

NOTICE OF HEARING

The Health Care Authority, through the Health Care Affordability Bureau, is proposing that the permanent rule be repealed and replaced, which went into effect on May 5, 2026 to be made permanent. The Health Care Affordability Bureau is proposing a new rule 8.401.2 NMAC HEALTH CARE AUTHORITY - Health Care Affordability Fund HEALTH CARE AFFORDABILITY PLAN.

The New Mexico Health Care Authority (HCA), through the Health Care Affordability Bureau issued permanent rule amendments for the New Mexico Administrative Code (NMAC) rule 8.401.2 NMAC, Health Care Authority - Health Care Affordability Fund on May 5, 2026. The HCA issued this permanent rule to address recent federal changes, thousands of New Mexico residents will lose eligibility for federal Premium Tax Credit (PTC) and marketplace, resulting in the loss of medical coverage, increased costs for care, and health risks. During the Special Legislative Session, the state legislature passed House Bill 2, which authorized the Health Care Authority to establish such programs.

LEGAL AUTHORITY: Section 59A-23F-12 NMSA 1978, authorizes the HCA Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the HCA and its divisions.

This Notice of New Rulemaking is available on the HCA website at: Health Care Coverage Innovations - HCAF - New Mexico Health Care Authority. If you do not have internet access, a copy of the emergency rule may be requested by contacting The Health Care Affordability Bureau at 3900 Masthead St, NE Albuquerque, NM 87109-4485 or by phone at 505-637-2207.

Health Care Coverage Innovations - Initiatives - New Mexico Health Care Authority

If you do not have internet access, a copy of the proposed register and rule may be requested by contacting HCA at (505) 637-2207.

Notice Date: October 6, 2026

Hearing Date: November 10, 2026

Proposed Effective Date: January 1, 2027

A public hearing to receive testimony on the new rule will be held on **November 10, 2026, at 1:00pm** Mountain Time (MT). There are three options for attending the hearing:

1. Attend in person by coming to the 3rd third floor large conference room at the Health Care Authority Bureau, 3900 Masthead ST NE., Albuquerque NM 87109.
2. Join the Zoom webinar on your computer, mobile app or room device:

Webinar ID: <https://us02web.zoom.us/j/87606629125?pwd=4evBxqClAwNpO3rhxItWXg3U6Yppl.1>

Passcode 597795

3. Or call in (audio only):

+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 564 217 2000 US
+1 646 931 3860 US
+1 689 278 1000 US
+1 929 436 2866 US (New York)
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Webinar ID: 876 0662 9125
Passcode: 597795
International numbers available: <https://us02web.zoom.us/j/ksDnT5b1B>

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact HCA at (505) 637-2207. The Bureau requests at least 10 working days advance notice to provide requested alternative formats and special accommodation.

Copies of all comments will be made available upon request by providing copies directly to a requestor or by making them available on the Bureau's website or at a location within the county of the requestor.

Interested persons may address written comments to:

Health Care Authority Bureau
ATTN: HCA New Rule Public Comments
3900 Masthead St NE ste 340
Albuquerque, New Mexico 87109-4485

Recorded comments may be left at (505) 637-2207. Interested persons may also address comments via electronic mail to: HCAF@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on November 10, 2026**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at Health Care Coverage Innovations - Initiatives - New Mexico Health Care Authority along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.