NMAC
Transmittal Form

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Issuing agency name and address:
Department of Health, Epidemiology and Response Division

Contact person's name: Rachel Wexler Phone number: (505) 476-1757 E-mail address: rachel.wexler@state.nm.us

Type of rule action:
New [✓] Amendment [ ] Repeal [ ] Emergency [✓] Renumber [ ]

(1LD Use) Recent filing date: N/A

Title number: 7 Title name: Health

Chapter number: 1 Chapter name: Health General Provisions

Part number: 19 Part name: Violence Intervention Program Fund

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes [ ] No [X]

Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes [ ] No [ ] Public domain [ ]

Specific statutory or other authority authorizing rulemaking:
This rulemaking by the Secretary of the Department of Health is made in accordance with the following authorities:
The Department of Health Act, Section 9-7-6E., NMSA 1978.
The Violence Intervention Program Fund Act, Section 31-30-8, NMSA 1978.

Notice date(s): n/a Hearing date(s): n/a Rule adoption date: n/a Rule effective date: 8/23/2022

12/1/2021
Concise Explanatory Statement For
Rulemaking Adoption:
Findings required for rulemaking adoption:

Findings MUST include:
- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

The finding in support of this emergency rule adoption are as stated in the attached letter from Acting Cabinet Secretary David R. Scrase, M.D. dated August 10, 2022.

Issuing authority (If delegated, authority letter must be on file with ALD):
Name:  
Billy J. Jimenez

Title:
General Counsel/Acting Deputy Secretary for New Mexico Department of Health

Signature:  (BLACK ink only OR Digital Signature)

Check if authority has been delegated

Date signed:
08/11/2022
August 10, 2022

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

Dear Ms. Lujan y Vigil:

The New Mexico Department of Health is filing a new rule, Part 19 of Title 7, Chapter 1 to be named Violence Intervention Program Fund, via emergency rulemaking. This emergency rule is adopted to administer the provisions of the Violence Intervention Program Act and to establish standards and procedures designed for the purpose of making funds available as awarded violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults, and develop standards pertaining to the collection and sharing of data by grantees.

On March 9, 2022, Governor Michelle Lujan Grisham signed into law House Bill 68, passed by the New Mexico Legislature on February 17, 2022. HB 68 enacted the Violence Intervention Program Act, creating the Violence Intervention Program Fund and assigning the Department as the agency to administer the fund, establish the standards and procedures for taking applications and awarding grants to the agencies described above for the purposes stated. The Department has worked to establish the same in the proposed rule, but must act quickly to award the funding for FY22 so that the agencies to be awarded funds can make application therefore and make use of the funds for their violence intervention programs in FY22.

In accordance with the State Rules Act at section 14-4-5.6, NMSA 1978, the Department adopts rule part 7.1.19 via emergency rulemaking. For the reasons stated, the Department finds that the time required to complete the procedures of the State Rules Act for permanent rulemaking would cause the potential unanticipated loss of funding for the Violence Intervention Program Fund. This emergency rule is temporary and will expire in 180 days pursuant to section 14-4-5.6 (E), NMSA 1978, unless a permanent rule is adopted under the normal rulemaking process in that period.

Sincerely,

David R. Scrase, M.D.  
Acting Cabinet Secretary