

**TITLE 7            HEALTH**  
**CHAPTER 30    FAMILY AND CHILDREN HEALTH SERVICES**  
**PART 15        SCHOOL-BASED HEALTH CENTERS**

**7.30.15.1        ISSUING AGENCY:** New Mexico department of health, public health division.  
[7.30.15.1 NMAC - N, x/x/2025]

**7.30.15.2        SCOPE:** These rules apply to school-based health centers in New Mexico that are funded by the New Mexico department of health, and all persons who provide services within those SBHCs.  
[7.30.15.2 NMAC - N, x/x/2025]

**7.30.15.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the following statutory authorities: 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 Public Health Act, Subsection F of Section 24-1-44 NMSA 1978, which authorizes the department to adopt and promulgate rules for the regulation, operation and oversight of school-based health centers receiving funding from the department.  
[7.30.15.3 NMAC - N, x/x/2025]

**7.30.15.4        DURATION:** Permanent.  
[7.30.15.4 NMAC - N, x/x/2025]

**7.30.15.5        EFFECTIVE DATE:** [Date], unless a later date is cited at the end of a section.  
[7.30.15.5 NMAC - N, x/x/2025]

**7.30.15.6        OBJECTIVE:** The purpose of this rule is to implement Section 24-1-44 of the Public Health Act. This rule governs the regulation, operations and oversight of school-based health centers (SBHC) in New Mexico receiving funding from the department, and establishes minimum standards for implementation of the provisions of the statute. The school-based health center program supports communities in promoting the health and well-being of the school-age population and local community through the evidence-based best practice within a public health framework. These rules establish the procedure and criteria New Mexico department of health shall use to certify, suspend, and decertify school-based health centers. Certification of an SBHC by the state SBHC program is voluntary; an operating SBHC choose not to participate in certification, only certified SBHCs are eligible for funding from New Mexico department of health.  
[7.30.15.6 NMAC - N, x/x/2025]

**7.30.15.7        DEFINITIONS:**

- A.        Definitions beginning with "A":** [RESERVED]
- B.        Definitions beginning with "B":** "Behavioral health" means mental health, lifestyle and health behaviors, substance misuse, life stressors and crises.
- C.        Definitions beginning with "C":** "Child" means a person below the age of 18.
- D.        Definitions beginning with "D":** "Department" means the New Mexico department of health.
- E.        Definitions beginning with "E":** [RESERVED]
- F.        Definitions beginning with "F":** "FERPA" means Family Educational Rights and Privacy Act.
- G.        Definitions beginning with "G":** [RESERVED]
- H.        Definitions beginning with "H":**
  - (1)        "Health"** means a state of physical and mental well-being, not merely the absence of disease.
  - (2)        "HIPAA"** means Health Insurance Portability and Accountability Act.
- 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":** "Medicaid" means medical assistance eligibility, pursuant to Title XIX of the Social Security Act, by the medical assistance division of the New Mexico health care authority.
- N.        Definitions beginning with "N":** [RESERVED]

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

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

(1) **“Provider”** means any individual or entity furnishing health care at the SBHC.

(2) **“Primary health care”** means basic care of a patient’s health needs across a wide continuum, including preventive and well care as well as minor and acute illness or injury.

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

**R. Definitions beginning with “R”:** **“Reproductive health”** means state of wellbeing in all matters related to the reproductive system and to its functions and process.

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

(1) **“School-based health center (SBHC)”** means a health care clinic located in a school, a school campus or and is organized through school and health provider agreements and offer both physical and behavioral health care.

(2) **“School-based health center program (program; SBHC program)”** means the New Mexico department of health, school-based health center program.

(3) **“SBHC site”** means an individual SBHC clinic or access point.

(4) **“SBHC system”** means the SBHC sponsoring agency and all the school-based health centers operating under that entity.

(5) **“Sponsoring agency”** means an entity that provides, either directly or via contract with another entity, SBHC services that include (but need not be limited to):

- (a) Funding;
- (b) Staffing;
- (c) Clinical oversight;
- (d) Liability insurance; and
- (e) Billing support.

(6) **“Student”** means a child or adolescent who is enrolled in school.

**T. Definitions beginning with “T”:** **“Telehealth”** means patient care via a two-way, real-time interactive communication between a patient and a medical or behavioral health provider at a distant site through telecommunications equipment that includes, at a minimum, audio and visual equipment.

**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]**

[7.30.15.7 NMAC - N, x/x/2025]

**7.30.15.8 STANDARD OF COMPLIANCE:** The degree of compliance required throughout these rules is designated using the words “shall”, “must”, or “may”. “Shall” or “must” means mandatory. “May” means permissive. The use of the words, “proper” and “appropriate” mean the degree of compliance that is generally accepted throughout the professional field and by those who provide school-based health center services to the public in facilities governed by these rules. However, if any other applicable statute or rule requires mandatory or stricter compliance for school-based health center services than these rules, the school and the SBHC sponsoring agency must comply with the stricter compliance requirements.

[7.30.15.8 NMAC - N, x/x/2025]

**7.30.15.9 SCHOOL-BASED HEALTH CENTER OPERATIONS AND SERVICES:**

**A. Location:** A school-based health center shall be located within a designated clinic space in a school, on a school campus, or adjacent to a school campus within a safe walking distance. School-based health care may also be delivered in a mobile clinic on or near a school campus or offered via telehealth as determined by the school and SBHC sponsoring agency. An SBHC shall operate within an appropriate physical space and comply with all federal, state, and local laws and regulations governing health care practices.

**B. Consent to services:** An SBHC shall obtain parental, guardian, or student consent for services in accordance with applicable state and federal laws.

**C. Non-discrimination:** In accordance with state and federal non-discrimination laws, an SBHC shall not discriminate against patients based upon race, color, sexual orientation, gender, gender identity, religion, national origin, immigration status disability, health insurance status, or ability to pay.

**D. Hours of operation:** An SBHC shall be open during hours accessible to students.

**E. Clinical services:** SBHC clinical services shall be provided by professionally qualified staff who are appropriately certified and professionally licensed in the state of New Mexico. SBHC clinical providers shall provide age appropriate, relevant health services to children and students. Services may include:

- (1) Comprehensive primary health care, including, health assessments, diagnosis, and treatment of minor, acute, and chronic medical conditions;
- (2) Well-child examinations, referrals to and follow-up for specialty care, mental health and substance use disorder assessments and treatment;
- (3) Crisis intervention, counseling and treatment;
- (4) Oral health services;
- (5) Vision services; and
- (6) Reproductive health services, including but not limited to diagnosis and treatment of sexually transmitted diseases, HIV testing and counseling, and provision of contraceptives.

**F. Storage of supplies and medications:** SBHC sites shall abide by state regulations and standards for the proper storage of medical supplies, medications, 16.19.10 NMAC

**G. Referral for services:** SBHC shall refer to a continuum of health services not available at the SBHC, including those related to physical health conditions, mental health conditions, substance abuse services, vision and oral health services as needed, services may include but are not limited to:

- (1) vaccinations;
- (2) community support programs;
- (3) inpatient care; and
- (4) outpatient care and programs.

**H. Health coverage:** All school-based health centers shall take steps to ascertain a student's insurance coverage, health plan, and primary care provider to ensure continuity of care.  
[7.30.15.9 NMAC - N, x/x/2025]

**7.30.15.10 SCHOOL-BASED HEALTH CENTER CERTIFICATION:** School-based health centers must meet all requirements for certification in the New Mexico standards and benchmarks for school-based health Centers to be eligible to apply to the program for certification. The department may perform reviews of SBHCs as it deems necessary to ensure continued compliance with the New Mexico standards and benchmarks for school-based health centers. Reviews may include site visits, reviews of records and documents, or such other oversight as determined necessary by the department. An SBHC shall make documents and premises available for inspection upon the program's request.

[7.30.15.10 NMAC - N, x/x/2025]

**7.30.15.11 DATA COLLECTION AND SHARING:**

**A. Medical record:** A school-based health center shall maintain and store a medical record for each patient in accordance with applicable laws. *See, e.g., 16.10.17.10 NMAC ("Retention, Maintenance and Destruction of Medical Records").*

**B. Data collection:** An SBHC shall participate in data collection for statewide evaluation. Data measures shall be determined by the state of New Mexico school based health center program. School-based health centers shall ensure confidentiality in the storage and sharing of health information, in accordance with applicable state and federal confidentiality laws, including HIPAA and FERPA.

**C. Student confidentiality:** SBHCs shall follow applicable state and federal laws concerning student confidentiality when billing for services.

[7.30.15.11 NMAC - N, x/x/2025]

**7.30.15.12 SBHC STAFFING:**

**A.** AN SBHC shall provide services through health professionals who maintain up to date New Mexico licensure, training, and proper certification in their individual discipline for the population to be served.

**B.** The organizational structure of the SBHC must be adequate to provide for appropriate clinic supervision of staff, and to ensure that staff are assigned responsibilities that are consistent with their education and experience and legally within their scope of practice.

**C.** Staffing of the SBHC must include the designation of an individual as having overall responsibility for the management of the SBHC.

[7.30.15.12 NMAC - N, x/x/2025]

### **7.30.15.13 FINANCIAL SUSTAINABILITY:**

A. The SBHC sponsoring agency is responsible for employing financial practices that balance the long-term fiscal health of the SBHC.

B. The SBHC sponsoring agency shall maintain financial policies and procedures that:

- (1) Support and guide a sound business plan based on financial strategies that rely on stable and predictable funding sources, maximize patient revenue, and minimize the role of grants to support operations for the long-term; and
- (2) Require billing Medicaid and other insurers whenever possible.

[7.30.15.13 NMAC - N, x/x/2025]

### **7.30.15.14 WAIVERS:**

A. An SBHC system must notify the program within 20 calendar days of any change that brings an SBHC out of compliance with the certification requirements. An SBHC system must submit a request to the program that includes an explanation of the non-compliant requirement, a plan for corrective action, and date for meeting compliance.

B. The program will review the waiver request and inform the SBHC system of approval or denial of the waiver within two weeks of submission.

C. If the waiver is approved, the SBHC must comply with certification requirements by the identified deadline for compliance.

D. If a waiver is denied; an SBHC site or system does not come into compliance by the deadline for compliance stated on the waiver; or an SBHC is out of compliance with certification requirements and has not submitted a waiver, the program may, within its discretion:

- (1) Require the SBHC to complete an additional waiver with an updated plan for corrective action and updated date for meeting compliance;
- (2) Issue a written warning with a timeline for corrective action; or
- (3) Issue a notice of contemplated action to suspend or revoke SBHC certification(s) or take other disciplinary action in accordance with this rule.

E. An SBHC site with its certification status suspended may have its suspension lifted once the program determines that compliance with certification requirements has been satisfactorily achieved.

F. An SBHC that has been decertified may reapply.

G. If these rules are amended in a manner that requires an SBHC to make any operational changes, the program will allow the SBHC system until the beginning of the next certification year or a minimum of 90 days to come into compliance.

H. The New Mexico school based health center program reserves the right to review any or all selected standards for compliance at all certified sites with a minimum notification of at least five center working days if issues of compliance are raised or come into question.

[7.30.15.14 NMAC - N, x/x/2025]

### **7.30.15.15 DISCIPLINARY ACTION; RIGHT OF APPEAL:**

A. **Denial, suspension, and revocation:** SBHC certification may be denied, suspended, or revoked, or may be subject to any other disciplinary action, for violation of or failure to satisfy any requirement of this rule, and on any of the following grounds:

- (1) abuse, neglect, or exploitation;
- (2) failure to follow established procedures regarding controlled substances;
- (4) disclosure of patient information in a manner not consistent with applicable law(s);
- (3) dispensing, administering, or distributing medications in a manner not consistent with applicable law(s);
- (4) failure to comply with other applicable law(s);
- (5) any false, fraudulent, or deceptive statement made to the program;
- (6) failure to cooperate with the program's review of the SBHC; and
- (7) any conduct that poses a substantial risk of harm to public health or safety.

B. **Notification; other action:** If final disciplinary action is taken, the program may notify the New Mexico health care authority, licensing bodies, and others.

C. **Notice of contemplated action:** The program may issue a notice of contemplated action to deny, suspend, or revoke certification, or take other disciplinary action against an SBHC. The notice shall be served by certified U.S. postal mail (return receipt requested). The notice shall state the grounds for taking the proposed

action, and shall state that the program will take the proposed action unless the SBHC or SBHC applicant mails, within 20 days after service of the notice, a letter (via certified mail, return receipt requested), requesting a hearing.

**D. Right to appeal:** An SBHC or SHBC applicant may request a hearing to be held before a hearing officer appointed by the cabinet secretary to contest a proposed action under this rule, by mailing a letter via certified mail, return receipt requested, to the program within 20 days after service of the notice of contemplated action. If an SBHC or SBHC applicant fails to request a hearing in the time and manner required, the SBHC or SBHC applicant shall forfeit the right to a hearing, and the proposed action shall become final.

[7.30.15.15 NMAC - N, x/x/2025]

#### **7.30.15.16 HEARINGS:**

##### **A. Scheduling the hearing:**

**(1) Appointment of hearing officer:** Upon the program's receipt of a conforming request for 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 SBHC or SBHC applicant of the date, time, and place of the hearing and the identity of the hearing officer within 20 days of the program's receipt of the conforming request for hearing.

**(4) Hearing venue:** The hearing shall be held in Santa Fe, New Mexico, or may be held via internet-based web video conference by agreement of the parties.

**B. 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 SBHC or SBHC applicant at the last known mailing address shown by the records of the program. The notice or decision 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.

**C. 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.

**D. 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.

**E. 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: administer oaths or affirmations; schedule continuances; direct discovery; examine witnesses and direct witnesses to testify; subpoena witnesses and relevant books, papers, documents, and other evidence; limit repetitious and cumulative testimony; set reasonable limits on the amount of time a witness may testify; decide objections to the admissibility of evidence or receive the evidence subject to later ruling; receive offers of proof for the record; 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); direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences; impose appropriate evidentiary sanctions against a party who fails to provide discovery or who fails to comply with a subpoena; dispose of procedural requests or similar matters; and enter proposed findings of fact and conclusions of law, orders, reports and recommendations. The hearing officer may utilize his or her experience, technical competence, or specialized knowledge in the evaluation of evidence presented.

**F. Postponement or continuance:** The hearing officer, at their 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.

**G. Conduct of hearing:** Hearings shall be open to the public; provided, however, that hearings may be closed in part to prevent the disclosure of confidential information, including but not limited to health information protected by state and federal laws.

**H. 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.

**I. 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 proposed action. Exception in denied application cases: in cases arising from the denial of an application for certification, the SBHC applicant shall bear the initial burden of proving by a preponderance of the evidence the applicant's qualifications.

**J. 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; and
- (7) **close:** close of proceedings by the hearing officer.

**K. Order of presentation in denied application cases:** The order of presentation in cases arising from the denial of an application for certification 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:** applicant's opening statement; and then the opening statement of the department;
- (4) **cases:** the applicant's case-in-chief, and then the department's case-in-chief;
- (5) **rebuttal:** the applicant's case-in-rebuttal;
- (6) **closing argument:** the applicant's closing statement, and then the department's closing statement; and
- (7) **close:** close of proceedings by the hearing officer.

**L. 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.

**M. 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.

**N. 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.

**O. 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.

**P. 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.

**Q. 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.

**R. 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.

**S. 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 last submission by a party.

**T. Secretary's final decision:** The secretary shall render a final decision within 45 calendar days of the secretary's receipt of the hearing officer's written report. A copy of the final decision shall be mailed to the SBHC or SBHC applicant by certified mail, return receipt requested, within 15 days after the final decision is rendered and signed.

[7.30.15.16 NMAC - N, x/x/2025]

**History of 7.30.15 NMAC: [RESERVED]**

## **NOTICE OF PUBLIC HEARING**

The New Mexico Department of Health (“Department”) will hold a public hearing on the proposed adoption of a new rule concerning school-based health centers, to be designated as 7.30.15 NMAC. The hearing will be held on March 28, 2025 at 9:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the proposed rule will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment.

The proposed rule proposes various minimum standards and requirements for SBHCs that receive funding from the Department, concerning (but not limited to) the following subjects:

- SBHC operations and services, including location, consent to services, non-discrimination, hours of operation, and the provision of clinical services;
- Department inspection and oversight of SBHCs;
- Data collection, sharing of data with the Department, and medical record confidentiality;
- Health center certification;
- Staffing;
- Financial sustainability;
- Requests for waivers of rule requirements; and
- Disciplinary actions, the hearings process, and final decisions on proposed disciplinary actions.

The purpose of the proposed rule is to implement Section 24-1-44 NMSA 1978 of the Public Health Act, which requires that the Department provide funding, technical assistance, clinical oversight, and other necessary support for the creation and operation of school-based health centers (SBHCs).

The legal authority authorizing the proposed rule is Subsection E of Section 9-7-6 NMSA 1978, and Subsection F of Section 24-1-44 NMSA 1978.

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.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 261 704 461 719, passcode m4tw78vd. Then click the “Join a meeting” button.

To access the hearing by telephone: please call 1-505-312-4308, phone conference i.d. 513269699#  
All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Stephanie Lopez at [stephanie.lopez@doh.nm.gov](mailto:stephanie.lopez@doh.nm.gov), or U.S. postal mail to the following address:

Stephanie Lopez  
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 March 28, 2025. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Stephanie Lopez by telephone at (505) 690-3689. 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: \$166.78  
Ad Number: 166710  
Account Number: 1060434  
Classification: GOVERNMENT LEGALS

I, Bernadette Gonzales, 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 times(s) on the following date(s):

February 25, 2025

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

SIGNED:



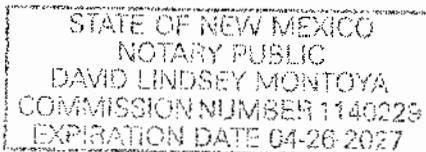
Legal Representative

Subscribed to and sworn to me this 25<sup>th</sup> day of February 2025.



Notary Public  
County Bernalillo  
ID#: 1140229  
My commission expires: 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 ("Department") will hold a public hearing on the proposed adoption of a new rule concerning school-based health centers, to be designated as 7.30.15 NMAC. The hearing will be held on March 28, 2025, at 9:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the proposed rule will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment.

The proposed rule proposes various minimum standards and requirements for SBHCs that receive funding from the Department, concerning (but not limited to) the following subjects:

SBHC operations and services, including location, consent to services, non-discrimination, hours of operation, and the provision of clinical services;

Department inspection and oversight of SBHCs;

Data collection, sharing of data with the Department, and medical record confidentiality;

Health center certification;

Staffing;

Financial sustainability;

Requests for waivers of rule requirements; and

Disciplinary actions, the hearings process, and final decisions on proposed disciplinary actions.

The purpose of the proposed rule is to implement Section 24-1-44 NMSA 1978 of the Public Health Act, which requires that the Department provide funding, technical assistance, clinical oversight, and other necessary support for the creation and operation of school-based health centers (SBHCs).

The legal authority authorizing the proposed rule is Subsection E of Section 9-7-6 NMSA 1978, and Subsection F of Section 24-1-44 NMSA 1978.

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.

To access the hearing via the Internet, please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>. Then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 261 704 461 719, passcode m4tw78vd.

Then click the "Join a meeting" button.

To access the hearing by telephone, please call 1-505-312-4308, phone conference i.d. 513269629#.

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Stephanie Lopez at [stephanie.lopez@doh.nm.gov](mailto:stephanie.lopez@doh.nm.gov), or U.S. postal mail to the following address:

Stephanie Lopez  
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 March 28, 2025. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmc/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Stephanie Lopez by telephone at (505) 890-3689. The Department requests at least ten (10) days' advance notice to provide special accommodation.

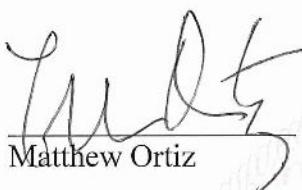
Journal: February 25, 2025

NEW MEXICO  
State Records Center and Archives  
COMMISSION OF PUBLIC RECORDS  
Your Access to Public Information

**Affidavit of Publication in New Mexico Register**

I, Matthew Ortiz, certify that the agency noted on Invoice # 8017 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 # 8017, and that Invoice # 8017 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant:

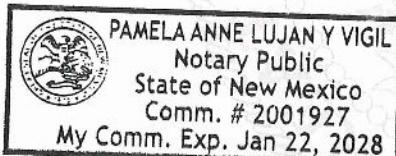


Matthew Ortiz

Subscribed, sworn and acknowledged before me this 28<sup>th</sup> day of February 2025.

Notary Public:

My Commission Expires:



1205 Camino Carlos Rey | Santa Fe, NM 87507 | [www.srca.nm.gov](http://www.srca.nm.gov)

Hon. Raúl Torrez  
Attorney General

Debra Garcia y Griego  
Secretary, Department of Cultural Affairs

Hon. Joseph Maestas  
State Auditor

Robert E. Doucette Jr.  
Secretary, General Services Department

Hon. Maggie Toulouse Oliver  
Secretary of State

Stephanie Wilson  
State Law Librarian, Supreme Court Law Library

**NOTICE OF PUBLIC HEARING**

The New Mexico Department of Health (“Department”) will hold a public hearing on the proposed adoption of a new rule concerning school-based health centers, to be designated as 7.30.15 NMAC. The hearing will be held on March 28, 2025 at 9:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the proposed rule will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment.

The proposed rule proposes various minimum standards and requirements for SBHCs that receive funding from the Department, concerning (but not limited to) the following subjects:

- SBHC operations and services, including location, consent to services, non-discrimination, hours of operation, and the provision of clinical services;
- Department inspection and oversight of SBHCs;
- Data collection, sharing of data with the Department, and medical record confidentiality;
- Health center certification;
- Staffing;
- Financial sustainability;
- Requests for waivers of rule requirements; and
- Disciplinary actions, the hearings process, and final decisions on proposed disciplinary actions.

The purpose of the proposed rule is to implement Section 24-1-44 NMSA 1978 of the Public Health Act, which requires that the Department provide funding, technical assistance, clinical oversight, and other necessary support for the creation and operation of school-based health centers (SBHCs).

The legal authority authorizing the proposed rule is Subsection E of Section 9-7-6 NMSA 1978, and Subsection F of Section 24-1-44 NMSA 1978.

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.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 261 704 461 719, passcode m4tw78vd. Then click the “Join a meeting” button.

To access the hearing by telephone: please call 1-505-312-4308, phone conference i.d. 513269699#  
All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Stephanie Lopez at [stephanie.lopez@doh.nm.gov](mailto:stephanie.lopez@doh.nm.gov), or U.S. postal mail to the following address:

Stephanie Lopez  
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 March 28, 2025. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Stephanie Lopez by telephone at (505) 690-3689. The Department requests at least ten (10) days' advance notice to provide special accommodation.



Michelle Lujan Grisham  
**Governor**

Gina DeBlassie  
**Interim Cabinet Secretary**

**New Mexico Department of Health**

---

December 17, 2024

Pamela Lujan y Vigil  
Rules Management Analyst  
Administrative Law Division  
State Records Center and Archives  
1205 Camino Carlos Rey  
Santa Fe, New Mexico 87507

RE: Request for New Rule Part Designation: 7.30.15 NMAC

Dear Ms. Lujan y Vigil:

The New Mexico Department of Health is in the process of creating a new rule concerning school-based health centers, to be included within the New Mexico Administrative Code. I am writing to request that the new rule part be designated as follows:

Title 7            Health  
Chapter 30       Family and Children Health Services  
Part 15          School-Based Health Centers

Thank you for your time and consideration of this request. Please let me know if you require any further information.

Sincerely,

Christopher D. Woodward  
Acting General Counsel



Michelle Lujan Grisham  
Governor

Gina DeBlassie  
Interim Cabinet Secretary

New Mexico Department of Health

**Via Electronic Mail**

December 20, 2024

Craig T. Erickson  
Upton & Kery, P.A.  
500 Tijeras Ave., NW  
Albuquerque, NM 87102

**Re: Appointment Letter, Public Rulemaking Hearing on Adoption of Proposed Rule  
7.30.15 NMAC, School-Based Health Centers**

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 February 14, 2025. This rulemaking hearing is scheduled for 9:00 a.m. and will be conducted via the Microsoft Teams web conference platform and via telephone, per the attached Notice of Public Hearing.

The hearing will be conducted to receive public comment regarding the proposed adoption of a new rule, 7.30.15 NMAC, "School-Based Health Centers". An exhibit binder will be provided to you prior to the date of the hearing.

Thank you for accepting this appointment.

Sincerely,

Signed by:

A handwritten signature of Gina DeBlassie in black ink.

2B5F58D60AD7441

Gina DeBlassie  
Interim Cabinet Secretary

Dec 20, 2024 | 3:50 PM MST

Date

cc: Christopher D. Woodward, Acting General Counsel

**Affidavit of Notice to the Public**

I, Stephanie Lopez, the undersigned, on oath, swear and affirm that the Notice of the Public Hearing for the proposed adoption of Rule 7.30.15 School Based Health Centers, was provided to the public as identified below:

1. On February 12, 2025, 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 February 12, 2025, 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. No persons have provided a postal address to request written notice by postal mail.
4. On February 12, 2025, I emailed the Notice of Public hearing to the New Mexico Legislative Counsel Service, at [lcs@nmlegis.gov](mailto:lcs@nmlegis.gov), in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
5. On February 12, 2025, I emailed the Notice of Public Hearing to Kim Sewell of the New Mexico Small Business Regulatory Advisory Commission, the identified contact person for the receipt of proposed rule changes, at [Kim.Sewell@edd.nm.gov](mailto:Kim.Sewell@edd.nm.gov), pursuant to the Small Business Regulatory Relief Act at NMSA 1978, § 14-4A-4.
6. On February 12, 2025, I was informed that the Notice of Public Hearing was publicly posted at the Office of School and Adolescent Health headquarters, located at 5300 Homestead Road NE, Suite 100, Albuquerque, NM 87110.
7. On February 12, 2025, 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.
8. On March 14, 2025, 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	<a href="mailto:tgardner@drnm.org">tgardner@drnm.org</a>
Lucy Galaviz	<a href="mailto:lgalaviz@drnm.org">lgalaviz@drnm.org</a>
Marilyn Wolfe	<a href="mailto:mwolfe@drnm.org">mwolfe@drnm.org</a>
Crystal Hodges	<a href="mailto:chodges@nmag.gov">chodges@nmag.gov</a>
Rachel S. Gudgel	<a href="mailto:rachel.gudgel@nmlegis.gov">rachel.gudgel@nmlegis.gov</a>

FURTHER AFFIANT SAYETH NAUGHT.

  
Stephanie Lopez, Affiant

STATE OF NEW MEXICO }  
COUNTY OF SANTA FE }

SWORN TO and SUBSCRIBED before me on the 14<sup>th</sup> day of March, 2025 by Stephanie Lopez.

  
Notarial Officer

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

My Commission Expires:

  
N/A