

**NEW
MEXICO
REGISTER**

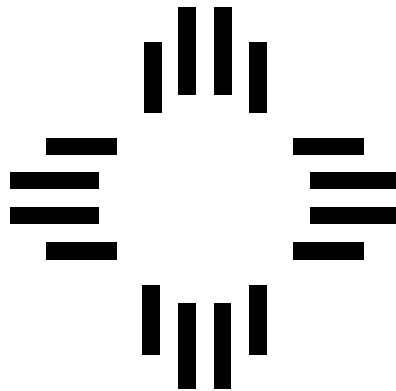


Volume XVI
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The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

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New Mexico Register

Volume XVI, Number 6

March 31, 2005

Table of Contents

Notices of Rulemaking and Proposed Rules

Environmental Improvement Board

Radiation Control Bureau

Notice of Public Hearing to consider repeal and replacement of 20.3.20 NMAC and amendment of 20.3.3 NMAC, 20.3.4 NMAC, 20.3.12 NMAC and 20.3.15 NMAC. 229

Human Services Department

Medical Assistance Division

Notice of Public Hearings 229

Oil Conservation Commission

Notice of Rulemaking 230

Public Education Department

Notice of Public Hearings 230

Public Employees Retirement Association

Notice of P.E.R.A. Rulemaking 231

Adopted Rules

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A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

Engineer, Office of the State

19.25.12 NMAC N Dam Design, Construction and Dam Safety 233

Environmental Improvement Board

20.2.66 NMAC N Cotton Gins 247

Fair Commission, State

4 NMAC 3.4 R Participant Requirements - Fine Arts, Hispanic Arts, Photography,
Native American Arts 248

4.3.4 NMAC N Participant Requirements - Fine Arts, Hispanic Arts, Photography,
Native American Arts 248

Human Services Department

Medical Assistance Division

8.200.520 NMAC A Income Standards 250

Medical Board

16.10.1 NMAC A Medicine and Surgery Practitioners: General Provisions 251

16.10.2 NMAC A Physicians: Licensure Requirement 251

16.10.4 NMAC A Continuing Medical Education 253

16.10.5 NMAC A Disciplinary Power of the Board 254

16.10.7 NMAC A License Expiration, Renewal and Reinstatement 254

16.10.9 NMAC A Fees 255

16.10.14 NMAC A Management of Chronic Pain with Controlled Substances 255

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Notices of Rulemaking and Proposed Rules

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD RADIATION CONTROL BUREAU

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PUBLIC HEARING TO CONSIDER REPEAL AND REPLACEMENT OF 20.3.20 NMAC, "RADIATION TECHNOLOGY CERTIFICATION" AND AMENDMENT OF 20.3.3 NMAC "LICENSING OF RADIOACTIVE MATERIAL", 20.3.4 NMAC "STANDARDS FOR PROTECTION AGAINST RADIATION", 20.3.12 NMAC "RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES", AND 20.3.15 NMAC "LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS."

The New Mexico Environmental Improvement Board (Board) will hold a public hearing on June 7, 2005 at 9:30 a.m. at the State Capitol Building, Room 321, Santa Fe, New Mexico. The purpose of the hearing is to consider repeal and replacement of 20.3.20 NMAC and amendments to Parts 3, 4, 12, and 15 of 20.3 NMAC. The New Mexico Environment Department is the proponent of the proposed changes to Parts 3, 4, 12, 15, and 20 NMAC.

The amendments to Parts 3, 4, 12, and 15 of 20.3 NMAC are required to bring the Radiation Protection rules into compliance with Nuclear Regulatory Commission requirements regarding acceptability and compatibility of state regulations. Repeal and replacement of Part 20 of 20.3 NMAC "Radiation Technology Certification" will allow the New Mexico Environment Department to update the rule and address administrative concerns with administration of the current rule.

Please note formatting and minor technical changes in the rules may occur. In addition, the Board may make other amendments as necessary to accomplish the purpose of providing public health and safety in response to public comments submitted to the Board and evidence presented at the hearing.

The proposed rule changes may be reviewed during regular business hours at the office of the Environmental Improvement Board, Harold Runnels Building, 1190 St. Francis Drive, Room N-2153 Santa Fe, NM, 87505. Copies of the rule changes may be obtained by contacting

Barbara Claire at (505) 827-2425 or by email at barbara_claire@nmenv.state.nm.us. Please refer to Docket No. EIB 05-01 (P). The proposed rule changes can also be found on the New Mexico Environment Department website at <http://www.nmenv.state.nm.us>. Written comments regarding the amended and replaced rules may be addressed to Ms. Claire at the above address, and should reference docket number EIB 05-01 (P).

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures) Environmental Improvement Board, the Environmental Improvement Act, NMSA 1978, Section 74-1-9, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file such statement prior to the close of the hearing.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;
- list and describe, or attach, each exhibit anticipated to be offered by that person at the hearing; and
- attach the text of any recommended modifications to the proposed changes.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board not later than 5:00 pm on May 24, 2005, and should reference the name of the rules, the date of the hearing, and docket number EIB 05-01 (P). Notices of intent to present technical testimony should be submitted to:

Barbara Claire

Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room N-2153
Santa Fe, NM 87502

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact Judy Bentley by May 24, 2005. Ms. Bentley can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, NM 87502, (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network 1-800-659-8331.

The Board may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

NOTICE

The New Mexico Human Services Department (HSD) will hold 4 separate public hearings on May 2, 2005 at the New Mexico State Library, Room 2027 (1205 Camino Carlos Rey), Santa Fe, New Mexico.

From 10:00-11:00 a.m. the subject of the hearing will be Dental Services & Medical Service Providers. The Human Services Department is proposing to change reimbursement for dental service providers and medical service providers who are members of a practice plan affiliated with the state operated teaching hospital to the lesser of the provider's billed charge; or the average rate paid for the service by commercial insurers as established by MAD. The augmented payments are being established to recognize the additional costs incurred for providing these services through the state operated teaching hospital system. These proposed regulation changes refer to 8.310.7 NMAC and 8.310.2 NMAC of the Medical Assistance Program Manual.

From 1:30-2:30 p.m. the subject of the hearing will be Prosthetics and Orthotics. The proposed change in the regulation clarifies that medically necessary therapeutic shoes and inserts furnished to diabetics are reimbursable items to Medicaid providers. The current wording in the prosthetic and orthotic section needs to be changed to be consistent with other sections of the policy.

Other sections of the program policy state these items are a benefit of the program. These proposed regulation changes refer to 8.324.8 NMAC of the Medical Assistance Program Manual.

From 2:30-3:00 p.m. the subject of the hearing will be Fair Hearings.

The Human Services Department (HSD) has a fair hearing process that provides for an impartial review of HSD actions that adversely affect public assistance program applicants, recipients, and providers. The fair hearings process includes: the initiation of the process, time limits, the request process and other procedures and timeframes that are part of the pre-hearing procedures. The preparation of the summary of evidence document is one component under the pre-hearing procedure. HSD is proposing to extend the timeframe for preparation of the summary of evidence document from seven (7) days to thirty (30) calendar days from the receipt of the oral or written notice of a hearing request. The Department is also proposing to add the concept of agency conference, which is different than the pre-hearing conference under the hearing procedures and standards. These regulations will be contained in 8.352.2 NMAC, and 8.353.2 NMAC.

From 3:00-4:00 p.m. the subject of the hearing will be Billing for Medicaid Services.

The Human Services Department (HSD) is proposing to amend Medicaid program policy to reflect changes that have been made in specific program policies such as foot care services, pregnancy termination procedures, and include information on Coordinated Service Contractors. HSD intends to award contracts for dental, pharmacy, and transportation services as a result of a request for proposals (RFP) publicly issued in November 2004. These proposed regulations refer to 8.302.2.10 NMAC.

Interested persons may submit written comments no later than 5:00 p.m., May 2, 2005, to Pamela S. Hyde, J.D., Secretary, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be considered prior to issuance of the final regulation.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program or services, please contact the NM Human Services Department toll-free at 1-888-997-2583, in Santa Fe at 827-3156, or through the department TDD system, 1-800-609-4833, in Santa Fe call 827-3184. The Department requests **at least 10 days advance notice** to provide requested alternative formats and special accommoda-

tions.

Copies of the Human Services Register are available for review on our Website at www.state.nm.us/hsd/mad.html or by sending a *self-addressed stamped envelope* to Medical Assistance Division, Program Oversight & Support Bureau, P.O. Box 2348, Santa Fe, NM. 87504-2348.

**NEW MEXICO OIL
CONSERVATION
COMMISSION**

NOTICE OF RULE MAKING

**STATE OF NEW MEXICO ENERGY,
MINERALS AND
NATURAL RESOURCES
DEPARTMENT
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO**

The State of New Mexico, through its Oil Conservation Commission, hereby gives notice that the Commission will conduct a public hearing at 9:00 A.M. on **April 14, 2005**, in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, concerning the adoption of amendments to 19.15.3.104 NMAC and 19.15.9.701 NMAC. The proposed amendments will authorize the operation of infill wells within a spacing or proration unit by an operator other than the operator of an existing well in the same unit, subject to certain provisions and exceptions. Copies of the text of the proposed amendments are available from Division Administrator Florene Davidson at (505)-476-3458 or from the Division's web site at <http://www.emnrd.state.nm.us/ocd/what-new.htm>. Written comments on the proposed amendments must be received no later than 5:00 P.M. on Thursday, April 7, 2005. Written comments may be hand-delivered or mailed to Ms. Davidson at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or may be faxed to Ms. Davidson at 476-3462. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Davidson at (505)-476-3458 or through the New Mexico Relay Network (1-800-659-1779) as soon as possible.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 2nd day of March, 2005.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

**Mark E. Fesmire, P.E.
Director, Oil Conservation Division**

**NEW MEXICO PUBLIC
EDUCATION
DEPARTMENT**

The New Mexico Public Education Department ("Department") hereby gives notice that it will conduct public hearings as follows regarding the proposed rulemaking actions described below:

— Wednesday, May 11, 2005, from 1:30 p.m. to 3 p.m. in the Theater Room at Artesia High School, 1103 West Quay, Artesia, New Mexico 88210.

— Monday, May 16, 2005, from 1p.m. to 3 p.m. in Mabry Hall at the Jerry Apodaca Education Building, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501.

The proposed rulemaking actions are:

[continued on page 231]

Rule Number	Rule Name	Proposed Action
6.31.2 NMAC	Special Education -Children with Disabilities/Gifted Children	<p>Extensive amendments to the dispute resolution procedures in subsections G (conflict management and resolution), H (state complaint procedures) and I (due process hearings and appeals) of 6.31.2.13 NMAC.</p> <p>The proposed amendments will align these subsections of the state rules with changes made by Congress in the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA); expand the state’s continuum of alternative dispute resolution procedures; eliminate the optional second -tier administrative review of due process hearing officers’ decisions and the optional grant of authority for IDEA hearing officers to consider claims under Section 504 of the federal Rehabilitation Act in conjunction with IDEA claims; and make other changes to increase the effectiveness of the dispute resolution system and clarify the authority and responsibility of hearing officers to manage due process proceedings.</p>

Copies of the proposed amendments may be obtained on the Special Education Bureau page of the Department’s website at <http://www.ped.state.nm.us/seo>, by e-mail from spedfeedback@ped.state.nm.us or from the Special Education Bureau, Public Education Department, 120 South Federal Place, Room 206, Santa Fe, New Mexico 87501, phone 505-827-1457, fax 505-954-0001.

Interested individuals may testify at the public hearings or submit written comments by mail, fax or e-mail to the Special Education Bureau at any of the addresses above. Written comments must be received no later than 3 p.m. on May 16, 2005. However, the submission of written comments as soon as possible is encouraged.

Individuals with disabilities who require information in an alternative format or need any form of auxiliary aid to attend or participate in this hearing are asked to contact the Special Education Bureau as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

NOTICE OF P.E.R.A. RULEMAKING

The Public Employees Retirement Association (“PERA”) will consider changes to its rules promulgated under the Public Employees Retirement Act. Changes are proposed to the following rules, all of which are contained in Title 2, Chapter 80 of the New Mexico Administrative Code:

Part 100 - General Provisions: Correction of statutory citation in definition of permissive service credit.

Part 200 - Board Elections: Amendment to authorize judicial and magistrate members to vote in Board elections, and to clarify that retired judicial and magistrate members are also eligible to vote.

Part 600 - Service Credit: Addition of statutory citations to definition of “actual credited service.”

Part 700 - Normal Retirement: Addition of “social security records” to list of documents which agency may accept as proof of date of birth. Provision that agency may waive requirement that retiring member

provide an endorsed copy of divorce decree where PERA can verify date of divorce through online court records in order to ascertain whether an ex-spouse of a member is entitled to any portion of the member’s pension.

Part 1400 - Reciprocity Retirement: Clarification of form of payment election for members retiring with reciprocal service credit. Authorizing PERA and the Educational Retirement Board to exchange necessary information to process pension applications.

Part 1600 - Division of Retirement Benefits at Divorce: Provision that PERA shall not be obligated to administer a court order changing form of payment incident to divorce until the first of the month following PERA’s written approval of the order.

Part 2100 - Member Contributions: Addition of requirement that membership application must be on file with agency before a refund of member contributions can be processed. Provision that agency may waive requirement that a member who requests a refund of accumulated member contributions provide an endorsed copy of divorce decree where PERA can verify date of divorce through online court records in order to ascertain whether an ex-spouse of a member is entitled to any portion of the

contributions.

Copies of the draft rules are available for inspection in PERA’s Office of General Counsel. Hard copies of the draft rules may be purchased for \$3.00. Written comments, inquiries or requests for copies should be directed to PERA’s Office of General Counsel, P.O. Box 2123, Santa Fe, New Mexico, 87504-2123, (505) 827-4783 or 1-800-342-3422. Written comments or requests for copies may be submitted electronically to Judy Olson at jaolson@pera.state.nm.us. To be considered, written comments, arguments, views or relevant data should be submitted by 5:00 p.m. April 29, 2005. The PERA Board will review and consider all written comments addressing the proposed rule changes.

The Rules and Administration Committee of the PERA Board will hold a public rule-making hearing on May 10, 2005 at 8:30 a.m. in the PERA Board Room of the PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico. Oral comments will be taken at the public hearing. Final action on the rules will occur at the monthly meeting of the PERA Board on May 26, 2005, which will be held at 9:00 a.m. in Apodaca Hall of the PERA Building. All interested parties are requested to attend. Lobbyists must comply with the Lobbyist Regulation Act, NMSA 1978, Section 2-11-1 et. seq. (1997), which applies to rulemaking proceedings.

Individuals with a disability who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing may contact Jane Clifford at (505) 827-1232 or toll free at 1-800-342-3422 seven days prior to the hearing or as soon as possible.

**End of Notices and
Proposed Rules Section**

Adopted Rules

NEW MEXICO OFFICE OF THE STATE ENGINEER

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE

CHAPTER 25 ADMINISTRATION AND USE OF WATER - GENERAL PROVISIONS

PART 12 DAM DESIGN, CON- STRUCTION AND DAM SAFETY

19.25.12.1 ISSUING AGENCY:
New Mexico Office of the State Engineer
[19.25.12.1 NMAC - N, 3/31/2005]

19.25.12.2 SCOPE: These regula-
tions apply to the design and construction of
all jurisdictional dams in New Mexico and
are intended to facilitate the continued safe
operation and maintenance of all non-federal
jurisdictional dams. These regulations
govern the review and acceptance of plans
for construction, alteration, modification,
repair, enlargement and removal of a juris-
dictional dam. These regulations ensure the
continued safe operation, maintenance, site
security and emergency preparedness for
existing non-federal jurisdictional dams.
These regulations do not authorize the
appropriation or use of water pursuant to
19.26 NMAC and 19.27 NMAC.
[19.25.12.2 NMAC - N, 3/31/2005]

**19.25.12.3 S T A T U T O R Y
AUTHORITY:** Section 72-5-32 NMSA
requires any person, association or corpora-
tion, public or private, the state or the
United States that is intending to construct a
jurisdictional dam to submit detailed plans
to the state engineer. Sections 72-5-9 and
72-5-10 NMSA establish the state engi-
neer's authority over the construction of
works and issuing certificates of construc-
tion. Sections 72-5-8 and 72-5-14 NMSA
require construction to be completed in a
time limit set by the state engineer and pro-
cedures for requesting an extension of time.
Sections 72-5-11, 72-5-12 and 72-5-13
NMSA gives the state engineer jurisdiction
over unsafe works, penalties for failure to
comply with state engineer orders and pri-
ority of liens. Section 72-2-6 NMSA gives
the state engineer the authority to assess
fees. Section 72-2-8 NMSA gives the state
engineer authority to adopt regulations and
codes to implement and enforce any provi-
sion of any law administered by him.
Section 72-8-1 NMSA gives the state engi-
neer the authority to enter upon private
property for the performance of his duties.
Nothing in these rules shall be construed so
as to limit the state engineer's authority to
take lawful alternative or additional actions
relating to the design, construction and safe-
ty of dams.

[19.25.12.3 NMAC - N, 3/31/2005]

19.25.12.4 D U R A T I O N :
Permanent.

[19.25.12.4 NMAC - N, 3/31/2005]

19.25.12.5 EFFECTIVE DATE:
March 31, 2005 unless a later date is cited at
the end of a section.

[19.25.12.5 NMAC - N, 3/31/2005]

19.25.12.6 OBJECTIVE: To
establish minimum design requirements,
minimum submittal requirements and dam
site owner responsibilities that shall be
addressed to the state engineer's satisfaction
in order to ensure a dam is designed, con-
structed, operated, maintained and secured
in a safe manner.

[19.25.12.6 NMAC - N, 3/31/2005]

19.25.12.7 D E F I N I T I O N S :
Unless defined below or in a specific sec-
tion of these regulations, all other words
used herein shall be given their customary
and accepted meaning.

A. Abutment: That part
of the valley side against which the dam is
constructed. The left and right abutments of
dams are defined with the observer viewing
the dam looking in the downstream direc-
tion.

**B. Alteration, modifica-
tion, repair, rehabilitation or enlarge-
ment of an existing dam:** To change from
the state engineer accepted construction
drawings and specifications or current con-
dition.

**C. Appurtenant struc-
ture:** Auxiliary features of a dam such as
outlets, spillways, access structures, tunnels
and related housing at a dam.

**D. American society for
testing and materials (ASTM):** An
accepted standard for testing the properties
of materials. Methods cited in these regula-
tions include laboratory compaction charac-
teristics of soils.

E. Breach: An opening
through a dam or spillway that is capable of
draining a portion of the reservoir or the
entire reservoir. A controlled breach is a
constructed opening. An uncontrolled
breach is an unintentional discharge from
the reservoir.

**F. Consequences of fail-
ure:** Potential loss of life or property dam-
age downstream of a dam caused by waters
released at the dam or by waters released by
partial or complete failure of dam; includes
effects of landslides upstream of the dam on
property located around the reservoir.

G. Crest width: The
thickness or width of a dam at the crest level
(excluding corbels or parapets). In general,

the term thickness is used for gravity and
arch dams and width is used for other dams.

H. Dam: A man-made
barrier constructed across a watercourse or
off-channel for the purpose of storage, con-
trol or diversion of water.

(1) Jurisdictional dam: A dam
that is more than 10 feet in height measured
from the lowest point on the downstream
toe to the dam crest or impounds more than
10 acre-feet of water as measured from the
lowest point on the downstream toe to the
spillway crest. Dams constructed under the
supervision of the U.S. army corps of engi-
neers before May 19, 2004, become juris-
dictional when such supervision by the U.S.
army corps of engineers is terminated. For
purposes of these regulations, reference to a
dam means a jurisdictional dam unless oth-
erwise noted.

(2) Non-jurisdictional dam:
Any dam less than or equal to 10 feet in
height and having storage less than or equal
to 10 acre-feet of water. The state engineer
does not regulate the design, construction
and operation of a non-jurisdictional dam
unless the dam is unsafe and there is a threat
to life or property, as determined by the
state engineer. Waters impounded by a non-
jurisdictional dam may not be exempt from
water right permit requirements; therefore a
separate state engineer water right permit
for the water impounded in the reservoir
created by a non-jurisdictional dam may be
required. Non-jurisdictional dams shall
meet the requirements of 19.26.2.15 NMAC
unless otherwise exempt. The structures
listed below are considered non-jurisdic-
tional dams:

(a) Stock dam: A stock dam con-
structed prior to May 19, 2004 with a stor-
age capacity of 10 acre-feet or less regard-
less of the height of the dam.

(b) Erosion control dam: A dam
for the sole purpose of erosion control con-
structed on a naturally dry watercourse as
determined by the state engineer, with a
storage capacity of 10 acre-feet or less as
measured from the lowest point on the
downstream toe to the spillway crest and the
reservoir drains in 96 hours unless a quick-
er drain time is required by court decree.

(c) Levee or diversion dike: A
structure where water flows parallel to the
length of the levee or diversion dike as
determined by the state engineer.

(d) Roadway embankment: A
structure across a watercourse designed for
the sole purpose of supporting a roadbed or
other means of conveyance for transporta-
tion as determined by the state engineer;
where the area upstream has not been en-
larged to increase flood storage; and
where the embankment is provided with an
uncontrolled conduit of sufficient capacity

to satisfy requirements of the appropriate state or local transportation authority. If no transportation authority has jurisdiction over the structure, the current drainage design criteria of the New Mexico department of transportation shall apply.

I. Dam crest: The lowest elevation of the uppermost surface of a dam, usually a road or walkway excluding any parapet wall, railing, etc.

J. Dam failure: The breakdown of a dam, characterized by the uncontrolled release of impounded water. There are varying degrees of failure.

K. Dam height: The vertical distance from the lowest point on the downstream toe to the dam crest.

L. Dam incident: An event at a dam that interrupts normal procedures and performance, affects the safety of the dam or results in a potential loss of life or damage to property.

M. Fetch: The straight-line distance across a body of water subject to wind forces. The fetch is one of the factors used to calculate wave heights in a reservoir.

N. Freeboard: The vertical distance between the spillway crest and the lowest point of the dam crest not including camber.

O. Functional exercise: A meeting in a conference room environment involving the dam owner and state and local emergency personnel with responsibilities in the emergency action plan. The exercise takes place in a stress-induced environment with time constraints and involves simulation of a dam failure and other specific events. The exercise is designed to evaluate both the internal capabilities and responses of the dam owner and the workability of the information in the emergency action plan used by emergency management officials.

P. High water line: The highest water level elevation in the reservoir as determined from routing the spillway design flood or inflow design flood.

Q. Inflow design flood: The flood flow above which the incremental increase in downstream water surface elevation due to failure of a dam is no longer considered to present an unacceptable additional downstream threat. The upper limit of the inflow design flood is the flood resulting from the probable maximum precipitation and the lower limit is the flood resulting from the 100-year precipitation.

R. Inundation map: A map delineating the area that would be flooded by a particular flood event.

S. Length of dam: The length measured along the dam axis at the dam crest. This also includes the spillway, powerplant, navigation lock, fish pass, etc., where these form part of the length of the

dam. If detached from the dam these structures should not be included.

T. Loss of life: The likely number of human fatalities that would result from a dam failure flood event. No allowances for evacuation or other emergency actions by the population should be considered.

U. Naturally dry watercourse: A watercourse or portion thereof, which under normal conditions is dry, which flows only in direct response to precipitation and whose channel is at all times above the groundwater table.

V. Normal operating level: The water level elevation corresponding to the maximum storage level that excludes any flood control or surcharge storage.

W. North American vertical datum 1988 (NAVD88): The current vertical control datum in use in North America established from nine space geodetic stations. This basis of establishing elevation provides a precise surface, whereas the North American vertical datum 1927 (NAVD27) is elevation established from mean sea level.

X. One-hundred year flood: A flood that has 1 chance in 100 of being equaled or exceeded during any year.

Y. Owner: The individual, association or corporation, public or private, the state or the United States, owning the land upon which a dam is constructed; having a contractual right to construct, operate or maintain a dam; or the beneficiary of an easement to construct, operate or maintain a dam.

Z. Probable maximum precipitation: Theoretically, the greatest depth of precipitation for a given duration that is physically possible over a given size storm area at a particular location during a certain time of year.

AA. Spillway: A structure over or through which excess flow is discharged from a reservoir. If the rate of flow is controlled by mechanical means such as gates, it is considered a controlled spillway. If the geometry of the spillway is the only control, it is considered an uncontrolled spillway. For purposes of these regulations, an uncontrolled outlet conduit that is used to drain the reservoir is not considered a spillway.

BB. Spillway crest: The lowest level at which water can flow over or through the spillway.

CC. Spillway design flood: The required flood that a spillway must pass without failure of the dam.

DD. Storage: For purposes of determining whether a dam is jurisdictional, the storage is the volume of water impounded by the dam above the lowest elevation of the downstream toe to the ele-

vation of the spillway crest. For dams with no spillway, storage is measured to the dam crest. Definitions of specific types of storage in reservoirs are:

(1) Dead storage is the storage volume of a reservoir that lies below the invert of the lowest outlet and therefore, cannot readily be withdrawn from the reservoir.

(2) Flood surcharge storage is the storage volume between the maximum operating level and the maximum water level during the spillway design flood.

(3) Live storage is the storage volume of a reservoir that is available for use and lies above the invert of the lowest outlet.

(4) Reservoir storage capacity is the sum of the dead and live storage of the reservoir.

(5) Maximum storage is the sum of the reservoir storage capacity and flood surcharge storage.

EE. Tabletop exercise: A meeting in a conference room environment involving the dam owner and state and local emergency personnel with responsibilities in the emergency action plan. The format is a discussion of an emergency event, response procedures to resolve concerns regarding coordination and responsibilities.

FF. Toe: The contact line between the outer shell of the dam and the natural ground surface.

GG. Wave runup: Vertical height above the water level to which water from a specific wave will run up the face of a structure or embankment.

[19.25.12.7 NMAC - N, 3/31/2005]

19.25.12.8 FEE SCHEDULE: The state engineer assesses fees for filing forms, reviewing plans and specifications for dams and appurtenant structures and construction inspections.

A. For filing an application for permit to construct and operate a dam the fees shall be \$25.

B. For each review of design plans, construction drawings and specifications for a dam the fee shall be \$2 per \$1000 or fraction thereof of the estimated construction cost. For determination of fees, inclusion of contingencies, taxes and other permit fees is not required. Assessment of multiple review fees for the same application is at the sole discretion of the state engineer.

C. For issuing an extension of time for construction of a dam the fee shall be \$50.

D. For inspecting construction of a dam the fee shall be \$100/8-hour day and actual and necessary traveling expenses.

E. For filing a proof of completion of works for a dam the fee shall

be \$25.

F. For filing a change of ownership for a dam the fee shall be \$5.

G. For copies of dam safety records up to 11 inches by 17 inches the fee shall be \$0.20 per copy.

H. For copies of dam safety records greater than 11 inches by 17 inches the fee shall be \$3.00 per copy.

[19.25.12.8 NMAC - N, 3/31/2005]

19.25.12.9 SIZE CLASSIFICATION: A dam shall be less than or equal to the maximum height and storage to qualify for the size classification.

A. Small: A small dam is greater than 10 feet but less than or equal to 40 feet in height, or greater than 10 acre-feet but less than or equal to 1000 acre-feet of storage.

B. Intermediate: An intermediate dam is greater than 40 feet but less than or equal to 100 feet in height, or greater than 1000 acre-feet but less than or equal to 50,000 acre-feet of storage.

C. Large: A large dam is greater than 100 feet in height, or greater than 50,000 acre-feet of storage.

[19.25.12.9 NMAC - N, 3/31/2005]

19.25.12.10 HAZARD POTENTIAL CLASSIFICATION: The hazard potential classification is a rating for a dam based on the potential consequences of failure. The rating is based on loss of life, damage to property and environmental damage that is likely to occur in the event of dam failure. No allowances for evacuation or other emergency actions by the population should be considered. The hazard potential classification is not a reflection of the condition of the dam.

A. Low hazard potential: Dams assigned the low hazard potential classification are those dams where failure or misoperation results in no probable loss of life and low economic and/or environmental losses. Losses are principally limited to the dam owner's property.

B. Significant hazard potential: Dams assigned the significant hazard potential classification are those dams where failure or misoperation results in no probable loss of human life but can cause economic loss, environmental damage, disruption of lifeline facilities, or can impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but could be located in populated areas with significant infrastructure.

C. High hazard potential: Dams assigned the high hazard potential classification are those dams where failure or misoperation will probably cause loss of human life.

[19.25.12.10 NMAC - N, 3/31/2005]

19.25.12.11 DESIGN OF A DAM:

Any person, association or corporation, public or private, the state, or the United States that is intending to construct a dam shall submit an application to construct and operate a dam and supporting documentation acceptable to the state engineer. This section primarily addresses the design and construction of embankment dams. Other types of dams shall conform to sound engineering principles and current state of the practice. Because each site, design and operating practice is unique, waivers of specific requirements in this section will be considered on a case-by-case basis. Request for waiver shall be in writing accompanied with documentation justifying the request. If the request is not justified to the satisfaction of the state engineer the request will be denied. Construction shall not begin until the state engineer has accepted the supporting documentation and approved the application with construction and operation conditions. The application and supporting documentation shall include:

A. Application: An application form shall be completed with original signature of the dam owner and accompanied with a filing fee in accordance with Subsection A of 19.25.12.8 NMAC. The form will be the only information available to the public before the project is approved for construction. All other supporting documentation is considered draft until accepted by the state engineer. A plan review fee in accordance with Subsection B of 19.25.12.8 NMAC shall accompany the submittal of the design report, construction drawings and specifications. A detailed estimate of the construction cost for the proposed dam and appurtenant structures shall be submitted in support of the plan review fee.

B. Water right: A water right is required for water impounded by the dam. If the dam owner has a permit for the diversion of water, documentation addressing the necessity for storage, diversion periods and release conditions for the reservoir may be required. This requirement is waived for flood control dams that do not detain water longer than 96 hours in accordance with Subparagraph (b) of Paragraph (7) of Subsection C of 19.25.12.11 NMAC or provide documentation that a waiver by the state engineer has been granted. Flood control dams that do not drain within 96 hours require a water right for water permanently stored beyond the 96-hour drain time requirement and for associated losses due to evaporation and other potential depletions to the system unless a waiver in accordance with 19.25.12.11 NMAC is obtained.

C. Design report: A design report, which includes information

to evaluate the safe design of the dam and appurtenant structures, shall be submitted in a form acceptable to the state engineer. The design report shall contain the information described below and any other additional information determined necessary by the state engineer. A professional engineer licensed in the state of New Mexico qualified in the design and construction of dams shall prepare or supervise the preparation of the design report. The front cover shall show the name of the dam (identical to the application), the county in which the dam is located and type of report. The first page behind the front cover shall show the name of the dam (identical to the dam name on the application), the county in which the dam is located and the signed certifications for the engineer and state engineer in accordance with Subsections B and E of 19.25.12.12 NMAC. The design report shall include:

(1) Hazard potential classification. A hazard potential classification shall be based on the dam failure condition that results in the greatest potential for loss of life and property damage. If the state engineer concurs, the classification may be based on the judgment and recommendation of the professional engineer. For all other cases, a low or significant hazard potential classification shall be supported by a dam breach analysis, which includes calculations and data that supports the predicted dam failure flood. This analysis shall also address the potential for foreseeable future development. Evaluation of the effects of flooding from dam failure shall extend at least to the location downstream where the classification can be properly identified. The dam breach analysis shall include, but not be limited to:

- (a) dam failure inundation maps;
- (b) map of the water surface profiles;
- (c) cross-sections drawn to scale showing water surface elevation at critical sections where structures are impacted and showing discharge in cubic feet per second, average velocity in feet per second, flood wave travel times, rate of rise and structures located in the flooded sections;
- (d) a tabulation and justification of assumed parameters used in the analysis;
- (e) a sensitivity analysis of the assumed parameters used in the analysis;
- (f) references to all computer models, data and supporting justification used in the analysis; and
- (g) appropriate data sheets and computer program output computations from computerized analysis shall be provided.

(2) Hydrologic analysis. The hydrologic analysis shall include a discussion of methodology used to calculate the spillway design flood for determining the

available flood storage and spillway capacity. Consideration of how the dam will perform under these hypothetical flood conditions shall be evaluated. The hydrologic analysis shall include, but not be limited to:

(a) a topographic map of the drainage area above the dam with the drainage area and sub-basins delineated and presented on a map of appropriate scale and size;

(b) a description of the topography, soils and vegetative cover of the drainage area;

(c) a discussion of the depth, duration and distribution of the spillway design storm;

(d) a tabulation, discussion and justification of all hydrologic parameters and methodology used to calculate runoff from rainfall;

(e) a discussion of the peak inflow, volume of runoff and maximum reservoir water level elevation for the inflow hydrograph;

(f) a plot of the reservoir inflow and outflow hydrographs extended until flow is negligible and plotted on the same figure of appropriate size and scale;

(g) a table showing the reservoir area (in acres) and storage capacity (in acre-feet) for each foot of elevation above the bottom of the reservoir to the dam crest; the table shall be determined from the reservoir topography map; indicate the amount of dead storage, elevation of the invert of the outlet and elevation of the crest of each spillway; all elevations shall be based on North American vertical datum 1988 or more recent adjustment; and

(h) appropriate data sheets and computer program output computations from computerized analysis shall be provided.

(3) Spillway design flood. The spillway design flood is the flood that a spillway must be capable of conveying without dam failure. For perimeter embankment dams with no spillway and no external drainage area, the dam must be capable of impounding the spillway design flood without dam failure. A spillway design flood less than these requirements is acceptable to the state engineer if an incremental damage analysis is presented to justify the inflow design flood in accordance with Paragraph (4) of Subsection C of 19.25.12.11 NMAC. The spillway design flood is based on size classification and hazard potential classification of the dam as follows:

(a) Dams classified as low hazard potential, regardless of size, shall have spillways designed to pass a flood resulting from a 100-year precipitation event expressed as a percentage of the probable maximum precipitation.

(b) Dams classified as small and

intermediate, with a significant hazard potential rating shall have spillways designed to pass a flood resulting from 50 percent of the probable maximum precipitation.

(c) Dams classified as large, with a significant hazard potential rating shall have spillways designed to pass a flood resulting from 75 percent of the probable maximum precipitation.

(d) Dams classified as high hazard potential, regardless of size, shall have spillways designed to pass a flood resulting from the probable maximum precipitation.

(4) Incremental damage assessment. Where spillways are not in compliance with Paragraph (3) of Subsection C of 19.25.12.11 NMAC an incremental damage assessment shall justify the inflow design flood used to size the spillway. The assessment shall evaluate the consequences of dam failure. The assessment shall compare the impact of with-failure and without-failure conditions on downstream water levels and existing and known future development. The assessment shall include a dam breach analysis in accordance with Subparagraphs (a) through (g) of Paragraph (1) of Subsection C of 19.25.12.11 NMAC for the failure and non-failure conditions. Methods for assessing the damage between failure and non-failure conditions shall be fully documented.

(5) Spillway capacity. The spillway capacity shall be adequate to pass the spillway design flood in accordance with Paragraph (3) of Subsection C of 19.25.12.11 NMAC or accepted inflow design flood in accordance with Paragraph (4) of Subsection C of 19.25.12.11 NMAC without failure of the dam. If design calculations show that overtopping will occur, an erosion study of the embankment documenting that the dam will not breach is required. If the outlet works are gated, the design discharge of the outlet works shall not be considered when routing the spillway design flood through the reservoir and spillway. The water level shall be at the normal operating level at the beginning of the spillway design storm. A spillway rating curve and table showing elevation in one-foot increments versus maximum discharge capacity shall be prepared. The rating curve and table shall include data from the crest of the spillway to the dam crest. The parameters used to calculate the spillway capacity shall be justified and appropriate data sheets and computer program output computations from computerized analysis shall be provided. Elevations shall be based on North American vertical datum 1988 or more recent adjustment.

(6) Spillway design. Spillways shall be evaluated for erosion potential during normal operation and the design flood

event. Damage to a spillway during the design flood event is acceptable; however, a breach of the spillway is unacceptable. The spillway design shall address the following minimum requirements:

(a) The material required for spillway lining depends on the spillway location, frequency of discharge and velocity of discharge to adequately address erosion and breach potential. The design shall provide adequate justification for the material selected.

(b) The design shall provide aeration of the nappe for cavitation control where control weirs are used at the spillway crest.

(c) The spillway must discharge away from the toe of the dam and abutment slopes.

(d) The potential for the accumulation of debris that may block the spillway shall be addressed.

(e) Energy dissipation to control erosion of the natural channel due to spillway discharge shall be addressed.

(f) Channel lining shall be placed on a suitably prepared, stable subgrade. All edges and joints in channel lining material must be designed to prevent undermining and erosion. Concrete channel lining must be provided with adequate jointing to permit thermal expansion and contraction and adequate reinforcing to control thermal cracking. Adequate water stops are required at joints in the spillway lining. Concrete lining shall be adequately anchored against displacement and uplift and shall be provided with adequate subdrainage to relieve hydrostatic pressure and prevent frost heave.

(g) Where training dikes are used to divert the water away from the dam, the dike shall be designed with a compaction to at least 95% of the maximum standard Proctor density, ASTM D 698, or at least 90% of the maximum modified Proctor density, ASTM D 1557, or at least 70% relative density if Proctor testing is not appropriate. Erosion protection for the dike shall be addressed in accordance with Paragraph (16) of Subsection C of 19.25.12.11 NMAC.

(7) Outlet works capacity. Dams shall be designed with a low level outlet to drain the entire contents above the elevation of the downstream toe of the dam. If environmental consequences prevent draining of the reservoir, the state engineer will grant a waiver if written justification is provided to the satisfaction of the state engineer. The outlet shall be sized to provide adequate capacity to satisfy water rights of downstream priority users. A stage discharge curve and table showing elevation in one-foot increments versus discharge capacity shall be prepared. The rating curve and

table shall be from the invert of the outlet to the dam crest. The parameters used to calculate the outlet works capacity shall be justified and appropriate data sheets and computer program output computations from computerized analysis shall be provided. Elevations shall be based on North American vertical datum 1988 or more recent adjustment. The outlet works capacity shall meet the following minimum requirements:

(a) Outlets for water storage reservoirs shall drain in 45 days with supporting calculations provided.

(b) Outlets for flood control dams shall drain the reservoir in 96 hours unless a waiver is granted by the state engineer. The 96-hour time frame begins once the reservoir storage drops to the emergency spillway crest or reaches its peak during the 100-year, 24-hour event. Documentation supporting the waiver shall include the time to drain more frequent events.

(8) Outlet works design. The outlet works design includes the intake structure, conduit and terminal structure. The outlet works design shall meet the following minimum requirements:

(a) Minimum conduit diameter is 18 inches unless a waiver is granted by the state engineer. Documentation supporting a waiver shall include identification of methods to inspect the interior of the conduit.

(b) Metal conduits used in dams that are classified as significant hazard potential where the sole purpose of the dam is flood control, or in dams classified as low hazard potential, shall have adequate strength after corrosion for a minimum of 200 years, based on corrosivity testing of onsite soils. Cathodic or other protection of metal conduits is permissible and may be considered in this analysis. Metal conduits are not acceptable for dams classified as high hazard potential or dams classified as significant hazard potential with permanent water storage except as interior forms for cast-in-place concrete conduits.

(c) Outlet conduits for storage reservoirs shall be gated at the upstream end unless a waiver is granted by the state engineer. Where gates are located other than at the upstream end of the conduit, a guard gate or bulkhead shall be provided at the upstream end to allow draining of the conduit for inspection, maintenance and repair.

(d) Outlet conduits shall be adequately vented. Where the outlet conduit ties directly to a downstream pipe, a by-pass valve shall be provided.

(e) Outlet controls and equipment shall be properly designed to be secure from damage due to vandalism, weather, ice, floating debris, wave action, embankment settlement and other reasonably foreseeable causes. The outlet control operators shall remain accessible during outlet works and

spillway releases.

(f) Outlets for flood control structures shall be ungated. Where a gate is required to satisfy downstream release restrictions, a waiver from the state engineer is required. The written request for waiver shall include a plan for timely release of the floodwater.

(g) Outlet works intake structures shall be provided with trash racks or grates to prevent clogging with debris. Grate opening size or bar spacing shall be adequate to satisfy applicable public safety requirements, if appropriate. Total size of grate openings must be at least three times the cross-sectional area of the outlet conduit.

(h) The design of the outlet works terminal structure shall address energy dissipation to prevent erosion and shall include supporting calculations.

(i) Outlet conduits shall be designed for full embankment loading and for hydrostatic pressure equal to the maximum reservoir head, acting separately and in combination, with an adequate factor of safety for the conduit material. If future increases in embankment height and/or reservoir head are foreseeable, allowance shall be made in the design.

(j) The conduit together with all joints and fittings shall be watertight at the design pressure and shall be pressure tested prior to backfilling. Conduits shall be designed for all reasonably foreseeable adverse conditions including corrosion, abrasion, cavitation, embankment settlement and spreading, thermal effects and seismic loading. The ability of the conduit to withstand deflection and separation at the joints shall be addressed in the design of the outlet conduit.

(k) Outlet works shall be supported by stable, well-consolidated foundation materials. Where the conduit is placed in embankment fill or native overburden materials, settlement analysis shall be performed.

(l) Minimizing seepage along conduits shall be addressed including the methods for ensuring compaction of backfill around and beneath the conduit.

(m) All supporting documentation and calculations for the outlet works design shall be provided. The outlet works design shall include all foreseeable loading conditions, including but not limited to ice loading, debris buildup, wave action and embankment settlement. Structural design calculations for the intake structure, conduit and outlet structure shall be submitted.

(9) Geological assessment. A geological assessment of the dam and reservoir site is required for all dams classified as high or significant hazard potential. The geological assessment may be included in the geotechnical investigation or seismic

study, or may be submitted as a separate document. The geological assessment shall address regional geologic setting; local and site geology; geologic suitability of the dam foundation; slide potential of the reservoir rim and abutment areas; and seismic history and potential.

(10) Geotechnical investigation. A geotechnical investigation shall assess site conditions and support the design. A professional engineer licensed in the state of New Mexico qualified to provide geotechnical expertise in the design and construction of dams shall prepare, stamp and sign the geotechnical investigation, which may be submitted as a separate report. The scope of the geotechnical investigation is dependent on the size classification, hazard potential classification, anticipated materials and construction methods, site geology and seismicity, anticipated soil strata and other site-specific conditions. The geotechnical investigation shall include a field investigation and laboratory testing. Results of field and laboratory testing shall be presented in a report, including recommended parameters to be used in design and construction of the dam and appurtenant structures. The field investigation and laboratory testing shall include but not be limited to the following:

(a) test borings in the footprint of the embankment, spillway excavations and appurtenant structures extending to bedrock or to a depth equal to at least the height of the dam; where appropriate, borings may include coring of bedrock materials to determine the quality and character of the rock;

(b) standard penetration tests or other field-testing to assess soil character and consistency;

(c) "undisturbed" sampling for further tests such as insitu density, shear strength and compressibility;

(d) supplemental test pits, if deemed necessary, to obtain bulk and undisturbed samples, assess soil layering and measure bedrock orientation;

(e) measurement of water level in drill holes;

(f) field permeability testing, if feasible;

(g) logs of test borings and test pits, location map and profile along dam axis with soil information shown;

(h) testing to determine the relevant properties of the material to be used in construction, including but not limited to shear strength, permeability, compressibility and filter characteristics; the testing method shall conform to accepted industry standards and be appropriate for the material being tested;

(i) evaluation of liquefaction potential and dynamic shear strength testing if deformation analysis is required; and

(j) identification of the location of the borrow material to be used during construction.

(11) Seepage and internal drainage. The effects of seepage and potential for internal erosion shall be evaluated. A seepage analysis shall be performed to address the performance of the embankment under steady-state conditions for dams classified as high or significant hazard potential. All parameters and assumptions used in the analysis shall be summarized in a table and justified in the seepage analysis. A waiver may be requested in writing for flood control dams or reservoirs with synthetic liners. The seepage analysis and internal drainage design shall include but not be limited to the following:

(a) Flow nets of appropriate size and scale shall be prepared. The effects of anisotropy with respect to permeability shall be addressed. Ratios of horizontal to vertical permeability of less than 4 for constructed embankments and less than 9 for native deposits shall be supported by field and laboratory permeability tests. Appropriate data sheets and computer program output computations from computerized analysis shall be provided.

(b) The design shall address the effects of anticipated seepage beneath, around and through the dam. Seepage shall not exit on the dam face and excessive exit seepage gradients are unacceptable. All filter, transition and drainage zones within earth dams shall have a thickness adequate to address constructability and enhance seismic stability with a minimum thickness of 3 feet for each zone.

(c) Collector pipes and conduits for internal drains shall be made of non-corrodible material capable of withstanding the anticipated loads. If possible, pipes shall be located where they can be exposed for repair or replacement without threatening the stability of the dam. Collector pipes for drains shall be enveloped in a free-draining medium meeting filter criteria for adjacent embankment or foundation zones. Where surging or hydraulic gradient reversal is likely, perforation size must be less than the diameter at which 15 percent of the surrounding medium is finer. Where surging or hydraulic gradient reversal are unlikely, the perforation size must be less than the diameter at which 85 percent of the surrounding medium is finer.

(d) Drain pipes shall be sized to provide a flow depth no more than $\frac{1}{4}$ of the pipe diameter when carrying the anticipated discharge. Drain pipes shall be at least 6 inches in diameter unless the availability of technology for inspection and maintenance can be demonstrated. Individual pipes shall discharge to a gallery, well, manhole, or to daylight such that the flow of each pipe can be monitored and measured. Manifold con-

nections, tees and wyes are not permitted. If the anticipated flow from a drain line exceeds 10 gpm, a measuring flume or weir shall be provided for that line. If the anticipated flow from a drain line is less than 10 gpm, the outfall shall be designed to allow a 5 gallon bucket to be used to collect and measure discharge. Where pipes from internal drains are discharged to daylight, a rodent screen shall be provided.

(12) Stability analysis. Cross-sectional design for dams shall be supported by slope stability analysis. Dams classified as low hazard potential with upstream slopes no steeper than 3 horizontal to 1 vertical, downstream slopes no steeper than 2 horizontal to 1 vertical and which are 25 feet or less in height will not require slope stability analysis. The analysis model shall adequately represent the geometry and zoning, shear strength parameters, material unit weights, pore pressure and seepage conditions, external loading and other relevant factors of the critical cross section or sections. Manual computations in the analysis will be accepted if judged to be sufficiently rigorous. Where appropriate, the analysis shall consider noncircular or block and wedge type failure surfaces as well as circular failures. All parameters and assumptions used in the analysis shall be summarized in a table and justified in the geotechnical investigation. A scale drawing, utilizing the same scale for vertical and horizontal dimensions, shall be provided for each cross-sectional model used in the analysis, with the critical failure surface(s) identified. Appropriate data sheets and computer program output computations from computerized analysis shall be provided. Dams shall be designed to provide the following minimum factors of safety from the stability analysis:

(a) 1.5 for steady state long-term stability;

(b) 1.5 for operational drawdown conditions;

(c) 1.2 for rapid drawdown conditions; and

(d) 1.2 for end of construction.

(13) Seismic design and analysis. Dams classified as high or significant hazard potential shall be analyzed for seismic stability. Seismic analysis for water storage dams shall be based on full reservoir under steady state seepage conditions. Flood control dams with ungated outlets that satisfy Subparagraph (b) of Paragraph (7) of Subsection C of 19.25.12.11 NMAC without waiver shall be designed for earthquake loads under empty reservoir conditions and need not consider steady-state seepage. Dams sited on active faults shall obtain a waiver from the state engineer. To obtain a waiver the analysis shall show that the location of the dam is unavoidable and the dam must be designed to withstand anticipated

fault movement without compromising its integrity. Appropriate data sheets and computer program output computations from computerized analysis shall be provided. The seismic analysis shall meet the following minimum requirements:

(a) A seismological investigation for the dam area and reservoir area. This study may be part of the geological or geotechnical report for the structure, or may be a separate effort. The study shall determine and justify the appropriate seismic parameters to be used for design. The seismic parameters shall be based on the following design earthquake:

(i) Dams classified as high hazard potential other than flood control structures shall be designed for the maximum credible earthquake or for an earthquake with a 5000-year return frequency.

(ii) Dams classified as significant hazard potential or high hazard potential dams whose sole purpose is for flood control shall be designed for a 2% chance of occurrence in 50 years (approximately 2500-year return frequency).

(b) An analysis of materials in the foundation, reservoir area and proposed embankment shall be completed to determine the potential for liquefaction, earthquake-induced sliding, or other seismic sensitivity, which may be accomplished as part of the geotechnical investigation.

(c) Pseudostatic analysis will be acceptable for the following cases:

(i) the embankment is to be mechanically compacted to at least 95% of the maximum standard Proctor density, ASTM D 698, or at least 90% of the maximum modified Proctor density, ASTM D 1557 or at least 70% relative density if Proctor testing is not appropriate; no materials prone to liquefaction are present in the foundation and peak bedrock acceleration is 0.20g or less; or

(ii) the embankment is to be mechanically compacted to at least 95% of the maximum standard Proctor density, ASTM D 698, or at least 90% of the maximum modified Proctor density, ASTM D 1557; potentially submerged portions of the embankment except for internal drain elements are constructed of clayey material; the dam is constructed on clayey soil or bedrock foundation and peak bedrock acceleration is 0.35g or less; and

(iii) all safety factor requirements in accordance with Subparagraphs (a) through (d) of Paragraph (12) of Subsection C of 19.25.12.11 NMAC are met;

(iv) minimum free-board requirements in accordance with Subparagraphs (a) through (e) of Paragraph (15) of Subsection C of 19.25.12.11 NMAC are met; and

(v) the pseudostatic coefficient selected for analysis must be at least 50% of the predicted peak bedrock acceleration, but not less than 0.05g and the factor of safety under pseudostatic analysis shall be 1.1 or greater. In determining the factor of safety for pseudostatic analysis, a search for the critical failure surface shall be made.

(d) For dams not satisfying the requirements for pseudostatic analysis, a deformation analysis is required. The resulting embankment must be capable of withstanding the design earthquake without breaching and with at least 3 feet of freeboard remaining after deformation. The analysis shall also assess the potential for internal erosion as a result of cracking during deformation.

(e) The seismic assessment shall also address the stability of appurtenant structures to the dam during the design earthquake as appropriate, unless failure of an appurtenance due to earthquake does not represent an immediate threat to the dam, in which case the operating basis earthquake may be used.

(14) Dam geometry. The dam geometry shall be supported by the stability and seismic analysis and meeting the following minimum requirements:

(a) The crest width shall be at least equal to the dam height in feet divided by 5 plus 8 feet, with the minimum permissible crest width being 10 feet and the maximum required crest width being 24 feet.

(b) Roads located on the crest shall have appropriate surfacing to provide a stable base that resists rutting and provides adequate friction for safety in wet conditions.

(c) The crest design shall provide a minimum of 2 feet of cover or the depth of frost penetration; whichever is greater, above clay cores to prevent cracking of the core due to desiccation or frost penetration.

(d) Turnarounds should be provided on dead-end service roads on dam crests, located in such a manner that backing maneuvers longer than 300 feet are eliminated.

(e) The crest shall be provided with adequate cross slope to prevent ponding.

(f) The slope or slopes to which crest drainage is directed must be provided with adequate erosion protection to accept the crest drainage.

(g) The crest longitudinal profile shall be provided with adequate camber to maintain the profile after embankment settlement. Camber should be based on settlement analysis and shall be at least 2 percent of the total embankment height, with a minimum of 1 foot at the highest point of the dam. The tops of internal core zones shall also be provided with camber in a similar

manner to the crest of the dam.

(h) In the event that safety berms, street curbs, or other longitudinal features which block, control, or concentrate drainage are required on the dam crest, the design shall provide for collection and conveyance of accumulated water to discharge away from the embankment without erosion.

(15) Freeboard. Dams shall be provided with adequate freeboard. Wave runup shall be determined taking into consideration wind speed, reservoir fetch, embankment slope and roughness of the slope surface. Freeboard shall satisfy the following conditions:

(a) Anticipated wave runup resulting from a 100 mph wind with reservoir level at the spillway crest will not overtop the dam.

(b) Anticipated wave runup resulting from a 50 mph wind with maximum reservoir level from routed spillway design flood will not overtop the dam.

(c) Clay core cover and capillary rise requirements in accordance with Subparagraph (c) of Paragraph (14) of Subsection C of 19.25.12.11 NMAC are satisfied.

(d) A minimum of 3 feet of freeboard remains after seismic deformation.

(e) In any case, at least 4 feet of freeboard shall be provided. The minimum of 4 feet of freeboard may be waived for perimeter embankments with no spillway, provided a written request is made to the state engineer accompanied with supporting justification.

(16) Erosion protection. Erosion protection shall be addressed to protect the dam and appurtenant structures from erosion that can threaten the safety of the structure. At a minimum, the following areas of erosion shall be addressed:

(a) Wave erosion. The upstream slope shall be protected from wave erosion. The material selected and area of coverage shall be appropriate for the protection required with justification provided. Flood control dams in compliance with Subparagraph (b) of Paragraph (7) of Subsection C of 19.25.12.11 NMAC without waiver are exempt from wave protection.

(b) Surface erosion. The slope, crest, abutment and groins, toe areas and any other constructed areas associated with the dam and appurtenant structures shall be protected from surface erosion and concentrated flows. The material selected and area of coverage shall be appropriate for the protection required with justification provided.

(17) Geotextile design. Geotextiles are an acceptable material for use in dam design if the geotextile is placed so that it does not jeopardize the dam or appurtenant structures during repair or fail-

ure of the geotextile. The geotextile material shall be used in accordance with the manufacturer's recommendations and intended use for the product. Installation shall be by certified personnel and the completed installation certified by installer or manufacturer, if required by the manufacturer.

(18) Structural design. The structural design information for all appurtenant structures, addressing water, earth, ice and any other applicable load shall be provided. Reinforced concrete design including assumptions for loads and limiting stresses and sample calculations shall be provided. Appropriate data sheets and computer program output computations from computerized analysis shall be provided.

(19) Utilities design. Utility placement or relocation shall be addressed as applicable. Utilities located in the vicinity of the proposed embankment footprint should be relocated and trenches backfilled and compacted with suitable material to the satisfaction of the state engineer. If utilities are allowed to remain, they will be required to satisfy applicable provisions for outlet conduits in accordance with Paragraph (8) of Subsection C of 19.25.12.11 NMAC.

(20) Miscellaneous design. Because each design is unique, all design elements not specifically addressed in these regulations shall be documented and justified with sample calculations and appropriate data sheets and computer program output computations from computerized analysis shall be included in the design report.

D. Construction drawings: A professional engineer licensed in the state of New Mexico qualified in dam design and construction shall prepare the construction drawings. Illegible, mutilated, careless or otherwise poorly prepared drawings are not acceptable for filing with the state engineer. Plan drawings and maps prepared with the aid of a computer require the submittal of the digital data files in tagged image file format or other format acceptable to the state engineer. The preparation of construction drawings is described below and shall include the following items:

(1) Quality. Construction drawings and maps shall be made from actual field or photogrammetric surveys of an accuracy acceptable to the state engineer. Construction drawings and maps shall be prepared with permanent black ink on mylar. All original signatures, dates and acknowledgments appearing on the sheet(s) shall be in permanent ink. Plan drawings and maps shall always be rolled, never folded, for transmittal.

(2) Scale and size. Sheets shall be twenty-four (24) inches by thirty-six (36) inches with one (1) inch margins on all sides. The scale(s) used on the drawings may vary according to requirements and space available to show all necessary data in

detail clearly in feet and decimals and to be clearly legible when the drawings are reduced to eleven (11) inches by seventeen (17) inches. Detailed dimensions of appurtenant structures shall be given in feet and inches. All sheets shall have bar scales in order to allow scaling of reduced drawings.

(3) Sheet numbers. Each sheet shall be numbered sequentially with the first sheet being sheet number one in conjunction with the total numbered sheets (example Sheet 1 of 5). The sheet number on the last sheet shall equal the total number of sheets.

(4) Engineer's seal and signature. Each sheet shall have the responsible engineer's seal and signature.

(5) Orientation and date. The direction of north and the basis of bearings shall be shown on all maps. The date that field surveys are made or the date of the aerial photography used shall be shown on the maps.

(6) Title sheet. The first sheet of a set of plans is the title sheet. The title sheet shall only contain sufficient information to summarize the scope of the project, the title of the project and signed certifications for the dam owner, engineer and state engineer in accordance with Subsections A, B and E of 19.25.12.12 NMAC. The title sheet shall summarize the properties of the dam and shall include the following information, as appropriate:

- (a) name of the dam (same as shown on the application);
- (b) type of dam (material);
- (c) hazard potential classification;
- (d) maximum height above the downstream toe in feet;
- (e) maximum length in feet;
- (f) crest width in feet;
- (g) slope of the upstream face (horizontal to 1 vertical);
- (h) slope of the downstream face (horizontal to 1 vertical);
- (i) elevation of the dam crest;
- (j) elevation of spillway crest;
- (k) elevation of outlet conduit flow line;
- (l) freeboard in feet;
- (m) maximum spillway discharge capacity in cubic feet per second;
- (n) type of outlet conduit (give size and material);
- (o) maximum outlet conduit discharge capacity in cubic feet per second; and
- (p) location of the outlet works intake structure (using latitude and longitude or to the New Mexico state plane coordinate system).

(7) Vicinity map. A vicinity map of sufficient scale and size to locate the pertinent area shall be shown on the title sheet or second sheet of the drawings.

(8) Site topography. A detailed

topography of the dam site including sufficient area upstream and downstream and at the abutments shall be provided. Elevations shall be based on North American vertical datum 1988 or more recent adjustment.

(9) Design details. Detailed information of the various construction features including plan view, elevations, cross-sections at the maximum section and along the outlet works, profile along and section through the centerline of the dam showing construction features and cross-sections and a profile of the emergency spillway with dimensions and construction details shall be provided. Any other information necessary for the state engineer to determine the feasibility and safety of the dam shall be required.

(10) Reservoir area, capacity and high water line traverse. The topography of any proposed reservoir site shall be determined to industry standards and a contour map with a contour interval of 1 foot shall be prepared. Elevations of the contours shall be tied to the North American vertical datum of 1988 or more recent adjustment. The high water line at the elevation of the dam crest will be highlighted on the contour map. A curve or table of elevation versus area and storage capacity for the reservoir shall be prepared from the contour map. The curve or table shall be from the bottom of the reservoir to the dam crest. Area shall be provided in acres and storage capacity in acre-feet.

(11) Point of outlet. A location of the outlet works shall be referenced using latitude and longitude or to the New Mexico state plane coordinate system.

(12) Permanent bench mark. A permanent bench mark shall be established above the high water line at a location unlikely to settle or be disturbed. The North American vertical datum of 1988 or more recent adjustment and latitude and longitude or the New Mexico state plane coordinate system for the bench mark elevation and location shall be provided. A detail of construction of the permanent bench mark shall be provided.

E. Specifications: Specifications shall be prepared for each project describing work to be done and materials to be used to supplement construction drawings. Specifications must be clear and concise and include detailed methods of construction, qualities and sizes of materials, unit amounts to be used and methods of testing and quality control, construction supervision and inspection. Specifications shall be prepared by a professional engineer licensed in the state of New Mexico qualified in the design and construction of dams. The specifications shall meet the following requirements:

(1) The front cover of the specifications shall show the name of the dam

(identical to the application) and the county in which the dam is located. The first page behind the front cover shall show the name of the dam (identical to the dam name on the application), the county in which the dam is located, signed certifications for the engineer and state engineer in accordance with Subsections B and E of 19.25.12.12 NMAC and a statement recognizing the authority of the state engineer. An approved model statement recognizing the authority of the state engineer is provided below. Changes to the model statement require prior approval of the state engineer.

"All construction shall be performed in strict accordance with the accepted plans and specifications. Representatives of the state engineer shall have full authority to perform inspections during construction and shall have full power to act pursuant to the law and in accordance with Title 19, Chapter 25, Part 12, Dam Design, Construction and Dam Safety of the New Mexico Administrative Code if plans and specifications are not followed."

(2) The specifications shall be indexed.

(3) The specifications shall be bound and submitted on a good grade of white 8 1/2-inch by 11-inch paper.

(4) The general conditions shall include statements that the construction drawings and specifications cannot be significantly changed without the prior written approval of the state engineer.

F. Boundary, easement or right of way plat of survey: A professional surveyor licensed in the state of New Mexico shall prepare a plat of survey showing the dam owner's property boundaries or easement and/or right of way granted by the land owner. The plat of survey shall be prepared in conformance with the requirements as set forth in the Minimum Standards for Surveying in New Mexico, 12.8.2 NMAC. The plat of survey shall clearly state to whom an easement is granted and what rights are conveyed with the easement. The plat of survey shall show the footprint of the dam and appurtenant structures and the high water line in the reservoir. The plat of survey shall be submitted with the construction drawings and recorded with the county clerk of the county or counties in which the survey is located. A certificate signed by the surveyor in accordance with Subsection C of 19.25.12.12 NMAC shall appear on the plat of survey. A certified copy of the recorded plat of survey bearing the recorded page and endorsement of the county clerk shall be submitted to the state engineer for filing upon completion of construction. Adequate property ownership, easement or right of way shall be required for the following conditions:

(1) to access the dam and outlet controls during normal and flood events;

(2) to prevent development encroachment into the reservoir area defined by normal operation and the spillway design flood;

(3) to prevent development in the approach, control and discharge section of the spillway that may restrict flow through the spillway;

(4) to return outlet works and spillway discharge to the natural drainage and allow the outlet works to discharge freely; and

(5) to perform maintenance on the dam, appurtenant structures and surrounding areas to ensure the safe performance of the dam.

G. Dam site security:

Dams classified as high or significant hazard potential shall address security at dams to prevent unauthorized operation or access. If in the opinion of the state engineer, the failure of the dam will result in catastrophic consequences, a security and risk management program for the dam will be required. Elements of a security and risk management program are:

(1) threat, vulnerability and risk assessments;

(2) physical security plans; and

(3) integration of security operational procedures.

H. Instrumentation plan:

An instrumentation plan providing the ability to monitor and evaluate the performance of a dam is required for dams classified as high or significant hazard potential. The instrumentation plan may be submitted as a separate report or part of the operation and maintenance manual. Minimum requirements of the instrumentation plan shall include:

(1) general description of instrumentation;

(2) reading schedule;

(3) identification of critical readings;

(4) specifics for each installation including:

(a) detailed description of installations;

(b) purpose of the instrumentation;

(c) reading and maintenance schedule instructions; and

(5) special instrumentation or monitoring requirements.

I. Operation and maintenance manual:

An operation and maintenance manual is required for dams classified as high or significant hazard potential. The operation and maintenance manual identifies activity necessary to address the continued safe operation, maintenance and overall performance of the dam. Any restrictions imposed by the design shall be addressed in the operation and maintenance manual. The operation and maintenance

manual shall conform to the requirements set forth in 19.25.12.17 NMAC.

J. Emergency action plan:

An emergency action plan is required for dams classified as high or significant hazard potential. The emergency action plan identifies potential emergency conditions at a dam and specifies preplanned actions to be followed to minimize property damage and loss of life. The emergency action plan shall conform to the requirements set forth in 19.25.12.18 NMAC.

[19.25.12.11 NMAC - N, 3/31/2005]

19.25.12.12 CERTIFICATIONS:

Signed certifications by the dam owner, engineer, surveyor, state office of emergency management and the state engineer are required by these regulations on specific documents. Approved model certifications for the dam owner, engineer, surveyor, state office of emergency management and state engineer are provided below. Changes to the model certifications require prior approval of the state engineer.

A. DAM OWNER'S CERTIFICATE:

A certificate followed by the dated signature of the dam owner and notary public acknowledgment is required on the title sheet of the construction drawings and first page behind the front cover of the operation and maintenance manual and emergency action plan. The following model certification is considered to be an example of the minimum that the dam owner shall certify. If the dam owner is a corporation, political subdivision or other governmental entity a model certificate is also provided.

state of _____)

) ss.

county of _____)

I, (dam owner's name) _____, being first duly sworn, upon my oath, state that I have read and examined the accompanying _____ (construction drawings consisting of _____ sheets, operation and maintenance manual, or emergency action plan) and know the contents and representations therein for _____ dam and all that is shown herein is done with my free consent and in accordance with my wishes and state that the same are true and correct to the best of my knowledge and belief.

Dam owner signature Date

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary public

My commission expires _____

(SEAL)

If a claimant is a corporation, political subdivision or other governmental entity the following shall be used:

state of _____)

) ss.

county of _____)

I, (representative's name) _____, being first duly sworn, upon my oath, state that I am the _____ (officer) of the _____, a corporation duly organized under the laws of the state of _____, that the accompanying _____ (construction drawings consisting of _____ sheets, operation and maintenance manual, or emergency action plan) for _____ dam were made under authority of the board of directors of said corporation and that, in their behalf, I have read and examined the statements and representations and all that is shown herein is done with their free consent and in accordance with their wishes and state that the same are true and correct to the best of my knowledge and belief.

Representative signature, title Date

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary public

My commission expires _____

(SEAL)

B. ENGINEER'S CERTIFICATE:

A certificate followed by the dated signature, license number and seal of the engineer responsible for preparing the design report, construction drawings, specifications, operation and maintenance manual and engineering elements of the emergency action plan is required. The certificate shall be placed on the title sheet of the construction drawings and first page behind the front cover of the design report, specifications, operation and maintenance manual and emergency action plan. The following model certification is considered to be an example of the minimum that the engineer should certify to:

state of _____)

) ss.

county of _____)

I, (engineer's name) _____, hereby certify that I am a professional engineer licensed in the state of New Mexico, qualified in _____ (civil, geotechnical, etc.) engineering; that the accompany-

ing _____ (design report, construction drawings consisting of _____ sheets, specifications, operation and maintenance manual, or _____ elements of the emergency action plan) was prepared by me or under my supervision; that the accompanying _____ (design report, construction drawings consisting of _____ sheets, specifications, operation and maintenance manual, or _____ elements of the emergency action plan) is in compliance with the Dam Design, Construction and Dam Safety Regulations (19.25.12 NMAC) and that the same are true and correct to the best of my knowledge and belief.

(Engineer's signature) _____, License number _____, (SEAL) _____
Engineer's name _____

Date submitted _____

C. SURVEYOR'S CERTIFICATE: The professional surveyor licensed in the state of New Mexico preparing the plat of survey showing property boundaries, acquired easements or rights-of-way shall include a certificate on the plat of survey as modeled in Paragraph (2) of Subsection J of 12.8.2.9 NMAC, the Minimum Standards for Surveying in New Mexico. The following model certificate is considered to be an example of the minimum that the surveyor should certify to:

I, (surveyor's name) _____, New Mexico professional surveyor no. (surveyor's license number), do hereby certify that this (boundary, easement, or right of way) plat of survey and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is a (boundary, easement, or right of way) plat of survey of _____ dam.

(Surveyor's signature) _____, License number _____, (SEAL) _____
Surveyor's name _____

Date submitted _____

D. STATE OFFICE OF EMERGENCY MANAGEMENT: A certificate form for the state office of emergency management acceptance shall be placed on the first page behind the front cover of the emergency action plan. This certificate is to be signed by state office of

emergency management after all necessary corrections or additions, if any, have been made.

state of _____)
_____) ss.
county of _____)

I hereby certify that the accompanying emergency action plan for _____ dam has been duly examined by me and accepted for filing on the _____ day of _____, 20__.

State office of emergency management

E. STATE ENGINEER'S CERTIFICATE: A certificate form for the state engineer acceptance shall be placed on the title sheet of the construction drawings and first page behind the front cover of the design report, specifications, operation and maintenance manual and emergency action plan. This certificate is to be signed by the state engineer or his representative after all necessary corrections or additions, if any, have been made.

state of _____)
_____) ss.
county of _____)

I hereby certify that the accompanying _____ (design report, construction drawings, specifications, operation and maintenance manual or emergency action plan) for _____ dam and appurtenant structures has been duly examined by me and accepted for filing on the _____ day of _____, 20__.

State engineer

[19.25.12.12 NMAC - N, 3/31/2005]

19.25.12.13 CONSTRUCTION AND OPERATION CONDITIONS: After reviewing the required documentation, the state engineer will notify the dam owner if any deficiencies are found with the submittal to construct and operate a dam. The dam owner will be given an opportunity to correct any deficiencies noted in the review process. Once all deficiencies have been addressed the state engineer will approve the application for permit to construct and operate a dam with conditions under which construction and operation shall occur. Failure to comply with conditions of the approved permit may result in the state engineer issuing an order to redesign, reconstruct or restrict operation of the dam and reservoir until conditions are met. Construction must be completed with-

in two years of approving the application unless an extension of time for the construction is requested and approved by the state engineer. The conditions of construction and operation shall include, but not be limited to the following:

A. Engineer supervising construction: Prior to initiation of construction, the dam owner shall designate a professional engineer licensed in the state of New Mexico qualified in the design and construction of dams to supervise construction. If the state engineer finds the engineer acceptable, an order is issued approving the engineer and setting forth conditions under which the engineer will supervise construction. Conditions shall include, but shall not be limited to:

(1) The engineer supervising construction shall submit monthly progress reports including summary of test results, problems encountered and their solutions.

(2) Construction shall be in accordance with accepted drawings and specifications. State engineer approval of any modifications to the accepted drawings or specifications is required prior to undertaking the modifications. Requests for changes or modifications by the engineer supervising construction shall be submitted in writing, supported with appropriate documentation.

(3) The engineer supervising construction shall provide the state engineer a minimum of 72 hours notice to perform inspections as specified in the conditions of construction.

(4) Upon completion of construction, the engineer supervising construction shall submit to the state engineer the following items:

(a) a completion report, which shall include descriptions of problems and their solutions;

(b) a summary of materials test data and labeled and dated construction photographs;

(c) record mylar construction drawings including signed certifications on the title sheet; and

(d) a certificate that the dam was constructed in accordance with the accepted drawings and specifications and is in satisfactory condition. An approved model certificate for the engineer supervising construction is shown below. Changes to the language in the certification require prior approval by the state engineer.

state of _____)
_____) ss.
county of _____)

I, _____, (engineer's name) state that I am a qualified professional engineer licensed in the state of New Mexico, that I have inspected the

_____ dam and appurtenant structures and find them to be completed in accordance with the record construction drawings and specifications and are now in a satisfactory condition for acceptance.

(Engineer's signature)

License number _____, (SEAL)

Engineer's name _____

Date submitted _____

B. State engineer's authority during construction: The state engineer may perform inspections at any time during construction of the dam and appurtenant structures. Inspections will vary with each project, based on the complexity of the design. Inspection of specific construction items are standard construction conditions in the permit and require the engineer supervising construction to provide the state engineer with a minimum of 72 hours advanced notice. If the state engineer receives a minimum of 72 hours advanced notice, a delay of construction to schedule a state engineer inspection is not required. State engineer inspection fees are charged in accordance with Subsection D of 19.25.12.8 NMAC. Fees for inspection of construction by the state engineer not paid on demand shall become a lien on any land or other property of the dam owner and may be recovered by the state engineer.

C. Completion of construction: Upon completion of construction, a proof of completion of works form for the dam shall be submitted in accordance with 19.25.12.14 NMAC. Owners of dams classified as high or significant hazard potential shall submit to the state engineer an updated operation and maintenance manual in accordance with 19.25.12.17 NMAC and an updated emergency action plan in accordance with 19.25.12.18 NMAC incorporating any modifications made during construction. Upon the satisfactory completion of all conditions in the permit, pending the issuance of a certificate of construction and license to operate a dam, use of the reservoir shall require written permission from the state engineer. Use of the dam and reservoir are restricted until the state engineer accepts the updated operation and maintenance manual and emergency action plan, if required.

D. Extension of time for construction: The state engineer will grant an extension of time for completing construction upon proper showing by the dam owner of due diligence or reasonable cause for delay and accompanied with a fee in accordance with Subsection C of 19.25.12.8 NMAC. An affidavit by a professional engineer licensed in the state of New Mexico qualified in the design and con-

struction of dams shall be filed with the state engineer providing evidence that the design of the dam meets or exceeds the design requirements in accordance with 19.25.12.11 NMAC. An extension of time may be granted for a period not to exceed five (5) years. No extension of time shall be granted which in combination extend the time allowed by the permit beyond ten (10) years from the initial date of approval of the application, unless the state engineer in his discretion expressly waives this limitation pursuant to NMSA 1978, Section 72-5-14. Failure to request an extension of time shall result in cancellation of the permit by the state engineer.

[19.25.12.13 NMAC - N, 3/31/2005]

19.25.12.14 PROOF OF COMPLETION OF WORKS: Upon completion of all construction conditions a proof of completion of works for the dam shall be filed on a form provided by the state engineer with appropriate fees in accordance with Subsection E of 19.25.12.8 NMAC. The proof of completion of works for the dam shall be filed with original signature of the dam owner and engineer supervising construction.

[19.25.12.14 NMAC - N, 3/31/2005]

19.25.12.15 CERTIFICATE OF CONSTRUCTION OF A DAM: Upon receipt of the proof of completion of works form, the state engineer will determine if all construction conditions of the permit were met. Upon a determination by the state engineer that all construction conditions have been complied with, the state engineer shall issue a certificate of construction. The certificate of construction shall address the general properties of the dam and appurtenant structures. The dam owner shall record the certificate of construction with the county clerk of the county within which the works are located.

[19.25.12.15 NMAC - N, 3/31/2005]

19.25.12.16 LICENSE TO OPERATE A DAM: Upon issuance of a certificate of construction the state engineer shall issue a license to operate a dam. The license to operate a dam shall address operation conditions and dams shall be operated in accordance with the operation conditions. In addition, dams classified as high and significant hazard potential shall operate in accordance with the operation and maintenance manual and emergency action plan prepared in accordance with Sections 17 and 18 of 19.25.12 NMAC. Failure to comply with the conditions of the license to operate a dam may result in a state engineer order that limits operation, requires specific action by the owner and if necessary the license to operate a dam may be revoked by the state engineer. If a license to operate a

dam is revoked the state engineer may order the dam breached in accordance with Subsections B or C of 19.25.12.19 NMAC. [19.25.12.16 NMAC - N, 3/31/2005]

19.25.12.17 OPERATION AND MAINTENANCE MANUAL: Owners of dams classified as high or significant hazard potential shall prepare, maintain and adhere to an operation and maintenance manual that addresses the continued safe operation, maintenance and performance of the dam. Because each site, design and operating practice is unique, waivers of specific requirements in this section will be considered on a case-by-case basis. Request for waiver shall be in writing accompanied with documentation justifying the request. If the request is not justified to the satisfaction of the state engineer the request will be denied. A professional engineer licensed in the state of New Mexico qualified in the design and construction of dams shall prepare the operation and maintenance manual. The front cover shall show the name of the dam (identical to the application), the county in which the dam is located and type of report. The first page behind the front cover shall show the name of the dam (identical to the dam name on the application), the county in which the dam is located and signed certifications for the dam owner, engineer and state engineer in accordance with Subsections A, B and E of 19.25.12.12 NMAC. Operation or maintenance of the dam in violation of the procedures presented in the accepted operation and maintenance manual that affect the safety of the dam will result in an order being issued requiring the dam owner to address the problem. Failure to comply with orders issued by the state engineer may result in the license to operate the dam being revoked and the dam being ordered breached in accordance with Subsection B or C of 19.25.12.19 NMAC. Generally, the operation and maintenance manual shall address the following, with modification depending on the specific dam application:

A. Project information:

General information on the project including the purpose, location, history, responsibilities and description and properties of the dam and appurtenant structures shall be required.

B. Operation:

Operation instructions for the project shall include but not be limited to the following:

(1) Reservoir:

(a) storage allocations;

(b) spillway design flood water level;

(c) emergency reservoir evacuation procedures and maximum discharge rate; and

(d) first filling criteria and monitoring requirements.

- (2) Outlet works:
 - (a) first operation;
 - (b) seasonal startup;
 - (c) seasonal shutdown;
 - (d) installation and removal of bulkhead;
 - (e) operation procedures for specific equipment; and
 - (f) electrical systems and controls.

C. Instrumentation: The following elements for monitoring instrumentation shall be addressed

- (1) general description;
- (2) purpose;
- (3) critical readings;
- (4) reading and maintenance procedures; and
- (5) reading schedule.

D. Maintenance: Maintenance requirements and schedule shall be included.

E. Inspection: Inspection requirements, schedule and recommended checklist shall be included.

F. Updates and revisions: An update and revision procedure shall be included.

G. Appendices: Appendices to include any design consideration and the instrumentation plan to ensure any restrictions imposed by the design are incorporated into the operation and maintenance manual shall be included. Copies of inspections forms and any other information that supports and supplements the material used in the development and maintenance of the operation and maintenance manual.

[19.25.12.17 NMAC - N, 3/31/2005]

19.25.12.18 EMERGENCY ACTION PLAN:

Owners of dams classified as high or significant hazard potential shall prepare, maintain and exercise an emergency action plan for immediate action in the event of a potential dam failure. The emergency action plan shall follow the format provided by the state engineer or a format that has prior approval of the state engineer. Because each site and operating practice is unique, waivers of specific requirements in this section will be considered on a case-by-case basis. Request for waiver shall be in writing accompanied with documentation justifying the request. If the request is not justified to the satisfaction of the state engineer the request will be denied. The front cover shall show the name of the dam (identical to the application), the county in which the dam is located and type of report. The pages immediately behind the front cover shall show the name of the dam (identical to the dam name on the application), the county in which the dam is located and signed certifications for the dam owner, engineer, state office of emergency

management and state engineer in accordance with Subsections A, B, D and E of 19.25.12.12 NMAC. The dam owner shall coordinate with the local emergency management office in preparing the emergency action plan. The coordination is required to ensure that there is an agreement on responsibilities. The dam owner shall submit a copy to the state office of emergency management for acceptance prior to submittal to the state engineer. The dam owner shall review the emergency action plan annually, update as necessary and furnish a copy of updates to the state engineer, state office of emergency management and all copyholders. The dam owner shall exercise the emergency action plan to verify those involved in its implementation know their roles and responsibilities. It is recommended the dam owner conduct a functional exercise of the emergency action plan every 5 years with a table top exercise conducted 2 to 3 years before the functional exercise. The exercise may result in updates to ensure the emergency action plan maintains operational readiness, timeliness and responsiveness. Failure to act in accordance with the accepted emergency action plan that affects the safety of the dam will result in an order being issued requiring the dam owner to address the problem. Failure to comply with orders issued by the state engineer may result in the license to operate the dam being revoked and the dam being ordered breached in accordance with Subsection B or C of 19.25.12.19 NMAC. A professional engineer licensed in the state of New Mexico qualified in the design and construction of dams shall prepare engineering elements of the emergency action plan as specified below. An emergency action plan shall contain the following minimum elements:

A. Notification flowchart: A notification flowchart showing who is to be notified, by whom and in what priority.

B. Emergency detection, evaluation and classification: Procedures for reliably and timely identifying an emergency situation to ensure that an appropriate course of action is implemented. A professional engineer licensed in the state of New Mexico qualified in the design and construction of dams shall prepare this element.

C. Responsibilities: A list designating responsibilities for the emergency action plan related tasks including, but not limited to developing, maintaining, exercising, implementing, warning, evacuation and termination of the emergency.

D. Preparedness: A list of materials, equipment and manpower available to moderate or alleviate the effects of a dam failure or spillway release. A professional engineer licensed in the state of New Mexico qualified in the design and

construction of dams shall prepare this element.

E. Inundation map: An inundation map delineating the areas that will be flooded as a result of dam failure. The dam breach analysis shall be prepared in accordance with Subparagraphs (a) through (g) of Paragraph (1) of Subsection C of 19.25.12.11 NMAC for the failure with the water level at the reservoir storage capacity and at the maximum water level during the spillway design flood event. If a dam is located upstream, failure scenarios with the upstream dam shall also be evaluated. Flood control dams that have not experienced a fill to the spillway crest shall prepare a failure scenario with the water level at the spillway crest. Flood inundation maps shall also be prepared for the maximum release without failure of the dam. Evaluation of the effects of flooding from dam failure shall extend at least to the location downstream where the flood no longer poses a threat to life or property. A professional engineer licensed in the state of New Mexico qualified in the design and construction of dams shall prepare this element.

F. Appendices: All information that supports and supplements the material used in the development and maintenance of the emergency action plan. [19.25.12.18 NMAC - N, 3/31/2005]

19.25.12.19 CHANGES TO AN EXISTING DAM:

A dam owner proposing to reconstruct, enlarge, modify, restore reservoir capacity, repair, remove or breach an existing dam must make application to and receive approval from the state engineer prior to undertaking any such action. The current condition of the dam, the type of repair or modification and the proposed means to achieve the repair or modification shall dictate the detail of the information provided to the state engineer in order to obtain approval. Because each site, design change and operating practice is unique, waivers of specific requirements in this section will be considered on a case-by-case basis. Request for waiver shall be in writing accompanied with documentation justifying the request. If the request is not justified to the satisfaction of the state engineer the request will be denied. Existing dams present the same hazards to life and property downstream as new dams. Therefore, owners of dams classified as high or significant hazard potential shall evaluate the current condition of the dam and address in the submittal to the state engineer whether the dam is in compliance with the design requirements in Subsection C of 19.25.12.11 NMAC. If the state engineer determines compliance with requirements in Subsection C of 19.25.12.11 NMAC are critical to the safety of the dam, the state engineer shall issue an order requiring the

deficiency be addressed as part of the proposed change. Owners of dams classified as low hazard potential shall comply with the design requirements in Subsection C of 19.25.12.11 NMAC for the proposed change only. Maintenance activity performed in accordance with 19.25.12.17 NMAC does not require prior state engineer approval. Dam owners shall not abandon a dam without breaching or removing the dam to ensure the dam no longer poses a risk to life, property, the environment surrounding the dam or downstream of the dam. In the event of any changes of ownership affecting the title to a dam, the new owner shall file a change of ownership form for a dam with the state engineer. Recognition of the responsibility and liability associated with dam ownership is required along with fees for filing the change in ownership form for a dam in accordance with Subsection F of 19.25.12.8 NMAC. This section exempts federal dams if no change to the water storage permit is required. In general, the following minimum submittal is required to make changes to an existing dam:

A. Proposed changes to an existing dam: For dam owners proposing to reconstruct, enlarge, modify, restore reservoir capacity, or repair an existing dam, the following supporting documentation is required prior to undertaking any such action:

(1) An amended application if properties of the dam and appurtenant structures change. Fees for filing the amended application and for reviewing drawings and specifications shall be in accordance with Subsections A and B of 19.25.12.8 NMAC. Fees are waived if the state engineer requires the change to address a dam safety deficiency.

(2) Documentation of sufficient water rights if changes in storage or release requirements are proposed in accordance with the requirements of Subsection B of 19.25.12.11 NMAC.

(3) A design report addressing the proposed change in accordance with the requirements of Subsection C of 19.25.12.11 NMAC. Owners of dams classified as high or significant hazard potential shall submit a design report addressing whether the existing condition of the dam is in compliance with the design requirements listed in Subsection C of 19.25.12.11 NMAC. Where the existing condition of the dam is not in compliance with the design requirements of Subsection C of 19.25.12.11 NMAC, the design report shall propose changes to address compliance with the design requirements of Subsection C of 19.25.12.11 NMAC or request a waiver that the deficiency is not critical to the safety of the dam and provide adequate justification for the waiver.

(4) Construction drawings and specifications addressing the proposed change in accordance with the requirements of Subsections D and E of 19.25.12.11 NMAC.

(5) A plat of survey showing the dam owner's property boundaries, easement, or right of way. The plat of survey shall be in accordance with the requirements of Subsection F of 19.25.12.11 NMAC.

(6) For dams classified as high or significant hazard potential, a dam site security assessment in accordance with the requirements of Subsection G of 19.25.12.11 NMAC.

(7) For dams classified as high or significant hazard potential, an instrumentation plan in accordance with the requirements of Subsection H of 19.25.12.11 NMAC.

(8) For dams classified as high or significant hazard potential, an updated operation and maintenance manual and emergency action plan in accordance with the requirements of Sections 17 and 18 of 19.25.12 NMAC.

B. Removal or breach of dams classified as high or significant hazard potential: Dam owners intending to breach or remove a dam classified as high or significant hazard potential shall submit a plan to the state engineer for approval prior to breaching or removing the dam. The plan shall evaluate the potential effects of the dam removal or breach on life, property and the environment downstream. A professional engineer licensed in the state of New Mexico qualified in the design and construction of dams shall prepare the plan. The state engineer will revoke the license to operate a dam upon completion of all construction conditions. The plan shall meet the following conditions:

(1) The reservoir shall be emptied in a controlled manner, which will not endanger lives or damage property downstream.

(2) The dam or breach area shall be excavated down to the level of natural ground and the breach shall be of sufficient width to safely pass the 100-year, 24-hour flood.

(3) The side slopes of the breach shall be excavated to a stable angle.

(4) The breach shall be armored as necessary to prevent erosion of the breach area.

(5) The plan shall control sediment previously deposited in the reservoir.

(6) Drawings and specifications shall be prepared in accordance with the appropriate requirements listed in Subsections D and E of 19.25.12.11 NMAC and shall include a title sheet with required certifications and signatures, the location, dimensions and lowest elevation of the

breach and any other detail to sufficiently describe the proposal.

(7) Designation of the professional engineer licensed in the state of New Mexico qualified in the design and construction of dams that will supervise construction of the breach or dam removal. Submittal of the professional engineer's qualifications for state engineer approval is required.

C. Removal or breach of dams classified as low hazard potential: Owners of dams classified as low hazard potential shall submit a written notice to the state engineer of intent to breach the dam. The state engineer will revoke the license to operate a dam upon completion of all construction conditions. The breach notice shall meet the following minimum requirements:

(1) The bottom width elevation of the breach shall be to original ground.

(2) The bottom width of the breach shall be a minimum of one-half the height of the dam but not less than 10 feet.

(3) The side slopes not steeper than one horizontal to one vertical.

(4) The excavated material shall not be placed in the streambed.

D. Closure of a tailings facility. A closure plan is prepared to address the closure of a tailings facility. State engineer approval is required before any modification occurs to a jurisdictional tailings dam. A professional engineer licensed in the state of New Mexico qualified in the design and construction of tailings dams shall prepare the closure plan, which shall include a design report, drawings and specifications prepared in accordance with the appropriate requirements listed in Subsections C, D and E of 19.25.12.11 NMAC. The state engineer will revoke the license to operate a dam upon completion of all construction conditions. The plan shall address the following issues:

(1) long-term stability under static and dynamic conditions;

(2) control of surface runoff to avoid erosion;

(3) plan for long term monitoring, if appropriate; and

(4) identification of an engineer licensed in the state of New Mexico qualified in tailings dam design and construction to supervise implementation of the closure plan. Submittal of the engineer's qualifications for state engineer approval is required.

E. Construction and operating conditions: After reviewing the required documentation, the state engineer will notify the dam owner if any deficiencies are found with the submittal. The dam owner will be given an opportunity to correct any deficiencies noted in the review process. Once all deficiencies have been

addressed the state engineer will approve the amended application or proposed change with conditions under which construction and operation shall occur. Action by the state engineer will be in accordance with 19.25.12.13 NMAC, appropriately modified to address the proposed changes.

F. Proof of completion of works, certificate of construction and license to operate:

Requirement for a proof of completion of works form for the dam, certificate of construction and license to operate a dam for changes to a dam shall be in accordance with the Sections 14, 15 and 16 of 19.25.12 NMAC, appropriately modified to address the proposed changes. If the dam is breached, the state engineer will cancel the permit and revoke the license to operate a dam.

[19.25.12.19 NMAC - N, 3/31/2005]

19.25.12.20 CHANGES TO AN EXISTING NON-JURISDICTIONAL DAM:

A dam owner proposing to reconstruct, enlarge, or modify a non-jurisdictional dam, resulting in a jurisdictional dam after construction is completed, shall comply with 19.25.12.11 NMAC before construction begins. If the purpose of a non-jurisdictional dam changes, resulting in a jurisdictional dam, or if ownership changes, resulting in a jurisdictional dam, the owner shall comply with 19.25.12.11 NMAC. The state engineer will give the owner a reasonable amount of time to comply with 19.25.12.11 NMAC. If the owner fails to comply with 19.25.12.11 NMAC, the dam will be ordered breached in accordance with Subsection B or C of 19.25.12.19 NMAC.

[19.25.12.20 NMAC - N, 3/31/2005]

19.25.12.21 EXISTING DAMS:

The state engineer inspects existing dams to verify dams are operated and maintained in a safe manner. Access to the dam site shall be made available to the state engineer upon request. If a critical dam safety problem is observed by the state engineer or reported to the state engineer, an order will be issued requiring the dam owner to address the problem. If a dam incident occurs at a dam, the dam owners shall report the incident to the state engineer within 72 hours. If a major repair is required at an existing dam, the plan to repair the dam shall be in accordance with 19.25.12.19 NMAC. Minor repairs not identified as maintenance activity in accordance with 19.25.12.17 NMAC require state engineer approval. Failure to comply with orders issued by the state engineer may result in the license to operate a dam being revoked and the dam ordered breached in accordance with Subsection B or C of 19.25.12.19 NMAC. Owners of existing dams shall comply with the following:

A. Owners acquiring prop-

erty with a dam shall promptly notify the state engineer on a form provided by the state engineer of the change in ownership. Recognition of the responsibility and liability associated with dam ownership is required along with fees for filing the change in ownership form for a dam in accordance with Subsection F of 19.25.12.8 NMAC.

B. Owners of dams classified as low or significant hazard potential shall evaluate the hazard classification if downstream development occurs. The dam owner shall submit the results of the hazard potential evaluation prepared in accordance with Paragraph (1) of Subsection C of 19.25.12.11 NMAC to the state engineer for approval and a plan for addressing design deficiencies. If the hazard potential classification changes due to downstream development, the state engineer shall give the dam owner a time limit to address deficiencies. Deficiencies shall be addressed in accordance with Paragraphs (3), (12) and (13) of Subsection C of 19.25.12.11 NMAC and Sections 17 and 18 of 19.25.12 NMAC. If the dam owner fails to address a deficiency, the state engineer may revoke the license to operate the dam and order the dam breached in accordance with Subsection B or C of 19.25.12.19 NMAC.

C. Dams classified as high or significant hazard potential shall be inspected on an interval no greater than 5 years by a professional engineer licensed in the state of New Mexico qualified in the design and construction of dams. The owner is responsible for securing the services of the professional engineer. The professional engineer shall provide a signed and sealed report to the state engineer describing the findings of the inspection and recommendations for corrective action or changes to the operating procedures. Routine inspection by the state engineer as described in 19.25.12.21 NMAC satisfies this requirement.

D. Owners of dams classified as high or significant hazard potential in an unsafe condition may receive an order from the state engineer to address the deficiency pursuant to NMSA 1978, Section 72-5-11 (1979). The state engineer may also issue an order to an owner of a non-jurisdictional dam if the dam is unsafe and a threat to life or property, as determined by the state engineer. Owners shall comply with orders issued by the state engineer pursuant to NMSA 1978, Section 72-5-12 (1979).

E. Owners of dams classified as high or significant hazard potential shall comply with 19.25.12.17 NMAC requiring an operation and maintenance manual. Upon compliance with 19.25.12.17 NMAC the state engineer will issue a license to operate the dam. Dams

classified as high hazard potential shall comply by December 31, 2008. Dams classified as significant hazard potential shall comply by December 31, 2010.

F. Owners of dams classified as high or significant hazard potential shall comply with 19.25.12.18 NMAC requiring an emergency action plan. Dams classified as high hazard potential shall comply by December 31, 2008 unless the dam is for flood control purposes with no permanent storage, then compliance by December 31, 2010 is required. Dams classified as significant hazard potential shall comply by December 31, 2010 unless the dam is for flood control purposes with no permanent storage, then compliance by December 31, 2012 is required. Owners of 5 or more dams classified as high or significant hazard potential may propose a schedule for compliance with the emergency action plan requirement. The schedule must be submitted by the owner to the state engineer by December 31, 2005 and is subject to review and approval or modification by the state engineer. The schedule must propose compliance dates for each dam. The first dam must be in compliance by December 31, 2008 and at least an additional dam must be in compliance each year thereafter. All dams must be in compliance by December 31, 2015. Upon failure to meet an approved compliance schedule all dams will revert to compliance dates shown above.

G. Dam owners that transfer the entire water right out of the reservoir shall have their license to operate a dam revoked and may receive from the state engineer an order to breach the dam in accordance with Subsection B or C of 19.25.12.19 NMAC.

H. Dam owners that fail to obtain state engineer approval prior to construction of a dam shall comply with all conditions imposed by the state engineer within a time limit established by the state engineer or the state engineer may order the dam breached in accordance with Subsection B or C of 19.25.12.19 NMAC.

[19.25.12.21 NMAC - N, 3/31/2005]

19.25.12.22 SEVERABILITY: If any portion of this part is found to be invalid, the remaining portion of this part shall remain in force and not be affected.

[19.25.12.22 NMAC - N, 3/31/2005]

History of 19.25.12 NMAC: [RESERVED]

**NEW MEXICO
ENVIRONMENTAL
IMPROVEMENT BOARD**

**TITLE 20 ENVIRONMENTAL
PROTECTION
CHAPTER 2 AIR QUALITY
(STATEWIDE)
PART 66 COTTON GINS**

20.2.66.1 ISSUING AGENCY:
Environmental Improvement Board.
[20.2.66.1 NMAC - N, 04/07/05]

20.2.66.2 SCOPE: All persons who intend to construct or modify a cotton ginning facility as defined in this part, except as otherwise provided by this part.
[20.2.66.2 NMAC - N, 04/07/05]

**20.2.66.3 S T A T U T O R Y
AUTHORITY:** Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4) and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Section 74-2-5(A) and (B), and Section 74-2-7(A)(1), (B), (C), (D) and (O).
[20.2.66.3 NMAC - N, 04/07/05]

20.2.66.4 D U R A T I O N :
Permanent.
[20.2.66.4 NMAC - N, 04/07/05]

20.2.66.5 EFFECTIVE DATE:
April 7, 2005 except where a later date is cited at the end of a section.
[20.2.66.5 NMAC - N, 04/07/05]

20.2.66.6 OBJECTIVE: The objective of this part is to specify the best system of emissions reduction for cotton ginning facilities under the provisions of Air Quality Control Act, NMSA 1978 ("the act"), Section 74-2-7(O), and to assure that permits issued under this part assure the maintenance of national ambient air quality standards, in accordance with Section 74-2-5 (A) and (B)(1) of the act and the federal Clean Air Act, Section 110(a).
[20.2.66.6 NMAC - N, 04/07/05]

20.2.66.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this part.

A. "Bale" means a unit of measurement to denote an amount of lint cotton with a nominal weight of 500 pounds.

B. "Class I area" means any federal land area that is classified or reclassified as class I as described in 20.2.74.108 NMAC.

C. "Cotton ginning facility" or "facility" means any facility that separates seed, lint, and trash from raw cot-

ton, and bales lint cotton for further processing, that will emit no more than fifty (50) tons per year of any regulated air contaminant for which there is a national ambient air quality standard, and that has the standard industrial classification code 0724 (cotton ginning) and the North American industrial standard classification code 115111 (cotton ginning).

D. "Department" is the state of New Mexico environment department.

E. "Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

F. "High efficiency cyclone dust collector" means any cyclone type collector of the 2D-2D or 1D-3D configuration. These designations refer to the ratio of cylinder to cone length, where D is the diameter of the cylinder portion. A 2D-2D cyclone would exhibit a cylinder length of 2 x D and a cone length of 2 x D, with a ninety percent (90%) efficiency for total suspended particulates. A 1D-3D cyclone would exhibit a cylinder length of 1 x D and a cone length of 3 x D, with a ninety-five percent (95%) efficiency for total suspended particulates.

G. "High pressure exhausts" means the exhaust from all air handling systems located at a cotton gin that are not defined as 'low pressure exhausts'.

H. "Low pressure exhausts" means the exhaust from systems at a cotton gin that handle air from the cotton lint handling system and battery condenser.

I. "Non-attainment" means designated by the United States environmental protection agency as not meeting one or more of the national ambient air quality standards.

J. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

K. "Owner or operator" is any person who owns or operates a process or process equipment at the source for which coverage under the permit has been granted.

L. "20.2.72 NMAC" means the air quality control regulation 20.2.72 NMAC (Construction Permits); that is, Part 72 of Title 20, Chapter 2 of the New Mexico administrative code.
[20.2.66.7 NMAC - N, 04/07/05]

20.2.66.8 [RESERVED]

20.2.66.9 D O C U M E N T S :
Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau,

2048 Galisteo Street, Santa Fe, NM 87505.
[20.2.66.9 NMAC - N, 04/07/05]

20.2.66.10 to 20.2.66.199
[RESERVED]

20.2.66.200 ISSUANCE OF PERMIT UNDER 20.2.72 NMAC: The department shall not deny issuance or revision of an air quality construction permit under 20.2.72 NMAC to any cotton ginning facility, as defined in Subsection C of 20.2.66.7 NMAC, if the permit application and the permit conditions meet the requirements of this part.
[20.2.66.200 NMAC - N, 04/07/05]

20.2.66.201 PERMIT APPLICATION REQUIREMENTS: Permit applications for each permit issued in accordance with 20.2.66.200 NMAC shall:

A. meet all requirements for the contents of permit applications under Paragraphs (1) through (3), (5) through (15) of Subsection A of 20.2.72.203 NMAC and Subsections B through E of 20.2.72.203 NMAC;

B. state that this part is applicable to the cotton ginning facility;

C. propose maximum allowable annual and hourly emissions from the facility, and include proposed limitations to hours of operations and other limitations that will result in allowable emissions of no more than fifty (50) tons per year of any regulated air contaminant for which there is a national ambient air quality standard; and

D. include the proposed best system of emissions reduction for the facility, which for purposes of this part shall include at a minimum the controls, limitations, plans and practices set out in 20.2.66.202 NMAC.
[20.2.66.201 NMAC - N, 04/07/05]

20.2.66.202 PERMIT REQUIREMENTS: Permits issued in accordance with 20.2.66.200 NMAC shall include the following best system of emissions reduction, as well as other conditions, including but not limited to recordkeeping, monitoring, reporting requirements, and test methods, as required to ensure the enforceability of permit conditions.

A. Limitations from application: except as modified by the department, the proposed emission reduction system and limitations specified in the application.

B. Emissions control on high pressure exhausts.

(1) All emissions from high pressure exhausts shall be controlled by the use of a high efficiency cyclone dust collectors (the terms high pressure exhaust and high efficiency cyclone dust collectors are

defined in 20.2.66.7 NMAC).

(2) The opacity of visible emissions from cyclones shall not exceed twenty percent (20%).

C. Emissions control on low pressure exhausts.

(1) All emissions from low pressure exhausts (as defined in Subsection H of 20.2.66.7 NMAC) shall be controlled by the use of screens with a mesh size of 70 by 70 or finer (United States sieve), or the use of perforated condenser drums with holes not exceeding 0.045 inches in diameter, or with equipment of equivalent or higher design efficiency, as determined by the department.

(2) The opacity of visible emissions from low pressure exhausts shall not exceed twenty percent (20%).

D. A fugitive dust management plan that includes the following, or methods at least as effective in controlling fugitive dust.

(1) Complete enclosure of all burr hoppers.

(2) Measures to be taken to control fugitive dust emissions from any source, process or operation occurring within the cotton gin building to assure that no fugitive dust emissions to the outside atmosphere from any door, vent, or window are visible.

(3) Measures to be taken to minimize fugitive emissions from the handling, transportation or disposition of any substance or material that is likely to be scattered by the air or wind at the facility, including but not limited to materials in the gin yard and haul roads, including all open areas, right-of ways, storage piles, and vehicles at the facility. Such measures shall be sufficient to assure that no visible fugitive dust emissions generated from the property leave the property. Emissions may be controlled by watering, paving and cleaning, surfactants, or other equivalent means.

(4) The posted speed limit for all vehicles on unpaved haul roads and in unpaved yard areas shall be no more than 10 miles per hour.

E. Requirements for fuel burning equipment. This subsection applies to fuel burning equipment such as driers and humidifiers, but does not apply to mobile sources (such as loaders, haul trucks, and other vehicles).

(1) Any emissions from fuel burning equipment shall not exhibit greater than 20 percent opacity.

(2) The owner or operator shall use only the following fuels: natural gas, liquefied petroleum gas (LPG), propane, or No. 2 diesel fuel with a sulfur content equal to or less than 0.05 percent by weight.

(3) The owner or operator shall operate and maintain the equipment such that emissions and opacity limitations in the

permit are met.

F. Location restrictions.

(1) The distance from the cotton gin to the property boundary shall be at least ten (10) feet in all directions, or the distance established in Paragraph (2) of Subsection F of 20.2.66.202 NMAC, whichever is greater.

(2) The minimum distance (in feet) in all directions from the cotton gin to the property boundary shall be calculated as the multiple of the square of the maximum emission rate (in pounds of PM10 per hour) and 0.2385, plus the multiple of the maximum emission rate (in pounds of PM10 per hour) and 54.0718, minus the value 816.0886.

(3) The distance from the cotton gin to the nearest existing state park, recreation area, or school shall be at least 0.25 miles. The distance from the cotton gin to the nearest class I area shall be at least three miles.

G. Maintenance of equipment.

(1) All materials handling systems and control equipment shall be installed and operated as required to assure that permit conditions will be met.

(2) The owner or operator shall conduct daily visual inspection of the material handling systems for leaks, breaks or other visible signs of equipment malfunctions, and repair such leaks, breaks or malfunctions in a timely manner.

(3) The owner or operator shall maintain a record of the daily inspections, including any equipment malfunctions discovered and corrective action taken to repair the malfunction.

[20.2.66.202 NMAC - N, 04/07/05]

HISTORY OF 20.2.66 NMAC: [RESERVED]

NEW MEXICO STATE FAIR COMMISSION

The following rule is repealed effective 3/31/2005:

4 NMAC 3.4, Participant Requirements - Fine Arts, Hispanic Arts, Photography and Native American Arts (filed 8/19/96).

NEW MEXICO STATE FAIR COMMISSION

**TITLE 4 C U L T U R A L RESOURCES
CHAPTER 3 STATE FAIR
PART 4 PARTICIPANT REQUIREMENTS - FINE ARTS, HISPANIC ARTS, PHOTOGRAPHY, NATIVE AMERICAN ARTS**

4.3.4.1 ISSUING AGENCY:
New Mexico State Fair Commission.

[4.3.4.1 NMAC - Rp, 4 NMAC 3.4.1, 3/31/2005]

4.3.4.2 SCOPE: All artists submitting artwork and photographs to the New Mexico state fair.

[4.3.4.2 NMAC - Rp, 4 NMAC 3.4.2, 3/31/2005]

4.3.4.3 STATUTORY AUTHORITY: Subsection B of 16.6.4, NMSA 1978.

[4.3.4.3 NMAC - Rp, 4 NMAC 3.4.3, 3/31/2005]

4.3.4.4 DURATION: Permanent.

[4.3.4.4 NMAC - Rp, 4 NMAC 3.4.4, 3/31/2005]

4.3.4.5 EFFECTIVE DATE: March 31, 2005, unless a later date is cited at the end of a section.

[4.3.4.5 NMAC - Rp, 4 NMAC 3.4.5, 3/31/2005]

4.3.4.6 OBJECTIVE: The objective is to establish and provide guidelines for artists, including professionals, non-professionals, youths, Hispanic, Native American, and photographers, when entering work in the New Mexico state fair.

[4.3.4.6 NMAC - Rp, 4 NMAC 3.4.6, 3/31/2005]

4.3.4.7 DEFINITIONS:

A. "Commission" means the regulating body of the New Mexico state fair that shall prepare, adopt, publish, and enforce all necessary rules for the management of the state fair.

B. "Hispanic artist" means an artist who is at least one quarter Hispanic descent.

C. "Native American artist" means an artist who is an American Indian of a federally-recognized tribe or pueblo.

D. "New Mexico state fair premium book" means the annual printed or internet-posted publication of the New Mexico state fair which contains rules that govern certain events and exhibits at the state fair.

E. "Non-professional (amateur) artist" means an artist with limited or no gallery experience who seeks public exposure and professional proficiency.

F. "Photographer" means one who takes pictures.

G. "Professional artist" means one who shows or who has sold artwork.

H. "Youth artist" means one who is under 19 years of age.

[4.3.4.7 NMAC - Rp, 4 NMAC 3.4.7, 3/31/2005]

4.3.4.8 GENERAL:

A. All entries shall comply with the requirements as set forth in the *New Mexico state fair premium book*. These requirements include, but are not limited to, size, presentation and submission requirements.

B. Entry cards, in triplicate, shall be filled out with identical information and shall be turned in at the time of entry, along with a non-refundable entry fee.

C. If artwork is for sale, the purchase price shall be provided on the entry cards.

D. The commission shall charge 25 percent commission on any artwork sold at the New Mexico state fair.

E. If qualified, artists may enter work in *either* fine arts gallery, Native American arts gallery or Hispanic arts gallery.

F. Once an exhibitor has entered the professional section, he or she may not enter into the amateur section, and any such entries shall be disallowed in the non-professional show.

G. Exhibitors are responsible for picking up their own artwork or providing written authorization for pick-up by another individual. Any artwork that has not been picked up by the designated pick-up date shall be considered abandoned and shall become property of the New Mexico state fair.

[4.3.4.8 NMAC - Rp, 4 NMAC 3.4.8, 3/31/2005]

4.3.4.9 FINE ARTS:

A. Professional Exhibits:
(1) Each artist may submit up to three original works of art.

(2) Once an artist has submitted artwork into a professional category (fine arts, Hispanic arts, Native American arts), he or she may not submit artwork in the non-professional category.

(3) All paintings, prints, and drawings shall be framed and wired for hanging.

(4) All artwork shall be for sale.

B. Non-Professional Exhibits:

(1) Each non-professional may submit only one entry in the non-professional category. This also applies to youth artists, whose entries are limited to one per artist.

(2) Once an artist has submitted artwork into a professional category (fine arts, Hispanic arts or Native American arts), he/she may not submit artwork in the non-professional category.

(3) All entries, excluding sculptures, shall be framed and wired across the

back for hanging.

(4) Artwork may be for sale.

[4.3.4.9 NMAC - Rp, 4 NMAC 3.4.9, 3/31/2005]

4.3.4.10 HISPANIC ARTS:

A. All exhibits shall be the work of a Hispanic artist.

B. Each artist may submit up to four original works of art.

C. All paintings, prints, and drawings shall be framed and wired for hanging.

D. Tinwork, weavings, and retablos shall be ready for hanging.

E. Photography entries shall be original and entirely the work of the exhibitor, except that commercial processing may be allowed. Pictures shall be under glass and ready to hang.

F. All artwork shall be for sale.

[4.3.4.10 NMAC - Rp, 4 NMAC 3.4.10, 3/31/2005]

4.3.4.11 NATIVE AMERICAN ARTS:

A. All exhibits shall be the work of a Native American exhibitor of a federally-recognized tribe or pueblo.

B. Any authentic Native American item may be entered by an exhibitor. No item shall be accepted from a deceased artist or a live artist who is unable to reproduce the work. The owner or exhibitor shall have the rightful name and address of the maker for entry into the competition.

C. Articles entered in the Native American arts competition may be for sale.

D. Pottery must be traditionally Native American-made and fired, unless otherwise stated in class description. Paint-decorated pottery shall be painted before firing.

E. Silver jewelry shall be composed solely of sterling silver. All silver jewelry shall be handmade by a Native American silversmith. No items made from German silver (nickel) shall be accepted. Turquoise items shall be labeled as to natural, stabilized, or treated.

F. Gold jewelry shall be 10k or finer (no gold-plating or gold-filled accepted, except in chains when used as an accessory; this must be stated on ticket). All articles shall be hand-made by a Native American artist.

G. Artwork shall be framed and wired for hanging. Only originals shall be accepted.

H. Articles made from illegal materials such as eagle feathers or claws shall not be accepted.

I. All Native American garments, hand-woven wool, cotton or

rayon shall have been made within the past year.

[4.3.4.11 NMAC - Rp, 4 NMAC 3.4.11, 3/31/2005]

4.3.4.12 PHOTOGRAPHY:

A. Each entry shall have the following information on the back, upper left hand corner: name and address of photographer, title of photograph, category, print number and if the photograph is for sale.

B. All photographs shall be titled. "Untitled" is not an acceptable title. No identification marks of any kind are permitted on the front of the photograph.

C. Once an exhibitor has entered the professional section, he or she may not enter into the amateur section, and any such entries shall be disallowed in the non-professional show.

D. Photographs shall be dry-mounted. No photograph mounted on foam board shall be accepted. This applies to both youth and adult amateur entries.

E. Photographs may be for sale. If a photograph is not for sale, "N.F.S." shall be marked on the back of the print.

F. If an adult non-professional sells a photograph displayed at the New Mexico state fair, the exhibitor will be classified as a professional for subsequent state fairs.

[4.3.4.12 NMAC - Rp, 4 NMAC 3.4.12, 3/31/2005]

HISTORY OF 4.3.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives: SF 67-1, Premium List, 1967, filed 6/27/67; SF 68-1, Premium List, 1968, filed 6/14/68; SF 69-1, Premium List, 1969, filed 6/18/69; SF 70-1, Premium List, 1970, filed 6/25/70; SF 71-1, Premium List, 1971, filed 7/02/71; SF 72-1, Premium List, 1967, filed 6/26/72; SF 73-1, Premium List, 1973, filed 6/18/73; SF 74-1, Premium List, 1974, filed 6/18/74; SF 75-1, Premium List, 1975, filed 6/16/75; SF 76-1, Premium List, 1976, filed 7/07/76; SF 77-1, Premium List, 1977, filed 6/14/77; SF 78-1, Premium List, 1978, filed 6/21/78; SF 79-1, Premium List, 1979, filed 7/27/79.

History of Repealed Material: Those applicable portions of SF 79-1, Premium List, 1979 (filed 7/27/79) and 4 NMAC 3.4, Participant Requirements: Fine Arts, Hispanic Arts, Photography, Native American Arts (filed 8/19/96) repealed effective 3/31/2005.

Other History: Those applicable portions of SF 79-1, Premium List, 1979 (filed

7/27/79) and 4 NMAC 3.4, Participant Requirements: Fine Arts, Hispanic Arts, Photography, Native American Arts (filed 8/19/96) replaced by 4.3.4 NMAC, Participant Requirements: Fine Arts, Hispanic Arts, Photography, Native American Arts, effective 3/31/2005.

NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.520 NMAC, Section 11, which will be effective on April 1, 2005. The Medical Assistance Division amended subsections in Section 11 by changing the poverty income guidelines dollar amounts.

8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:

A. **100% of federal poverty:** 100% of federal poverty income guidelines

<u>Size of assistance unit</u>	<u>Poverty income guidelines</u>
1	[\$776] \$798 per month*
2	[\$1,041] \$1,070 per month*
3	[\$1,306] \$1,341 per month
4	[\$1,571] \$1,613 per month
5	[\$1,836] \$1,885 per month
6	[\$2,101] \$2,156 per month
7	[\$2,366] \$2,428 per month
8	[\$2,631] \$2,700 per month

Add ~~[\$265]~~ \$272 for each additional person in the assistance unit.

* Use only these two standards for the QMB program.

B. **120% of federal poverty:** This income level is used only in the determination of the maximum income limit for specified low income medicare beneficiaries (SLIMB) applicants/recipients.

<u>Applicant/recipient</u>	<u>Amount</u>
----------------------------	---------------

1. Individual At least ~~[\$776]~~ \$798 per month but no more than ~~[\$931]~~ \$957 per month.
2. Couple At least ~~[\$1,041]~~ \$1,070 per month but no more than ~~[\$1,249]~~ \$1,283 per month.

For purposes of this eligibility calculation, couple means an applicant couple or an applicant with an ineligible spouse when income is deemed.

C. **133% of federal poverty:** 133% of federal poverty income guidelines

<u>Size of assistance unit</u>	<u>Poverty income guidelines</u>
1	[\$1,032] \$1,061 per month
2	[\$1,385] \$1,422 per month
3	[\$1,737] \$1,784 per month
4	[\$2,090] \$2,145 per month
5	[\$2,442] \$2,506 per month
6	[\$2,795] \$2,868 per month
7	[\$3,147] \$3,229 per month
8	[\$3,500] \$3,590 per month

Add ~~[\$353]~~ \$361 for each additional person in the assistance unit.

D. **135% of federal poverty:** This income level is used only in the determination of the maximum income limit for qualified individuals 1 (QI-1) applicants/recipients. The following income levels apply:

<u>Applicant/recipient</u>	<u>Amount</u>
----------------------------	---------------

1. Individual At least ~~[\$931]~~ \$957 per month but no more than ~~[\$1,048]~~ \$1,077 per month.
2. Couple At least ~~[\$1,249]~~ \$1,283 per month but no more than ~~[\$1,406]~~ \$1,444 per month.

For purposes of this eligibility calculation, couple means an applicant couple or an applicant with an ineligible spouse when income is deemed.

E. **185% of federal poverty:**

<u>Size of assistance unit</u>	<u>Poverty income guidelines</u>
1	[\$1,436] \$1,476 per month
2	[\$1,926] \$1,978 per month
3	[\$2,416] \$2,481 per month
4	[\$2,907] \$2,984 per month
5	[\$3,397] \$3,486 per month
6	[\$3,887] \$3,989 per month
7	[\$4,377] \$4,491 per month
8	[\$4,868] \$4,994 per month

Add ~~[\$494]~~ \$503 for each additional person in the assistance unit.

F. **200% of federal poverty:** 200% of federal poverty income guidelines

<u>Size of assistance unit</u>	<u>Poverty income guidelines</u>
1	[\$1,552] \$1,595
2	[\$2,082] \$2,139

G. **235% of federal poverty:** 235% of federal poverty income guidelines

<u>Size of assistance unit</u>	<u>Poverty income guidelines</u>
1	[\$1,824] \$1,875 per month
2	[\$2,446] \$2,513 per month

3	[\$3,069] <u>\$3,151</u> per month
4	[\$3,692] <u>\$3,790</u> per month
5	[\$4,315] <u>\$4,428</u> per month
6	[\$4,937] <u>\$5,067</u> per month
7	[\$5,560] <u>\$5,705</u> per month
8	[\$6,183] <u>\$6,344</u> per month

Add [~~\$623~~] \$639 for each additional person in the assistance unit.

H. **250% of federal poverty:** 250% of federal poverty income guidelines

<u>Size of assistance unit</u>	<u>Poverty income guidelines</u>
1	[\$1,940] <u>\$1,994</u> per month
2	[\$2,603] <u>\$2,673</u> per month
3	[\$3,265] <u>\$3,353</u> per month
4	[\$3,928] <u>\$4,032</u> per month
5	[\$4,590] <u>\$4,711</u> per month
6	[\$5,253] <u>\$5,390</u> per month
7	[\$5,915] <u>\$6,069</u> per month
8	[\$6,578] <u>\$6,748</u> per month

Add [~~\$663~~] \$679 for each additional person in the assistance unit.

[1-1-95, 4-1-95, 4-15-96, 4-1-97, 3-31-98, 3-1-99, 4-1-99, 4-1-00; 8.200.520.11 NMAC - Rn, 8 NMAC 4.MAD.520.1-5, & 14, & A, 1-1-01; A, 4-1-01; A, 4-1-02; A, 4-1-03; A, 4-1-04; A, 4-1-05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.1 NMAC, Sections 1 and 12, Effective April 3, 2005

16.10.1.1 ISSUING AGENCY: New Mexico [~~Board of Medical Examiners~~] Medical Board, hereafter called the board. [16.10.1.1 NMAC - Rp 16 NMAC 10.1.1, 7/15/01; A, 4/3/05]

16.10.1.12 BOARD ELECTION OF OFFICERS:
A. The board [~~president, vice president~~] chair, vice chair, and secretary-treasurer are elected annually at the second quarterly meeting.

B. The terms of office of the board officers shall run from July 1st of the year of the election through June 30th of the subsequent year. [16.10.1.12 NMAC - Rp 16 NMAC 10.1.12, 7/15/01, A, 4/3/05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.2 NMAC, Sections 8, 9, 10, 11 and 13, Effective April 3, 2005

16.10.2.8 CATEGORIES OF ACTIVE LICENSES. Individuals holding one of the following categories of medical license are eligible to practice medicine and surgery in New Mexico.

A. Medical. An unrestricted license to practice medicine and surgery.

[~~B. Interim License. An unrestricted license that enables the physician to practice between the date of issuance and the issuance of a permanent medical~~

~~license after completion of the mandatory orientation meeting.]~~

[~~C.~~] **B. Telemedicine.** A limited medical license that allows a physician located outside New Mexico to practice medicine on patients located in New Mexico.

[~~D.~~] **C. Post-graduate.** A limited training license issued by the board to physicians who are enrolled in a board approved training program.

[~~E.~~] **D. Public service.** A limited license issued by the board to physicians in training who have successfully completed one year of post-graduate training.

[~~F.~~] **E. Temporary.** A limited license that allows a physician to practice medicine for a limited time after meeting certain specific conditions. [16.10.2.8 NMAC - N, 4/18/02, A, 4/3/05]

16.10.2.9 MEDICAL LICENSE BY EXAMINATION.

A. Prerequisites for licensure. Each applicant for a license to practice as a medical doctor in New Mexico must possess the following qualifications:

(1) graduated and received a diploma from a board approved school, or completed a program determined by the board to be substantially equivalent to a U.S. medical school, based on board review of an evaluation by a board approved credential evaluation service;

(2) successfully passed one of the examinations or combinations of examinations defined in 16.10.3 NMAC; and

(3) completed two years of post-graduate training or been approved by the board in accordance with the provisions of Section 61-6-11, [~~C~~] B NMSA 1978;

(4) when the board has reason to believe that an applicant for licensure is not competent to practice medicine it may

require the applicant to complete a special competency examination or to be evaluated for competence by other means that have been approved by the board; and

(5) a qualified applicant who has not been actively and continuously in practice for more than 2 years prior to application may be required to successfully complete a special examination or evaluation such as, but not limited to, the SPEX (special purpose examination), the PLAS (post-licensure assessment system of the federation of state medical boards), or specialty re-certification.

B. Required documentation for all applicants. Each applicant for a license must submit the required fees as specified in 16.10.9.8 NMAC and the following documentation:

(1) a completed application signed and notarized with a passport-quality photo taken within the previous 6 months; applications are valid for 1 year from the date of receipt by the board;

(2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must be [~~sent directly to the board office~~] received directly from the other state board(s), [must include a raised seal,] and must attest to the status, issue date, license number, and other information requested and contained on the form; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(3) two recommendation forms from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant's character and competence to practice medicine; the recommending physicians must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; forms must be sent directly to the board from the recommending physician; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(4) verification of all work experience and hospital affiliations in the last five years, if applicable, not to include post-graduate training; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(5) a copy of all ABMS specialty board certifications, if applicable; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board for appli-

cants using FCVS or applying directly to the board; and

(6) the board may request that applicants be investigated by the biographical section of the American medical association, the drug enforcement administration, the federation of state medical boards, the national practitioner data bank, and other sources as may be deemed appropriate by the board.

(7) applicants who ~~have graduated from a medical school not located in the United States~~ are not United States citizens must provide proof that they are in compliance with the immigration laws of the United States.

C. Additional documentation for applicants using the FCVS. Applicants are encouraged to use the FCVS as once a credential file is created future applications for medical licensure will be streamlined. However, application through FCVS is not required. Applicants using the FCVS must submit a completed application to the FCVS, who will provide primary source documentation to the board. Only the documents required in 16.10.2.9.B are required in addition to the FCVS report.

D. Additional documentation for applicants using HSC.

(1) status report of ECFMG certification sent directly to the board from ECFMG, if applicable;

(2) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

(3) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency;

(4) proof of identity ~~[must be presented at the personal interview]~~ may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas.

E. Additional documentation for applicants applying directly to New Mexico and not using FCVS or HSC.

(1) verification of medical education form with school seal or notarized, sent directly to the board from the school;

(2) transcripts sent directly to the board from the medical school;

~~(3) notarized copy of diploma;~~

~~(4)~~ (3) status report of ECFMG certification sent directly to the board from ECFMG, if applicable;

~~(5)~~ (4) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

~~(6)~~ (5) postgraduate training form sent to the board directly from the

training program;

~~(7)~~ (6) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency; and

~~(8)~~ (7) proof of identity ~~[must be presented at the personal interview]~~ may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas;

~~(9)~~ (8) certified copies of source documents obtained directly from another state licensing jurisdiction who has the original document on file will be accepted in lieu of original documents when the originals cannot be obtained for a valid cause.

F. Licensure process. Upon receipt of a completed application, including all required documentation and fees, the applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board and must present original documents as requested by the board. The initial license will be issued following completion of any required interview, and/or approval by a member or agent of the board.

G. Initial license expiration. Medical licenses ~~[expire on July 1 of every third year]~~ shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than ~~[three years]~~ thirteen months or less than ~~[two years]~~ one month.

[16.10.2.9 NMAC - N, 5/1/02; A, 1/20/03; A, 7/1/03; A, 4/3/05]

16.10.2.10 MEDICAL LICENSE BY ENDORSEMENT.

A. Prerequisites for licensure. Each applicant for a license to practice as a medical doctor in New Mexico by endorsement must be of good moral character, hold a full and unrestricted license to practice medicine in another state, and possess the following qualifications:

(1) ~~[successfully passed one of the examinations or combinations of examinations defined in 16.10.3 NMAC within three attempts per step/level and within a seven-year time period from the date the first step is passed]~~ have practiced medicine in the United States or Canada immediately preceding the application for at least three years;

(2) be free of disciplinary history, license restrictions, or pending investigations in all jurisdictions where a medical license is or has been held;

(3) graduated from an approved medical school or hold current educational commission for foreign medical graduates (ECFMG) certification; and

~~(4) completion of three years of progressive postgraduate training in an accredited program; or]~~

~~(5)~~ (4) current certification

from a medical specialty board recognized by the American board of medical specialties (ABMS) ~~[lifetime certificate holders who have not passed a written specialty recertification examination must demonstrate successful completion of the special purpose examination (SPEX) or applicable recertification examination].~~

B. Required documentation for all applicants. Each applicant for a license must submit the required fees as specified in 16.10.9.8 NMAC and the following documentation:

(1) a completed application signed and notarized with a passport-quality photo taken within the previous 6 months; applications are valid for 1 year from the date of receipt by the board;

(2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must be ~~[sent directly to the board office]~~ received directly from the other state board(s), ~~[must include a raised seal]~~ and must attest to the status, issue date, license number, and other information requested and contained on the form.

(3) two recommendation forms from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant's character and competence to practice medicine; the recommending physicians must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; forms must be sent directly to the board from the recommending physician; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board;

(4) verification of all work experience and hospital affiliations in the last five years, if applicable, not to include postgraduate training; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board;

(5) a copy of all ABMS specialty board certifications, if applicable; this information will be provided by HSC for applicants using that service, or directly to the New Mexico medical board; and

(6) the board may request that applicants be investigated by the biographical section of the American medical association, the drug enforcement administration, the federation of state medical boards, the national practitioner data bank, and other sources as may be deemed appropriate by the board;

(7) applicants who are not U.S. citizens must provide proof that they are in compliance with the immigration laws of the United States.

C. Licensure process.

Upon receipt of a completed application, including all required documentation and fees, the applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board and must present original documents as requested by the board. The initial license will be issued following completion of any required interview, and/or approval by a member or agent of the board.

D. Initial license expiration. Medical licenses [~~expire on July 1 of every third year~~] shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than [~~three years~~] thirteen months or less than [~~two years~~] one month. [16.10.2.10 NMAC - N, 1/20/03; A, 7/1/03; A, 4/3/05]

16.10.2.11 TELEMEDICINE LICENSE.

A. Prerequisites for licensure. Each applicant for a telemedicine license must be of good moral character and hold a full and unrestricted license to practice medicine in another state or territory of the United States.

B. Required documentation. Each applicant for a telemedicine license must submit the required fees as specified in 16.10.9.8 NMAC and the following documentation.

(1) Completed application, signed and notarized with a passport quality photo taken within 6 months. Applications are valid for 1 year from the date of receipt.

(2) Verification of licensure in all states where the applicant holds or has held a license to practice medicine, or other health care profession. Verification must be [~~sent directly to the board office~~] received directly from the other state(s) board, [must include a raised seal,] and must attest to the status, issue date, license number, and other information requested and contained on the form.

(3) Applicants who have had previous disciplinary or other action against them [~~are~~] may be required to meet with the entire board. The board may, in its discretion, issue a license to practice medicine across state lines if it finds that the previous disciplinary or other action does not indicate that the physician is a potential threat to the public.

C. Licensure process.

Upon receipt of a completed application, including all required documentation and fees, board staff will request and review an AMA physician profile and federation of state medical boards board action databank search. When the application is complete the secretary-treasurer or board designee will review and may approve the application. A personal interview is not required

unless there is a discrepancy in the application that cannot be resolved.

D. Initial license expiration. Telemedicine licenses [~~expire on July 1 of every third year~~] shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than [~~three years~~] thirteen months or less than [~~two years~~] one month.

E. Exemption from licensure requirements are defined in Section 61-6-17 of the Medical Practice Act and include a physician licensed to practice under the laws of another state who acts as a consultant to a New Mexico licensed physician on an irregular or infrequent basis not to exceed ten patients per year. [16.10.2.11 NMAC - Rp 16 NMAC 10.2.13, 4/18/02; 16.10.2.11 NMAC - Rn & A, 16.10.2.10 NMAC; 1/20/03; A, 4/3/05]

16.10.2.13 PUBLIC SERVICE LICENSE. A resident physician may apply for a public service license, which enables him to practice medicine outside the training program. The resident physician must be continuing in the board approved training program.

A. Prerequisites for licensure. Each applicant for a public service license shall have graduated from an approved medical school, passed all required examinations as defined in 16.10.3 NMAC, and completed one year of postgraduate training. In addition, the applicant shall have completed an application for licensure including all required documentation required in 16.10.2.9.B through 16.10.2.9.E as applicable. Other requirements include:

(1) written approval from his training program director.

(2) a postgraduate training license issued by the New Mexico medical board.

(3) A resident physician with one-year postdoctoral training may only apply for a public service license when he is under the direct supervision of a New Mexico physician or when employed in a medically underserved area.

(4) If a physician is not being supervised directly, there must be procedures in place for a licensed New Mexico physician to review, on at least a quarterly basis, prescriptions written and dispensed for controlled substances and operative procedures performed.

B. Required documentation. Each applicant for a public service license shall submit the required fee as specified in 16.10.9.8 NMAC and the following documentation:

(1) completed application, signed and notarized with a passport quality photo taken within the previous 6 months. Applications are valid for 1 year from the date of receipt;

(2) letter of approval from the training program director.

C. Licensure process.

Upon receipt of a completed application, including all required documentation and fees, the applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board and must present original documents as requested by the board. The initial license will be issued following completion of any required interview, and/or approval by a member or agent of the board.

D. License expiration.

Public service licenses [~~expire on July 1. Initial licenses are valid for a period of not more than 13 months or less than 8 months, or until completion of the training program. Public service licenses may be renewed annually~~] shall be renewed annually on September 1 as long as the applicant remains eligible.

[16.10.2.13 NMAC - Rp 16 NMAC 10.3.9, 4/18/02; 16.10.2.13 NMAC - Rn & A, 16.10.2.12 NMAC, 1/20/03; A, 7/1/03; A, 4/3/05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.4 NMAC, Sections 8 and 11, Effective April 3, 2005

16.10.4.8 HOURS REQUIRED: Seventy-five hours of continuing medical education are required during each triennial renewal cycle. CME may be earned at any time during the licensing period, July 1 through June 30 immediately preceding the triennial renewal date.

~~[A.] Physicians renewing their license in 2002 may use CME hours obtained between January 1, 1999 and June 30, 2002.~~

~~[B.] Physicians renewing their license in 2003 may use CME hours obtained between January 1, 2000 and June 30, 2003.~~

~~[C.] Physicians renewing their license in 2004 may use CME hours obtained between January 1, 2001 and June 30, 2004.]~~

~~[D.]~~ After July 1, 2004, all CME must be obtained within the three-year renewal cycle or a deferral must be granted as defined in section 14 of this part. [16.10.4.8 NMAC - Rp 16 NMAC 10.4.8, 4/18/02; A, 4/3/05]

16.10.4.11 ALLOWED COURSES AND PROVIDERS: The following courses and activities are acceptable for CME credit:

A. AMA category 1.

Clinical courses certified by an accredited sponsor of the AMA physician's recognition

award, category 1, are acceptable for credit.

B. NM category 1. Clinical courses certified by the New Mexico medical society continuing medical education committee as meeting the criteria for AMA category 1, but certified as New Mexico category 1 specific, are acceptable for credit.

C. Post graduate education. Forty (40) credit hours per year are allowed for participation in a postgraduate education program, which has been approved by the board or by the AMA liaison committee on graduate medical education. This category includes internships, residencies and fellowships.

D. Advanced degrees. Forty (40) credit hours are allowed for each full academic year of study toward an advanced degree in a medical field or a medically related field as approved by the board.

E. Self assessment tests. Self-assessment examinations certified for AMA category 1 by an accredited sponsor of continuing medical education are acceptable if the examination is scored by an educational entity approved by the board.

F. Teaching. One credit hour is allowed for each hour of teaching medical students or physicians in a United States medical school, an approved internship or residency or for teaching in other programs approved by the board for a maximum of forty (40) credit hours in any three-year reporting period.

G. Physician preceptors. A maximum of thirty (30) hours of credit during a three year reporting period is acceptable for licensed physicians who are acting as preceptors for students enrolled in an accredited medical or physician assistant school.

H. Papers and publications. Ten (10) hours of credit are allowed for each original scientific medical paper or publication written by a licensee. For acceptance, papers must have been presented to a recognized national, international, regional or state society, or organization whose membership is primarily physicians; or must have been published in a recognized medical or medically related scientific journal. Material used in a paper or publication may be given credit one time. A maximum of thirty (30) hours credit may be claimed during each three-year reporting period.

I. Cardio-pulmonary resuscitation. Credit may be claimed during each three-year reporting period for successful completion of ACLS (advanced cardiac life support), PALS (pediatric advanced life support), ATLS (advanced trauma life support) and NALS (neonatal advanced life support) courses.

[16.10.4.11 NMAC - Rp 16 NMAC 10.4.8, 4/18/02; A, 4/3/05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.5 NMAC, Section 14, Effective April 3, 2005

16.10.5.14 [PAYMENT OF COSTS: ~~All licensees against whom the board imposes disciplinary action under the Medical Practice Act shall pay costs associated with the disciplinary action including, but not limited to, stenographers' costs, per diem and mileage cost of the board members, staff, or hearing officer who attend the hearing(s), and expert witness fees, but shall not include attorney's fees for the board's attorney.]~~ [Reserved]

[16.10.5.14 NMAC - Rp 16 NMAC 10.5.16, 4/18/02; - Repealed, 4/3/05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.7 NMAC, Sections 7, 8, 9, 11, 14, 16, 17 and 18, Effective April 3, 2005

16.10.7.7 DEFINITIONS:

~~[A.]~~ **"Expired"** means a license that has not been renewed following the date of expiration. ~~An expired license is not valid for practice in New Mexico.]~~

~~[B.]~~ **"Inactive"** means a license placed in a non-working status at the request of a physician not currently practicing in New Mexico.

~~[C.]~~ **"Retired"** means a license that has been withdrawn from active or inactive status at the physician's request. A retired license cannot be used to practice medicine in New Mexico and a retired license may not subsequently be reinstated.

C. "Suspended for non-payment" means a license that has not been renewed by September 30 of the expiration year. A license that has been suspended for nonpayment is not valid for practice in New Mexico.

D. "Voluntarily lapsed" means a license that is not renewed at the request of the physician.

[16.10.7.7 NMAC - N, 4/18/02; A, 4/3/05]

16.10.7.8 [LICENSE EXPIRATION: ~~Physician and telemedicine licenses expire every three years on July 1. Licenses not renewed by July 1 of the expiration year are considered expired.]~~ [Reserved]

[16.10.7.8 NMAC - N, 4/18/02; - Repealed, 4/3/05]

16.10.7.9 R E N E W A L PROCESS: ~~To avoid additional penalty~~

fees, a completed renewal application, accompanied by the required fees and documentation must be submitted through the online renewal system, post-marked or hand-delivered on or before July 1 of the ~~[expiration]~~ renewal year.

[16.10.7.9 NMAC - N, 4/18/02; A, 4/3/05]

16.10.7.11 RENEWAL AFTER JULY 1 AND BEFORE AUGUST 16:

Renewal applications post-marked, electronically or hand delivered after July 1 and prior to August 16 of the renewal year must be accompanied by the completed renewal application, the triennial renewal fee and late fee indicated in 16.10.9.8 NMAC, and documentation of 75 hours of continuing medical education as required in 16.10.4 NMAC.

[16.10.7.11 NMAC - N, 4/18/02; A, 4/3/05]

16.10.7.14 LICENSE SUSPENSION FOR [NON-RENEWAL] NON-PAYMENT:

The board shall summarily suspend on October 1 of the renewal year the license of any physician who has failed within ninety days after the license ~~[expiration]~~ renewal date to renew their license, to change the license status as indicated in section 15, to pay all required fees, to comply with continuing medical education requirements, or to provide required documentation.

[16.10.7.14 NMAC - N, 4/18/02; A, 4/3/05]

16.10.7.16 LICENSE REINSTATEMENT WITHIN TWO YEARS OF [DATE OF EXPIRATION] RENEWAL DATE:

A license that has ~~[expired]~~, been suspended for ~~[non-renewal]~~ non-payment, placed in inactive, or voluntary lapsed status may be reinstated within two years of the ~~[expiration]~~ renewal date by submitting the following documentation:

A. written request for reinstatement;

B. completion of a renewal application;

C. payment of fees as indicated in Subsection K of 16.10.9.8 and Subsection E of 16.10.9.8;

D. proof of completion of required continuing medical education as defined in 16.10.4 NMAC for the current year and the previous renewal cycle;

~~[E.]~~ a copy of specialty certificate(s); and

~~[F.]~~ **E.** list of licenses held in any other state(s) and license status.

[16.10.7.16 NMAC - N, 4/18/02; A, 4/3/05]

16.10.7.17 LICENSE REINSTATEMENT AFTER TWO YEARS FROM [DATE OF EXPIRATION]

RENEWAL DATE: Restoration of a medical license to active status after two years from the ~~[date of expiration]~~ renewal date

requires the physician demonstrate continued competence to practice medicine through the following documentation:

A. completion of a reinstatement application;

B. proof of completion of 75 hours of continuing medical education during the past three licensing years as defined in 16.10.4 NMAC;

C. payment of fees as defined in 16.10.9.8 NMAC; and

D. applicants who have not been in active practice for the previous two years may be required to pass an examination for current competency as defined in 16.10.3.11 NMAC;

E. in addition the board may require a personal interview with a board member and/or interview with the entire board at a regularly scheduled meeting;

F. consistent with the provisions of the Medical Practice Act, Section 61-6-30 NMSA 1978, the board may impose terms and conditions on the reinstated license.

[16.10.7.17 NMAC - N, 4/18/02; A, 4/3/05]

16.10.7.18 REINSTATEMENT

PROCESS: All applicants approved for reinstatement must pay the renewal fee indicated in 16.10.9.8 NMAC. Applicants with a license that has been placed on inactive status are not required to pay any additional fees. Applicants for reinstatement whose license has been suspended for ~~[non-renewal]~~ ~~[non-payment]~~ or voluntarily lapsed must pay the reinstatement fee indicated in 16.10.9.8 NMAC in addition to the renewal fee. Reinstatement licenses are issued for a period not less than 24 months or more than 36 months from the date of approval.

[16.10.7.18 NMAC - N, 4/18/02; A, 4/3/05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.9 NMAC, Section 8, Effective April 3, 2005

16.10.9.8 PHYSICIAN FEES:

A. Application fee of ~~[\$100]~~ \$250 or applicants providing source documentation through FCVS or HSC.

B. Application fee of ~~[\$350]~~ \$400 for applicants applying to the board and not using the federation credential verification service.

~~[C. Interim permit fee of \$40.]~~

~~[D. C. Triennial license renewal fee of [\$220] \$300 plus a triennial fee to support the impaired physicians program of [\$90] \$100.~~

~~[E. D. Temporary license fee~~

for a temporary camp or school license of \$25.

~~[F. E. Temporary license fee for a temporary teaching/research license of \$100.~~

~~[G. E. Processing fee of \$25 for placing a license on inactive status.~~

~~[H. G. Late fee of \$100 for all physicians who renew their license to active status, or provide required documentation after June 30 but no later than August 15 of the year of expiration.~~

~~[I. H. Late fee of \$150 for physicians who renew their licenses to active status, or provide required documentation between August 16 and October 1 of the year of expiration.~~

~~[J. L. Reinstatement fee of \$200, for reinstatement of a suspended license, which shall be in addition to other fees due and payable to the board.~~

~~[K. J. Duplicate license fee of \$30.~~

~~[L. K. Duplicate renewal certificate fee of \$15.~~

~~[M. L. Postgraduate training license fee of \$10.~~

~~[N. M. Public service license fee of \$50 annually.~~

~~[O. N. Biennial application fee of \$100 for a physician supervising a pharmacist clinician.~~

~~[P. O. Telemedicine initial licensing and triennial renewal fee of [\$180] \$300.~~

[16.10.9.8 NMAC - Rp 16 NMAC 10.9.8.1, 7/15/01; A, 5/1/02; A, 7/14/02; A, 1/20/03; A, 4/3/05]

NEW MEXICO MEDICAL BOARD

This is an amendment to 16.10.14 NMAC, Section 1, 6, 8 and 9, Effective April 3, 2005

16.10.14.1 ISSUING AGENCY:

New Mexico ~~[Board of Medical Examiners]~~ Medical Board, hereafter called the board.

[16.10.14.1 NMAC - N, 1/20/03; A, 4/3/05]

16.10.14.6 OBJECTIVE:

It is the position of the ~~[New Mexico board of medical examiners]~~ board that practitioners have an obligation to treat chronic pain and that a wide variety of medicines including controlled substances and other drugs may be prescribed for that purpose. When such medicines and drugs are used, they should be prescribed in adequate doses and for appropriate lengths of time after a thorough medical evaluation has been completed.

[16.10.14.6 NMAC - N, 1/20/03; A, 4/3/05]

16.10.14.8 GUIDELINES: The following guidelines will be used by the

~~[New Mexico board of medical examiners]~~ board to determine whether a physician's or physician assistant's prescriptive practices are consistent with the appropriate treatment of pain.

A. The treatment of pain with various medicines and/or controlled substances is a legitimate medical practice when accomplished in the usual course of professional practice. It does not preclude treatment of patients with addiction, physical dependence and/or tolerance who have legitimate pain. However, such patients do require very close monitoring and precise documentation.

B. The prescribing, ordering, administering or dispensing of controlled substances to meet the individual needs of the patient for management of chronic pain is appropriate if prescribed, ordered, administered or dispensed in compliance with the following.

(1) A practitioner shall complete a physical examination and include an evaluation of the patient's psychological and pain status. The medical history shall include any previous history of significant pain, past history of alternate treatments for pain, potential for substance abuse, coexisting disease or medical conditions, and the presence of a medical indication or contra-indication against the use of controlled substances.

(2) A written treatment plan shall be developed and tailored to the individual needs of the patient, taking age, gender, culture, and ethnicity into consideration, with stated objectives by which treatment can be evaluated, e.g. by degree of pain relief, improved physical and psychological function, or other accepted measure. Such a plan should include a statement of the need for further testing, consultation, referral or use of other treatment modalities.

(3) The practitioner shall discuss the risks and benefits of using controlled substances with the patient and/or surrogate or guardian.

(4) Complete and accurate records of care provided and drugs prescribed shall be maintained. When controlled substances are prescribed, the name of the drug, quantity, prescribed dosage and number of refills authorized should be recorded. Patients with a history of substance abuse or who are in an environment posing a high risk for misuse or diversion of drugs (e.g., living with a drug abuser, living or working in a place where drugs are available) may require special consideration~~;~~ ~~and~~.

(5) The management of patients needing chronic pain control requires monitoring by the attending and/or the consulting practitioner. In addition, a practitioner should consult, when indicated by the patient's condition, with health care profes-

sionals who are experienced (by the length and type of their practice) in the area of chronic pain control; such professionals need not be those who specialize in pain control. Consultation should occur early in the course of long-term treatment, and at reasonable intervals during continued long-term treatment for assessment of benefit and need. It is especially important, when treating addicts for legitimate pain apart from their addiction, to obtain a contractual agreement with the patient, appropriate consultation, and to set a schedule for re-evaluation at appropriate time intervals.

(6) If, in a practitioner's medical opinion, a patient is seeking pain medication for reasons that are not medically justified, the practitioner is not required to prescribe controlled substances for the patient.

C. The board will evaluate the quality of care on the following basis: appropriate diagnosis and evaluation; appropriate medical indication for the treatment prescribed; documented change or persistence of the recognized medical indication; and, follow-up evaluation with appropriate continuity of care. The board will judge the validity of prescribing based on the practitioner's treatment of the patient and on available documentation, rather than on the quantity and chronicity of prescribing. The goal is to control the patient's pain for its duration while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors.

D. The board will review both over-prescription and under-prescription of pain medications using the same standard of patient protection as a guiding principle.

E. A practitioner who appropriately prescribes controlled substances and who follows this ~~rule~~ section would be considered to be in compliance with this rule and not be subject to discipline by the board, ~~absent~~ unless there is some violation of the Medical Practice Act or board rules.

[16.10.14.8 NMAC - N, 1/20/03; A, 4/3/05]

16.10.14.9 PHYSICIAN, PHYSICIAN ASSISTANTS AND ANESTHESIOLOGIST ASSISTANTS TREATED WITH OPIATES: Physicians, physician assistants or anesthesiologist assistants who have chronic pain and are being treated with opiates shall be evaluated by a pain clinic or, by an M.D. or D.O. pain specialist, and must have a complete, independent neuropsychological evaluation, as well as clearance from their physician, before returning to or continuing in practice. In addition, they must remain under the care of a physician for as long as they remain on opiates while continuing in practice.

[16.10.14.9 NMAC - N, 4/3/05]

End of Adopted Rules Section

2005

SUBMITTAL DEADLINES AND PUBLICATION DATES

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Issue Number 3	February 1	February 14
Issue Number 4	February 15	February 28
Issue Number 5	March 1	March 15
Issue Number 6	March 16	March 31
Issue Number 7	April 1	April 14
Issue Number 8	April 15	April 29
Issue Number 9	May 2	May 13
Issue Number 10	May 16	May 31
Issue Number 11	June 1	June 15
Issue Number 12	June 16	June 30
Issue Number 13	July 1	July 15
Issue Number 14	July 18	July 29
Issue Number 15	August 1	August 15
Issue Number 16	August 16	August 31
Issue Number 17	September 1	September 15
Issue Number 18	September 16	September 30
Issue Number 19	October 3	October 17
Issue Number 20	October 18	October 31
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 1	December 15
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