

From: [Kate Czark](#)
To: [Clark, Jacob, DOH](#)
Subject: [EXTERNAL] Public comment on proposed 7.35.3 NMAC, October 2, 2026 hearing
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To the New Mexico Department of Health:

I am a New Mexico resident in Arroyo Seco, and I am a healthcare worker and also work in hospice and palliative care. I am writing to comment on proposed rule 7.35.3 NMAC ahead of the October 2, 2026 hearing.

As a health and hospice care provider I understand how important it is that people have access to these modalities. Creating less friction in the process of someone obtaining the important benefits from medical psychedelics and psilocybin assisted therapy is paramount and beneficial for all parties. Why create more hassle and barriers than is optimal?

I ask the department to make the following changes in the final rule.

1. The property-owner statement, 7.35.3.11(B)(9).

Delete paragraph (B)(9) of 7.35.3.11.

The landlord interest that justifies the cannabis provision, smoking on the property, is not present in a supervised psilocybin session administered by a licensed facilitator. A signed acknowledgment gives an owner nothing to gain and something to lose, so many will decline to sign, and care at home for anyone who does not own their home will end before they are able to receive treatment.

2. The certifying clinician, 7.35.3.8 and 7.35.3.9(D).

Remove the certifying clinician design. In its place, regulate around the specific contraindications, medical histories and medications that warrant clinical review. Where a risk factor is identified, require an attestation from a clinician whose scope of practice fits that risk that screening was conducted and benefits outweigh risks.

The design exceeds the Act and misunderstands where the risk is. The most significant risks in psilocybin-assisted therapy are psychological, or medical risks that must be screened on the day of administration, such as intoxication. A one-time "prescriber" gateway misses them. It also creates a clinical encounter whose only purpose is program entry, which insurers will treat as lacking independent medical necessity, inviting claim denials and clawbacks.

3. The patient application, 7.35.3.8.

Strike the patient application process.

It has no legal or policy justification in a supervised-use program. It adds administrative burden for the department, lengthens the wait for care, creates another store of patient data that can be accessed without consent or unlawfully taken, and further stigmatizes patients.

Thank you for considering my comment.

Kate Czark
Arroyo Seco, New Mexico

Sent from my iPhone