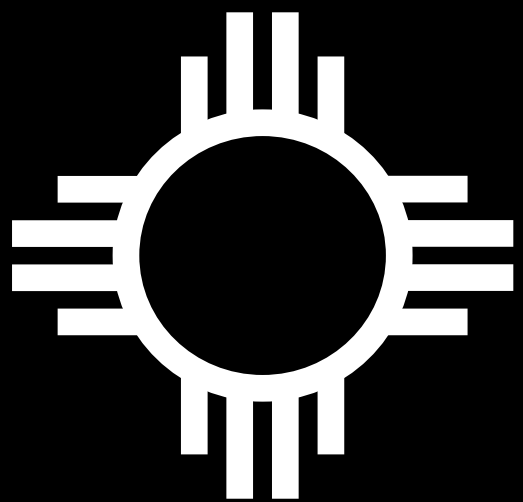


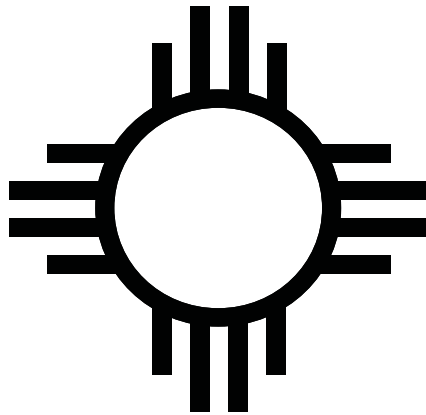
**NEW
MEXICO
REGISTER**



Volume XXIV
Issue Number 17
September 16, 2013

New Mexico Register

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September 16, 2013



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
2013

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New Mexico Register

Volume XXIV, Number 17

September 16, 2013

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Adopted Rules

Effective Date and Validity of Rule Filings

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

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Notices of Rulemaking and Proposed Rules

NEW MEXICO BOARD OF DENTAL HEALTH CARE

LEGAL NOTICE

Public Rule Hearing and Regular Board and Committee Meeting

The New Mexico Board of Dental Health Care will hold a Rule Hearing on Friday, October 25, 2013. Following the Rule Hearing the New Mexico Dental Hygienists Committee will convene a regular meeting; following the New Mexico Dental Hygienist Committee meeting the New Mexico Board of Dental Health Care will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Dental Health Care Rule Hearing will begin at 9:00 a.m. and the Regular Board Meetings will convene following the rule hearing. The meetings will be held at the New Mexico Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM, 87113 in the Main Conference Room.

The purpose of the rule hearing is to consider adoption of proposed amendments, repeals and additions to the following Board Rules and Regulations in 16.5 NMAC: Part 1 General Provisions, Part 16 Dentists Disciplinary Proceedings, Part 29 Dental Hygienists, Practice, Part 39 Dental Assistants, Practice and Supervision, Part 46 Expanded Function Dental Auxiliary, Practice and Supervision, NEW PARTS: Part 58 Dental Amalgam Waste and Part 59 Licensure for Military Service Members, Spouses and Veterans.

You can contact the board office at the Toney Anaya Building located at 2550 Cerrillos Road in Santa Fe, New Mexico 87505, call (505) 476-4680 or copies of the proposed rules are available on the Dental board's website: www.RLD.state.nm.us/boards/dental_health_care.aspx. 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 October 11, 2013. Persons wishing to present their comments at the hearing will need fifteen (15) 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 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) 476-4680 at least two week prior to the meeting or as soon as possible.

Kathy Ortiz, Acting Board Administrator
PO Box 25101- Santa Fe, New Mexico
87505

NEW MEXICO GAME COMMISSION

STATE GAME COMMISSION PUBLIC MEETING AND RULE MAKING NOTICE

On **Thursday, September 26, 2013**, beginning at 9:00 a.m., in the **New Mexico State Capitol Building, Room 311, 490 Old Santa Fe Trail, Santa Fe, NM 87501**, the State Game Commission will meet in public session to hear and consider action as appropriate on the following: Revocations, Oryx Management Program Update, Pronghorn Antelope Management Translocation Projects, Prospective Initiatives for the 2014 Legislative Session, and Department Participation in Environmental Impact Statement (EIS) for Mexican Wolves. Additionally they will hear and consider action as appropriate on proposed and final amendments to the following rules: Proposed Amendments to the Scientific and Education Rules 19.35.6 and 19.36.2 NMAC, Final Proposed Amendments to the Fisheries Rule, 19.31.4 NMAC, State Land Easement Agreement, and Revision of State Game Commission Public Notice Policy. They will hear general public comments (comments are limited to three minutes). A closed executive session is planned to discuss matters related to litigation.

Obtain a copy of the agenda from the Office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504, or from the Department's website. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact

the Department at 505-476-8000 if a summary or other type of accessible format is needed.

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The Human Services Department will hold a public hearing on October 16, 2013 at 09:00 am, to receive testimony on regulations to provide a cash assistance program for certain victims of human trafficking who do not meet the citizen or alien status to be eligible or the General Assistance for Disabled Adults case assistance program.

The Human Services Register Vol. 36 No 19 outlining the regulations is available on the Human Services Department website at <http://www.hsd.state.nm.us/isd/registers/ISDRegisters.html>.

Individuals wishing to testify or requesting a copy of the emergency interim regulations should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, NM 87505-2348, or by calling 505-827-7250.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 P.M. on the date of the hearing. Please send comments to:

Sidonie Squier, Secretary
Human Services Department
P.O. Box 2348, Pollon Plaza
Santa Fe, NM 87504-2348

You may send comments electronically to: brandi.sandoval@state.nm.us

NEW MEXICO DEPARTMENT OF TRANSPORTATION

THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC HEARINGS

The New Mexico Department of Transportation (NMDOT) will hold public hearings for the purpose of receiving oral and written public comment on Rule Number 18.21.5 NMAC, New Mexico Department of Transportation Outdoor Advertising Requirements. The purpose of the proposed rule change is to establish procedures and standards for all off-premises outdoor

advertising in New Mexico, including the use of changeable electronic variable message signs, to amend the current fee structure, to update and clarify the rule where necessary, including definitions and permit-related processes, to correct inconsistencies with federal regulations, and to make formatting, organizational and language changes throughout the rule to conform to New Mexico rulemaking requirements.

The first hearing is scheduled on October 18, 2013, from 1:00 p.m. to 3:00 p.m. at the offices of the New Mexico Department of Transportation, District 3 Auditorium, located at 7500 Pan American Blvd., Albuquerque, New Mexico. A second hearing is scheduled for October 21, 2013, from 2:00 pm to 4:00 p.m. at the Dona Ana County Commission chambers, located at the Dona Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico. Please contact Michael Otero, Outdoor Advertising Program Manager, New Mexico Department of Transportation, P.O. Box 1149, SB 4, 2nd Floor, Santa Fe, New Mexico 87504-1149, Telephone (505) 827-5460, to request a copy of the rule.

The hearings will be held before Elias Archuleta, NMDOT Acting Chief Engineer. Interested persons may also present their views by written statements received on or before October 25, 2013 by the New Mexico Department of Transportation, at P.O. Box 1149, SB 4, 2nd Floor, Santa Fe, New Mexico 87504-1149, Telephone (505) 827-5460.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearings, or who needs copies of the proposed rule in an accessible form may contact Michael Otero at (505) 827-5460 at least ten (10) days before any of the scheduled hearings.

**End of Notices and Proposed
Rules Section**

Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE CHAPTER 31 H U N T I N G A N D FISHING PART 6 M I G R A T O R Y G A M E B I R D

19.31.6.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.6.1 NMAC – Rp/E, 19.31.6.1 NMAC,
8-29-13]

19.31.6.2 SCOPE: Hunters
of migratory game birds. Additional
requirements may be found in Chapter 17
NMSA 1978 and Chapters 30 and 32 through
36 of Title 19.
[19.31.6.2 NMAC – Rp/E, 19.31.6.2 NMAC,
8-29-13]

**19.31.6.3 S T A T U T O R Y
AUTHORITY:** 17-1-14 and 17-1-26
NMSA 1978 provide that the New Mexico
game commission has the authority to
establish rules and regulations that it may
deem necessary to carry out the purpose of
Chapter 17 NMSA 1978 and all other acts
pertaining to protected mammals, birds, and
fish.
[19.31.6.3 NMAC – Rp/E, 19.31.6.3 NMAC,
8-29-13]

19.31.6.4 DURATION: August
29, 2013 - March 31, 2014.
[19.31.6.4 NMAC – Rp/E, 19.31.6.4 NMAC,
8-29-13]

19.31.6.5 EFFECTIVE DATE:
August 29, 2013 unless a later date is cited at
end of individual sections.
[19.31.6.5 NMAC – Rp/E, 19.31.6.5 NMAC,
8-29-13]

19.31.6.6 O B J E C T I V E :
Establishing seasons on dove, band-tailed
pigeon, sandhill crane, American coot,
common moorhen, common snipe, ducks,
geese, sora, Virginia rail, and setting falconry
seasons for migratory game birds.
[19.31.6.6 NMAC – Rp/E, 19.31.6.6 NMAC,
8-29-13]

19.31.6.7 DEFINITIONS: Areas,
species, non-toxic shot, and possession limit
defined.

A. “Adult/youth” (A/Y) as
used herein, shall mean that hunt designation
where the adult and youth are permitted to
hunt together.

B. “Arrows” shall mean

only those arrows or bolts having broadheads
with steel cutting edges.

C. “Baiting” shall
mean the placing, exposing, depositing,
distributing, or scattering of any salt, grain,
scent or other feed on or over areas where
hunters are attempting to take migratory
game birds.

D. “Bernardo ponds”
shall mean that portion of Bernardo
Waterfowl Management Area 600 feet south
of U.S. 60 and west of the unit 7 drain.

E. “Bow” shall mean
compound, recurve, or long bow. Sights on
bows shall not project light nor magnify.

F. “Central flyway” shall
mean that portion of New Mexico east of the
continental divide, with the exception of the
Jicarilla Apache Indian reservation.

G. “Crossbows” shall
mean a device with a bow limb or band of
flexible material that is attached horizontally
to a stock and has a mechanism to hold
the string in a cocked position. Sights
on crossbows shall not project light nor
magnify.

H. “Dark goose” shall
mean Canada goose or greater white-fronted
goose.

I. “Department” shall
mean the New Mexico department of game
and fish.

J. “Department offices”
shall mean department offices in Santa
Fe, Albuquerque, Raton, Las Cruces, or
Roswell.

K. “Director” shall mean
the director of the New Mexico department
of game and fish.

L. “Dove north zone”
(north zone) shall mean that portion of New
Mexico north of I-40 from the Arizona-New
Mexico border to Tucumcari and U.S. 54 at
its junction with I-40 at Tucumcari to the
New Mexico-Texas border.

M. “Dove south zone”
(south zone) shall mean that portion of New
Mexico south of I-40 from the Arizona-New
Mexico border to Tucumcari and U.S. 54 at
its junction with I-40 at Tucumcari to the
New Mexico-Texas border.

**N. “Eastern New Mexico
sandhill crane hunt area”** (eastern) shall
mean that area in the following counties:
Chaves, Curry, De Baca, Eddy, Lea, Quay,
and Roosevelt.

O. “Established road” is
defined as follows:

(1) a road, built or maintained
by equipment, which shows no evidence
of ever being closed to vehicular traffic by
such means as berms, ripping, scarification,
reseeding, fencing, gates, barricades or
posted closures;

(2) a two-track road completely
void of vegetation in the tracks which
shows use prior to hunting seasons for other
purposes such as recreation, mining, logging,
and ranching and shows no evidence of
ever being closed to vehicular traffic by
such means as berms, ripping, scarification,
reseeding, fencing, gates, barricades or
posted closures.

**P. “Estancia valley
sandhill crane hunt area”** (EV) shall mean
that area beginning at Mountainair bounded
on the west by N.M. highway 55 north to
N.M. 337, north to N.M. 14, and north to
Interstate 25; on the north by Interstate
25 east to U.S. 285; on the east by U.S.
285 south to U.S. 60; and on the south by
U.S. 60 from U.S. 285 west to N.M. 55 in
Mountainair.

Q. “Falconry” shall mean
hunting migratory game birds using raptors.

**R. “Federal youth
waterfowl hunting days”** shall mean the
special seasons where only those under 16
years of age may hunt ducks and geese. A
supervising adult must accompany the youth
hunter. The adult may not hunt ducks; but
may participate in other seasons that are
open on the special youth days.

S. “License year” shall
mean the period from April 1 through March
31.

T. “Light geese” shall
mean snow geese, blue phase snow geese,
and Ross’s geese.

**U. “Light goose
conservation order”** shall mean those
methods, bag and possession limits, and
dates approved by the U. S. fish and wildlife
service (USFWS) towards reducing over-
abundant light goose populations.

**V. “Middle Rio Grande
valley dark goose hunt area”** shall mean
Sierra, Socorro and Valencia counties.

**W. “Middle Rio Grande
valley sandhill crane hunt area”** (MRGV)
shall mean Valencia and Socorro counties.

**X. “Migratory game
bird”** shall mean band-tailed pigeon,
Eurasian collared dove, mourning dove,
white-winged dove, sandhill crane,
American coot, common moorhen, common
snipe, ducks, geese, sora, and Virginia rail.

Y. “Modern firearms”
shall mean center-fire firearms, not to
include any fully automatic firearms. Legal
shotguns shall be only those shotguns
capable of being fired from the shoulder.

**Z. “Muzzle-loader or
muzzle-loading firearms”** shall mean those
rifles and shotguns in which the charge and
projectile are loaded through the muzzle.
Only blackpowder, pyrodex or equivalent
blackpowder substitute may be used. Use
of smokeless powder is prohibited. Legal

muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

AA. "Non-toxic shot" shall mean that non-toxic shot approved for use by the USFWS.

BB. "North zone" shall mean that portion of the Pacific flyway north of I-40 from the Arizona-New Mexico border to the continental divide; and that portion of the central flyway north of I-40 from the continental divide to Tucumcari and U.S. 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

CC. "Pacific flyway" shall mean that portion of New Mexico west of the continental divide including the Jicarilla Apache Indian reservation.

DD. "Permanent mobility limitation" shall mean an individual that permanently has restricted movement in both arms, or is restricted to the use of a walker, wheelchair, or two crutches to walk, or has a combination of disabilities that cause comparable substantial functional limitations. **EXCEPTION:** For the purposes of hunting migratory game birds from a vehicle, mobility limitation individuals are those that have permanently lost one or both legs.

EE. "Possession limit" shall mean three times the daily bag limit one can have in their ownership, except where otherwise defined.

FF. "Protected species" shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 New Mexico Statutes Annotated 1978 Compilation;

(2) all animals listed as endangered species or subspecies as stated in regulation(s) set by the state game commission.

GG. "Quagmire" shall mean that portion of Bernardo Waterfowl Management Area 600 feet south of U.S. 60 and east of the unit 7 drain.

HH. "Regular band-tailed pigeon hunting area" (regular BPHA) shall mean that portion of New Mexico not included in the southwest band-tailed pigeon hunt area.

II. "Retention" or "retain" shall mean the holding of in captivity.

JJ. "South zone" shall mean that portion of the Pacific flyway south of I-40 from the Arizona-New Mexico border to the continental divide; and that portion of the central flyway south of I-40 from the continental divide to Tucumcari and U.S. 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

KK. "Southwest band-tailed pigeon hunting area" (southwest BPHA) shall mean that portion of New

Mexico both south of U.S. 60 and west of I-25.

LL. "Southwest New Mexico sandhill crane hunt area" (SW) shall mean that area bounded on the south by the New Mexico/Mexico border; on the west by the New Mexico/Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna county line, and south to the New Mexico/Mexico border.

MM. "State game commission owned properties" shall mean all department owned or managed waterfowl management areas, wildlife management areas, Sandhills prairie conservation area and lesser prairie-chicken areas.

NN. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

OO. "Waterfowl management area" (WMA) shall mean Bernardo, Brantley, Casa Colorada, Charette lake, Jackson lake, La Joya, McAllister lake, Wagon Mound, Tucumcari, and W.S. Huey state game commission owned or managed waterfowl management areas.

PP. "Wildlife management area" shall mean Big Hatchet, Colin Neblett, E.S. Barker, Humphries, Marquez, Rio Chama, Sargent, Socorro-Escondida, and Water canyon wildlife management areas, the Sandhills prairie conservation area, and state game commission owned lesser prairie-chicken areas.

QQ. "Youth" shall mean those less than 18 years of age except where otherwise defined.

[19.31.6.7 NMAC – Rp/E, 19.31.6.7 NMAC, 8-29-13]

19.31.6.8 LICENSE AND APPLICATION REQUIREMENTS:

A. License: It shall be unlawful to hunt migratory game birds without having purchased a valid license for the current license year. A migratory bird permit number shall be required. Waterfowl hunters 16 years of age and older are required to have in their possession a federal migratory bird hunting and conservation stamp (duck stamp).

(1) For eastern sandhill crane hunting and falconry: in addition to a valid license, a free federal sandhill crane hunting permit obtained from department offices or website shall be required.

(2) For Estancia valley sandhill crane, middle Rio Grande valley sandhill crane, middle Rio Grande valley youth-only sandhill crane, southwest sandhill crane, and Bernardo WMA youth-only waterfowl hunting; in addition to a valid license, a

special permit obtained by drawing shall be required.

(3) For the light goose conservation order: in addition to a valid license, a free light goose conservation order permit obtained from department offices or website shall be required.

B. Valid dates of license or permit: All permits or licenses shall be valid only for the dates, legal sporting arms, bag limit and area specified by the hunt code printed on the permit or license.

C. Applications: Applications for Bernardo ponds youth-only waterfowl, EV sandhill crane, MRGV sandhill crane, SW sandhill crane, and MRGV youth-only sandhill crane hunt permits shall be submitted via the department website.

(1) For permits issued by drawing, the appropriate application fee as defined by 19.30.9 NMAC shall be required by each applicant per application submitted.

(2) No more than four persons may apply per application. For the MRGV youth-only sandhill crane hunt, no more than two persons may apply per application.

(3) It shall be unlawful to submit more than one application per species per year, unless otherwise specifically allowed by rule. Those submitting more than one application per species will result in the rejection of all applications for that species.

(4) Applications may be rejected if such applications do not supply adequate information.

(5) Applicants may apply for a first, second and third choice of seasons, if applicable. A maximum of one permit per species hunt code will be awarded to successful applicants unless otherwise specifically allowed by rule.

(6) All applications must be submitted via the department website unless otherwise specifically allowed by rule.

(7) The application deadline date for the Bernardo WMA youth-only waterfowl; and EV, MRGV, MRGV youth-only, and SW sandhill crane hunt permits shall be on date(s) set by the state game commission.

(a) For the Bernardo ponds youth-only waterfowl hunt permits, no more than one person may apply per application.

(b) If any permits are available after the drawing, a person may submit a new application; up to three hunt choices may be awarded.

(c) Hunters may have a maximum of four Bernardo ponds youth-only waterfowl permits per license year.

(d) Up to eight applications per hunt code will be drawn, or issued after the drawing for the Bernardo ponds youth-only waterfowl permits.

(8) If applications for permits exceed the number of available permits, as

herein established, the available permits shall be allotted by means of a random public drawing in the Santa Fe office of the department of game and fish.

(9) If any permits remain after the original deadline, the director may authorize a new deadline. A person who is not awarded a permit for which he applied may submit a new application for a permit if such permits remain available.

D. Youth hunts: Only applicants who have not reached their 18th birthday by the opening day of the hunt are eligible to apply for or participate in a youth-only hunt. EXCEPTION: During the federal youth waterfowl hunt days only those who have not reached their 16th birthday may hunt waterfowl.

[19.31.6.8 NMAC – Rp/E, 19.31.6.8 NMAC, 8-29-13]

19.31.6.9 MANNER AND METHODS FOR MIGRATORY GAME BIRDS:

A. Season and hours: Migratory game birds may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset, unless otherwise specifically allowed by rule.

(1) On wildlife management areas, the lesser prairie-chicken areas, and the Sandhills prairie conservation area, hunting hours shall be from one-half hour before sunrise to sunset.

(2) On waterfowl management areas (WMAs) and the Bottomless lakes overflow, hunting hours shall mean from one-half hour before sunrise to 1:00 p.m. unless otherwise stated in rule. For hunting September teal on Bernardo and La Joya WMAs, hunting hours are from one-half hour before sunrise to sunset.

(3) During the light goose conservation order hunt dates, hunting hours shall mean from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one daily bag limit allowed by regulation, unless otherwise specifically allowed by rule.

(1) There shall be no daily bag or possession limit for Eurasian collared dove.

(2) There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

C. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of any migratory game birds that are illegally obtained.

D. Use of bait: It shall be unlawful for anyone to take or attempt to take any migratory game bird by use of bait such as grain, salt or other feed.

E. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any migratory game bird.

F. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any migratory game bird, unless otherwise specifically allowed by rule. During the light goose conservation order hunt dates, electronic calling devices are allowed.

G. Killing out-of-season: It shall be unlawful to kill any migratory game bird out-of-season.

H. Legal sporting arms and ammunition:

(1) The following are legal sporting arms for migratory game birds:

(a) shotguns no larger than 10 gauge firing shot, shotguns shall not be capable of holding more than three shells;

(b) muzzle-loading shotguns firing shot;

(c) bows and arrows;

(d) crossbows; and

(e) during the light goose conservation order hunt dates, as listed herein, shotguns capable of holding more than three shells are lawful.

(2) Non-toxic shot use is required for hunting:

(a) all migratory game bird species, excluding dove, band-tailed pigeons, and eastern sandhill cranes; and

(b) on all state game commission owned lands.

(3) Use of lead shot: It shall be unlawful for any person hunting migratory game birds, other than dove, band-tailed pigeon and eastern sandhill crane, to hunt with or be in possession of any shotgun shells loaded with toxic shot or for any person using a muzzleloader to be in possession of lead shot.

I. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

J. Proof of species or sex: (1) One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at the personal abode of the possessor or storage facility.

(2) All Eurasian collared dove in possession must have an identifiable feathered wing attached until the bird has arrived at the personal abode of the possessor or storage facility. Any harvested dove without an identifiable wing attached, will count towards the daily dove bag and possession limits.

K. Possession or sale of migratory game bird: It shall be unlawful to possess, sell, or offer for sale all or part of any migratory game bird except as provided

below.

(1) License or permit: A person may possess migratory game bird or parts thereof they have lawfully taken (killed) under license or permit.

(2) Game taken by another: Any person may have in their possession or under their control any migratory game bird or parts thereof that have been lawfully taken by another person if they possess a written statement which shall be provided by the donor of the migratory game bird, or parts thereof, and which shall contain the following:

(a) the kind and number of game parts donated;

(b) the date and county where the game was lawfully taken;

(c) the donor's name, address, and the number of the hunting license under which the game was lawfully taken; and

(d) the date and place of the donation.

(3) Retention of live animals: It shall be unlawful to retain migratory game birds in a live condition except under permit or license issued by the director for the following purposes:

(a) zoos open for public display;

(b) in class A parks;

(c) in projects for scientific research and propagation;

(d) a rehabilitation permit;

(e) under a falconry permit, only those birds listed on the permit;

(f) under a scientific collection permit, one may collect and possess only those migratory game bird species listed on the permit; and

(g) in transit through New Mexico when the transporter can demonstrate proof of legal possession of the migratory game bird being transported.

(4) Sale of game animal parts: It shall be unlawful to sell or barter any parts or feathers from migratory game birds.

(5) Falconry provisions for possession: The falconry hunter shall not retain nor possess any migratory game bird of bird taken by a raptor except those species of protected birds taken during open falconry season.

L. Release of wildlife: It shall be unlawful for any person or persons to release, intentionally or otherwise, or cause to be released in this state any migratory game bird, without first obtaining a permit from the department of game and fish.

M. Use of vehicles and roads in hunting migratory game birds:

(1) Roads: It shall be unlawful to shoot at, wound, take, attempt to take, or kill any migratory game bird on, from, or across any graded paved, or maintained public road and including the areas lying within right-of-way fences or 40 feet from the edge of the pavement or maintained surface, in absence

of right-of-way fences.

(2) Vehicles, boats, aircraft: It shall be unlawful to shoot at any migratory game bird from within a motor vehicle, power boat, sailboat, or aircraft. EXCEPTION: Migratory game birds may be taken from a motor-driven boat (or other craft with attached motor) or sailboat when resting at anchor or fastened within or immediately alongside a fixed hunting blind or is used solely as a means of picking up dead birds.

(3) Harassing migratory game birds: It shall be unlawful, at any time, to pursue, harass, harrass, drive, or rally any migratory game bird by use of or from a motor-driven vehicle, powerboat, sailboat, or aircraft.

(4) Vehicle off of established road: During the seasons established for any migratory game bird, it shall be unlawful to drive or ride in a motor vehicle which is driven off an established road when the vehicle bears a licensed hunter, fisherman or trapper. EXCEPTION: 1) snowmobiles; and 2) all landowners, lessees or their employees, while on their owned or leased lands in connection with legitimate agricultural activities.

(5) Closed roads: During the seasons established for any migratory game bird, it shall be unlawful to knowingly occupy, drive, or cause to be driven any motor vehicle on a closed road when the vehicle bears a licensed hunter, angler or trapper.

(6) Mobility impaired:

(a) Shooting from a vehicle: The holder of a mobility impaired card is authorized to shoot at and kill migratory game birds during their respective open seasons from a stationary motor-driven vehicle that is not on a public road or highway. The director may issue permits to shoot from a stationary vehicle to applicants who provide certification that the applicant is disabled in accordance with the American Disability Act. Such certification shall be signed by an M.D. or O.D. licensed to practice in the applicant's state of residence.

(b) Driving off established roads: Holders of a mobility impaired card may, with permission of the landowner, lessee, or land management agency, drive off established roads to hunt for or take migratory game birds, during open seasons.

(c) Assistance for mobility impaired hunter: The holder of a mobility impaired card may be accompanied by another person to assist in reducing to possession any migratory game bird which has clearly been wounded by the licensed mobility impaired hunter. Persons assisting in reducing to possession any wounded migratory game birds shall be fully licensed.

N. Lands and waters owned, administered, controlled, or managed by the state game commission:

(1) Posting of signs: The state game commission may prohibit, modify, condition, or otherwise control the use of areas under its control by posting of signs as may be required in any particular area.

(2) Violating provisions of posted signs: It shall be unlawful to violate the provisions of posted signs on areas under the control of the state game commission.

(3) Trespass on state game commission owned lands: It shall be unlawful to hunt migratory game birds, camp, or trespass upon state game commission owned lands unless otherwise specifically allowed by rule.

(4) State waterfowl management areas and wildlife management areas open, species that can be hunted, and days open for hunting: Use of vehicles will be restricted to designated areas.

(a) The Brantley WMA (excluding the Seven Rivers portion, as posted) shall be open for all migratory game bird hunting during established statewide seasons.

(b) Bernardo WMA:

(i) That portion of the Bernardo WMA south of U.S. 60 is open to teal hunting each day of the September teal season and the federal youth waterfowl days. That portion of the Bernardo WMA north of U.S. 60 is closed except during the light goose conservation order.

(ii) The Quagmire shall be open only on Tuesday, Thursday, and Sunday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule.

(iii) The Bernardo ponds shall be open for youth-only waterfowl hunting from one-half hour before sunrise to 3:00 p.m. on select dates and for general waterfowl hunting from one-half hour before sunrise to 1:00 p.m. on Monday, Wednesday and Saturday when there is no youth-only hunt scheduled to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule.

(iv) Designated posted areas of Bernardo WMA north of U.S. 60 are open during the light goose conservation order. The Quagmire shall be open on Sunday, Tuesday and Thursday and the Bernardo ponds shall be open on Monday, Wednesday, and Saturday.

(c) The Big Hatchet mountain wildlife management area shall be open for dove hunting during established seasons.

(d) The Charette lake WMA shall be open each day of the federal youth waterfowl days and on Monday, Wednesday, and Saturday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established

seasons. Charette lake WMA is closed during the September teal season.

(e) The Edward Sargent, W. A. Humphries, Rio Chama, Urraca, Colin Neblett, Water canyon, Marquez, and Elliot S. Barker wildlife management areas shall be open for hunting dove and band-tailed pigeon during established seasons.

(f) The portion of Jackson lake WMA west of N.M. 170 shall be open on Mondays, Wednesdays, and Saturdays to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe. The portion of Jackson lake WMA east of N.M. 170 shall be open to falconry only migratory game bird hunting during established seasons.

(g) The lesser prairie-chicken management areas and Sandhills prairie conservation area shall be open to hunt dove during established seasons.

(h) La Joya WMA:

(i) The entire La Joya WMA shall be open to teal hunting each day of the September teal season and each day of the federal youth waterfowl days.

(ii) That portion of La Joya WMA north of the main east/west entrance road and west of the railroad tracks shall be open on Saturdays, Mondays, and Wednesdays to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule.

(iii) That portion of La Joya WMA south of the main east/west entrance road and west of the railroad tracks shall be open on Sunday, Tuesday and Thursday to hunt ducks, geese, Virginia rail, Sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule.

(iv) That portion of La Joya WMA east of the railroad tracks shall be open to hunt dove, ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons.

(i) The McAllister lake WMA shall be open each day of the federal youth waterfowl days and on Monday, Wednesday, and Saturday to hunt ducks, light geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons.

(j) The Wagon Mound WMA shall be open to teal hunting each day of the September teal season and federal youth waterfowl days and open on Monday, Wednesday, and Saturday for ducks, geese, Virginia rail, sora, common moorhen, American coot and common Snipe during established seasons.

(k) Seven Rivers shall be open each day of the federal youth waterfowl days

and for migratory game bird hunting in designated areas as posted only on Monday, Wednesday, and Saturday during established statewide seasons.

(l) The Socorro-Escondida wildlife management area shall be open for migratory game bird hunting.

(m) The Tucumcari WMA shall be open each day of the September teal and federal youth waterfowl days and on Saturday, Sunday, and Wednesday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons.

(n) The William S. Huey WMA shall be open for dove hunting only on Monday, Wednesday, and Saturday during established statewide seasons.

(5) The Sandia ranger district of the Cibola national forest shall be open to archery only migratory game bird hunting during established seasons.

(6) All waterfowl management areas shall be open to falconry waterfowl hunting each day of the established falconry season.

O. Areas closed to migratory game bird hunting: The following areas shall remain closed to hunting, except as permitted by regulation.

(1) All wildlife management areas.

(2) Rio Grande wild and scenic river area.

(3) Sub-unit 6B (Valles Caldera national preserve).

(4) Sugarite canyon state park.

(5) Valle Vidal area.

(6) That portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately 1/4 mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

(7) Areas within Valencia county may be closed to migratory game bird hunting that meets the following criteria:

(a) The discharge of a shotgun in the area has been identified by department personnel as a public safety risk because of its proximity to an inhabited area. For the purpose of this section, "public safety risk" shall be defined as a reasonable potential risk of injury at an occupied place of residence.

(b) The discharge of a shotgun in the area is not prohibited by any other statute, rule, regulation or ordinance.

(c) These areas shall be designated by posting of signs and identified on the department website.

P. Regulations pertaining to boats, other floating devices, and motors:

(1) On Bernardo, La Joya, Wagon Mound and Jackson lake WMAs, only boats and other floating devices using no motors shall be permitted during waterfowl season.

(2) On Tucumcari WMA, only boats and other floating devices using electric motors or with motors that are not in use shall be permitted.

(3) On Charette and McAllister lakes boats and other floating devices with or without motors shall be permitted; provided, however, that boats or floating devices shall not be operated at greater than normal trolling speed.

(4) Department of game and fish personnel or persons authorized by the director may use gasoline powered outboard motors on all lakes mentioned in this chapter while performing official duties.

[19.31.6.9 NMAC – Rp/E, 19.31.6.9 NMAC, 8-29-13]

19.31.6.10 SPECIES, OPEN AREAS, SEASON DATES, AND DAILY BAG LIMITS:

A. 2013-2014 season; all dates are 2013 unless otherwise specified. Possession limits are three times the daily bag limit unless otherwise specified.

species	open areas	season dates	daily bag limit
mourning and white-winged dove	north zone	Sept. 1 - Nov. 9	15 (singly or in aggregate)
	south zone	Sept. 1 - Oct. 9 and Dec. 1- 31	
Eurasian collared dove	statewide	Sept. 1 - Dec. 31	no bag or possession limit
band-tailed pigeon	southwest BPHA	Oct. 1 – 20	5
	regular BPHA	Sept. 1 – 20	
regular season sandhill crane (free permit required)	eastern	Oct. 31 - Jan. 31, 2014	3 (6 in possession)
special season sandhill crane (special draw permit required)	MRGV	Oct. 26 - Oct. 27	2 per season
	EV	Oct. 26 - Nov. 3	
	southwest MRGV	Oct. 26 - Nov. 3	
	MRGV	Nov. 16 - 17	
	MRGV southwest	Nov. 30 - Dec. 1	2
	MRGV youth-only	Jan. 4 - 5, 2014	
		Jan. 11 - 12, 2014	
		Nov. 9	

CENTRAL FLYWAY: possession limits are three times the daily bag limit unless otherwise specified.

species	season dates	daily bag limit
September teal: blue-winged teal, green-winged teal, and cinnamon teal	Sept. 14 - 22	6 (singly or in the aggregate)

ducks	north zone: Oct 5 - Jan 8, 2014	6 (singly or in the aggregate); that consists of no more than 5 mallard (of which only 2 may be female mallard, [Mexican-like ducks are included towards the mallard bag limit]), 3 wood duck, 3 scaup, 2 redhead, 2 hooded merganser, 2 pintail, and 2 canvasback
	south zone: Oct 23 - Jan 26, 2014	
youth waterfowl days	north zone: Sept. 28 - 29	15
	south zone: Oct. 12 - 13	
American coot	north zone: Oct 5 - Jan 8, 2014	1
	south zone: Oct 23 - Jan 26, 2014	
common moorhen	Sept. 28 - Dec. 6	8
common snipe	Oct. 12 - Jan. 26, 2014	10 (singly or in the aggregate); 20 in possession
Virginia rail & sora	Sept. 14 - Nov. 22	5
dark goose: Canada & white-fronted geese (regular season closed in Bernalillo, Sandoval, Sierra, Socorro, and Valencia counties)	Oct. 12 - Jan. 26, 2014	2 (2 per season)
dark goose: special MRGV season	Dec. 28 - Jan. 19, 2014	50 (no possession limit)
light goose: Ross's & snow geese	Oct. 12 - Jan. 26, 2014	no bag or possession limit
light goose conservation order	Feb. 1, 2014 - Mar. 10, 2014	

PACIFIC FLYWAY: possession limits are three times the daily bag limit unless otherwise specified.

species	season dates	daily bag limit
youth waterfowl days	Oct. 5 - 6	7 (singly or in the aggregate); that consists of no more than 2 female mallard, 2 redhead, 2 pintail, and 2 canvasback
ducks	Oct. 12 - Jan. 24, 2014	
scaup	Oct. 12 - Jan. 5, 2014	3 (as part of the aggregate duck bag)
American coot and common moorhen	Oct. 12 - Jan. 24, 2014	25 daily (singly or in the aggregate)
common snipe	Oct. 12 - Jan. 26, 2014	8
Virginia rail & sora	Sept. 14 - Nov. 22	25 daily (singly or in the aggregate)
goose	north zone: Sept. 21 - Oct. 6 and Oct. 26 - Jan. 24, 2014	3 dark geese, 20 light geese
	south zone: Oct 12 - Jan. 26, 2014	3 dark geese, 20 light geese

B. Light goose conservation measures: Under the director's discretion with the verbal concurrence of the state game commission chairman or his designee, the department may implement the light goose conservation measures approved by the USFWS. Methods, bag and possession limits, and dates allowed shall be those as approved by the USFWS. A free permit is required. [19.31.6.10 NMAC - Rp/E, 19.31.6.10 NMAC, 8-29-13]

19.31.6.11 FALCONRY SEASONS: 2013-2014 season, all dates are 2013 unless otherwise specified. Bag limits are three singly or in the aggregate and nine in possession unless otherwise specified. There is no daily bag or possession limit for Eurasian collared dove

[Continued on page 629]

CENTRAL FLYWAY		
species	open areas	season dates
mourning, white-winged and Eurasian collared dove	all	Sept. 1-Nov. 12 and Nov. 28-Dec.31
band-tailed pigeon	southwest BPHA	Oct. 1-Jan. 15, 2014
	regular BPHA	Sept. 1-Dec. 16
sora and Virginia rail	all	Sept. 14-Dec. 30
common snipe	all	Oct. 12-Jan.26, 2014
common moorhen	all	Sept. 28-Jan. 12, 2014
ducks	north	Sept 14-22, Sept 28-29, and Oct 5-Jan 8, 2014
	south	Sept 14-22, Oct 12-13, and Oct 23-Jan 26, 2014
goose (light and dark)	all	Oct. 12-Jan. 26, 2014
sandhill crane	regular (eastern)	Oct. 17-Jan. 31, 2014; (6 in possession)
	Estancia Valley	Oct. 26 – Dec. 24; (2 per season)
PACIFIC FLYWAY		
species	open areas	season dates
mourning, white-winged and Eurasian collared dove	all	Sept. 1-Nov. 12 and Nov. 28-Dec.31
band-tailed pigeon	southwest BPHA	Oct. 1-Jan. 15, 2014
	regular BPHA	Sept. 1-Dec. 16
duck	all	Oct. 5-6 and Oct. 12-Jan. 24, 2014
light goose	north	Sept. 21-Oct. 6 and Oct. 26-Jan.24, 2014
	south	Oct. 12-Jan. 26, 2014
dark goose	north	Sept. 21-Oct. 6 and Oct. 26-Jan. 24, 2014
	south	Oct. 12-Jan. 26, 2014
common snipe	all	Oct. 12-Jan.26, 2014
common moorhen	all	Oct. 5-6 and Oct. 12-Jan. 24, 2014
sora and Virginia rail	all	Sept. 14-Nov. 22

[19.31.6.11 NMAC – Rp/E, 19.31.6.11 NMAC, 8-29-13]

19.31.6.12 FEDERAL YOUTH WATERFOWL HUNTING DAYS: Requirements for youth hunters to participate in this hunt are as follows:

[Continued on page 630]

- A. Youth hunters must be under 16 years old.
 - B. An adult, at least 18 years old, must accompany the youth hunter in the field (the adult may not hunt ducks but may participate in other seasons that are open on the special youth days).
 - C. Only ducks, coots, and moorhens may be taken by the youth hunter (sandhill cranes, geese or any other migratory game bird species may not be taken unless the season is open).
- [19.31.6.12 NMAC – Rp/E, 19.31.6.14 NMAC, 8-29-13]

19.31.6.13 REQUIREMENTS AND HUNT CODES FOR THE SPECIAL BERNARDO YOUTH WATERFOWL HUNTS:

- A. The Bernardo ponds will only be open for youth-only waterfowl hunting.
- B. Requirements for blind selection:
 - (1) Blind selection will be available by permit only issued by drawing.
 - (2) The permit holder must be present and in possession of the permit at all times during the hunt. The permit holder must be accompanied by a supervising adult who may also hunt. The permit holder may invite additional youth hunters and their supervising adults to a maximum of six people per blind, at least 50% of which must be youth hunters. No more than three youth hunters may accompany any one adult.
 - (3) Blind selection shall be for select dates from one-half hour before sunrise to 3:00 p.m.
- (a) If any permits are available after the drawing, a person may submit a new online application. Hunters may have a maximum of four Bernardo youth-only permits per license year.
- (b) Eight applications per hunt code will be drawn. Remaining permits will be issued after the drawing.

C. Eight applications per hunt code will be drawn. Remaining permits will be issued after the drawing.

2013-2014 season, hunt codes and permits available:

hunt date	hunt code	no. of permits	hunt date	hunt code	no. of permits
Nov. 16	WFL-0-101	8	Dec. 23	WFL-0-109	8
Nov. 27	WFL-0-102	8	Dec. 24	WFL-0-110	8
Nov. 28	WFL-0-103	8	Dec. 26	WFL-0-111	8
Nov. 29	WFL-0-104	8	Dec. 27	WFL-0-112	8
Nov. 30	WFL-0-105	8	Dec. 28	WFL-0-113	8
Dec. 7	WFL-0-106	8	Dec. 29	WFL-0-114	8
Dec. 14	WFL-0-107	8	Jan. 11, 2014	WFL-0-115	8
Dec. 21	WFL-0-108	8	Jan. 25, 2014	WFL-0-116	8

[19.31.6.13 NMAC – Rp/E, 19.31.6.15 NMAC, 8-29-13]

19.31.6.14 HUNT CODES AND PERMITS NUMBERS FOR THE SPECIAL ESTANCIA VALLEY, MIDDLE RIO GRANDE VALLEY, AND SOUTHWEST NEW MEXICO SANDHILL CRANE SEASONS:

A. Eight separate sandhill crane seasons are scheduled with up to a total of 414 permits available. The permits will be allocated by season as follows for the 2013-2014 season:

season dates	hunt code	hunt location	no. of permits
October 26-27	SCR-0-101	MRGV	70
October 26- November 3	SCR-0-102	EV	65
November 16-17	SCR-0-103	MRGV	50
November 30-December 1	SCR-0-104	MRGV	45
October 26-November 3	SCR-0-105	SW	70
January 11-12, 2014	SCR-0-106	MRGV	45
January 4-5, 2014	SCR-0-107	SW	45
November 9	SCR-0-109	MRGV youth	24

B. Hunters who participate in the MRGV seasons shall be required to check-out at designated check stations when they harvest any sandhill cranes.

C. All EV, MRGV and SW sandhill crane hunters are required to submit a special permit sandhill crane harvest report to the department within five days after the end of their hunt. Hunters that do not submit a questionnaire within five days of the close of their hunt will be considered ineligible to receive a sandhill crane permit the following year.

[19.31.6.14 NMAC – Rp/E, 19.31.6.16 NMAC, 8-29-13]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

The following Human Services Department, Medical Assistance Division rules are being renumbered and reformatted to comply with current NMAC requirements, effective September 16, 2013. No content changes are being made to these renumbered/reformatted rules.

The following 000 NMAC Identifications are now found in the renumbered 400, 500 and 600 rules.

8 NMAC 4.CSM.000, Cases Closed Wholly

or in Part Due to Child Support (CSM), NMAC Identification, filed 12-30-94
 8 NMAC 4.CYM.000, Medicaid for Recipients Under Eighteen Years of Age for Whom the Children, Youth and Families Department has Full or Partial Financial Responsibility, NMAC Identification, filed 12-30-94
 8 NMAC 4.IAF.000, Medicaid Coverage When Deemed Income or Resources Results in AFDC Ineligibility, NMAC Identification, filed 12-30-94
 8 NMAC 4.ISS.000, SSI Ineligibility Due to Deemed Income or Resources from Stepparent or Alien Sponsor, NMAC Identification, NMAC Identification, filed 12-30-94
 8 NMAC 4.QDS.000, Qualified Disabled

Working Individuals, NMAC Identification, NMAC Identification, filed 12-30-94
 8 NMAC 4.QMB.000, Qualified Medicare Beneficiaries, NMAC Identification, filed 12-30-94
 8 NMAC 4.RMO.000, Refugee Medical Assistance Only, NMAC Identification, filed 12-30-94
 8 NMAC 4.RSD.000, Refugee Medical Assistance Spend Down Only, NMAC Identification, filed 12-30-94
 8 NMAC 4.SSI.000, /Supplemental Security Income Methodology, NMAC Identification, filed 12-30-94
 8 NMAC 4.TME.000, Transitional Medicaid, NMAC Identification, filed 12-30-94
 8 NMAC 4.CSM.600, Benefit Description, filed 12-30-94 - renumbered to 8.227.600

NMAC

8 NMAC 4.CYM.600, Benefit Description, filed 12-30-94 - renumbered to 8.206.600 NMAC

8 NMAC 4.IAF.500, Income and Resource Standards, filed 12-30-94 - renumbered to 8.233.500 NMAC

8 NMAC 4.IAF.600, Benefit Description, filed 12-30-94 - renumbered to 8.233.600 NMAC

8 NMAC 4.ISS.400, Recipient Policies, filed 12-30-94 - renumbered to 8.234.400 NMAC

8 NMAC 4.ISS.500, Income and Resource Standards, filed 12-30-94 - renumbered to 8.234.500 NMAC

8 NMAC 4.ISS.600, Benefit Description, filed 12-30-94 - renumbered to 8.234.600 NMAC

8 NMAC 4.QDS.400, Recipient Policies, filed 12-30-94 - renumbered to 8.242.400 NMAC

8 NMAC 4.QDS.500, Income and Resource Standards, filed 12-30-94 - renumbered to 8.242.500 NMAC

8 NMAC 4.QDS.600, Benefit Description, filed 12-30-94 - renumbered to 8.242.600 NMAC

8 NMAC 4.QMB.600, Benefit Description, filed 12-30-94 - renumbered to 8.240.600 NMAC

8 NMAC 4.RMO.400, Recipient Policies, filed 12-30-94 - renumbered to 8.249.400 NMAC

8 NMAC 4.RMO.600, Benefit Description, filed 12-30-94 - renumbered to 8.249.600 NMAC

8 NMAC 4.RSD.600, Benefit Description, filed 12-30-94 - renumbered to 8.259.600 NMAC

8 NMAC 4.SSI.400, Recipient Policies, filed 12-30-94 - renumbered to 8.215.400 NMAC

8 NMAC 4.SSI.600, Benefit Description, filed 12-30-94 - renumbered to 8.215.600 NMAC

8 NMAC 4.TME.500, Income and Resource Standards, filed 6-30-95 - renumbered to 8.228.500 NMAC

8 NMAC 4.TME.600, Benefit Description, filed 2-14-00 - renumbered to 8.228.600 NMAC

NEW MEXICO BOARD OF NURSING

This is an amendment to 16.12.4 NMAC, Sections 7 through 16, effective 9/30/13.

16.12.4.7 DEFINITIONS:

A. "Agency": a board approved facility that utilizes hemodialysis technicians who serve consumers in multiple health care and community settings.

B. "Approval": the review and acceptance of specific activity.

C. "Audit": a verification of continuing education documents and

work requirements.

D. "Board": New Mexico board of nursing. (NMBON)

E. "Certificate": a document issued by the board identifying the legal privilege and authorization to perform specific nursing functions and procedures in the state of New Mexico.

F. "Certification examination": a board-approved tool designed to evaluate an applicant's knowledge of a specific subject.

G. "Certified hemodialysis technician (CHT)": a person who is [initially] certified by the board to assist with the direct care of a patient undergoing hemodialysis, certification is mandatory in New Mexico according to the standards outlined in these rules.

H. "Certified hemodialysis technician II (CHT II)": a person who meets the requirements of a CHT and receives additional training with an expanded scope of practice; additional certification is mandatory.

I. "Clinical experience": refers to the supervised teaching-learning component of the program which takes place in the hemodialysis agency.

J. "Clinical preceptor": a [licensed] registered nurse who supervises and observes students providing patient care in a hemodialysis agency.

K. "Competency": the demonstration of knowledge in a specific area and the ability to perform specific skills and tasks in a safe, efficient manner.

L. "Consumer": means any person domiciled, residing or receiving care or treatment from a certified hemodialysis technician in an agency.

M. "Continuing education": (CE) planned learning experiences beyond a basic nursing or technician educational program. These experiences are designed to promote the development of knowledge, skills and attitudes for the enhancement of care to the consumer.

N. "Contact hour": a sixty (60) minute clock hour.

O. "Curriculum": a detailed course outline, description or syllabus, which, includes objectives, content, teaching-learning activities and evaluation strategies, and includes the minimum required program hours.

P. "Delegation": means transferring to a competent individual the authority to perform a delegated nursing [tasking] task in a selected situation. The licensed nurse retains accountability for the delegation.

Q. [~~"Duplicate certificate"~~ means ~~requesting a new certificate of a current and active certificate.~~] "Direct supervision": supervision by a nurse

educator or approved clinical preceptor who is physically present and accessible to the student when the student is providing care to the patient.

R. "Faculty": any professional or paraprofessional [persons] person(s) who teaches for the hemodialysis technician program including clinical preceptors.

S. "Hemodialysis technician advisory committee (HTAC)": a board-appointed committee.

T. "Hemodialysis technician program": an educational program approved by the board for persons seeking initial certification as hemodialysis technicians.

U. "License": a document identifying the legal privilege and authorization to practice within a professional category.

V. "Additional certification": certified hemodialysis technicians who have a current CHT certificate [in good standing] and successfully complete the board requirements to work as a CHT II.

W. "NPA": Nursing Practice Act.

X. "Nurse educator": the registered nurse who is responsible for the development, implementation and evaluation of a hemodialysis technician program and retains ultimate responsibility for determining hemodialysis technician's competency.

Y. "Reactivation": the process of making a certificate current which has been in abeyance as a result of failure to comply with the necessary renewal requirements; this action does not involve board action.

Z. "Reinstatement": the process whereby a certificate which has been subject to revocation or suspension is returned to its former status by individual board action; this process always involves board action.

AA. "Satellite": a hemodialysis agency within NM that is geographically separated from, but connected with the NMBON approved hemodialysis training program.

[AA-] BB. "Site visit": visit made directly to the program by board staff.

[BB-] CC. "Supervision": means [initial] verification of a person's knowledge and skills in the performance of a specific function or activity followed by periodic observation, direction and evaluation of that person's knowledge and skills as related to the specific function or activity.

[CC-] DD. "Standards of function": a range of tasks or activities performed by certified hemodialysis technicians for consumers who are stable

and predictable, supervised by a [licensed] registered nurse who may need to limit the range of tasks based on the consumer's need or add via delegation.

[DD:] EE. "ULA": means the Uniform Licensing Act.

[16.12.4.7 NMAC - Rp, 16.12.4.7 NMAC, 02-17-06; A, 6-17-08; A, 9-30-13]

16.12.4.8 FEES: Payment of fees will be accepted in the form as specified by the board. Fees are not refundable.

- | | | |
|-----------|---|----------|
| A. | Initial certification by <u>state</u> examination
<u>/national certification</u> CHT I | \$ 45.00 |
| B. | Re-examination | \$ 30.00 |
| C. | Renewal of [certificate] <u>certificates</u> | \$ 45.00 |
| D. | Reactivation from lapsed or inactive status | \$ 60.00 |
| E. | Reinstatement of certificate following
board action | \$ 60.00 |
| F. | Initial program review for approval | \$250.00 |
| G. | Biennial program evaluation and visit per agency | \$200.00 |
| H. | Biennial program evaluation per satellite | \$100.00 |
| I. | Certification by exam CHT II | \$ 60.00 |

[16.12.4.8 NMAC - Rp, 16.12.4.8 NMAC, 02-17-06; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.4.9 CERTIFICATION REQUIREMENTS FOR HEMODIALYSIS TECHNICIANS: New Mexico certification of hemodialysis technicians is mandatory.

A. Prerequisites.

(1) Be a high school graduate or complete the general education development course or provide proof of higher education.

(2) Successfully complete a board-approved hemodialysis technician program.

(3) Complete the required application form in the specified deadline and remit the required fee.

B. Applications and fees for the hemodialysis technician certification examination must be submitted to received by the board office at least thirty (30) days prior to the date of the examination.

(1) Applications containing fraudulent or misrepresented information could be the basis for denial of certification.

(2) Incomplete applications for certification [~~become null and void one (1) year after date of last noted activity~~] will be returned.

(3) Written verification of successful completion according to the minimum standards for approval of hemodialysis technician programs indicating the date of completion must be received, directly from the hemodialysis technician program, and signed by the nurse educator in the board office at least thirty (30) days prior to the examination date.

(4) An admission letter, which includes the time, date and place of examination, shall be issued to all eligible applicants.

(5) A [reexamination] re-examination fee will be charged for all [reexaminations] re-examinations and non-excused absences.

(6) Results of the examination shall be reported by mail or on the board website to the applicants no later than four (4) weeks following the examination date.

C. Hemodialysis technician initial certification examination.

(1) The board shall develop and maintain the board-approved certification examination for hemodialysis technicians.

(2) Board approved examination centers shall comply with the security procedures developed by the board for distribution and administration of the examination.

(3) The examination shall be administered six (6) times each year[~~, and as needed~~].

(4) The hemodialysis technician advisory committee shall set the examination dates.

(5) Applicants for certification as a hemodialysis technician shall be required to pass the hemodialysis technician certification examination with a minimum score of 80 %.

(6) [~~Applicants who fail the examination may repeat the examination one (1) time within a two (2) month period without repeating an approved training program.~~] Applicants must obtain NM state certification within six (6) months of successfully completing a board approved training program.

(a) [~~Applicants must take the national certification examination or the New Mexico board of nursing examination within six (6) months of hire at a board approved agency.~~] Applicants who fail the examination may repeat the examination one (1) time within a two (2) month period without repeating an approved training program.

(b) Applicants must remain under the [~~direct~~] supervision of a board-approved clinical preceptor until [~~such time as~~] they successfully pass [~~the~~] a hemodialysis technician certification examination.

(7) Applicants observed giving or receiving unauthorized assistance during

the writing of the examination shall be physically removed from the examination center and the individual(s) shall be referred to the board by a sworn complaint filed by the examiner.

D. Certification by examination for CHT II.

(1) CHT II shall be required to pass a certification examination with a minimum score of 80% that is specific to their expanded scope of practice as defined in the core curriculum (16.12.4.16 NMAC).

(2) CHT II applicants who fail the exam may repeat the examination one (1) time within a [~~six~~] two (2) month period without repeating an approved training program. If the CHT II does not pass the second examination they must take a refresher course specific to the expanded scope of practice [~~and wait one year from first test date to retake the examination.~~] Applicants must remain under the supervision of a board approved clinical preceptor while practicing their extended scope of practice until they successfully pass the CHT II state exam.

(3) Written verification of successful completion according to the minimum standards for approval of the [~~CHTII~~] CHT II programs indicating the date of completion must be received, directly from the hemodialysis technician program, and signed by the nurse educator in the board office at least thirty (30) days prior to the examination date.

(4) Complete the required application form in the specified deadline and remit the required fee.

(5) An admission letter, which includes the time, date and place of examination, shall be issued to all eligible applicants.

(6) A [reexamination] re-examination fee will be charged for all [reexaminations] re-examinations and non-excused absences.

(7) Results of the examination shall be reported, by mail or on the board website to the applicants no later than four (4) weeks following the examination date.

E. Requirements for hemodialysis technicians' recertification.

(1) Applicants for recertification shall be required to complete the process by the end of their renewal month, every two years and must meet the continuing education and work requirements as stated in these rules.

(2) [~~Renewal applications and continuing education verification~~] Renewal notification forms shall be mailed to CHTs at least six (6) weeks prior to the end of the renewal month.

(a) Failure to receive the [~~application~~] notification for renewal shall not relieve the CHT of the responsibility of renewing the certificate by the expiration date.

(b) If the certificate is not renewed by the end of the renewal month, the CHT does not hold a valid certificate and shall not function as a CHT in New Mexico until the lapsed certificate has been reactivated.

(3) Continuing education requirements.

(a) Sixteen (16) contact hours of continuing education must be accrued within the 24 months immediately preceding recertification.

(b) Acceptable courses shall be those with topics related to care and safety of the patient undergoing dialysis treatment.

(c) Continuing education records are subject to audit by the board. Certificate holders may be subject to disciplinary action by the board if non compliant within sixty (60) days of the first notification of the audit.

(d) CHT II shall accrue four (4) additional contact hours of continuing education within the 24 months preceding recertification. These additional contact hours must be specific to their expanded scope of function.

(4) Work requirement. Applicant must provide evidence of a minimum of 1,000 hours work as a CHT during the 24 month period immediately preceding certification renewal.

(a) Work requirement records are subject to audit by the board.

(b) Certificate holders may be subject to disciplinary action by the board if noncompliant within sixty (60) days of the first notification of the audit.

(5) Remit the required fee.

(6) Failure to meet the continuing education or employment requirements for recertification shall result in denial of recertification until completion of a refresher course with the appropriate application and fee have been submitted to the board.

F. Refresher course requirements.

(1) Completion of a minimum of eighty (80) hours of supervised clinical practice in a board approved hemodialysis technician program under the supervision of an approved clinical preceptor.

(2) Successful completion of the hemodialysis technician program's skills list identified in the core curriculum (16.12.5.16 NMAC).

(3) Successful completion of the hemodialysis technician program final examination [~~with a minimum score of 80%~~].

(4) Written verification, on agency letterhead, of successful completion of supervised clinical practice, skills list, and the final examination results shall be provided to the board by the program's board-approved nurse educator.

(5) Completion of a refresher course shall meet both the employment and continuing education requirements for the

two (2) year renewal period.

(6) Remit the required application and fee.

G. Individuals ~~who have practiced as uncertified hemodialysis technicians in other states or who have been certified in another state may apply for certification in the state of New Mexico.~~ Individuals who hold a current hemodialysis technician certification from other states shall apply for certification in the state of NM within three (3) months of hire at a board approved agency. Those individuals who fail to obtain a NM certification within three (3) months shall be required to successfully complete a hemodialysis technician refresher course.

(1) Provide [~~written verification of the completion of a hemodialysis technician program in another state~~] a copy of a current certificate.

(2) Submit written verification of 1000 hours working as a hemodialysis technician during the 24 month period immediately preceding their request to become certified in New Mexico.

(3) Complete a minimum of [~~eighty (80)~~] forty (40) hours of supervised clinical practice in a board approved hemodialysis technician program under the supervision of a board approved nurse educator or clinical preceptor.

(4) Complete the hemodialysis technician program's skills list identified in the core curriculum (16.12.5.16 NMAC).

(5) Successfully pass the program's final examination [~~with a minimum score of 80% or better~~].

(6) Provide written verification, on agency letterhead by the nurse educator, of successful completion of supervised clinical practice, skills list, the final examination and that the candidate has met the work requirement.

(7) Pass the board's hemodialysis certification examination with a minimum score of 80% or better.

(8) Certificates are issued by mail or verification can be obtained on the board website.

(9) Submit the required application and fee.

H. Individuals who have practiced as hemodialysis technicians and have a current national hemodialysis technician certification may apply for certification as a hemodialysis technician in New Mexico.

(1) Submit written verification of 1000 hours working as a hemodialysis technician during the 24 month period immediately preceding their request to become certified in New Mexico.

(2) Complete a minimum of forty (40) hours of supervised clinical practice in a board approved hemodialysis technician program under the supervision

of an approved nurse educator or clinical preceptor.

(3) Complete the hemodialysis technician program's skills list identified in the core curriculum (16.12.5.16 NMAC).

(4) Successfully pass the program's final examination [~~with a score of 80% or better~~].

(5) Provide written verification, on agency letterhead by the nurse educator, of successful completion of supervised clinical practice, skills list, the final examination and that the candidate has met the work requirement.

(6) Submit the required application and fee.

(7) Certificates are issued by mail or verification can be obtained on the board website.

[16.12.4.9 NMAC - Rp, 16.12.4.9 NMAC, 02-17-06; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.4.10 STANDARDS OF FUNCTION FOR THE CERTIFIED HEMODIALYSIS TECHNICIAN:

A. Purpose.

(1) To establish standards for supervision and direction of the CHT I and CHT II.

(2) To identify basic functions for the CHT I and CHT II.

(3) To identify prohibited functions for the CHT I and CHT II.

(4) To identify the expanded role of the CHT II.

B. Authorized functions of the [~~certified hemodialysis technician~~] CHT I and CHT II with supervision of a registered nurse:

(1) perform arteriovenous punctures for dialysis access;

(2) inject intradermal lidocaine in preparation for dialysis access;

(3) administer a heparin bolus;

(4) administer a fluid bolus of isotonic saline;

(5) connect a dialysis access to isotonic saline or heparinized isotonic saline;

(6) administer oxygen;

(7) collect data for the nursing assessment;

(8) initiate and discontinue treatment via arterio-venous access;

(9) [~~reinfusion~~] re-infusion of blood upon termination of treatment of central venous catheters.

C. Prohibited functions of the certified hemodialysis technician:

(1) shall not administer medications by oral, intramuscular, intravenous or subcutaneous routes except those agents addressed in authorized functions of these rules;

(2) shall not take orders for dialysis treatments;

(3) shall not alter dialysis orders as

prescribed by a health care provider;

(4) shall not perform any function or service for consumer for which a nursing license is required under the Nursing Practice Act, 61-3-1 et seq NMSA, 1978;

(5) CHT I shall not initiate or discontinue via central lines.

D. Supervision or direction of the hemodialysis technician.

(1) A nurse educator shall periodically provide supervision or direction to the certified hemodialysis technician.

(2) The nurse educator may delegate to the [~~licensed nurse~~] clinical preceptor the supervision or direction of the hemodialysis technician.

E. Certified hemodialysis technician II - expanded scope of function.

(1) The expanded role is a privilege and not a requirement for all [CHT's] CHT I's to meet.

(2) The nurse educator shall approve the CHT I assuring the CHT I meets specific criteria.

(a) [~~CHT must be working at least one year at the current board approved agency;~~] CHT I must provide proof of one year experience post certification.

(b) Must fulfill all CHT II requirements [~~and be in good standing with the board~~] per Subsection D of 16.12.4.9 NMAC and have a current NM hemodialysis technician certificate.

(3) Authorized functions shall include performing hemodialysis treatment via central venous catheter [~~times~~].

(4) CHT II may remove catheter dressing, but may not redress the site.

(5) Must complete board approved curriculum and pass the board examination with 80% or better.

(6) Shall not initiate or discontinue a [~~ECV~~] central venous catheter that is not functioning as intended. Under no circumstance should there be any attempt to manipulate a malfunctioning catheter.

[16.12.4.10 NMAC - Rp, 16.12.4.10 NMAC, 02-17-06; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.4.11 DISCIPLINARY

ACTION: The board shall conduct hearings upon charges relating to discipline of a CHT I and CHT II, and may deny, place on probation, suspend or revoke a hemodialysis technician certificate in accordance with the Uniform Licensing Act 61-1-1 et seq NMSA, 1978.

A. Grounds for disciplinary action.

(1) Incapable of functioning as a CHT I and CHT II which is defined to include, but not limited to, the following:

(a) inability to function with reasonable skill and safety as a CHT I and CHT II for any reason including, but not limited to, the use of drugs, alcohol or

controlled substances which could impair judgment;

(b) performance of unsafe or unacceptable care of consumers receiving dialysis treatments or failure to conform to the essential and prevailing standards of [~~CHTs~~] CHT I's and CHT II's;

(c) omitting [~~in a negligent fashion~~] to record information regarding procedures performed and care provided which could be relevant to the consumer's care;

(d) failure to report information regarding the consumer's treatment or health status to appropriate person which could be relevant to the consumer's care and status;

(e) demonstrating a lack of competence in providing care to consumer's receiving a dialysis treatment.

(2) Incapable of functioning as a responsible member of the health care team which is defined to include, but not limited to, the following:

(a) falsifying or altering consumer records or personnel record for the purpose of reflecting incorrect or incomplete information;

(b) misappropriation of money, drugs, or property;

(c) obtaining or attempting to obtain any fee for consumer services for one's self or for another through fraud, misrepresentation or deceit;

(d) obtaining, possessing, administering or furnishing prescription drugs to any person, including, but not limited to one's self, except as directed by a person authorized by law to prescribe;

(e) obtaining or attempting to obtain a certificate to function as a CHT I or CHT II for one's self or for another through fraud, deceit, misrepresentation or any other act of dishonesty in any phase of the certification [~~by examination~~] or recertification process;

(f) functioning as a CHT I and CHT II in NM without a valid, current NM certificate, or aiding, abetting or assisting another to function as a CHT I and CHT II without a valid, current NM certificate;

(g) failure to report a CHT I and CHT II who is suspected of violating the NPA or rules for certification of hemodialysis technicians;

(h) exceeding the scope of function of a CHT I and CHT II;

(i) intentionally abusing, neglecting or exploiting a consumer;

(j) intentionally engaging in sexual contact toward or with a consumer [~~in a manner that is commonly recognized as outside of the CHT's scope of tasks~~];

(k) felony conviction;

(l) dissemination of a consumer's health information or treatment plan acquired during the course of employment to individuals not entitled to such information

and where such information is protected by law or hospital/agency policy from disclosure;

(m) failure to maintain appropriate professional boundaries which may cause harm to the consumer.

B. Disciplinary proceedings are conducted in accordance with 16.12.2 NMAC Nurse Licensure.

[16.12.4.11 NMAC - 16.12.4.11 NMAC, 02-17-06; A, 6-17-08; A, 9-30-13]

16.12.4.12 APPROVAL FOR HEMODIALYSIS PROGRAMS:

A. Statement of purpose: The purpose of this article is to establish minimum standards for the approval of hemodialysis technician programs that protect the health and well-being of the consumers [~~that~~] who receive services from hemodialysis technicians in board approved programs. The objectives include promoting safe and effective care of consumers receiving care from hemodialysis technicians; establishing minimal standards for the evaluation and approval of hemodialysis programs; granting recognition and approval that a hemodialysis program is meeting minimum standards; and establishing the eligibility of graduates of the program to apply for certification. [NPA 61-3-10.1 NMSA, 1978].

B. Objectives.

(1) To promote safe and effective care of consumers receiving hemodialysis.

(2) To establish minimum standards for the evaluation and approval of hemodialysis technician programs.

(3) To facilitate continued approval of hemodialysis technician programs.

(4) To grant recognition and verification that a hemodialysis technician program meets the minimum standards and rules as determined by the board.

C. Initial program approval. A dialysis unit who is licensed by the New Mexico department of health, in order to obtain approval of its hemodialysis technician program shall submit an application for approval to the board's hemodialysis technician advisory committee (HTAC). The HTAC shall evaluate the application, provide for a site visit to the dialysis unit and make a recommendation to the board regarding the approval of the program. The board shall approve hemodialysis technician programs at a regularly scheduled board meeting.

(1) The initial application shall be consistent with the minimum standards for approval of hemodialysis technician programs (16.12.4.14 NMAC), and shall contain the following:

(a) objectives of the program;

(b) organizational chart;

(c) names of the medical director, administrator, and nursing director;

(d) names and resumes of the nurse educator(s) and other faculty to include clinical preceptor(s);

(e) verification of state licensure;

(f) program curriculum; and

(g) hemodialysis technician job description.

(2) Representatives of the program may be scheduled to meet with the HTAC to present the proposed program.

(a) Following the HTAC review of the application, a recommendation for approval shall be made to the board of nursing.

(b) Programs not recommended for approval must provide evidence that the identified deficiencies have been corrected.

(3) After receipt of the HTAC ~~report and~~ recommendation(s), the board may:

(a) grant approval of the program;

(b) defer a decision regarding approval;

(c) deny approval;

(d) direct staff to make a pre-approval visit.

D. Criteria for full approval, probationary approval, and denial or withdrawal of approval.

(1) Criteria for full approval.

(a) Full approval shall be granted for no more than two (2) years to a program when, in the opinion of the board, the program demonstrates compliance with the minimum standards for approval of hemodialysis technician programs.

(b) To ensure continued compliance with the minimum standards for approval, the program shall be evaluated at least every two (2) years with a site visit or as directed by the board.

~~(c) During the period of approval and prior to the expiration of approval, a self-evaluation report shall be submitted to the hemodialysis technician advisory committee and a site visit shall be made to the program. Whenever possible the site visit should be made to the program when a training session is in progress.~~

~~(d) (c) [After the review of the self-evaluation and report of the site visit by the HTAC a report shall be made to the board regarding continuation of the program's approval.] A report of the site visit shall be made to the board regarding continuation of the program's approval.~~

~~(e) (d)~~ The board is the final authority regarding continued approval or probation.

~~(f) (e)~~ The board may authorize unannounced site visits be made to the approved hemodialysis technician programs.

(2) Criteria for probationary approval.

(a) A program may be given probationary approval when there is evidence of:

(i) substantial noncompliance with the minimum standards for approval of hemodialysis technician programs;

(ii) continuous disruptions in retaining qualified faculty resulting in disorganization of the program and a breakdown of supervision and teaching of the program;

(iii) noncompliance with the program's stated philosophy, objectives, policies and curriculum resulting in unsatisfactory student achievement;

(iv) failure to provide clinical experiences or supervision necessary to meet the objectives of the program;

(v) failure of 75% of first time writers of the examination to correctly answer at least [75%] 80% of the items over a one year period.

(b) The program shall be advised, in writing, of the reason(s) for the probationary approval.

(c) The board shall designate a reasonable time period, not to exceed one year, in which the program must correct deficiencies and meet the minimum standards for approval.

~~(d) At least sixty (60) days prior to the end of the probationary approval, the program shall submit a self-evaluation which includes a description of changes made to correct the deficiencies, and] a site visit shall be made by representatives of the board.~~

(e) The HTAC shall review the site visit evaluation, and ~~shall submit a report] make a recommendation~~ to the board.

(f) The board may grant approval to the program ~~], extend the probationary approval] or it may withdraw approval of the program. All decisions of the board and recommendations of the HTAC shall be advised in writing of the reasons for probationary approval.~~

(g) Probationary approval is not renewable. Failure to correct deficiencies will result in withdrawal of approval.

(3) Criteria for denial or withdrawal of approval.

(a) The board may deny approval of a program when a program fails to provide evidence of compliance or fails to correct deficiencies resulting in noncompliance with the minimum standards for approval of hemodialysis technician programs.

(b) A written notice detailing the reasons for denial or withdrawal of approval shall be provided to the agency.

(c) The program shall be removed from the list of board approved hemodialysis technician programs.

[16.12.4.12 NMAC - Rp, 16.12.4.12 NMAC, 02-17-06; A, 6-17-08; A, 9-30-13]

16.12.4.13 C H A N G E S REQUIRING NOTIFICATION:

A. Changes requiring notification of the board or the advisory committee:

(1) [~~major~~] curriculum changes [~~or reorganization of the curriculum~~];

(2) [~~major~~] changes in the program's objectives or goals;

(3) changes in required didactic or clinical practice hours;

(4) changes in the nurse educator;

(5) changes in the hemodialysis technician job description.

B. Procedure for requesting board approval for program changes.

(1) The advisory committee shall be notified in writing of changes in the program requiring board approval. The notification shall include:

(a) the proposed change(s);

(b) rationale for the proposed change(s);

(c) anticipated [~~affect~~] effect on the current program; and

(d) timetable for implementation of the proposed change(s);

(e) presentation of the differences between the current system and proposed change(s);

(f) method of evaluation which will be used to determine the effect of the change;

(g) a description of the study or method used to determine need for a change;

(h) plans for continuing to meet the minimum standards for approval of the hemodialysis technician program.

(2) [~~The advisory committee shall present the~~] Major changes and recommendations will be presented to the board of nursing at a regularly scheduled board meeting.

C. Changes requiring notification to the advisory committee or board of nursing.

(1) Changes in the internal administration or organizational plan of the hemodialysis clinic or unit which affects the program.

(2) Changes [~~in the state~~] of New Mexico, department of health licensure status.

[16.12.4.13 NMAC - Rp, 16.12.4.13 NMAC, 02-17-06; A, 6-17-08; A, 9-30-13]

16.12.4.14 M I N I M U M STANDARDS FOR APPROVAL OF HEMODIALYSIS TECHNICIAN PROGRAMS:

A. Objectives. There shall be written objectives for the program which serve as the basis for planning, implementing and evaluating the program.

(1) The objectives shall be developed by the nurse educator.

(2) The program objectives shall describe the knowledge and skills expected of the CHT I and CHT II, and shall be

consistent with the authorized functions of the CHT I and CHT II and the board approved core curriculum.

(3) The program objectives shall be reviewed annually and revised as necessary by the nurse educator.

B. Curriculum.

(1) The curriculum shall be developed, implemented and evaluated by the nurse educator within the framework of the rules and the core knowledge statements.

(2) The curriculum shall extend over a period of time sufficient to provide essential, learning experiences which enable a student to develop competence in hemodialysis practice.

(3) There shall be a minimum of eighty (80) hours of ~~[classroom study]~~ theory, and a minimum of one-hundred sixty (160) hours of supervised clinical experience for CHT I.

(4) Supervised clinical experience shall provide opportunities for the application of theory and for the achievement of stated objectives in a health care setting and shall include clinical learning experiences to develop the skills required by technicians to provide safe care. The nurse educator or clinical preceptor must be physically present and accessible to the student when the student is in the patient care area.

(5) The nurse educator shall develop a written ~~[systematic]~~ plan for curriculum and program evaluation.

(6) The CHT II curriculum shall include a minimum of sixteen (16) additional hours of ~~[classroom study]~~ theory related to the expanded scope of practice and a minimum of eighty (80) additional hours of supervised clinical experience. ~~[There shall be as a minimum twenty (20) times the technician initiates, monitors and disconnects the central catheter line for one patient or treatment.]~~ The clinical experience will include the initiation, monitoring and disconnection of a central venous catheter for a minimum of twenty (20) times. The nurse educator must verify the successful completion of training with a written letter to the board with the application to test ~~[and receive certification as a CHT-H].~~

C. Administration and organization.

(1) The hemodialysis technician program shall be an integral part of a hemodialysis agency.

(2) Each program shall have a board approved nurse educator to administer the program who shall be responsible for the development, implementation, teaching and evaluation of the program, arrangements for and supervision of student's clinical experiences and communication with the board and the hemodialysis technician advisory committee.

D. Qualifications and competencies of faculty.

(1) The nurse educator shall be a registered nurse and shall hold a current license to practice nursing in New Mexico or hold a current compact state license.

(2) The nurse educator shall have at least two (2) years of recent nursing practice experience including at least one (1) year of nursing experience in dialysis. Previous nursing experience in critical care and nursing education is desirable.

(3) The nurse educator shall have a minimum of nine (9) contact hours of continuing education annually in nephrology, or have current national certification in nephrology or dialysis.

(4) All new approved nurse educators shall participate in an orientation that is presented by the board staff.

(5) Clinical preceptor(s) shall be a registered nurse ~~[or licensed practical nurse;]~~ and shall hold a current New Mexico nursing license or hold a current compact state license.

(a) Clinical preceptors shall have a least one (1) year of nursing practice experience including at least six (6) months of nursing experience in dialysis.

(b) Clinical preceptors shall demonstrate knowledge and skills in dialysis nursing.

(6) A certified hemodialysis technician under supervision of the nurse educator or approved clinical preceptor may be assigned to assist with the clinical experience/orientation of hemodialysis technician trainees.

(7) The nurse educator or the clinical preceptor must be physically present in the agency while students are engaged in the clinical experience. [16.12.4.14 NMAC - Rp, 16.12.4.14 NMAC, 02-17-06; A, 6-17-08; A, 9-30-13]

16.12.4.15 HEMODIALYSIS TECHNICIAN ADVISORY COMMITTEE:

A. Composition and appointment of committee members. The board of nursing shall appoint a minimum of a five (5) member, three of which should be registered nurses, voluntary advisory committee which shall be composed of licensed nurses with expertise in dialysis nursing and certified hemodialysis technicians in New Mexico.

~~[(1) Hemodialysis agencies shall submit nominations for committee appointments.]~~

~~[(2)]~~ (1) There shall be no more than one licensed nurse and one certified hemodialysis technician representative from any one unit serving on the advisory committee at any one time.

~~[(3)]~~ (2) Members of the committee shall serve for staggered terms of two (2) years, and may be reappointed to the advisory committee.

B. Responsibility of advisory committee.

(1) The advisory committee shall review applications for initial approval, program evaluations, and changes in approved hemodialysis technician program, and shall ~~[submit reports and]~~ provide recommendations to the board.

(2) The advisory committee shall provide consultation to programs as requested or as directed by the board.

(3) Members of the advisory committee shall serve as site visitors to hemodialysis technician programs for approval, consultation and evaluation visits. [16.12.4.15 NMAC - Rp, 16.12.4.15 NMAC, 02-17-06; A, 6-17-08; A, 9-30-13]

16.12.4.16 HEMODIALYSIS TECHNICIAN CURRICULUM SUBJECT AREAS:

A. Initial certification overview of the hemodialysis technician role and responsibilities.

(1) ~~[Philosophy and]~~ Objectives of the hemodialysis technician programs to include:

(a) federal, state and local regulations;

(b) nurse's role and hemodialysis technician role including the meaning of delegation;

(c) standards of function for hemodialysis technician;

(d) certification expectations and requirements.

(2) Orientation to the hemodialysis technician position including:

(a) review of job specifications;

(b) expectation and responsibilities;

(c) role of the health care team and the hemodialysis technician:

(i) roles and contributions of other health team members;

(ii) observation and reporting.

B. Legal roles and responsibilities of hemodialysis technicians including:

(1) consumer's rights;

(2) negligence and malpractice;

(3) ethical issues relating to consumers including but not limited to:

(a) confidentiality;

(b) OSHA;

(4) documentation;

(5) identification of errors and required reporting ~~[or]~~ of errors to the nurse.

C. Orientation to the ~~[client]~~ consumer population.

(1) Identifies major anatomical components of the renal system and the role of the normal kidney in maintaining homeostasis.

(2) Recognizes the physiological changes that occur in the body as a result of

end stage renal disease.

(3) Verbalizes the principles of hemodialysis.

(4) Recognizes the psychosocial considerations that affect the hemodialysis [patient] consumer/family and lifestyle.

(5) Identifies changes in the [patient's] consumer's diet.

D. Introduction to dialysis therapy.

(1) Demonstrates efficient, accurate and safe preparation of the dialysis machine including but not limited to the discontinuation of dialysis.

(2) Demonstrates accurate and safe technique when performing [arteriovenous] arteriovenous punctures for dialysis access.

(3) Identifies [problem-patient situations] consumer complications and [communications] communicates with [licensed] a registered nurse.

(4) Identifies and responds appropriately to machine alarms and other potential emergency situations to include but are not limited to:

- (a) air leaks;
- (b) power failures;
- (c) temperature changes;
- (d) unconscious patient;
- (e) needle dislodgement;
- (f) air embolism.

(5) Identifies infection control principles and practices. Including but not limited to the use of personal protective equipment.

(6) Demonstrates the method of medication administration and identifies potential adverse reactions for medications used in hemodialysis therapy.

E. Hemodialysis technician procedures/skills check list for certification in New Mexico.

(1) Identification of machine parts and functions.

(2) Preparation of machine and extracorporeal circuit [including], equipment monitoring and testing prior to initiation of treatment and disinfection of machine post dialysis.

(3) [Patient—assessment—and equipment monitoring and testing prior to initiation of treatment.] Data collection for registered nurse assessment.

(4) Vascular access and specimen collection.

(5) Initiation, monitoring and termination of treatment.

(6) [Respond—appropriately] Appropriate response to real and potential emergency care situations that can impact the patient, staff and the physical building.

(7) Administration of [routine treatment] medications required for dialysis therapy within the scope of practice as stated in Subsection B of 16.12.4.10 NMAC.

(8) Correct practice of infection control principles.

(9) Identification and comprehension of principles of water treatment system.

F. [Advanced] Certification for hemodialysis technician (CHT II) including their role and responsibilities.

(1) Philosophy and objectives of the advanced hemodialysis technician programs to include:

- (a) federal, state and local regulations;
- (b) nurse's role and advanced hemodialysis technician role;
- (c) standards of function for advanced hemodialysis technician;
- (d) certification expectations and requirements.

(2) Orientation to the [advanced hemodialysis technician] (CHT II) position including:

- (a) review of job specifications;
- (b) expectation and responsibilities;
- (c) role of the health care team and the hemodialysis technician:

(i) roles and contributions of other health team members;

(ii) observation and reporting.

(3) Expanded roles and responsibilities of the advanced hemodialysis technicians (CHT II) including:

- (a) consumer's rights;
- (b) negligence and malpractice;
- (c) ethical issues relating to consumers including but not limited to confidentially and OSHA;
- (d) documentation;
- (e) identification of errors and required reporting or errors to the nurse.

(4) Review the concepts and practices of infection control.

(5) Understand the principles and rationale for the clamping and care of central venous line catheters.

- (a) Positive thoracic pressure.
- (b) Risk of complications with clamping/unclamping catheters.
- (c) Antiseptic solutions and catheter material.

(6) Understanding and administering [anticoagulants] heparin to central venous [lines] catheters.

- (a) Pre-dialysis blood work.
- (b) Identification of arterial and venous [lines] catheter ports.
- (c) Connection to dialysis blood lines.

(7) Preparation, initiation, monitoring and termination of dialysis with the central venous [line] catheters.

- (a) Arterial pressure monitoring.
- (b) Documentation.
- (c) Verification with registered nurse of correct placement of a new central venous catheter [line].

(8) Maintaining central venous [line] catheter patency including injection of [anticoagulants] heparin or saline into catheter ports.

(9) Identification of complications including, but not limited to:

- (a) emergency life threatening care;
- (b) access recirculation;
- (c) [indefinite] inadequate flow;
- (d) clotting;
- (e) catheter dislodgement.

G. [Advanced hemodialysis technician] CHT II procedures/skills check list for certification in New Mexico.

(1) Identify difference between permanent and temporary central venous catheters.

(2) Demonstrate ability to maintain [a clean/sterile field of care] an aseptic field.

(3) Demonstrate correct infection control practices throughout all procedures including the proper selection of [correct] approved antiseptic solutions.

(4) Demonstrate aspiration of [anticoagulants] heparin or saline with the [correctly] correct sized [syringes] syringe.

(5) Demonstrate ability to maintain positive pressure in the catheter lumen.

(6) Identify and respond appropriately to complications with the central venous catheter.

(7) Determine correct lumen volume and instill [anticoagulants] heparin or saline aseptically post treatment.

(8) Correctly [demonstrate that catheter lines are capped, changed, and secured before discontinuing patient from hemodialysis therapy] demonstrates catheter ports are capped, clamped and secured after termination of hemodialysis treatment.

[16.12.4.16 NMAC - N, 02-17-06; A, 6-17-08; A, 9-30-13]

NEW MEXICO BOARD OF NURSING

This is an amendment to 16.12.5. NMAC, Sections 7, 8, 9, 10, 11, 13, 14, 15, 17, 18 and 19, effective 9/30/13.

16.12.5.7 DEFINITIONS:

A. "Administrator" means the operating officer of an agency. This includes, but is not limited to a licensed nursing facility or a school superintendent.

B. "Agency" means a board approved facility that [utilized] utilizes medication aides who serves consumers in various health care and community settings.

C. "Approval" means the review and acceptance of specific activity.

D. "Audit" means a verification of continuing education documents and work requirements.

E. "Board" means the NM board of nursing.

F. “Certificate” means a document issued by the board identifying the legal privilege and authorization to perform specific ~~[nursing]~~ certified medication aide functions and procedures in the state of New Mexico.

G. “Certification examination” means a board-approved tool designed to evaluate an applicant’s knowledge of a specific subject.

H. “Certified medication aide (CMA)” means a person who receives specialized training preparing for a role of medication administration under the supervision/direction of a registered nurse, is permitted to administer medications as outlined in these rules.

I. “Certified medication aide II (CMA II)” means a person who meets the requirements of a CMA as defined in these rules. The CMA II candidate is selected by the nurse educator, and receives additional training with ~~[an]~~ the expanded scope of function of subcutaneous insulin delivery, upon successful completion of a board approved examination; additional certification is mandatory.

J. “Clinical experience” means the supervised clinical proficiency/quality assurance skills component of the certified medication aide program which takes place in a board approved ~~[facility]~~ agency.

K. “Clinical preceptor” means a licensed nurse at each participating nursing ~~[facility]~~ agency that is physically present and providing one (1) clinical preceptor to two (2) students with direct supervision.

L. “Competency” means the demonstration of knowledge in a specific area and the ability to perform specific skills and tasks in a safe, efficient manner.

M. “Consumer” means any person domiciled, residing or receiving care or treatment from a certified medication aide in an agency. This includes but is not limited to residents, clients or students.

N. “Contact hour” means a sixty (60) minute clock hour.

O. “Continuing education (CE)” means a planned learning experience ~~[beyond a basic nursing or technician educational program]~~ for medication aides which include medication information and medication administration. These experiences are designed to promote the development of knowledge, skills and attitudes for the enhancement of care to the consumer.

P. “Curriculum” means a detailed course outline, description, or syllabus, which includes objectives, content, teaching-learning activities and evaluation strategies.

Q. “Delegation” means transferring to a competent individual the

authority to perform a delegated nursing task in a selected situation. The licensed nurse retains accountability for the delegation.

R. “Medication aide advisory committee (MAAC)” means a board appointed advisory committee.

S. “Medications” means substances intended for use in diagnosis, care, mitigation, treatment or prevention of a disease.

T. “Medication aide program” means the formal program of study, certification, continuing education, standards of functions, disciplinary action, and minimum standards. A board approved nurse is required for the supervision and observation of the medication aide.

~~[U. “Multiple certification” means certified medication aides who have a current certificate in good standing and take the additional required training to work with different population specific care groups.]~~

~~[V.]~~ **U. “NPA”** means the Nursing Practice Act.

~~[W.]~~ **V. “Nurse educator”** means a registered nurse who is the program administrator for a specific agency that develops, coordinates ~~[or]~~ and teaches the medication aide program or participant program. Retains ultimate responsibility for determining competency of medication aides.

~~[X.]~~ **W. “OTC medications”** means medications can be purchased over-the-counter without a prescription. OTC medications must be stored in original manufacturer’s packaging and affixed with the original manufacturer’s labeling. Provider’s orders with adequate instructions must be obtained prior to the administration of OTC medications by the certified medication aide.

X. “Participant program” means a board approved medication aide program that does not involve teaching of a board approved curriculum but retains all responsibility of maintaining a medication aide program.

Y. “Population specific care” means the standards of care regarding medication administration requirements for specific consumer care groups.

Z. “Prn” means ~~[administer]~~ administering medication on an as needed basis. Instruction to administer by a certified medication aide requires licensed nurse judgment and prior approval.

AA. “Program review” means the process whereby the program at the ~~[facility]~~ agency is evaluated to assure compliance with the rules and regulations governing the CMA program. This may include a site visit with or without official notification to an agency.

BB. “Properly labeled container” means a medication container which includes the name, address and telephone number of the pharmacy, the name of the prescriber, the full name of the ~~[resident]~~ consumer, the date the order was filled, the brand and generic name of the drug, the dosage of the drug, strength of the drug, lot number, expiration date, adequate instructions for use and cautionary label as necessary.

CC. “Reactivation” means the process of making a certificate current which has been in ~~[abeyance]~~ lapsed status as a result of failure to comply with the necessary renewal requirements; this action does not involve board action.

DD. “Reinstatement” means the process whereby a certificate, which has been subject to revocation or suspension, is returned to its former status by individual board action; this process always involves board action.

EE. “Routine medication” means a medication for which the frequency of administration, amount, strength, and method of administration are specifically fixed as determined by the health care provider authorized by the state to prescribe medications. Routine does not include medications for which the time of administration, the amount, the strength of dosage, the method of administration or the reason for administration is left to judgment or discretion.

FF. “Standards of function” means a range of tasks/activities performed by certified medication aides for consumers who are stable and predictable, supervised by a licensed nurse who may need to ~~[limit]~~ adjust the range of tasks based on the consumer’s need ~~[or add via delegation]~~.

GG. “Supervision/direction” means initial and ongoing verification of a person’s knowledge and skills in the performance of a specific function or activity ~~[followed by]~~ as demonstrated by periodic observation, direction and evaluation of that person’s knowledge and skills as related to the specific function or activity.

HH. “ULA” means the Uniform Licensing Act.

[16.12.5.7 NMAC - Rp, 16.12.5.7 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.8 FEES: Payment of fees will be accepted in the form specified by the board. Fees are not refundable.

A.	Initial certification by examination	\$45.00
B.	Certification by exam for CMA II	\$60.00

C.	Re-examination	\$ 30.00
D.	Renewal of medication aide certificate	\$ 45.00
E.	Reactivation of a lapsed certificate	\$ 50.00
F.	Reactivation of a lapsed certificate following board action	\$ 60.00
G.	Initial [training] program review and approval	\$ 250.00
H.	Biennial [training] program [evaluation] renewal	\$ 200.00

[16.12.5.8 NMAC - Rp, 16.12.5.8 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.9 CERTIFICATION BY EXAMINATION REQUIREMENTS FOR MEDICATION AIDES:

A. Prerequisites.

(1) Be a minimum of eighteen (18) years of age.
 (2) Be a high school graduate or complete the general education development (GED) course or proof of higher education.

(3) Provide documentation of a minimum of 6 months health care experience working at a board approved agency within the last year.

(4) Successfully complete a board-approved program for the preparation of medication aides.

(5) Complete the required application form within the specified deadline and according to all policies.

(6) Provide proof of current CPR certification.

(7) Remit the required fee.

B. Application and fee for the medication aide examination must be submitted to the board office at least thirty (30) days prior to the date of the examination.

(1) Any application containing fraudulent or misrepresented information could be the basis for denial of certification.

(2) Incomplete applications for certification [~~become null and void one (1) year after date of last noted activity~~] will be returned.

(3) Verification of successful completion of the medication aide program including date of completion must be received in the board office directly from the agency which provided the program, at least thirty (30) days prior to the exam date.

(4) An admission letter which includes the time, date and place of the examination will be issued to all eligible candidates.

(5) The reexamination fee will be charged for all failed examinations and non-excused applicants.

(6) If an applicant is scheduled [~~to write~~] for the medication aide examination and is unable to attend, the applicant must notify the board [~~no later than seven (7) days after~~] on or before the examination date. Lack of notification will result in a reexamination fee.

(7) Results of the examination shall be reported by mail only to the individual applicant no later than four (4) weeks following the examination date. Successful candidates shall be issued [a] an initial certificate.

(8) Successful completion of the examination can be verified through the board's website.

C. Medication aide certification examination.

(1) The board shall develop and maintain the board-approved examination for medication aides.

(2) Board-approved examination centers shall comply with the security procedures developed by the board for distribution and administration of the examination.

(3) The MAAC shall set the examination dates.

(4) Applicants for certification as a medication aide shall be required to pass the medication aide examination with a minimum of 80% of the items answered correctly.

(5) Failed examinations must be repeated in their entirety on all subsequent attempts.

(6) Unsuccessful candidates may not repeat the examination for two (2) months.

(7) The examination may be taken a maximum of three times. After the third failure, the applicant must provide verification of repeating and successfully completing the [training] theory and clinical portion of a board-approved medication aide program to be eligible to sit for the exam.

(8) Applicants observed giving or receiving unauthorized assistance during the writing of the examination shall be physically removed from the examination center and the individual(s) shall be referred to the board by a sworn complaint(s) filed by the examiner.

D. Certification by examination for [CMA-H] CMA II.

(1) [CMA-H] CMA II shall be required to pass a certification examination with a minimum score of 80% that is specific to their expanded scope of function as defined in the core curriculum (16.12.5.16 NMAC).

(2) [CMA-H] CMA II applicants who fail the exam may repeat the examination one time within a [~~six~~] two (2) month period without repeating an approved training

program. If the [CMA-H] CMA II does not pass the second examination they must [~~take a refresher course specific to the expanded scope of function and wait one year from the first test date to retake the examination~~] provide verification of repeating and successfully completing the theory and clinical portion of a board approved CMA II program to be eligible to retake the examination.

E. Requirements for medication aide recertification.

(1) Applicants for recertification as a medication aide must meet the continuing education and work requirements as stated in these rules.

(2) In order to meet the CE requirement for recertification as a medication aide, the applicant must provide evidence of having accrued sixteen (16) clock hours of CE within the two (2) years renewal period immediately preceding recertification.

(a) The agency shall grant opportunities for CE.

(b) Acceptable courses shall be those with topics related to medications and medication administration.

(c) CE requirement records are subject to audit by the board. Certificate holders may be subject to disciplinary action by the board if non compliant within sixty (60) days of the first notification of the audit.

(d) Failure to meet the CE requirements for recertification shall result in denial of recertification. Individuals who do not meet the continuing education requirement may not function as a medication aide until such time as the CE requirement has been met.

(e) [CMA-H] CMA II shall accrue four additional contact hours of continuing education within the 24 months preceding recertification. These additional contact hours must be specific to their expanded scope of function.

(3) In order to meet the work requirement for recertification as a medication aide, the applicant must administer medications a minimum of 100 hours during the two year period immediately preceding certification renewal.

(a) Work requirement records are subject to audit by the board. Certificate holders may be subject to disciplinary action by the board if non compliant within sixty (60) days of the first notification of the audit.

(b) Failure to meet the employment requirement shall result in denial of recertification.

(c) Individuals who have not met the employment requirement may not function as a medication aide, until a twenty-four (24) hour refresher course has been completed and a recertification application and fee have been submitted, processed, and accepted by the board. Completion

of a refresher course shall meet both the employment and CE requirement for the renewal period.

(4) Refresher course.

(a) CMA I - completion of a minimum of twelve (12) hours of classroom studies and twelve (12) hours of supervised clinical practice in a board-approved medication aide program under the direction of the nurse educator to include authorized and prohibited functions of a medication aide. CMA II - completion of eight (8) hours of theory to include the expanded scope of function and twenty (20) supervised insulin injections.

(b) A passing score of 80% on the agency's final examination.

(c) Refresher course requirements are found in 16.12.5.20 NMAC.

(d) The nurse educator shall provide verification on agency letterhead to the board of nursing about the medication aide's completion of the refresher course before a new certificate is issued.

(e) Failure to meet any of the requirements for the refresher course shall require the individual to complete a board-approved training program curriculum in its entirety.

(5) Renewal [applications] notifications may be mailed to the medication aide at least six (6) weeks prior to the end of the renewal month. Renewal applications are available on the board's website.

(a) Failure to receive the notification for renewal shall not relieve the medication aide of the responsibility of renewing the certificate by the expiration date.

(b) If the certificate is not renewed by the end of the renewal month, the medication aide does not hold a valid certificate and shall not function as a medication aide in NM until the lapsed certificate has been reactivated.

(c) Renewal application and fee must be submitted, processed, and accepted by the board.

(6) Medication aides shall be required to complete the renewal process by the end of their renewal month every two years.

(7) Initial certificates are issued by mail only.

(8) Medication aides with expired certificates of over ~~two (2) years~~ six (6) months duration shall complete the refresher course in order to be recertified.

(9) Remit the required fee.

F. Individuals who have practiced as medication aides in other states or who have been certified in another state may apply for certification in the state of New Mexico if they:

(1) ~~submit written verification of completion of medication aide training program in another state directly to the board~~

~~by the training program;] provide a current CMA certificate from another state;~~

(2) submit written verification of 100 hours as a medication aide during the 24 month period immediately preceding request to become certified in New Mexico directly to the board by their employer;

~~(3) complete the medication aide training program's medication administration procedures/skills list;~~

~~(4) pass the training program's final examination with a score of 80% or better;~~

~~(5)~~ (3) provide written verification by the board approved agency, on agency letterhead, of successful completion of 20 hours of supervised clinical practice, skills list, and the final examination results;

~~(6)~~ (4) successfully complete the board's medication aide certification examination with a score of 80% or better;

~~(a) medication aides who have practiced in another state or are certified in another state may practice as medication aides with a temporary certificate once they have completed the requirements listed in Paragraphs (1) through (6) of Subsection F of 16.12.5.9 NMAC;~~

~~(b)~~ (a) upon completion of requirements identified in Paragraphs (1) through ~~(6)~~ (4) of Subsection F of 16.12.5.9 NMAC the medication aide must apply within six (6) months to take the next ~~immediately~~ available board approved medication aide certification examination; an initial certification by examination application with fee must be submitted, processed and accepted by the board according to examination required deadline;

~~(c)~~ (b) upon successful completion of the examination with a score of 80% or higher a certificate will be mailed to the medication aide;

~~(d)~~ (c) failure to successfully pass the medication aide certification examination shall require the medication aide to complete a board approved training program curriculum in its entirety.

G. Graduate nurses or nursing students currently enrolled in a school of nursing may be certified as medication aides if they meet the following criteria.

(1) ~~Students~~ Graduate nurses or student nurses who have successfully completed a nursing pharmacology course and two of the following may apply for medication aide certification:

(a) nursing courses to include: pathophysiology (I), anatomy (II) and physiology (III);

(b) completed a nursing fundamentals course; or

(c) certified nursing assistant course.

(2) Complete the required application form and remit the required fee.

(3) Written verification of successful completion of courses with a "C" or higher must be submitted by the nursing school on letterhead. In lieu of verification, official transcripts will be accepted.

(4) If completed certified nursing assistant course, must [proved] provide verification of a current certificate in good standing with the state department of health.

(5) Provide proof of a current CPR card.

[16.12.5.9 NMAC - Rp, 16.12.5.9 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.10 STANDARDS OF FUNCTIONS FOR THE MEDICATION AIDE:

A. The purpose of this section is to establish standards for the supervision/direction of medication aides; to identify basic authorized functions for the medication aide and; to identify prohibited functions for the medication aide.

B. Authorized functions of the medication aide - medication aides who have been certified by the NM board of nursing may under the supervision/direction of a registered nurse administer routine medications.

(1) The medications must have been ordered by a person authorized in the state to prescribe medications.

(2) The medication must be prepared by the person who will administer it.

(a) **EXCEPTION:** School medication aides may administer auto injector epinephrine to school staff and students during school hours in an emergency life threatening situation.

(b) School medication aides must receive training in the administration of auto injector epinephrine by the nurse educator. The nurse educator must document the training.

(3) Medication administration errors must immediately be reported to the ~~registered~~ licensed nurse by the medication aide.

(4) Adverse reactions must immediately be reported to the ~~registered~~ licensed nurse by the medication aide.

(5) Administer PRN medications only after contacting and receiving authorization from licensed nurse to administer the PRN medication. Authorization is required for each individual instance of PRN administration of a medication.

C. Prohibited functions of the medication aide:

(1) shall not administer medication by intramuscular, intravenous, subcutaneous or nasogastric routes; **exception:** certified medication aides may administer insulin with a prefilled insulin pen if they have

successfully completed a current CMA II board approved certification program;

(2) shall not take medication orders;

(3) shall not alter medication dosage as ordered by the prescriber;

(4) shall not perform any function or service for consumers for which a nursing license is required under the Nurse Practice Act;

(5) shall not administer medication without the supervision/direction of a [registered] licensed nurse;

(6) shall not administer medications in any agency other than a board approved agency.

D. Supervision/direction.

(1) A nurse educator shall periodically provide supervision/direction to the certified medication aide administering medication(s):

(a) a [registered] licensed nurse shall be available 24 hours a day (on call) to supervise medication aides as determined by the agency work hours;

(b) develop and institute a yearly performance evaluation of each CMA; the performance evaluation shall be based upon the standards listed in these rules; the performance evaluation shall also include a review of the number of medication errors committed by the CMA.

(2) A nurse educator shall monitor an agency's medication aides as directed by the board to include the following:

(a) review all medication administration errors and incident reports filed since the nurse educator's last review;

(b) meet with each medication aide to review and discuss problems, difficulties, or irregularities in administering medications and to provide appropriate instruction;

(c) prepare and submit to the board of nursing a written, signed report of findings, observations, problems, irregularities, safety violations and recommendations in medication administration.

(3) The registered nurse may delegate to the licensed practical nurse the supervision/direction of the medication aide.

E. Certified medication aide II - expanded scope of function.

(1) The expanded role is a privilege and not a requirement for all CMA's to meet.

(2) The nurse educator shall approve the CMA assuring the CMA meets specific criteria.

(3) CMA must be employed full-time for one year in a board approved facility.

(4) Must have been a CMA for one year and have fulfilled all CMA requirements and [be in good standing with the board] have a current NM certificate.

(5) Authorized functions shall include subcutaneous injection of insulin by prefilled insulin pens only.

(6) Must complete board approved curriculum and pass the board examination with 80% or better.

[16.12.5.10 NMAC - Rp, 16.12.5.10 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.11 DISCIPLINARY ACTION:

A. The board shall conduct hearings upon charges relating to discipline of a CMA/CMA II or the denial, suspension or revocation of a medication aide certificate in accordance with the ULA (61-3-10, NMSA, 1978) for the purpose of protecting the public.

B. Grounds for action.

(1) Incapable of functioning as a medication aide which is defined to include, but not limited to, the following:

(a) inability to function with reasonable skill and safety as a medication aide for any reason including, but not limited to, the use of drugs, alcohol or controlled substances which could impair judgment;

(b) performance of unsafe or unacceptable care of consumers in the administration of medications or failure to conform to the essential standards and prevailing standards of medication aides, in which actual injury need not be established;

(c) omitting deliberately and failing to record information regarding medications and medication administration which could be relevant to the consumer's care;

(d) demonstrating a lack of competence through repeated medication errors.

(2) Incapable of functioning as a responsible member of the health care team which is defined to include, but not limited to, the following:

(a) falsifying or altering consumer records or personnel records for the purpose [of reflecting] that reflect incorrect or incomplete information;

(b) misappropriation of money, [drugs] medications or property;

(c) obtaining or attempting to obtain any fee for consumer services for one's self or for another through fraud, misrepresentation or deceit;

(d) obtaining, possessing, administering or furnishing prescription [drugs] medications to any person, including, but not limited to one's self, except as directed by a person authorized by law to prescribe;

(e) failure to follow established procedures and documentation regarding controlled substances;

(f) obtaining or attempting to obtain a certificate to function as a medication aide for one's self or for another through fraud, deceit, misrepresentation or any other act of dishonesty in any phase of the certification

by examination or recertification process;

(g) failure to report a medication aide, who is suspected of violating the NPA, administrative rules or 16.12.5 NMAC;

(h) exceeding the scope of functions of a medication aide;

(i) intentionally abusing, neglecting or exploiting a consumer;

(j) intentionally engaging in sexual contact toward or with a consumer; [in a manner that is commonly recognized as outside of the medication aide's scope of tasks]

(k) administering medications without the supervision/direction of a [registered] licensed nurse;

(l) conviction of a felony;

(m) dissemination of a patient/client's health information or treatment plan acquired during the course of employment to individuals not entitled to such information and where such information is protected by law or hospital/agency policy from disclosure.

C. Disciplinary proceedings - disciplinary proceedings are conducted in accordance with the administrative rules of the New Mexico board of nursing and pursuant to the Uniform Licensing Act.

[16.12.5.11 NMAC - Rp, 16.12.5.11 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.13 TYPES OF APPROVAL:

A. Initial program approval - any agency wishing to obtain approval of a medication aide program shall submit, in writing, an application for approval to the board's MAAC. Incomplete applications will not be reviewed. The MAAC shall evaluate the application and make a recommendation to the board regarding the approval of the medication aide program. The board of nursing shall approve medication aide programs at regularly scheduled board meetings.

(1) The initial application for approval shall be consistent with the minimum standards for medication aide programs and shall contain the following:

(a) objectives of the medication aide program;

(b) organizational chart;

(c) name of the administrator and the director of nursing;

(d) name and resume of the nurse educator(s) and [other faculty] clinical preceptors;

(e) program curriculum;

(f) number of hours to be spent on each topic;

(g) evaluation tools that demonstrate written and clinical proficiency to include a quality assurance program;

(h) policies and procedures that

outline the scope of function of medication aide in the board approved agency;

(i) job description of medication aide and;

(j) required fee.

(2) Representatives of the medication aide program may be scheduled to meet with the MAAC to present the proposed program.

(a) Upon the MAAC's approval of the application, a recommendation for approval shall be made to the board.

(b) Applications not approved will be returned and may be resubmitted for approval when complete and deficiencies have been corrected.

(3) After receipt of the MAAC's report and recommendation(s), the board may:

(a) grant approval of a program;

(b) defer a decision regarding approval;

(c) deny approval;

(d) direct staff to make a pre-approval evaluation visit.

B. Full approval, for a period not to exceed two (2) years, shall be granted to medication aide programs if, in the opinion of the board, the program demonstrates compliance with 16.12.5.17 NMAC, minimum standards for medication aide programs.

(1) To ensure continued compliance with 16.12.5.17 NMAC, minimum standards for medication aide programs, medication aide programs shall be evaluated through a written report or as determined by the board or the advisory committee.

(a) During the period of full approval, the MAAC may determine if annual medication aide program site visits are necessary to evaluate compliance with these rules.

(b) A representative of the medication aide program may request or be requested to meet with the MAAC to clarify and respond to questions regarding the evaluation.

(c) After the MAAC's review of the evaluation, a report shall be made to the board regarding continuation of the medication aide program's approval.

(d) The board is the final authority regarding continued approval or probation.

(2) Prior to the expiration of full approval, a program review shall be conducted by a representative from the board of nursing to evaluate programmatic compliance. The report of the visit shall be submitted to the MAAC for review and recommendation to the board regarding approval.

C. Probationary approval.

(1) A medication aide program may be given probationary approval when there is evidence of:

(a) [substantial] non-compliance

with the minimum standards for medication aide programs;

(b) continuous disruptions in retaining qualified nurse educators;

(c) noncompliance with the medication aide program's stated philosophy, objectives, policies, and curriculum resulting in unsatisfactory student achievement;

(d) failure to provide clinical experience or supervision; [necessary to meet the objectives of the medication aide program]

(e) [substantial] non-compliance with any portion of these rules.

(2) The medication aide program shall be advised, in writing, of the reason(s) for probationary approval.

(3) The board shall designate a reasonable time period, not to exceed one year, in which the medication aide program must correct deficiencies and meet the minimum standards for approval.

~~[(4) The official of the medication aide program may request, in writing, a hearing before the board.~~

~~(a) The hearing may be requested at any time prior to the end of the probationary period.~~

~~(b) Hearings shall be scheduled in conjunction with a regularly scheduled meeting of the board.~~

~~(c) The information and data presented at the hearing shall be evaluated by the board. Resulting from the evaluation, the board may determine changes in the stipulations required during the period of probation.~~

~~(d) (a) Prior to the end of the period of probationary approval, a program [review] site visit shall be conducted.~~

~~(b) The committee shall review the site visit evaluation and make a recommendation to the board through the staff.~~

~~[(e) Progress reports shall be submitted to the MAAC as directed by the board.~~

~~(f) After review of any progress report, the board may request representatives of the medication aide program to meet with the MAAC for consultation and assistance in correcting the deficiencies.~~

~~(5) All decisions of the board and recommendations of the MAAC shall be communicated, in writing, to the medication aide program officials.~~

~~(6) (4) Probationary approval is not renewable. Failure to correct deficiencies will result in withdrawal of approval. [16.12.5.13 NMAC - Rp, 16.12.5.13 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]~~

16.12.5.14 DENIAL OR WITHDRAWAL OF PROGRAM APPROVAL:

A. The board may deny

approval of a medication aide program when a program fails to provide evidence of compliance with the minimum standards for medication aide programs or any other portion of these rules.

B. The board may withdraw approval of a medication aide program if the program fails to correct deficiencies resulting in non-compliance with the minimum standards for medication aide programs or any other portion of these rules.

C. When the board denies or withdraws approval, a written notice detailing the reasons shall be provided to the officials of the medication aide program.

D. The medication aide program shall be removed from the list of board [approval] approved medication aide programs.

[16.12.5.14 NMAC - Rp, 16.12.5.14 NMAC, 8-16-05; A, 9-30-13]

16.12.5.15 PROGRAM REVIEWS:

A. Types.

(1) Approval assessment: made to a medication aide program by representatives of the board for the purpose of determining board approval.

(2) Evaluation review: made to medication aide program by board representatives at the request of the board for the purpose of evaluating a program's progress and approval status.

(3) Consultation assessment: made to the medication aide program by the board representatives at the request of the program officials.

(4) Course visit: visit which may be done at anytime to a participating medication aide program.

(5) Program review: conducted to assess compliance with programmatic requirements and to assess the status of the program at the [facility] agency.

B. The board reserves the right to make unannounced visits.

C. A report of the visit made by representative(s) of the board shall be provided to the medication aide program, MAAC, and the board for final disposition regarding approval status.

D. Visits shall be conducted by a minimum of one professional board staff member.

[16.12.5.15 NMAC - Rp, 16.12.5.15 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.17 MINIMUM STANDARDS FOR MEDICATION AIDE PROGRAMS:

A. Objectives - there shall be written objectives for the medication aide program which serve as the basis for the planning, implementation, and evaluation of

the program.

(1) The objectives shall be developed by the medication aide program nurse educator and shall describe the competencies of the medication aide and shall include:

(a) principles of safety in the administration of medication;

(b) ~~six (6)~~ rights in preparing and administering ~~[drugs]~~ medications;

(c) methods commonly used to safeguard ~~[drugs]~~ medications;

(d) process of infection control;

(e) terms related to administration of medications;

(f) abbreviations commonly used when prescribing and administering ~~[drugs]~~ medications;

(g) uses, dosages, and necessary precautions in administering ~~[drugs]~~ medications;

(h) ability to correctly calculate dosages;

(i) appropriately reporting changes in a consumer's condition;

(j) importance of remaining with consumer while ~~[he/she—ingest]~~ administering medication;

(k) accurate documentation of medication administration;

(l) legal parameters of the medication aide role;

(m) authorized and prohibited functions;

(n) responsibility for own actions;

(o) maintenance of confidential information;

(p) appropriate skills in medication administration;

(q) understanding of the consumer population and;

(r) confidentiality issues.

(2) The objectives shall be written clearly, and shall identify expected competencies of the beginning medication aide.

(3) The objectives shall be reviewed annually and revised as necessary by the nurse educator.

B. Curriculum.

(1) The curriculum shall be developed, implemented, evaluated by the medication aide program nurse educator within the framework of the objectives.

(2) The curriculum shall extend over a period of time sufficient to provide essential, sequenced learning experiences which enable a student to develop competence consistent with principles of learning and sound educational practice.

(a) There shall be a minimum of sixty (60) hours of classroom study of which forty (40) hours is the medication administration curriculum and twenty (20) hours of population specific care curriculum.

(b) There shall be a minimum of twenty (20) hours of supervised clinical

experience. The nurse educator retains accountability and determines the need for additional clinical experience hours.

(c) Supervised clinical experience shall provide opportunities for the application of theory and for the achievement of stated objectives in a population specific care setting and shall include clinical learning experiences to develop the proficiency/quality assurance required by the individual to function safely as a medication aide. A nurse educator or clinical preceptor must be physically present and accessible to the student in the population specific care area.

(d) The ~~[CMA-H]~~ CMA II curriculum shall include a minimum of 16 additional hours of classroom study and a minimum of twenty (20) ~~[hours-of supervised-clinical-experience]~~ supervised insulin injections. The CMA II student shall successfully administer insulin to one or more consumers a minimum of 20 times. The nurse educator must verify the successful completion of training ~~[with]~~ by submitting a written letter to the board with the application to test ~~[and receive certification]~~ as a ~~[CMA-H]~~ CMA II.

(3) The curriculum shall provide, at a minimum, instruction in the subject areas listed in 16.12.5.19 NMAC.

(4) The nurse educator shall develop a written ~~[systematic]~~ plan for curriculum and program evaluation.

C. Administration and organization.

(1) There shall be a current organizational chart showing the position of the medication aide program within the overall structure of the agency, clearly indicating the lines of authority and responsibility and channels of communication.

(2) The agency administration shall provide support for the medication aide program to obtain the resources needed for the program to achieve its purpose.

(3) There shall be a nurse educator to administer the program that shall be responsible for:

(a) the development, implementation and evaluation of the medication aide program;

(b) creation and maintenance of an environment conducive to teaching and learning;

(c) liaison with other personnel;

(d) arrangement for direct supervision of the student's clinical experience by a licensed nurse;

(e) provision for a system of permanent records~~[-and records]~~ and reports essential to the operation of the medication aide program;

(f) communication with the board of nursing.

(4) Should the nurse educator leave their position, the administrator shall

notify the board. Failure to notify the board may result in a monetary penalty imposed by the board.

D. Faculty.

(1) Each program shall have a nurse educator that is a registered nurse and holds a current license to practice nursing in NM or a current compact state license.

(2) The nurse educator shall have at least two (2) years of recent, within the last five (5) years, nursing practice experience.

(3) The nurse educator shall select the clinical experience for students.

(4) The nurse educator or clinical preceptor must be physically present in the agency while students are engaged in clinical experience.

(5) The ratio of faculty to students, during supervised clinical experience shall not be more than one (1) faculty to two (2) students.

(6) The nurse educator shall be responsible for instruction and evaluation of student performance, termination, grading and progression.

(7) Other health care providers, in addition to the nurse educator, may be appropriate faculty for classroom instruction such as physicians, nurse practitioners and pharmacists.

(8) The nurse educator will have accountability/responsibility in the final selection/determination of any CMA candidate chosen for advancement to CMA II.

E. Records.

(1) The nurse educator's record shall include:

(a) verification of current licensure as a registered nurse in New Mexico or compact state;

(b) continuing education record;

(c) resume;

(d) teaching experience;

(e) verification of board of nursing orientation for nurse educators;

(f) board of nursing appointment letter to position of nurse educator.

(2) The student's record shall include:

(a) admission date;

(b) testing and evaluation records;

(c) classroom and clinical attendance;

(d) final course grade;

(e) certificate that documents proof of attendance and successful program completion;

(f) copy of application for certification examination;

(g) continuing education attendance records;

(h) current CPR certification.

(3) The clinical preceptor's record shall include:

(a) verification of current licensure as a registered or licensed practical nurse in

NM or compact state;

(b) [~~clinical teaching experience~~]
resume;

(c) verification of orientation for clinical preceptors conducted by nurse educator.

(4) The CMA's records shall include but not be limited to:

(a) current NMCMA certifications;

(b) biannual med pass

observations;

(c) continuing education records;

(d) current CPR certification.

[16.12.5.17 NMAC - Rp, 16.12.5.17 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.18 MEDICATION AIDE PROGRAM ADVISORY COMMITTEE:

A. Composition and appointment of committee members - The board shall appoint a minimum of a five (5) member voluntary advisory committee which shall be composed of at least three (3) registered nurses and other representatives. The committee shall include one member not employed by a participating agency.

~~(1) Agencies shall be requested to submit nominations for committee appointments:~~

~~(2)~~ (1) There shall be no more than one representative from any one agency serving on the advisory committee at any one time.

~~(3)~~ (2) Members of the committee shall serve for staggered terms of two (2) years, and may be reappointed to the advisory committee.

B. Responsibility of advisory committee.

(1) The advisory committee shall review applications for initial approval, program evaluations, and changes in medication aide programs, and shall ~~submit reports and~~ make recommendations to the board.

(2) The advisory committee shall provide consultation to medication aide programs as requested or directed by the board.

(3) Members of the advisory committee may serve as survey visitors to medication aide programs for approval, consultation and evaluation visits.

[16.12.5.18 NMAC - Rp, 16.12.5.18 NMAC, 8-16-05; A, 6-17-08; A, 11-17-11; A, 9-30-13]

16.12.5.19 MEDICATION ADMINISTRATION CURRICULUM SUBJECT AREAS:

A. Overview of the medication aide role and responsibilities.

(1) [~~Philosophy and~~] Objectives of the medication aide training programs to include:

(a) federal, state and local

regulations;

(b) nurse's role and medication aide role including the meaning of delegation;

(c) standards of function for medication aides;

(d) certification expectations and requirements.

(2) Orientation to the medication aide position including:

(a) review of job specifications;

(b) expectation and responsibilities;

(c) role of the health care team and the CMA:

(i) roles and contributions of other health team members;

(ii) observation and reporting;

(iii) health team meetings.

B. Legal roles and responsibilities of medication administration including:

(1) consumer's rights;

(2) negligence and malpractice;

(3) ethical issues relating to consumers including, but not limited to:

(a) confidentiality;

(b) OSHA;

(4) documentation;

(5) identification of medication errors and required reporting [~~of~~] of errors to the nurse.

C. Fundamentals of medication administration.

(1) Terminology.

(2) Definitions/abbreviations.

(3) [~~Six (6)~~] Rights of medication administration [~~including~~].

~~(4)~~ (4) Observations while administering medications.

~~(5)~~ (5) Follow-up after administering medications.

~~(6)~~ (6) Consumer refusal of medication.

~~(7)~~ (7) OTC and prn medications.

~~(8)~~ (8) Controlled substances.

~~(9)~~ (9) [~~Drug~~] Medication classifications/identification.

~~(10)~~ (10) [~~Desired drug~~] Medication effects.

~~(11)~~ (11) [~~Drug~~] Medication side effects and contraindications including, but not limited to allergic reaction/adverse reactions.

~~(12)~~ (12) [~~Drug~~] Medication interactions shall include but not limited to:

(a) food and herb;

(b) synergistic;

(c) antagonistic;

(d) additive.

~~(13)~~ (13) Allergic reactions/adverse reactions:]

~~(14)~~ (14) Utilization of available resources of medication information shall include but not limited to:

(a) supervising nurse;

(b) written materials;

(c) internet;

(d) pharmacist;

(e) poison control.

~~(10)~~ (14) [~~Drug~~] Medication

nomenclature including:

(a) trade;

(b) generic;

(c) over-the-counter.

~~(11)~~ (15) Methods of distribution

and storage shall include but not limited to:

(a) unit dose;

(b) medication carts;

(c) bubble packs;

(d) prescription bottles;

(e) others.

D. Basic introduction to anatomy and physiology including:

(1) structure;

(2) function;

(3) common health care problems/concerns;

(4) disease processes.

E. First aid and emergency procedures including review of:

(1) cardiac and respiratory emergencies;

(2) choking victims;

(3) first aid.

F. Medication administration procedures/skills check list.

(1) Review the [~~six (6)~~] rights for each skill.

(2) Hand washing [~~for each skill~~] and proper uses of personal protective equipment.

(3) Administering:

(a) oral tablets/capsules;

(b) liquids;

(c) powdered medications;

(d) ophthalmic ointments;

(e) ear medications;

(f) instilling liquid eye medications;

(g) nasal medications/dropper and atomizer;

(h) vaginal and rectal creams and suppositories;

(i) topical agents;

(j) metered dose inhalers;

(k) gastrostomy and jejunostomy medications;

(l) nebulizer medications.

(4) Crushing tablets.

(5) Applying:

(a) lotion;

(b) liniment;

(c) ointment/cream;

(d) transdermal patches.

(6) Taking and recording vital signs as needed.

(7) Documentation.

(8) Medication administration situations requiring notification of the nurse:

(a) consumer medical/mental

health condition change;

(b) discontinued medication;
(c) medications appear to be contaminated;

(d) [~~OTC-or~~] p.r.n. medication is requested.

~~[(e) disposing of medication:]~~

G. Orientation to population specific care including, but not limited to:

(1) specific health care concerns for the population being served;

(2) life developmental stages;

(3) types of consumers specific to the agency.

H. Population specific [~~drug~~] medication classifications and [~~its~~] relationship to body systems.

(1) Content shall include, but is not limited to:

(a) basic review of anatomy and physiology;

(b) common medical disorders as related to the specific population;

(c) common medications given to the specific population including:

(i) [~~drugs—including~~] generic and trade names;

(ii) dosage range;

(iii) action;

(iv) [~~major~~] side effects;

(v) contraindications.

(2) Body systems.

(3) Nutrition/hydration/herbal supplements.

I. [~~A-d-v-a-n-c-e-d-~~] Certification for certified medication aide [~~(CMA-H)~~] (CMA II) including their role and responsibilities.

(1) [~~Philosophy—and~~] Objectives of the [~~advanced~~] certified medication aide training program to include:

(a) federal, state, and local regulations;

(b) nurse's role and [~~advanced~~] certified medication aide II role;

(c) standards of function for [~~advanced~~] certified medication aide II;

(d) certification expectations and requirements.

(2) Orientation to the [~~advanced~~] certified medication aide (CMA-II) position including:

(a) review of job specifications;

(b) expectations and responsibilities;

(c) role of the health care team and the [~~advanced~~] certified medication aide II;

(i) roles and contributions of other health team member;

(ii) observation and reporting.

(3) Expanded roles and responsibilities of the [~~advanced~~] certified medication aide [~~(CMA-H)~~] (CMA II) including:

(a) consumer's rights;

(b) negligence and malpractice;

(c) ethical issues relating to consumers including but not limited to confidentiality and OSHA;

(d) documentation;

(e) identification [~~of—errors~~] and required reporting [~~or~~] of errors to the nurse.

(4) Review the concepts and practices of infection control.

(5) Understand the principles and rationale for administration of insulin.

(6) Identification of complications [~~including but not limited to:~~

(a) emergency life threatening care;

(b) needle dislodgement].

J. [~~Advanced~~] Certified medication aide II procedures/skills check list for certification in New Mexico.

(1) [~~Identify differences between~~] Administration of insulin by pen [~~or—by drawing up insulin in a syringe~~].

(2) Demonstrate ability to maintain a clean/sterile field of care.

(3) Demonstrate correct infection control practices throughout all procedures including the selection of correct antiseptic solutions.

(4) Demonstrate appropriate site selection for administration of insulin.

(5) Demonstrate correct administration of insulin.

(6) Identify and respond appropriately to complications of insulin administration.

[16.12.5.19 NMAC - Rp, 16.12.5.20 NMAC, 8-16-05; A, 6-17-08; A, 9-30-13]

NEW MEXICO COMMISSION OF PUBLIC RECORDS

August 27, 2013

Jackie Garcia, Agency Analysis Bureau Chief

NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe, New Mexico 87507

Ms. Garcia:

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

1.18.333 NMAC ERRDS,
Taxation and Revenue Department

A review of the rules shows that their impact is limited to the individual agency to which it pertains, and it is "unduly cumbersome, expensive or otherwise inexpedient" to publish. Therefore, your request to publish a synopsis for each of the rules listed is approved.

Sincerely,
John Hyrum Martinez
State Records Administrator

JHM/jg

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.18.333 NMAC ERRDS, Taxation and Revenue Department

1. Subject matter: 1.18.333 NMAC, Executive Records Retention and Disposition Schedule for the Taxation and Revenue Department. This is an amendment to 1.18.333 NMAC, ERRDS, Taxation and Revenue Department, amending Sections 9 and 204. The records retention and disposition schedule is a timetable for the management of specific records series of the Taxation and Revenue Department. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Taxation and Revenue Department.

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

3. Interests of persons affected: Interests include the records produced and maintained by the Taxation and Revenue Department.

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

rule.

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

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

7. Effective date of this rule: September 30, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.333 NMAC ERRDS, Taxation and Revenue Department.

Tania Maestas Date
Assistant Attorney General

End of Adopted Rules Section

Other Material Related to Administrative Law

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The Human Services Department will receive public comment for the New Mexico State Plan for Low Income Home Energy Assistance Program (LIHEAP) and file the Plan with the Federal Department of Health and Human Services, Administration for Children and Families (ACF). The hearing will be held at 1:00 pm on September 30, 2013. The hearing will be held at the Income Support Division conference room, 2009 S. Pacheco St., Santa Fe, NM. The conference room is located in Room 120 on the lower level.

The Department proposes the New Mexico LIHEAP State Plan covering the period of October 1, 2013 to September 30, 2014. The 30-day comment period will begin September 1, 2013 and end at 4:00 P.M. on September 30, 2013. All comments received during the comment period will receive consideration for the New Mexico LIHEAP State Plan.

The proposed LIHEAP State Plan is available on the Human Services Department website at: <http://www.hsd.state.nm.us/isd/ISDRegisters.html>. Individuals wishing to testify or requesting a copy of the proposed regulation should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, New Mexico, 87505-2348, or by calling 505-827-7250.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the New Mexico Human Services Department toll free at 1-800-432-6217, in Santa Fe at 827-9454, or through the New Mexico Relay system, toll free at 1-800-659-8331. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 pm on September 30, 2013. Please send comments to:

Sidonie Squier, Secretary
Human Services Department
P.O. Box 2348 Pollon Plaza
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to: JoAnn.Lapington@state.nm.us

**End of Other Related Material
Section**

Submittal Deadlines and Publication Dates 2013

Volume XXIV	Submittal Deadline	Publication Date
Issue Number 17	September 3	September 16
Issue Number 18	September 17	September 30
Issue Number 19	October 1	October 15
Issue Number 20	October 16	October 31
Issue Number 21	November 1	November 14
Issue Number 22	November 15	November 27
Issue Number 23	December 2	December 13
Issue Number 24	December 16	December 30

Submittal Deadlines and Publication Dates 2014

Volume XXV	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 31
Issue Number 3	February 3	February 14
Issue Number 4	February 17	February 28
Issue Number 5	March 3	March 14
Issue Number 6	March 17	March 31
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 1	May 15
Issue Number 10	May 16	May 30
Issue Number 11	June 2	June 13
Issue Number 12	June 16	June 30
Issue Number 13	July 1	July 15
Issue Number 14	July 16	July 31
Issue Number 15	August 1	August 15
Issue Number 16	August 18	August 29
Issue Number 17	September 2	September 15
Issue Number 18	September 16	September 30
Issue Number 19	October 1	October 15
Issue Number 20	October 16	October 30
Issue Number 21	October 31	November 13
Issue Number 22	November 14	November 26
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

The *New Mexico Register* is the official publication for all notices of rule making, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

The New Mexico Register is available free online at <http://www.nmcpr.state.nm.us/nmregister>.

For further information, call (505) 476-7907.