

**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF HEALTH**

**IN THE MATTER OF PROPOSED  
REPEAL AND REPLACEMENT OF  
DEPARTMENT RULE PARTS  
7.27.2, 7.27.6, 7.27.8, 7.27.11, and  
7.27.13 NMAC**

**STATEMENT OF REASONS  
FOR ADOPTION OF PROPOSED  
REPEAL AND REPLACEMENTS OF CERTAIN  
EMS PROGRAM RULES**

Lynn Gallagher, Secretary for the New Mexico Department of Health, following a public hearing conducted on October 26, 2017 on the proposed repeal and replacement of EMS rule parts 7.27.2, 7.27.6, 7.27.8, 7.27.11, and 7.27.13 NMAC, hereby adopts the proposed rules, as revised after the hearing in response to public comments received. This decision is based on the entire record in this matter, which includes a recording of the hearing and the Report and Recommendation of the Hearing Officer, Craig T. Erickson, Esq., dated November 14, 2017.

In further support of this action the Secretary finds the following:

1. The Department of Health is authorized to promulgate regulations as may be necessary to carry out the duties of the Department and its divisions. NMSA 1978, Section 9-7-6(E).
2. In accordance with NMSA 1978, Section 14-4-5.2, notice of the public hearing for the proposed rule changes was published in the New Mexico Register, the official publication for notices of all rulemaking in New Mexico, on September 26, 2017.

3. In accordance with NMSA 1978, Section 9-7-6(E), notice of the public hearing for the proposed rule changes was also published in the Albuquerque Journal newspaper on September 15, 2017.

4. In accordance with NMSA 1978, Section 14-4-5.2, prior to the date of the rule hearing, notice of the public hearing for the proposed rule changes was also posted to the agency website at <http://www.nmhealth.org>, as well as to the NM Sunshine Portal at <http://www.newmexico.gov>, and was also posted at the EMS Bureau's primary office and each of the EMS regional offices.

5. By a letter dated September 14, 2017, the Secretary designated Mr. Erickson to serve as hearing officer for the purpose of conducting the hearing and submitting a recommendation regarding the proposed rules.

6. A public rule hearing was held in Santa Fe, New Mexico on October 26, 2017 pursuant to NMSA 1978, Section 9-7-6(E).

7. Members of the public were afforded an opportunity to comment on the proposed rules at the hearing, and in writing prior to the hearing.

8. No written comments were received; however, oral comments from members of the public were received at the rule hearing, and additional oral comments regarding the proposed rule text were also received from Department staff at that time, and those comments are described in the report of the Hearing Officer.

9. The Secretary finds that the Hearing Officer has appropriately considered the comments received, and finds that the recommendations of the Hearing Officer are appropriate.

10. The final rules incorporate revisions made after the public hearing based on the comments received, and in consideration of the Hearing Officer's recommendations.

11. The Secretary finds that the revisions to the proposed rule text that have been made after the hearing are consistent with the Hearing Officer's recommendations and are appropriate.

12. The Secretary further finds that the proposed rules, including the revisions made after the hearing, are a logical outgrowth of the notice given and comment received, and that commenters were afforded a fair opportunity to present their views on the contents of the final plan. *See* N.M. Att'y Gen. Op. 87-59 (1987) (*citing* *BASF Wyandotte Corp. v. Costle*, 598 F.2d 637, 642 (1st Cir. 1979)); *see also* *Wylie Bros. Contracting Co. v. Albuquerque-Bernalillo Cty. Air Quality Control Bd.*, 1969-NMCA-089, ¶ 39, 80 N.M. 633, 642.

13. Certain text that was originally proposed as 7.27.11.11(D)(2) NMAC has been removed from the final version of Part 11, based in part on concerns raised by members of the public at the rule hearing.

14. The purpose of the proposed rule 7.27.2 NMAC is to establish standards for licensing of Emergency Medical Services (EMS) personnel.

15. The purpose of the proposed rule 7.27.6 NMAC is to establish standards for EMS advanced directives.

16. The purpose of the proposed rule 7.27.8 NMAC is to establish standards for cardiac arrest targeted response programs in the state.

17. The purpose of the proposed rule 7.27.11 NMAC is to adopt supplemental licensing provisions for EMS personnel, including primarily the EMS Scopes of Practice.

18. The purpose of the proposed rule 7.27.2.13 NMAC is to establish standards for the certification of stroke centers in New Mexico.

19. The Secretary finds that the proposed rules 7.27.2, 7.27.6, 7.27.8, 7.27.11, and 7.27.13 NMAC, as revised, are appropriate and consistent with the authorizing law, and the proposed rules are hereby adopted.

NEW MEXICO DEPARTMENT OF HEALTH



Lynn Gallagher, Cabinet Secretary

11/29/17  
Date