

From: [Alicia Ramos](#)
To: [Clark, Jacob, DOH](#)
Subject: [EXTERNAL] Public comment on proposed 7.35.3 NMAC, October 2, 2026 hearing
Date: Friday, September 25, 2026 6:16:37 PM

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To the New Mexico Department of Health:

My name is Alicia F. Ramos. I am a New Mexico resident living in Roswell, as well as a caregiver, clinician, and someone who hopes to receive this form of care. I am writing to offer public comment on proposed Rule 7.35.3 NMAC ahead of the hearing scheduled for October 2, 2026.

New Mexicans deserve equitable, timely, and compassionate access to care. The final rule should protect patient safety without creating unnecessary barriers that prevent people, especially renters, rural residents, and those with limited financial resources, from receiving treatment.

I respectfully ask the Department to consider the following changes:

1. Property-owner statement — 7.35.3.11(B)(9)

Please delete Paragraph (B)(9) of 7.35.3.11.

The concern that may justify landlord involvement in cannabis use, such as smoking on the property, is not present during a supervised psilocybin session administered by a licensed facilitator. Requiring a property owner's signed acknowledgment offers the owner no meaningful benefit while potentially exposing them to concerns or perceived liability. As a result, many property owners may simply decline to sign.

This requirement would create an inequitable barrier based solely on housing status. New Mexicans who rent their homes should not lose access to care simply because they do not own the property where they live.

2. Certifying clinician — 7.35.3.8 and 7.35.3.9(D)

Please remove the certifying-clinician model. Instead, the rule should focus on the specific contraindications, medical histories, medications, and risk factors that require clinical review.

When an identified risk factor is present, an attestation could be required from a clinician whose scope of practice is appropriate to evaluate that particular concern. The clinician could confirm that the necessary screening was completed and that the potential benefits outweigh the identified risks.

The proposed design appears to extend beyond the intent of the Act and does not fully reflect where the most significant risks may arise. Many of the risks associated with psilocybin-assisted therapy are psychological or involve medical concerns that must be assessed close to—or on—the day of administration, including intoxication or changes in a patient's condition.

A one-time prescriber gateway may not effectively identify or address those risks.

It could also create a separate clinical encounter whose primary purpose is admission into the program rather than independent medical treatment. Insurers may determine that such an encounter lacks medical necessity, increasing the likelihood of claim denials or future clawbacks. This could leave patients and clinicians carrying an unnecessary financial burden.

3. Patient application — 7.35.3.8

Please remove the patient application requirement.

A separate patient application does not appear to have a clear legal or policy justification within a supervised-use program. It would create additional administrative work for the Department, delay access to care, and establish another repository of sensitive patient information that could potentially be accessed without consent, breached, or otherwise misused.

Requiring patients to apply to the state before receiving supervised care may also deepen the stigma already experienced by people seeking mental health and alternative therapeutic services.

New Mexico has an opportunity to create a thoughtful and responsible program that centers safety, dignity, privacy, and equitable access. I respectfully ask the Department to revise the proposed rule so that safeguards are connected to clearly identified risks without creating barriers that unnecessarily restrict care.

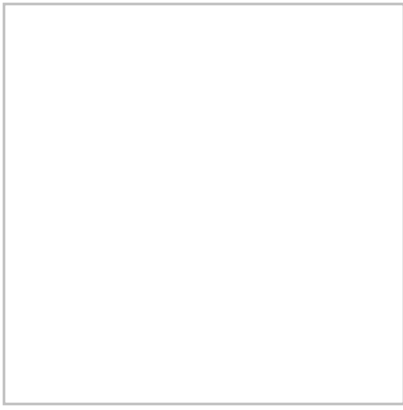
Thank you for considering my comments and for your work in developing this program.

Respectfully,

Alicia F. Ramos
Roswell, New Mexico

Alicia Ramos
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"No matter what kind of difficult situation one may find oneself in, some opening, some opportunity to fight one's way out, can always be found. What's most important is to hold fast to hope, to face the future with courage." -Diasaku Ikeda