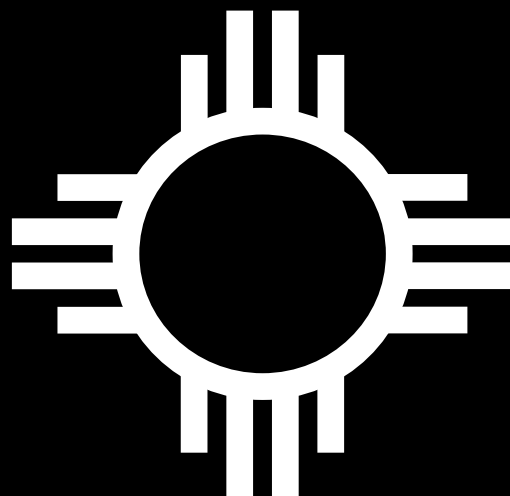


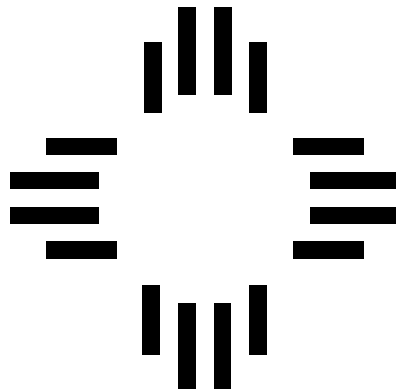
**NEW
MEXICO
REGISTER**



Volume XIV
Issue Number 2
January 31, 2003

New Mexico Register

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January 31, 2003



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

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2003

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New Mexico Register

Volume XIV, Number 2

January 31, 2003

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Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. "No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Telephone: (505) 476-7907; Fax (505) 476-7910; E-mail rules@rain.state.nm.us.

Notices of Rulemaking and Proposed Rules

ALBUQUERQUE / BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING AND REGULAR MEETING.

On March 12, 2003, at 5:15 PM, the Albuquerque/Bernalillo County Air Quality Control Board (Board) will hold a public hearing in the Council/Commission Chambers of the Albuquerque/Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM 87102. The hearings will address:

* Proposal to repeal 20 NMAC 11.20, Airborne Particulate Matter and replace with 20.11.20 NMAC, Fugitive Dust Control.

* Proposal to incorporate the revised 20.11.20 NMAC into the New Mexico State Implementation Plan (SIP) for air quality.

The purpose of the first hearing is to receive testimony on proposed changes to the Airborne Particulate Matter regulation, including: the repeal and replacement of 20 NMAC 11.20, changing the title to Fugitive Dust Control, increasing filing and inspection fees based on acreage, incorporating Reasonably Available Control Measures (RACMs) that will be required during active dirt operations and on unpaved public roadways and parking lots, restricting the construction of new unpaved public roadways in Bernalillo County without stabilizing the roadbed, requiring proper use of leaf blowers, providing for programmatic permits for routine maintenance of public facilities, establishing reseeding specifications for native plants, providing for public outreach and training for those involved in earthwork activities, and including provisions for responding to complaints.

Immediately after the Part 20 hearing closes a second hearing will begin during which the Board will be asked to adopt the revised regulation into the SIP. Following the these hearings, the Board will hold it's regular monthly meeting and will consider approval of the proposed regulation changes and incorporating these changes into the SIP.

The Air Quality Control Board is the federally delegated air quality authority for

Albuquerque and Bernalillo County. Local delegation authorizes the Board to administer and enforce the Clean Air Act and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards.

Hearings and meetings of the Board are open to the public and all interested persons are encouraged to participate. All persons wishing to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6.

Anyone intending to present technical testimony is asked to submit a written notice of intent to: Attn: December Hearing Record, Mr. Dan Warren, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person in Room 3023, 400 Marquette Avenue NW, in advance of the hearing. The notice of intent should identify the name, address, and affiliation of the person.

In addition, written comments to be incorporated into the public record should be received at the above P.O. Box, or Environmental Health Department office, before 5:00pm on March 4, 2003. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to dwarren@cabq.gov and shall include the required name and address information. Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or contact Mr. Neal Butt electronically at nbutt@cabq.gov or by phone (505) 768-2660.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact Mr. Neal Butt, Environmental Health Department, Room 3023, A/BCGC, 768-2600 (Voice); 768-2617 (FAX); or 768-2482 (TTY); as soon as possible prior to the meeting date. Public documents, including agendas and minutes, can be provided in various accessible formats.

NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

New Mexico Board of Examiners for Architects

PO Box 509
Santa Fe, NM
505-827-6375

Regular Meeting and Public Rules Hearing

The New Mexico Board of Examiners for Architects will hold a regular open meeting of the Board in Santa Fe, New Mexico on Friday, February 7, 2003. The meeting will be held in the Conference Room of the Board office, Lamy Building, 491 Old Santa Fe Trail, beginning at 9:00 a.m. Disciplinary matters may also be discussed.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the meeting, please contact the Board Office at 827-6375 at least one week prior to the meeting. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Board Office if a summary or other type of accessible format is needed.

NEW MEXICO HIGHWAY AND TRANSPORTATION DEPARTMENT

THE NEW MEXICO STATE HIGH-
WAY AND
TRANSPORTATION DEPARTMENT

NOTICE OF PUBLIC HEARING

The New Mexico State Highway and Transportation Department (NMSHTD) will hold a public hearing to receive oral and written public comment on proposed rules for State Transportation Commission open meetings notices and telephone conferences.

The hearing is scheduled March 3, 2003, from 1:00 p.m. to 4:00 p.m. at the New Mexico State Highway and Transportation Department, Office of General Counsel conference room, located at 1120 Cerrillos Road, Room 123, in Santa Fe, New Mexico, before a hearing officer appointed by the Secretary of the NMSHTD. Interested persons may also

present their views by written statements submitted on or before March 3, 2003, to Charlotte Larragoite, NMSHTD, Office of General Counsel, P.O. Box 1149, Santa Fe, New Mexico 87504-1149, (505) 827-5431.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearings, or who needs copies of the proposed rule in an accessible form may contact Charlotte Larragoite at least ten days before the hearing.

**End of Notices and
Proposed Rules Section**

Adopted Rules and Regulations

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

Explanatory Paragraph: This is an amendment to 19.15.3 NMAC, Sections 103 and 118. Section 103 changes were for the purpose of renumbering within the section. Section 118 changes were due to prior rule material being deleted and replaced with new rule material.

19.15.3.118 HYDROGEN SULFIDE GAS [~~PUBLIC SAFETY~~] (HYDROGEN SULFIDE)

~~A. The intent of Section 118 of 19.15.3 NMAC is to provide for the protection of the public's safety in areas where hydrogen sulfide gas in concentrations greater than 100 parts per million (PPM) may be encountered.~~

~~B. Producing operations should be conducted with due consideration and guidance from American Petroleum Institute (API) publication "Conducting Oil and Gas Production Operations Involving Hydrogen Sulfide" (RP 55). The operator of a lease producing, or a gas processing plant handling hydrogen sulfide gas or any other related facility where hydrogen sulfide gas is present in concentrations of 100 PPM or more shall take reasonable measures to forewarn and safeguard persons having occasion to be on or near the property. In addition to training operator's employees in hydrogen sulfide gas safety such measures may include, but are not necessarily limited to, posting of warning signs, fencing of surface installations, installation of safety devices and wind direction indicators, and maintaining tanks, thief hatches and gaskets, valves and piping in condition so as to prevent avoidable loss of vapors. Where release of hydrogen sulfide is unavoidable, the operator shall burn or vent the gas stream in such a manner as to avoid endangering human life.~~

~~C. Wells drilled in known hydrogen sulfide gas producing areas, or where there is substantial probability of encountering hydrogen sulfide gas in concentrations of 100 PPM or more, should be planned and drilled with due regard to and guidance from API RP 49 "Recommended Practices for Safe Drilling of Wells Containing Hydrogen Sulfide", latest edition. Wells completed and serviced by well servicing units where there is substantial probability of encountering hydrogen sulfide gas in concentrations of 100 PPM or~~

~~more should be worked on with due regard to the latest industry accepted practices. These practices may include, but are not necessarily limited to, the proper training of personnel in hydrogen sulfide gas safety and the use of hydrogen sulfide gas safety equipment as listed for safe operations by the American Petroleum Institute draft report for "Land, Oil and Gas Well Servicing and Workover Operations Involving Hydrogen Sulfide."*~~

~~D. Within ninety (90) days after completion of the first well on a lease, or within ninety (90) days after hydrogen sulfide gas is discovered in a gas stream, each operator shall submit in writing to the Division's district office having jurisdiction, on a form acceptable to the Division, for each lease in each pool in production at that time, the hydrogen sulfide gas concentration from an analysis of a representative sample of the gas stream. The analysis shall be performed by an industry recognized method and procedure. The measurement report shall specify the name of the operator, lease or facility name, pool, testing point, tester, test method, and the measured hydrogen sulfide gas concentration. Tests within the past three (3) years and which are still representative may be utilized for submittal from previously producing leases. NOTE: Owners or operators of existing wells and facilities shall have until July 1, 1987, to come into compliance with this paragraph of these rules.~~

~~E. Any well, lease, processing plant or related facility handling hydrogen sulfide gas with concentration of 500 PPM (0.05%) or more shall have a warning sign at the entrance. The sign, as a minimum, shall be legible from at least fifty (50) feet, and contain the words "poison gas." The use of existing signs will meet the requirements of this section providing they convey the intended safety message.~~

~~(1) Any lease producing gas or related facility having storage tanks containing gas with a hydrogen sulfide gas concentration of 1,000 PPM (0.1%) or more shall have, in addition to the sign required in subparagraph E. (1), a sign at the foot of the battery stairway that shall accomplish the requirements of Subsection E above, plus specify any protective measures that may be necessary. This paragraph does not apply to gas processing plants.~~

~~(2) Any well, lease or processing plant handling gas with hydrogen sulfide gas concentration and volume such that the hydrogen sulfide gas fraction equates to 10 MCF per day or more of hydrogen sulfide gas and which is located within one fourth (1/4) mile of a dwelling, public place or~~

~~highway shall install safety devices and maintain them in operable condition or shall establish safety procedures designed to prevent the undetected continuing escape of hydrogen sulfide gas. Wind direction indicators shall be installed at least one strategic location at or near the site and shall be readily visible throughout the site. Also, unattended surface facilities or plants within one fourth (1/4) mile of a dwelling or public meeting place shall be protected from public access by fencing and locking, or other equivalent security means. In addition, the operator shall prepare a contingency plan to be carried out should the public be threatened by a release. The plan shall provide for notification of endangered parties, as well as public safety personnel, for evacuation of threatened parties as warranted, and institution of measures for closing in the flow of gas. Contingency plans shall be available for Division inspection and shall be retained at the location which lends itself best to activation of any such plan. The operator, as an alternative, may utilize Figure 4.1 of API (RP 55) Revised March, 1983 and if the 100 PPM radius of exposure includes a dwelling, public place or highway, the operator must meet the public safety requirements as specified in this section.~~

~~(3) The provisions of this section shall be applicable within 30 days after the filing of sample data showing the existence and concentration of hydrogen sulfide gas described in Subsection E, Paragraphs (1) through (3) above. In unusual circumstances guidance on placement and content of signs may be obtained from the supervisor of the appropriate Division District Office.~~

~~F. The Director of the Division may administratively grant exceptions or extensions to the requirements of Section 118 of 19.15.3 NMAC for good cause shown and where such exception will not result in a threat to human life. *At such time as the American Petroleum Institute adopts the "Recommended Practice for Land Oil and Gas Well Servicing and Workover Operations on Involving Hydrogen Sulfide", it shall take the place of any previous draft reports.]~~

A. Applicability. This section applies to any person, operator or facility subject to the jurisdiction of the Division, including, but not limited to, any person, operator or facility engaged in drilling, stimulating, injecting into, completing, working over or producing any oil, natural gas or carbon dioxide well or any person, operator or facility engaged in gathering, transporting, storing, processing or

refining of crude oil, natural gas or carbon dioxide (referred to herein as "person, operator or facility" or "well, facility or operation"). This section shall not act to exempt or otherwise excuse surface waste management facilities permitted by the division pursuant to 19.15.9.711 NMAC from more stringent conditions on the handling of hydrogen sulfide required of such facilities by 19.15.9.711 NMAC or more stringent conditions in permits issued thereunder, nor shall such facilities be exempt or otherwise excused from the requirements set forth in this section by virtue of permitting under 19.15.9.711 NMAC.

B. Definitions (specific to this section).

(1) ANSI. The acronym "ANSI" means the american national standards institute.

(2) API. The acronym "API" means the american petroleum institute.

(3) Area of Exposure. The phrase "area of exposure" means the area within a circle constructed with a point of escape at its center and the radius of exposure as its radius.

(4) ASTM. The acronym "ASTM" means the american society for testing and materials.

(5) Dispersion Technique. A "dispersion technique" is a mathematical representation of the physical and chemical transportation characteristics, dilution characteristics and transformation characteristics of hydrogen sulfide gas in the atmosphere.

(6) Escape Rate. The "escape rate" is the maximum volume (Q) that is used to designate the possible rate of escape of a gaseous mixture containing hydrogen sulfide, as set forth herein.

(a) For existing gas facilities or operations, the escape rate shall be calculated using the maximum daily rate of the gaseous mixture produced or handled or the best estimate thereof. For an existing gas well, the escape rate shall be calculated using the current daily absolute open flow rate against atmospheric pressure or the best estimate of that rate.

(b) For new gas operations or facilities, the escape rate shall be calculated as the maximum anticipated flow rate through the system. For a new gas well, the escape rate shall be calculated using the maximum open-flow rate of offset wells in the pool or reservoir, or the pool or reservoir average of maximum open-flow rates.

(c) For existing oil wells, the escape rate shall be calculated by multiplying the producing gas/oil ratio by the maximum daily production rate or the best estimate thereof.

(d) For new oil wells, the escape

rate shall be calculated by multiplying the producing gas/oil ratio by the maximum daily production rate of offset wells in the pool or reservoir, or the pool or reservoir average of the producing gas/oil ratio multiplied by the maximum daily production rate.

(e) For facilities or operations not mentioned, the escape rate shall be calculated using the actual flow of the gaseous mixture through the system or the best estimate thereof.

(7) GPA. The acronym "GPA" means the gas processors association.

(8) LEPC. The acronym "LEPC" means the local emergency planning committee established pursuant to the emergency planning and community right-to-know act, 42 U.S.C. Section 11001.

(9) NACE. The acronym "NACE" refers to the national association of corrosion engineers.

(10) PPM. The acronym "ppm" means "parts per million" by volume.

(11) Potentially Hazardous Volume means the volume of hydrogen sulfide gas of such concentration that:

(a) the 100-ppm radius of exposure includes any public area;

(b) the 500-ppm radius of exposure includes any public road; or

(c) the 100-ppm radius of exposure exceeds 3,000 feet.

(12) Public Area. A "public area" is any building or structure that is not associated with the well, facility or operation for which the radius of exposure is being calculated and that is used as a dwelling, office, place of business, church, school, hospital, or government building, or any portion of a park, city, town, village or designated school bus stop or other similar area where members of the public may reasonably be expected to be present.

(13) Public Road. A "public road" is any federal, state, municipal or county road or highway.

(14) Radius of Exposure. The radius of exposure is that radius constructed with the point of escape as its starting point and its length calculated using the following Pasquill-Gifford derived equation, or by such other method as may be approved by the division:

(a) For determining the 100-ppm radius of exposure: $X = [(1.589)(\text{hydrogen sulfide concentration})(Q)]^{(0.6258)}$, where "X" is the radius of exposure in feet, the "hydrogen sulfide concentration" is the decimal equivalent of the mole or volume fraction of hydrogen sulfide in the gaseous mixture, and "Q" is the escape rate expressed in cubic feet per day (corrected for standard conditions of 14.73 psia and 60 degrees F).

(b) For determining the 500-ppm

radius of exposure: $X = [(0.4546)(\text{hydrogen sulfide concentration})(Q)]^{(0.6258)}$, where "X" is the radius of exposure in feet, the "hydrogen sulfide concentration" is the decimal equivalent of the mole or volume fraction of hydrogen sulfide in the gaseous mixture, and "Q" is the escape rate expressed in cubic feet per day (corrected for standard conditions of 14.73 psia and 60 degrees F).

(c) For a well being drilled, completed, recompleted, worked over or serviced in an area where insufficient data exists to calculate a radius of exposure but where hydrogen sulfide could reasonably be expected to be present in concentrations in excess of 100 ppm in the gaseous mixture, a 100-ppm radius of exposure equal to 3,000 feet shall be assumed.

C. Regulatory Threshold.

(1) Determination of Hydrogen Sulfide Concentration.

(a) Each person, operator or facility shall determine the hydrogen sulfide concentration in the gaseous mixture within each of its wells, facilities or operations either by testing (using a sample from each well, facility or operation), testing a representative sample, or using process knowledge in lieu of testing. If a representative sample or process knowledge is used, the concentration derived from the representative sample or process knowledge must be reasonably representative of the hydrogen sulfide concentration within the well, facility or operation.

(b) The tests used to make the determination referred to in the previous subparagraph shall be conducted in accordance with applicable ASTM or GPA standards or by another method approved by the division.

(c) If a test was conducted prior to the effective date of this section that otherwise meets the requirements of the previous subparagraphs, new testing shall not be required.

(d) If any change or alteration may materially increase the concentration of hydrogen sulfide in a well, facility or operation, a new determination shall be required in accordance with this section.

(2) Concentrations Determined to be Below 100 ppm. If the concentration of hydrogen sulfide in a given well, facility or operation is less than 100 ppm, no further actions shall be required pursuant to this section.

(3) Concentrations Determined to be Above 100 ppm.

(a) If the concentration of hydrogen sulfide in a given well, facility or operation is determined to be 100 ppm or greater, then the person, operator or facility must calculate the radius of exposure and comply with applicable requirements of this

section.

(b) If calculation of the radius of exposure reveals that a potentially hazardous volume is present, the results of the determination of the hydrogen sulfide concentration and the calculation of the radius of exposure shall be provided to the division. For a well, facility or operation existing on the effective date of this section, the determination, calculation and submission required herein shall be accomplished within 180 days of the effective date of this section; for any well, facility or operation that commences operations after the effective date of this section, the determination, calculation and submission required herein shall be accomplished before operations begin.

(4) Recalculation. The person, operator or facility shall calculate the radius of exposure if the hydrogen sulfide concentration in a well, facility or operation increases to 100 ppm or greater. The person, operator or facility shall also recalculate the radius of exposure if the actual volume fraction of hydrogen sulfide increases by a factor of twenty-five percent in a well, facility or operation that previously had a hydrogen sulfide concentration of 100 ppm or greater. If calculation or recalculation of the radius of exposure reveals that a potentially hazardous volume is present, the results shall be provided to the division within sixty (60) days.

D. Hydrogen Sulfide Contingency Plan.

(1) When Required. If a well, facility or operation involves a potentially hazardous volume of hydrogen sulfide, a hydrogen sulfide contingency plan that will be used to alert and protect the public must be developed in accordance with the following paragraphs.

(2) Plan Contents.

(a) API Guidelines. The hydrogen sulfide contingency plan shall be developed with due consideration of paragraph 7.6 of the guidelines published by the API in its publication entitled "Recommended Practices for Oil and Gas Producing and Gas Processing Plant Operations Involving Hydrogen Sulfide," RP-55, most recent edition, or with due consideration to another standard approved by the division.

(b) Required Contents. The hydrogen sulfide contingency plan shall contain, but shall not be limited to, information on the following subjects, as appropriate to the well, facility or operation to which it applies:

(i) Emergency procedures. The hydrogen sulfide contingency plan shall contain information on emergency procedures to be followed in the event of a release and shall include, at a

minimum, information concerning the responsibilities and duties of personnel during the emergency, an immediate action plan as described in the API document referenced in the previous subparagraph, and telephone numbers of emergency responders, public agencies, local government and other appropriate public authorities. The plan shall also include the locations of potentially affected public areas and public roads and shall describe proposed evacuation routes, locations of any road blocks and procedures for notifying the public, either through direct telephone notification using telephone number lists or by means of mass notification and reaction plans. The plan shall include information on the availability and location of necessary safety equipment and supplies.

(ii) Characteristics of hydrogen sulfide and sulfur dioxide. The hydrogen sulfide contingency plan shall include a discussion of the characteristics of hydrogen sulfide and sulfur dioxide.

(iii) Maps and drawings. The hydrogen sulfide contingency plan shall include maps and drawings that depict the area of exposure and public areas and public roads within the area of exposure.

(iv) Training and Drills. The hydrogen sulfide contingency plan shall provide for training and drills, including training in the responsibilities and duties of essential personnel and periodic on-site or classroom drills or exercises that simulate a release, and shall describe how the training, drills and attendance will be documented. The hydrogen sulfide contingency plan shall also provide for training of residents as appropriate on the proper protective measures to be taken in the event of a release, and shall provide for briefing of public officials on issues such as evacuation or shelter-in-place plans.

(v) Coordination with State Emergency Plans. The hydrogen sulfide contingency plan shall describe how emergency response actions under the plan will be coordinated with the division and with the New Mexico state police consistent with the New Mexico hazardous materials emergency response plan (HMER).

(vi) Activation Levels. The hydrogen sulfide contingency plan shall include the activation level and a description of events that could lead to a release of hydrogen sulfide sufficient to create a concentration in excess of the activation level.

(3) Plan Activation. The hydrogen sulfide contingency plan shall be activated when a release creates a concentration of hydrogen sulfide greater than the activation level set forth in the hydrogen sulfide

contingency plan. At a minimum, the plan must be activated whenever a release may create a concentration of hydrogen sulfide of more than 100 ppm in any public area, 500 ppm at any public road or 100 ppm 3,000 feet from the site of release.

(4) Submission.

(a) Where Submitted. The hydrogen sulfide contingency plan shall be submitted to the division.

(b) When Submitted. A hydrogen sulfide contingency plan for a well, facility or operation existing on the effective date of this section shall be submitted within one year of the effective date of this section. A hydrogen sulfide contingency plan for a new well, facility or operation shall be submitted before operations commence. The hydrogen sulfide contingency plan for a drilling, completion, workover or well servicing operation must be on file with the division before operations commence and may be submitted separately or along with the application for permit to drill (APD) or may be on file from a previous submission. A hydrogen sulfide contingency plan shall also be submitted within 180 days after the person, operator or facility becomes aware or should have become aware that a public area or public road is established that creates a potentially hazardous volume where none previously existed.

(c) Electronic Submission. Any filer who operates more than one hundred wells or who operates a crude oil pump station, compressor station, refinery or gas plant must submit each hydrogen sulfide contingency plan in electronic format. The hydrogen sulfide contingency plan may be submitted through electronic mail, through an Internet filing or by delivering electronic media to the division, so long as the electronic submission is compatible with the division's systems.

(5) Failure to Submit Plan. Failure to submit a hydrogen sulfide contingency plan when required may result in denial of an application for permit to drill, cancellation of an allowable for the subject well or other enforcement action appropriate to the well, facility or operation.

(6) Review, Amendment. The person, operator or facility shall review the hydrogen sulfide contingency plan any time a subject addressed in the plan materially changes and make appropriate amendments. If the division determines that a hydrogen sulfide contingency plan is inadequate to protect public safety, the division may require the person, operator or facility to add provisions to the plan or amend the plan as necessary to protect public safety.

(7) Retention and Inspection. The hydrogen sulfide contingency plan shall be reasonably accessible in the event

of a release, maintained on file at all times, and available for inspection by the division.

(8) Annual Inventory of Contingency Plans. On an annual basis, each person, operator or facility required to prepare one or more hydrogen sulfide contingency plans pursuant to this section shall file with the appropriate local emergency planning committee and the state emergency response commission an inventory of the wells, facilities and operations for which plans are on file with the division and the name, address and telephone number of a point of contact.

(9) Plans Required by Other Jurisdictions. A hydrogen sulfide contingency plan required by the Bureau of Land Management or other jurisdiction that meets the requirements of this subsection may be submitted to the division in satisfaction of this subsection.

E. Signage, Markers. For each well, facility or operation involving a concentration of hydrogen sulfide of 100 ppm or greater, signs and/or markers shall be installed and maintained. Each sign or marker shall conform with the current ANSI standard Z535.1-2002 ("Safety Color Code"), or some other standard approved by the division, shall be readily readable, and shall contain the words "poison gas" and other information sufficient to warn the public that a potential danger exists. Signs or markers shall be prominently posted at locations, including but not limited to entrance points and road crossings, sufficient to alert the public that a potential danger exists. Signs and/or markers that conform with this subsection shall be installed no later than one year from the effective date of this section.

F. Protection from Hydrogen Sulfide During Drilling, Completion, Workover, and Well Servicing Operations.

(1) API Standards. All drilling, completion, workover and well servicing operations involving a hydrogen sulfide concentration of 100 ppm or greater shall be conducted with due consideration to the guidelines published by the API entitled "Recommended Practice for Oil and Gas Well Servicing and Workover Operations Involving Hydrogen Sulfide," RP-68, and "Recommended Practices for Drilling and Well Servicing Operations Involving Wells Containing Hydrogen Sulfide," RP-49, most recent editions, or some other standard approved by the division.

(2) Detection and Monitoring Equipment. Drilling, completion, workover and well servicing operations involving a hydrogen sulfide concentration of 100 ppm or greater shall include hydrogen sulfide detection and monitoring equipment as fol-

lows:

(a) Each drilling and completion site shall have an accurate and precise hydrogen sulfide detection and monitoring system that will automatically activate visible and audible alarms when the ambient air concentration of hydrogen sulfide reaches a predetermined value set by the operator, not to exceed 20 ppm. There shall be a sensing point located at the shale shaker, rig floor and bell nipple for a drilling site and the cellar, rig floor and circulating tanks or shale shaker for a completion site.

(b) For workover and well servicing operations, one operational sensing point shall be located as close to the well bore as practical. Additional sensing points may be necessary for large or long-term operations.

(c) Hydrogen sulfide detection and monitoring equipment must be provided and must be made operational during drilling when drilling is within 500 feet of a zone anticipated to contain hydrogen sulfide and continuously thereafter through all subsequent drilling.

(3) Wind Indicators. All drilling, completion, workover and well servicing operations involving a hydrogen sulfide concentration of 100 ppm or greater shall include wind indicators. Equipment to indicate wind direction shall be present and visible at all times. At least two devices to indicate wind direction shall be installed at separate elevations and visible from all principal working areas at all times. When a sustained concentration of hydrogen sulfide is detected in excess of 20 ppm at any detection point, red flags shall be displayed.

(4) Flare System. For drilling and completion operations in an area where it is reasonably expected that a potentially hazardous volume of hydrogen sulfide will be encountered, the person, operator or facility shall install a flare system to safely gather and burn hydrogen-sulfide-bearing gas. Flare outlets shall be located at least 150 feet from the well bore. Flare lines shall be as straight as practical. The flare system shall be equipped with a suitable and safe means of ignition. Where noncombustible gas is to be flared, the system shall provide supplemental fuel to maintain ignition.

(5) Well Control Equipment. When the 100 ppm radius of exposure includes a public area, the following well control equipment shall be required:

(a) Drilling. A remote-controlled well control system shall be installed and operational at all times beginning when drilling is within 500 feet of the formation believed to contain hydrogen sulfide and continuously thereafter during drilling. The well control system must include, at a minimum, a pressure and hydrogen-sulfide-

rated well control choke and kill system including manifold and blowout preventer that meets or exceeds the specifications API-16C and API-RP 53 or other specifications approved by the division. Mud-gas separators shall be used. These systems shall be tested and maintained pursuant to the specifications referenced, according to the requirements of this part, or otherwise as approved by the division.

(b) Completion, Workover and Well Servicing. A remote controlled pressure and hydrogen-sulfide-rated well control system that meets or exceeds API specifications or other specifications approved by the division shall be installed and shall be operational at all times during completion, workover and servicing of a well.

(6) Mud Program. All drilling, completion, workover and well servicing operations involving a hydrogen sulfide concentration of 100 ppm or greater shall use a hydrogen sulfide mud program capable of handling hydrogen sulfide conditions and well control, including de-gassing.

(7) Well Testing. Except with prior approval of the division, drill-stem testing of a zone that contains hydrogen sulfide in a concentration of 100 ppm or greater shall be conducted only during daylight hours and formation fluids shall not be permitted to flow to the surface.

(8) If Hydrogen Sulfide Encountered During Operations. If hydrogen sulfide was not anticipated at the time the division issued a permit to drill but is encountered during drilling in a concentration of 100 ppm or greater, the operator must satisfy the requirements of this section before continuing drilling operations. The operator shall notify the division of the event and the mitigating steps that have been or are being taken as soon as possible, but no later than 24 hours following discovery. The division may grant verbal approval to continue drilling operations pending preparation of any required hydrogen sulfide contingency plan.

G. Protection from Hydrogen Sulfide at Crude Oil Pump Stations, Producing Wells, Tank Batteries and Associated Production Facilities, Pipelines, Refineries, Gas Plants and Compressor Stations.

(1) API Standards. Operations at crude oil pump stations and producing wells, tank batteries and associated production facilities, refineries, gas plants and compressor stations involving a concentration of hydrogen sulfide of 100 ppm or greater shall be conducted with due consideration to the guidelines published by the API in its publication entitled "Recommended Practices for Oil and Gas Producing and Gas Processing Plant

Operations Involving Hydrogen Sulfide." RP-55, latest edition or some other standard approved by the division.

(2) Security. Well sites and other unattended, fixed surface facilities involving a concentration of hydrogen sulfide of 100 ppm or greater shall be protected from public access by fencing with locking gates when the location is within 1/4 mile of a public area. A surface pipeline shall not be considered a fixed surface facility for purposes of this paragraph.

(3) Wind Direction Indicators. All crude oil pump stations, producing wells, tank batteries and associated production facilities, pipelines, refineries, gas plants and compressor stations involving a concentration of hydrogen sulfide of 100 ppm or greater shall have equipment to indicate wind direction. The wind direction equipment shall be installed and visible from all principal working areas at all times.

(4) Control Equipment. When the 100 ppm radius of exposure includes a public area, the following additional measures are required:

(a) Safety devices, such as automatic shut-down devices, shall be installed and maintained in good operating condition to prevent the escape of hydrogen sulfide. Alternatively, safety procedures shall be established to achieve the same purpose.

(b) Any well shall possess a secondary means of immediate well control through the use of an appropriate christmas tree or downhole completion equipment. Such equipment shall allow downhole accessibility (reentry) under pressure for permanent well control.

(5) Tanks or vessels. Each stair or ladder leading to the top of any tank or vessel containing 300 ppm or more of hydrogen sulfide in the gaseous mixture shall be chained or marked to restrict entry.

(6) Compliance Schedule. Each existing crude oil pump station, producing well, tank battery and associated production facility, pipeline, refinery, gas plant and compressor station not currently meeting the requirements of this subsection shall be brought into compliance within one year of the effective date of this section.

H. Personnel Protection and Training. All persons responsible for the implementation of any hydrogen sulfide contingency plan shall be provided training in hydrogen sulfide hazards, detection, personal protection and contingency procedures.

I. Standards for Equipment That May Be Exposed to Hydrogen Sulfide. Whenever a well, facility or operation involves a potentially hazardous volume of hydrogen sulfide, equipment shall be selected with consideration

for both the hydrogen sulfide working environment and anticipated stresses and NACE Standard MR0175 (latest edition) or some other standard approved by the division shall be used for selection of metallic equipment or, if applicable, adequate protection by chemical inhibition or other methods that control or limit the corrosive effects of hydrogen sulfide shall be used.

J. Exemptions. Any person, operator or facility may petition the director or the director's designee for an exemption to any requirement of this section. Any such petition shall provide specific information as to the circumstances that warrant approval of the exemption requested and how the public safety will be protected. The director or the director's designee, after considering all relevant factors, may approve an exemption if the circumstances warrant and so long as the public safety will be protected.

K. Notification of the Division. The person, operator or facility shall notify the division upon a release of hydrogen sulfide requiring activation of the hydrogen sulfide contingency plan as soon as possible, but no more than four hours after plan activation, recognizing that a prompt response should supercede notification. The person, operator or facility shall submit a full report of the incident to the division on Form C-141 no later than fifteen (15) days following the release.

[5-22-73...1-1-87...2-1-96; A 3-15-97; 19.15.3.118 NMAC - Rn, 19 NMAC 15.C.118, 11-15-2001; A, 01-31-03]

NEW MEXICO DEPARTMENT OF HEALTH

TITLE 7 HEALTH CHAPTER 14 COMMUNITY BASED SERVICES PART 2 QUALITY MAN- AGEMENT SYSTEM AND REVIEW REQUIREMENTS FOR PROVIDERS OF COMMUNITY BASED SERVICES

7.14.2.1 ISSUING AGENCY: New Mexico Department of Health, Division of Health Improvement
[7.14.2.1 NMAC – N, 2-3-03]

7.14.2.2 SCOPE: This rule is applicable to persons, organizations or legal entities that are under contract to provide services to the New Mexico Department of Health and/or the New Mexico Human Services Department under the following programs: Developmental Disability Waiver (DDW), Disabled and Elderly Waiver (D&EW), Medically Fragile

Waiver (MFW), Traumatic Brain Injury (TBI) and Family, Infants and Toddler (FIT) and any additional programs that may require provider compliance with these requirements.

[7.14.2.2 NMAC – N, 2-3-03]

7.14.2.3 STATUTORY AUTHORITY: Department of Health Act, NMSA 1978 Section 9-7-6 (E) and Sections 24-1-3 (L) (O) (T) and (U) of the Public Health Act, NMSA 1978 as amended.

[7.14.2.3 NMAC – N, 2-3-03]

7.14.2.4 DURATION: Permanent.

[7.14.2.4 NMAC – N, 2-3-03]

7.14.2.5 EFFECTIVE DATE: February 3, 2003, unless a later date is cited at the end of a section.

[7.14.2.5 NMAC – N, 2-3-03]

7.14.2.6 OBJECTIVE: This rule establishes standards for provider compliance with Department of Health (DOH) requirements for quality assurance reviews of DDW, D&EW, MFW, TBI and FIT programs and any additional programs that may require provider compliance with these requirements and specifies that DOH authorized representatives shall have timely access to records, personnel, service locations and clients.

[7.14.2.6 NMAC – N, 2-3-03]

7.14.2.7 DEFINITIONS: For purposes of these regulations, the following shall apply:

A. "Client" means any person who is requesting or receiving services from one or more service providers subject to these requirements.

B. "DOH" means the New Mexico Department of Health.

C. "Developmental Disability Waiver (DDW)" means a program offering community based services under the administration of the DOH Long Term Services Division for persons eligible based on the criteria described in 8.290.400.10 (B) NMAC.

D. "Disabled & Elderly Waiver (D&EW)" means a program offering community based services under the administration of the MAD for persons eligible based on the criteria described in 8.290.400.10 (A) NMAC.

E. "Family Infant and Toddler (FIT)" means a program offering community based services under the administration of the DOH Long Term Services Division for persons eligible based on the criteria described in 7.30.8 NMAC.

F. "HSD" means the New

Mexico Human Services Department.

G. "MAD" means the Medical Assistance Division of the New Mexico Human Services Department or successor agency.

H. "Medically Fragile Waiver (MFW)" means a program offering community based services under the administration of the DOH Long Term Services Division for persons eligible based on the criteria described in 8.290.400.10 (C) NMAC.

I. "Provider" means a person, organization or legal entity under contract with DOH or HSD to provide services to clients eligible for services under one or more of the following programs: Developmental Disability Waiver (DDW), Disabled and Elderly Waiver (D&EW), Medically Fragile Waiver (MFW); or Traumatic Brain Injury (TBI) and any additional programs that may require provider compliance with these requirements.

J. "Timely Access" means physical or in-person, electronic or other access needed by authorized representatives of the DOH to conduct a quality review activity. Timely access means immediate access upon request. If immediate access is not possible for a legitimate reason, the access shall be as prompt as reasonably possible.

K. "Traumatic Brain Injury Provider (TBI)" means a person, organization or other legal entity as specified in 24-1-24 NMSA 1978, operating under the administration of the DOH Long Term Services Division, which generally offers community based services to eligible clients.

[7.14.2.7 NMAC – N, 2-3-03]

7.14.2.8 STANDARD OF COMPLIANCE: The degree of compliance required throughout these regulations is designated by the use of the words "shall" or "must" or "may". "Shall" or "must" means mandatory. "May" means permissive.

[7.14.2.8.NMAC – N, 2-3-03]

7.14.2.9 CONFIDENTIALITY : Client specific information reviewed or obtained in the course of quality assurance reviews of providers is confidential in accordance with all applicable federal and state law and regulation and with all applicable contract provisions. Other confidential information may include, but is not limited to: personnel records, the provider's internal incident investigations, financial documents and proprietary business information.

[7.14.2.9 NMAC – N, 2-3-03]

7.14.2.10 ACCESS TO FACILI-

TATE PROVIDER REVIEW QA ACTIVITIES:

A. DOH shall review the quality of care delivered by providers subject to these requirements. These reviews may be either announced or unannounced.

B. Providers of services shall facilitate timely physical or in-person access to:

C. Provider records, regardless of media, including but not limited to: financial records, all client records, ISPs, personnel records, board and or committee minutes, incident reports, quality assurance activities, client satisfaction surveys and agency policy/procedures manuals;

D. All provider personnel;

E. Clients currently receiving services from the provider;

F. Any information relevant to accessing guardians, representatives and family members;

G. All records, regardless of media, relating to former and deceased clients; and

H. All administrative and service delivery sites.

I. Failure to grant and facilitate timely physical or in-person access as defined in Section 7.14.2.7 (J) of this rule may subject the provider to all available penalties and sanctions as provided in applicable federal, state and/or contract provisions.

[7.14.2.10 NMAC – N, 2-3-03]

History of 7.14.2 NMAC: [RESERVED]

**NEW MEXICO
DEPARTMENT OF
HEALTH**

**TITLE 7 HEALTH
CHAPTER 14 COMMUNITY
BASED SERVICES
PART 3 INCIDENT
REPORTING AND INVESTIGATION
REQUIREMENTS FOR PROVIDERS
OF COMMUNITY BASED SERVICES**

7.14.3.1 ISSUING AGENCY: New Mexico Department of Health, Division of Health Improvement
[7.14.3.1 NMAC – N, 2-3-03]

7.14.3.2 SCOPE: This rule is applicable to persons, organizations or legal entities that are under contract to provide services to the New Mexico Department of Health and/or the New Mexico Human Services Department under the following programs: Developmental Disability Waiver (DDW), Disabled and Elderly

Waiver (D&EW), Medically Fragile Waiver (MFW) and Traumatic Brain Injury (TBI) and any additional programs that may require provider compliance with these requirements.

[7.14.3.2 NMAC – N, 2-3-03]

7.14.3.3 STATUTORY AUTHORITY: Department of Health Act, NMSA 1978 Section 9-7-6 (E) and Sections 24-1-3 (L) (O) (T) and (U) of the Public Health Act, NMSA 1978 as amended.

[7.14.3.3 NMAC – N, 2-3-03]

7.14.3.4 DURATION : Permanent.

[7.14.3.4 NMAC – N, 2-3-03]

7.14.3.5 EFFECTIVE DATE: February 3, 2003, unless a later date is cited at the end of a section. [7.14.3.5 NMAC – N, 2-3-03]

7.14.3.6 OBJECTIVE: This rule establishes standards for provider compliance with the Department of Health (DOH) requirements with regard to the investigation of incidents occurring in DDW, D&EW, MFW and TBI programs and any additional programs that may require provider compliance with these requirements. The rule requires the timely reporting of specified client specific incidents and that timely access to records, personnel, service locations and clients be provided to DOH authorized representatives conducting investigations of such incidents.
[7.14.3.6 NMAC – N, 2-3-03]

7.14.3.7 DEFINITIONS: For purposes of these regulations, the following shall apply:

A. "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.

B. "Client" means any person who is requesting or receiving services from one or more service providers subject to these requirements.

C. "DOH" means the New Mexico Department of Health.

D. Developmental Disability Waiver (DDW)" means a program offering community based services under the administration of the DOH Long Term Services Division for persons eligible based on the criteria described in 8.290.400.10 (B) NMAC.

E. "Disabled & Elderly Waiver (D&EW)" means a program offering community based services under the administration of the MAD for persons eligible based on the criteria described in

8.290.400.10 (A) NMAC.

F. "Emergency Medical Services" means the admission to a hospital or psychiatric facility or the provision of emergency services that results in medical care which is unanticipated for this individual and which would not routinely be provided by a primary care provider.

G. "Environmental Hazard" means an unsafe condition that creates an immediate threat to life or health.

H. "HSD" means the New Mexico Human Services Department.

I. "Incident" means a known, alleged or suspected occurrence of abuse, neglect, misappropriation (i.e. exploitation) of property; death; or an Other Reportable Incident (ORI) as defined in this rule.

J. "MAD" means the Medical Assistance Division of the New Mexico Human Services Department or successor agency.

K. "Law Enforcement Intervention" means the arrest or detention of a client by law enforcement, placement of a client in a detention or correctional facility, or involvement of law enforcement in a client specific occurrence.

L. "LTSD" means the Long Term Services Division of the New Mexico Department of Health.

M. "Medically Fragile Waiver Provider (MFW)" means a program offering community based services under the administration of the DOH Long Term Services Division for persons eligible based on the criteria described in 8.290.400.10 (C) NMAC.

N. "Misappropriation of Property (i.e. exploitation)" means the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a client's belongings or money without the client's consent.

O. "Neglect" means the failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness.

P. "Other Reportable Incident (ORI)" means an Environmental Hazard, Law Enforcement Intervention or Emergency Services as defined in this rule.

Q. "Provider" means a person, organization or legal entity under contract to provide services to the New Mexico Department of Health under the following programs: Developmental Disability Waiver (DDW), Disabled and Elderly Waiver (D&EW), Medically Fragile Waiver (MFW); or Traumatic Brain Injury (TBI) and any additional programs that may require provider compliance with these requirements.

R. "Timely Access"

means physical or in-person, electronic or other access needed by authorized representatives of the DOH to conduct a quality review activity. Timely access means immediate access upon request unless immediate access is not possible, in which case the access shall be as prompt as reasonably possible.

S. "Timely Reporting" means reporting in accordance with the time frames specified in Section 7.14.3.11 of this rule.

T. "Traumatic Brain Injury Provider (TBI)" means a person, organization or other legal entity as specified in 24-1-24 NMSA 1978, operating under the administration of the DOH Long Term Services Division, which generally offers community based services to eligible clients.

[7.14.3.7 NMAC – N, 2-3-03]

7.14.3.8 STANDARD OF COMPLIANCE: The degree of compliance required throughout these regulations is designated by the use of the words "shall" or "must" or "may". "Shall" or "must" means mandatory. "May" means permissive.

[7.14.3.8 NMAC – N, 2-3-03]

7.14.3.9 GENERAL PRINCIPLES:

A. Providers of services within the scope of these regulations shall report all incidents of abuse, neglect, misappropriation, death or Other Reportable Incidents (ORI) on the specified form within the specified time frames in Sections 7.14.3.7 (S) of this rule.

B. Providers of services within the scope of these regulations shall facilitate timely access to records, personnel services, locations and clients for DOH authorized representatives conducting investigations of reported incidents of abuse, neglect, misappropriation, death or Other Reportable Incidents (ORI).

C. Information obtained in the course of DOH reviews shall be submitted to appropriate DOH and/or HSD authority for review and any necessary remedy.

[7.14.3.9 NMAC – N, 2-3-03]

7.14.3.10 CONFIDENTIALITY: Client specific information reviewed or obtained in the course of quality assurance reviews of providers is confidential in accordance with all applicable federal and state law and regulation and with all applicable contract provisions. Other confidential information may include, but is not limited to: personnel records, the provider's internal incident investigations, financial documents and proprietary business infor-

mation.

[7.14.3.10 NMAC – N, 2-3-03]

7.14.3.11 INCIDENT MANAGEMENT SYSTEM (IMS) REPORTING REQUIREMENTS:

A. All alleged or suspected incidents shall be reported within 24 hours of knowledge of the incident (or the next business day if the incident occurs on a weekend or a holiday). Sending a facsimile copy (fax) or e-mail of the IR form to DOH satisfies this requirement.

(1) The current Incident Report (IR) form contained in the current Incident Management Manual must be used to assure appropriate and timely response when alleged or suspected incidents occur.

(2) If the allegation or suspicion involves a criminal act, or if the incident was a death occurring outside of a medical facility, the local Law Enforcement Agency shall also be contacted.

B. Failure to comply with the timely reporting of incidents as defined in Section 7.14.3.7 (S) and as specified in Section 7.14.3.11 of this rule may subject the provider to all penalties applicable under federal, state and/or contract authority. In addition to these requirements, providers remain subject to all other applicable state or federal reporting requirements.

[7.14.3.11 NMAC – N, 2-3-03]

7.14.3.12 ACCESS AND COOPERATION TO FACILITATE PROVIDER INCIDENT INVESTIGATIONS:

A. DOH shall review the quality of care delivered by providers. These reviews may be either announced or unannounced.

B. Providers of services shall facilitate timely physical or in-person access to:

(1) Provider records, regardless of media, including but not limited to: financial records, all client records, ISPs, IFSPs, personnel records, board and or committee minutes, incident reports, quality assurance activities, client satisfaction surveys and agency policy/procedures manuals;

(2) All provider personnel;

(3) Clients currently receiving services from the provider;

(4) Any information relevant to accessing guardians, representatives and family members;

(5) All records, regardless of media, relating to former and deceased clients; and

(6) All administrative and service delivery sites.

C. Failure to facilitate

timely physical or in-person access as defined in Section 7.14.3.7 (R) of this rule may subject the provider to all available penalties and sanctions as provided in applicable federal, state and/or contract provisions.

[7.14.3.12 NMAC – N, 2-3-03]

History of 7.14.3 NMAC: [RESERVED]

NEW MEXICO BOARD OF PHARMACY

This is an amendment to 16.19.2 NMAC, Sections 5 and 8:

16.19.2.5 EFFECTIVE DATE: February 15, 1996, unless a later date is cited at the end of a section. [02-15-96; 16.19.2.5 NMAC - Rn, 16 NMAC 19.2.5, 03-30-02; A, 02-15-03]

16.19.2.8 APPLICATIONS - SUBJECTS: Applicants for licensure by examination shall pass the standard national examination currently known as NAPLEX and pass ~~the New Mexico Jurisprudence Examination approved by the Board.~~ the NABP Multi-State Pharmacy Jurisprudence Examination (MPJE).

A. EXAMINATIONS

(1) In order to sit for the examination based on NAPLEX subjects, the applicant must be a graduate from a college of pharmacy accredited by the American Council on Pharmaceutical Education (ACPE).

(2) To pass an examination, the candidate shall have a score of at least 75 in the NAPLEX examination.

(3) To pass the jurisprudence examination in the State of New Mexico, the candidate shall have a score of at least 75[94].

(4) Candidates taking NAPLEX in participating states may transfer scores in compliance with NABP "Score Transfer Program", upon payment of the fee to the New Mexico Board of Pharmacy for registration by examination, and in compliance with such other requirements set by the New Mexico Board of Pharmacy so long as New Mexico participates in the NABP "Score Transfer Program".

(5) Only those score-transfer applicants who have passed the NAPLEX examination and received their score may take the ~~jurisprudence examination.~~ Applicants must make arrangements to take the jurisprudence examination and meet with the Board within 30 days after the NAPLEX scores have been received by the Board office. **MPJE.**

B. Graduates of schools or

colleges of pharmacy not accredited by the American Council on Pharmaceutical Education (A.C.P.E.), shall be eligible to take the licensing examination required under this section by providing evidence satisfactory to the Board that the applicant has satisfied the requirements of 61-11-9 NMSA 1978:

(1) has submitted an application on a form supplied by the Board;

(2) has completed the internship requirements of Part 5; and

(3) has successfully completed the National Association of Board of Pharmacy Foreign Pharmacy Graduate Examination Committee Certification Program, during which the applicant must pass the Foreign Pharmacy Graduate Equivalency Examination, and demonstrate English language proficiency by passing both the Test of English as a Foreign Language (TOEFL) with a score of 550 or higher and the Test of Spoken English (TSE) with a score of 55 or higher.

C. Applicants with work experience as a pharmacist in another country may petition the Board to accept the work experience in lieu of internship requirements of 16.19.5 NMAC. The Board may elect to accept all, a portion or none of the experience as a substitute for internship requirements.

[04-30-98; 16.19.2.8 NMAC - Rn, 16 NMAC 19.2.8, 03-30-02; A, 02-15-03]

NEW MEXICO BOARD OF PHARMACY

This is an amendment to 16.19.20 NMAC, Section 67:

16.19.20.67 SCHEDULE III: Shall Consist of Drugs and Other Substances, By Whatever Official Name, Common or Usual Name Designated Listed in This Section.

A. STIMULANTS .

Unless specifically exempt or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant, amphetamine, phendimetrazine or methamphetamine previously exempt, for which the exemption was revoked by FDA Regulation Title 21, Part 308.13, and any other drug of the quantitative composition shown in that regulation for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

- (2) Benzphetamine
- (3) Phendimetrazine
- (4) Chlorphentermine
- (5) Clortermine

B. DEPRESSANTS .

Unless specifically exempt or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:

- (a) Amobarbital,
- (b) Secobarbital,
- (c) Pentobarbital,

(d) Butalbital; or any salt thereof and one or more active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

- (a) Amobarbital,
- (b) Secobarbital,

(c) Pentobarbital; or any salt of any of these drugs approved by the FDA for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid.

- (4) Chlorhexadol
- (5) Lysergic Acid
- (6) Lysergic Acid Amide
- (7) Methyprylon
- (8) Sulfondiethylmethane
- (9) Sulfonethylmethane
- (10) Sulfonmethane

(11) Tiletamine/zolazepam (Telazol)

(12) Ketamine Hydrochloride

(13) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug and Cosmetic Act.

C. Nalorphine (a narcotic drug)

D. NARCOTIC DRUGS.

Unless specifically exempt or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage units, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams

of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams

of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

E. ANABOLIC STEROIDS. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth. Unless specifically exempt or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances listed in this section:

- (1) boldenone
- (2) chlozo testosterone
- (3) clostebol
- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebolone
- (10) mesterolone

- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone; and
- (28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

F. The following anabolic steroid containing compounds, mixtures, or preparations have been exempted by the Board from 16.19.20.67.E NMAC, Schedule III:

TABLE OF EXEMPT ANABOLIC STEROID PRODUCTS

Trade Name	Company	NDC No.	Form	Ingredients	Quantity
Androgyn L. A.	Forest Pharmaceuticals, St. Louis MO	0456-1005	Vial	Testosterone enanthate Estradiol valerate	90 mg/ml 4mg/ml
Andro-Estro 90-4	Rugby Laboratories, Rockville Centre, NY	0536-1605	Vial	Testosterone enanthate Estradiol valerate	90 mg/ml 4mg/ml
depANDROGY N	Forest Pharmaceuticals, St. Louis, MO	0456-1020	Vial	Testosterone cypionate Estradiol cypionate	50 mg/ml 2mg/ml
DEPO-T.E	Quality Research Pharm., Carmel, IN	52728-257	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
DepTESTROGE N	Martica Pharmaceuticals, Phoenix, AZ	51698-257	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Dumone	Wintec Pharmaceutical Pacific, MO	52047-360	Vial	Testosterone enanthate Estradiol valerate	90mg/ml 4mg/ml
DURATESTRI N	W.E. Hauck Alpharetta, GA	43797-016	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml

DUP-SPAN II	Primedics Laboratories Gardena, CA	0684-0102	Vial	Testosterone cypionate Esterified cypionate	50mg/ml 2mg/ml
Estratest	Solvay Pharmaceuticals Marietta, GA	0032-1026	TB	Esterified estrogens Methyltestostero ne	125mg 2.5mg
Estratest HS	Solvay Pharmaceuticals Marietta, GA	0032-1023	TB	Esterified estrogen Methyltestostero ne	0.625 mg 1.25 mg
PAN ESTRA TEST	Pan American Labs Covington, LA	0525-0175	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Premarin with Methyltestostero ne	Ayerst Labs, Inc. New York, NY	0046-0879	TB	Conjugated estrogens Methltestosteron e	1.25mg 10.0mg
Premarin with Methyltestostero ne	Ayerst Labs, Inc. New York, NY	0046-878	TB	Conjugated estrogens Methltestosteron e	0.625 mg 5.0 mg
Synovex H Pellets In process	Syntex Animal Health Palo Alto, CA	Drum	Testosterone Propionate Estradiol benzoate	25mg 2.5 mg
Synovex H Pellets in process granulation	Syntex Animal Health Palo Alto, CA	Drum	Testosterone Propionate Estradiol benzoate	10 parts 1 part
TEST-ESTRO Cypionate	Rugby Laboratories Rockville Center NY	0536-9470	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Testagen	Clint Pharmaceuticals Nashville, TN	55553-257	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Testosterone Cyp 50 Estradiol Cyp 2	I.D.E. Interstate Amityville, NY	0814-7737	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Testosterone Cypionate- Estradiol Cypionate injection	Best Generics, No. Miami Beach, FL	54274-530	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Testosterone Cypionate- Estradiol Cypionate injection	Goldline Labs Ft. Lauderdale, FL	0182-3069	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml

Testosterone Cypionate-Estradiol Cypionate injection	Schein Pharmaceuticals Port Washington, NY	0364-6611	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Testosterone Cypionate-Estradiol Cypionate injection	Steris Labs Inc. Phoenix, AZ	0402-0257	Vial	Testosterone cypionate Estradiol cypionate	50mg/ml 2mg/ml
Testosterone Enanthate-Estradiol Valerate Injection	Goldline Labs Ft. Lauderdale, FL	0182-3073	Vial	Testosterone enanthate Estradiol valerate	90mg/ml 4mg/ml
Testosterone Enanthate-Estradiol Valerate Injection	Schein Pharmaceuticals Port Washinfton, NY	0364-6618	Vial	Testosterone enanthate Estradiol valerate	90 mg/ml 4 mg/ml
Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs, Inc. Phoenix, AZ	0402-0360	Vial	Testosterone enanthate Estradiol valerate	90 mg/ml 4 mg/ml
Testosterone Cypionate-Estradiol Cypionate Injection	The Upjohn Co. Kalamazoo, MI	0009-0253	Vial	Testosterone Cypionate Estradiol cypionate	50 mg/ml 2 mg/ml

[16.19.20.67 NMAC - Rp 16 NMAC 19.20.28(2), 07-15-02; A, 02-15-03]

**NEW MEXICO
COMMISSION OF
PUBLIC RECORDS**

Notice of Repeal

1.17.230 NMAC, Judicial Records Retention and Disposition Schedule for the New Mexico District Courts, is being repealed and replaced with the new 1.17.230 NMAC, Judicial Records Retention and Disposition Schedule for the New Mexico District Courts, effective February 18, 2003. The current rule was repealed by the New Mexico Commission of Public Records at their January 14, 2003 meeting. The new rule was approved by the New Mexico Commission of Public Records at their January 14, 2003 meeting.

**NEW MEXICO
COMMISSION OF
PUBLIC RECORDS**

January 16, 2003

Donald L. Padilla, Records Management
Division Director

NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe, New Mexico 87505

Mr. Padilla:

You recently requested to publish a synopsis in lieu of publishing the full content of the following rule:

* 1.17.230 NMAC JRRDS, New Mexico District Courts (new).

A review of this rule shows that its most impact is limited to the District Court to which it pertains, and it is "unduly cumbersome, expensive or otherwise inexpedient" to publish in its entirety. Therefore, your request to publish a synopsis for this rule is approved.

Sincerely,

Sandra Jaramillo
State Records Administrator

SJ/dlp

**NEW MEXICO
COMMISSION OF
PUBLIC RECORDS**

SYNOPSIS

**1.17.230 NMAC JRRDS, New Mexico
District Courts**

1. Subject matter: 1.17.230 NMAC, Judicial Records Retention and Disposition Schedule for the New Mexico District Courts. This rule is new and replaces 1.17.230 NMAC JRRDS, New Mexico District Courts an outdated re-numbered version that was filed on 6/21/2002. This records retention and disposition schedule is a timetable for the management of specific records series of the New Mexico District Court system. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the court as well as its final disposition. The retention and disposition requirements in this rule are based on the

legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the New Mexico Judicial Records Retention and Disposition Committee.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the New Mexico District Courts. Persons and entities normally subject to the rules and regulations of the New Mexico District Courts may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the New Mexico District Courts.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the New Mexico District Courts. Any person or entity outside the covered geographical area that conducts business with or through the New Mexico District Courts may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 were used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: February 18, 2003.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.17.230 NMAC JRRDS, New Mexico District Courts.

Roberta D. Joe
Assistant Attorney General

Date

NEW MEXICO COMMISSION OF PUBLIC RECORDS

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS) PART 569 ERRDS, NM ORGANIC COMMODITY COMMISSION

1.18.569.1 ISSUING AGENCY: Commission of Public Records - State Records Center and Archives
[1.18.569.1 NMAC - N, 2/18/2003]

1.18.569.2 SCOPE: New Mexico organic commodity commission
[1.18.569.2 NMAC - N, 2/18/2003]

1.18.569.3 STATUTORY AUTHORITY: Section 14-3-1 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.569.3 NMAC - N, 2/18/2003]

1.18.569.4 DURATION: permanent
[1.18.569.4 NMAC - N, 2/18/2003]

1.18.569.5 EFFECTIVE DATE: February 18, 2003, unless a later date is cited at the end of a section
[1.18.569.5 NMAC - N, 2/18/2003]

1.18.569.6 OBJECTIVE: To establish a records disposal schedules for the orderly retirement of records necessary for carrying out the Public Records Act per 14-3-6 NMSA 1978.
[1.18.569.6 NMAC - N, 2/18/2003]

1.18.569.7 DEFINITIONS:
A. "Administrator" means the state records administrator (Section 14-3-2 NMSA 1978).

B. "Agency" means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).

C. "Audit" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.

D. "Commission" means

the state commission of public records (Section 14-3-2 NMSA 1978).

E. "Pending litigation" means a proceeding in a court of law whose activity is in progress but not yet completed.

F. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

G. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

H. "Records retention period" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

I. "Records retention schedule" means a document prepared as part of a records retention program that lists the period of time for retaining records.

J. "Public record" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

K. "Non-record" means all library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records (Subsection C of Section 14-3-2 NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms and books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; preliminary and non-final drafts of letters; reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department, or subdivision thereof is reached; shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency retention schedules; routing and other interdepartmental forms which are not signifi-

cant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (General Administrative Records Retention and Disposition Schedule, 1.15.2.101 *non-record* and 1.15.2.102 NMAC *subject files*). [1.18.569.7 NMAC - N, 2/18/2003]

1.18.569.8 ABREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal register.

B. "ERRDS" stands for executive records retention and disposition schedule.

C. "GRRDS" stands for general records retention and disposition schedule.

D. "NMAC" New Mexico administrative code.

E. "NMSA" New Mexico statutes annotated.

F. "OCC" stands for organic commodity commission.

[1.18.569.8 NMAC - N, 2/18/2003]

1.18.569.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of file are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confiden-

tiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. All records, papers or documents may be photographed, micro-filmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. (Sections 14-1-5 and 14-1-6 NMSA 1978)

J. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said records shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.569.9 NMAC - N, 2/18/2003]

1.18.569.10 CERTIFIED CLIENT FILE:

A. Program: certification and enforcement

B. Maintenance system: chronological by calendar, then alphabetical by client name

C. Description: records concerning the formal "certified" verification by the New Mexico organic commodity commission that food articles (crops, livestock, processed products) are organically produced. File may contain application for "certified organic" status, renewal application, initial inspection report (check-

list, narrative), random inspection reports, certification recommendation, *notice of certification* copy, notice of non-certification, *organic certificate* copy, *certified organic product list* copy, assessment, required conditions for certification, notice of suspension or revocation, termination of "organic status" copy, correspondence, memoranda, etc.

D. Retention:

(1) certification approved. five years after certification expired, suspended, or revoked. Where willful violation of the Organic Commodities Act has occurred, OCC will maintain file for 10 years after date of expiration, suspension, or revocation of certification.

(2) certification denied. one year after close of calendar year in which certification denied.

E. Confidentiality: portions of file may be confidential (i.e., assessment, Subsection A10, Section 205.501 CFR)

[1.18.569.10 NMAC - N, 2/18/2003]

[Entities having an annual gross income of \$5,000 or more and are seeking verification may apply for certification only. Assessment is a self-assessment provided by the client and is based on annual gross sales.]

1.18.569.11 REGISTERED CLIENT FILE:

A. Program: certification and enforcement

B. Maintenance system: chronological by calendar, then alphabetical by client name

C. Description: records concerning the formal "registered" verification by the New Mexico organic commodity commission that food articles (crops, livestock, processed products) are organically produced. File may contain application for "registered" status, renewal application, initial inspection report (checklist, narrative), random inspection reports, registration recommendation, *notice of registration* copy, notice of non-registration, *organic registration* copy, *registered organic product list* copy, assessment, required conditions for registration, notice of suspension or revocation, termination of "organic status" copy, correspondence, memoranda, etc.

D. Retention:

(1) registration approved. five years after registration expired, suspended, or revoked. Where willful violation of the Organic Commodities Act has occurred, OCC will maintain file for 10 years after date of expiration, suspension, or revocation of registration.

(2) registration denied. one year after close of calendar year in certifica-

tion denied.

E. Confidentiality: portions of file may be confidential (i.e., assessment, Subsection A10, Section 205 CFR 501)

[1.18.569.11 NMAC - N, 2/18/2003]

[Entities having an annual gross income of less than \$5,000 and are seeking verification may apply for either certification or registration. Assessment is a self-assessment provided by the client and is based on annual gross sales.]

1.18.569.12 OCC CERTIFIED / REGISTERED CLIENT DATABASE:

A. Program: certification and enforcement

B. Maintenance system: numerical by primary key

C. Description: Database maintains, monitors, and tracks all certified and registered clients verified by the New Mexico organic commodity commission. Data includes client name, client contact name, client address, client identification number, assigned inspector name, year of latest soil inspection, invoice date of soil inspection, date invoice paid, assessed fee amount, proposed date of suspension, initial date of application under national organic program, phone number, e-mail address, type of client (farm crop producer, processor, livestock producer), type of commodity (pecans, goat cheese, bison, etc.), number of acres, etc.

D. Retention: until corresponding paper file destroyed. [Retention is on data only. For retention of system see 1.15.2.301 NMAC *documentation tape file* and 1.15.2.302 NMAC *operation system backup*.]

E. Confidentiality: portions of file may be confidential (i.e., assessment, Subsection A10, Section 205 CFR 501)

F. Hardcopy input documents. All documents used as input for the *OCC certified/registered client database* are filed in the corresponding OCC client file. Those documents include but are not limited to the following: application for "registered" status, renewal application, initial inspection report (checklist, narrative), random inspection reports, *notice of registration copy*, assessment, notice of suspension or revocation, etc.

G. Hardcopy output documents. Two lists are generated from this database, a certified client list and registered client list. These are ad hoc reports that are created at will and have no retention.

[1.18.569.12 NMAC - N, 2/18/2003]

HISTORY OF 1.18.569 NMAC:

[RESERVED]

**NEW MEXICO
COMMISSION OF
PUBLIC RECORDS**

**TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 980 ERRDS, NM OFFICE OF THE MEDICAL INVESTIGATOR**

1.18.980.1 ISSUING AGENCY: Commission of Public Records - State Records Center and Archives
[1.18.980.1 NMAC - N, 2/18/2003]

1.18.980.2 SCOPE: New Mexico office of the medical investigator
[1.18.980.2 NMAC - N, 2/18/2003]

1.18.980.3 STATUTORY AUTHORITY: Section 14-3-1 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.980.3 NMAC - N, 2/18/2003]

1.18.980.4 DURATION: permanent
[1.18.980.4 NMAC - N, 2/18/2003]

1.18.980.5 EFFECTIVE DATE: February 18, 2003, unless a later date is cited at the end of a section
[1.18.980.5 NMAC - N, 2/18/2003]

1.18.980.6 OBJECTIVE: To establish a records disposal schedules for the orderly retirement of records necessary for carrying out the Public Records Act per 14-3-6 NMSA 1978.
[1.18.980.6 NMAC - N, 2/18/2003]

1.18.980.7 DEFINITIONS:
A. "Administrator" means the state records administrator (Section 14-3-2 NMSA 1978).

B. "Agency" means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).

C. "Audit" means a periodic examination of an organization to determine whether appropriate procedures

and practices are followed.

D. "Commission" means the state commission of public records (Section 14-3-2 NMSA 1978).

E. "Pending litigation" means a proceeding in a court of law whose activity is in progress but not yet completed.

F. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

G. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

H. "Records retention period" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

I. "Records retention schedule" means a document prepared as part of a records retention program that lists the period of time for retaining records.

J. "Public record" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

K. "Non-record" means all library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records (Subsection C of Section 14-3-2 NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms and books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; preliminary and non-final drafts of letters; reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department, or subdivision thereof is reached; shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency

retention schedules; routing and other inter-departmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (General Administrative Records Retention and Disposition Schedule, 1.15.2.101 *non-records* and 1.15.2.102 NMAC *subject files*).

[1.18.980.7 NMAC - N, 2/18/2003]

1.18.980.8 ABBREVIATIONS AND ACRONYMS:

A. "FBI" stands for federal bureau of investigation.

B. "EMS" stands for emergency medical service.

C. "ER" stands for emergency room.

D. "ERRDS" stands for executive records retention and disposition schedule.

E. "GRRDS" stands for general records retention and disposition schedule.

F. "OMI" stands for office of the medical investigator.

G. "ROD" stands for *report of death*.

H. "UNM" stands for university of New Mexico.

I. "VHS" stands video home system.

[1.18.980.8 NMAC - N, 2/18/2003]

1.18.980.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule (Interpretive), 1.15.5 NMAC. The OMI does not voucher through the New Mexico department of finance and administration but rather through the business office of the university of New Mexico. The retentions for financial documents held by the UNM business office are identified as "finance department copy." The retentions for financial documents held by the OMI business office are identified as "other department copy".

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and

Disposition Schedule (Interpretive), 1.15.7 NMAC. Employment at OMI does not go through the New Mexico state personnel office through the human resources office of the university of New Mexico. The retentions for personnel documents held by the UNM human resource office are identified as "personnel department copy." The retentions for personnel documents held by the OMI human resource are identified as "other department copy."

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of file are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. All records, papers or documents may be photographed, micro-filmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. (Sections 14-1-5 and 14-1-6 NMSA 1978)

J. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for

the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said records shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.980.9 NMAC - N, 2/18/2003]

1.18.980.10 FORENSIC PATHOLOGY TRAINING FELLOWSHIP FILE:

A. Program: forensic pathology training

B. Maintenance system: chronological by training year then alphabetical by participant surname

C. Description: training site file concerning the application to and participation in the OMI forensic pathology-training program. File may contain correspondence indicating interest in the OMI training program, program application, letters of reference, official medical school transcripts, applicants curriculum vitae (resume), copy of OMI fellowship award decision, fellow or resident contract, interim performance evaluations, final evaluation, disciplinary actions, correspondence, memoranda, etc.

D. Retention:

(1) fellowship awarded. 10 years after end of training year [corresponding files located at UNM school of medicine, UNM human resources office]

(2) fellowship denied. three years after close of calendar year in which fellowship denied

E. Confidentiality: portions of file may be confidential (i.e., letters of reference, contemplated disciplinary actions, Section 14-2-1 NMSA 1978; grades, transcripts, Section 20 USCA 1232g)

[1.18.980.10 NMAC - N, 2/18/2003]

1.18.980.11 AUTOPSY PROCEEDINGS RECORD:

A. Program: forensic pathology investigation

B. Maintenance system: chronological by calendar year then numerical by case number (sequential)

C. Description: verbatim record of autopsy proceedings. This includes audiotape used to record pathologist's comments during the autopsy, pathologist's notes, and transcript of audio recording.

D. Retention:

(1) **audio tapes.** until tape has been transcribed

(2) **all other records (notes, transcripts).** until *autopsy report* is finalized and released [*autopsy report* is filed in the *OMI case file*.]

[1.18.980.11 NMAC - N, 2/18/2003]

1.18.980.12 OMI CASE FILE:

A. Program: forensic pathology investigation

B. Maintenance system: chronological by calendar year then numerical by case number (sequential)

C. Description: records concerning the forensic pathology investigations of unexpected, unattended, or untoward deaths in New Mexico. This includes consultation cases requested by entities outside of OMI investigative jurisdiction [i.e., FBI, New Mexico tribal entities, military, etc.]. File may include *preliminary report of death* (handwritten or typed report submitted by central or field investigators), *report of death* (computer generated), *autopsy authorization*, *autopsy waiver request*, police reports (copies), medical reports (copies), fire department reports (copies), EMS run sheets (copies), ER reports (copies), *external examination*, *OMI evidence log*, evidence receipt, *certification of identification*, accident reconstruction reports, *subpoena to produce evidence and/or testify* (OMI issued), depositions, subpoenas, police interrogations reports, *cultures results report*, images (x-rays, slides, photographs, vhs tapes), *toxicology request*, *request for histology*, *neuropathology gross findings worksheet*, *autopsy procedure checklist*, *autopsy worksheet*, *infant autopsy worksheet*, *autopsy neuropathology gross findings worksheet*, *autopsy report*, *investigation log*, investigators log, *medication log*, body diagrams, *death certificate worksheet*, *certificate of death* (copy issued by OMI on OMI investigated cases), correspondence, memoranda, etc.

D. Retention:**(1) paper document file.**

(a) if complete paper record is in *OMI case management system*. 10 years after close of calendar year in which death certificate issued or until corresponding criminal investigation closed whichever is longer. [Not all *OMI case files* have a corresponding criminal investigation.]

(b) if complete paper record is not in *OMI case management system*. permanent

(2) **corresponding tissue samples.**

(a) **micrographic slides and tissue blocks.** permanent or until deterioration renders them invalid.

(b) **fixed tissues.** five years after close of calendar year in which death certificate issued.

(c) **toxicology samples.** two years after close of calendar year in which death certificate issued.

E. Confidentiality: portions of file may be confidential (i.e., medical reports, police reports, Section 14-2-1 NMSA 1978; *death certificate*, Section 24-14-27 NMSA 1978, etc.)

F. Note bene: Field investigators shall retain a copy of the *preliminary report of death* for three years after close of calendar year in which it is created. [1.18.980.12 NMAC - N, 2/18/2003]

1.18.980.13 OMI CASE MANAGEMENT SYSTEM [ELECTRONIC RECORD]:

A. Program: forensic pathology investigation

B. Maintenance system: numerical by primary key

C. Description: System maintains, monitors, and tracks the forensic pathology investigations conducted by OMI on all unexpected, unattended, or untoward deaths that occur in New Mexico. This includes consultation cases requested by entities outside of OMI investigative jurisdiction [i.e., FBI, New Mexico tribal entities, military, etc.]. Datum includes OMI sequence case number, date subject pronounced dead, county where death pronounced, date of birth, name of deceased, address of deceased, age of death in years, sex, race, county of residence, social security number, postal zip code, drivers license number, pronounced dead by, approximate date of injury, place pronounced, mortuary preference, mortuary preference by, pathologist's number, supervising staff pathologist's number, status of autopsy report, circumstances of death, photo identification number, photo information (on scene, external, internal, x-ray), next of kin, kin relationship, next of kin address, circumstances (private physician, physician's telephone number), circumstances (hospital post mortem exam by, exam consent by), number of district medical investigator, date death certified, ROD tracking date, past medical history, immediate cause of death, past medical history, due to or as a consequence of, date of injury, time of injury, hospital number, year medical records returned, injury at work, place of injury, location of injury, cause of death code, underlying cause of death code, other conditions of death code, manner of death code, type of death code, other significant conditions of death code, reports to law enforcement, reports to attending physician, reports to hospital, reports to other individuals,

comments or special procedures, drug caused death codes, pathologist name, location of autopsy, time of autopsy (military), accounts receivable information, accounts payable information, body receipt and disposition detail, body receipt identification (seal, storage, transport), release authorization detail, body release detail, valuables (found on body), clothing particulars (hat, coat, shirt, pants, etc.), tests requested, test names, test results, physical evidence, death certificate information, death certificate tracking information, autopsy report tracking history, toxicology report tracking history, requested outside consultation history, toxicology results, specimen storage information, case notes, etc.

D. Retention: permanent.

[Retention is on data only. For retention of system see 1.15.2.301 NMAC *documentation tape file* and 1.15.2.302 NMAC *operation system backup*. Retention of the data is contingent on the agency's plan for data migration and its subsequent testing and verification.]

E. Confidentiality: portions of file may be confidential (i.e., medical reports, police reports, Section 14-2-1 NMSA 1978; *death certificate*, Section 24-14-27 NMSA 1978; etc.)

F. Hardcopy input documents. All documents used as input for the *OMI case management system* are filed in the corresponding *OMI case file*. Those documents include but are not limited to the following: *preliminary report of death*; *request for toxicology*; *inventory of items found on body or received with body*; *death certificate worksheet*; *culture results report*; etc.

G. Hardcopy output documents. All documents generated by the *OMI case management system* are produced (printed) because they require a signature that tracks either custody or transfer of the body, the valuables, the specimens, or the tests conducted. Because the *OMI case management system* is a data based system, required and ad hoc reports may be generated upon request or on demand. When produced, these reports are either forwarded to the requesting entity or filed in the *OMI case file*. Some of the reports include but are not limited to the following: *report of findings*; *toxicology report*; *report of death*; *body releasing record*; *body receiving record*; *body inventory record*; *death certificate*; etc.

[1.18.980.13 NMAC - N, 2/18/2003]

HISTORY OF 1.18.980 NMAC: [RESERVED]

NEW MEXICO COMMISSION OF PUBLIC RECORDS

This is an amendment to the Department of Health Executive Records Retention and Disposition Schedule, 1.18.665 NMAC, Sections 2022, 2050, 2090, 2091 and 2094.

1.18.665.2022 WORK TIME UNITS FILE:

A. Program: scientific lab division

B. Maintenance system: chrono-alphabetical by calendar year and test name

C. Description: hardcopy file of work time unit log forms used to prepare WTU reports. File contains work time unit logs used to track amount of time used by analysts to perform specimen testing. Logs may contain sample number, date in, abbreviated test name, amount of time per test, date out or completed, date counted, staff initials, comments, etc.

D. Retention: three years after close of calendar year in which created [1.18.665.2022 NMAC - N, 02/18/2003]

1.18.665.2023 - 2049 [RESERVED]

1.18.665.2050 BACTERIOLOGY CASE FILE:

A. Program: general microbiology section

B. Maintenance system: chrono-numeric by calendar year and SLD accession number

C. Description: record used to capture, track, maintain and process information pertaining to bacteriological analysis. File may contain analytical request form, worksheet, analytical report, etc.

D. Retention:
(1) human specimens: five years after analytical report created per 21 CFR 606.160(d)

(2) animal specimens: three years after analytical report created

E. Confidentiality: [Record is] Portions of record may be confidential per Section 14-6-1 NMSA 1978.

[1.18.665.2050 NMAC - N, 07/22/2002; A, 02/18/2003]

1.18.665.2090 NEWBORN CASE RECORD:

A. Program: metabolic screening section

B. Maintenance system: chrono-alphabetical by test date and test name

C. Description: record

used to capture, track, maintain and process information pertaining to the analysis of infant specimens for congenital adrenal hyperplasia, congenital hypothyroidism, galactosemia, galactose, or phenylketonuria. File may contain raw data, template form, QC checklist, copy of analytical report, etc.

D. Retention: [21 years after testing completed] one year after the newborn reaches or would have reached the age of majority

E. Confidentiality: Record is confidential per Section 14-6-1 NMSA 1978.

[1.18.665.2090 NMAC - N, 07/22/2002; A, 02/18/2003]

1.18.665.2091 NEWBORN SCREENING FORM:

A. Program: metabolic screening section

B. Maintenance system: chrono-alphabetical by month and SLD accession number

C. Description: two part hardcopy input document to the biology database used as intake form for infant specimens requiring analysis. Initial specimen form is used for specimens taken at birth and second specimen form is used for specimens taken 15 days later. Form may contain submitter name, code, address and telephone number, SLD accession number, infant name, date of birth, medical record number, ethnicity, race, gender, birth weight, mother's name, address and telephone number, etc. Form includes blood blotter.

D. Retention:
(1) initial specimen form: [21 years after testing completed] one year after the newborn reaches or would have reached the age of majority

(2) second specimen form: [21 years after testing completed] one year after the newborn reaches or would have reached the age of majority

E. Confidentiality: Record is confidential per Section 14-6-1 NMSA 1978.

[1.18.665.2091 NMAC - N, 07/22/2002; A, 02/18/2003]

1.18.665.2094 HEMOGLOBINOPATHIES-ISOELECTRIC FOCUSING WORKSHEET AND GEL PICTURE FILE:

A. Program: metabolic screening section

B. Maintenance system: chronological by test date

C. Description: hardcopy input record to the biology database used to maintain hemoglobinopathy testing infor-

mation. File may contain HPLC hemoglobinopathy work list, gel picture with handwritten results, worksheet, chromatogram, etc.

D. Retention: [21 years after testing completed] one year after the newborn reaches or would have reached the age of majority

E. Confidentiality: Record is confidential per Section 14-6-1 NMSA 1978.

[1.18.665.2094 NMAC - N, 07/22/2002; A, 02/18/2003]

NEW MEXICO COMMISSION OF PUBLIC RECORDS

This is an amendment to 1.18.670 NMAC, Sections 102, 103, 105 through 111, and 113 through 116.

1.18.670.102 VETERANS TAX EXEMPTION [REGISTRATION CARD] APPLICATION FILE:

A. Program: [veterans service commission, records] veterans' services

B. Maintenance system: [alphabetical] chronological by year, then alphabetical by veterans' surnames

C. Description: [shows date of certification, certificate number, address of applicant, status of applicant, name of veteran, military service information and date New Mexico residency established] record of veterans' tax exemption. File may contain application for certificate of eligibility for veterans' tax exemption form, application for certificate of eligibility for disabled veterans' property tax waiver form, etc. Information contained may include date of certification, certificate number, address of applicant, status of applicant, name of veteran, military service information, date New Mexico residency established, exemption information, social security number, etc.

D. Retention: 80 years from date veteran entered military service

E. Confidentiality: portions of record may contain confidential information per 20 CFR 401

[7-30-97; 1.18.670.102 NMAC - Rn, 1 NMAC 3.2.93.670.102, 7-22-2002; A, 2-18-2003]

1.18.670.103 MILITARY DISCHARGE (DD 214):

A. Program: [veterans service commission, records] veterans' services

B. Maintenance system: chronological by date of discharge, then

alphabetical by veterans' surnames

C. Description: [~~contains copy of military discharge forwarded to the veterans service commission by various military branches.~~] copy of military discharge forwarded to the veterans' service commission by various military branches, or provided by the veterans themselves. Record may contain veteran's surname, sex, social security number, date of birth, inclusive dates of service, duty assignments, decorations, etc.

D. Retention: [~~five years from date of military discharge~~] 75 years from date of military discharge, then transfer to archives for review and final disposition

E. Confidentiality: portions of record may contain confidential information per 20 CFR 401
[7-30-97; 1.18.670.103 NMAC - Rn, 1 NMAC 3.2.93.670.103, 7-22-2002; A, 2-18-2003]

1.18.670.105 [VETERANS TAX EXEMPTION CERTIFICATE LOG:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~numerical~~

C. Description: ~~lists of veterans tax exemption certificate number and applicants name.~~

D. Retention: ~~80 years from date veterans tax exemption certificate was issued~~ [RESERVED]

[7-30-97; 1.18.670.105 NMAC - Rn, 1 NMAC 3.2.93.670.105, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): VETERANS TAX EXEMPTION CERTIFICATE LOG]

1.18.670.106 [VETERANS TAX EXEMPTION VOIDED CERTIFICATE FILE:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~annual~~

C. Description: ~~contains listing for county assessors and license distributors of cancelled certificates.~~

D. Retention: ~~six years after close of calendar year in which created~~ [RESERVED]

[7-30-97; 1.18.670.106 NMAC - Rn, 1 NMAC 3.2.93.670.106, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): VETERANS TAX EXEMPTION VOIDED CERTIFICATE FILE]

1.18.670.107 [CONSERVATORSHIP INDEX CARDS:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~alphabetical~~

C. Description: ~~show address, birth dates, payee, relatives and conservatorship status.~~

D. Retention: ~~until termination of conservatorship~~ [RESERVED]

[7-30-97; 1.18.670.107 NMAC - Rn, 1 NMAC 3.2.93.670.107, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): CONSERVATORSHIP INDEX CARDS]

1.18.670.108 CONSERVATORSHIP CASE FILE:

A. Program: [~~veterans service commission, records~~] veterans' services

B. Maintenance system: [~~alphabetical by veteran~~] alphabetical by veterans' surnames

C. Description:
[~~(1) district court actions: veterans administration directives, copy of discharge papers and birth certificates, correspondence; copies of annual accounting; guardianship transaction statement, annual~~

~~(2) cancelled checks: removed from file annually and refiled~~] record of veterans for whom guardianship has been awarded to the veterans' service commission by the courts. File may contain court actions on veterans receiving conservatorship services, district court approval for annual account expenditures, US veterans' administration directives, copy of discharge, copy of birth certificate, correspondence, copies of annual accounting, cancelled checks, monthly guardianship transaction statements, conservatorship saving account statements, ledger sheets, etc.

D. Retention:
[~~(1) district court actions: six years after termination of conservatorship~~

~~(2) cancelled checks: six years after close of fiscal year in which created~~

(1) fiscal records (copies of annual accounting, cancelled checks, monthly guardianship transaction statements, conservatorship saving account statements, ledger sheets, etc.): six years after the close of fiscal year in which district court approves annual accounting

(2) all other records (court actions on veterans receiving conservatorship services, district court approval for annual account expenditures, US veterans' administration directives, copy of discharge, copy of birth certificate, correspondence, etc.): six years after termination of conservatorship

E. Confidentiality: portions of the record may contain confidential

information per 20 CFR 401

[7-30-97; 1.18.670.108 NMAC - Rn, 1 NMAC 3.2.93.670.108, 7-22-2002; A, 2-18-2003]

1.18.670.109 [GUARDIANSHIP TRANSACTION STATEMENT, MONTHLY

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~none~~

C. Description: ~~none~~

D. Retention: ~~six months after close of veteran anniversary date~~ [RESERVED]

[7-30-97; 1.18.670.109 NMAC - Rn, 1 NMAC 3.2.93.670.109, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): GUARDIANSHIP TRANSACTION STATEMENT, MONTHLY, information now filed within CONSERVATORSHIP CASE FILE]

1.18.670.110 [CONSERVATORSHIP SAVINGS ACCOUNT BOOKS:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~alphabetical by veteran name~~

C. Description: ~~shows balance on account.~~

D. Retention: ~~until termination of conservatorship when transferred to former protected person of beneficiaries~~ [RESERVED]

[7-30-97; 1.18.670.110 NMAC - Rn, 1 NMAC 3.2.93.670.110, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): CONSERVATORSHIP SAVINGS ACCOUNT BOOKS, information now filed within CONSERVATORSHIP CASE FILE]

1.18.670.111 [LEDGER CARDS:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~alphabetical by veteran or minor~~

C. Description: ~~none~~

D. Retention:
~~(1) cash ledger cards: six years after close of fiscal year in which created~~

~~(2) bond ledger cards: six years after close of fiscal year in which created~~

~~(3) savings account ledger cards: six years after close of fiscal year in which created~~ [RESERVED]

[7-30-97; 1.18.670.111 NMAC - Rn, 1 NMAC 3.2.93.670.111, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): LEDGER CARDS, information now filed

within CONSERVATORSHIP CASE FILE]

1.18.670.113 [DEPENDENTS SCHOLARSHIP PROGRAM FILE:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~alphabetical by New Mexico university, by applicant~~

C. Description: ~~contains application form, correspondence, copies of invoices and transcripts.~~

D. Retention: ~~one year after close of calendar year in which applicant reaches age 26~~ [RESERVED]

[7-30-97; 1.18.670.113 NMAC - Rn, 1 NMAC 3.2.93.670.113, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): DEPENDENTS SCHOLARSHIP PROGRAM FILE]

1.18.670.114 [DEPENDENTS SCHOLARSHIP PROGRAM FILE:

A. Program: ~~[veterans service commission, records] veterans' services~~

B. Maintenance system: ~~[alphabetical by New Mexico university, by applicant] alphabetical by applicants' surnames~~

C. Description: ~~[contains application form, correspondence, copies of invoices and transcripts.] record of scholarship program. File may contain copy of application form, correspondence, copies of invoices, transcripts, etc. File may also include information on the status of certification or nomination, social security number, grades, etc.~~

D. Retention: ~~[one year after close of calendar year in which applicant reaches age 26]~~

(1) approved applications: ~~one year after close of calendar year in which applicant receives certification or nomination~~

(2) denied applications: ~~one year after the close of the fiscal year in which created~~

E. Confidentiality: ~~portions of record may contain confidential information per 20 CFR 401, 20 USCA 1232g and Section 14-6-1 NMSA 1978~~

[7-30-97; 1.18.670.114 NMAC - Rn, 1 NMAC 3.2.93.670.114, 7-22-2002; A, 2-18-2003]

1.18.670.115 [EX-PRISONER OF WAR LICENSE PLATE CERTIFICATION FILE] VETERANS' LICENSE PLATE APPLICATION AND CERTIFICATION FILE:

A. Program: ~~[veterans service commission, records] veterans'~~

services

B. Maintenance system: ~~alphabetical by veterans' surnames~~

C. Description: ~~[contains application from motor vehicle division and veterans service commission certificate card] record of applications for various kinds of New Mexico veteran license plates. File may contain copy of motor vehicle division application, and veterans' service commission certificate card for various license plates, i.e. ex-prisoner of war, disabled veterans, medal of honor, purple heart, service, military service branch plates, etc. File may also contain service serial number, social security number, etc.~~

D. Retention: ~~six months after certification~~

E. Confidentiality: ~~portions of record may contain confidential information per 20 CFR 401~~

[7-30-97; 1.18.670.115 NMAC - Rn, 1 NMAC 3.2.93.670.115, 7-22-2002; A, 2-18-2003]

1.18.670.116 [100% DISABLED VETERAN LICENSE PLATE CERTIFICATION FILE:

A. Program: ~~veterans service commission, records~~

B. Maintenance system: ~~alphabetical~~

C. Description: ~~contains application from motor vehicle division and veterans service commission certificate card.~~

D. Retention: ~~six months after certification~~ [RESERVED]

[7-30-97; 1.18.670.116 NMAC - Rn, 1 NMAC 3.2.93.670.116, 7-22-2002; Repealed, 2-18-2003]

[Repealed section (record series name): 100 PERCENT DISABLED VETERAN LICENSE PLATE CERTIFICATION FILE]

NEW MEXICO COMMISSION OF PUBLIC RECORDS

Notice of Renumber

1.18.953 NMAC, Executive Records Retention and Disposition Schedule New Mexico State University, is being renumbered to 1.18.954 NMAC, Executive Records Retention and Disposition Schedule New Mexico State University, effective February 18, 2003. The New Mexico Commission of Public Records at their January 14, 2003 meeting approved the renumbered rule.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

CID-GCB-MOD/MFG-91-1, "Off-Site Conventionally Built Modular-Manufactured Unit Standards, Filed 06-28-93 is hereby repealed and replaced by 14.12.3 NMAC, effective February 16, 2003.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14: HOUSING AND CONSTRUCTION CHAPTER 12: MANUFACTURED HOUSING PART 3: MODULAR STRUCTURES

14.12.3.1 ISSUING AGENCY: The Construction Industries Division of the Regulation and Licensing Department. [14.12.3.1 NMAC - N, 2-16-03]

14.12.3.2 SCOPE: The construction, alteration, repair, use and occupancy of modular structures in the State of New Mexico. [14.12.3.2 NMAC - N, 2-16-03]

14.12.3.3 STATUTORY AUTHORITY: These standards are adopted pursuant to Sections 60-13-9 (K) and (F), and 60-13-44 (H) and (I) of the Construction Industries Licensing Act, NMSA 1978 (1989 replacement pamphlet). [14.12.3.3 NMAC - N, 2-16-03]

14.12.3.4 DURATION: permanent; until later amended, repealed or replaced. [14.12.3.4 NMAC - N, 2-16-03]

14.12.3.5 EFFECTIVE DATE: February 16, 2003 unless a later date is cited at the end of a Section. [14.12.3.5 NMAC - N, 2-16-03]

14.12.3.6 OBJECTIVE: The objective of this Part is to promote the general welfare of the people of New Mexico by providing for the protection of life and property through construction codes, rules, and standards, the compliance with which will result in safer modular structures. [14.12.3.6 NMAC - N, 2-16-03]

14.12.3.7 DEFINITIONS: The following terms shall have the meaning indicated when used in this standard:

A. "Act" means the Construction Industries Licensing Act (Sections 60-13-1 through 60-13-59, NMSA 1978) and the LP Gas Act (Sections 70-5-1 through 70-5-22, NMSA 1978).

B. "Code" means the codes and standards set forth in Sub-Part 14.12.3.8, below.

C. "Commercial use" shall have the same meaning as that given it in the Code.

D. "Commission" means the Construction Industries Commission.

E. "Department" means the Regulation and Licensing Department.

F. "Director" means the administrative head of the Division.

G. "Division" means the Construction Industries Division of the Regulation and Licensing Department;

H. "Inspection"

(1) "In-plant Inspection" means the inspection of a modular structure for Code compliance pursuant to the requirements of this Part, by an approved inspector or a Division inspector.

(2) "Placement Inspection" means the subsequent on-site inspection of the foundation, hook-ups, and other items related to the permanent placement of a modular structure set in New Mexico, for Code compliance pursuant to the requirements of this Part, by a Division inspector.

I. "Inspector"

(1) "Division inspector" means an inspector employed by the Division to conduct building inspections.

(2) "Approved inspector" means an inspector, other than a Division inspector, approved by the Division to perform in-plant inspections of modular structures pursuant to this Part.

J. "Manufacturer"

means any person engaged in the manufacture, construction and/or assembly of modular structures.

K. "Modular structure"

means any structure built for use or occupancy by persons or property, whether or not designed to be placed on a permanent foundation. Modular structures include factory-built buildings and subassemblies for manufactured residential and commercial units, modular homes and pre-manufactured homes. Modular structure does not include non-assembled component parts that are subject to all permit and inspection requirements, or to manufactured housing structures that are subject to federal regulation.

L. "Person" includes an individual, firm, partnership, corporation,

association, business entity, State governmental agency or political subdivision, or other organization, or any combination thereof.

M. "Plans" means those design documents, and related specifications required for the manufacture of any given modular structure, as required by code.

N. "Residential use" shall have the same meaning as that given it in the currently adopted New Mexico Building Code.

[14.12.3.7 NMAC - N, 2-16-03]

14.12.3.8 APPLICABLE CODES AND STANDARDS: The codes and standards applicable to the construction, alteration, repair, use, occupancy and installation of modular structures are the current codes, applicable statutes, rules, regulations, and standards approved by the Commission and adopted by the Division that govern construction in the State of New Mexico.

[14.12.3.8 NMAC - N, 2-16-03]

14.12.3.9 REGISTRATION: No person shall act as a manufacturer in New Mexico, and no person who acts as a manufacturer out side New Mexico shall ship a modular structure into New Mexico, unless such person is registered with the Division as provided in this Part.

[14.12.3.9 NMAC - N, 2-16-03].

14.12.3.10 REGISTRATION REQUIREMENTS:

A. Applicants for registration pursuant to this Part must submit the following:

(1) A completed registration application in form and content satisfactory to the Division;

(2) A fee in the amount of \$50.00 for manufacturers of modular structures for residential use only; and a fee \$100.00 for manufacturers of modular structures for commercial and residential use; and

(3) Proof of financial responsibility as follows:

(a) for manufacturers of modular structures for residential use, in the amount of \$5,000

(b) for manufacturers of modular structures for commercial and residential use, in the amount of \$20,000.00

(c) Financial responsibility may be demonstrated by:

(i) filing with the Division, and maintaining without interruption for the duration of registration, a surety bond issued by an insurance company authorized to do business in the State of New Mexico; or

(ii) depositing with a depository recognized by the Financial Institutions Division of the Department, liquid securities with a market value equal to the amount required for a surety bond.

(d) All bonds and deposit contracts must authorize the Division to liquidate the bond or securities to the extent necessary for the payment of fines or penalties as may be assessed under section 14.12.3.16 of the standards

that the registrant fails to promptly pay when due.

B. Out-of-state manufacturers must submit proof of compliance with all applicable licensing requirements of the state and local jurisdiction in which the modular structures are manufactured for shipment to New Mexico.

C. In-state manufacturers must be licensed by the Division in the GB-02 classification for manufacture of modular structures for residential use; or in the GB-98 classification for manufacture of modular structures for commercial use.

D. A manufacturer may be denied registration if there are any unresolved consumer complaints against the manufacturer.

E. Out-of-state manufacturers must submit proof of association with an inspector who has assumed responsibility for the in-plant inspections required by this Part, and shall request Division approval of the inspector if not already approved. Upon satisfactory compliance with the all of the requirements for registration, the Division shall issue a Modular Certificate of Authority to the manufacturer.

F. Modular Certificates of Authority issued by the Division are not transferable, and the registration fee is not refundable.

G. Any change in the information submitted by an applicant for a Modular Certificate of Authority or renewal thereof must be reported, in writing, to the Division within 30 days after such change occurs.

[14.12.3.10 NMAC - N, 2-16-03]

14.12.3.11 RENEWAL.

A. Any Modular Certificate of Authority issued by the Division shall expire on the date that is three years after the date of issuance.

B. The registrant may renew a Modular Certificate of Authority by submitting a completed renewal application, in form and content satisfactory to the Division, not later than thirty days prior to the expiration of the Modular Certificate of Authority.

C. An application for

renewal shall include with it payment of a renewal fee in the amount of \$100.00 per year, or the amount of the fee for renewal of a GB-98 license, whichever is greater.

D. A Modular Certificate of Authority renewed by the Division shall expire on the date that is not less than one year and no more than three years after the date of renewal.

E. The renewal fee is not refundable.

14.12.3.11 NMAC - N, 2-16-03]

14.12.3.12 APPROVED INSPECTORS.

A. Approval of inspectors.

(1) No inspection of a modular structure shall satisfy the requirements of this Part unless conducted by an approved inspector or a Division inspector.

(2) An inspector may be approved by the bureau chief of the Division responsible for the trade to be inspected. Such approval is conditioned upon the following:

(a) The applicant for approval must be certified in the trade for which approval is sought by a national certifying organization that is recognized by the Division.

(b) Documentation of such certification, acceptable to the appropriate bureau chief, must be provided to the Division.

(c) Proof of current association, through employment, contract or other agreement, with a registered manufacturer for the purpose of conducting inspections of modular structures for that manufacturer must be provided to the Division.

(d) Proof of financial responsibility in the amount of \$5,000.00 must be provided to the Division. Such proof may be demonstrated by evidence of:

(i) a surety bond issued by an insurance company authorized to do business in New Mexico; or

(ii) deposit of liquid securities, which have a market value equal to the amount required for a surety bond, with a depository recognized by the Financial Institutions Division of the Regulation and Licensing Department of the State of New Mexico.

(3) Any bond or deposit contract submitted as proof of financial responsibility shall authorize the Division to liquidate the bond or securities to the extent necessary to pay fines and/or penalties as may be assessed under section 14.12.3.16 of the standards that the inspector fails to promptly pay when due.

B. Any approved inspector must maintain national certification throughout the course of association with a registered manufacturer for the purposes of conducting inspections required by this

Part.

C. If a registered manufacturer ceases association with its approved inspector of record with the Division, the manufacturer shall notify the Division in writing within 30 days, and shall identify a new inspector for approval pursuant to this part by the Division.

D. No inspector regulated by the Construction Industries Division and employed by a political subdivision or municipality is eligible to be an approved in-plant inspector.

[14.12.3.12 NMAC - N, 2-16-03]

14.12.3.13 COMPLIANCE:

A. Any modular structure manufactured in New Mexico, or to be shipped into New Mexico for placement, must comply with these standards.

B. Code compliance shall be determined through a three-step process.

(1) Step One - Plan Review.

(a) Modular structures to be sold or placed in New Mexico must be constructed according to plans that have been submitted by registered manufacturers and, reviewed and approved by the Division.

(b) Manufacturers must submit two sets of plans for each modular structure design, together with the appropriate plan review fee.

(c) Plans must include a method of anchoring the modular structure to a foundation.

(d) The plans shall be submitted, and reviewed by the Division for Code compliance, pursuant to all rules, procedures and /or guidelines established by the Division for all non-modular plan review.

(e) Plans that are not submitted properly or that are determined to be non-compliant with Code shall be rejected by the Division.

(f) No modular structure built pursuant to rejected or unapproved plans will be eligible to receive a compliance decal, as required by this Part as a prerequisite for the sale or permanent placement of a modular structure in New Mexico.

(g) There shall be no deviation in the construction/assembly of a modular structure from the approved plans for the modular structure without the prior written approval of the specific deviation by the Division. The Division may require the submission of additional design information, including revised plans, as it deems necessary to make a determination on the approval or rejection of the deviation.

(2) Step Two - In-Plant Inspection.

(a) Each modular structure must receive the following mandatory in-plant inspections during construction/assembly by the manufacturer:

(i) General Construction: Framing and Pre-final
(ii) Mechanical: Rough-in and Top-out
(iii) Plumbing: Rough-in and Pre-final
(iv) Electrical: Rough-in and Pre-final

(b) All work required to be inspected must be uncovered and accessible by the inspector at the time of the inspection. Any work covered prior to inspection, shall be uncovered as required by the inspector to allow a full assessment of the Code compliance of the work.

(c) The manufacturer must keep for reference, and make available to the inspector upon request, an original set of approved plans for each modular structure to be inspected.

(d) If any inspection reveals a Code violation, the inspector shall immediately issue a written correction notice, and the manufacturer shall make the indicated correction(s). Thereafter, the inspector shall re-inspect the modular structure to confirm that the correction has been made. If corrective action is not taken such that Code compliance is achieved, the inspector shall cease all inspections, and shall not issue any compliance decal(s).

(e) Upon satisfactory completion of the final inspection, the inspector shall issue a final inspection report in which all inspections are documented, and the compliance decal number and the modular structure serial number are noted. This final inspection report is due to the Division within 10 days after issuance of the compliance decal, pursuant to Sub-part 3, below. Failure to remain current and timely in the submission of final inspection reports shall cause the manufacturer of the modular structures, which are the subject of such reports, to be ineligible to order or receive compliance decals until all outstanding, final inspection reports are received by the Division.

(3) Issuance of Compliance Decal.

(a) Upon satisfactory completion of all required inspections, the inspector shall affix a compliance decal to the inspected modular structure in a conspicuous place in order that it may be easily observed.

(b) No compliance decal shall be issued to, or placed on, a modular structure which has been determined to be not compliant with Code, or wherein all required inspections were not appropriately requested and/or performed.

(c) If a manufacturer ships into New Mexico, or offers for sale in New Mexico, a non-compliant modular structure or one that is lacking a decal, the manufac-

turer shall not be eligible to order compliance decals, the manufacturer's Certificate of Authority shall be subject to suspension or revocation, and/or the manufacturer may be assessed an administrative fine.

[14.12.3.13 NMAC - N, 2-16-03]

14.12.3.14 COMPLIANCE DECALS.

A. A compliance decal is issued by the Division for the purpose of indicating that a given modular structure has been determined to be Code compliant pursuant to this Part.

B. No modular structure may be sold or permanently placed in New Mexico unless a compliance decal has been affixed to it by an inspector after satisfactory completion of the plan review and in-plant inspection requirements set forth in this Part.

C. Compliance decals may be ordered from the Division by the manufacturer, before or after construction, upon payment of the applicable fee(s) and submission of the serial number(s) of the modular structure(s) to which the compliance decal(s) shall apply. All issued compliance decals are sent to the inspector who has or will conduct the required in-plant inspections.

D. The fee for each compliance decal shall be as set forth in a fee schedule published by the Division. This fee must be paid in full to the Division in advance of issuance of the compliance decal(s).

E. Compliance decals remain the property of the State of New Mexico. Each decal is unique to the modular structure to which it is assigned and affixed. Compliance decals are not transferable among manufacturers, inspectors, or modular structures.

F. Any compliance decal that is not affixed to the modular structure bearing the serial number submitted with the order for that decal, must be returned to the Division immediately upon the determination that the decal will not be used for that structure unless the manufacturer has received prior written permission from the Division to use the decal on a modular structure that has a different serial number.

[14.12.3.14 NMAC - N, 2-16-03]

14.12.3.15 PLACEMENT OF MODULAR STRUCTURES.

A. Each modular structure to be permanently placed within the State of New Mexico shall be set in accordance with all applicable statutes, codes, rules, regulations and local ordinances governing construction in the State of New Mexico. This includes, but is not limited to, the following

basic licensing, plan review and permitting, and inspection requirements:

(1) All permanent foundations to which a modular structure is to be attached shall be appropriately designed, and permitted by the Division, or local building department having jurisdiction.

(2) All permanent foundations to which a modular structure is to be attached shall be constructed by a licensed GB-2 or GB-98 contractor for residential units, and a GB-98 contractor for all commercial units; all final electrical work shall be performed by a properly licensed electrical contractor and journeyman, and all mechanical/plumbing mechanical work shall be performed by a properly licensed mechanical/plumbing contractor and journeyman; and

(3) The licensed contractor of record shall assume all responsibility for the structure as placed equivalent to that of a site built structure; and

(4) The appropriate licensed contractor shall call for all required inspections, including, but not limited to:

- (a) Footings;
- (b) Electrical Final;
- (c) Plumbing Final;
- (d) Mechanical Final;
- (e) LP Gas, if applicable; and
- (f) Accessibility, if applicable;

and

- (g) Building Final.

B. Building plans shall be available at the placement site, and openings for inspection of anchoring shall be provided.

C. If the building official having jurisdiction has reason to believe that a Code violation has been covered, the building official may require the removal of panels, or the like, to reveal covered work. The failure of an inspector to appropriately document all in-plant inspections is cause for a building official to require work to be exposed for inspection.

D. Before the building final inspection is conducted, all other required inspections must be successfully completed. Thereafter, the building official having jurisdiction may issue a Certificate of Occupancy.

E. The building final inspection report and the Certificate of Occupancy shall both clearly indicate the manufacturer's name, the serial number of the modular structure, the name of the inspector who conducted the in-plant inspections, and the compliance decal number.

F. Failure to obtain required inspections, and/or a Certificate of Occupancy, may result in the denial of utility services to the modular structure by the service provider.

[14.12.3.15 NMAC - N, 2-16-03]

14.12.3.16 EXCEPTIONS:

A. A modular structure that carries a UL or other ANSI approved testing laboratory's label as a rated assembly shall be exempt from these standards.

B. The foundation for, and accessibility to, the structure shall be subject to all applicable codes.

C. A modular structure which had been inspected pursuant to the Interstate Building Compact (IBC, and bears an IBC label, confirming compliance with the Codes, affixed to the modular structure shall be exempt from Section 14.12.3.12 of this part

D. An unattached one story wood or metal framed structure separated from another structure or property line by not less than three feet and not used for human occupancy, and less than 400 square feet in area shall be exempt from these standards.

E. Metal storage containers may not be used for any occupancy type classified in the building Code other than TYPE U.

F. Storage containers may not be used to supercede the life safety provisions of the building code without written authorization of the building official.

[14.12.3.16 NMAC - N, 2-16-03]

14.12.3.17 REVOCATION, SUSPENSION OR OTHER DISCIPLINE:

A. Violations of this Part, or any other applicable code are cause for disciplinary action by the Commission against a manufacturer or an approved inspector. Such discipline may include suspension or revocation of a Modular Certificate of Authority, withdrawal of inspector approval, and an administrative penalty, in accordance with Sections 60-13-23 and 23.1 of the Construction Industries Licensing Act, NMSA 1978.

B. Any disciplinary action taken by the Commission against a registrant shall be taken in accordance with the Uniform Licensing Act, NMSA 1978.

[14.12.3.17 NMAC - N, 2-16-03]

14.12.3.18 TEMPORARY INSTALLATION

A. Modular units may be installed on a temporary foundation for a period of up to one year. Units installed as temporary and remaining in place after the one-year period must be placed on a permanent foundation.

B. Modular units installed as temporary shall meet all requirements of these standards except the permanent foundation requirement

[14.12.3.18 NMAC - N, 2-16-03]

History of 14.12.3 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

CID-GCB-MOD/MFG-85-1, Off-Site Conventionally Built Modular Manufactured Unit Standards, filed 10-24-85;

CID-GCB-MOD/MFG-91-1, Off-Site Conventionally Built Modular Manufactured Unit Standards, filed 06-28-93.

History of Repealed Material: CID-GCB-MOD/MFG-91-1, Off-Site Conventionally Built Modular Manufactured Unit Standards, filed 06-28-93, repealed effective 2-16-2003.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

This is an amendment to 14.1.5 NMAC, Subsection C of Section 8:

14.1.5.8 RECERTIFICATION PROVISIONS: Construction Industries Commission Recertification Incentive Plan For Construction Industries Division Inspectors.

A. Development of Education and Training Programs.

(1) The Director of the Division shall develop and submit to the Commission for approval an intensive educational and training program and schedule for Division inspectors. The Director shall consult with recognized professionals in the appropriate areas in developing the training program to include the International Conference of Building Officials, the Office of the Attorney General, the New Mexico Law Enforcement Academy, the Human Resources Development Division of the State Personnel Office, and other agencies and persons with expertise helpful to develop such a program.

(2) The educational and training program to be developed shall cover those areas which are relevant to the day-to-day performance of a Division inspector's duties and shall include: 1. Training in the interpretation and enforcement of the building trade codes and regulations which have been adopted by the Commission; 2.

Training in report writing, accurate record-keeping, self-supervision and communication skills; and 3. Legal training to enhance an inspector's ability to perform his job in a manner which can be supported in a court of law or in an administrative hearing.

B. Development of Performance Development Plans.

(1) The chief of each trade bureau shall develop a Performance Development Plan for each inspector in the bureau. The plan shall provide minimum standards and goals for each inspector to be evaluated on a semi-annual basis. The goals set out in the plan shall be distinctive from the minimum standards of performance and shall incorporate the educational and training programs developed by the Director pursuant to paragraph 8.1.a above.

(2) The semi-annual evaluations will include a review of an inspector's compliance with minimum standards set out in the plan as well as the inspector's successful completion of the training programs assigned during the evaluation period. To be included as a factor in an inspector's evaluation is the achievement and/or maintenance of current certification as follows: 1. General Construction Bureau Inspectors. Certification as a building inspector by the International Conference of Building Officials (ICBO). 2. Mechanical Bureau Inspectors. Certification as a plumbing inspector by ICBO. 3. Electrical Bureau Inspectors. Certification as an electrical inspector by ICBO. 4. L.P. Gas Bureau Inspectors. Certification as an L.P. Gas inspector from the American L.P. Gas Service School. Certification as a mechanical inspector by ICBO.

~~C. Salary Increases.~~

~~(1) It is the intent of the Commission that Division inspectors who obtain certification in their respective fields (paragraph 8.1.b.2) be granted salary increases as provided herein. It is not the intent of the Commission to grant salary increases to those inspectors who merely meet the minimum standards in their job classifications.~~

~~(2) A one-time salary increase not to exceed 15% of the inspector's base salary shall be granted as soon as practical after March 1, 1990 to each Division inspector who provides the Director with documentation sufficient to establish his/her current certification as follows: 1. General Construction Bureau Inspectors. 15% salary increase ICBO certification as building inspector. 2. Mechanical Bureau Inspectors. 10% salary increase ICBO certification as plumbing inspector; and 5% salary increase ICBO certification as mechanical inspector. 3. Electrical Bureau~~

~~Inspectors. 15% salary increases ICBO certification as electrical inspector. 4. L.P. Gas Bureau Inspectors. 10% salary increase upon certification by the L.P. Gas Bureau as approved by the Commission; and 5% salary increase ICBO certification as a mechanical inspector.~~

~~(3) State Personnel Rules may prohibit a salary increase outside of an employee's salary range. Therefore, some employees may receive less than the total percentage increase allowed under this rule. In no event shall the total salary increase be more than 15% from the employee's base salary in effect immediately prior to obtaining the first certification.~~

[14.1.5.8 NMAC - Rp, 14 NMAC 1.5.8, 12-1-00; A, 2-16-03]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

This is an amendment to 14.5.6 NMAC, Sections 8 and 11:

14.5.6.8 CLASSIFICATIONS AND SCOPES:

A. CLASSIFICATIONS.
- [RESERVED]
B. GENERAL INFORMATION.

(1) The construction industry has multiple specialties. To individually identify all such specialties would require the establishment of many more classifications than set forth in these Rules and Regulations. Therefore, the declared policy of the Division is to establish the following classifications which are most commonly used in the industry. As the need arises, the Division may establish additional classifications not included herein.

(2) Contractors shall be assigned identifying symbols indicating the license classification in which the licensee is entitled to engage. Such identifying symbols shall be a series of letters and numerals.

(a) "Field" is designated by a letter and shall be the first letter of the identifying symbol, as follows: 1. General Construction shall be symbol G. 2. Electrical shall be symbol E. 3. Mechanical shall be symbol M. 4. Liquefied Petroleum Gas shall be symbol LP.

(b) "Division" is designated by a letter and shall be the second letter of the identifying symbol. (See the following list.)

(c) "Section" is designated by an Arabic numeral and follows the division designation in the identifying symbol. (See

the following list.)

(d) EXAMPLE: Classification GB-2 indicates the contractor is licensed in the General Construction field (G), Building Construction division (B), Residential Building section (2).

C. **GENERAL CONSTRUCTION CLASSIFICATIONS.**

(1) GA - **ASPHALT, BITUMEN AND CONCRETE CONSTRUCTION:** (Requires two years' experience.)

(a) GA-1. Streets, Roads and Highways, including Tunnels, Parking Lots, Alleys, Sealcoat and Surfacing.

(b) GA-2. Maintenance and Repairs.

(c) GA-3. Curbs, Gutters and Culverts.

(d) GA-4. Striping.

(e) GA-5. Highway Signs and Guard Rails.

(f) GA-98. Includes all the above sections. (Requires four years' experience.)

(2) GB - **BUILDING CONSTRUCTION:**

(a) GB-2. Residential Building. (Requires two years' experience.)

(b) GB-98. General Building. (Requires four years' experience.)

(3) **GS-BUILDING SPECIALTY:** (Requires two years' experience)

(a) GS-~~[4]~~ 29. Acoustical and/or Insulation, Urethane Foam.

(b) GS-~~[2]~~ 29. Awnings and Canopies.

(c) GS-~~[3]~~ 29. Ceramic Tile, Marble and Terrazzo.

(d) GS-4. Concrete, Cement, Walkways and Driveways.

(e) GS-~~[5]~~ 29. Demolition.

(f) GS-6. Door Installation.

(g) GS-7. Drywall - Installation and Texture.

(h) GS-8. Earthmoving, Excavating and Ditching.

(i) GS-9. Elevators, Escalators, Conveyors and Related Machinery (other than electrical installation).

(j) GS-~~[10]~~ 29. Fencing.

(k) GS-~~[11]~~ 29. Fixtures, Cabinets and Millwork.

(l) GS-~~[12]~~ 29. Floor Covering, Seamless Floors, Wood Floors and Finish.

(m) GS-13. Framing.

(n) GS-~~[14]~~ 29. Glazing, Weather stripping, Storm Doors and Window Installation.

(o) GS-~~[15]~~ 29. Caissons, Piers and Pile Driving.

(p) GS-16. Masonry.

(q) GS-~~[17]~~ 29. Ornamental Iron and Welding.

(r) GS-~~[18]~~ 29. Painting and Decorating.

(s) GS-19. ~~Remodeling.~~ Not

Used.

(t) GS-20. ~~Trenching and Backhoe Owner/Operator.~~ Not used

(u) GS-21. Roofing.

(v) GS-~~[22]~~ 29. Sandblasting.

(w) GS-~~[23]~~ 29. Sign Construction (non-electrical).

(x) GS-24. Structural Steel Erection.

(y) GS-25. Swimming Pools (non-mechanical/electrical).

(z) GS-~~[26]~~ 29. Vaults and Depositories.

(aa) GS-27. Not Used.

(bb) GS-~~[28]~~ 29. Gunite.

(cc) GS-29. Various Specialties.

(dd) GS-30. Plastering, Stucco and Lathing.

(ee) GS-~~[31]~~ 29. Siding.

(ff) GS-~~[32]~~ 29. Sheet Metal.

(gg) GS-33. Not used.

(hh) GS-34. Concrete Coring, Drilling and Slab Sawing.

(ii) (The GB-98 license classification includes all of the above sections, except ~~[The GB-2 license classification includes all GS license classifications, except the GS-29, providing the work is residential in nature.]~~ GS-29 for asbestos abatement, lead abatement, and other environmental remediation classifications.

(jj) The GB-2 license classification includes all GS license classifications, except the GS-29 for asbestos abatement, lead abatement, and other environmental remediation classifications, providing the work is residential in nature.

(4) **GF - FIXED WORKS:** (Requires two years' experience.)

(a) GF-1. Airports.

(b) GF-2. Bridges.

(c) GF-3. Canals, Reservoirs or Irrigation Systems.

(d) GF-4. Drainage or Flood Control Systems.

(e) GF-5. Recreation Areas.

(f) GF-6. Railroad and Tunnel Construction.

(g) GF-7. Tanks and Towers.

(h) GF-8. Transmission Lines, Tanks and Substations (non-electrical).

(i) GF-9. Utility Lines (Sewage, Natural Gas, Water and Underground Telephone Cables).

(j) GF-98. Includes all the above sections. (Requires four years' experience.)

D. **ELECTRICAL LICENSE CLASSIFICATIONS.**

(1) **COMPREHENSIVE ELECTRICAL LICENSES:**

(a) ER-1. Residential Wiring. Requires two years of experience.

(b) EE-98. Includes ER-1 work and all specialty electrical work, except does not include EL-1 work. Requires four

years of experience.

(c) EL-1. Electrical Distribution Systems, including Transmission Lines. Requires four years of experience.

(2) **ELECTRICAL SPECIALTY LICENSES:** (Requires two years of experience, unless otherwise specified under description of license.)

(a) ES-1. Electrical Signs and Outline Lighting.

(b) ES-2. Cathodic Protection, including Lightening Protection Systems.

(c) ES-3. Sound, Intercommunication, Electrical Alarm Systems, and Systems 50 Volts and Under.

(d) ES-7. Telephone Communication Systems and Telephone Interconnect Systems.

(3) **ELECTRICAL JOURNEYMAN CLASSIFICATIONS.** (Requires two years of experience.)

(a) EE-98J. Can work under the EE-98, ER-1, and all electrical specialty licenses. Cannot work under the EL-1 license. If working under a specialty license, the journeyman holding this certification classification may perform work only within the scope of the specialty license under which he is working.

(b) ER-1J. Journeyman Residential Wiring. Can work under EE-98 or ER-1 license.

(c) EL-1J. Journeyman Electrical Distribution Systems, including Transmission Lines. Can work under the EL-1 license.

(d) ES-1J. Journeyman Electrical Signs and Outline Lighting. Can work under the EE-98 or ES-1 license.

(e) ES-2J. Journeyman Cathodic Protection and Lightening Protection Systems. Can work under the EE-98 or ES-2 license.

(f) ES-3J. Journeyman Sound, Intercommunication, Electrical Alarm Systems, and Systems 50 Volts and Under. Can work under an EE-98 or ES-3 license.

(g) ES-7J. Journeyman Telephone Communication Systems and Telephone Interconnect Systems. Can work under an EE-98 or ES-7 license.

E. **MECHANICAL CLASSIFICATIONS.**

(1) **MM - COMPREHENSIVE MECHANICAL LICENSES:** (Requires four years of experience.)

(a) MM-1. Plumbing.

(b) MM-2. Natural Gas Fitting.

(c) MM-3. Air Conditioning and Ventilation.

(d) MM-4. Heating, Cooling and Process Piping.

(e) MM-98. Includes all above comprehensive mechanical licenses and specialty licenses.

(2) **MS – MECHANICAL SPECIALTY LICENSES:** (Requires two years of experience, unless otherwise specified below under the description of the license.)

(a) MS-3. Cesspools, Septic Tanks or Sewers.

(b) MS-6. Lawn Sprinklers.

(c) MS-12. Fire Protection Sprinkler Systems. Requires 4 years of experience.

(d) MS-14. Dry Chemical Fire Protection. Requires 4 years of experience.

(3) **MECHANICAL JOURNEYMAN CLASSIFICATIONS.** (Requires two years of experience.)

(a) JP. Journeyman Plumber. Can work under an MM-1 or MM-98 license.

(b) JPF. Journeyman Pipe Fitter. Can work under an MM-1, MM-2, MM-4 or MM-98 license.

(c) JG. Journeyman Natural Gas Fitter. Can work under an MM-1 or MM-98 license.

(d) JPG. Journeyman Plumber and Natural Gas Fitter. Can work under an MM-1, MM-2 or MM-98 license.

(e) JR. Journeyman Refrigeration. Must demonstrate compliance with EPA Recovery Requirements before testing. Can work under an MM-3 or MM-98 license.

(f) JS. Journeyman Sprinkler. Can work under an MM-1, MM-98 or MS-6 license.

(g) JSM. Journeyman Sheet Metal. Can work under an MM-3 or MM-98 license.

(h) JW. Journeyman Welder. Must obtain either a JP or JG or JPG or JSM and show ASME Section 9 certification. Will not have to test separately for this Certificate of Competence. Can work under an MM-1, MM-2, MM-3 or MM-98 license.

(i) BO1. Journeyman Boiler Operator. Low pressure only.

(j) BO2. Journeyman Boiler Operator. Low and high pressure.

F. [RESERVED]

G. **SCOPES FOR CLASSIFICATIONS.**

H. **GENERAL INFORMATION:**

(1) A contractor under each classification is not authorized to contract beyond the scope outlined below. If any portion of the work to be undertaken is subcontracted, such work must be awarded to and performed by a properly licensed and properly classified contractor.

(2) A contractor may bid and contract as the prime contractor of an entire project provided he holds the proper classification for the major portion of the work to be performed, based on dollar amount. This provision is subject to the allowance pro-

vided in 8.8.C below.

(3) A GB-98 contractor may bid and contract as the prime contractor of an entire project that involves work described under a general construction license classification, regardless of the percentage of work from the mechanical/plumbing and/or electrical trades. The work outside the scope the general contractor's license classification must be subcontracted to properly licensed subcontractors.

(4) **WARNING:** Some projects may require two or more license classifications.

I. **GENERAL CONSTRUCTION CLASSIFICATIONS:**

(1) **GA ASPHALT, BITUMEN AND CONCRETE CONSTRUCTION:** (For vehicular traffic only - does not include airborne craft.) (Requires two years' experience.)

(2) **GA-1. Streets, Roads and Highways, Including Tunnels, Parking Lots, Alleys, Sealcoat and Surfacing.** (Requires two years' experience.) A contractor under this classification is authorized to bid and contract to clear, align, fill, compress, compact, water, build up or remove earth and do all work necessary to prepare, within the assigned rights-of-way, the land to accept a street, road, highway, including tunnels, parking lots, alleys or driveways, including curbs, gutters, land fencing. He also is authorized to place concrete or bituminous materials, compact and smooth out and/or level surfacing or subsurfacing for such undertaking; and further, he may prepare materials for sealcoating and work into the assigned project such material.

(3) **GA-2. Maintenance and Repair.** (Requires two years' experience.) A contractor under this classification is authorized to bid and contract all work necessary to fix, maintain, repair, patch, mend, cover, fill or replace materials of like substances to that being repaired on streets, roads, highways, parking lots, driveways and alleys. He may place sealcoat and surfacing materials on such repaired areas, but may not bid or contract for complete projects as enumerated in Classification GA-1.

(4) **GA-3. Curbs, Gutters and Culverts.** (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for all necessary forming, placement and finishing of concrete curbs, gutters and culverts. He may also bid and contract for the placing of bituminous ridge curbs for the deflection of water.

(5) **GA-4. Striping.** (Requires two years' experience.) A contractor under this classification is authorized to bid and contract, but is limited to the furnishing of all necessary labor and materials to paint

directional stripes on paved roads, streets, highways, alleys and parking lots. He may also furnish and install auto parking bumpers or stops and highway lane markers/reflectors. He may not bid and contract for placing of surface materials for repair and maintenance except in the striping and painting as herein above outlined.

(6) **GA-5. Highway Signs and Guard Rails.** (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for the furnishing of all necessary labor and materials for the erection and stabilization of signs and guard rails along highways, streets, roads and alleys, such signs being for the direction and safety of motor vehicular traffic. In the event such signs are to be electrified, this portion must be performed by a properly classified and licensed electrical contractor.

(7) **GA-98. Asphalt, Bitumen and Concrete Construction.** (Requires four years' experience.)

A contractor under this classification is authorized to bid and contract for all types of work as described under classifications GA-1 through GA-5. He may bid and contract as prime contractor of any entire highway, street, road, paving district, alley or parking lot project.

(8) **GB-BUILDING CONSTRUCTION.** (Does not include any work done under GA or GF classifications.)

(9) **GB-2. Residential.** (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for the erection, alteration, repair and demolition of homes, residences and apartment houses accommodating not in excess of four (4) family units, Groups R-1 (as limited herein) and R-3. He may also bid and contract for items included in Group M when incidental to the structures included herein. The GB-2 classification may bid and contract for work included in the GS specialties, except the GS-29 for asbestos abatement, lead abatement, and other environmental remediation classifications, providing the work is limited to residential ~~construction~~ construction as defined under this provision.

(10) **GB-98. General Building.** (Requires four years' experience.) A contractor under this classification is authorized to bid and contract for any of the buildings, structures or projects included in the classifications GB-2, GB-98 and GS Specialties, except GS-29 for asbestos abatement, lead abatement, and other environmental remediation classifications.

[14.5.6.8 NMAC – Rp, 14 NMAC 5.6.8, 12-1-00; A, 2-16-03]

CIALTY. (Requires two years' experience) (Does not include any work done under the GA or GF classifications.)

A. GS-[4] 29. Acoustical and/or Insulation, Urethane Foam. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as examining surfaces, preparing acoustical layouts, selecting and installing preformed acoustical material and installing any insulating material, including urethane foam and approved waterproof membranes and coatings, for buildings and structures for the purpose of energy conservation, temperature and sound control.

B. GS-[2] 29. Awnings and Canopies. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract to cut, fit, join or combine wood, plastic, metal or fabric materials in such a manner, under agreed specifications, that they, singly or in combination, can be placed, erected, fabricated and finished on buildings and structures to serve the purpose of shade control. He may not contract for or erect any marquees.

C. GS-[3] 29. Ceramic Tile, Marble and Terrazzo. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as examining surfaces and specifying the preliminary and preparatory conditions necessary to bring such surfaces to a condition where, under agreed specifications, work can be performed thereon by first preparing a base or sub-base upon the existing surface and then, upon such base or sub-base, install ceramic, encaustic, faience, quarry, semi-vitreous, vitreous and other tile work, and to which prepared base or sub-base such tile will adhere by suction or is held in place by adhesives, and on such prepared base or sub-base set chips or marble, stone or other material in an irregular pattern with the use of cement lay, after properly selecting and cutting rough, cut and dressed marble, set same in pattern or in courses, with or without mortar. He may also grind and polish chips of stone or marble in such a manner that acceptable terrazzo may be executed.

D. GS-4. Concrete, Cement, Walkways and Driveways. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the proportioning, batching and mixing of aggregate consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or doing any part of or any combination of any thereof, in such a manner, that, under agreed specifications, acceptable mass, pavement, flat or

other cement and concrete work can be poured, placed, finished and installed, including the placing of forms and form work and reinforcing material necessary for the performance of such work as herein defined, and the removal of such forms and form work. He may not install these materials in street construction.

E. GS-[5] 29. Demolition. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for the demolition of all or any portion of a building or structure, and such contractor is required to have the ability and knowledge of such demolition work as to permit full execution and completion of the agreed-to specifications including such demolition of portions of buildings and structures as to permit additions and alterations to such existing portions of the building and structure. He must have the knowledge and ability to maintain the premises surrounding the demolition site safe for the passing public.

F. GS-[6] 29. Door Installation. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as selecting, cutting, surfacing, joining, sticking, gluing wood and other products and materials including metal, but not including ornamental iron, in such a manner, that under agreed specifications, acceptable doors may be installed in buildings and structures, such installation to include the necessary installation of material embracing essential and acceptable door framing and the installation of hardware as is necessary to connecting, closing and locking of such doors in their fabricated and installed framework.

G. GS-7. Drywall Installation and Texture. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the installing of gypsum wallboard, gypsum sheathing, taping, bedding and coating the surfaces of the wallboard and sheathing with gypsum joint systems, tape and drywall mud, or a combination of other materials to create a permanent surface of coating. This classification includes texturing of walls and ceilings.

H. GS-8. Earthmoving, Excavating and Ditching. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as digging, moving and placing material forming the surfaces of the earth other than air and water, in such a manner that a cut, fill, excavation, grading, trenching, backfilling and any similar excavating, grading and trenching operation can be executed with the use of those hand and power tools and machines that use and cus-

tom has established, or which tools and machines are now used to dig, move and place that material forming the earth's surface other than air and water, including the use of explosives in connection therewith, or doing any part, or any combination of any thereof.

I. GS-9. Elevators, Escalators, Conveyors and Related Machinery (non-electrical). (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the erecting, installing of sheave beams, sheaves, cable and wire rope, guides, cab, counterweights, doors, including sidewalk elevators, automatic and manual controls, signal systems and all other devices, apparatus, machinery and equipment (including fabrication on job site) essential to the safe and efficient installation and operation of electrical, hydraulic and manually operated elevators, escalators and conveyors.

J. GS-[10] 29. Fencing. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the assembling, cutting, shaping, fabricating and installing of barbed wire, wood or metal fencing, masonry brick or block fence walls, including incidental concrete work, under an agreed specification, or doing any part of any combination thereof. This contractor is not authorized to install retaining walls.

K. GS-[11] 29. Fixtures, Cabinets and Millwork. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as selecting, cutting, surfacing, joining, sticking and gluing frame wood and wood products and other materials, including metals in such a manner that, under an agreed specification, acceptable cabinets, non-bearing partitions and such other mill products as are by custom and usage accepted in the building and construction industry, as cabinet and millwork, together with all devices and fixtures appurtenant to the efficient installation and operation of such cabinets and millwork can be executed and the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such cabinet and millwork with all devices and fixtures appurtenant to the efficient installation and operation of such cabinet and millwork, or doing any part or any combination of any thereof.

L. GS-[12] 29. Floor Covering, Seamless Floors and Wood Floors and Finish. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as examining surfaces and specifying the preparatory work necessary to

bring such surfaces to a condition where, under an agreed specification, acceptable finished floors can be installed with the use of composition materials and fabrics and such other materials as are by custom and usage accepted in the building and construction industry as floor covering, can be executed or doing any part or combination of any thereof. He may also contract for such preliminary and preparatory work as selecting, cutting, laying, finishing and repairing wood floors and flooring, in buildings and structures previously built and currently under construction, including the scraping, sanding, filling, staining, shellacking and waxing of such wood floors and flooring, in such a manner that wood flooring can be laid, fabricated, installed or doing any part or any combination thereof. This authorization does not include the installation of carpeting.

M. GS-13. Framing. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as selecting, cutting, joining, combining and forming wood and wood and metal products for the framing of a structure or building, including bearing and non-bearing walls, rafters, headers, trusses, joists, studs, door and window rough frames and including any repair to any of the above.

N. GS-[14] 29. Glazing, Weather stripping, Storm Door and Window Installation. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the selecting, cutting, assembling and installing all makes and kinds of glass work, and executing the glazing of frames, panels, sash and doors, in such a manner that, under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed but shall not include the manufacture or fabrication or installation in any building or structure of any frame, panel, sash or door, upon or within which such frame, panel, sash or door, such glass work or glazing has been executed or installed, and selecting and applying materials, devices and stripping for the internal and external control of weather conditions, or doing any part or any combination of any thereof, in such a manner that weather stripping and caulking can be executed, fabricated and installed. He may also contract for such work as selecting, cutting, surfacing, joining, sticking, gluing wood and other materials, including metal, for installation of storm doors and windows to be installed and/or attached to buildings and structures.

O. GS-[15] 29. Caissons, Piers and Pile Driving. (Requires two years' experience.) A contractor under this

classification is authorized to bid and contract for such work as the installation of piers, caissons and pilings through the use of pile driving equipment and machinery. He may perform necessary excavation, grading and clearing for site preparation for pile driving activities. This classification also includes the use of gases and electrical energy necessary for cutting, welding, joining and fabricating caissons or piles. He may install all necessary concrete and reinforcing steel within the caissons to create a structural member.

P. GS-16. Masonry. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the selecting, cutting and laying of brick and other baked clay products, rough cut and dressed stone, artificial stone and pre-cast blocks, structural glass brick or block adobe, laid at random or in courses, with or without mortar, or doing any part, or any combination thereof, in such a manner that under specification, acceptable brick and other baked clay products, stone and structural glass brick or adobe block masonry can be executed, fabricated or erected, but shall not include such work as the application of the tile to existing surfaces and shall not include such work as the execution, fabrication and erecting of poured cement and concrete. This contractor may erect masonry brick or block walls including retaining walls.

Q. GS-[17] 29. Ornamental Iron and Welding. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as the casting, cutting, shaping, stamping, forging, fabricating, and installing sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monometallic, stainless steel or any other metal, or any combination thereof, as has been and now are used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner, that under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed, but such work shall not include the work of a sheet metal contractor, GS-32 as provided in these classifications. He may also bid and contract for the use of gases and electrical energy to create temperatures of sufficient heat to cause metals to become permanently affixed, attached, joined and fabricated in such a manner that welding can be executed in accordance with the New Mexico Building Code.

R. GS-[18] 29. Painting and Decorating. (Requires two years' experience.) A contractor under this classifica-

tion is authorized to bid and contract for such work as the examining of surfaces and specifying and executing the preliminary and preparatory work necessary to bring such surface to a condition where, under an agreed specification, acceptable work can be executed thereon with the use of any, or all, of the following: wallpaper, paints, pigments, oils, turpentine, japans, driers, thinners, varnishes, shellacs, stains, fillers, waxes and any other vehicles that may be mixed, used and applied to the surfaces of buildings, tanks, structures, monuments and appurtenances thereto, of every kind, type and description in their natural state of condition, or constructed or fabricated of any material or materials whatsoever that can be painted as are by custom and usage accepted in the building and construction industry. Such contractor may also contract only for the painting portions of those items identified in the GA-4, Striping classification.

S. GS-19. [Remodeling. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work requiring the ability, experience, knowledge and skill to perform alterations and additions that do not exceed 25% of the existing floor space of the structure to be remodeled. The same contractors licensed under GB-2 and GB-98 are authorized to bid on, contract for, construct and execute, providing that the same ability, experience, knowledge and skill shall be required of the contractor licensed under this classification as shall be required of the contractors licensed to bid on and contract for work permitted under GB-2 and GB-98 as provided in those classifications.] -Not Used

T. GS-20. [Trenching and Backhoe Owner/Operator. (Requires two years' experience.) A contractor under this classification is authorized as the owner, or qualifying party for a licensee and operator of a single backhoe combination tractor or single trenching machine, to bid and contract for trenching, digging, backfilling and placing of earthen materials. The use of explosives, blasting or any part of drilling operations is not allowed under this classification. If more than one such backhoe combination tractor or trenching machine is operated by the contractor or if the contractor uses the services of an employee or employees to operate such equipment, a GS-8 classification is required.] Not Used.

U. GS-21. Roofing. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as examining surfaces and specifying the preliminary and preparatory work necessary to bring such surfaces to a condition where, under an agreed specification, acceptable

work can be executed and fabricated thereon with such material or materials as do seal, waterproof and weatherproof such surfaces by such means and in such a manner as to prevent, hold, keep and stop water, its derivatives, compounds and solids from penetrating and passing any such protective material, membrane, roof, surface or seal thereby gaining access to material or space beyond such weatherproof, waterproof or watertight material, membrane, roof, surface or seal with the use of any or all of the following: asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, plastic and any other material or materials or any combination thereof, that use and custom have established as usable for, or for which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roofs and surfaces, and the selection, cutting, shaping, fabricating and installing of sheet metal such as cornices, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, at or near roof lines, metal flues, or doing any part of any combination thereof, which relate to and are incidental to the principal contracting business of installing roofing.

V. GS-~~22~~ 29. Sandblasting. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as examining surfaces and preparing such surfaces, on the exterior of buildings and structures, for the application by hand or with energy generated by mechanical devices, of sand, air and forms of mixed abrasives for the purpose of cleansing exterior surfaces of a building or structure. He may also do sandblasting to remove existing exterior paint or other coatings.

W. GS-~~23~~-29. Sign Construction (non-electrical). (Requires two years' experience.) A contractor under this classification is authorized to bid on and contract for such work as fabrication, installing and erecting signs of wood, steel, plastic or any material, or any combination of materials, which signs shall be embedded in the earth, in concrete or other satisfactory base material, or attached to buildings or structures and supported against forces of wind, rain and other natural elements through its own structure or attached cables, bars or similar devices and appurtenances. Electrified signs may be installed by contractors holding ES-1 without being classified hereunder. Any electrical work must be performed by properly classified and licensed contractors.

X. GS-24. Structural Steel Erection. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work

as fabricating and erecting structural steel shapes and plates, or any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that structural steel work can be fabricated and erected; and using gases and electrical energy to create temperatures of sufficient heat to cause metals to become permanently affixed, attached, joined and fabricated.

Y. GS-25. Swimming Pools (non-mechanical/electrical). (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work which requires that ability, experience, knowledge and skill in connection with the use of those building and construction industry trades, crafts or skills necessary to the preparation of the surface intended for the construction of a swimming pool. A licensee under this classification shall not perform any trade or craft which is authorized by any one, or a combination of, classifications as provided in the Mechanical construction classifications, Electrical construction classifications, or LP Gas classifications.

Z. GS-~~26~~ 29. Vaults and Depositories. (Requires two years' experience.) A contractor under this classification is authorized to bid on and contract for such work as setting in place in buildings or structures safes, vaults and depositories of any size, shape or form or for any use, fabricated with wood, steel, concrete or any other material or materials or combination thereof, and the examining and preparation of those areas and specific sections of buildings and structures to house such safes, vaults, depositories, including mobile depositories affixed to buildings or like devices intended for the safekeeping of tangible personal properties of any type. This classification shall authorize the construction, erection or installation of buildings or vaults to be used for the purpose of interring deceased persons.

AA. GS-27. Not Used.

BB. GS-~~28~~ 29. Gunite. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work which requires that ability, experience, knowledge and skill in connection with the installation of gunite in areas which include, but are not limited to, swimming pools, canals, reservoirs, bank stabilization and open ditch irrigation systems. A licensee under this classification shall not perform any trade or craft which is authorized by any one or combination of classifications as provided by the Mechanical or Electrical

classifications.

CC. GS-29. Various Specialties. (Requires two years' experience.) The construction industry has multiple specialties. To individually identify all such specialties would require the establishment of many more classifications than set forth in these rules and regulations. Therefore, the declared policy of the Division is to establish the classifications most common in the industry. All of these various GS specialties carry this same classification.

DD. GS-30. Plastering, Stucco and Lathing. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for preparing wall and ceiling surfaces, interior or exterior, with wood, metal lath, wall-board or other properly prepared surfaces which will accept and hold a mixture of sand, plaster (including gypsum plaster), lime and water, or sand and cement with water or any combination of materials to create a permanent surface coating. These coatings may be applied manually or mechanically on surfaces which will support such coating. He may install steel stud systems (non-structural), channel iron work and affix lath or any other materials or products, prepared or manufactured to provide a base for such coatings.

EE. GS-~~31~~ 29. Siding. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for the application of materials known in the building trades as siding or surfacing. These materials generally consist of slate, gypsum, wood plastics and many other products. They must be applied in accordance with the manufacturer's specifications and when necessary, on a furred-up grill or network. An example, wood or plaster. This does not include installation of or painting of trim areas such as doors and/or windows.

FF. GS-~~32~~ 29. Miscellaneous Sheet Metal. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract to select, cut, shape, fabricate and install sheet metal (galvanized iron) such as cornices, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, hoods, skylights and metal flues, etc., or to do any part of or any combination thereof, in such a manner that the sheet metal work can be executed, fabricated and installed. Further, it is understood that this contractor shall not install HVAC duct systems, vents, grease hoods, or other appurtenances which require a mechanical permit and inspections as per the Uniform Mechanical Code. Heat ductwork and refrigeration ductwork are not included in

this classification.

GG. GS-33. Not Used.

HH. GS-~~34~~ 29. Concrete Coring, Drilling and Slab Sawing. (Requires two years' experience.) A contractor under this classification is authorized to bid and contract for such work as coring, boring, drilling, cutting and sawing concrete, including the removal or demolition of the material. He may not contract for the installation of wiring or plumbing in such bored, drilled, cut or sawed concrete. [14.5.6.11 NMAC - Rp, 14 NMAC 5.6.11, 12-1-00; A, 2-16-03]

**End of Adopted Rules and
Regulations Section**

SUBMITTAL DEADLINES AND PUBLICATION DATES

2003

Volume XIV	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 31
Issue Number 3	February 3	February 14
Issue Number 4	February 17	February 28
Issue Number 5	March 3	March 14
Issue Number 6	March 17	March 31
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 1	May 15
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Issue Number 11	June 2	June 13
Issue Number 12	June 16	June 30
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Issue Number 20	October 16	October 30
Issue Number 21	October 31	November 13
Issue Number 22	November 14	November 26
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

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