Immunization
4.	<u>Proposed Amendment Red-Lined</u> 7.5.3 NMAC Exemption from School, Childcare, and Pre-School Immunization
5.	<u>Proposed Amendment Integrated</u> 7.5.4 NMAC Vaccine Purchasing Fund
6.	<u>Proposed Amendment Red-Lined</u> 7.5.4 NMAC Vaccine Purchasing Fund
7.	<u>New Part Approval</u> 7.5.6 NMAC Adult Immunizations
8.	<u>Proposed New Rule</u> 7.5.6 NMAC Adult Immunizations
9.	Notice of Public Hearing

10.	Affidavit of Publication – Albuquerque Journal
11.	Affidavit of Publication – NM Register
12.	Letter Appointing Hearing Officer
13.	Affidavit of Notice to the Public
14.	Public Comments

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 2 IMMUNIZATION REQUIREMENT

7.5.2.1 ISSUING AGENCY: Department of health, public health division.
 [7.5.2.1 NMAC - Rp, 7.5.2.1 NMAC, xx/xx/2026]

7.5.2.2 SCOPE: These regulations govern children presenting satisfactory evidence of age appropriate immunization, or children presenting satisfactory evidence demonstrating that they are in the process of being age appropriately immunized, enrolled in, or who are seeking to be enrolled in, all public, private, home, parochial, elementary, childcare, pre-school, and secondary schools, except for those children who have been legally exempted from these immunizations and those children attending school in areas/counties that have not been targeted for a specific immunization requirement. This regulation is incorporated by reference in 6.12.2.8 NMAC, “requirements for immunization of children attending public, nonpublic, or home schools” as promulgated by the New Mexico public education department, and 8.9.4 and 9.9.5 NMAC, “childcare centers, out of school time programs, family childcare homes, and other early care and education programs and requirements governing registration of non-licensed family childcare homes,” as promulgated by the early childhood education and care department (ECECD).
 [7.5.2.2 NMAC - Rp, 7.5.2.2 NMAC, xx/xx/2026]

7.5.2.3 STATUTORY AUTHORITY: These regulations are promulgated by the secretary of the New Mexico department of health under the authority of Section 9-7-6.3, Subsection N of Section 24-1-3; and Section 24-5-1 NMSA 1978. Enforcement of these regulations is the responsibility of the public health division of the New Mexico department of health.
 [7.5.2.3 NMAC - Rp, 7.5.2.3 NMAC, xx/xx/2026]

7.5.2.4 DURATION: Permanent.
 [7.5.2.4 NMAC - Rp, 7.5.2.4 NMAC, xx/xx/2026]

7.5.2.5 EFFECTIVE DATE: November 27, 2013, unless a later date is cited at the end of a section.
 [7.5.2.5 NMAC - Rp, 7.5.2.5 NMAC, xx/xx/2026]

7.5.2.6 OBJECTIVE: The objective is to provide for the health and safety of students enrolled in New Mexico schools, educational facilities, and daycare centers by requiring immunizations to abate the spread of diseases that are dangerous to the public health.
 [7.5.2.6 NMAC - Rp, 7.5.2.6 NMAC, xx/xx/2026]

7.5.2.7 DEFINITIONS:

- A. Definitions beginning with “A”:**
- (1) “Advisory committee on immunization practices” (ACIP)** is a federal advisory committee that provides guidance and recommendations for the use of vaccines to prevent and control diseases in the United States.
- (2) “Age appropriately immunized”** means satisfactory evidence has been provided documenting that the person has completed all required immunizations which someone his or her age is eligible to receive according to the public health division school/daycare entry immunization requirements, which are within the New Mexico department of health recommendations.
- (3) “American academy of pediatrics” (AAP)** is a national medical organization for pediatricians committed to the optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. The American academy of pediatrics (AAP) supports evidence-based recommendations on the use of immunizations to prevent and control disease in the United States.
- B. Definitions beginning with “B”:** [RESERVED]
- C. Definitions beginning with “C”:** “Child” or “children” are persons who are of the age birth through 18 years.
- D. Definitions beginning with “D”:** “Department” means the New Mexico department of health.
- E. Definitions beginning with “E”:** [RESERVED]
- F. Definitions beginning with “F”:** [RESERVED]
- G. Definitions beginning with “G”:** [RESERVED]

H. Definitions beginning with “H”: [RESERVED]

I. Definitions beginning with “I”: **“In the process of being age appropriately immunized”** means a child has received all required immunizations he or she is eligible to receive according to the public health division school/daycare entry immunization requirements, but has not completed one or more vaccine series because a sufficient time interval has not elapsed for the subsequent dose or doses of vaccine to be administered according to the recommended intervals between doses published by the department.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: **“Licensed physician”** means physician licensed to practice medicine or osteopathic medicine in New Mexico, another state or territory.

M. Definitions beginning with “M”: [RESERVED]

N. Definitions beginning with “N”: [RESERVED]

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:

(1) **“Public health authority”** means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate. The public health authority is authorized by law to collect or receive protected health information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority.

(2) **“Public health division”** means the public health division of the department.

(3) **“Public health division regional health officer”** means the physician medical director assigned to a public health region in New Mexico as defined by the public health division of the department.

(4) **“Public health division school/daycare entry immunization requirements”** means the immunizations required for entry into all schools and facilities (public, private, home, parochial, elementary, childcare, pre-school, and secondary schools) in New Mexico as set forth by the secretary of the department.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: **“Required immunizations”** means those immunizations against diseases deemed to be dangerous to the public health by the public health division, and set forth in the department’s immunization requirements.

S. Definitions beginning with “S”: [RESERVED]

(1) **“Satisfactory evidence of commencement of immunization”** means satisfactory evidence of a person having begun the process of immunizations, such as a certificate or record signed by a duly licensed physician or other recognized licensed public or private health facility stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule.

(2) **“Satisfactory evidence of immunization”** means a statement, certificate, or record signed by a duly licensed physician or other recognized licensed public or private health facility stating that the required immunizations have been given to the person or record of receipt of immunization in the New Mexico statewide immunization information system (NMSIIS) registry.

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[7.5.2.7 NMAC - Rp, 7.5.2.7 NMAC, xx/xx/2026]

7.5.2.8 IMMUNIZATION REQUIREMENTS:

A. The department shall develop annual guidelines, no later than March 31 of each calendar year, establishing the immunizations required and the manner and frequency of their administration. In developing these guidelines, the department may utilize evidence-based guidance from ACIP or AAP.

B. The department shall consult with the public education department and the early childhood education and care department when developing the guidelines.

C. The guidelines shall be approved by the secretary.

D. In accordance with Section 9 below required immunizations shall be administered in accordance with guidelines established by the department.

E. A child shall be determined to be non-compliant with these regulations if the child has not been properly exempted from immunization and has not received any of the required immunization doses within the recommended intervals between doses published by the department.

F. Immunization records shall be kept on file at all schools and facilities (public, private, home, parochial, elementary, childcare, pre-school, and secondary schools) or in the NMSIIS under these regulations in accordance with retention periods defined in Subsection D of 1.20.2.101 NMAC and in 1.15.8.101 NMAC.

G. Immunization records shall be kept current and available to the public health division as defined in Section 24-5-4, NMSA 1978.

H. All schools and facilities under these regulations shall be required to participate in an annual immunization records audit at the request of the department.

I. All schools required to comply with these regulations shall notify the local public health division regional health officer if a child about to be enrolled or while enrolled has been held out of school for more than five consecutive school days for non-compliance with these regulations. Contact information for regional health officers shall be published in the school immunization requirements.

[7.5.2.8 NMAC - Rp, 7.5.2.8 NMAC, xx/xx/2026]

7.5.2.9 REQUIRED IMMUNIZATIONS LIST:

A. Diphtheria.

B. Pertussis.

C. Tetanus.

D. Poliomyelitis.

E. Measles.

F. Mumps.

G. Rubella.

H. Haemophilus influenza type b (HiB) (for facilities regulated by ECECD as described in 8.9.4 NMAC or other pre-school or school-age populations as determined by the secretary of the department of health).

I. Hepatitis B.

J. Varicella.

K. Hepatitis A (for facilities regulated by ECECD as described in 8.9.4 NMAC or other pre-school populations as determined by the secretary of the department of health).

L. Pneumococcal disease.

M. Other vaccines for preventable diseases as determined by the secretary of the department of health.

[7.5.2.9 NMAC - Rp, 7.5.2.9 NMAC, xx/xx/2026]

7.5.2.10 IMMUNIZATION RECORD SHARING:

A. Under the health insurance portability and accountability Act (HIPAA), immunization data are protected health information; however, HIPAA permits covered entities to disclose, without individual authorization or prior notification, protected health information to public health authorities authorized by law to collect or receive such information for the purpose of prevention or controlling disease (45 CFR § 164.502). Under federal guidelines, the definition of a “public health authority” requires that an agency’s official mandate include the responsibility for public health matters. The mandate can be responsibility for public health matters, generally, or it can be for specific public health matters. An agency’s official mandate does not have to be exclusively or primarily for public health. To the extent a public health authority is authorized by law to collect or receive information for the public health purposes specified in the public health provision, covered entities may disclose protected health information to such public health authorities without authorization pursuant to the public health provision.

B. Public health authorities include federal public health agencies, tribal health agencies, state public health agencies, local public health agencies, and anyone performing public health functions under a grant of authority from the department.

C. New Mexico schools shall act as a “public health authority” in cooperation with the department when they track immunization status of enrolled students and those in the process of enrolling.

[7.5.2.10 NMAC - Rp, 7.5.2.10 NMAC, xx/xx/2026]

History of 7.5.2 NMAC:

Pre-NMAC Filing History:

Material in this part was derived from that previously filed with the State Records Center:

HSSD 70-2, Regulations Governing Immunizations Required for School Attendance, 2/17/1970.

HSSD 71-2, Regulations Governing Immunizations Required for School Attendance, 12/27/1971.

History of Repealed Material:

HSSD 71-2, Regulations Governing Immunizations Required for School Attendance, repealed by Rule 91-05, Rule Repealing Obsolete Rules and Regulations, filed 10/24/1991.

7.5.2 NMAC, Immunization Requirement, filed 8/15/2000 - Repealed effective 11/27/2013.

7.5.2 NMAC, Immunization Requirement, filed 11/15/2013 - Repealed effective xx/xx/2026.

Other: 7.5.2 NMAC, Immunization Requirement, filed 11/15/2013 - Replaced by 7.5.2 NMAC, Immunization Requirement effective xx/xx/2026.

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 2 IMMUNIZATION REQUIREMENT

7.5.2.1 ISSUING AGENCY: ~~Public Health Division,~~ Department of ~~Health~~health, public health division.

[7.5.2.1 NMAC - Rp, 7.5.2.1 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.2 SCOPE: These regulations govern children presenting satisfactory evidence of age appropriate immunization, or children presenting satisfactory evidence demonstrating that they are in the process of being age appropriately immunized, enrolled in, or who are seeking to be enrolled in, all public, private, home, parochial, elementary, childcare, pre-school, and secondary schools, except for those children who have been legally exempted from these immunizations and those children attending school in areas/counties that have not been targeted for a specific immunization requirement. This regulation is incorporated by reference in 6.12.2.8 ~~“Requirements~~NMAC, “requirements for Immunizationimmunization of Children Attending Public, Nonpublicchildren attending public, nonpublic, or Home Schoolhome schools” as promulgated by the New Mexico public education department, and ~~8.16.29.4 and 8.17.29.9.5 NMAC, “Childcare Centers, Outchildcare centers, out of School Time Programs, Family Childcare Homeschool time programs, family childcare homes, and Other Early Careother early care and Education Programseducation programs and Requirements Governing Registrationrequirements governing registration of Non-Licensed Family Childcare Homesnon-licensed family childcare homes,”~~ as promulgated by the ~~children youth~~early childhood education and ~~families~~care department (~~CYFDECECD~~).

[7.5.2.2 NMAC - Rp, 7.5.2.2 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.3 STATUTORY AUTHORITY: These regulations are promulgated by the secretary of the New Mexico department of health under the authority of Section 9-7-6.3, ~~Subsection N of~~ Section 24-1-3 ~~(N)~~; and Section 24-5-1 NMSA 1978. Enforcement of these regulations is the responsibility of the public health division of the New Mexico department of health.

[7.5.2.3 NMAC - Rp, 7.5.2.3 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.4 DURATION: Permanent.

[7.5.2.4 NMAC - Rp, 7.5.2.4 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.5 EFFECTIVE DATE: November 27, 2013, unless a later date is cited at the end of a section.

[7.5.2.5 NMAC - Rp, 7.5.2.5 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.6 OBJECTIVE: The objective is to provide for the health and safety of students enrolled in New Mexico schools, educational facilities, and daycare centers by requiring immunizations to abate the spread of diseases that are dangerous to the public health.

[7.5.2.6 NMAC - Rp, 7.5.2.6 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.7 DEFINITIONS:

~~A.~~ **A. Definitions beginning with “A”:**

(1) “Advisory committee on immunization practices” (ACIP) is a federal advisory committee that provides guidance and recommendations for the use of vaccines to prevent and control diseases in the United States.

(2) “Age appropriately immunized” means satisfactory evidence has been provided documenting that the person has completed all required immunizations which someone his or her age is eligible to receive according to the public health division school/daycare entry immunization requirements, which are within the ~~Advisory Committee on Immunization Practice (ACIP)~~New Mexico department of health recommendations.

(3) “American academy of pediatrics” (AAP) is a national medical organization for pediatricians committed to the optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. The American academy of pediatrics (AAP) supports evidence-based recommendations on the use of immunizations to prevent and control disease in the United States.

B. Definitions beginning with “B”: [RESERVED]

C. Definitions beginning with “C”: “Child” or “~~Children~~children” are persons who are of the age birth through 18 years.

~~D.~~ **Definitions beginning with “D”:** ~~C.~~ **“Department”** means the New Mexico department of health.

~~E.~~ **Definitions beginning with “E”:** [RESERVED]

~~F.~~ **Definitions beginning with “F”:** [RESERVED]

~~G.~~ **Definitions beginning with “G”:** [RESERVED]

~~H.~~ **Definitions beginning with “H”:** [RESERVED]

~~I.~~ **Definitions beginning with “I”:** ~~D.~~ **“In the process of being age appropriately immunized”** means a child has received all required immunizations he or she is eligible to receive according to the public health division school/daycare entry immunization requirements, but has not completed one or more vaccine series because a sufficient time interval has not elapsed for the subsequent dose or doses of vaccine to be administered according to the recommended intervals between doses published by the ACIP department.

~~J.~~ **Definitions beginning with “J”:** [RESERVED]

~~K.~~ **Definitions beginning with “K”:** [RESERVED]

~~L.~~ **Definitions beginning with “L”:** ~~E.~~ **“Licensed physician”** means physician licensed to practice medicine or osteopathic medicine in New Mexico, another state or territory.

~~M.~~ **Definitions beginning with “M”:** [RESERVED]

~~N.~~ **Definitions beginning with “N”:** [RESERVED]

~~O.~~ **Definitions beginning with “O”:** [RESERVED]

~~P.~~ **Definitions beginning with “P”:**

~~(1)~~ **“Public health authority”** means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate. The public health authority is authorized by law to collect or receive protected health information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority.

~~G.~~ **(2)** **“Public health division”** means the public health division of the department.

~~H.~~ **(3)** **“Public health division regional health officer”** means the physician medical director assigned to a public health region in New Mexico as defined by the public health division of the department.

~~I.~~ **(4)** **“Public health division school/daycare entry immunization requirements”** means the immunizations required for entry into all schools and facilities (public, private, home, parochial, elementary, childcare, pre-school, and secondary schools) in New Mexico as set forth by the secretary of the department.

~~Q.~~ **Definitions beginning with “Q”:** [RESERVED]

~~R.~~ **Definitions beginning with “R”:** ~~J.~~ **“Required immunizations”** means those immunizations against diseases deemed to be dangerous to the public health by the public health division, and set forth in ~~the department’s immunization requirements, which are within recommendations of the ACIP.~~

~~K.~~ **S.** **Definitions beginning with “S”:** [RESERVED]

~~(1)~~ **“Satisfactory evidence of commencement of immunization”** means satisfactory evidence of a person having begun the process of immunizations, such as a certificate or record signed by a duly licensed physician or other recognized licensed public or private health facility stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule.

~~L.~~ **(2)** **“Satisfactory evidence of immunization”** means a statement, certificate, or record signed by a duly licensed physician or other recognized licensed public or private health facility stating that the required immunizations have been given to the person or record of receipt of immunization in the New Mexico ~~Statewide Immunization Information System~~ statewide immunization information system (NMSIIS) registry.

~~T.~~ **Definitions beginning with “T”:** [RESERVED]

~~U.~~ **Definitions beginning with “U”:** [RESERVED]

~~V.~~ **Definitions beginning with “V”:** [RESERVED]

~~W.~~ **Definitions beginning with “W”:** [RESERVED]

~~X.~~ **Definitions beginning with “X”:** [RESERVED]

~~Y.~~ **Definitions beginning with “Y”:** [RESERVED]

~~Z.~~ **Definitions beginning with “Z”:** [RESERVED]

[7.5.2.7 NMAC - Rp, 7.5.2.7 NMAC, ~~11/27/2013~~xx/xx/2026]

7.5.2.8 IMMUNIZATION REQUIREMENTS:

~~A.~~ **A.** The department shall develop annual guidelines, no later than March 31 of each calendar year, establishing the immunizations required and the manner and frequency of their administration. In developing these guidelines, the department may utilize evidence-based guidance from ACIP or AAP.

B. The department shall consult with the public education department and the early childhood education and care department when developing the guidelines.

C. The guidelines shall be approved by the secretary.

D. In accordance with Section 9 below required immunizations shall be administered in accordance with guidelines established by the ~~ACIP of the United States department of health and human services and the American academy of pediatrics~~ department.

BE. A child shall be determined to be non-compliant with these regulations if the child has not been properly exempted from immunization and has not received any of the required immunization doses within the recommended intervals between doses published by the ~~ACIP~~ department.

CF. Immunization records shall be kept on file at all schools and facilities (public, private, home, parochial, elementary, childcare, pre-school, and secondary schools) or in the NMSIIS under these regulations in accordance with retention periods defined in Subsection D of 1.20.2.101 NMAC and in 1.15.8.101 NMAC.

DG. Immunization records shall be kept current and available to the public health division as defined in Section 24-5-4, NMSA 1978.

EH. All schools and facilities under these regulations shall be required to participate in an annual immunization records audit at the request of the department.

FI. All schools required to comply with these regulations shall notify the local public health division regional health officer if a child about to be enrolled or while enrolled has been held out of school for more than five consecutive school days for non-compliance with these regulations. Contact information for regional health officers shall be published in the school immunization requirements.

[7.5.2.8 NMAC - Rp, 7.5.2.8 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.9 REQUIRED IMMUNIZATIONS LIST:

A. Diphtheria.

B. Pertussis.

C. Tetanus.

D. Poliomyelitis.

E. Measles.

F. Mumps.

G. Rubella.

H. Haemophilus influenza type b (HiB) (for facilities regulated by ~~CYFDECECD~~ as described in ~~8.16.29.4~~ NMAC or other pre-school or school-age populations as determined by the secretary of the department of health).

I. Hepatitis B.

J. Varicella.

K. Hepatitis A (for facilities regulated by ~~CYFDECECD~~ as described in ~~8.9.4~~ NMAC-~~8.16.2~~ or other pre-school populations as determined by the secretary of the department of health).

L. Pneumococcal ~~Disease~~disease.

M. Other vaccines for preventable diseases as determined by the secretary of the department of health ~~and within those recommended by the ACIP.~~

[7.5.2.9 NMAC - Rp, 7.5.2.9 NMAC, ~~11/27/2013xx/xx/2026~~]

7.5.2.10 IMMUNIZATION RECORD SHARING:

A. Under the ~~Health Insurance Portability~~health insurance portability and ~~Accountability~~accountability Act (HIPAA), immunization data are protected health information; however, HIPAA permits covered entities to disclose, without individual authorization or prior notification, protected health information to public health authorities authorized by law to collect or receive such information for the purpose of prevention or controlling disease (45 CFR § 164.502). Under federal guidelines, the definition of a “public health authority” requires that an agency’s official mandate include the responsibility for public health matters. The mandate can be responsibility for public health matters, generally, or it can be for specific public health matters. An agency’s official mandate does not have to be exclusively or primarily for public health. To the extent a public

health authority is authorized by law to collect or receive information for the public health purposes specified in the public health provision, covered entities may disclose protected health information to such public health authorities without authorization pursuant to the public health provision.

B. Public health authorities include federal public health agencies, tribal health agencies, state public health agencies, local public health agencies, and anyone performing public health functions under a grant of authority from the department.

C. New Mexico schools shall act as a “public health authority” in cooperation with the department when they track immunization status of enrolled students and those in the process of enrolling.
[7.5.2.10 NMAC - Rp, 7.5.2.10 NMAC, ~~11/27/2013~~[xx/xx/2026](#)]

History of 7.5.2 NMAC:

Pre-NMAC Filing History:

Material in this part was derived from that previously filed with the State Records Center:

HSSD 70-2, Regulations Governing Immunizations Required for School Attendance, 2/17/1970.

HSSD 71-2, Regulations Governing Immunizations Required for School Attendance, 12/27/1971.

History of Repealed Material:

HSSD 71-2, Regulations Governing Immunizations Required for School Attendance, repealed by Rule 91-05, Rule Repealing Obsolete Rules and Regulations, filed 10/24/1991.

7.5.2 NMAC, Immunization Requirement, filed 8/15/2000 - Repealed effective 11/27/2013.

~~7.5.2 NMAC, Immunization Requirement, filed 11/15/2013 - Repealed effective xx/xx/2026.~~

Other: ~~7.5.2 NMAC, Immunization Requirement, filed 11/15/2013 - Replaced by 7.5.2 NMAC, Immunization Requirement effective xx/xx/2026.~~

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 3 EXEMPTION FROM SCHOOL, CHILDCARE, AND PRE-SCHOOL IMMUNIZATION

7.5.3.1 ISSUING AGENCY: Department of health, public health division.
 [7.5.3.1 NMAC - Rp, 7 NMAC 5.3.1, xx/xx/2026]

7.5.3.2 SCOPE: These regulations govern the procedures for seeking exemptions from any of the immunizations required for public, private, home, parochial, elementary, and secondary schools, as well as early childhood education facilities under the New Mexico public education department and licensed preschool or child care centers.
 [7.5.3.2 NMAC - Rp, 7 NMAC 5.3.2, xx/xx/2026]

7.5.3.3 STATUTORY AUTHORITY: This regulation has been promulgated by the secretary of the department of health under the authority of Sections 9-7-6, 24-1-3(N), 24-5-1, and Section 24-5-3 NMSA, 1978. Enforcement of this regulation is the responsibility of the public health division of the New Mexico department of health.
 [7.5.3.3 NMAC - Rp, 7 NMAC 5.3.3, xx/xx/2026]

7.5.3.4 DURATION: Permanent.
 [7.5.3.4 NMAC - Rp, 7 NMAC 5.3.4, xx/xx/2026]

7.5.3.5 EFFECTIVE DATE: xxxxx xx, 20xx, unless a later date is cited at the end of a section or paragraph.
 [7.5.3.5 NMAC - Rp, 7 NMAC 5.3.5, xx/xx/2026]

7.5.3.6 OBJECTIVE: The objective is to establish standards and procedures for obtaining exemptions to required immunizations as allowed by Section 24-5-3 NMSA 1978; specifically for children whose:

- A. licensed physician, a physician assistant, or a certified nurse practitioner provides a certificate stating that any of the required immunizations would seriously endanger the life or health of the child; or
 - B. parent or legal guardian attests via affidavit or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or
 - C. parent or legal guardian attests via affidavit or written affirmation that their religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.
- [7.5.3.6 NMAC - Rp, 7 NMAC 5.3.6, xx/xx/2026]

7.5.3.7 DEFINITIONS:

- A. **Definitions beginning with "A":** "Administrative authority" means the superintendent, principal, or the designee of such person.
- B. **Definitions beginning with "B":** [RESERVED]
- C. **Definitions beginning with "C":** "Certified nurse practitioner" means a registered nurse licensed by the New Mexico board of nursing for advanced practice as a certified nurse practitioner.
- D. **Definitions beginning with "D":**
 - (1) "Denial" means a denial of a request for exemption from immunizations.
 - (2) "Department" means the department of health.
- E. **Definitions beginning with "E":** [RESERVED]
- F. **Definitions beginning with "F":** [RESERVED]
- G. **Definitions beginning with "G":** [RESERVED]
- H. **Definitions beginning with "H":** [RESERVED]
- I. **Definitions beginning with "I":** [RESERVED]
- J. **Definitions beginning with "J":** [RESERVED]
- K. **Definitions beginning with "K":** [RESERVED]
- L. **Definitions beginning with "L":** "Licensed physician" means a physician licensed by the New Mexico board of medicine to practice medicine or osteopathic medicine.
- M. **Definitions beginning with "M":** [RESERVED]

N. Definitions beginning with “N”: “NMSIIS” means the New Mexico Statewide Immunization Information System; a secured, confidential, population-based, computerized registry for recording vaccination information established pursuant to Sections 24-5-7 through 24-5-15 NMSA 1978.

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:

(1) “Physician assistant” means a health care practitioner licensed by the New Mexico board of medicine to practice as a physician assistant and to provide services to patients with the supervision of or in collaboration with a licensed physician.

(2) “Public health division” means a division of the department of health within which the immunization program is located.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: “Required immunizations” means those immunizations against diseases deemed to be dangerous to the public health by the public health division, and set forth in the department’s immunization requirements.

S. Definitions beginning with “S”:

(1) “Satisfactory evidence of commencement of immunization” means satisfactory evidence of a person having begun the process of immunizations, such as a certificate, or record signed by a licensed physician or other recognized public or private health provider stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule.

(2) “Satisfactory evidence of immunization” means a statement, certificate, or record signed by a licensed physician or other recognized licensed health provider stating that the required immunizations have been given to the person or record of receipt of immunization in the NMSIIS registry.

(3) “Secretary” means the secretary for the department of health.

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[7.5.3.7 NMAC - Rp, 7 NMAC 5.3.7, xx/xx/2026]

7.5.3.8 REQUIREMENTS FOR APPROVAL OF EXEMPTIONS FROM IMMUNIZATION:

A. Any minor child through his parent or guardian may file a request for exemption from required immunization with the director of the public health division or their designee by providing the following:

(1) certificate or affidavit from a licensed physician, a physician assistant, or a certified nurse practitioner attesting that any of the required immunizations would seriously endanger the life or health of the child; or

(2) an affidavit or written affirmation from an officer of a recognized religious denomination stating that the parents or guardians are bona fide members of the recognized denomination, whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

(3) an affidavit or written affirmation by a parent or guardian whose religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agents.

B. The original request for approval of any exemptions from immunization must be mailed to the department of health, public health division, immunization program. The address is P.O. Box 26110, Suite S-1250, Santa Fe, NM, 87502. Request forms can be found at the immunization program offices 1190 S. St. Francis Drive, Suite South 1250 or on the program’s website.

C. Within 60 days of receipt of a request for exemption from immunization, the department of health immunization program staff shall review the request to determine whether the certificate has been duly completed. Incomplete requests shall be returned to the requester with information regarding what elements are missing.

D. The department of health immunization program staff shall determine approval status of all requests for exemption:

(1) exemption requests shall be approved for a one-year period indicated by the public health division director or designee;

(2) in the case of approval of a request for exemption, an approved, signed copy of the request shall be provided to the parents or guardian of the child;

(3) in the case of a denial, the department of health immunization program staff shall state the reasons for denial in a letter of notification to the parents or guardian of the child. The notice to the parents or guardians shall also include information about the review process in 7.5.3.9 NMAC.
[7.5.3.8 NMAC - Rp, 7 NMAC 5.3.8, xx/xx/2026]

7.5.3.9 REVIEW CRITERIA:

A. The department of health immunization program staff will consider the requirements and allowances of the law and the completeness and clarity of the requests for exemption in his or her review. Written criteria for review of exemption from immunization shall be available on the department of health website, included in documents required for submission of immunization exemptions, and provided upon request made to the department.

B. Requests for exemption based on a certificate or affidavit from a licensed physician, a physician assistant, or a certified nurse practitioner will be reviewed for the following:

(1) an original document signed by a licensed physician, a physician assistant, or a certified nurse practitioner, which

(2) contains a statement that immunizations would seriously endanger the health of the child.

C. Requests for religious exemption based on an affidavit or written affirmation from an officer of a religious denomination will be reviewed for the following:

(1) an original document signed by an officer of the denomination, which

(2) contains a statement affirming that the parent or guardian of the child are members of the religious denomination; and

(3) that the religious teachings of the denomination require reliance on prayer or spiritual means alone for healing.

D. Requests for exemption based on an affidavit or written affirmation from a parent will be reviewed for the following:

(1) an original, signed, complete, properly notarized form, which

(2) contains a statement of affirmation from the parent or guardian that their personal religious belief, or jointly-held religious belief does not permit immunization of their child.

[7.5.3.9 NMAC - Rp, 7 NMAC 5.3.9, xx/xx/2026]

7.5.3.10 CHILDREN EXPERIENCING HOMELESSNESS: Children experiencing homelessness:

Pursuant to the McKinney-Vento Homeless Assistance Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. If the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian of the child or youth to the designated local educational agency liaison, who must assist in obtaining necessary immunizations, or immunization or medical records.

[7.5.3.10 NMAC - Rp, 7 NMAC 5.3.10, xx/xx/2026]

7.5.3.11 ADMINISTRATIVE REVIEW OF DENIALS: In the case of a denial, the parent or guardian shall have the right to request an administrative review. Criteria for administrative review shall be available on the department of health website, included in documents required for submission of immunization exemptions, and provided upon request made to the department of health. Any hearing process under 7.5.3.12 NMAC can only be commenced after the administrative review pursuant to 7.5.3.11 NMAC is completed and the parent or guardian receives notification by mail that the administrative review was denied.

A. The parent or guardian may submit a letter requesting administrative review and any supporting documents to the public health division director or designee within 30 days of receipt of notice of the initial denial from the department of health immunization program manager.

B. Within 10 working days of receipt of the request for administrative review, the department of health's public health division director shall review the request for administrative review and any supporting documents and make a determination of approval or denial as to the underlying request for exemption. After the administrative review is complete the department's public health division director shall notify the parent or guardian and the child's school, by certified mail, if the administrative review of the request for exemption was approved or denied.

C. If approved, the child shall be considered exempt from immunizations for a nine-month period.

D. If the appeal is denied, and the parent or guardian desires further review or consideration, the parent or guardian may request a hearing pursuant to 7.5.3.12 NMAC. [7.5.3.11 NMAC - Rp, 7 NMAC 5.3.11, xx/xx/2026]

7.5.3.12 RIGHT TO HEARING AFTER ADMINISTRATIVE REVIEW:

A. Right to appeal: A parent or guardian may request a hearing to appeal a decision of the public health division director only after a denial of an administrative review. A hearing may not be requested at the same time as an administrative review is underway pursuant to 7.5.3.11 NMAC.

B. Right to hearing: A parent or guardian may request a hearing before a hearing officer appointed by the secretary to contest a denial of an immunization exemption under this rule, by mailing a certified letter, return receipt requested, to the public health division director within 30 days after the denial resulting from the administrative review. If the parent or guardian fails to request a hearing in the time and manner required by this section, the parent or guardian shall forfeit the right to a hearing, and the denied immunization exemption shall become final and not subject to judicial review.

C. Scheduling the hearing:

(1) Appointment of hearing officer: Upon the public health division director's receipt of a timely request for a hearing, the department shall appoint a hearing officer and schedule a hearing.

(2) Hearing date: The hearing shall be held not more than 60 days and not less than 15 days from the date of service of the notice of the hearing.

(3) Notice of hearing: The department shall notify the parent or guardian of the date, time, and place of the hearing and the identity of the hearing officer, and shall identify the statute(s) and regulation(s) authorizing the department to deny the immunization exemption, within 20 days of the public health division director's timely receipt of the request for hearing.

(4) Hearing venue: The hearing shall be held in Santa Fe, New Mexico.

D. Method of service: Any notice or decision required to be served under this section may be served either personally or by certified mail, return receipt requested directed to the parent or guardian at the last known mailing address (or, if service is made personally, by the last known physical address) shown by the records of the department immunization program. If the notice or decision is served personally, service shall be made in the same manner allowed by the rules of civil procedure for the state district courts of New Mexico. Where the notice or decision is served by certified mail, it shall be deemed to have been served on the date borne by the return receipt showing delivery, or the date of the last attempted delivery of the notice or decision, or the date of the addressee's refusal to accept delivery.

E. Hearing officer duties: The hearing officer shall conduct the hearing, rule on any motions or other matters that arise prior to the hearing, and issue a written report and recommendation(s) to the secretary following the close of the hearing.

F. Official file: Upon appointment, the hearing officer shall establish an official file which shall contain all notices, hearing requests, pleadings, motions, written stipulations, evidence, briefs, and correspondence received in the case. The official file shall also contain proffered items not admitted into evidence, which shall be so identified and shall be separately maintained. Upon conclusion of the proceeding and following issuance of the final decision, the hearing officer shall tender the complete official file to the department for its retention as an official record of the proceedings.

G. Powers of hearing officer: The hearing officer shall have all the powers necessary to conduct a hearing and to take all necessary action to avoid delay, maintain order, and assure development of a clear and complete record, including but not limited to the power to:

- (1)** administer oaths or affirmations;
- (2)** schedule continuances;
- (3)** direct discovery;
- (4)** examine witnesses and direct witnesses to testify;
- (5)** subpoena witnesses and relevant books, papers, documents, and other evidence;
- (6)** limit repetitious and cumulative testimony;
- (7)** set reasonable limits on the amount of time a witness may testify;
- (8)** decide objections to the admissibility of evidence or receive the evidence subject to later ruling;
- (9)** receive offers of proof for the record;

(10) take notice of judicially cognizable facts or take notice of general, technical, or scientific facts within the hearing officer's specialized knowledge (provided that the hearing officer notifies the parties beforehand and offers the parties an opportunity to contest the fact so noticed);

(11) direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;

(12) impose appropriate evidentiary sanctions against a party who fails to provide discovery or who fails to comply with a subpoena;

(13) dispose of procedural requests or similar matters;

(14) enter proposed findings of fact and conclusions of law, orders, reports and recommendations; and

(15) utilize his or her experience, technical competence, or specialized knowledge in the evaluation of evidence presented.

H. Minimum discovery; inspection and copying of documents: Upon written request to another party, any party shall have access to documents in the possession of the other party that are relevant to the subject matter of the appeal, except confidential or privileged documents.

I. Minimum discovery; witnesses: The parties shall each disclose to each other and to the hearing officer, either orally or in writing, the names of witnesses to be called, together with a brief summary of the testimony of each witness. In situations where written statements will be offered into evidence in lieu of a witness's oral testimony, the names of the persons making the statements and a brief summary of the statements shall be disclosed.

J. Additional discovery: At the hearing officer's discretion, upon a written request by a party that explains why additional discovery is needed, further discovery in the form of production and review of documents and other tangible things, interviews, depositions or written interrogatories may be ordered. In exercising his or her authority to determine whether further discovery is necessary or desirable, the hearing officer should consider whether the complexity of fact or law reasonably requires further discovery to ensure a fair opportunity to prepare for the hearing, and whether such request will result in unnecessary hardship, cost, or delay in holding the hearing. Depositions shall not be allowed, except by order of the hearing officer upon a showing that the deposition is necessary to preserve the testimony of persons who are sick or elderly, or who will not be able to attend the hearing.

K. Subpoena limits; service: Geographical limits upon the subpoena power shall be the same as if the hearing officer were a district court sitting at the location at which the hearing or discovery proceeding is to take place. The method of service shall be the same as that under the Rules of Civil Procedure for the district courts, except that rules requiring the tendering of fees shall not apply to the department.

L. Pre-hearing disposition: The subject matter of any hearing may be disposed of by stipulation, settlement, or consent order, unless otherwise precluded by law. Any stipulation, settlement, or consent order reached between the parties shall be written and shall be signed by the hearing officer and the parties or their attorneys.

M. Postponement or continuance: The hearing officer, at his or her discretion, may postpone or continue a hearing upon his or her own motion, or upon the motion of a party, for good cause shown. Notice of any postponement or continuance shall be given in person, by telephone, or by mail to all parties within a reasonable time in advance of the previously scheduled hearing date.

N. Conduct of hearing: These hearings will be closed to prevent the disclosure of confidential information, including but not limited to health information protected by state and federal laws.

O. Telephonic testimony: Upon timely notice to the opposing party and the hearing officer, and with the approval of the hearing officer, the parties may present witnesses by telephone or live video (if available).

P. Legal representation: The department may appear by an officer or employee and parent or guardian may appear pro se or either the department or parent or guardian may be represented by an attorney licensed to practice in New Mexico.

Q. Recording: The hearing officer or a designee shall record the hearing by means of a mechanical sound recording device provided by the department for a record of the hearing. Such recording need not be transcribed, unless requested by a party who shall arrange and pay for the transcription.

R. Burden of proof: Except as otherwise provided in this rule, the department has the burden of proving by a preponderance of the evidence the basis for the denied immunization exemption.

S. Order of presentation; general rule: Except as provided in this rule, the order of presentation for hearings in all cases shall be:

- (1) **appearances:** Opening of proceeding and taking of appearances by the hearing officer;
- (2) **pending matters:** Disposition by the hearing officer of preliminary and pending matters;

- (3) **opening statements:** The opening statement of the department, and then the opening statement of the party challenging the department's action or proposed action;
- (4) **cases:** The department's case-in-chief, and then the case-in-chief of the party challenging the department's action;
- (5) **rebuttal:** The department's case-in-rebuttal;
- (6) **closing argument:** The department's closing statement, which may include legal argument; and then the closing statement of the party opposing the department's action or proposed action, which may include legal argument;
- (7) **close:** Close of proceedings by the hearing officer.

T. Admissible evidence; rules of evidence not applicable: The hearing officer may admit evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs. Rules of evidence, such as the New Mexico Rules of Evidence for the district courts, shall not apply but may be considered in determining the weight to be given any item of evidence. The hearing officer may at his or her discretion, upon his or her motion or the motion of a party or a party's representative, exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence, including testimony, and may exclude confidential or privileged evidence.

U. Objections: A party may timely object to evidentiary offers by stating the objection together with a succinct statement of the grounds for the objection. The hearing officer may rule on the admissibility of evidence at the time an objection is made or may receive the evidence subject to later ruling.

V. Official notice: The hearing officer may take notice of any facts of which judicial notice may be taken, and may take notice of general, technical, or scientific facts within his or her specialized knowledge. When the hearing officer takes notice of a fact, the parties shall be notified either before or during the hearing of the fact so noticed and its source, and the parties shall be afforded an opportunity to contest the fact so noticed.

W. Record content: The record of a hearing shall include all documents contained in the official file maintained by the hearing officer, including all evidence received during the course of the hearing, proposed findings of fact and conclusions of law, the recommendations of the hearing officer, and the final decision of the secretary.

X. Written evidence from witnesses: The hearing officer may admit evidence in the form of a written statement made by a witness, when doing so will serve to expedite the hearing and will not substantially prejudice the interests of the parties.

Y. Failure to appear: If a party who has requested a hearing or a party's representative fails to appear on the date, time, or location announced for a hearing, and if no continuance was previously granted, the hearing officer may proceed to hear the evidence of such witnesses as may have appeared or may accept offers of proof regarding anticipated testimony and other evidence, and the hearing officer may further proceed to consider the matter and issue his report and recommendation(s) based on the evidence presented; and the secretary may subsequently render a final decision. Where a person fails to appear at a hearing because of accident, sickness, or other cause, the person may within a reasonable time apply to the hearing officer to reopen the proceeding, and the hearing officer may, upon finding sufficient cause, fix a time and place for a hearing and give notice to the parties.

Z. Hearing officer written report and recommendation(s): The hearing officer shall submit a written report and recommendation(s) to the secretary that contains a statement of the issues raised at the hearing, proposed findings of fact and conclusions of law, and a recommended determination. Proposed findings of fact shall be based upon the evidence presented at the hearing or known to all parties, including matters officially noticed by the hearing officer. The hearing officer's recommended decision is a recommendation to the secretary of the New Mexico department of health and is not a final order.

AA. Submission for final decision: The hearing officer's report and recommendation(s) shall be submitted together with the complete official file to the secretary of the New Mexico department of health for a final decision no later than 30 days after the hearing.

BB. Secretary's final decision: The secretary shall render a final decision within 45 calendar days of the submission of the hearing officer's written report. A copy of the final decision shall be mailed to the appealing party by certified mail, return receipt requested within 15 days after the final decision is rendered and signed. A copy shall be provided to legal counsel for the public health division.

[7.5.3.12 NMAC - Rp, 7 NMAC 5.3.12, xx/xx/2026]

HISTORY OF 7.5.3 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the state records center: HSSD 76-1, Religious Exemption From School Immunization, 1/14/1976.

History of Repealed Material: 7 NMAC 5.3, Religious Exemption from School Immunization, filed 10/18/96 - Repealed effective 11/27/2013.

7.5.3 NMAC, Exemption From School, Childcare, and Pre- School Immunization filed 11/15/2013, Repealed effective xx/xx/2026.

Other: 7.5.3 NMAC, Exemption From School, Childcare, and Pre- School Immunization filed 11/15/2013, Replaced by .5.3 NMAC, Exemption From School, Childcare, and Pre- School Immunization effective xx/xx/2026.

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 3 EXEMPTION FROM SCHOOL, CHILDCARE, AND PRE-SCHOOL IMMUNIZATION

7.5.3.1 ISSUING AGENCY: ~~Public Health Division~~, Department of ~~Health~~[health, public health division](#).

[7.5.3.1 NMAC - Rp, 7 NMAC 5.3.1, ~~11/27/2013~~[xx/xx/2026](#)]

7.5.3.2 SCOPE: These regulations govern the procedures for seeking exemptions from any of the immunizations required for public, private, home, parochial, elementary, and secondary schools, as well as early childhood education facilities under the New Mexico public education department and licensed preschool or child care centers.

[7.5.3.2 NMAC - Rp, 7 NMAC 5.3.2, ~~11/27/2013~~[xx/xx/2026](#)]

7.5.3.3 STATUTORY AUTHORITY: This regulation has been promulgated by the secretary of the department of health under the authority of Sections 9-7-6, 24-1-3(N), 24-5-1, and Section 24-5-3 NMSA, 1978. Enforcement of this regulation is the responsibility of the public health division of the New Mexico department of health.

[7.5.3.3 NMAC - Rp, 7 NMAC 5.3.3, ~~11/27/2013~~[xx/xx/2026](#)]

7.5.3.4 DURATION: Permanent.

[7.5.3.4 NMAC - Rp, 7 NMAC 5.3.4, ~~11/27/2013~~[xx/xx/2026](#)]

7.5.3.5 EFFECTIVE DATE: ~~November 27, 2013~~[xxxxx xx, 20xx](#), unless a later date is cited at the end of a section or paragraph.

[7.5.3.5 NMAC - Rp, 7 NMAC 5.3.5, ~~11/27/2013~~[xx/xx/2026](#)]

7.5.3.6 OBJECTIVE: The objective is to establish standards and procedures for obtaining exemptions to required immunizations as allowed by Section 24-5-3 NMSA 1978; specifically for children whose:

- A. licensed physician, a physician assistant, or a certified nurse practitioner provides a certificate stating that any of the required immunizations would seriously endanger the life or health of the child; or
- B. parent or legal guardian attests via affidavit or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or
- C. parent or legal guardian attests via affidavit or written affirmation that their religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

[7.5.3.6 NMAC - Rp, 7 NMAC 5.3.6, ~~11/27/2013; A, 8/29/2023~~[xx/xx/2026](#)]

7.5.3.7 DEFINITIONS:

~~A.~~ ~~“ACIP” means advisory committee on immunization practice.~~

~~B.~~ ~~Definitions beginning with “A”:~~ **“Administrative authority”** means the superintendent, principal, or the designee of such person.

~~C.~~ ~~Definitions beginning with “B”:~~ **[RESERVED]**

~~C.~~ ~~Definitions beginning with “C”:~~ **“Certified nurse practitioner”** means a registered nurse licensed by the New Mexico board of nursing for advanced practice as a certified nurse practitioner.

~~D.~~ ~~Definitions beginning with “D”:~~

~~(1)~~ **“Denial”** means a denial of a request for exemption from immunizations.

~~E.~~ ~~(2)~~ **“Department”** means the department of health.

~~F.~~ ~~Definitions beginning with “E”:~~ **[RESERVED]**

~~F.~~ ~~Definitions beginning with “F”:~~ **[RESERVED]**

~~G.~~ ~~Definitions beginning with “G”:~~ **[RESERVED]**

~~H.~~ ~~Definitions beginning with “H”:~~ **[RESERVED]**

~~I.~~ ~~Definitions beginning with “I”:~~ **[RESERVED]**

~~J.~~ ~~Definitions beginning with “J”:~~ **[RESERVED]**

~~K.~~ ~~Definitions beginning with “K”:~~ **[RESERVED]**

~~L.~~ ~~Definitions beginning with “L”:~~ **“Licensed physician”** means a physician licensed by the New

Mexico board of medicine to practice medicine or osteopathic medicine.

~~G.~~ **M. Definitions beginning with “M”:** **[RESERVED]**

N. Definitions beginning with “N”: “NMSIIS” means the New Mexico Statewide Immunization Information System; a secured, confidential, population-based, computerized registry for recording vaccination information established pursuant to Sections 24-5-7 through 24-5-15 NMSA 1978.

~~H.~~ **O. Definitions beginning with “O”:** **[RESERVED]**

P. Definitions beginning with “P”:

(1) “Physician assistant” means a health care practitioner licensed by the New Mexico board of medicine to practice as a physician assistant and to provide services to patients with the supervision of or in collaboration with a licensed physician.

~~I.~~ **(2) “Public health division”** means a division of the department of health within which the immunization program is located.

~~J.~~ **Q. Definitions beginning with “Q”:** **[RESERVED]**

R. Definitions beginning with “R”: “**Required immunizations**” means those immunizations against diseases deemed to be dangerous to the public health by the public health division, and set forth in ~~the department’s~~ immunization requirements, ~~which are within recommendations of the ACIP.~~

~~K.~~ **S. Definitions beginning with “S”:**

(1) “Satisfactory evidence of commencement of immunization” means satisfactory evidence of a person having begun the process of immunizations, such as a certificate, or record signed by a licensed physician or other recognized public or private health provider stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule.

~~L.~~ **(2) “Satisfactory evidence of immunization”** means a statement, certificate, or record signed by a licensed physician or other recognized licensed health provider stating that the required immunizations have been given to the person or record of receipt of immunization in the NMSIIS registry.

~~M.~~ **(3) “Secretary”** means the secretary for the department of health.

T. Definitions beginning with “T”: **[RESERVED]**

U. Definitions beginning with “U”: **[RESERVED]**

V. Definitions beginning with “V”: **[RESERVED]**

W. Definitions beginning with “W”: **[RESERVED]**

X. Definitions beginning with “X”: **[RESERVED]**

Y. Definitions beginning with “Y”: **[RESERVED]**

Z. Definitions beginning with “Z”: **[RESERVED]**

[7.5.3.7 NMAC - Rp, 7 NMAC 5.3.7, ~~11/27/2013~~; A, 8/29/2023~~xx/xx/2026~~]

7.5.3.8 REQUIREMENTS FOR APPROVAL OF EXEMPTIONS FROM IMMUNIZATION:

A. Any minor child through his parent or guardian may file a request for exemption from required immunization with the director of the public health division or their designee by providing the following:

(1) certificate or affidavit from a licensed physician, a physician assistant, or a certified nurse practitioner attesting that any of the required immunizations would seriously endanger the life or health of the child; or

(2) an affidavit or written affirmation from an officer of a recognized religious denomination stating that the parents or guardians are bona fide members of the recognized denomination, whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

(3) an affidavit or written affirmation by a parent or guardian whose religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agents.

B. The original request for approval of any exemptions from immunization must be mailed to the department of health, public health division, immunization program. The address is P.O. Box 26110, Suite S-1250, Santa Fe, NM, 87502. Request forms can be found at the immunization program offices 1190 S. St. Francis Drive, Suite South 1250 or on the program’s website.

C. Within 60 days of receipt of a request for exemption from immunization, the department of health immunization program staff shall review the request to determine whether the certificate has been duly completed. Incomplete requests shall be returned to the requester with information regarding what elements are missing.

D. The department of health immunization program staff shall determine approval status of all requests for exemption:

(1) exemption requests shall be approved for a one-year period indicated by the public health division director or designee;

(2) in the case of approval of a request for exemption, an approved, signed copy of the request shall be provided to the parents or guardian of the child;

(3) in the case of a denial, the department of health immunization program staff shall state the reasons for denial in a letter of notification to the parents or guardian of the child. The notice to the parents or guardians shall also include information about the review process in 7.5.3.9 NMAC.

[7.5.3.8 NMAC - Rp, 7 NMAC 5.3.8, [11/27/2013; A, 8/29/2023xx/xx/2026](#)]

7.5.3.9 REVIEW CRITERIA:

A. The department of health immunization program staff will consider the requirements and allowances of the law and the completeness and clarity of the requests for exemption in his or her review. Written criteria for review of exemption from immunization shall be available on the department of health website, included in documents required for submission of immunization exemptions, and provided upon request made to the department.

B. Requests for exemption based on a certificate or affidavit from a licensed physician, a physician assistant, or a certified nurse practitioner will be reviewed for the following:

(1) an original document signed by a licensed physician, a physician assistant, or a certified nurse practitioner, which

(2) contains a statement that immunizations would seriously endanger the health of the child.

C. Requests for religious exemption based on an affidavit or written affirmation from an officer of a religious denomination will be reviewed for the following:

(1) an original document signed by an officer of the denomination, which

(2) contains a statement affirming that the parent or guardian of the child are members of the religious denomination; and

(3) that the religious teachings of the denomination require reliance on prayer or spiritual means alone for healing.

D. Requests for exemption based on an affidavit or written affirmation from a parent will be reviewed for the following:

(1) an original, signed, complete, properly notarized form, which

(2) contains a statement of affirmation from the parent or guardian that their personal religious belief, or jointly-held religious belief does not permit immunization of their child.

[7.5.3.9 NMAC - Rp, 7 NMAC 5.3.9, [11/27/2013; A, 8/29/2023xx/xx/2026](#)]

7.5.3.10 CHILDREN EXPERIENCING HOMELESSNESS: Children experiencing homelessness:

Pursuant to the McKinney-Vento Homeless Assistance Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. If the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian of the child or youth to the designated local educational agency liaison, who must assist in obtaining necessary immunizations, or immunization or medical records.

[7.5.3.10 NMAC - Rp, 7 NMAC 5.3.10, [11/27/2013xx/xx/2026](#)]

7.5.3.11 ADMINISTRATIVE REVIEW OF DENIALS: In the case of a denial, the parent or guardian shall have the right to request an administrative review. Criteria for administrative review shall be available on the department of health website, included in documents required for submission of immunization exemptions, and provided upon request made to the department of health. Any hearing process under 7.5.3.12 NMAC can only be commenced after the administrative review pursuant to 7.5.3.11 NMAC is completed and the parent or guardian receives notification by mail that the administrative review was denied.

A. The parent or guardian may submit a letter requesting administrative review and any supporting documents to the public health division director or designee within 30 days of receipt of notice of the initial denial from the department of health immunization program manager.

B. Within 10 working days of receipt of the request for administrative review, the department of health's public health division director shall review the request for administrative review and any supporting documents and make a determination of approval or denial as to the underlying request for exemption. After the administrative review is complete the department's public health division director shall notify the parent or guardian and the child's school, by certified mail, if the administrative review of the request for exemption was approved or denied.

- C. If approved, the child shall be considered exempt from immunizations for a nine-month period.
- D. If the appeal is denied, and the parent or guardian desires further review or consideration, the parent or guardian may request a hearing pursuant to 7.5.3.12 NMAC.
[7.5.3.11 NMAC - Rp, 7 NMAC 5.3.11, ~~11/27/2013~~xx/xx/2026]

7.5.3.12 RIGHT TO HEARING AFTER ADMINISTRATIVE REVIEW:

A. Right to appeal: A parent or guardian may request a hearing to appeal a decision of the public health division director only after a denial of an administrative review. A hearing may not be requested at the same time as an administrative review is underway pursuant to 7.5.3.11 NMAC.

B. Right to hearing: A parent or guardian may request a hearing before a hearing officer appointed by the secretary to contest a denial of an immunization exemption under this rule, by mailing a certified letter, return receipt requested, to the public health division director within 30 days after the denial resulting from the administrative review. If the parent or guardian fails to request a hearing in the time and manner required by this section, the parent or guardian shall forfeit the right to a hearing, and the denied immunization exemption shall become final and not subject to judicial review.

C. Scheduling the hearing:

(1) Appointment of hearing officer: Upon the public health division director's receipt of a timely request for a hearing, the department shall appoint a hearing officer and schedule a hearing.

(2) Hearing date: The hearing shall be held not more than 60 days and not less than 15 days from the date of service of the notice of the hearing.

(3) Notice of hearing: The department shall notify the parent or guardian of the date, time, and place of the hearing and the identity of the hearing officer, and shall identify the statute(s) and regulation(s) authorizing the department to deny the immunization exemption, within 20 days of the public health division director's timely receipt of the request for hearing.

(4) Hearing venue: The hearing shall be held in Santa Fe, New Mexico.

D. Method of service: Any notice or decision required to be served under this section may be served either personally or by certified mail, return receipt requested directed to the parent or guardian at the last known mailing address (or, if service is made personally, by the last known physical address) shown by the records of the department immunization program. If the notice or decision is served personally, service shall be made in the same manner allowed by the rules of civil procedure for the state district courts of New Mexico. Where the notice or decision is served by certified mail, it shall be deemed to have been served on the date borne by the return receipt showing delivery, or the date of the last attempted delivery of the notice or decision, or the date of the addressee's refusal to accept delivery.

E. Hearing officer duties: The hearing officer shall conduct the hearing, rule on any motions or other matters that arise prior to the hearing, and issue a written report and recommendation(s) to the secretary following the close of the hearing.

F. Official file: Upon appointment, the hearing officer shall establish an official file which shall contain all notices, hearing requests, pleadings, motions, written stipulations, evidence, briefs, and correspondence received in the case. The official file shall also contain proffered items not admitted into evidence, which shall be so identified and shall be separately maintained. Upon conclusion of the proceeding and following issuance of the final decision, the hearing officer shall tender the complete official file to the department for its retention as an official record of the proceedings.

G. Powers of hearing officer: The hearing officer shall have all the powers necessary to conduct a hearing and to take all necessary action to avoid delay, maintain order, and assure development of a clear and complete record, including but not limited to the power to:

- (1) administer oaths or affirmations;
- (2) schedule continuances;
- (3) direct discovery;
- (4) examine witnesses and direct witnesses to testify;
- (5) subpoena witnesses and relevant books, papers, documents, and other evidence;
- (6) limit repetitious and cumulative testimony;
- (7) set reasonable limits on the amount of time a witness may testify;
- (8) decide objections to the admissibility of evidence or receive the evidence subject to later ruling;
- (9) receive offers of proof for the record;

(10) take notice of judicially cognizable facts or take notice of general, technical, or scientific facts within the hearing officer's specialized knowledge (provided that the hearing officer notifies the parties beforehand and offers the parties an opportunity to contest the fact so noticed);

(11) direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;

(12) impose appropriate evidentiary sanctions against a party who fails to provide discovery or who fails to comply with a subpoena;

(13) dispose of procedural requests or similar matters;

(14) enter proposed findings of fact and conclusions of law, orders, reports and recommendations; and

(15) utilize his or her experience, technical competence, or specialized knowledge in the evaluation of evidence presented.

H. Minimum discovery; inspection and copying of documents: Upon written request to another party, any party shall have access to documents in the possession of the other party that are relevant to the subject matter of the appeal, except confidential or privileged documents.

I. Minimum discovery; witnesses: The parties shall each disclose to each other and to the hearing officer, either orally or in writing, the names of witnesses to be called, together with a brief summary of the testimony of each witness. In situations where written statements will be offered into evidence in lieu of a witness's oral testimony, the names of the persons making the statements and a brief summary of the statements shall be disclosed.

J. Additional discovery: At the hearing officer's discretion, upon a written request by a party that explains why additional discovery is needed, further discovery in the form of production and review of documents and other tangible things, interviews, depositions or written interrogatories may be ordered. In exercising his or her authority to determine whether further discovery is necessary or desirable, the hearing officer should consider whether the complexity of fact or law reasonably requires further discovery to ensure a fair opportunity to prepare for the hearing, and whether such request will result in unnecessary hardship, cost, or delay in holding the hearing. Depositions shall not be allowed, except by order of the hearing officer upon a showing that the deposition is necessary to preserve the testimony of persons who are sick or elderly, or who will not be able to attend the hearing.

K. Subpoena limits; service: Geographical limits upon the subpoena power shall be the same as if the hearing officer were a district court sitting at the location at which the hearing or discovery proceeding is to take place. The method of service shall be the same as that under the Rules of Civil Procedure for the district courts, except that rules requiring the tendering of fees shall not apply to the department.

L. Pre-hearing disposition: The subject matter of any hearing may be disposed of by stipulation, settlement, or consent order, unless otherwise precluded by law. Any stipulation, settlement, or consent order reached between the parties shall be written and shall be signed by the hearing officer and the parties or their attorneys.

M. Postponement or continuance: The hearing officer, at his or her discretion, may postpone or continue a hearing upon his or her own motion, or upon the motion of a party, for good cause shown. Notice of any postponement or continuance shall be given in person, by telephone, or by mail to all parties within a reasonable time in advance of the previously scheduled hearing date.

N. Conduct of hearing: These hearings will be closed to prevent the disclosure of confidential information, including but not limited to health information protected by state and federal laws.

O. Telephonic testimony: Upon timely notice to the opposing party and the hearing officer, and with the approval of the hearing officer, the parties may present witnesses by telephone or live video (if available).

P. Legal representation: The department may appear by an officer or employee and parent or guardian may appear pro se or either the department or parent or guardian may be represented by an attorney licensed to practice in New Mexico.

Q. Recording: The hearing officer or a designee shall record the hearing by means of a mechanical sound recording device provided by the department for a record of the hearing. Such recording need not be transcribed, unless requested by a party who shall arrange and pay for the transcription.

R. Burden of proof: Except as otherwise provided in this rule, the department has the burden of proving by a preponderance of the evidence the basis for the denied immunization exemption.

S. Order of presentation; general rule: Except as provided in this rule, the order of presentation for hearings in all cases shall be:

(1) **appearances:** Opening of proceeding and taking of appearances by the hearing officer;

(2) **pending matters:** Disposition by the hearing officer of preliminary and pending matters;

- (3) **opening statements:** The opening statement of the department, and then the opening statement of the party challenging the department's action or proposed action;
- (4) **cases:** The department's case-in-chief, and then the case-in-chief of the party challenging the department's action;
- (5) **rebuttal:** The department's case-in-rebuttal;
- (6) **closing argument:** The department's closing statement, which may include legal argument; and then the closing statement of the party opposing the department's action or proposed action, which may include legal argument;
- (7) **close:** Close of proceedings by the hearing officer.

T. Admissible evidence; rules of evidence not applicable: The hearing officer may admit evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs. Rules of evidence, such as the New Mexico Rules of Evidence for the district courts, shall not apply but may be considered in determining the weight to be given any item of evidence. The hearing officer may at his or her discretion, upon his or her motion or the motion of a party or a party's representative, exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence, including testimony, and may exclude confidential or privileged evidence.

U. Objections: A party may timely object to evidentiary offers by stating the objection together with a succinct statement of the grounds for the objection. The hearing officer may rule on the admissibility of evidence at the time an objection is made or may receive the evidence subject to later ruling.

V. Official notice: The hearing officer may take notice of any facts of which judicial notice may be taken, and may take notice of general, technical, or scientific facts within his or her specialized knowledge. When the hearing officer takes notice of a fact, the parties shall be notified either before or during the hearing of the fact so noticed and its source, and the parties shall be afforded an opportunity to contest the fact so noticed.

W. Record content: The record of a hearing shall include all documents contained in the official file maintained by the hearing officer, including all evidence received during the course of the hearing, proposed findings of fact and conclusions of law, the recommendations of the hearing officer, and the final decision of the secretary.

X. Written evidence from witnesses: The hearing officer may admit evidence in the form of a written statement made by a witness, when doing so will serve to expedite the hearing and will not substantially prejudice the interests of the parties.

Y. Failure to appear: If a party who has requested a hearing or a party's representative fails to appear on the date, time, or location announced for a hearing, and if no continuance was previously granted, the hearing officer may proceed to hear the evidence of such witnesses as may have appeared or may accept offers of proof regarding anticipated testimony and other evidence, and the hearing officer may further proceed to consider the matter and issue his report and recommendation(s) based on the evidence presented; and the secretary may subsequently render a final decision. Where a person fails to appear at a hearing because of accident, sickness, or other cause, the person may within a reasonable time apply to the hearing officer to reopen the proceeding, and the hearing officer may, upon finding sufficient cause, fix a time and place for a hearing and give notice to the parties.

Z. Hearing officer written report and recommendation(s): The hearing officer shall submit a written report and recommendation(s) to the secretary that contains a statement of the issues raised at the hearing, proposed findings of fact and conclusions of law, and a recommended determination. Proposed findings of fact shall be based upon the evidence presented at the hearing or known to all parties, including matters officially noticed by the hearing officer. The hearing officer's recommended decision is a recommendation to the secretary of the New Mexico department of health and is not a final order.

AA. Submission for final decision: The hearing officer's report and recommendation(s) shall be submitted together with the complete official file to the secretary of the New Mexico department of health for a final decision no later than 30 days after the hearing.

BB. Secretary's final decision: The secretary shall render a final decision within 45 calendar days of the submission of the hearing officer's written report. A copy of the final decision shall be mailed to the appealing party by certified mail, return receipt requested within 15 days after the final decision is rendered and signed. A copy shall be provided to legal counsel for the public health division.

[7.5.3.12 NMAC - Rp, 7 NMAC 5.3.12, ~~11/27/2013~~xx/xx/2026]

HISTORY OF 7.5.3 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the state records center: HSSD 76-1, Religious Exemption From School Immunization, 1/14/1976.

History of Repealed Material: 7 NMAC 5.3, Religious Exemption from School Immunization, filed 10/18/96 — Repealed effective 11/27/2013.

[7.5.3 NMAC, Exemption From School, Childcare, and Pre- School Immunization filed 11/15/2013, Repealed effective xx/xx/2026.](#)

Other: [7.5.3 NMAC, Exemption From School, Childcare, and Pre- School Immunization filed 11/15/2013, Replaced by .5.3 NMAC, Exemption From School, Childcare, and Pre- School Immunization effective xx/xx/2026.](#)

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 4 VACCINE PURCHASING FUND

7.5.4.1 ISSUING AGENCY: Department of health, public health division.
 [7.5.4.1 NMAC - Rp, 7.5.4.1 NMAC xx/xx/2026]

7.5.4.2 SCOPE: These regulations govern the procedures for establishing and administering a statewide vaccine purchasing program to purchase vaccines for all children in New Mexico (NM), including children eligible for the vaccines for children program and insured children.
 [7.5.4.2 NMAC - Rp, 7.5.4.2 NMAC xx/xx/2026]

7.5.4.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to Sections 24-5A-1 through 24-5A-9 of the Vaccine Purchasing Act, NMSA 1978; Section 9-7-6 of the Department of Health Act, NMSA 1978; and Section 24-1-3 of the Public Health Act, NMSA 1978.
 [7.5.4.3 NMAC - Rp, 7.5.4.3 NMAC xx/xx/2026]

7.5.4.4 DURATION: Permanent.
 [7.5.4.4 NMAC - Rp, 7.5.4.4 NMAC xx/xx/2026]

7.5.4.5 EFFECTIVE DATE: xxxx xx, 2026, unless a later date is cited at the end of a section.
 [7.5.4.5 NMAC - Rp, 7.5.4.5 NMAC xx/xx/2026]

7.5.4.6 OBJECTIVE: The objective of this rule is to establish standards and administer a statewide vaccine purchasing program to:

- A. expand access to childhood immunizations recommended by the New Mexico department of health;
- B. maintain and improve immunization rates;
- C. facilitate the acquisition by providers of vaccines for childhood immunizations recommended by the department; and
- D. leverage public and private funding and resources for the purchase, storage, and distribution of vaccines for childhood immunizations recommended by the department.

[7.5.4.6 NMAC - Rp, 7.5.4.6 NMAC xx/xx/2026]

7.5.4.7 DEFINITIONS:

- A. **Definitions beginning with “A”:** [RESERVED]
- B. **Definitions beginning with “B”:** [RESERVED]
- C. **Definitions beginning with “C”:** [RESERVED]
- D. **Definitions beginning with “D”:** “Department” means the department of health.
- E. **Definitions beginning with “E”:** [RESERVED]
- F. **Definitions beginning with “F”:** “Fund” means the vaccine purchasing fund.
- G. **Definitions beginning with “G”:** “Group health plan” means an employee welfare benefit plan to the extent that the plan provides medical care to employees or their dependents under the Employee Retirement Income Security Act of 1974 directly or through insurance, reimbursement or other means.
- H. **Definitions beginning with “H”:**
 - (1) **“Health insurance coverage”** means benefits consisting of medical care provided directly or through insurance or reimbursement or other means under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.
 - (2) **“Health insurer”** means any entity subject to regulation by the office of the superintendent of insurance that:
 - (1) provides or is authorized to provide health insurance or health benefit plans;
 - (2) administers health insurance or health benefit coverage; or
 - (3) otherwise provides a plan of health insurance or health benefits.

I. Definitions beginning with “I”: “Insured child” means a child under the age of 19 who is eligible to receive health insurance coverage from a health insurer or medical care pursuant to a group health plan.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: [RESERVED]

M. Definitions beginning with “M”: [RESERVED]

N. Definitions beginning with “N”: [RESERVED]

O. Definitions beginning with “O”: “Office of the superintendent” means the office of the superintendent of insurance.

P. Definitions beginning with “P”:

(1) “Policy” means any contract of health insurance between a health insurer and the insured and all clauses, riders, endorsements and parts thereof.

(2) “Provider” means an individual or organization licensed, certified, or otherwise authorized or permitted by law to provide vaccinations to insured children.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: [RESERVED]

S. Definitions beginning with “S”: [RESERVED]

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: “Vaccines for children program” means the federally funded program that provides vaccines at no cost to eligible children pursuant to Section 1928 of the federal Social Security Act.

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[7.5.4.7 NMAC - Rp, 7.5.4.7 NMAC xx/xx/2026]

7.5.4.8 DUTIES OF THE DEPARTMENT: The department shall:

A. purchase vaccines for children in New Mexico, including children eligible for the vaccines for children program and insured children;

B. invoice each health insurer and group health plan to reimburse the department for the cost of vaccines provided directly or indirectly by the department to such health insurer’s or group health plan’s insured children;

C. maintain a list of registered providers who receive vaccines for insured children that are purchased by the state and provide such list to each health insurer and group health plan with every invoice;

D. report the failure of a health insurer to reimburse the department within 30 days of the date of the invoice to the office of the superintendent in order for the office of the superintendent to pursue the proper sanctions or monetary penalties pursuant to their rules and the Vaccine Purchasing Act;

E. report the failure of a health insurer or group health plan to reimburse the department within 30 days of the date of the invoice to the office of the attorney general for collection of the invoice amount, including a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due;

F. credit all receipts collected from health insurers and group health plans pursuant to the Vaccine Purchasing Act to the fund;

G. no later than July 1, 2015, and July 1 of each year thereafter, the department shall estimate the amount to be expended annually by the department to purchase, store and distribute vaccines recommended by the department to all insured children in the state, including a reserve of 10% of the amount estimated; and

H. no later than September 1, 2015, and each quarter thereafter, the department shall invoice each health insurer and each group health plan for one-fourth of its proportionate share of the estimated annual amount and reserve calculated pursuant to Subsection E of 7.5.4.10 NMAC.

[7.5.4.8 NMAC - Rp, 7.5.4.8 NMAC xx/xx/2026]

7.5.4.9 PROVIDER PROHIBITIONS: To avoid duplication of payment, any providers who administer vaccines are prohibited from billing health insurers and group health plans for the cost of any vaccine which was provided to them by the department.

[7.5.4.9 NMAC - Rp, 7.5.4.9 NMAC xx/xx/2026]

7.5.4.10 PROCESS AND PROCEDURES:

A. No later than July 1, 2015, and July 1 of each year thereafter, the department shall estimate the amount to be expended annually by the department to purchase, store, and distribute vaccines recommended by the department to all insured children in the state, including a reserve of 10% of the amount estimated.

B. By the due date established by the office of the superintendent, but no later than August 15, 2015, each health insurer and group health plan shall report to the office of the superintendent’s director of life and health, P.O. Box 1689, Santa Fe, NM 87504, the number of children it insured who were under the age of 19 as of December 31, 2014, excluding from such reports children who are enrolled in medicaid or in any medical assistance program administered by the department, or the health care authority, and children who are American Indian or Alaska Natives. All such reports to the office of the superintendent shall be copied to the department at vpa.fund@state.nm.us.

C. By the due date established by the office of the superintendent, but no later than July 1 of each year subsequent to August 15, 2015, each health insurer and group health plan shall annually report to the office of the superintendent’s director of life and health, P.O. Box 1689, Santa Fe, NM 87504, the number of children it insures who will be under the age of 19 as of December 31 of the previous year, excluding from such reports children who are enrolled in medicaid or in any medical assistance program administered by the department, or the health care authority, and children who are American Indian or Alaska Natives. All such reports to the office of the superintendent shall be copied to the department at vpa.fund@state.nm.us.

D. Each health insurer and group health plan, when reporting number of children pursuant to this section, shall also provide a designated point of contact to the department and to the office of the superintendent to include: name, title, address, e-mail address, and office phone number no later than August 15, 2015, and by July 1 of each subsequent year. In the event that the point of contact changes prior to the billing cycle referenced in the table below, then an updated point of contact shall be provided to the department and the office of the superintendent as soon as practicable after the change occurs, but no later than 30 days after the change.

E. The annual amount to be reimbursed by each health insurer or group health plan shall be a fraction, the denominator of which is the total number of insured children reported by all health insurers and group health plans and the numerator of which is the number of insured children reported by such health insurer or group health plan, multiplied by the total amount as determined by the department to be expended annually in the corresponding year. Payments shall be remitted to the department’s fiscal agent in the manner directed by the department in the invoice with a corresponding notification of remittance to vpa.fund@state.nm.us.

F. No later than September 1, 2015, and each quarter thereafter, the department shall invoice each health insurer and each group health plan for one-fourth of its proportionate share of the estimated amount and reserve calculated pursuant to Subsection E of 7.5.4.10 NMAC. The due dates are as follows:

Billing Cycle:	Department’s Invoice Date:	Insurer’s and Group Health Plan’s Due Date:
July 1 to September 30	September 1	October 1
October 1 to December 31	December 1	January 1
January 1 to March 31	March 1	April 1
April 1 to June 30	June 1	July 1

[7.5.4.10 NMAC - Rp, 7.5.4.10 NMAC xx/xx/2026]

7.5.4.11 AUTHORIZED USES OF THE VACCINE PURCHASING FUND:

A. Money in the fund shall be expended only for the purposes specified in the Vaccine Purchasing Act, by warrant issued by the secretary of finance and administration pursuant to vouchers approved by the secretary of health.

B. The fund shall be audited in the same manner as other state funds are audited, and all records of payments made from the fund shall be open to the public.

C. Any balance remaining in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

D. Money in the fund shall be invested by the state investment officer in accordance with the limitations in Article 12 Section 7 of the constitution of New Mexico. Income from investment of the fund shall be credited to the fund.

E. The fund shall be used for the purchase, storage, and distribution of vaccines, as recommended by the department, for insured children who are not eligible for the vaccines for children program.

F. The department may update its estimated amount to be expended annually and its reserve to take into account increases or decreases in the cost of vaccines or the costs of additional vaccines that the department determines should be included in the statewide vaccine purchasing program and adjust the amount invoiced to each health insurer and group health plan the following quarter.

G. The department shall credit any balance remaining in the fund at the end of the fiscal year toward the department's purchase of vaccines the following year; provided that the department maintains a reserve of 10% of the amount estimated to be expended in the following year.

[7.5.4.11 NMAC - Rp, 7.5.4.11 NMAC xx/xx/2026]

7.5.4.12 UNAUTHORIZED USES OF THE VACCINE PURCHASING FUND: The fund shall not be used:

A. for the purchase, storage, and distribution of vaccines for children who are eligible for the vaccines for children program;

B. for administrative expenses associated with the statewide vaccine purchasing program; or

C. to pass through a federally negotiated discount pursuant to 42 U.S.C. 1396s.

[7.5.4.12 NMAC - Rp, 7.5.4.12 NMAC xx/xx/2026]

7.5.4.13 INITIAL ADMINISTRATIVE REVIEW OF INVOICE BY THE DEPARTMENT:

A. Each health insurer or group health plan shall have the right to request an initial administrative review of their invoice by the department in the event of a dispute over the invoice amount only. Any other grievances shall be initiated with the office of the superintendent pursuant to their rules. Criteria for the initial administrative review of the invoice shall be available from the department of health immunization program. Any informal hearing or administrative review of the invoice pursuant to the office of the superintendent's rules can only be commenced after the department's initial administrative review of the invoice is completed and the health insurer or group health plan receives notification by mail that the administrative review request has been completed by the department.

B. The health insurer or group health plan may submit a letter requesting an initial administrative review of the invoice and any supporting documents to the immunization program manager or designee within 10 working days of receipt of the department's invoice. Such requests shall be submitted to the immunization program manager at P.O. Box 26110, Santa Fe, NM 87502-6110, and via email at vpa.fund@state.nm.us. The health insurer or group health plan shall send a copy of the request to the office of the superintendent of insurance.

C. Within 10 working days of receipt of the request for an initial administrative review of the invoice, the department of health's immunization program manager or designee shall review the request for an initial administrative review of the invoice and any supporting documents. After the administrative review is complete the department's immunization program manager or designee shall notify the health insurer or group health plan by mail if the invoice amount will remain unchanged or modified.

D. If a modified invoice is issued by the department then payment is due within five days of receipt of the modified invoice or on the due date identified in the original invoice, whichever is later. Payment is due regardless of whether the health insurer or group health plan intends to further pursue an administrative review or informal hearing of the invoice with the office of the superintendent or an appeal to district court. Failure to remit payment will result in the department reporting the failure of a health insurer or group health plan to reimburse the department to the office of the attorney general for collection of the invoice amount, including a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due.

E. If the invoice remains unchanged then the invoice amount is due within five days of receipt of the department's decision or on the due date identified in the original invoice, whichever is later. Payment is due regardless of whether the health insurer or group health plan intends to further pursue an administrative review or informal hearing of the invoice with the office of the superintendent or an appeal to district court. Failure to remit payment will result in the department reporting the failure of a health insurer or group health plan to reimburse the department to the office of the attorney general for collection of the invoice amount, including a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due.

F. If the health insurer or group health plan continues to dispute the invoice amount, then it may request an informal hearing or administrative review with the office of the superintendent pursuant to the office of the superintendent's rules as authorized by the Vaccine Purchasing Act. The health insurer or group health plan shall

notify the immunization program manager if they are pursuing an informal hearing or administrative review of the invoice with the office of the superintendent via email at vpa.fund@state.nm.us.
[7.5.4.13 NMAC - Rp, 7.5.4.13 NMAC xx/xx/2026]

7.5.4.14 RIGHT TO AN INFORMAL HEARING OR ADMINISTRATIVE REVIEW WITH THE OFFICE OF THE SUPERINTENDENT AND THE RIGHT TO APPEAL; PENALTIES:

A. A health insurer aggrieved pursuant to the Vaccine Purchasing Act may request an informal hearing or an administrative review with the office of the superintendent pursuant to their rules. The health insurer shall notify the immunization program manager if they are pursuing an informal hearing or administrative review with the office of the superintendent via email at vpa.fund@state.nm.us.

B. A health insurer aggrieved pursuant to the Vaccine Purchasing Act may appeal from an order of the superintendent made after an informal hearing or an administrative hearing pursuant to Section 59A-4-20, NMSA 1978. The appeal from the office of the superintendent's order shall be taken to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

C. A health insurer or group health plan that fails to file a report pursuant to Subsections B and C of 7.5.4.10 NMAC shall pay a late filing fee of five hundred dollars (\$500) per day for each day from the date the report was due.

D. The office of superintendent may require a health insurer or group health plan subject to the Vaccine Purchasing Act to produce records that were used to prepare the report required under Subsections B and C of 7.5.4.10 NMAC. If the office of superintendent determines that there is other than a good faith discrepancy between the number of insured children reported and the number of insured children that should have been reported, the health insurer or group health plan shall pay a civil penalty of five hundred dollars (\$500) for each report filed for which the office of superintendent determines there is such a discrepancy.

E. Failure of a health insurer or group health plan to make timely payment of an amount invoiced pursuant to the Vaccine Purchasing Act and this rule shall subject the health insurer or group health plan to a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due.
[7.5.4.14 NMAC - Rp, 7.5.4.14 NMAC xx/xx/2026]

HISTORY OF 7.5.4 NMAC: [RESERVED]

History of Repealed Material: 7 5.4 NMAC, Vaccine Purchasing Fund, filed 8/17/2015 - Repealed effective xx/xx/2026.

Other: 7 5.4 NMAC, Vaccine Purchasing Fund, filed 8/17/2015, Replaced by 7 5.4 NMAC, Vaccine Purchasing Fund, effective xx/xx/2026.

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 4 VACCINE PURCHASING FUND

7.5.4.1 ISSUING AGENCY: ~~Public Health Division,~~ Department of ~~Health~~health, public health division.

[7.5.4.1 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.1 NMAC xx/xx/2026]

7.5.4.2 SCOPE: These regulations govern the procedures for establishing and administrating a statewide vaccine purchasing program to purchase vaccines for all children in New Mexico (NM), including children eligible for the vaccines for children program and insured children.

[7.5.4.2 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.2 NMAC xx/xx/2026]

7.5.4.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to Sections 24-5A-1 through 24-5A-9 of the Vaccine Purchasing Act, NMSA 1978; Section 9-7-6 of the Department of Health Act, NMSA 1978; and Section 24-1-3 of the Public Health Act, NMSA 1978.

[7.5.4.3 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.3 NMAC xx/xx/2026]

7.5.4.4 DURATION: Permanent.

[7.5.4.4 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.4 NMAC xx/xx/2026]

7.5.4.5 EFFECTIVE DATE: ~~August 28, 2015~~xxxx xx, 2026, unless a later date is cited at the end of a section.

[7.5.4.5 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.5 NMAC xx/xx/2026]

7.5.4.6 OBJECTIVE: The objective of this rule is to establish standards and administer a statewide vaccine purchasing program to:

- A. expand access to childhood immunizations recommended by the ~~advisory committee on immunization practices~~New Mexico department of health;
- B. maintain and improve immunization rates;
- C. facilitate the acquisition by providers of vaccines for childhood immunizations recommended by the ~~advisory committee on immunization practices~~department; and
- D. leverage public and private funding and resources for the purchase, storage, and distribution of vaccines for childhood immunizations recommended by the ~~advisory committee on immunization practices~~department.

[7.5.4.6 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.6 NMAC xx/xx/2026]

7.5.4.7 DEFINITIONS:

~~A. "Advisory committee on immunization practices" means the group of medical and public health experts that develops recommendations on how to use vaccines to control diseases in the United States, established under Section 222 of the federal Public Health Service Act.~~

~~A. Definitions beginning with "A": [RESERVED]~~

~~B. Definitions beginning with "B": [RESERVED]~~

~~C. Definitions beginning with "C": [RESERVED]~~

~~D. Definitions beginning with "D": "Department" means the department of health.~~

~~E. Definitions beginning with "E": [RESERVED]~~

~~F. Definitions beginning with "F": "Fund" means the vaccine purchasing fund.~~

~~G. Definitions beginning with "G": "Group health plan" means an employee welfare benefit plan to the extent that the plan provides medical care to employees or their dependents under the Employee Retirement Income Security Act of 1974 directly or through insurance, reimbursement or other means.~~

~~E. H. Definitions beginning with "H":~~

~~(1) "Health insurance coverage" means benefits consisting of medical care provided directly or through insurance or reimbursement or other means under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.~~

~~F.~~ (2) **“Health insurer”** means any entity subject to regulation by the office of the superintendent of insurance that:

- (1) provides or is authorized to provide health insurance or health benefit plans;
- (2) administers health insurance or health benefit coverage; or
- (3) otherwise provides a plan of health insurance or health benefits.

I. **Definitions beginning with “I”:** ~~G.~~ **“Insured child”** means a child under the age of 19 who is eligible to receive health insurance coverage from a health insurer or medical care pursuant to a group health plan.

J. **Definitions beginning with “J”:** [RESERVED]

~~K.~~ H. **Definitions beginning with “K”:** [RESERVED]

L. **Definitions beginning with “L”:** [RESERVED]

M. **Definitions beginning with “M”:** [RESERVED]

N. **Definitions beginning with “N”:** [RESERVED]

O. **Definitions beginning with “O”:** **“Office of the superintendent”** means the office of the superintendent of insurance.

~~I.~~ P. **Definitions beginning with “P”:**

(1) **“Policy”** means any contract of health insurance between a health insurer and the insured and all clauses, riders, endorsements and parts thereof.

~~J.~~ (2) **“Provider”** means an individual or organization licensed, certified, or otherwise authorized or permitted by law to provide vaccinations to insured children.

Q. **Definitions beginning with “Q”:** [RESERVED]

R. **Definitions beginning with “R”:** [RESERVED]

S. **Definitions beginning with “S”:** [RESERVED]

T. **Definitions beginning with “T”:** [RESERVED]

U. **Definitions beginning with “U”:** [RESERVED]

V. **Definitions beginning with “V”:** ~~K.~~ **“Vaccines for children program”** means the federally funded program that provides vaccines at no cost to eligible children pursuant to Section 1928 of the federal Social Security Act.

W. **Definitions beginning with “W”:** [RESERVED]

X. **Definitions beginning with “X”:** [RESERVED]

Y. **Definitions beginning with “Y”:** [RESERVED]

Z. **Definitions beginning with “Z”:** [RESERVED]

[7.5.4.7 NMAC - ~~N, 8/28/2015Rp.~~ 7.5.4.7 NMAC xx/xx/2026]

7.5.4.8 DUTIES OF THE DEPARTMENT: The department shall:

A. purchase vaccines for children in New Mexico, including children eligible for the vaccines for children program and insured children;

B. invoice each health insurer and group health plan to reimburse the department for the cost of vaccines provided directly or indirectly by the department to such health insurer’s or group health plan’s insured children;

C. maintain a list of registered providers who receive vaccines for insured children that are purchased by the state and provide such list to each health insurer and group health plan with every invoice;

D. report the failure of a health insurer to reimburse the department within 30 days of the date of the invoice to the office of the superintendent in order for the office of the superintendent to pursue the proper sanctions or monetary penalties pursuant to their rules and the Vaccine Purchasing Act;

E. report the failure of a health insurer or group health plan to reimburse the department within 30 days of the date of the invoice to the office of the attorney general for collection of the invoice amount, including a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due;

F. credit all receipts collected from health insurers and group health plans pursuant to the Vaccine Purchasing Act to the fund;

G. no later than July 1, 2015, and July 1 of each year thereafter, the department shall estimate the amount to be expended annually by the department to purchase, store and distribute vaccines recommended by the ~~advisory committee on immunization practices~~department to all insured children in the state, including a reserve of 10% of the amount estimated; and

H. no later than September 1, 2015, and each quarter thereafter, the department shall invoice each health insurer and each group health plan for one-fourth of its proportionate share of the estimated annual amount and reserve calculated pursuant to Subsection E of 7.5.4.10 NMAC.

[7.5.4.8 NMAC - ~~N, 8/28/2015~~Rp, 7.5.4.8 NMAC xx/xx/2026]

7.5.4.9 PROVIDER PROHIBITIONS: To avoid duplication of payment, any providers who administer vaccines are prohibited from billing health insurers and group health plans for the cost of any vaccine which was provided to them by the department.

[7.5.4.9 NMAC - ~~N, 8/28/2015~~Rp, 7.5.4.9 NMAC xx/xx/2026]

7.5.4.10 PROCESS AND PROCEDURES:

A. No later than July 1, 2015, and July 1 of each year thereafter, the department shall estimate the amount to be expended annually by the department to purchase, store, and distribute vaccines recommended by the ~~advisory committee on immunization practices~~department to all insured children in the state, including a reserve of 10% of the amount estimated.

B. By the due date established by the office of the superintendent, but no later than August 15, 2015, each health insurer and group health plan shall report to the office of the superintendent's director of life and health, P.O. Box 1689, Santa Fe, NM 87504, the number of children it insured who were under the age of 19 as of December 31, 2014, excluding from such reports children who are enrolled in medicaid or in any medical assistance program administered by the department, or the ~~human services department~~health care authority, and children who are American Indian or Alaska Natives. All such reports to the office of the superintendent shall be copied to the department at vpa.fund@state.nm.us.

C. By the due date established by the office of the superintendent, but no later than July 1 of each year subsequent to August 15, 2015, each health insurer and group health plan shall annually report to the office of the superintendent's director of life and health, P.O. Box 1689, Santa Fe, NM 87504, the number of children it insures who will be under the age of 19 as of December 31 of the previous year, excluding from such reports children who are enrolled in medicaid or in any medical assistance program administered by the department, or the ~~human services department~~health care authority, and children who are American Indian or Alaska Natives. All such reports to the office of the superintendent shall be copied to the department at vpa.fund@state.nm.us.

D. Each health insurer and group health plan, when reporting number of children pursuant to this section, shall also provide a designated point of contact to the department and to the office of the superintendent to include: name, title, address, e-mail address, and office phone number no later than August 15, 2015, and by July 1 of each subsequent year. In the event that the point of contact changes prior to the billing cycle referenced in the table below, then an updated point of contact shall be provided to the department and the office of the superintendent as soon as practicable after the change occurs, but no later than 30 days after the change.

E. The annual amount to be reimbursed by each health insurer or group health plan shall be a fraction, the denominator of which is the total number of insured children reported by all health insurers and group health plans and the numerator of which is the number of insured children reported by such health insurer or group health plan, multiplied by the total amount as determined by the department to be expended annually in the corresponding year. Payments shall be remitted to the department's fiscal agent in the manner directed by the department in the invoice with a corresponding notification of remittance to vpa.fund@state.nm.us.

F. No later than September 1, 2015, and each quarter thereafter, the department shall invoice each health insurer and each group health plan for one-fourth of its proportionate share of the estimated amount and reserve calculated pursuant to Subsection E of 7.5.4.10 NMAC. The due dates are as follows:

Billing Cycle:	Department's Invoice Date:	Insurer's and Group Health Plan's Due Date:
July 1 to September 30	September 1	October 1
October 1 to December 31	December 1	January 1
January 1 to March 31	March 1	April 1
April 1 to June 30	June 1	July 1

[7.5.4.10 NMAC - ~~N, 8/28/2015~~Rp, 7.5.4.10 NMAC xx/xx/2026]

7.5.4.11 AUTHORIZED USES OF THE VACCINE PURCHASING FUND:

A. Money in the fund shall be expended only for the purposes specified in the Vaccine Purchasing Act, by warrant issued by the secretary of finance and administration pursuant to vouchers approved by the secretary of health.

B. The fund shall be audited in the same manner as other state funds are audited, and all records of payments made from the fund shall be open to the public.

C. Any balance remaining in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

D. Money in the fund shall be invested by the state investment officer in accordance with the limitations in Article 12 Section 7 of the constitution of New Mexico. Income from investment of the fund shall be credited to the fund.

E. The fund shall be used for the purchase, storage, and distribution of vaccines, as recommended by the ~~advisory committee on immunization practices~~ department, for insured children who are not eligible for the vaccines for children program.

F. The department may update its estimated amount to be expended annually and its reserve to take into account increases or decreases in the cost of vaccines or the costs of additional vaccines that the department determines should be included in the statewide vaccine purchasing program and adjust the amount invoiced to each health insurer and group health plan the following quarter.

G. The department shall credit any balance remaining in the fund at the end of the fiscal year toward the department's purchase of vaccines the following year; provided that the department maintains a reserve of 10% of the amount estimated to be expended in the following year.

[7.5.4.11 NMAC - ~~N, 8/28/2015~~Rp, 7.5.4.11 NMAC xx/xx/2026]

7.5.4.12 UNAUTHORIZED USES OF THE VACCINE PURCHASING FUND: The fund shall not be used:

A. for the purchase, storage, and distribution of vaccines for children who are eligible for the vaccines for children program;

B. for administrative expenses associated with the statewide vaccine purchasing program; or

C. to pass through a federally negotiated discount pursuant to 42 U.S.C. 1396s.

[7.5.4.12 NMAC - ~~N, 8/28/2015~~Rp, 7.5.4.12 NMAC xx/xx/2026]

7.5.4.13 INITIAL ADMINISTRATIVE REVIEW OF INVOICE BY THE DEPARTMENT:

A. Each health insurer or group health plan shall have the right to request an initial administrative review of their invoice by the department in the event of a dispute over the invoice amount only. Any other grievances shall be initiated with the office of the superintendent pursuant to their rules. Criteria for the initial administrative review of the invoice shall be available from the department of health immunization program. Any informal hearing or administrative review of the invoice pursuant to the office of the superintendent's rules can only be commenced after the department's initial administrative review of the invoice is completed and the health insurer or group health plan receives notification by mail that the administrative review request has been completed by the department.

B. The health insurer or group health plan may submit a letter requesting an initial administrative review of the invoice and any supporting documents to the immunization program manager or designee within 10 working days of receipt of the department's invoice. Such requests shall be submitted to the immunization program manager at P.O. Box 26110, Santa Fe, NM 87502-6110, and via email at vpa.fund@state.nm.us. The health insurer or group health plan shall send a copy of the request to the office of the superintendent of insurance.

C. Within 10 working days of receipt of the request for an initial administrative review of the invoice, the department of health's immunization program manager or designee shall review the request for an initial administrative review of the invoice and any supporting documents. After the administrative review is complete the department's immunization program manager or designee shall notify the health insurer or group health plan by mail if the invoice amount will remain unchanged or modified.

D. If a modified invoice is issued by the department then payment is due within five days of receipt of the modified invoice or on the due date identified in the original invoice, whichever is later. Payment is due regardless of whether the health insurer or group health plan intends to further pursue an administrative review or informal hearing of the invoice with the office of the superintendent or an appeal to district court. Failure to remit payment will result in the department reporting the failure of a health insurer or group health plan to reimburse the department to the office of the attorney general for collection of the invoice amount, including a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due.

E. If the invoice remains unchanged then the invoice amount is due within five days of receipt of the department's decision or on the due date identified in the original invoice, whichever is later. Payment is due regardless of whether the health insurer or group health plan intends to further pursue an administrative review or informal hearing of the invoice with the office of the superintendent or an appeal to district court. Failure to remit payment will result in the department reporting the failure of a health insurer or group health plan to reimburse the department to the office of the attorney general for collection of the invoice amount, including a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due.

F. If the health insurer or group health plan continues to dispute the invoice amount, then it may request an informal hearing or administrative review with the office of the superintendent pursuant to the office of the superintendent's rules as authorized by the Vaccine Purchasing Act. The health insurer or group health plan shall notify the immunization program manager if they are pursuing an informal hearing or administrative review of the invoice with the office of the superintendent via email at vpa.fund@state.nm.us.

[7.5.4.13 NMAC - ~~N, 8/28/2015Rp, 7.5.4.13 NMAC xx/xx/2026~~]

7.5.4.14 RIGHT TO AN INFORMAL HEARING OR ADMINISTRATIVE REVIEW WITH THE OFFICE OF THE SUPERINTENDENT AND THE RIGHT TO APPEAL; PENALTIES:

A. A health insurer aggrieved pursuant to the Vaccine Purchasing Act may request an informal hearing or an administrative review with the office of the superintendent pursuant to their rules. The health insurer shall notify the immunization program manager if they are pursuing an informal hearing or administrative review with the office of the superintendent via email at vpa.fund@state.nm.us.

B. A health insurer aggrieved pursuant to the Vaccine Purchasing Act may appeal from an order of the superintendent made after an informal hearing or an administrative hearing pursuant to Section 59A-4-20, NMSA 1978. The appeal from the office of the superintendent's order shall be taken to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

C. A health insurer or group health plan that fails to file a report pursuant to Subsections B and C of 7.5.4.10 NMAC shall pay a late filing fee of five hundred dollars (\$500) per day for each day from the date the report was due.

D. The office of superintendent may require a health insurer or group health plan subject to the Vaccine Purchasing Act to produce records that were used to prepare the report required under Subsections B and C of 7.5.4.10 NMAC. If the office of superintendent determines that there is other than a good faith discrepancy between the number of insured children reported and the number of insured children that should have been reported, the health insurer or group health plan shall pay a civil penalty of five hundred dollars (\$500) for each report filed for which the office of superintendent determines there is such a discrepancy.

E. Failure of a health insurer or group health plan to make timely payment of an amount invoiced pursuant to the Vaccine Purchasing Act and this rule shall subject the health insurer or group health plan to a civil penalty of five hundred dollars (\$500) for each day from the date the payment is due.

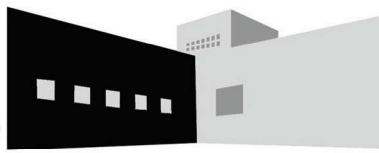
[7.5.4.14 NMAC - ~~N, 8/28/2015Rp, 7.5.4.14 NMAC xx/xx/2026~~]

HISTORY OF 7.5.4 NMAC: [RESERVED]

History of Repealed Material: 7 5.4 NMAC, Vaccine Purchasing Fund, filed 8/17/2015 - Repealed effective xx/xx/2026.

Other: 7 5.4 NMAC, Vaccine Purchasing Fund, filed 8/17/2015, Replaced by 7 5.4 NMAC, Vaccine Purchasing Fund, effective xx/xx/2026.

NEW MEXICO



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EXHIBIT 7

March 17, 2026

SENT VIA ELECTRONIC MAIL ONLY TO: Christopher D. Woodward, Deputy General Counsel, DOH
Christopher D. Woodward, Deputy General Counsel
Department of Health
PO Box 26110
Santa Fe, New Mexico 87502-6110

Dear Mr. Woodward,

I am in receipt of your letter dated March 17, 2026, with regard to the request for the approval of new Part name. Your request is approved and this information has been recorded in the Administrative Law Division's master listing as:

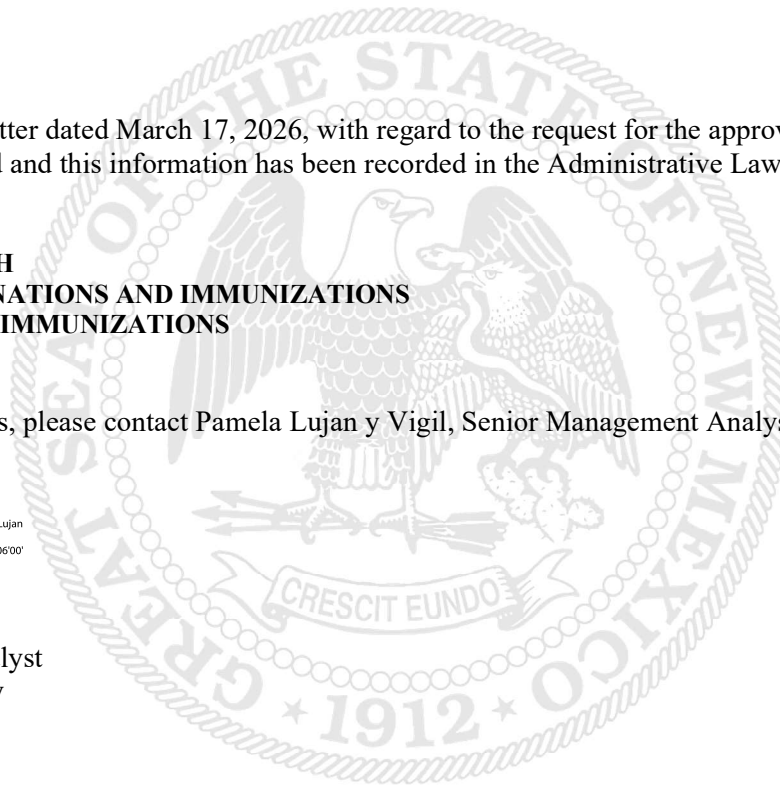
TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 6 ADULT IMMUNIZATIONS

If you have any questions, please contact Pamela Lujan y Vigil, Senior Management Analyst at (505) 476-7990.

Sincerely,

Pamela Lujan y Vigil Digitally signed by Pamela Lujan y Vigil
Date: 2026.03.17 12:20:18 -06'00'

Pamela Lujan y Vigil
Senior Management Analyst
1205 Camino Carlos Rey
Santa Fe, NM 87507
(505) 476-7990



cc: File

1205 Camino Carlos Rey | Santa Fe, NM 87507 | www.srca.nm.gov

Hon. Raúl Torrez
Attorney General

Hon. Joseph Maestas
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Secretary, Dept. of Cultural Affairs

Deputy Secretary, General Services Department

Stephanie Wilson
Supreme Court Law Librarian

TITLE 7 HEALTH
CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS
PART 6 ADULT IMMUNIZATIONS

7.5.6.1 ISSUING AGENCY: Public health division, department of health.
 [7.5.6.1 NMAC - N, xx/xx/2026]

7.5.6.2 SCOPE: These regulations govern the recommended immunization for adults residing in New Mexico to protect against diseases that are deemed to be dangerous to public health.
 [7.5.6.2 NMAC - N, xx/xx/2026]

7.5.6.3 STATUTORY AUTHORITY: These regulations are promulgated by the secretary of the New Mexico department of health under the authority of Section 24-5-1 NMSA 1978. Enforcement of these regulations is the responsibility of the public health division of the New Mexico department of health.
 [7.5.6.3 NMAC - N, xx/xx/2026]

7.5.6.4 DURATION: Permanent.
 [7.5.6.4 NMAC - N, xx/xx/2026]

7.5.6.5 EFFECTIVE DATE: July 1, 2026, unless a later date is cited at the end of a section.
 [7.5.6.5 NMAC - N, xx/xx/2026]

7.5.6.6 OBJECTIVE: The objective is to provide for the health and safety of New Mexicans by recommending adult immunizations to abate the spread of diseases that are dangerous to the public health.
 [7.5.6.6 NMAC - N, xx/xx/2026]

7.5.6.7 DEFINITIONS:

A. Definitions beginning with “A”:

- (1) “Adult”** means a person who is age 19 years and above.
- (2) “Advisory committee on immunization practices”** means the federal advisory committee that provides guidance and recommendations for the use of vaccines to prevent and control diseases in the United States.
- (3) “American academy of family physicians”** means the national medical association for family physicians, residents, and medical students committed to treating the whole person through the specialty of family medicine and supports recommendations on the use of vaccines to prevent and control diseases in the United States.
- (4) “American college of obstetricians and gynecologists”** means the national professional membership organization for obstetricians and gynecologists that is dedicated to improving the lives of all people seeking obstetrician and gynecologic care, their families, and communities, and supports recommendations on the use of vaccines to control diseases in the United States.
- (5) “American college of physicians”** means the global medical specialty organization of internal medicine specialists and subspecialists who apply scientific knowledge and clinical expertise to the diagnosis and compassionate care of adults and supports recommendations on the use of vaccines to control diseases in the United States.

B. Definitions beginning with “B”: [RESERVED]

C. Definitions beginning with “C”: [RESERVED]

D. Definitions beginning with “D”: “Department” means the New Mexico department of health.

E. Definitions beginning with “E”: [RESERVED]

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: [RESERVED]

I. Definitions beginning with “I”: [RESERVED]

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: [RESERVED]

M. Definitions beginning with “M”: [RESERVED]

- N. Definitions beginning with “N”: [RESERVED]
- O. Definitions beginning with “O”: [RESERVED]
- P. Definitions beginning with “P”: [RESERVED]
- Q. Definitions beginning with “Q”: [RESERVED]
- R. Definitions beginning with “R”: [RESERVED]
- S. Definitions beginning with “S”: “Secretary” means the cabinet secretary for the New Mexico

department of health.

- T. Definitions beginning with “T”: [RESERVED]
- U. Definitions beginning with “U”: [RESERVED]
- V. Definitions beginning with “V”: [RESERVED]
- W. Definitions beginning with “W”: [RESERVED]
- X. Definitions beginning with “X”: [RESERVED]
- Y. Definitions beginning with “Y”: [RESERVED]
- Z. Definitions beginning with “Z”: [RESERVED]

[7.5.6.7 NMAC - N, xx/xx/2026]

7.5.6.8 IMMUNIZATION REECOMENDATIONS:

A. The department shall develop immunization recommendations for adults residing in New Mexico including the recommended manner and frequency of their administration. The initial recommendations shall be issued within three months of the final promulgation of this rule. The department shall review the recommendations at least annually and update them as necessary to protect and promote the health and welfare of the citizens of New Mexico. Updated recommendations shall be issued no later than December 31 of each year; provided, however, that the recommendations for the succeeding year shall take effect upon issuance by the department.

B. In developing these recommendations, the department may utilize evidence-based guidance from the advisory committee on immunization practices, American academy of family physicians, American college of obstetricians and gynecologists, the American college of physicians, or the vaccine integrity project.

C. The department shall consult with the health care authority and the office of the superintendent of insurance when developing the recommendations.

D. The recommendations shall be approved by the secretary.

E. Throughout the year, the secretary may amend the recommended vaccines to include vaccines for preventable diseases as determined by the department.

[7.5.6.8 NMAC - N, xx/xx/2026]

HISTORY OF NMAC: [RESERVED]

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of revisions to rules 7.5.2 NMAC (Immunization Requirement), 7.5.3 NMAC (Exemption from School, Childcare, and Pre-School Immunization), and 7.5.4 NMAC (Vaccine Purchasing Fund), and a new rule, 7.5.6 NMAC (Adult Immunizations). The hearing will be held on Friday, June 5, 2026 at 9:00 a.m. via a live web-based video conference and via telephone. Members of the public who wish to submit public comment regarding the proposed rules will be able to do so via video conference or via telephone during the course of the hearing, and by submitting written comment.

The rules 7.5.2, 7.5.3, and 7.5.4 NMAC are being revised to remove various references to the Advisory Committee on Immunization Practices (ACIP), consistent with recent changes in NM statute at section 24-5-1, NMSA 1978, adopted via House Bill 156 in the 2026 regular legislative session. The rules are also being revised to insert new definitions, and to delete and modify various existing definitions.

Rule 7.5.2 NMAC is also being revised to specify that the Department of Health shall develop annual guidelines establishing immunizations required for children, in consultation with PED and ECECD.

Rule 7.5.3 NMAC is also being revised, at section 8, to authorize a designee of the Public Health Division Director to receive exemption requests on behalf of the agency.

Rule 7.5.4 NMAC is also being revised to specify in various passages that vaccines that are purchased, stored, and distributed to children through the NM Vaccine Purchase Fund are vaccines that are recommended by the Department of Health.

Rule 7.5.6 NMAC is a proposed new rule concerning recommendations by the Department of Health regarding immunizations for adults residing in New Mexico, including recommended manner and frequency of administration; review and updates to the recommendations; and Department consideration of evidence-based guidance from ACIP and the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the Vaccine Integrity Project.

The purpose of the proposed rules is to implement the NM Immunization Act, sections 24-5-1 through -15, NMSA 1978.

The legal authority authorizing the adoption of these rules by the Department are 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 the Immunization Act at section 24-5-1, NMSA 1978, which requires that the Department of Health "promulgate rules governing the immunization against diseases deemed to be dangerous to the public health, to be required of children attending licensed child care and licensed early childhood care programs and public, private, home or parochial schools in the state", and "promulgate rules governing the immunization against diseases deemed to be dangerous to the public health, to be recommended for adults residing in the state."

A free copy of the full text of the proposed rule 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 rule. 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.

The hearing will be held on June 5, 2026 via the Microsoft Teams online web conference platform.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> and then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 262 970 165 142 192 and passcode x6bk3qp3 and then click the "Join a meeting" button.

To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 710 187 354#

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 by 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 June 5, 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 and need special assistance or accommodation 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.

Affidavit of Publication

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO }

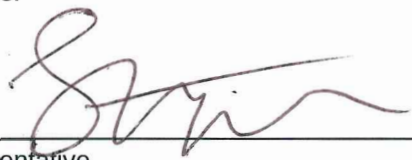
Ad Cost: \$215.59
Ad Number: 399330
Account Number: 1060434
Classification: GOVERNMENT LEGALS

I, Steve Yoder, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 time on the following date:

May 5, 2026

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Legal Representative

Subscribed to and sworn to me this 5th day of May 2026.

David Lindsey Montoya

Notary Public

County Bernalillo

ID#: 1140229

My commission expires: 04-26-2027

STATE OF NEW MEXICO
NOTARY PUBLIC
DAVID LINDSEY MONTOYA
COMMISSION NUMBER 1140229
EXPIRATION DATE 04-26-2027

NM DEPT OF HEALTH
OFFICE OF GENERAL COUNSEL
PO BOX 26110, SUITE N-4095
SANTA FE, NM 87502

NOTICE OF PUBLIC
HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of revisions to rules 7.5.2 NMAC (Immunization Requirement), 7.5.3 NMAC (Exemption from School, Child-care, and Pre-School Immunization), and 7.5.4 NMAC (Vaccine Purchasing Fund), and a new rule, 7.5.6 NMAC (Adult Immunizations). The hearing will be held on Friday, June 5, 2026 at 9:00 a.m. via a live web-based video conference and via telephone. Members of the public who wish to submit public comment regarding the proposed rules will be able to do so via video conference or via telephone during the course of the hearing, and by submitting written comment.

The rules 7.5.2, 7.5.3, and 7.5.4 NMAC are being revised to remove various references to the Advisory Committee on Immunization Practices (ACIP), consistent with recent changes in NM statute at section 24-5-1, NMSA 1978, adopted via House Bill 156 in the 2026 regular legislative session. The rules are also being revised to insert new definitions, and to delete and modify various existing definitions.

Rule 7.5.2 NMAC is also being revised to specify that the Department of Health shall develop annual guidelines establishing immunizations required for children, in consultation with PED and EOECD.

Rule 7.5.3 NMAC is also being revised, at section 8, to authorize a designee of the Public Health Division Director to receive exemption requests on behalf of the agency.

Rule 7.5.4 NMAC is also being revised to specify in various passages that vaccines that are purchased, stored, and distributed to children through the NM Vaccine Purchase Fund are vaccines that are recommended by the Department of Health.

Rule 7.5.6 NMAC is a proposed new rule concerning recommendations by the Department of Health regarding immunizations for adults residing in New Mexico, including recommended manner and frequency of administration; review and updates to the recommendations; and Department consideration of evidence-based guidance from ACIP and the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the Vaccine Integrity Project.

The purpose of the proposed rules is to implement the NM Immunization Act, sections 24-5-1 through -15, NMSA 1978.

The legal authority authorizing the adoption of these rules by the Department are 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 du-

ties of the department and its divisions"; and the Immunization Act at section 24-5-1, NMSA 1978, which requires that the Department of Health "promulgate rules governing the immunization against diseases deemed to be dangerous to the public health, to be required of children attending licensed child care and licensed early childhood care programs and public, private, home or parochial schools in the state", and "promulgate rules governing the immunization against diseases deemed to be dangerous to the public health, to be recommended for adults residing in the state."

A free copy of the full text of the proposed rule 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 rule. 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.

The hearing will be held on June 5, 2026 via the Microsoft Teams online web conference platform.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> and then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 262 970 165 142 192 and passcode x6bk3qp3 and then click the "Join a meeting" button.

To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 710 187 354#

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 by 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 June 5, 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 and need special assistance or accommodation 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.

Journal: May 5, 2026.

INVOICE

NM Commission of Public
Records
1205 Camino Carlos Rey
Santa Fe, NM 87507

darlene.martinez@srca.nm.gov
+1 (505) 476-7912
www.nmcpr.state.nm.us



EXHIBIT 11

Bill to
Department of Health - General Counsel
Office
P.O. Box 26110
Santa Fe, NM 87502-6110

Ship to
Department of Health - General Counsel
Office
P.O. Box 26110
Santa Fe, NM 87502-6110

Invoice details
Invoice no.: SRCA 8811
Terms: Due on receipt
Invoice date: 05/06/2026
Due date: 05/06/2026

Volume: XXXVII
Issue: 9
P.O. number: 66500-0000205339

#	Product or service	Description	Qty	Rate	Amount
1.	NM Register - 431902	Notice Of Public Hearing (7.5.2 thru 7.5.4 NMAC, 7.5.6 NMAC), hearing date: 6/5/2026	27	\$3.00	\$81.00

Total **\$81.00**

Note to customer

Thank you for your business!

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # SRCA - 8811 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXVI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # SRCA - 8811, and that Invoice # SRCA - 8811 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.


Affiant:

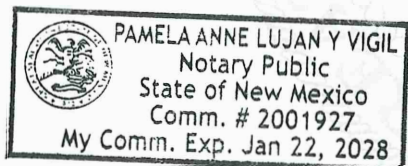

Matthew Ortiz

Subscribed, sworn and acknowledged before me this 10th day of May 2026.

Notary Public:

My Commission Expires:


1/22/2028





Michelle Lujan Grisham
Governor

Gina DeBlassie
Cabinet Secretary

New Mexico Department of Health

EXHIBIT 12

Via Electronic Mail

May 1, 2026

Craig Erickson
Utton & Kery, P.A.
500 Tijeras Ave NW
Albuquerque, NM 87102
E-mail: craig@uttonkery.com

Re: Appointment Letter, Public Rulemaking Hearing on Proposed Adoption of a New Rule 7.5.6 NMAC Adult Immunizations, and Proposed Repeal and Replacement of 7.5.2 NMAC Immunization Requirements, 7.5.3 NMAC Exemption from School, Childcare, and Pre-School Immunization, & 7.5.4 NMAC Vaccine Purchasing Fund

Dear Mr. Erickson:

Pursuant to NMSA 1978, § 9-7-6(E), I hereby appoint you to serve as the hearing officer to preside at the Department of Health's public hearing June 5th, 2026, and to submit a written recommendation regarding the proposed rule adoption. This rulemaking hearing is scheduled for 9:00 a.m. and will be a virtual rule hearing conducted via the Microsoft Teams web conference platform and via telephone. Attached is a copy of the Notice of Public Hearing.

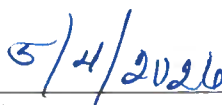
The hearing will be conducted to receive public comment regarding the adoption of a new rule, 7.5.6 NMAC Adult Immunizations, and Proposed Repeal and Replacement of 7.5.2 NMAC Immunization Requirements, 7.5.3 NMAC Exemption from School, Childcare, and Pre-School Immunization, & 7.5.4 NMAC Vaccine Purchasing Fund. An exhibit binder will be provided to you prior to the date of the hearing.

Thank you for accepting this appointment.

Sincerely,



Gina DeBlassie
NMDOH Cabinet Secretary



Date

cc: Christopher D. Woodward, Deputy General Counsel

Affidavit of Notice to the Public

I, Jacob Clark, the undersigned, on oath, swear and affirm that the Notice of the Public Hearing for the Proposed Adoption of a New Rule 7.5.6 NMAC Adult Immunizations, and Proposed Repeal and Replacement of 7.5.2 NMAC Immunization Requirements, 7.5.3 NMAC Exemption from School, Childcare, and Pre-School Immunization, & 7.5.4 NMAC Vaccine Purchasing Fund.

1. On May 6th, 2026, I verified that the Notice of Public Hearing was electronically posted on the New Mexico Department of Health agency website at <https://www.nmhealth.org/about/asd/cmo/rules/>, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
2. On May 6th, 2026, I verified that the Notice of Public Hearing was posted on the New Mexico Sunshine Portal website, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
3. On May 6th, 2026, I emailed the Notice of Public Hearing to persons who have made a written request for notice from the agency of announcements addressing the subject of rulemakings and who have provided the agency an electronic mail address, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2. The list of persons who requested notice includes the following persons:

Tim Gardner	tgardner@drnm.org
Lucy Galaviz	lgalaviz@drnm.org
Rachel S. Gudgel	rachel.gudgel@nmlegis.gov

4. No persons have provided a postal address to request written notice by postal mail.
5. On May 6th, 2026, I emailed the Notice of Public hearing to the New Mexico Legislative Council Service, at lcs@nmlegis.gov, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
6. On May 6th, 2026, I emailed the Notice of Public Hearing to Kate Graham of the New Mexico Small Business Regulatory Advisory Commission, the identified contact person for the receipt of proposed rule changes, at kate.graham@edd.nm.gov, pursuant to the Small Business Regulatory Relief Act at NMSA 1978, § 14-4A-4.
7. On May 6th, 2026, I ensured that the Notice of Public Hearing was posted publicly on the exterior doors at the Harold Runnels Building, Department of Health, 1190 S. St. Francis Drive, Santa Fe, NM 87505.


FURTHER AFFIANT SAYETH NAUGHT.



Jacob Clark, Affiant


STATE OF NEW MEXICO }
COUNTY OF SANTA FE }

SWORN TO and SUBSCRIBED before me on the 1 day of June, 2026 by Jacob Clark.



Notarial Officer

My Commission Expires: N/A





State of New Mexico
Notarial Officer
Christopher D. Woodward
State Bar #20823