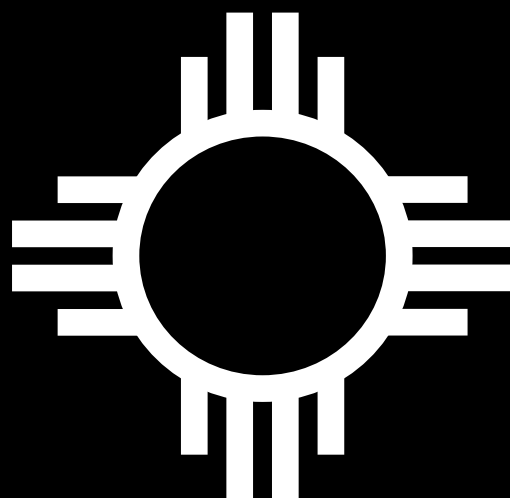


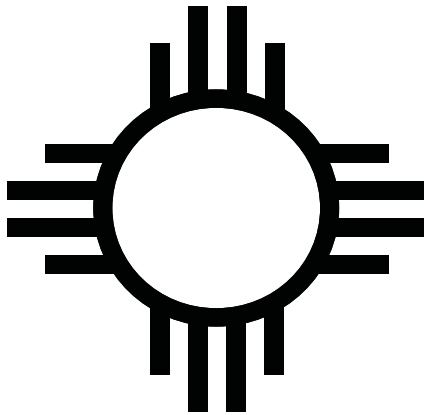
**NEW
MEXICO
REGISTER**



Volume XXI
Issue Number 4
February 26, 2010

New Mexico Register

Volume XXI, Issue Number 4
February 26, 2010



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

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Administrative Law Division
Santa Fe, New Mexico
2010

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New Mexico Register

Volume XXI, Number 4

February 26, 2010

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Effective Date and Validity of Rule Filings

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

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

Human Services Department		
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6.50.18 NMAC	N	Use of Volunteers in Schools and School Districts

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Notices of Rulemaking and Proposed Rules

NEW MEXICO DEPARTMENT OF AGRICULTURE

Notice of Hearing

New Mexico Department of Agriculture will hold public hearings under the New Mexico Pesticide Control Act, 76-4-1 through 39, NMSA 1978, in order to propose amendments 21.17.56 NMAC - Restricted-Use Pesticides.

NMDA is proposing to repeal section 14 - Application of a Restricted-use, Hormone Type Herbicide in Regulated counties, which requires a permit be obtained for use of 2, 4-D in Curry and Roosevelt Counties. Evaluation of the program during the last three growing seasons indicates the permit system is no longer necessary as a regulatory tool. NMDA will continue to conduct routine inspections as well as respond to and address reported pesticide incidents involving as drift or misuse. Minor changes are also proposed to section 15 to include references to current federal recordkeeping requirements. Copies of the proposed rule can be obtained at the address below or viewed on the Bureau's webpage at: <http://www.nmda.nmsu.edu/DIVISIONS/AES/pest.html> and clicking on New Information.

The hearing will be held in Clovis at the Clovis Civic Center, located at 801 Schepps Blvd. Clovis, NM, beginning at 9:00 am on Friday March 26, 2010.

Written statements in support or opposition, signed by the submitting person, will be accepted if received prior to 5:00 p.m., March 26, 2010. Written statements, inquiries, or requests for copies of the rule should be directed to Bonnie Rabe, New Mexico Department of Agriculture, Division of Agricultural and Environmental Services, PO Box 30005, MSC 3AQ, Las Cruces, NM 88003 or at (575) 646-2220.

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

NOTICE

The New Mexico Human Services Department (HSD) will hold a public hearing on March 29, 2010, in the Rio Grande Room of the Tony Anaya Building, 2550 Cerrillos Road, Santa Fe, NM.

The subject is State Coverage Insurance (SCI) The Medical Assistance Division is

proposing amendments to the State Coverage Insurance (SCI) rules, to be effective May 14, 2010, to include relevant language pertaining to the new Medicaid Demonstration Waiver Section 1115 as required by the Children's Health Insurance Program Reauthorization Act (CHIPRA) and to effect various other minor revisions to clarify regulatory language.

Interested persons may submit written comments no later than 5:00 p.m., March 29, 2010, to Kathryn Falls, Secretary-designate, Human Services Department, PO 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 accommodations.

Copies of the Human Services Register are available for review on our website at www.hsd.state.nm.us/mad/register/2010 by sending a self-addressed stamped envelope to Medical Assistance Division, Long Term Services and Support Bureau, PO Box 2348, Santa Fe, NM. 87504-2348.

NEW MEXICO BOARD OF NURSING

Public Rules Hearing

The New Mexico Board of Nursing will hold a Rules Hearing on Friday, April 16, 2010. The Rules Hearing will begin at 9:00 a.m. The rules hearing will be held at the Hilton Garden Inn Uptown, 6510 Americas Parkway, Albuquerque NM 87110.

The purpose of the rules hearing is to hear public testimony and comments regarding the proposed amendments to the Board's rules and regulations: 16.12 NMAC: Part 2 Nurse Licensure.

Persons desiring to present their views on the proposed amendments to the rules may write to request draft copies of the rules from the Board office at 6301 Indian School Rd NE, Suite 710, Albuquerque, NM, 87110, call (505) 841-8340 or download them from www.bon.state.nm.us.

In order for the Board members to review the comments prior to the hearing, persons wishing to submit written comments regarding the proposed rules should submit them to the Board office in writing no later than April 1, 2010. Persons wishing to present written comments at the hearing are asked to provide (10) copies of any comments or proposed changes for distribution to the Board and staff. In addition, persons may present their comments orally at the hearing.

Notice: Any person presenting testimony, who is representing a client, employer or group, must be registered as a lobbyist through the Secretary of State's Office 9505) 827-3600 or do so within 10 days of the Public Hearing.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing or meeting, please call the Board office at (505) 841-8340 at least two weeks prior to the hearing or as soon as possible.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

The New Mexico Public Education Department ("Department") hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico, 87501-2786, on April 9, 2010, from 1:00 p.m. to 3:00 p.m. The purpose of the public hearing will be to obtain input on the following rule:

Rule Number	Rule Name	Proposed Action
6.29.12 NMAC	Library, Media and Information Literacy	Add

Interested individuals may testify at the public hearing or submit written comments to Vicki

Breen, New Mexico Public Education Department, Humanities Bureau, 300 Don Gaspar, Santa Fe, New Mexico 87501 or (vicki.breen@state.nm.us): phone (505) 827-6559, Fax: (505) 827-6694.

Written comments must be received no later than 5 p.m. on April 9, 2010. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed on the Department's website (<http://ped.state.nm.us>) or obtained from Vicki Breen at the address listed above, or by phone (505) 827-6559. The proposed rules will be made available at least thirty days prior to the hearings.

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

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

The New Mexico Public Education Department ("Department") hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico, 87501-2786, on April 7, 2010, from 9:00 a.m. to 11:00 a.m. The purpose of the public hearing will be to obtain input on the following rule:

Rule Number	Rule Name	Proposed Action
6.33.3 NMAC	Pre-apprenticeship	New Rule to develop implementation for the program.

Interested individuals may testify at the public hearing or submit written comments to Louise Williams, New Mexico Public Education Department 300 Don Gaspar, Santa Fe, New Mexico 87501 or (louise.williams@state.nm.us) (telefax (505) 827-1820).

Written comments must be received no later than 5 p.m. on April 7, 2010. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed on the Department's website (<http://ped.state.nm.us>) or obtained from Louise Williams at the address listed above, or by phone (505) 827-3565. The proposed rule will be made available at least thirty days prior to the hearing.

INDIVIDUALS WITH DISABILITIES WHO REQUIRE THIS INFORMATION IN AN ALTERNATIVE FORMAT OR NEED ANY FORM OF AUXILIARY AID TO ATTEND OR PARTICIPATE IN THIS MEETING ARE ASKED TO CONTACT LOUISE WILLIAMS AS SOON AS POSSIBLE. THE DEPARTMENT REQUESTS AT LEAST TEN (10) DAYS ADVANCE NOTICE TO PROVIDE REQUESTED SPECIAL ACCOMMODATIONS.

NEW MEXICO COMMISSION OF PUBLIC RECORDS

NOTICE OF REGULAR MEETING

The NM Commission of Public Records has scheduled a regular meeting for Tuesday, March 16, 2010, at 9:30 A.M. The meeting will be held at the NM State Records Center and Archives, which is an accessible facility, at 1205 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing, please contact Antoinette L. Solano at 476-7902 by March 8, 2010. Public documents, including the agenda and minutes, can be provided in various accessible formats. A final copy of the agenda will be available 24 hours before the hearing.

NOTICE OF RULEMAKING

The Commission of Public Records may consider the following items of rulemaking at the meeting:

Amendments

1.19.5 NMAC LGRDS, Office of the County Sheriff

Repeal

1.17.210 NMAC JRRDS, New Mexico Judicial Standards Commission
 1.18.469 NMAC ERRDS, New Mexico Racing Commission
 1.18.624 NMAC ERRDS, Aging and Long-Term Care Department
 1.18.630 NMAC ERRDS, Human Services Department
 1.18.632 NMAC ERRDS, Workers Compensation Administration

New-Replacement

1.17.210 NMAC JRRDS, New Mexico Judicial Standards Commission

1.18.469 NMAC	ERRDS, New Mexico Racing Commission
1.18.624 NMAC	ERRDS, Aging and Long-Term Care Department
1.18.630 NMAC	ERRDS, Human Services Department
1.18.632 NMAC	ERRDS, Workers Compensation Administration

Repeal and Replacement

1.25.10 NMAC	Publications, Filing, Distributing Format and Style
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a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please call the Board office at (505) 476-4890 at least two weeks prior to the meeting or as soon as possible.

Vadra Baca, Administrator
PO Box 25101- Santa Fe, New Mexico
87504

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
FINANCIAL INSTITUTIONS
DIVISION**

**NOTICE OF PROPOSED
AMENDMENTS TO RULES - 2/10/10**

Notice is hereby given that the Financial Institutions Division of the Regulation and Licensing Department proposes to: promulgate amendments and additions to current rules, the General Provisions 12.19.1 NMAC, the Mortgage Loan Originator Requirements 12.19.2 NMAC, pertaining to The New Mexico Mortgage Loan Originator Licensing Act, the Mortgage Loan Company Requirements 12.19.8 NMAC, pertaining to The Mortgage Loan Company Act, the Home Loan Protection Act - General Provisions 12.15.3 NMAC, the Home Loan Protection Act - High Cost Loans: Repayment Ability, Financial Ratios and Guidelines, 12.15.4 NMAC and repeal the Home Loan Protection Act - Approved Third Party, Nonprofit Counselors, 12.15.8 NMAC. The draft rules may be viewed at www.newmexicomortgagelending.us. Interested persons shall file their written comments on the proposed amendments and additions to the rules by no later than 5:00 P.M. March 17, 2010. Comments shall be sent to:

Jackie Dalmy, Licensing Specialist
Financial Institutions Division
Toney Anaya Building,
2550 Cerrillos Road, 3rd Floor
Santa Fe, New Mexico 87505
Phone # 505-476-4908
Fax # 505-476-4670
Email address: Jackie.dalmy@state.nm.us

**NEW MEXICO SPEECH-
LANGUAGE PATHOLOGY,
AUDIOLOGY AND
HEARING AID DISPENSING
PRACTICES BOARD**

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Speech Language Pathology, Audiology & Hearing Aid Dispensing Practices Board will hold a Rule Hearing on Friday, April 16, 2010. Following the Rule Hearing the New Mexico Speech Language Pathology, Audiology & Hearing Aid Dispensing Practices Board will convene a regular meeting to adopt the rules and take care of regular business. The Rule Hearing will begin at 9:00 a.m. and the Regular Meeting will convene following the rule hearing. The meetings will be held at the Regulation and Licensing Department, 2550 Cerrillos Rd., Santa Fe, NM 87505

The purpose of the rule hearing is to consider adoption of proposed amendments and additions to the following Board Rules and Regulations in 16.26 NMAC: Part 2 Licensure & Licensure Requirements, Part 4 Annual Renewal of Licenses, Part 6 Fees, Part 8 Procedures for Disciplinary Action, and Part 9 Code of Ethics.

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at the Toney Anaya Building located at the West Capitol Complex, 2550 Cerrillos Road in Santa Fe, New Mexico 87504, or call (505) 476-4890 after March 17, 2010. In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comment regarding the proposed rules must present them to the Board office in writing no later than April 1, 2010. Persons wishing to present their comments at the hearing will need (12) copies of any comments or proposed changes for distribution to the Board and staff.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing or meeting, but you need

**End of Notices and Proposed
Rules Section**

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Adopted Rules

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.520 NMAC, Section 20, effective February 26, 2010.

8.200.520.20 COVERED QUARTER INCOME STANDARD:

DATE	CALENDAR QUARTER AMOUNT
Jan. 2010 – Dec. 2010	[\$1,090] \$1,120 per calendar quarter
Jan. 2009 – Dec. 2009	\$1,090 per calendar quarter
Jan. 2008 – Dec. 2008	\$1,050 per calendar quarter
Jan. 2007 – Dec. 2007	\$1,000 per calendar quarter
Jan. 2006 – Dec. 2006	\$970 per calendar quarter
Jan. 2005 – Dec. 2005	\$920 per calendar quarter
Jan. 2004 – Dec. 2004	\$900 per calendar quarter
Jan. 2003 – Dec. 2003	\$890 per calendar quarter
Jan. 2002 – Dec. 2002	\$870 per calendar quarter

[8.200.520.20 NMAC - Rn, 8.200.510.14 NMAC & A, 1-1-02; A, 4-1-02; A, 1-1-03; A, 1-1-04; A, 1-1-05; A, 1-1-06; A, 1-1-07; A, 1-1-08, A, 1-1-09; A, 1-15-10; A, 2-26-10]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.231.400 NMAC, Sections 8, 10 and 13, effective March 1, 2010

8.231.400.8 MISSION: To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.

[8.231.400.8 NMAC - N, 3/1/10]

8.231.400.10 BASIS FOR DEFINING THE GROUP: The infant is eligible for medicaid for 12 months starting with the month of birth, as long as the following conditions are met:

- A. the mother remains eligible for medicaid or would be eligible if she were still pregnant; or
- B. the mother was approved for emergency medical services for undocumented aliens for the birth and delivery of the infant;
- ~~C. the infant remains a member of the mother's household; and~~
- ~~D. both mother and infant continue to reside in New Mexico; and~~
- C. the infant continues to reside in New Mexico.

[2/1/95; 8.231.400.10 NMAC - Rn, 8 NMAC 4.NBN.402 & A, 1/1/08; A, 3/1/10]

8.231.400.13 CITIZENSHIP: ~~[Refer to medical assistance eligibility manual, 8.200.410 NMAC. Documentation of citizenship and identity is required at the first re-determination.]~~ An eligible newborn is considered to have met the citizenship and identity requirements.

[2/1/95, 4/30/98; 8.231.400.13 NMAC - Rn, 8 NMAC 4.NBN.412 & A, 1/1/08; A, 3/1/10]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.231.600 NMAC, Sections 8 and 12, effective March 1, 2010.

8.231.600.8 MISSION: To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.

[8.231.600.8 NMAC - N, 3/1/10]

8.231.600.12 ONGOING BENEFITS: A newborn remains eligible for assistance under category 031 for up to ~~[twelve (12)]~~ 12 months, as long as ~~[all of the following apply:~~

- ~~A. the mother remains eligible for New Mexico medicaid or would be eligible if she were still pregnant;~~
- B. the newborn remains in the mother's household unit; and

~~C. both the mother and newborn remain in New Mexico.] the newborn remains in New Mexico.~~

[2/1/95; 8.231.600.12 NMAC - Rn, 8 NMAC 4.NBN.624, 1/1/08; A, 3/1/10]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.290.500 NMAC, Sections 8 and 14, effective March 1, 2010

8.290.500.8 MISSION: To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.

[8.290.500.8 NMAC - N, 3/1/10]

8.290.500.14 ASSET TRANSFERS:

See 8.281.500.14 NMAC, asset transfers, and following subsections for rules governing transfers of assets. All provisions pertaining to transfers under institutional care medicaid apply to transfers under the waiver programs with the exception of the penalty for transfers of assets for less than fair market value. The penalty for transfers of assets ~~[without fair return]~~ for less than fair market value for waiver applicants/recipients is ineligibility for long term care medicaid services under the waiver programs. Federal regulations specify that, to be eligible for a waiver program, an individual must be receiving the waiver or long term care services. Because a waiver applicant/recipient is not eligible to receive these services under the medicaid program, they ~~[become medicaid]~~ are ineligible for the HCBS waiver program. ~~[For transfers without fair return that occur after February 8, 2006, the penalty period is five years. If the transfer took place prior to February 8, 2006, the penalty period is three years. The penalty period is calculated in the same way as for institutional care medicaid if the applicant or recipient enters a nursing facility.]~~ The period of ineligibility is based on when the assets were transferred during the look back period. After February 8, 2006, the look back period for transfers is 60 months prior to the date of application. As soon as the HCBS waiver applicant has no transfers for less than fair market value during the 60 months look back period, they are eligible to be reconsidered for HCBS provided all financial and non-financial criteria are met. If the transfer for less than fair market value is discovered after the applicant is approved for HCBS, the period of ineligibility begins the first day of the month in which the resources were transferred. If the applicant or recipient enters a nursing facility, a penalty period for

the transfer of assets for less than fair market value is calculated based on 8.281.500.14, asset transfers. This penalty period runs whether or not the individual remains in the nursing facility.

[2/1/95, 1/1/97; 8.290.500.14 NMAC - Rn, 8 NMAC 4.WAV.515, 5/1/02; A, 11/1/07; A, 3/1/10]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.30.6, Sections 7, 8, 9, 10, 11 and 12 effective 2/26/10.

21.30.6.7 DEFINITIONS:

A. "Board" means the New Mexico livestock board.

B. "Agent" means the executive director, deputy director, veterinarian, livestock inspectors or employee of the board.

C. "Acceptable specimen" means a specimen determined satisfactory for diagnostic testing by the testing laboratory, including complete documentation.

D. "Accredited veterinarian" means an individual who is currently licensed to practice veterinary medicine and is accredited by the United States department of agriculture, animal plant health inspection service, veterinary services, in the state [where the veterinarian practices] of New Mexico.

E. "Approved laboratory" means any laboratory designated and approved by the state veterinarian for examining T. fetus samples.

F. "Approved veterinarian" means an accredited veterinarian who has attended trichomoniasis training that is approved by the New Mexico state veterinarian. Such training must include preputial sampling, sample handling and shipping, appropriate record keeping and official bull trichomoniasis identification.

G. "Bovine" means any sexually intact male and female animal of the genus bos.

H. "Certificate of veterinary inspection (CVI)" means the form issued by the state of origin that records the consignor, consignee, identity, origin, destination and health status of animals, issued by an accredited veterinarian of that state. It is commonly known as a health certificate.

I. "New Mexico commuter permit" means a permit issued by the New Mexico state veterinarian's office to New Mexico livestock producers who utilize pasture lands and other livestock operations in one or multiple states that are contiguous with New Mexico.

J. "Commingle" means animals of opposite sex and belonging to

different owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.

K. "Complete bull herd test" means an official T. fetus test from each non-virgin bull in the herd.

L. "Direct slaughter" means transporting an animal to a slaughter plant without unloading prior to arrival at the slaughter plant.

M. "Disease management plan" means a plan developed to eradicate the disease from a positive herd. The disease management plan will be developed by the producer and shall be approved by the state veterinarian.

N. "Exposed herd" means a herd adjacent to a premises occupied by an affected herd, herds sharing common pasture or having contact with affected herd(s) as determined by the state veterinarian.

[M:]Q. "Herd" means the group of animals consisting of all bovines over 12 months of age (male and female) which have commingled during the last 12 months.

[N:]P. "Import permit" means a document issued by the state veterinarian's office authorizing specific livestock movements into New Mexico. Permits expire 30 days after issuance and are not transferable.

[O:]Q. "Official T. fetus laboratory testing" means the laboratory procedures that shall be approved by the state veterinarian for culture and identification of T. fetus.

[P:]R. "Official T. fetus bull test" means the sampling of the preputial content of a bull by a licensed, accredited and trich test certified veterinarian or a veterinarian from the New Mexico livestock board. Such test must be conducted after [a] at least one week separation from all female bovine. The bull and sample must be positively and individually identified and documented for laboratory submission. The official laboratory test shall be a genetic based test such as polymerase chain reaction (PCR), either standard or real time, or other technologies as approved by the state veterinarian.

[Q:]S. "Quarantine" means movement restriction issued by a [regulatory veterinarian] New Mexico livestock inspector that shall be placed on all cattle in a positive T. fetus herd. Such restriction shall specify the identity of the animals and the premises where the animals shall be confined.

[R:]T. "Quarantine feedlot" means a dry lot feeding facility approved by the state veterinarian where positive T. fetus bulls and or bovine females from a T. fetus positive herd may be fed prior to slaughter and there is no sexual contact with the opposite sex bovine.

[S:]U. "Quarantine release"

means that a herd has completed all regulatory requirements to eliminate T. fetus infection in that herd and is no longer classified a positive herd.

[T:]V. "Positive T. fetus bull" means a bull that has had a positive T. fetus test.

[U:]W. "Positive T. fetus herd" means the group of all bovines which have had any opportunity for sexual contact in the previous breeding season and in which any animal (male or female) has had a positive diagnosis for T. fetus.

[V:]X. "Negative T. fetus bull" means a bull which qualifies by one of the following:

(1) [originate] originates from a herd not known to be infected and has had a negative official T. fetus bull test within the last [year] thirty days;

(2) [originate] originates from a positive herd but has a series of three negative official T. fetus bull tests at intervals of at least one week; or

(3) qualified with a negative import and negative in-state official T. fetus bull test.

[W:]Y. "Regulatory veterinarian" means the state veterinarian or his designee. This may be a state or USDA employed veterinarian or any accredited veterinarian holding a current state license.

[X:]Z. "State veterinarian" means the veterinarian designated by the New Mexico livestock board.

[Y:]AA. "Suspect T. fetus bull" means a bull from a positive T. fetus herd that has not yet had three consecutive negative official T. fetus bull tests.

[Z:]BB. "[Trichomonas—fetus (or T. fetus)]" means a contagious venereal protozoan parasite disease of the trichomonas fetus species that causes infertility, pyometra, abortions and reproductive inefficiency in female bovine] **Tritrichomonas fetus (or T. fetus)** means a protozoan parasite that is the causative agent to the contagious venereal disease trichomoniasis. The disease exhibits as infertility, pyometra, abortions and reproductive inefficiency in the female bovine.

[A—A—] C C .

"Unacceptable sample" means a sample that is deemed not diagnostic by the official testing laboratory.

[BB:]DD. "USDA form 1-27" means [an official restriction of livestock movement] the official form used when livestock movement is restricted. The form is issued by a regulatory veterinarian and specifies the owner, owner's address, owner's telephone, premises affected, number, breed, age, sex, positive unique individual identification and destination of animals included.

[EE:]EE. "Virgin bull" means a sexually intact male bovine less than 12

months of age [~~or a sexually intact male bovine between 12 and 24 months that is accompanied by signed affidavit from the owner/manager as having had no potential breeding contact with females~~].
[21.30.6.7 NMAC - N, 7/15/05; A, 2/26/10]

21.30.6.8 I M P O R T REQUIREMENTS:

A. Breeding Bull.

(1) ~~[All bulls entering New Mexico must be accompanied by a certificate of veterinary inspection (CVI). All non-virgin bulls, except as noted in 7 below, shall have an import permit and a negative T. fetus test within thirty days prior to entry.] All bulls entering New Mexico must be accompanied by a certificate of veterinary inspection (CVI) and an import permit. All non-virgin bulls, except as noted in Paragraph (7) of this subsection (below), shall be accompanied by a certificate of veterinary inspection (CVI), import permit and a negative official T. fetus test within thirty days prior to entry.~~

(2) If the pre entry test is conducted at other than a laboratory approved by the American association of veterinary diagnostic laboratories, or the New Mexico state veterinarian, an in state post entry test shall be required within 10 days of entry into New Mexico.

(3) No bull which has ever previously tested positive for T. fetus shall enter New Mexico unless the bull is consigned directly to slaughter and is individually identified for movement on a USDA form 1-27.

(4) No bull from a known positive T. fetus herd shall enter New Mexico unless the bull has three consecutive negative official tests at least a week apart within 30 days prior to entry. The post entry official test is also required. Bulls must be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(5) Each CVI issued for bulls covered under this rule shall bear one of the following statements:

(a) “[~~trichomonas~~] T. fetus has not been diagnosed in the herd of origin”; or

(b) “the bull(s) represented on this CVI have three consecutive negative [~~trichomonas~~] official T. fetus test which were at least seven days apart within 30 days prior to entry and there has been no female contact since the last qualifying test.”

(6) The veterinarian issuing the CVI shall forward a copy of all official negative T. fetus tests for the bull(s) represented on the CVI to the New Mexico state veterinarian's office.

(7) Exceptions to the importation requirements are:

(a) transient rodeo or exhibition (show) bulls, which shall have no sexual contact with a female bovine and are held

in a secure facility to prevent such contact (does not include pasture) while in New Mexico;

(b) bulls consigned direct to slaughter; or

(c) bulls consigned to a feedlot for feeding purposes where they will be isolated from all females; bulls moved from a feedlot must have three consecutive official negative T. fetus tests at least one week apart unless consigned directly to slaughter; any [~~known positive T. fetus~~] bull quarantined in a feedlot testing positive for T. fetus shall go directly to slaughter from such feedlot.

B. Reproductive Bovine Female.

(1) No female bovine originating from a known positive T. fetus herd will be allowed to enter New Mexico. Exceptions include the following:

(a) on the premises of origin there were three consecutive official negative T. fetus tests of the entire bull population and the only allowed females are those which:

(i) have a calf at side and no exposure to other than known negative bulls since parturition; or

(ii) are at least 120 days pregnant; or

(iii) are known virgin heifers; or

(iv) are heifers exposed only to known negative bulls and not yet 120 days pregnant; or

(v) are documented to have had at least 120 days of sexual isolation; and

(vi) no other female will be allowed entry into New Mexico for breeding purposes from such herds;

(b) consigned directly to slaughter or to a quarantined feedlot.

(2) Bovine breeding females must have the following statement placed on the CVI and signed by the owner/manager of the herd of origin:

(a) “the cows listed on this CVI did not originate from a known positive [~~Trichomonas~~] T. fetus herd”; or

(b) “the cows listed on this CVI are at least 120 days pregnant”; or

(c) “the cows listed on this CVI originated from a positive [~~trichomonas~~] T. fetus herd and are consigned for slaughter”; or

(d) “the heifers listed on this CVI were exposed for their first breeding only to a known negative T. fetus bull or artificially inseminated and are not yet 120 days pregnant”; or

(e) “the females listed on this CVI have had at least 120 days of sexual isolation immediately preceding the date of their movement into New Mexico.”

C. Commuter Permitted Cattle.

(1) Bulls must be tested annually

after a separation of at least one week from all female bovine. All bulls must be negative to an official T. fetus test to be eligible to have a commuter permit issued for the following year. All purchased bulls added to herd shall comply with test provisions.

(2) In any herd, should a bull be a positive T. fetus bull, he shall be identified and sold to slaughter only.

(a) All remaining bulls must test negative on three consecutive official tests at least one week apart.

(b) Only females which have a calf at side and no exposure to other than known negative T. fetus bulls since parturition, are at least 120 days pregnant, are known virgin heifers or are heifers exposed only to known negative bull and not yet 120 days pregnant shall be allowed to accompany the commuting herd. Other open cows shall be sold to slaughter, moved under quarantine to be fed for slaughter or artificial insemination or held in sexual isolation for a 120 day period.

D. Import Permit.

(1) All non-virgin bulls must obtain an import permit, which will be recorded on the CVI.

(2) All cows originating from a [~~premise~~] premises where T. fetus has been diagnosed within the last year must obtain an import permit, which will be recorded on the CVI.

E. Public Livestock Sales (Auctions).

(1) All [~~non-virgin~~] out-of-state bulls must be accompanied [~~with~~] by an import permit.

(2) All non-virgin bulls (in state or import) shall be accompanied by an official laboratory negative T. fetus test, conducted within thirty days prior to sale. [~~Any bull without test may be placed under quarantine and tested at the livestock sale premise or at the New Mexico purchaser's premise within 10 days of sale.~~] Any bull without a test will be placed under quarantine and tested at the livestock sale premises within 10 days of sale or will be sold for slaughter purposes only. Bulls shall be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(3) All bulls not qualifying as above will be announced in the sale ring as “slaughter only” and so designated on the buyer's documents. Such bulls shall be identified with a back tag designating them as having no trich test prior to being offered for sale.

(4) Bovine breeding females shall be accompanied by one of the following statements signed by the owner/manager of the herd of origin on the CVI or other suitable document. In the absence of one of these statements, any female bovine over the age of 12 months shall be consigned and sold to slaughter (or quarantined feed for

slaughter) only.

(a) "The cows listed on this document did not originate from a known positive [*trichomonas*] T. fetus herd."

(b) "The heifers on this document have been exposed to only known negative bulls and are not yet 120 days pregnant."

(c) "The cows listed on this document are at least 120 days pregnant." or

(d) "The cows listed on this document originate from a positive [*trichomonas*] T. fetus herd and are consigned for slaughter."

[21.30.6.8 NMAC - N, 7/15/05; A, 2/26/10]

21.30.6.9 INTRASTATE BREEDING BULLS:

A. All non-virgin bulls must have a negative T. fetus test within 30 days [of] prior to change of ownership or change of possession under lease.

B. Bulls shall not be exposed to females at the new [*premise*] premises until the results of the test are known.

C. Any bull with a positive test shall be immediately quarantined.

D. The quarantine shall be in effect until the bull is sent to slaughter.

E. The positive T. fetus bull's herd of origin will be placed under quarantine.

F. The quarantine will be released in accordance to the regulatory section of this rule.

[21.30.6.9 NMAC - N, 7/15/05; A, 2/26/10]

21.30.6.10 VOLUNTARY NEW MEXICO T. FETUS FREE HERD CERTIFICATION REQUIREMENTS - MAY BE AN INDIVIDUAL HERD, RANCH, GRAZING ASSOCIATION OR FEDERAL LAND PERMITEE:

A. Breeding Bulls.

(1) All non-virgin breeding bulls shall be tested annually for T. fetus for the three years following the adoption of this rule.

(2) During the three year inception period, all non-virgin breeding bulls with changes of ownership, leased, rented or otherwise shall be tested for T. fetus within 30 days prior to such change unless consigned direct to slaughter. The test will be completed and test results known prior to the time a bull(s) is physically transferred to the receiving premises or herd.

(3) Negative T. fetus bulls will be identified with the official New Mexico negative T. fetus tag described in the identification section of this part.

(4) All slaughter bulls removed from the herd will be tested for T. fetus. The test may be preformed at a slaughter facility if prior arrangement with a veterinarian and an appropriate agreement with the slaughter facility management is made.

(5) Bovine females added to a certified herd shall not originate from known T. fetus infected herd. Female herd additions must originate from a New Mexico certified T. fetus free herd or qualify in one of the following categories:

(a) calf at side and no exposure to other than known negative T. fetus bulls;

(b) checked by an accredited veterinarian, at least 120 days pregnant and so recorded;

(c) virgin; or

(d) heifers exposed as virgins only to known negative T. fetus infected bulls and not yet 120 days pregnant.

(6) Records must be maintained for all tests including all non-virgin bulls entering the herd and made available for inspection by a designed accredited veterinarian or state animal health official.

(7) Following successful completion of the three-year testing requirement, the participating entity shall receive a T. fetus **free** certification from the New Mexico state veterinarian's office. Annual re-certification will require documented evidence that all male herd additions were virgin or that non-virgin breeding bulls added to the herd had three official negative T. fetus test within 30 days prior to commingling with female bovine and that all slaughter bulls removed from the herd have been negative for T. fetus prior to or at slaughter.

(8) A herd in which a bull has a confirmed T. fetus infection will be classified as a positive T. fetus herd and shall be removed from the "free" status. The herd will be quarantined until positive T. fetus bulls are sent to slaughter and all other bulls in the herd test negative to three consecutive official T. fetus tests at least seven days apart. The third T. fetus test will be completed within 12 months of T. fetus confirmation in the herd and will be conducted after the bulls have had breeding exposure to the cow herd. The bulls will be removed from the cow herd at least seven days prior to the official T. fetus test. If more than 12 months have passed since confirmation of T. fetus in the herd, the state veterinarian may require additional T. fetus testing prior to release of quarantine. The initial negative T. fetus test is included in the three negative tests.

B. A non-tested non-virgin bull that commingles with a herd which holds or is actively working toward the New Mexico certified trich free status, by fence breach or any commingled situation shall obligate the owner of the non-tested bull to test the bull from one to three times at the option of the state veterinarian in consultation with the owner and veterinarian of the negative herd.

C. A bull from a herd which holds a current or has pending a **free** certification and which commingles with a

non-tested herd, shall undergo one to three official T. fetus test(s) prior to return to his herd of origin. Shall such test be positive, all bulls from both herds may be subject to test. The state veterinarian in consultation with the herd owner and herd veterinarian will determine the appropriate number of tests and number of bulls to be tested.

[21.30.6.10 NMAC - N, 7/15/05; A, 2/26/10]

21.30.6.11 REGULATORY ACTION:

A. **Public Grazing and Grazing Associations.** [(+) All bulls commingling in grazing association and/or public lands, regardless if private or multiple user permits, shall have the official T. fetus bull test conducted annually. Virgin bulls added to a herd are exempt from testing requirements during their first breeding season.

[(a)](1) If a bull is found positive, the entire bull population, regardless of owners, will be required to have three consecutive negative tests prior to turn out time.

[(b)](2) Any stray non-virgin bull from an untested group that enters the grazing area of tested animals may be held under quarantine until the bull has one or more official T. fetus test(s) conducted. The test(s) shall be the responsibility of the bull's owner. The conditions of the quarantine and number of tests will be determined by the state veterinarian.

B. **Positive T. Fetus Bull & Herd.** [(+) Any confirmed T. fetus bovine and its herd (as defined by state animal health officials) shall immediately be placed under quarantine and will continue under quarantine until the following rules are completed.

[(a)](1) Positive T. fetus bulls shall be identified with ~~an official positive T. fetus test tag by an approved veterinarian within 5 days of diagnosis~~ the official New Mexico livestock board "N" fire brand.

[(b)](2) Positive T. fetus bulls shall be quarantined and sent directly to slaughter or to public livestock market for slaughter only. A quarantined feed period may be allowed under special conditions. Positive bulls ~~shall~~ may be required to move on an official USDA 1-27 permit.

[(c)](3) All other bulls in a positive T. fetus herd shall test negative to three consecutive official T. fetus tests at least seven days apart. The third T. fetus test will be completed within 12 months of T. fetus confirmation in the herd and will be conducted after the bulls have had breeding exposure to the cow herd. The bulls will be removed from the cow herd at least seven days prior to the official T. fetus test. If more than 12 months have passed since confirmation of T. fetus in the herd, the state veterinarian may require additional T. fetus

testing prior to release of quarantine. The initial negative T. fetus test is included in the three negative tests.

[(d)](4) If a disease management plan has not been developed and activated within 30 days of confirmation of T. fetus infection in the herd, all cattle, except steers and spayed heifers, will be required to go directly to slaughter upon leaving the ranch.

C. Reproductive Bovine Females from a Positive T. Fetus Herd.

(1) Females over 12 months of age (not known to be virgin heifers) from a positive T. fetus herd may be sold direct to slaughter or quarantined on the premises of origin. Individual females will be released from quarantine when there are three consecutive negative T. fetus tests of the entire bull population and the cow(s) has a calf at side with no exposure to other than known negative T. fetus bulls since parturition, has documented 120 days of sexual isolation or is determined by an accredited veterinarian to be at least 120 days pregnant. Heifers known to be virgin at the time of turnout or heifers exposed only to known negative T. fetus bulls and not yet 120 days pregnant are allowed.

(2) Open females shall be sold to slaughter or held in isolation from all bulls for 120 days. Any female sold to slaughter through a livestock market shall be identified with an official New Mexico positive T. fetus tag during the quarantine period.

(3) Breeding by artificial insemination is allowed during the quarantine period and cows confirmed by an accredited veterinarian to be at least 120 days pregnant as well as cows documented to have 120 days sexual isolation will be released from quarantine.

(4) If a disease management plan has not been developed and activated within 30 days of confirmation of T. fetus infection in the herd, all cattle, except steers and spayed heifers, will be required to go directly to slaughter upon leaving the ranch.

D. Regulatory Action.

(1) Any stray non-virgin bull from an untested group that enters land of another and commingles with a negative herd may be held under quarantine until the bull has one or more official T.fetus test(s) conducted.

(2) The test(s) shall be the responsibility of the bull(s) owner. The conditions of the quarantine and the number of test(s) will be determined by the state veterinarian.

E. Neighboring Facilities of a Positive T. Fetus Herd.

(1) All facilities that share a common boundary with a positive T. fetus herd may be required to test all of the bulls on the facility at their own expense. The decision to require such testing will be made by the state veterinarian based on results of epidemiological investigation.

(2) Any exposed herds found positive on testing will be designated as a positive T. fetus herd.

[21.30.6.11 NMAC - N, 7/15/05; A, 2/26/10]

21.30.6.12 IDENTIFICATION:

A. Bulls which have passed the official negative T. fetus test shall be identified with an official New Mexico negative T. fetus tag. Virgin bulls should also be tagged with the official negative T. fetus tag. The official tag shall be embossed with "New Mexico negative T. fetus" and a number. Tags will be supplied by the New Mexico livestock board and be assigned to approved veterinarians, who shall apply such tags at the time samples are collected. The approved veterinarian shall record any second form of positive identification available or apply a standard USDA metal tag as a secondary identification. Bulls so identified pending test results shall be isolated from all females until the test result is reported. The official negative T. fetus tag color shall be changed annually.

B. ~~[Positive T. fetus bulls shall be identified with an official red positive T. fetus tag supplies by the New Mexico Livestock Board. The approved veterinarian shall apply or record the existing standard USDA metal ear tag as a second form of positive identification when the positive T. fetus tag is applied.]~~ Positive T. fetus bulls shall be identified with the official New Mexico livestock board "N" fire brand or other identification approved by the state veterinarian and applied by the attending livestock inspector. Existing standard USDA metal ear tag and the official T. fetus tag shall be recorded when the "N" brand is applied.

C. ~~[Any quarantined cows moved from the original premise of quarantine shall be identified with an official red positive T. fetus ear tag.]~~ Any quarantined bovids moved from the original premises of quarantine shall be identified with the official New Mexico livestock board "N" fire brand or other identification approved by the state veterinarian.

[21.30.6.12 NMAC - N, 7/15/05; A, 2/26/10]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.30.7.7 NMAC, effective 2/26/10.

21.30.7.7 DEFINITIONS:

A. "Accredited veterinarian" means a veterinarian approved by the deputy administrator of USDA-APHIS-VS in accordance with provisions of Part 161, Title 9, Code of Federal Regulations (CFR). An accredited veterinarian is pre-approved to perform

certain functions of federal and cooperative state/federal programs.

B. "Animal and plant health inspection service (APHIS)" means the agency providing leadership in ensuring the health and care of animals and plants. The agency improves agricultural productivity and competitiveness and contributes to the national economy and public health.

C. "Approved laboratory" means a state, federal or private diagnostic laboratory that must be approved for EVA testing by the USDA-AHPIS-VS.

D. "Approved laboratory tests" means laboratory tests for the diagnosis of EVA infection that are approved by the office of the state veterinarian and USDA-AHPIS-VS.

E. "Area veterinarian in charge (AVIC)" means the veterinary official of USDA-APHIS-VS, who is assigned by the deputy administrator of VS to supervise and perform the official animal health work of APHIS in the states or states concerned.

F. "Board" means the New Mexico livestock board.

G. "Book or booking" means the contracting or scheduling of a mare to breed to a stallion by natural service.

H. "Carrier" means a clinically normal stallion that sheds EAV continuously in its semen.

I. "Certificate" means an official document issued by the chief livestock health official or a VS representative or accredited veterinarian at the point of shipment of equine. It includes all of the following:

(1) the description, including age, breed, color, sex, distinctive markings or unique and permanent forms of identification, when present (e.g. brands, tattoos, EID, scars or blemishes), of each of the restricted equine to be moved;

(2) the number of restricted equine covered by the document;

(3) the purpose for which the equine are to be moved;

(4) the points of origin and destination;

(5) the consignor; and

(6) the consignee.

J. "Certificate of veterinary inspection (CVI)" means the form issued by the state of origin that records the consignor, consignee, identity, origin, destination and health status of animals, issued by an accredited veterinarian of that state. It is commonly known as a health certificate.

K. "Chief livestock health official" means the state veterinarian of New Mexico.

L. "Commercial stallion" means a stallion that is utilized for breeding mares which are owned by someone other

than the owner of the [mare(s)] stallion.

M. "Cover" means the act of breeding a stallion to a mare.

N. "Director" means the executive director of the New Mexico livestock board.

O. "Electronic identification device (EID)" means an electronic implant with a transponder, inserted into the nuchal ligament of an equid. The transponder contains an approved 15 digit number that uniquely corresponds to a specific equine

P. "Equine arteritis virus (EAV)" means the organism which causes the disease equine viral arteritis.

Q. "Equine" means any animal in the family equidae, including horses, asses, mules, ponies and zebras.

R. "Equine viral arteritis (EVA)" means an infectious communicable disease in equine.

S. "Exposed animals" means animals in the family equidae that have been exposed to EAV by reason of associating or commingling with equine known to be infected with the virus.

T. "Herd" means all animals of the family equidae, such as horses, asses or zebras: under common ownership or supervision that are:

(1) grouped on more than one or more parts of any single premises (lot, farm or ranch); or

(2) on two or more premises that are geographically separated but between which equine have been interchanged or had contact with equine from the other premises; it will be assumed that contact between animals of the family equidae on the different premises has occurred unless the owner can establish otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between the premises; or

(3) on common premises, such as community pastures or grazing association units, but owned by different persons; other groups of equine owned by the persons involved that are located on the other premises are considered to be part of a herd unless epidemiologic investigation establishes that the equine from an affected herd have not had the opportunity for direct or indirect contact with equine from that specific premises.

U. "Herd of origin" means a farm or ranch or other premises where equine were born or where they have been kept for 30 days or more before the date of shipping. For the purpose of this rule, herd of origin has the same meaning as place of origin, premise of origin, farm of origin and ranch of origin.

V. "Identification" means any modality that provides a unique and permanent identification of an individual

equine.

W. "Mare" means the intact female of the equine species.

X. "Nurse mare" means a mare that has lost her foal and has adequate milk for supplementing an orphaned foal.

Y. "Official seal" means a serially numbered metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end that forms a loop when the ends are engaged. An official seal is tamperproof and cannot be reused if opened. It is applied to the doors of a transport vehicle by a representative of APHIS AVIC or the chief livestock health official. A serially numbered, self-locking button that cannot be reused may be substituted for the metal or plastic strip type of seal.

Z. "Official test" means the virus neutralization test and virus isolation test (in cell culture) are the official laboratory procedures currently employed for the diagnosis of EVA infection.

AA. "Owner" means any person with the legal right of possession or having legal control over any equidae and shall include but not limited to agents, caretakers and other persons acting on behalf of that person.

BB. "Permit" means on official document (VS form 1-27 or comparable state form) issued by the chief livestock health official, federal representative or by an accredited veterinarian. The permit must accompany all EAV carrier stallions and those EVA exposed equine being moved under official seal to a specified destination.

CC. "Quarantine" means the act of placing exposed or infected animals into isolation from other animals to prevent the transmission of an infection.

DD. "Quarantined area" means a confined area under the direct supervision and control of chief livestock health official or federal animal health official who establishes procedures for the monitoring and recording of all animals entering or leaving the area. All equine under EVA quarantine are considered to have been exposed to EAV.

EE. "Polymerase chain reaction test (PCR)" means a test to detect EAV in samples.

FF. "Reactor" means any horse, ass, mule, pony or zebra that has been subjected to an officially approved laboratory test that is confirmed positive for antibodies to EAV.

GG. "Reference laboratory" means the national reference laboratory for the serological testing of EAV infection is the diagnostic virology laboratory in Ames, Iowa, a part of USDA-APHIS-VS' National Veterinary Services Laboratories (NVSL).

HH. "Semen" means secretion or ejaculate from the reproductive organs of a stallion containing spermatozoa and seminal fluid from the accessory sex glands.

II. "Sero-conversion" means the development of neutralizing antibodies to EAV in response to natural infection with EAV or to the administration of EVA vaccine.

JJ. "Sero-negative" means a horse that has a serum neutralizing antibody titer of 1:4 to EAV using the virus neutralization test.

KK. "Sero-positive" means a horse that has a serum neutralizing antibody titer of 1:4 or greater to EAV using the virus neutralization test.

LL. "Shedder or shedding" means an equine has been determined to have EAV in its body. Specifically a term used to refer to a carrier stallion that has been determined to have EAV present in his semen and is capable of transmitting the infection to other equine through the act of breeding either by natural service or the use of artificial insemination.

MM. "Standard insemination volume" means 10 ml of semen.

NN. "Teaser stallion" means the intact male equid utilized in equine reproduction to aid in determination of estrus in a mare.

OO. "United States department of agriculture (USDA)" means, a federal agency charged with protecting American agriculture.

PP. "Vaccinated or vaccination" means an equine has been vaccinated with an approved EVA modified virus vaccine and for which the vaccination status has been kept current in accordance with the manufacturer's recommendation.

QQ. "Vaccinated sero-positive stallion" means a stallion that was sero-negative prior to receiving a vaccine for EVA that demonstrates a sero-positive titer post vaccination.

RR. "Veterinary services (VS)" means the animal health arm of APHIS, VS protects and improves the health, quality and marketability of our nations animals, animal products and veterinary biologicals by preventing, controlling or eliminating animal disease and monitoring and promoting animal health and productivity.

SS. "VS form 1-27" means an official restriction of livestock movement. This form is issued by a regulatory veterinarian and specifies the owner, owner's address, owner's telephone, premises affected, number, breed, age, sex, positive unique individual identification and destination of animals included.

TT. "Virus isolation test"

means a test to isolate EAV. This test shall be conducted by an approved laboratory.

UU. “Virus neutralization test (VN)” means an assay for determining serum neutralizing antibodies to a particular virus, in this case EAV. This test shall be conducted by an approved laboratory. [21.30.7.7 NMAC - N/E, 11/17/06; A, 2/26/10]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to the part name of 21.32.5 NMAC, and Sections 2, 5, 6, 7, 8, 9, 10 and 11 effective 2/26/10.

TITLE 21 AGRICULTURE AND RANCHING CHAPTER 32 BRANDS, OWNERSHIP, AND TRANSPORTATION OF ANIMALS PART 5 EXHIBITION [SWINE] LIVESTOCK

21.32.5.2 SCOPE: All owners, transporters, or handlers of exhibition [swine] livestock in the state of New Mexico and those that apply to bring exhibition [swine] livestock into the state for the purposes of sale or show. [3/1/99; 21.32.5.2 NMAC - Rn, 21 NMAC 32.5.2, 2/14/03; A, 2/26/10]

21.32.5.5 EFFECTIVE DATE: March 1, 1999, unless a later date is cited in the section [or paragraph]. [3/1/99; 21.32.5.5 NMAC - Rn, 21 NMAC 32.5.5, 2/14/03; A, 2/26/10]

21.32.5.6 OBJECTIVE: To establish requirements for identification and health standards and the documentation of such, for all exhibition [swine] livestock in the state of New Mexico. [3/1/99; 21.32.5.6 NMAC - Rn, 21 NMAC 32.5.6, 2/14/03; A, 2/26/10]

21.32.5.7 DEFINITIONS:

A. “Board” means the New Mexico livestock board.

B. “Director” means the executive director of the New Mexico livestock board.

C. “Exhibition [swine] livestock” means any [swine] livestock exhibited, entered or otherwise used for demonstration or competition at or in any fair, show, exhibit or other event in New Mexico, whether or not for compensation or prizes, or both, unless specifically exempted by the New Mexico livestock board.

D. “Inspector” means any duly authorized or commissioned officer of the livestock board.

E. “Livestock or animal”

means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids and farmed cervidae.

F. “New Mexico livestock” means any livestock raised or pastured or fed within the state of New Mexico.

G. “Person” means an individual, partnership, association or operation.

H. “Quarantine” or “quarantined area” means any area within the state of New Mexico whose physical boundaries have been established by order of the board or a duly authorized agent of the board for the purpose of controlling the movement of livestock to prevent the spread of disease.

I. “Quarantined livestock” means any livestock found by the board or its duly authorized agent to be exposed or affected by a contagious or infectious disease and the order of restricted movement is imposed.

J. “Sealed vehicle” means a vehicle for transporting livestock that has its gates or doors closed and which gates or doors have an attached strip of metal, which is numbered for identification. The metal strip is attached to the gates or doors in a manner that would break the “seal” if the vehicle were to be opened.

K. “Telephone permit” means the authorization to transport livestock to an approved New Mexico auction without prior inspection, by use of a confidential number issued to the owner or owner’s agent, which identifies the specific animals and shipment to a specific auction.

L. “Transient livestock” means livestock transported through the state of New Mexico from another state or country whose destination is not within the state of New Mexico.

M. “Transient livestock with New Mexico destination” means livestock imported in the state of New Mexico from another state or country or being transported within the state and not having reached the final destination for feed or pasture purpose.

N. “Universal swine earnotch (1-3-9) system” means the system of cutting notches in the ears of swine, at specific locations on the ear, which correspond to number values. The notches’ values added together provide identification numbers for the pig. The right ear’s value shall be the litter number. The left ear shall be the individual pig number in that litter. [3/1/99; 21.32.5.7 NMAC - Rn, 21 NMAC 32.5.7, 2/14/03; A, 2/26/10]

21.32.5.8 IDENTIFICATION REQUIREMENTS:

A. All exhibition livestock will be identified with an official New Mexico livestock board approved identification.

[A-]B. All exhibition swine used in New Mexico, or transported into New Mexico, shall be identified with the official universal swine earnotch (1-3-9) system.

[B-]C. Means other than the official universal swine earnotch system, including tattoos and ear tags, may be used in conjunction with, *but not in lieu of* the universal swine earnotch system.

[3/1/99; 21.32.5.8 NMAC - Rn, 21 NMAC 32.5.8, 2/14/03; A, 2/26/10]

21.32.5.9 BILL OF SALE REQUIREMENTS:

A. All exhibition [swine] livestock sold in New Mexico, or purchased out of this state and transported into New Mexico, shall have an accompanying legal bill of sale. This bill of sale shall contain at least the following information: Name and complete address of seller, name and complete address of the buyer, date of sale, all notches, marks and brands indicating individual identification found on the animal.

B. The minimum requirement for identification of individual swine shall be an accounting of the universal swine earnotch system marks upon each animal, which shall be clearly represented on the bill of sale.

[3/1/99; 21.32.5.9 NMAC - Rn, 21 NMAC 32.5.9, 2/14/03; A, 2/26/10]

21.32.5.10 HEALTH REQUIREMENTS [FOR EXHIBITION SWINE]:

A. The livestock board may issue guidelines and may enter into agreements with fairs and shows to follow those guidelines, state law and rules of the board when establishing entrance requirements.

[A-]B. Exhibition swine originating from pseudorabies stage V states may show in New Mexico with no tests required.

[B-]C. Exhibition swine originating from pseudorabies stage IV states may show in New Mexico after testing negative to two tests 30 to 45 days apart. The first test shall be done prior to June 1 of the show year.

[C-]D. No exhibition swine originating from pseudorabies stage I, II or III states may show in New Mexico, except those swine originating from herds declared “qualified free of pseudorabies” and “validated free of swine brucellosis” in those states.

[D-]E. All exhibition swine shown in New Mexico, except those allowed under [Subsection A] Subsection B of 21.32.5.10 NMAC, shall have originated from a herd that was “qualified free of pseudorabies” and “validated free of swine brucellosis” at the time of the exhibition

animal's birth, and the herd's validation and certification are still in effect. In the event that the herd of origin loses its validation ~~and~~ or certification subsequent to the removal of the exhibition animal from that herd, that animal may be allowed to show based upon the results of appropriate tests for any diseases as directed and determined by the New Mexico livestock board.

[E:]F. Owners of exhibition swine entering New Mexico shall have acquired an entry permit from the New Mexico livestock board prior to bringing the swine into this state.

[3/1/99; 21.32.5.10 NMAC - Rn, 21 NMAC 32.5.10; 2/14/03; A, 2/26/10]

21.32.5.11 [R E S E R V E D] INSPECTION REQUIREMENTS:

A. All exhibition swine shall be inspected by the New Mexico livestock board through an inspector, or authorized agent, upon change of ownership, importation into New Mexico, or for swine shown by the original breeder, prior to the deadline of declaration of entry into a given show season.

B. Upon importation from outside of New Mexico, the owner shall notify an inspector of the New Mexico livestock board within forty-eight (48) hours of the time of entry into New Mexico that the entry has occurred and request the appropriate inspection.

C. All exhibition swine, regardless of origin, shall be inspected by the New Mexico livestock board, prior to entry into any individual event or the 15th of July of the show season in which the animal is entered, whichever date comes first. Shows that have entry declaration dates after the 15th of July, may apply to the New Mexico livestock board for an extension of the deadline of inspection for the participants in that event. No swine may enter any show prior to inspection and certification. Any swine not inspected on or before the 15th of July, or on or before the special deadline granted by the New Mexico livestock board for a specific event, shall be ineligible for any New Mexico show, fair, exhibition, contest or other event described in this rule.

D. At the time of inspection the following applicable items and documents must be presented to the New Mexico livestock board inspector for complete visual inspection: each animal to be inspected, all bills of sale for said animals, all health certificates for import animals, notarized copies of the herd validation/certification documents for swine coming from other than stage V states, and any other documents deemed appropriate and necessary by the board to properly inspect the animals in accordance with this section.

E. At the time of inspection, the inspector shall collect the fees

for conducting the inspection before issuing the form 1 certificate. The fee shall include the New Mexico livestock board service charge and the fee per head, as set by this rule in 21.32.10 NMAC. The service charge for field inspection shall be paid for each form 1 certificate written by the inspector, regardless of the number of certificates completed for that visit.

[3/1/99; 21.32.5.11 NMAC - Rn & Repealed, 21 NMAC 32.5.11, 2/14/03; 21.32.5.11 NMAC - N, 2/26/10]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.30.2 NMAC Sections 5 and 10, and this action also rennumbers 21.30.2 NMAC to conform to the current NMAC requirements, effective 2/26/10.

21.30.2.5 EFFECTIVE DATE:
March 1, 1999, unless a later date is cited at the end of a section ~~or paragraph~~.
[3/1/99; 21.30.2.5 NMAC - Rn & A, 21 NMAC 30.2.5, 2/26/10]

**21.30.2.10 MEETING BY
TELEPHONE:** Pursuant to Section 10-15-1 (C) NMSA 1978, any number of board members may participate in a meeting of the board by means of a conference telephone or other communications equipment under the following conditions:

A. meeting by telephone will not be considered the normal accepted form of board business, and is intended only as an alternative to the normal board meeting when conditions warrant;

B. meetings by telephone can only be authorized at the discretion of the chairman of the board;

C. this part shall only apply when it is otherwise impossible, difficult or impractical for the member or members to attend the meeting in person;

D. such meetings will be advertised and facilitated in the same manner as a normal board meeting under the public notice requirements;

E. each member participating by conference telephone must be identified when speaking;

F. all participants must be able to hear each other at the same time; members of the public attending the meeting must be able to hear any board member who speaks during the meeting.

[21.30.2.10 NMAC - N, 2/26/10]

NEW MEXICO BOARD OF NURSING

This is an amendment to 16.12.1 NMAC, Section 8, effective 03-01-10.

16.12.1.8 ADMINISTRATION:

A. Members of the board are appointed by the governor and are accountable to the governor for the enforcement of the Nursing Practice Act, Section 61-3-1 *et seq.*, NMSA, 1978.

(1) Rules are adopted by the board to further define the Nursing Practice Act and the functions of the board.

(2) A code of conduct shall be adopted by the board, and shall be reviewed annually at a regularly scheduled meeting of the board.

(3) The board shall meet at least once every three months.

(a) A meeting notice resolution, consistent with the Open Meetings Act, Section 10-15-1 *et seq.*, NMSA, 1978, shall be adopted by the board and shall be reviewed annually at a regularly scheduled board meeting.

(b) A schedule of regular meeting dates shall be approved by the board at a regular meeting prior to the beginning of the next calendar year, and shall be published in the board's fall/winter newsletter, and on the board's website.

(4) The board may appoint advisory committees consisting of at least one member who is a board member and at least two members expert in the pertinent field of health care to assist it in the performance of its duties, Section 61-3-10, M. NMSA, 1978.

(a) Exception: no current board members shall be appointed to an advisory committee for the diversion program, Section 61-3-29, B. NMSA, 1978.

(b) Members of advisory committees who fail to attend three consecutive committee meetings shall automatically be removed as a member of the committee.

(c) Advisory committee members may be reimbursed as provided in the Per Diem and Mileage Act, Section 10-8-8 NMSA, 1978 for travel to a committee meeting or function.

(i) Mileage may be paid when there is a total of sixty (60) miles or more traveled.

(ii) Per diem may be paid for overnight stays only upon prior approval of the executive director or assistant director.

(5) The board shall elect a chairman, vice-chairman and secretary annually. The term of office begins with the meeting subsequent to the election. Any member of the board may serve as an officer

of the board.

(6) Board members shall not be involved with the administration or management of the board office "except in the absence or incapacity of the executive director".

(7) Board may appoint site visitors who have expertise in the pertinent field of education/health care to accompany board staff on visits to educational programs, health care institutions/facilities, etc. to assist it in the performance of its duties and responsibilities. Site visitors may be reimbursed as provided in the Per Diem and Mileage Act, Section 10-8-1 to 10-8-8 NMSA, 1978, for travel to a committee meeting or function.

(a) Mileage may be paid when there is a total of sixty (60) miles or more traveled, [and]

(b) Per diem may be paid for overnight stays only upon prior approval of the executive director or assistant director.

B. The board shall hire an executive director who is accountable to the board for the administration and management of the board office, including but not limited to the fiscal operation, records, hiring and firing of personnel. The operation of the board office shall be in accordance with the state of New Mexico statutes and rules.

(1) The executive director shall not have the power to grant, deny or withdraw approval for schools of nursing or to revoke, suspend or withhold any license authorized by the NPA.

(2) The executive director, or designee, shall represent the board to the public.

C. Honorarium: members of the board and board staff, when speaking on behalf of the board of nursing, may accept an honorarium. The honorarium shall be made in the name of the New Mexico board of nursing and deposited in the nursing fund with the state of New Mexico.

D. Verification of license/certificate.

(1) Employers and other interested persons may request verification of the status of a license/certificate.

(2) Verification of relicensure/recertification status is available immediately by phone and 24 hours on board website.

(3) Requests for verification of licensure/certification to other boards of nursing should be submitted through the NCSBN web based system.

E. Reimbursement for disciplinary witnesses and experts on behalf of the state.

(1) Individuals subpoenaed as a disciplinary witness for the state may be reimbursed for mileage as provided for in the Per Diem and Mileage Act, Section 10-8-1 to 10-8-8 NMSA, 1978, when sixty (60) miles or more are traveled to a disciplinary

hearing.

(2) Individuals who serve as an expert witness for the state in a disciplinary matter may be reimbursed by the board in an amount not to exceed: two hundred dollars (\$200.00) for reviewing the file, research and advisement in the matter, and three hundred dollars (\$300.00) for testifying at a disciplinary hearing.

(3) The executive director may approve additional reimbursement for the review of files and testimony of expert witnesses when such reimbursement is essential to the prosecution of the case.

F. Telephonic attendance at board meetings by board members.

(1) Pursuant to the provisions of the Open Meetings Act, Section 10-15-1 C NMSA, 1978, as amended, board members may participate in a meeting of the board by means of a conference telephone or similar communications equipment.

(2) Board members participation in meeting telephonically shall constitute presence in person at the meeting. Telephonic participation may only occur when it is difficult or impossible for the person to be physically present. That is, there are circumstances beyond the member's control which make attendance in person extremely burdensome.

(3) Each board member participating telephonically must be identified when speaking and all participants must be able to hear all other participants.

(4) Members of the public attending the meeting must be able to hear all members of the board and members of the public who speak during the meeting.

G. Use of fax: The board of nursing may accept and send facsimile of documents. Faxes of communications related to participants of the diversion program are accepted to the confidential fax number only. [1-1-98; 16.12.1.8 NMAC - Rn & A, 16 NMAC 12.1.8, 7-30-01; A, 11-16-01; A, 1-2-04; A, 6-01-04; A, 2-17-06; A, 6-17-08; A, 3-1-10]

NEW MEXICO PUBLIC SCHOOL INSURANCE AUTHORITY

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 50 INSURANCE PART 17 USE OF SCHOOL FACILITIES BY PRIVATE PERSONS

6.50.17.1 ISSUING AGENCY:
New Mexico Public School Insurance Authority.

[6.50.17.1 NMAC - N, 7/1/2010]

[The address of the New Mexico Public School Insurance authority is 410 Old Taos Highway, Santa Fe, New Mexico 87501.]

6.50.17.2 SCOPE: This part applies to all school districts, charter schools and other educational entities authorized to participate in the authority's risk related coverages.

[6.50.17.2 NMAC - N, 7/1/2010]

6.50.17.3 STATUTORY AUTHORITY: Subsection F of Section 22-29-7, NMSA 1978 directs the authority to establish a policy to be followed by participating members relating to the use of school facilities by private persons provided that the policy relates only to liability and risk issues. This policy shall not affect the rights and responsibilities of local school boards to determine how, when and by whom school district facilities are used. The policy shall be distributed to participating members and posted upon the authority's web site.

[6.50.17.3 NMAC - N, 7/1/2010]

6.50.17.4 DURATION:
Permanent.

[6.50.17.4 NMAC - N, 7/1/2010]

6.50.17.5 EFFECTIVE DATE:
July 1, 2010 unless a later date is cited in the history note at the end of a section.

[6.50.17.5 NMAC - N, 7/1/2010]

6.50.17.6 OBJECTIVE: To establish a policy to be followed by participating members relating to the use of school facilities by private persons. This policy relates only to liability and risk issues.

[6.50.17.6 NMAC - N, 7/1/2010]

6.50.17.7 DEFINITIONS:
[RESERVED]
[6.50.17.7 NMAC - N, 7/1/2010]
[See 6.50.1.7 NMAC for applicable definitions.]

6.50.17.8 POLICY ON USE OF SCHOOL FACILITIES BY PRIVATE PERSONS:

A. The representative of the requesting group shall contact the facilities manager or other designated school official of the desired site regarding the proposed usage within a time frame required by the site manager or official. The school or school district shall provide the requesting group with a site use agreement which sets forth the terms and conditions of use of the premises. Site use agreements shall at minimum include a copy of the school's safety rules or safety rules provided by the authority's risk management provider. The requesting group shall agree to follow the safety rules included with the site use agreement and also agree to follow the liability and risk related rules contained in Subsection G of 6.50.17.8 NMAC prior to use of the school facilities. The school

facility use shall be conducted in compliance with all federal, state and municipal statutes, ordinances, rules and regulations including those with regard to discrimination. School facilities shall not be used for any unlawful purpose.

B. All groups shall also agree that the schools will not be liable for injury to the property of the group itself or participants in the group's activities resulting from their participation in the group's activities. Groups and their individual participants shall be required to give waivers of liability and releases for personal injury or property damage on forms provided by the school or the authority.

C. Liability insurance provided through the authority shall be excess over any valid and collectible insurance carried by any group permitted to use school facilities. Liability insurance provided by the authority for use of school facilities by private persons is limited to \$1,000,000 per occurrence. Schools or school districts shall not warrant the suitability of the facility or of the facility's contents for the uses intended by the requesting group.

D. Commercial groups shall provide a copy of a current business license. Commercial groups shall inform participants that the activity is not sponsored by the school whose facilities are being used.

E. All districts shall include within their site use agreement a statement clearly indicating that the approved activity sponsor must assure that activity participants and/or guests/spectators only access those site areas designated for the activity. District superintendents shall also designate in the site use agreement an individual who shall verify that all the areas utilized were properly checked and secured upon departure from the facility.

F. Schools and school districts shall make their own arrangements regarding any payments required for use of the facilities, for reimbursement for special services such as setting up tables and chairs, use of school equipment such as projectors or video equipment or abnormal wear and tear on the facilities. All fees shall be made by check or money order and shall be made payable to the school or school board. It is inappropriate for users of school facilities to pay school employees directly for services in kind or in cash.

G. In addition to the safety rules included in the site use agreement, any user of school or school district facilities must agree to the following liability and risk related rules.

(1) The use of alcohol, illegal drugs and tobacco are prohibited on all school property at all times.

(2) Guns are not permitted on school property except for those in the possession of authorized law enforcement

personnel.

(3) Users of the facility shall be responsible for providing security as required by the member school or school district for the type of function they have planned.

(4) Users of swimming pool facilities must have a certified life guard on duty at all times.

(5) For events that involve animals, including dogs, all must be leashed, penned, caged or otherwise properly contained, constrained or under supervision and control at all times. Other animals or pets are prohibited.

(6) Open fires including candles, torches, and bonfires shall not be allowed except pursuant to prior approval and permit by the appropriate authorities.

(7) Building exits shall never be blocked for any reason.

(8) Parking shall be in designated areas only.

(9) Every effort shall be made to provide vehicle and pedestrian traffic management in order to insure safe and orderly movement of vehicles and people.

(10) All care shall be taken in the design, placement and construction of booths, displays, viewing stands, platforms, theater sets, temporary stages or any other structures to safeguard the safety of those building, using and disassembling such structures.

(11) Decorations shall be fire resistant whenever possible, cover no more than 20 percent of the wall area and never be placed within close proximity to incendiary sources.

(12) Care shall be taken at all times to avoid the creation of tripping hazards or if unavoidable to warn participants of obstacles.

(13) No hazardous materials, including pyrotechnic devices, fireworks, explosives flammable materials or liquids, poisonous materials or plants, strong acids or caustics shall be brought onto the premises or used in any way while occupying the premises except with the approval prior to use by the fire marshal or other authority having jurisdiction.

(14) No amusement rides or attractions, including but not limited to, trampolines of any type, enclosed or air supported structures of any type, climbing walls, climbing ropes, bow and arrow shooting activity or equipment or devices related thereto shall be brought onto the premises or used in any way while occupying the premises except with the express permission of school authorities and on proof of insurance by the user of the facility of at least \$1,000,000 per occurrence naming the school or school district and the authority as additional insureds. All such activities shall be operated and overseen by persons

experienced and, if possible, certified to do so.

(15) All users of school facilities shall give written notice to the school of any accident resulting in bodily injury or property damage to property of the school occurring on school premises or in any way connected with the use of the school premises within 24 hours of the accident. The notice shall include details of the time, place and circumstances of the accident and the names and addresses and phone numbers of any persons witnessing the accident.

(16) If playground equipment is to be used, the user of the facility shall provide at least one adult supervisor for every fifteen (15) children.

(17) The user of the facility shall provide the appropriate signage to inform participants of the safety rules. A list of emergency agencies and phone numbers shall also be posted.

(18) Access to school facilities by the users of the facility shall be limited to those areas specified in the site use agreement.

H. All users of school facilities shall agree to provide prompt and thorough clean-up and removal or storage of all special structures within no more than 24 hours after the end of the event, but in no case later than the beginning of the next school day or if school is out no later than prior to use of the area by school personnel. Users shall ensure that any furniture and equipment moved during the use of the facilities is replaced.

[6.50.17.8 NMAC - N, 7/1/2010]

HISTORY of 6.50.17 NMAC:
[RESERVED]

NEW MEXICO PUBLIC SCHOOL INSURANCE AUTHORITY

**TITLE 6 PRIMARY AND
SECONDARY EDUCATION
CHAPTER 50 INSURANCE
PART 18 USE OF
VOLUNTEERS IN SCHOOLS AND
SCHOOL DISTRICTS**

6.50.18.1 ISSUING AGENCY:
New Mexico Public School Insurance
Authority.

[6.50.18.1 NMAC - N, 7/1/2010]

[The address of the New Mexico Public School Insurance authority is 410 Old Taos Highway, Santa Fe, New Mexico 87501.]

6.50.18.2 SCOPE: This part applies to all school districts, charter schools and other educational entities authorized to participate in the authority's risk related coverages.

[6.50.18.2 NMAC - N, 7/1/2010]

6.50.18.3 S T A T U T O R Y

AUTHORITY: Subsection E of Section 22-29-7, NMSA 1978 directs the authority to establish a policy to be followed by participating members relating to the use of volunteers, distribute the policy to participating members and post the policy upon the authority's web site.

[6.50.18.3 NMAC - N, 7/1/2010]

6.50.18.4 D U R A T I O N :

Permanent.

[6.50.18.4 NMAC - N, 7/1/2010]

6.50.18.5 E F F E C T I V E D A T E:

July 1, 2010, unless a later date is cited in the history note at the end of a section.

[6.50.18.5 NMAC - N, 7/1/2010]

6.50.18.6 OBJECTIVE: To establish a policy to be followed by participating members relating to the use of volunteers.

[6.50.18.6 NMAC - N, 7/1/2010]

6.50.18.7 D E F I N I T I O N S:

A. "Regular volunteers" means those persons, including relatives of students, who commit to serve on a regular basis at a school district, charter school or other educational entity without compensation.

B. "Spontaneous volunteers" means those persons who agree to fill an urgent, temporary need for a school district, charter school or other educational entity without compensation and who are not pre-registered as a regular volunteer.

[6.50.18.7 NMAC - N, 7/1/2010]

[See 6.50.1.7 NMAC for other applicable definitions.]

6.50.18.8 P O L I C Y F O R R E G U L A R V O L U N T E E R S I N S C H O O L S A N D S C H O O L D I S T R I C T S:

A. Participating member schools and school districts make extensive use of regular volunteers for many of their programs. In seeking and accepting the voluntary services of qualified, interested individuals, the participating members recognize that they have basic responsibilities to the regular volunteers as well as to the students and to themselves.

B. Each participating member shall be responsible for organizing and managing its own regular volunteer program subject to the following rules. Participating member schools, school districts and other educational entities shall have in place policies clearly establishing how and by whom regular volunteers are appointed and the policies at minimum shall require:

(1) interviewing all prospective

regular volunteers and doing a background check including, but not limited to any history of drug abuse or drug dealing, domestic violence, DUI offenses, and sex crimes;

(2) providing all regular volunteers with a job description, outlining specific duties, time commitment and qualifications for acceptance as a regular volunteer;

(3) providing appropriate training, supervision and evaluation of regular volunteers; and

(4) instructing all regular volunteers to understand that failure to obey the code of ethics and standards of professional conduct as provided in 6.60.9.8 NMAC and 6.60.9.9 NMAC concerning the obligations of school personnel is grounds for dismissal.

C. Regular volunteers shall not be allowed to begin their service until after their duties are explained to them and they have accepted in writing the following volunteer pledge:

(1) it is my duty to deal justly and considerately with each student, school employee or other volunteer;

(2) it is my duty to share the responsibility for improving educational opportunities for all;

(3) it is my duty to stimulate students to think and learn, but at the same time protect them from harm;

(4) it is my duty to respect the confidentiality of student records and information about students, their personal or family life;

(5) it is my duty not to discriminate or to permit discrimination on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition against any person while I am on duty as a volunteer;

(6) it is my duty to avoid exploiting or unduly influencing a student into engaging in an illegal or immoral act or any other behavior that would subject the student to discipline for misconduct, whether or not the student actually engages in the behavior;

(7) it is my duty to avoid giving gifts to any one student unless all students similarly situated receive or are offered gifts of equal value for the same reason;

(8) it is my duty to avoid lending money to students;

(9) it is my duty to avoid having inappropriate contact with any student, whether or not on school property, which includes all forms of sexual touching, sexual relations or romantic relations, any touching which is unwelcome by the student or inappropriate given the age, sex and maturity of the student;

(10) it is my duty to avoid giving a ride to a student;

(11) it is my duty not to engage in sexual harassment of students, other

volunteers or school employees;

(12) it is my duty not to engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off premises;

(13) it is my duty not to possess or use tobacco, alcohol or illegal drugs while on school property or during school events off premises;

(14) it is my duty to use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable law, policies and rules;

(15) it is my duty to avoid any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct when on school property or off campus at school functions;

(16) it is my duty to refrain from using school information technology equipment, hardware, software or internet access for other than a school related purpose;

(17) it is my duty to refrain from striking, assaulting or restraining students unless necessary in the defense of self or others;

(18) it is my duty to refrain from using inflammatory, derogatory or profane language while on school property or while attending school events off premises;

(19) it is my duty to refrain from bringing or possessing firearms or other weapons on school property except with proper authorization;

(20) it is my duty not to be under the influence of alcohol or illegal drugs on school property or at school events off premises; and

(21) it is my duty to report, as appropriate under the circumstances, violations of this pledge by other regular volunteers or school employees.

D. For the mutual protection of regular volunteers and the participating members, personnel administering regular volunteer programs shall provide a safe place to work and clear project organization or direction, establish and inform regular volunteers of emergency procedures, ensure that regular volunteers understand that their activities create participating member's liability, and that ethical standards apply to them as well as to regular school employees. Participating member personnel shall inform each regular volunteer in writing of the reserved right to dismiss unsatisfactory regular volunteers and of the established procedures for doing so.

E. Spontaneous volunteers are not subject to these rules, but spontaneous volunteers must be supervised at all times by an employee or regular volunteer of the school district, charter school or other educational entity.

[6.50.18.8 NMAC - N, 7/1/2010]

HISTORY of 6.50.18 NMAC:
[RESERVED]

End of Adopted Rules Section

Submittal Deadlines and Publication Dates 2010

Volume XXI	Submittal Deadline	Publication Date
Issue Number 1	January 4	January 15
Issue Number 2	January 19	January 29
Issue Number 3	February 1	February 12
Issue Number 4	February 15	February 26
Issue Number 5	March 1	March 15
Issue Number 6	March 16	March 31
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 3	May 14
Issue Number 10	May 17	May 28
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 16	July 30
Issue Number 15	August 2	August 16
Issue Number 16	August 17	August 31
Issue Number 17	September 1	September 15
Issue Number 18	September 16	September 30
Issue Number 19	October 1	October 15
Issue Number 20	October 18	October 29
Issue Number 21	November 1	November 15
Issue Number 22	November 16	December 1
Issue Number 23	December 2	December 15
Issue Number 24	December 16	December 30

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