

**TITLE 7           HEALTH**  
**CHAPTER 9       NURSING HOMES AND INTERMEDIATE CARE FACILITIES**  
**PART 2           REQUIREMENTS FOR LONG TERM CARE FACILITIES**

**7.9.2.1           ISSUING AGENCY:** New Mexico Department of Health, Public Health Division, Health Facility Licensing and Certification Bureau.  
[10-31-96; 7.9.2.1 NMAC – Rn, 7 NMAC 9.2.1, 8-31-00]

**7.9.2.2           SCOPE:**

**A.**       Services for residents shall be provided on a continuing twenty-four (24) hour basis and shall maintain or improve physical, mental and psychosocial well-being under plan of care developed by a physician or other licensed health professional and shall be reviewed and revised based on assessment.

**B.**       All facilities licensed as nursing homes pursuant to Section 24-1-5 (A) NMSA 1978, are subject to all provisions of these regulations.  
[7-1-60, 5-2-89; 7.9.2.2 NMAC – Rn, 7 NMAC 9.2.2, 8-31-00]

**7.9.2.3           STATUTORY AUTHORITY:** The regulations set forth herein are promulgated by the Secretary of the New Mexico Department of Health, pursuant to the general authority granted under Section 9-7-6 (E) of the Department of Health Act, NMSA 1978, as amended; and the authority granted under Sections 24-1-2 (D), 24-1-3 (I) and 24-1-5 of the Public Health Act, NMSA 1978, as amended.  
[7-1-60, 5-2-89; 7.9.2.3 NMAC – Rn, 7 NMAC 9.2.3, 8-31-00]

**7.9.2.4           DURATION:** Permanent  
[10-31-96; 7.9.2.4 NMAC – Rn, 7 NMAC 9.2.4, 8-31-00]

**7.9.2.5           EFFECTIVE DATE:** October 31, 1996, unless a different date is cited at the end of a Section or Paragraph.  
[10-31-96; 7.9.2.5 NMAC – Rn, 7 NMAC 9.2.5, 8-31-00]

**7.9.2.6           OBJECTIVE:**

- A.**       Establish minimum standards for long term care facilities in the State of New Mexico.
- B.**       Monitor long term care facilities with these regulations through surveys to identify any areas which could be dangerous or harmful to the residents or staff.
- C.**       Encourage the maintenance of long term care facilities that will provide quality services which maintain or improve the health and quality of life to the residents.  
[7-1-60, 7-1-64, 5-2-89; 7.9.2.6 NMAC – Rn, 7 NMAC 9.2.6, 8-31-00]

**7.9.2.7           DEFINITIONS:** For purposes of these regulations the following shall apply:

**A.**       "ABUSE" means any act or failure to act performed intentionally, knowingly, or recklessly that causes or is likely to cause harm to a resident, including but not limited to:

- (1) Physical contact that harms or is likely to harm a resident of a care facility.
- (2) Inappropriate use of physical restraint, isolation, or medication that harms or is likely to harm a resident.
- (3) Inappropriate use of a physical or chemical restraint, medication or isolation as punishment or in conflict with a physicians order.
- (4) Medically inappropriate conduct that causes or is likely to cause physical harm to a resident.
- (5) Medically inappropriate conduct that causes or is likely to cause great psychological harm to a resident.
- (6) An unlawful act, a threat or menacing conduct directed toward a resident that results and might reasonably be expected to result in fear or emotional or mental distress to a resident.