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Notices of Rulemaking and Proposed Rules

CHILDREN, YOUTH AND FAMILIES DEPARTMENT EARLY CHILDHOOD SERVICES

NOTICE OF PUBLIC RULEMAKING AND CONTINUED PUBLIC HEARING

The New Mexico Children, Youth and Families Department hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC that proposes to adopt amendments to the following rules regarding CHILDREN, YOUTH AND FAMILIES GENERAL PROVISIONS GOVERNING BACKGROUND CHECKS AND EMPLOYMENT HISTORY VERIFICATION as authorized by Section 9-2A-7 NMSA 1978:

8.8.3.6 NMAC - OBJECTIVE
8.8.3.10 NMAC - COMPLIANCE

No technical scientific information was consulted in drafting these proposed rules.

Purpose of proposed rules: The purpose of the rules is to amend the background check requirements under 8.8.3 NMAC to comply with federal regulations for applicants required to obtain background checks pursuant to 8.16.2 NMAC and 8.17.2 NMAC. All prospective and existing staff (hired after October 1, 2016) will be required to obtain an inter-state criminal repository check in states where they resided during the preceding five years. In addition, language is added in 8.8.3.10 NMAC Compliance to clarify the requirement of both a screen of abuse and neglect (currently listed under 8.8.3.6 NMAC Objective) and an inter-state criminal repository check in each state where the applicant resided during the preceding five years.

Copies of the proposed rules may be found at end of this notice and at CYFD's website at <https://www.newmexicokids.org/> 30 days prior to the Public Hearing.

Notice of public rule hearing:

The public rule hearing that was originally scheduled for March 17, 2020, at 1:00 p.m., will be held on June 9, 2020 at 1:00 pm. The hearing will be held via internet, email, and telephonic means due to the concerns surrounding COVID-19 and in accordance with Governor Michelle Lujan Grisham's Executive Order 2020-004, Declaration of Public Health Emergency and the March 12, 2020 Public Health Emergency Order to Limit Mass Gatherings Due to COVID-19. The public hearing will be conducted in a fair and equitable manner by a CYFD agency representative or hearing officer and shall be recorded. Any interested member of the public may attend the hearing and will be provided a reasonable opportunity to offer public comment, either orally or in writing, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Debra Gonzales at debra.gonzales@state.nm.us. CYFD will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least ten calendar days before the scheduled hearing.

Notice of acceptance of written public comment:

Written public comment, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public, may be submitted via email to CYFD-ECS-PublicComment@state.nm.us with the subject line "8.8.3 NMAC Public Comment" or via first class mail to P.O. Drawer 5160, Santa Fe, New Mexico 87502 – 5160. The comment period ends at the conclusion of the public hearing on June 9, 2020.

Any interested member of the public may attend the hearing via the internet or telephone and offer public comments on the proposed rule during the hearing. To access the hearing

by telephone: place call 1-346-248-7799. You will be able to hear the full hearing and your telephone comments will be recorded. To access the hearing via the internet: please go to <https://zoom.us/j/98975572473>, and follow the instructions indicated on the screen – Meeting ID (access code): **98975572473**. This will be a live stream of the hearing. You may also provide comment via Chat during the live streaming.

AVISO DE PROMULGACION DE LEYES ADMINISTRATIVAS Y AUDIENCIA PÚBLICA CONTÍNUA

El Departamento de Niños, Jóvenes y Familias de Nuevo México por este medio da aviso como se requiere bajo la Sección 14-4-5.2 NMSA 1978 y 1.24.25.11 NMAC, que propone adoptar enmiendas a las siguientes reglas con respecto a PROVISIONES GENERALES DEL DEPARTAMENTO DE NIÑOS, JÓVENES Y FAMILIAS, GOVERNANDO LA REVISIÓN DE ANTECEDENTES Y HUELLAS Y VERIFICACION DE HISTORIAL DE EMPLEO según lo autorizado por la sección 9-2A-7 NMSA 1978:

8.8.3.6 NMAC – OBJETIVO
8.8.3.10 NMAC – CONFORMIDAD

No se consultó información técnica científica cuando se redactaron estas leyes propuestas.

Propósito de las leyes propuestas:

El propósito de las leyes es enmendar los requisitos bajo 8.8.3 NMAC para el cumplimiento con las regulaciones federales para solicitantes con requisitos de obtener la revisión de antecedentes y huellas conforme a 8.16.2 NMAC y 8.17.2 NMAC. Todos los empleados potenciales y existentes (contratados a partir del 1 de octubre del 2016) requerirán obtener una comprobación de datos del repositorio penal interestatal en cada estado donde el solicitante ha vivido durante los últimos cinco años. Adicionalmente, lenguaje

se ha añadido en 8.8.3.10 NMAC en conformidad para clarificar ambos requisitos; la detección de negligencia y abuso (ahora enlistado bajo el Objetivo 8.8.3.6 NMAC) y la comprobación de datos del repositorio penal interestatal en cada estado donde el solicitante ha vivido durante los últimos cinco años.

Copias de las leyes propuestas pueden ser localizadas al final de este aviso y en la página de internet de CYFD <https://www.newmexicokids.org/> 30 días antes de la Audiencia Pública.

Aviso de Audiencia Pública de

Leves: La audiencia pública de leyes que estaba originalmente programada para el martes 17 de marzo del 2020 a la 1:00 p.m. se llevara acabo el día 9 de junio del 2020 a la 1:00 pm. La audiencia se llevara acabo vía internet, correo electrónico, y medios telefónicos a causa concerniente a COVID-19 y en acuerdo a la Orden Ejecutiva 2020-004, de Declaración de Emergencia de Salud Pública y la Orden del 12 de marzo del 2020, Emergencia de Salud Pública con limitación de Grandes Agrupaciones a causa del COVID-19, de la Gobernadora Michelle Lujan Grisham. La audiencia pública se llevará a cabo de manera justa y equitativa por un representante de la agencia de CYFD o el funcionario de audiencias y será grabada. Cualquier miembro del público interesado puede asistir a la audiencia y se le proveerá una oportunidad razonable para ofrecer sus comentarios al público, oralmente o por escrito, incluso una presentación de datos, puntos de vista o argumentos, sobre las propuestas durante la audiencia. Personas con discapacidades que necesiten cualquier forma de asistencia auxiliar para asistir o participar en la audiencia pública deben comunicarse con Debra Gonzales, debra.gonzales@state.nm.us. CYFD hará todos los esfuerzos posibles para acomodar todas peticiones razonables, pero no puede garantizar acomodar peticiones que no sean recibidas por lo menos diez días antes de la fecha programada para la audiencia.

Aviso de aceptación de comentario

público por escrito: Comentario público por escrito, incluso presentación de datos, puntos de vista o argumentos sobre las leyes propuestas, de cualquier miembro del público interesado pueden ser enviados a través de correo electrónico a: CYFD-ECS-PublicComment@state.nm.us, especificando en la línea de Asunto: "8.8.3 NMAC Public Comment," o por correo de primera clase a P.O. Drawer 5160, Santa Fe, New Mexico 87502 – 5160. El período de comentarios termina con la conclusión de la audiencia pública del 9 de junio del 2020. Cualquier miembro del público puede asistir a la audiencia por medio del internet o por teléfono y ofrecer durante la audiencia comentarios públicos sobre las leyes propuestas. Para acceder la audiencia por medio telefónico marque el número: 1-346-248-7799. Podrá escuchar toda la audiencia y sus comentarios por telefono seran grabados. Para acceder a la audiencia por medio de internet dirijase a: <https://zoom.us/j/98975572473>, y siga las instrucciones indicadas en la pantalla-Meeting ID (numero de identificacion) Access code (codigo de acceso): **98975572473**. Esta sera una audiencia en vivo. Podrá proveer su comentario por Chat durante la presentacion en vivo.

Proposed Rules/Reglas Propuestas

Explanatory sentence for purposes of this Notice: In 8.8.3.6 NMAC, Subsections A and B were not published as there are no changes. In 8.8.3.10 NMAC, Subsections A, C and D were not published as there are no changes.

8.8.3.6 OBJECTIVE: ***

C. Abuse and neglect screens of databases in New Mexico are conducted by BCU staff in order to identify those persons who pose a continuing threat of abuse or neglect to care recipients in settings to which these regulations apply. Applicants

required to obtain background checks pursuant to 8.16.2 NMAC and 8.17.2 NMAC will also undergo a screen of abuse and neglect information and an inter-state criminal history check in each State where the applicant resided during the preceding five years. [8.8.3.6 NMAC - Rp, 8.8.3.6 NMAC, 10/1/2016, A, 10/1/2019, xx/xx/2020]

8.8.3.10 COMPLIANCE: ***

B. The licensee is required to:

(1) submit an electronic fingerprint submission receipt and the required forms for all direct providers of care, household members in licensed and registered child care homes, or any staff member, employee, or volunteer present while care recipients are present, or other adult as required by the applicable regulations prior to the commencement of service, whether employment or, contractual, or volunteer. In the case of a licensed child care home and a registered home, the licensee must submit an electronic fingerprint submission receipt and the required forms for new household members or for any adult who is required to obtain a background check pursuant to 8.16.2 NMAC or 8.17.2 NMAC as applicable. However, in the case of a registered family child care food-only home, all household members are only required to undergo a criminal history and child abuse and neglect screening.

(2) Applicants required to obtain background checks pursuant to 8.16.2 NMAC and 8.17.2 NMAC must indicate states where they resided during the preceding five years and obtain the following:

(a) a screen of abuse and neglect information in each state where the applicant resided during the preceding five years; and

(b) an inter-state criminal history check in each state where a new applicant resided during the preceding five years. An inter-state criminal

history check is not required if a new applicant has resided in a state that participates in the federal bureau of investigation's national fingerprint file. All existing staff hired after October 1, 2016, must undergo an inter-state criminal history check in each state where the applicant resided during the preceding five years at the time of application. An inter-state criminal history check is not required if an applicant has resided in a state that participates in the federal bureau of investigation's national fingerprint file.

[8.8.3.10 NMAC - Rp, 8.8.3.10 NMAC, 10/1/2016, A, 10/1/2019, xx/xx/2020]

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The Economic Development Department (EDD) will be hosting a virtual meeting and rule hearing on Thursday, May 14, 2020 beginning at 9:00am. This will replace the previously scheduled meeting at the same time at the CNM Workforce Training Center, 5600 Eagle Rock Ave. NE, Albuquerque, NM 87113. For instructions on how to virtually attend this meeting, visit the Department's website at: <https://gonm.biz/business-development/edd-programs-for-business/job-training-incentive-program/> The purpose of the public hearing is to receive public input on the proposed amendment to 5.5.50 NMAC, Industrial Development Training Program (Job Training Incentive Program) and address additional changes that may have been suggested by the Industrial Training Board or other interested parties during the public comment period.

Rule Change Information: The purpose of this rule change is to consider further revisions to the wage requirements, to update the definition

of "rural" community, to allow eligibility for individuals who have worked for the participating company previously through an apprenticeship program with the NM Department of Workforce Solutions, to expand the eligibility of non-production positions in certain instances, and to consider additional eligibility requirements related to health care benefits.

Statutory Authorization:

Section 21-19-7 NMSA 1978 grants the Industrial Training Board the authority to promulgate and enforce rule.

Public comment: Interested individuals are strongly encouraged to submit written comments regarding the proposed rulemaking relating to the Job Training Incentive Program to Patrick Gannon, JTIP Program Manager, at patrick.gannon@state.nm.us. Written comments must be received no later than 5:00 pm on Tuesday, May 12, 2020. The EDD encourages the early submission of written comments. Individuals may also testify at the public hearing.

Copies of the proposed changes may be accessed through EDD's website <https://gonm.biz/business-development/edd-programs-for-business/job-training-incentive-program/> or from Patrick Gannon at the contact above.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this hearing are asked to contact Patrick Gannon as soon as possible. The EDD requests at least ten days advanced notice to provide requested special accommodations.

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT ENERGY, CONSERVATION AND MANAGEMENT DIVISION

NOTICE OF PUBLIC HEARING AND RULEMAKING

The New Mexico Energy, Minerals and Natural Resources Department (EMNRD), Energy Conservation and Management Division is commencing a public comment period and will hold a public hearing on proposed amendments to rules, 3.3.33 NMAC, "Agricultural Biomass Personal Income Tax Credit" and 3.4.20 NMAC, "Agricultural Biomass Corporate Income Tax Credit". The public hearing will be held on June 16, 2020 at 9:00 am via Zoom online and via telephone. Oral comments may be made either on-line or by phone as explained below. Written comments will be accepted via email or mail through until 5:00 p.m. June 30, 2020.

Purpose of Amendments. In 2020, the Legislature passed a 10-year extension to the Agricultural Biomass Personal Income Tax Credit and the Agricultural Biomass Corporate Income Tax Credit. The Energy Conservation and Management Division (ECMD) of EMNRD currently implements the original Agricultural Biomass Personal Income Tax Credit and the original Agricultural Biomass Corporate Income Tax Credit, through rules 3.3.33 NMAC and 3.4.20 NMAC, respectively. The rules currently have a sunset date of January 1, 2020. The proposed amendments extend the sunset date 10-years to January 1, 2030, as authorized by Subsection F of Section 7-2-18.26 NMSA 1978 and Subsection D of Section 7-2A-26 NMSA 1978.

Legal Authority. EMNRD proposes these rule amendments under the authority of Subsection F of Section 7-2-18.26 NMSA 1978, Subsection D of Section 7-2A-26 NMSA 1978, and Section 9-1-5(E) NMSA 1978.

The full text of the proposed rule amendments are available from EMNRD, Energy Conservation and Management Division; at <http://www.cleanenergynm.org>; or by contacting Daren Zigich at darenk.zigich@state.nm.us; telephone (505) 476-3323.

Public Hearing and Comment. The public hearing will be held on June 16, 2020 at 9:00 am via Zoom online, via telephone, and written comments will be accepted via email or mail through until 5:00 p.m. June 30, 2020.

The hearing is being held via internet, email, and telephonic means due to the concerns surrounding COVID-19 and in accord with Governor Michelle Lujan Grisham's Executive Order 2020-004, Declaration of a Public Health Emergency, and the March 12, 2020 Public Health Emergency Order to Limit Mass Gatherings Due to COVID-19.

Any interested member of the public may attend the Public Hearing and offer public comments on the proposed rule amendments during the hearing. To access the hearing by telephone: please call:

(253) 215-8782 or (301) 715-8592

When prompted, enter Meeting ID: 953 9401 6794

A Public Hearing Agenda and Participant Information Guide will be posted to the ECMD website contemporaneously with this Notice. If you wish to provide oral comments at the Public Hearing you will be required to provide your name during the comment portion of the Public Hearing.

Your oral comments will be recorded.

To access the Public Hearing via internet, please go to <https://zoom.us/j/95394016794>

You may request to speak via Chat during the Public Hearing.

All interested persons may participate in the hearing and will be given an opportunity to submit relevant

evidence, data, views, and arguments, orally or in writing as explained in the following paragraph.

Those wishing to comment on the proposed rule amendments may make oral comments or submit written comments at the hearing or may submit written comments by June 30, 2020 by 5:00 p.m. by mail or e-mail.

Please mail written comments before during or after the Public Hearing to:

Daren Zigich, EMNRD
Energy Conservation and
Management Division
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Or you may submit them by e-mail to:

darenk.zigich@state.nm.us

Technical Information. There is no technical information that served as the basis of the proposed rule amendments.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Daren Zigich at (505) 476-3323 or the New Mexico Relay Network at 1-800-659-1779 one week prior to the hearing. Public documents can be provided in various accessible formats. Please contact Daren Zigich at (505) 476-3323, if a summary or other type of accessible format is needed.

**ENVIRONMENT
DEPARTMENT**

**NEW MEXICO WATER
QUALITY CONTROL
COMMISSION**

**NOTICE OF PUBLIC HEARING
TO AMEND
WASTEWATER FACILITY
CONSTRUCTION LOANS – 20.7.5
NMAC**

The New Mexico Water Quality Control Commission ("WQCC") will hold a public hearing beginning at 9:00 a.m. on Tuesday, July 14, 2020, and continuing thereafter as necessary via the web application WebEx. This time-sensitive hearing is being held via WebEx due to restrictions currently in place by the Governor's Executive Orders and various emergency public health orders designed to protect the public and prevent the spread of COVID-19. The hearing location may change prior to the hearing date, and the WQCC may hold the hearing in person if circumstances allow. Even if the WQCC holds the hearing in person, the Commission Administrator will provide teleconference access to those wishing to participate without being at the hearing in person. Thus, those interested in attending should contact the WQCC administrator or visit the WQCC's website: <https://www.env.nm.gov/water-quality-control-commission/wqcc/> prior to the hearing for WebEx teleconference access or specific location information. The purpose of the hearing is to consider amendments to regulations governing Wastewater Facility Construction Loans found at 20.7.5 NMAC ("Rules").

The Wastewater Facility Construction Loan Act, NMSA 1978, Sections 74-6A-1 to 15 ("Act"), creates the Wastewater Facility Construction Loan Fund to provide low-cost financing for wastewater and storm water drainage projects that protect surface and ground water. The amendments would revise the definition of the base interest rate for wastewater facility construction loans found at 20.7.5.14 NMAC. The amendments would further allow the New Mexico Environment Department ("NMED") to establish other interest rates and conditions through policies to be reported annually to the WQCC.

NMED proposes that the WQCC adopt the amendments pursuant to its authority under the Act, specifically NMSA 1978, Section

74-6A-9. Please note that formatting and minor technical changes in the Rules, other than those proposed by NMED, may be proposed at the hearing. Additionally, the WQCC may make other changes as necessary in response to public comments and evidence presented at the hearing. The WQCC may deliberate and make a decision on the proposed amendments at the hearing.

The proposed amendments may be reviewed during regular business hours at the NMED Office of Public Facilitation located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102, Santa Fe, NM 87505 when public access is again available. The full text of the proposed amendments is also available online at <https://www.env.nm.gov/water-quality-control-commission/wqcc-20-07-r/>.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); the Wastewater Facility Construction Loan Act; the State Rules Act, Section 14-4-5.3 NMSA 1978; and other applicable procedures.

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

Those wishing to present technical testimony must file a written notice of intent to do so with the Office of Public Facilitation on or before 5:00 p.m. on Monday, June 29, 2020. The notice of intent shall:

- * Identify the person or entity for whom the witness(es) will testify;
- * Identify each technical witness that the person intends to present and state the qualifications of

the witness, including a description of his or her education and work background;

- * Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;

- * Include the text of any recommended modifications to the proposed regulatory change; and

- * List and attach all exhibits anticipated to be offered by that person at the hearing.

Notice of intent for the hearing must be received in the Office of Public Facilitation no later than 5:00 p.m. on Monday, June 29, 2020, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 20-07(R). Notices of intent to present technical testimony shall be submitted to:

Cody Barnes, WQCC Administrator
New Mexico Environment
Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Mr. Cody Barnes, WQCC Administrator, at the above address, and should reference docket number WQCC 20-07(R).

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact Cody Barnes, WQCC Administrator, by Monday, June 29, 2020, at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502, telephone (505) 827-2430 or cody.barnes@state.nm.us. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Notice of Non-Discrimination

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and, Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO AVISO DE AUDIENCIA PÚBLICA PARA ENMENDAR PRÉSTAMOS PARA LA CONSTRUCCIÓN DE INSTALACIONES DE AGUAS RESIDUALES - 20.7.5 NMAC

La Comisión de Control de Calidad del Agua de Nuevo México ("WQCC" por sus siglas en inglés) celebrará una audiencia pública a partir de las 9:00 a.m. del martes 14 de julio de 2020, y continuará a partir de entonces según sea necesario a través de la aplicación web WebEx. Esta audiencia, sensible al tiempo, se celebrará a través de WebEx debido a las restricciones que se aplican actualmente en virtud de las órdenes ejecutivas de

la Gobernadora y de varias órdenes de emergencia en materia de salud pública destinadas a proteger al público y evitar la propagación de COVID-19. La ubicación de la audiencia puede cambiar antes de la fecha de la misma, y la WQCC puede que celebre la audiencia en persona si las circunstancias lo permiten. Incluso si la Comisión de Calidad del Agua celebra la audiencia en persona, el administrador de la Comisión proporcionará acceso por teleconferencia a quienes deseen participar sin estar presentes en la audiencia. Así pues, los interesados en asistir deben ponerse en contacto con el administrador de la WQCC o visitar el sitio web de la WQCC: <https://www.env.nm.gov/water-quality-control-commission/wqcc/> antes de la audiencia para obtener acceso a la teleconferencia de WebEx o información sobre la ubicación específica. El propósito de la audiencia es considerar las enmiendas a los reglamentos que rigen los préstamos para la construcción de instalaciones de aguas residuales que se encuentran en el 20.7.5 NMAC (“Normas”).

La Ley de Préstamos para la Construcción de Instalaciones de Aguas Residuales, NMSA 1978, Secciones 74-6A-1 a -15 (“Ley”), crea el Fondo de Préstamos para la Construcción de Instalaciones de Aguas Residuales para proporcionar financiación de bajo coste para proyectos de drenaje de aguas residuales y aguas pluviales que protejan las aguas superficiales y subterráneas. Las enmiendas revisarían la definición de la tasa de interés básica para los préstamos para construcción de instalaciones de aguas residuales que se encuentra en 20.7.5.14 NMAC. Las enmiendas permitirían además que el Departamento de Medio Ambiente de Nuevo México (“NMED” por sus siglas en inglés) estableciera otras tasas de interés y condiciones mediante políticas que se informarían anualmente a la WQCC.

NMED propone que la WQCC

adopte las enmiendas de acuerdo a su autoridad bajo la Ley, específicamente NMSA 1978, Sección 74-6A-9.

Tenga en cuenta que el formato y los cambios técnicos menores en las normas, que no sean los propuestos por NMED, pueden ser propuestos en la audiencia. Además, la WQCC puede hacer otros cambios según sea necesario en respuesta a los comentarios públicos y las pruebas presentadas en la audiencia. La WQCC puede deliberar y tomar decisiones sobre las enmiendas propuestas en la audiencia.

Las enmiendas propuestas pueden ser revisadas durante el horario regular de trabajo en la Oficina de Facilitación Pública del NMED ubicada en el Edificio Harold Runnels, 1190 South St. Francis Drive, sala S-2102, Santa Fe, NM 87505 cuando el acceso público esté nuevamente disponible. El texto completo de las enmiendas propuestas también está disponible en línea en <https://www.env.nm.gov/water-quality-control-commission/wqcc-20-07-r/>.

La audiencia se llevará a cabo de acuerdo con los Procedimientos de Reglamentación de la WQCC (20.1.6 NMAC); la Ley de Préstamo para la Construcción de Instalaciones de Aguas Residuales; la Ley de Normas Estatales, NMSA 1978, Sección 14-4-5.3; y otros procedimientos aplicables.

En la audiencia se dará a todas las personas interesadas una oportunidad razonable de presentar, oralmente o por escrito, evidencias, datos, puntos de vista y argumentos pertinentes, documentos y/u objetos de prueba, y de interrogar a los testigos. Toda persona que desee presentar una declaración escrita no técnica para que conste en acta en lugar de una declaración oral deberá presentar dicha declaración antes de la clausura de la audiencia.

Quienes deseen presentar una declaración técnica deberán presentar un aviso por escrito de su intención de presentar dicha declaración a la

Oficina de Facilitación Pública a más tardar a las 5:00 p.m. del lunes 29 de junio de 2020. El aviso de intención deberá:

- * Identificar a la persona o entidad para la que el testigo o testigos van a testificar;
- * Identificar a cada testigo técnico que la persona se propone presentar e indicar las calificaciones del testigo, incluida una descripción de su historial educativo y laboral;
- * Incluir una copia del testimonio directo de cada testigo técnico en forma narrativa, e indicar la duración estimada del testimonio oral directo de dicho testigo;
- * Incluir el texto de cualquier modificación recomendada al cambio reglamentario propuesto; y
- * Hacer una lista y adjuntar todas las pruebas que se anticipa que esa persona presentará en la audiencia.

Los avisos de intención para la audiencia deben ser recibidos en la Oficina de Facilitación Pública a más tardar a las 5:00 p.m. del lunes 29 de junio de 2020, y debe incluir como referencia al nombre del reglamento, la fecha de la audiencia y el número de expediente WQCC 20-07(R). Los avisos de intención de presentar un testimonio técnico deben enviarse a:

Cody Barnes, WQCC Administrator
New Mexico Environment
Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Las personas interesadas pueden ofrecer comentarios públicos no técnicos durante la audiencia o presentar una declaración escrita no técnica en lugar de un testimonio oral durante la audiencia o antes de ella. Los comentarios por escrito sobre las revisiones propuestas pueden dirigirse al Sr. Cody Barnes, administrador de la WQCC, a la dirección indicada más arriba, y deben incluir como

referencia el número de expediente WQCC 20-07(R).

Si alguna persona requiere asistencia, un intérprete o un dispositivo auxiliar para participar en este proceso, comuníquese con Cody Barnes, administrador de la WQCC, a más tardar el lunes 29 de junio de 2020, en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502, teléfono (505) 827-2430 o cody.barnes@state.nm.us. (Los usuarios de TDD o TTY pueden acceder al número a través de New Mexico Relay Network, 1-800-659-1779 (voz); los usuarios de TTY: 1-800-659-8331).

Aviso de No Discriminación

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas sobre los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas de la Ley de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o alguno de los programas, políticas o procedimientos de no discriminación de NMED o si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con: Kristine Yurdin, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 827-2855, correo electrónico nd.coordinator@state.nm.us. También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja de discriminación.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing on Monday, June 8, 2020 from 10 a.m. to 12 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501. Due to recent public health orders issued by Governor Michelle Lujan Grisham, the location of the hearing may be subject to change. The purpose of the public hearing is to receive public input on the proposed new rules of 6.12.13 NMAC, Student Dental Examination Requirements for Enrollment and 6.30.17 NMAC, Structured Literacy Instruction, Interventions, and Professional Development, and proposed amendment of 6.80.5 NMAC, Charter School Governing Body Training Requirements. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to provide public comment on record will be given three (3) minutes to make a statement concerning the rule changes. Written comment will also be accepted at the hearing.

Explanation of Purpose and Summary of Text

The purpose of the proposed new rule **6.12.13 NMAC, Student Dental Examination Requirements for Enrollment**, is to provide parameters for the requirements of schools to verify student records of dental examination prior to enrollment, provide an exception for an informed opt-out process based on parent or guardian understanding of the risks associated with not having a dental examination, and provide parameters for the requirements of schools to report annual end-of-year compliance data to the department.

The purpose of the proposed new rule **6.30.17 NMAC, Structured**

Literacy Instruction, Interventions, and Professional Development, is to provide criteria for improving literacy outcomes for all students through the development and implementation of structured literacy instruction and structured literacy interventions for students displaying difficulties in reading or characteristics of dyslexia, leading to a higher number of students achieving reading proficiency and a lower number of students identified as requiring special education services.

The purpose of the proposed amendment of **6.80.5 NMAC, Charter School Governing Body Training Requirements**, is to require one hour of training on equity and culturally and linguistically responsive practices for charter school governing body members by decreasing the mandated hours of training on charter school fiscal requirements. Additionally, the proposed amendment removes the department's ability to issue an exemption for continuing governing body members from the specific hourly training requirements based on the charter school's academic performance.

Statutory Authorization(s):

Sections 9-24-8, 22-1-14, 22-2-1, 22-2-2, 22-8B-5.1, and 22-13-32 NMSA 1978.

No technical information served as a basis for this proposed rule change.

Public Comment. Interested parties may provide comment at the public hearing or may submit written comments by mail to John Sena, Policy Division, New Mexico Public Education Department, 300 Don Gaspar Avenue, Room 121, Santa Fe, New Mexico 87501, by electronic mail to rule.feedback@state.nm.us, or by fax to (505) 827-6520. All written comments must be received no later than 5 p.m. (MDT) on Monday, June 8, 2020. The PED encourages the early submission of written comments. The public comment period is from May 5, 2020 to June 8, 2020 at 5:00 p.m. (MDT).

The PED will review all feedback received during the public comment period and issue communication regarding a final decision at a later date.

Copies of the proposed rules may be accessed through the page titled, "Rule Notification," on the PED's website at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or may be obtained from John Sena at (505) 570-7816 during regular business hours.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact John Sena at (505) 570-7816 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

The New Mexico Public Employee Labor Relations Board ("PELRB") hereby gives notice that it will conduct a public hearing via video conference on June 4, 2020, from 1:30 p.m. to 4:00 p.m. The purpose of the public hearing will be to obtain input on the proposed amendment of PELRB administrative rules as described below. Copies of the proposed rules may be accessed on the PELRB website (<http://www.pelrb.state.nm.us>) or at the PELRB offices. Concerned parties may provide comments at the public hearing or submit written comments prior to the hearing. Written comments may be submitted to the PELRB via US Mail c/o Matthew Huchmala, Administrative Assistant; New Mexico Public Employee

Labor Relations Board; 2929 Coors Blvd. NW, Suite 303; Albuquerque, NM 87102; or by electronic mail to matt.huchmala@state.nm.us. The submission of written comments as soon as possible is encouraged. Written comments must be received no later than 5:00 p.m. on June 3, 2020.

To participate in the videoconference, please visit our website, pelrb.state.nm.us, or contact the administrative assistant at matt.huchmala@state.nm.us for instructions on how to participate. This information can be provided in a variety of accessible formats. If you are an individual who requires an alternative format or any other form of auxiliary aid to attend or participate in the rulemaking process, please contact the administrative assistant at 505-831-5422 or matt.huchmala@state.nm.us as soon as possible to arrange the appropriate accommodations.

Statutory Authority

Authority for this rulemaking is the Public Employee Bargaining Act, NMSA 1978 §§ 10-7E-1 through 10-7E-26 (2003, amended 2005).

Summary of Proposed Changes

This list provides a concise statement of the various ways the proposed rules change or codify current practice, and the general reasoning in support of the changes. It is not an elaborate analysis of the rules or of the detailed considerations upon which they are based; rather, it is designed to enable the public to obtain a general idea of the purpose of, and a statement of the basic justification for, the rules. As this list shows, the amendments provide targeted solutions to discrete, specifically identified problems. If the proposed change removes language, that is indicated by text with strikethrough (e.g. ~~removed language~~); if the proposed change adds language, that is indicated by text with underlining (e.g. added language).

11.21.1.7 DEFINITIONS:

Changes to this section remove duplicitous definition also found in the PEBA, renumbers sections affected by the deletion, and removes gender-specific language.

11.21.1.11

REPRESENTATION OF A PARTY:

Changes to this section remove gender-specific language

11.21.2.8

COMMENCEMENT OF CASE:

Changes to this section remove gender-specific language

11.21.2.25 PRE-ELECTION

CONFERENCE: These changes add language that allows for conducting an election using electronic ballots

11.21.2.27 BALLOTS AND

VOTING: This change adds language referring to electronically conducted elections in light of the changes to 11.21.2.25 allowing electronic balloting.

11.21.2.36 CERTIFICATION

OF INCUMBENT BARGAINING

STATUS: Changes to this section clarify the title and reconcile the rule to amendments to Section 10 of the PEBA.

11.21.2.36 UNIT

CLARIFICATION: Changes to this section remove gender-specific language

11.21.2.40 PETITION

WITHDRAWAL: Changes to this section remove gender-specific language

11.21.3.16 PROHIBITED

PRACTICES HEARINGS:

Changes to this section remove gender-specific language, and adds language clarifying who may call witnesses.

11.21.3.18 HEARING

EXAMINER REPORTS:

Changes to this section remove gender-specific language, and adds language clarifying the type of document the hearing examiner will produce

11.21.3.22 ARBITRATION DEFERRAL: Changes to this section remove gender-specific language, and adds language clarifying the type of relief available

11.21.5.6 OBJECTIVE: Changes in this section reflect changes to the process by which local boards may continue to operate in light of amendments to Section 10 of the PEBA

11.21.5.8 APPLICATION: Changes in this section change the contents of an application local boards must submit to continue to operate and the procedure for approval of such applications in light of amendments to Section 10 of the PEBA

11.21.5.11 ABATEMENT: These changes strike the old rule because it is no longer necessary in light of the amendments to the PEBA and replaces it with a rule regarding the submissions required by the amendments to Section 10 of the PEBA.

11.21.5.12 REVIEW OF LOCAL BOARD APPLICATIONS BY THE BOARD: These changes alter the procedure for approval of local boards in light of the amendments to Sections 9 and 10 of the PEBA.

11.21.5.13 POST APPROVAL REPORTING REQUIREMENTS: This change adds a local board's procedural rules to the post-approval reporting requirements of local boards in light of the amendments to Section 10 of the PEBA.

11.21.6 CONCURRENT PENDING RELATED CASES: This change strikes the entirety of Part 6 due to the amendments to Section 10 of the PEBA which make the situation it contemplates logically impossible.

The PELRB invites members of the public to comment on draft proposed regulations. Members of the public

may comment during PELRB's meeting of June 5, 2020, scheduled for that purpose or by submitting written comments prior to that meeting.

Written comments must be submitted no later than 5:00 p.m. on June 3, 2020. Please send comments to the PELRB care of Matthew Huchmala, Executive Administrative Assistant to the Board, either by email to matt.huchmala@state.nm.us, or have a hard copy delivered to Mr. Huchmala's attention at the PELRB's Albuquerque office. There is no need to provide comments via both email and hard copy.

PUBLIC LANDS, COMMISSIONER OF

NOTICE OF RULEMAKING FOR STATE LAND OFFICE RULES IN NEW MEXICO ADMINISTRATIVE CODE TITLE 19, CHAPTER 2

The New Mexico State Land Office ("SLO") will hold a public hearing on June 12, 2020, at 1:00 p.m., and continuing thereafter as necessary, in Morgan Hall, 310 Old Santa Fe Trail, Santa Fe, New Mexico. Due to public health measures related to the coronavirus pandemic, this hearing may need to be held telephonically/remotely. Any change to the location or time will be posted with a final agenda on the SLO webpage (<http://www.nmstatelands.org>) at least 72 hours prior to the date and time specified above.

The purpose of the hearing is to receive public comments on a proposed amendment to the SLO rule regarding temporary shut-in of oil wells due to severe reductions in the price of oil, 19.2.100.71 NMAC. The Commissioner's authority to promulgate this rule is found in Sections 19-1-2 and 19-10-6, NMSA 1978. The Commissioner has adopted an emergency rule amendment permitting temporary shut-in of oil wells for up to 120 days from April

21, 2020; the present proposed rule is substantively identical, but would permit temporary shut-ins for a longer duration.

The proposed rule changes are available on the SLO website (<http://nmstatelands.org>), the Sunshine Portal (<http://www.sunshineportalnm.com>). To request a hard copy, contact Alysha Shaw at (505) 827-5761 or ashaw@slo.state.nm.us. Due to the coronavirus pandemic, hard copies are not presently available at the SLO building located at 310 Old Santa Fe Trail, Santa Fe, New Mexico, or at SLO district offices.

Written comments may be submitted by mail to Alysha Shaw, New Mexico State Land Office, Attention: Temporary Oil Well Shut-In Rulemaking, or by email to ashaw@slo.state.nm.us. Written comments (including comments submitted by email) will be accepted through June 11, 2020.

If you are an individual with a disability and you require assistance or an auxiliary aid (such as a sign language interpreter) to participate in any aspect of this process, please contact Selena Romero by June 5, 2020 at (505) 827-5790 or sromero@slo.state.nm.us.

SUPERINTENDENT OF INSURANCE, OFFICE OF

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (Superintendent), pursuant to the Insurance Code, Section 59A-1-1 et seq. NMSA 1978 ("Insurance Code") and 13.1.4 NMAC, proposes to amend 13.10.27 NMAC, UNIFORM DEFINITIONS AND STANDARDIZED METHODOLOGIES FOR CALCULATING THE MEDICAL LOSS RATIO.

PURPOSE AND SUMMARY OF THE PROPOSED RULES

The purpose of this rule is to clarify statutory requirements that insurers make reimbursement for direct services at certain levels across all product lines by providing guidance and establishing uniform definitions and standardized methodology for calculating the minimum medical loss ratio.

STATUTORY AUTHORITY:

NMSA 1978, Sections 59A-1-1 et seq.

Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the OSI website (<https://www.osi.state.nm.us/index.php/idms/>) or the New Mexico Sunshine portal. There are two versions of rules being proposed; (1) A proposal from Staff with proposed revisions to the entire rule, and (2) a proposal from Blue Cross Blue Shield of New Mexico for a revision to Subsection G of Section 8 of 13.10.27 NMAC.

OSI will hold a public video/ telephonic hearing on the proposed rules on June 15, 2020 at 10:00 a.m.,

Join via Video:

<https://melissagutierrez.my.webex.com/melissagutierrez.my/j.php?MTID=m81a40bb946581770230711e1ba db33a7>

Access Code: 628 608 286

Password: OSI2020

Join via telephone:

+1-408-418-9388

Access Code: 628 608 286

Password: OSI2020

The Superintendent designates R. Alfred Walker to act as the hearing officer for this rulemaking. Oral comments will be accepted at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on the day of the public hearing, or the last day of the public hearing if

the public hearing extends for more than one day. Responses to written comments or oral comments will be accepted through 4:00 pm on June 25, 2020. Comments may be submitted via email to OSI-docketfiling@state.nm.us or may be filed by sending original copies to:

OSI Records and Docketing, NM
Office of Superintendent of Insurance
1120 Paseo de Peralta, P.O. Box 1689,
Santa Fe, NM 87504-1689

Docket No.: 19-00057-RULE-LH

IN THE MATTER OF THE
PETITION OF BLUE CROSS
BLUE SHIELD OF NEW MEXICO
FOR AMENDMENT OF THE
UNIFORM DEFINITIONS
AND STANDARDIZED
METHODOLOGIES FOR
CALCULATING THE MEDICAL
LOSS RATIO RULE.

Only signed statements, proposals or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic or facsimile signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day.

SPECIAL NEEDS: Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Melissa Gutierrez at 505-476-0333 ten (10) business days prior to the hearing.

The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses.

DONE AND ORDERED this 5th day
of May 2020
/S/RUSSELL TOAL

End of Notices of Rulemaking and Proposed Rules

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 in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

ENVIRONMENT DEPARTMENT WATER PROTECTION DIVISION

This is an amendments to 20.6.4 NMAC, Section 318, effective 05/22/2020.

20.6.4.318 CANADIAN RIVER BASIN: Doggett creek.

A. Designated uses:

Warm water aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

C. Discharger-specific temporary standard:

(1)

Discharger: City of Raton wastewater treatment plant.

(2) NPDES

permit number: NM0020273, Outfall 001.

(3) Receiving

waterbody: Doggett creek, 20.6.4.318 NMAC.

(4) Discharge

latitude/longitude: 36° 52' 13.91» N / 104° 25' 39.18» W.

(5)

Pollutant(s): nutrients; total nitrogen and total phosphorus.

(6) Factor of

issuance: substantial and widespread economic and social impacts (40 CFR 131.10(g)(6)).

(7) Highest

attainable condition: interim effluent condition of 8.0 mg/L total nitrogen and 1.6 mg/L total phosphorus as 30-day averages. The highest attainable condition

shall be either the highest attainable condition identified at the time of the adoption, or any higher attainable condition later identified during any reevaluation, whichever is more stringent (40 CFR 131.14(b)(1)(iii)).

(8) Effective

date of temporary standard: This temporary standard becomes effective for Clean Water Act purposes on the date of EPA approval.

(9) Expiration

date of temporary standard: no later than 20 years from the effective date.

(10)

Reevaluation period: at each succeeding review of water quality standards and at least once every five years from the effective date of the temporary standard (20.6.4.10.F(8) NMAC, 40 CFR 131.14(b)(1)(v)). If the discharger cannot demonstrate that sufficient progress has been made the commission may revoke approval of the temporary standard or provide additional conditions to the approval of the temporary standard. If the reevaluation is not completed at the frequency specified or the department does not submit the reevaluation to EPA within 30 days of completion, the underlying designated use and criterion will be the applicable water quality standard for Clean Water Act purposes until the department completes and submits the reevaluation to EPA. Public input on the reevaluation will be invited during NPDES permit renewals or triennial reviews, as applicable, in accordance with the State's most current approved water quality management plan and continuing planning process.

(11) Timeline

for proposed actions. Tasks and target completion dates are listed in the most recent, WQCC-approved version of the New Mexico Environment Department, Surface

Water Quality Bureau's "Nutrient Temporary Standards for City of Raton Wastewater Treatment Plant, NPDES No. NM0020273 to Doggett Creek."

[20.6.4.318 NMAC - N, 5/22/2020]

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.510 NMAC, Sections 8 and 12, effective 5/5/2020.

8.200.510.8 [RESERVED]

MISSION STATEMENT: To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.

[8.200.510.8 NMAC - Rp, 8.200.510.8 NMAC, 7/1/2015; A/E, 3/1/2017; A/E, 1/16/2020; A, 5/5/2020]

8.200.510.12 POST-ELIGIBILITY CALCULATION (MEDICAL CARE CREDIT):

Apply applicable deductions in the order listed below when determining the medical care credit for an institutionalized spouse.

DEDUCTION AMOUNT

A. Personal needs allowance for institutionalized spouse:

[~~(+)~~] [July 1, 2018] July 1, 2019

[\$72] \$74

[~~(+)~~] [July 1, 2017]

[\$70]

B. Minimum monthly maintenance needs allowance (MMMNA):

~~2018~~] ~~July 1, 2019~~ ~~[\$2,058]~~ ~~\$2,114~~
~~2017~~] ~~July 1, 2019~~ ~~[\$2,030]~~

C. The community spouse monthly income allowance (CSMIA) is calculated by subtracting the community spouse's gross income from the MMMNA:

(1) If allowable shelter expenses of the community spouse exceeds the minimum allowance then deduct an excess shelter allowance from community spouse's income that includes: expenses for rent; mortgage (including interest and principal); taxes and insurance; any maintenance charge for a condominium or cooperative; and an amount for utilities (if not part of maintenance charge above); use the standard utility allowance (SUA) deduction used in the food stamp program for the utility allowance.

~~2018~~] ~~July 1, 2019~~ ~~[\$617]~~ ~~\$635~~
~~2017~~] ~~July 1, 2019~~ ~~[\$609]~~

(2) Excess shelter allowance may not exceed the maximum:

(a) ~~2019~~] ~~July 1, 2019~~ ~~[\$1,103]~~ ~~\$1,047~~
 July 1, 2018 \$1,032
 (b)
 (c) Jan. 1, 2018 \$1,060
 (d) July 1, 2017 \$993

D. Any extra maintenance allowance ordered by a court of jurisdiction or a state administrative hearing officer.

E. Dependent family member income allowance (if applicable) calculated as follows: 1/3 X MMMNA - dependent member's income).

F. Non-covered medical expenses.

G. The maximum total of the community spouse monthly income allowance and excess shelter deduction may not exceed \$3,161. [8.200.510.12 NMAC - Rp, 8.200.510.12 NMAC, 7/1/2015; A/E, 3/1/2017; A/E. 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 1/16/2020; A, 5/5/2020]

MEDICAL BOARD

This is an emergency amendment to 16.10.2 NMAC, Sections 13 and 16 effective 4/17/2020.

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

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

- (1) written approval from his training program director;
- (2) a postgraduate training license issued by the New Mexico medical board;
- (3) a resident physician with one year postdoctoral training may only apply for a public service license when he is under the direct supervision of a New Mexico physician or when employed in a medically underserved area;
- (4) if a physician is not being supervised directly, there must be procedures in place for a licensed New Mexico physician to review, on at least a quarterly basis, prescriptions

written and dispensed for controlled substances and operative procedures performed.

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

- (1) a completed signed application, with a passport quality photo taken within the previous six months; applications are valid for one year from the date of receipt;
- (2) letter of approval from the training program director.

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

D. **License expiration.** Public service licenses shall be renewed annually on September 1 as long as the applicant remains eligible. [16.10.2.13 NMAC - Rp, 16 NMAC 10.3.9, 4/18/2002; 16.10.2.13 NMAC - Rn & A, 16.10.2.12 NMAC, 1/20/2003; A, 7/1/2003; A, 4/3/2005; A, 7/1/2006; A, 10/11/2013; A/E, 4/17/2020]

16.10.2.16 PROVISIONS FOR PHYSICIAN LICENSURE DURING A DECLARED

DISASTER: The board will make accommodations for physicians who have been impacted by a major disaster. Based on the nature of the disaster, the extent of the damage, and the number of individuals and institutions that have been affected, the board may waive documentation requirements for any new or pending applications when the disaster delays or prohibits the procuring of the required documents. The board may

also waive any required fees for applications submitted after the major disaster. The board will determine the length of time the emergency provisions will be in effect for each major disaster that results in applications for a federal emergency license.

A. Federal emergency license by examination. Physicians currently licensed in a state in which a major disaster has been declared may be issued a federal emergency license in New Mexico. The board may waive specific documentation required in Subsection B through E of 16.10.2.9 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.10.2.9 NMAC.

B. Federal emergency license by endorsement. Physicians currently licensed in a state in which a major disaster has been issued a federal emergency license in New Mexico. The board may waive specific requirements of Subsection B of 16.10.2.10 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.10.2.10 NMAC. The following requirements will apply to applicants under this provision:

- (1) a completed signed application, is required, accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;
- (2) the board will consider the required three years of practice experience to be met through any combination of postgraduate medical education and actual work experience;
- (3) the board may waive any requirements for recommendation forms or verification of work experience forms;

(4) other required verification will be obtained online by board staff to include: current licensure status, national practitioners data bank, federation of state medical board disciplinary database, American medical association records of education and postgraduate training, and the records of the American board of medical specialties to confirm board certification status.

C. License expiration. Initial federal emergency licenses shall be valid for not less than three months or more than fifteen months. Licenses shall be renewed on July 1 following the date of issue, pursuant to 16.10.7 NMAC. The board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving license renewal. At the time a federal emergency license is approved for renewal it will be transferred to a full medical license.

D. License renewal.
The temporary federal emergency license may be renewed one time for a period of not more than 12 months with a prorated fee of \$200.00, provided the federal emergency is still in effect.
 [16.10.2.16 NMAC - N/E, 9/22/2005; A, 12/30/2005; A, 7/1/2006; A/E, 4/17/2020]

MEDICAL BOARD

This is an emergency amendment to 16.10.15 NMAC, Section 7 and adding 21 effective 4/17/2020.

16.10.15.7 DEFINITIONS:

- A. "AAPA"** means American academy of physician assistants.
- B. "Interim license"** means permission issued by the board that allows a physician assistant to practice for one year pending completion of all licensing requirements.
- C. "Effective supervision"** means the exercise of physician oversight, control, and

direction of services rendered by a physician assistant. Elements of effective supervision include:

- (1) on-going availability of direct communication, either face-to-face or by electronic means;
- (2) active, ongoing review of the physician assistants services, as appropriate, for quality assurance and professional support;
- (3) a predetermined plan for emergency situations; and
- (4) identification of other supervising physicians, as appropriate to the practice setting.

D. "Lapsed" means a license that has not been renewed by March 1 of the expiration year and has been suspended for non-renewal. A license that has lapsed is not valid for practice in New Mexico.

E. "Collaboration" means the process by which a licensed physician and physician assistant jointly contribute to the health care and treatment of patients; provided that:

- (1) each collaborator performs actions that the collaborator is licensed or otherwise authorized to perform; and
- (2) collaboration shall not be construed to require the physical presence of the licensed physician at the time and place services are rendered by the collaborating physician assistant.

F. "Collaborating Physician" means a physician who holds a current unrestricted license and does not assume legal responsibility for the health care performed by the collaborating physician assistant. A physician under an active monitoring contract with the New Mexico monitored treatment program who meets the other qualifications of this subsection may also act as a collaborating physician.

G. "Criminal history record" means information concerning a person's arrests, indictments, or other formal criminal

charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by state or federal criminal justice agencies or their political subdivisions and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states or their political subdivisions.

H. “Criminal history screening” means a criminal history background investigation of an applicant for licensure by examination or endorsement, or a licensee applying for licensure renewal, through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

I. “Major disaster” means a declaration of a major disaster by the federal emergency management agency (FEMA).

J. “NCCPA” means national commission on certification of physician assistants.

K. “Primary Care” means health care provided by a healthcare provider who typically acts as the first contact and principal point of continuing care for patients and coordinates other specialist care or services that the patient may require. Primary care specialties are combined internal medicine and pediatrics, family medicine, general internal medicine, geriatrics (gerontology), general obstetrics and gynecology and general pediatrics.

L. “Direct communication” means communication between the supervising physician and physician assistant, in person, telephonically, by email or other electronic means.

M. “Scope of practice” means:

(1) For a supervised physician assistant, means duties and limitations of duties placed upon them by their supervising

physician and the board and includes the limitations implied by the field of practice of the supervising physician; and

(2) For a collaborating physician assistant, means those duties which are within their education, training, and experience pursuant to Section 61-6-6 NMSA 1978.

N. “Supervising physician” means a physician who holds a current unrestricted license, provides a notification of supervision, assumes legal responsibility for health care tasks performed by the physician assistant and is approved by the board. A physician under an active monitoring contract with the New Mexico monitored treatment program who meets the other qualifications of this subsection may also act as a supervising physician.

O. “Suspended for non-renewal” means a license that has not been renewed by May 31 of the expiration year, and is lapsed, which is a non-disciplinary action.

P. “Military service member” means a person who is serving in the armed forces of the United States or in a reserve component of the armed forces of the United States, including the national guard, or the spouse of such an individual.

Q. “Recent veteran” means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applies for a physician assistant license pursuant to section 16.10.15.17 NMAC. The veteran shall submit a copy of form DD214, or its equivalent, as part of the application process.

[16.10.15.7 NMAC - Rp, 16.10.15.7 NMAC, 1/16/2018; A/E, 4/17/2020]

16.10.15.21 PROVISIONS FOR PHYSICIAN ASSISTANT LICENSURE DURING A DECLARED DISASTER: The board may waive documentation requirements for any new or pending applications when the disaster delays or prohibits the procuring of the

required documents. The board will determine the length of time the emergency provisions will be in effect for each major disaster that results in applications for a federal emergency license.

A. Federal emergency license. The board may waive specific requirements in Subsections B and D of 16.10.15.9 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area.

B. License expiration. Initial federal emergency licenses shall be valid for not less than three months or more than fifteen months. Licenses shall be renewed on March 1 following the date of issue, pursuant to 16.10.15.18 NMAC. The board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving license renewal. At the time a federal emergency license is approved for renewal it will be transferred to a full medical license.

C. License renewal. The temporary federal emergency license may be renewed one time for a period of not more than twelve months with a prorated fee of \$75.00, provided the federal emergency is still in effect.

[16.10.15.21 NMAC - N/E, 4/17/2020]

MEDICAL BOARD

This is an emergency amendment to 16.10.22 NMAC, Sections 7 and adding 23 effective 4/17/2020.

16.10.22.7 DEFINITIONS:

A. Definitions beginning with “A”:

(1)

“Approved naturopathic medical educational program” means a naturopathic educational program accredited by the council of naturopathic medical education and approved by the board with recommendation of the council, pursuant to Chapter 61, Article 12G-4 NMSA 1978 of the Naturopathic Doctors’ Practice Act.

(2)
“Association” means an entity that is approved by the American association of naturopathic physicians, which entity represents the interests of naturopathic doctors in the state.

B. Definitions beginning with “B”: **“Board”** means the New Mexico medical board established pursuant to the Medical Practice Act Chapter 61, Article 6 NMSA 1978.

C. Definitions beginning with “C”:

(1)
“Clinical laboratory procedure” means the use of commonly used diagnostic modalities consistent with naturopathic practice including venipuncture, ordering of radiographic diagnostics and following guidance of radiologist interpretation of diagnostic imaging techniques including but not limited to ultrasounds, MRI’s and CT scans and examination of body orifices, excluding endoscopy and colonoscopy.

(2)
“Collaboration” means the process by which a licensed physician and a naturopathic doctor jointly contribute to the health care and treatment of patients; provided that:

(a)
 each collaborator performs actions that the collaborator is licensed or otherwise authorized to perform; and

(b)
 collaboration shall not be construed to require the physical presence of the licensed physician at the time and place services are rendered by the collaborating naturopathic doctor.

(3)
“Controlled substance” means a drug, substance or immediate precursor enumerated in Schedules I through V of the Controlled Substances Act Chapter 30, Article 31 NMSA 1978.

(4) **“Council”** means the naturopathic doctors’ advisory council;

(5) **“Criminal history record”** means information concerning a person’s arrests, indictments, or other formal criminal

charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by state or federal criminal justice agencies or their political subdivisions and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states or their political subdivisions.

(6) **“Criminal history screening”** means a criminal history background investigation of an applicant for a naturopathic doctor license, or a licensee applying for licensure renewal, through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

D. Definitions beginning with “D”:

(1)
“Dangerous drug” has the same meaning as set forth in Section 26-1-2 NMSA 1978.

(2) **“Drug”** has the same meaning as set forth in Section 26-1-2 NMSA 1978.

E. Definitions beginning with “E”: **“Expired”** means a license was not renewed by the triennial renewal date of March 1 or at the end of the grace period of May 1, and licensee is not eligible to practice within the state of New Mexico after the grace period ends.

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: **“Grace period”** means the 60 day period granted after the triennial licensing term has expired on March 1, during which time the status of the licensee shall remain in effect as long as the renewal payment and late fee is made during the grace period, and all other renewal requirements are met on or before May 1. A licensee may continue to practice as long as the payment of the required renewal fee

and the late fee are received, and all other renewal requirements are met on or before May 1 of the triennial period.

H. Definitions beginning with “H”:

(1)
“Homeopathic medicine” means a system of medicine based on the use of infinitesimal doses of substances capable of producing symptoms similar to those of the disease treated, as listed in the homeopathic pharmacopoeia of the United States.

(2) **“Hygiene”** means the use of preventive techniques, including personal hygiene, asepsis, public health and safety.

I. Definitions beginning with “I”: [RESERVED]

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”:

(1)
“Laboratory examination” means:

- (a) phlebotomy;
- (b) a clinical laboratory procedure;
- (c) an orificial examination;
- (d) a physiological function test; or
- (e) a screening or test that the board has authorized naturopathic doctors to perform, when indicated, which results are interpreted by the naturopathic doctor;

(2) **“Legend drug”** means an FDA approved prescription drug including an unscheduled dangerous drug.

(3) **“License”** means a license issued by the board to an individual pursuant to the Naturopathic Doctors’ Practice Act and board rules authorizing that individual to practice naturopathic medicine in the state;

(4)
“Licensee” means a naturopathic doctor licensed by the board to practice naturopathic medicine in the state;

M. Definitions
beginning with “M”:
(1) “Major disaster” means a declaration of a major disaster by the federal emergency management agency (FEMA).
(+)(2) “Military service member” means a person who is serving in the armed forces of the United States or in a reserve component of the armed forces of the United States, including the National Guard.
(-)(3) “Minor office procedure” means minor surgical care and procedures, including:
(a) surgical care incidental to superficial laceration, lesion or abrasion, excluding surgical care to treat a lesion suspected of malignancy;
(b) the removal of foreign bodies located in superficial structures, excluding the globe of the eye;
(c) trigger point therapy on myofascial trigger points including manual techniques, insertion of filiform needles or trigger point injections directly in the trigger point; excluding deep muscle bodies, visceral, and distal acupuncture meridian therapy;
(d) dermal stimulation;
(e) allergy testing and treatment;
(f) the use of antiseptics and topical or local anesthetics;
(g) wound care;
(h) diabetic foot care; and
(i) injections as referenced in Subparagraph (h) of Paragraph (2) of Subsection A of 16.10.22.11 NMAC.

N. Definitions
beginning with “N”:
(1)
“Naturopathic doctor” means an individual licensed pursuant to the Naturopathic Doctors’ Practice Act as a naturopathic doctor to practice naturopathic medicine in the state;

(2)
“Naturopathic medicine” means:
(a) a system of health care for the prevention, diagnosis and treatment of human health conditions, injury and disease;
(b) the promotion or restoration of health; and
(c) the support and stimulation of a patient’s inherent self-healing processes through patient education and the use of naturopathic therapies and therapeutic substances;
(3)
“Naturopathic physical medicine” means the use of one or more of the following physical agents in a manner consistent with naturopathic medical practice on a part or the whole of the body, by hand or by mechanical means, in the resolution of a human ailment or conditions:
(a) air;
(b) water;
(c) heat;
(d) cold;
(e) sound;
(f) light;
(g) electromagnetism;
(h) colon hydrotherapy;
(i) soft tissue therapy;
(j) joint mobilization;
(k) therapeutic exercise; or
(l) naturopathic manipulation within the scope of the naturopathic doctor’s education;
(4)
“Naturopathic therapy” means the use of:
(a) naturopathic physical medicine;
(b) suggestion;

(c) hygiene;
(d) a therapeutic substance;
(e) a legend drug;
(f) nutrition and food science;
(g) homeopathic medicine;
(h) a clinical laboratory procedure;
(i) a minor office procedure; or
(j) mental health and substance use screening and referral.

(5) “Nutrition and food science” means the prevention and treatment of disease or other human conditions through the use of food, water, herbs, roots, bark or natural food elements;

O. Definitions
beginning with “O”: [RESERVED]

P. Definitions
beginning with “P”:
(1)
“Prescription” has the same meaning as set forth in Section 26-1-2 NMSA 1978;

(2) “Primary care” means health care provided by a healthcare provider who typically acts as the first contact and principal point of continuing care for patients and coordinates other specialist care or services that the patient may require. Primary care providers are trained in non-specialty internal medicine and pediatrics, family medicine, general internal medicine, geriatrics (gerontology), general obstetrics and gynecology and general pediatrics, and refer to specialists when those services are warranted.

(3)
“Professional examination” means a competency- based national naturopathic doctor licensing examination administered by the North American board of naturopathic examiners (NABNE), whose board has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training;

Q. Definitions
beginning with “Q”: [RESERVED]

R. Definitions
beginning with “R”:

(1) **“Renewal date”** means the deadline date upon which the license shall be made valid again for another period of time without a penalty fee.

(2) **“Recent veteran”** means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applies for a naturopathic doctor license pursuant to 16.10.22.20 NMAC. The veteran shall submit a copy of Form DD214, or its equivalent, as part of the application process.

S. Definitions
beginning with “S”: **“Suggestions”** means counseling techniques using: (1) biofeedback, (2) hypnosis, (3) health education, (4) health counseling; or (5) therapeutic lifestyle changes.

T. Definitions
beginning with “T”: **“Therapeutic substance”** means any of the following exemplified in a standard naturopathic medical text, journal or pharmacopeia: (1) a vitamin, (2) a mineral, (3) a nutraceutical, (4) a botanical medicine, (5) oxygen, (6) a homeopathic medicine, (7) a hormone, (8) a hormonal or pharmaceutical contraceptive device; or, (9) other physiologic substance. [16.10.22.7 NMAC- N, 3/24/2020; A/E, 4/17/2020]

16.10.22.23 PROVISIONS FOR NATUROPATHIC DOCTOR LICENSURE DURING A

DECLARED DISASTER: The board may waive documentation requirements for any new or pending applications when the disaster delays or prohibits the procuring of the required documents. The board will determine the length of time the emergency provisions will be in effect for each major disaster that results in applications for a federal emergency license.

A. Federal emergency license. The board may waive specific requirements in Subsections

B, D and G of 16.10.22.10 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area.

B. License expiration.
Initial federal emergency licenses shall be valid for not less than three months or more than fifteen months. Licenses shall be renewed on March 1 following the date of issue, pursuant to 16.10.22.14 NMAC. The board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving license renewal. At the time a federal emergency license is approved for renewal it will be transferred to a full naturopathic doctor license.

C. License renewal.
The temporary federal emergency license may be renewed one time for a period of not more than twelve months with a prorated fee of \$120.00, provided the federal emergency is still in effect. [16.10.22.23 NMAC - N/E, 4/17/2020]

PUBLIC EDUCATION DEPARTMENT

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS
PART 16 EXTENDED LEARNING TIME PROGRAM**

6.30.16.1 ISSUING AGENCY: Public Education Department, hereinafter the department. [6.30.16.1 NMAC – N, 5/5/2020]

6.30.16.2 SCOPE: This rule applies to all school districts and state-chartered charter schools. [6.30.16.2 NMAC – N, 5/5/2020]

6.30.16.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-1-2, 22-2-2, and 22-8-23.10 NMSA 1978. [6.30.16.3 NMAC – N, 5/5/2020]

6.30.16.4 DURATION: Permanent. [6.30.16.4 NMAC – N, 5/5/2020]

6.30.16.5 EFFECTIVE DATE: May 5, 2020, unless a later date is cited at the end of a section. [6.30.16.5 NMAC – N, 5/5/2020]

6.30.16.6 OBJECTIVE: This rule provides criteria for the development and implementation of the extended learning time program to maximize successful outcomes for students. Development and implementation includes assisting school districts and state-chartered charter schools as they build capacity to offer extended learning time programs, and operating, assessing, and evaluating extended learning time programs. [6.30.16.6 NMAC – N, 5/5/2020]

6.30.16.7 DEFINITIONS:

A. “Extended learning time program” means a voluntary program that adds at least 10 additional instructional days per school year and includes opportunities for afterschool or extracurricular enrichment and professional development.

B. “Extended learning time program units” means the number of students in an approved extended learning time program on a date determined by the department.

C. “Extended learning time program verification form” means the department-prescribed form, with supporting documentation, submitted by school districts or state-chartered charter schools to the department for extended learning time program approval.

D. “High-poverty public schools” means for the purpose of the extended learning time program, a public school in which eighty percent or more of the students are eligible for free or reduced-fee lunch.

E. "MEM" means membership.
[6.30.16.7 NMAC – N, 5/5/2020]

6.30.16.8 PROGRAM DEVELOPMENT AND IMPLEMENTATION:

The department shall support school districts and state-chartered charter schools in their capacity-building to increase participation in the extended learning time program. Capacity-building includes professional development, curriculum development, teacher recruitment, parent and family outreach, assessment, and program design and evaluation.

[6.30.16.8 NMAC – N, 5/5/2020]

6.30.16.9 PROGRAM ELEMENTS:

A. An extended learning time program shall include:
(1) 190 total days;

(2) for a new program, 10 additional instructional days, with at least five and one-half instructional hours per instructional day for kindergarten through sixth grade and at least six instructional hours per day for seventh through 12th grade; or

(3) for an existing department-approved program, maintaining prior additional instructional days.

B. An extended learning time program shall also include:

(1) after-school program opportunities for academic learning or extracurricular enrichment that do not supplant federally funded programs; and

(2) a minimum of 80 non-instructional hours per school year for professional development for instructional staff.

C. An extended learning time program in school districts or state-chartered charter schools operating a four-day school week or in school districts or state-chartered charter schools with fewer than 1,000 MEM operating a four-day school week shall include:

(1) a minimum of 160 days per school year with at least six and one-half hours per instructional day for kindergarten through sixth grade and at least seven instructional hours per instructional day for seventh through 12th grade;

(2) after-school program opportunities for academic learning or extracurricular enrichment that do not supplant federally funded programs; and

(3) a minimum of 80 non-instructional hours per school year for professional development for instructional staff.

D. With department approval, an elementary school that has an extended learning time program that qualifies for extended learning time program units that also has a qualifying K-5 plus program may structure the school year to provide the required additional instructional time by extending existing instructional days.

[6.30.16.9 NMAC – N, 5/5/2020]

6.30.16.10 APPLICATION AND REVIEW PROCESS:

A. School districts and state-chartered charter schools seeking approval for an extended learning time plus program for schools shall request department approval through completion and submission of an extended learning time program verification form.

B. Pursuant to Section 22-8-23.10 NMSA 1978, the department shall review all submitted extended learning time program verification forms for approval.

C. No later than October 15 of each year, school districts or state-chartered charter schools that seek approval for an extended learning time program for the next fiscal year shall submit to the department the actual number of students who participated in the extended learning time program in the current calendar year and an estimate of the number of students the school district or state-chartered charter school expects will participate in the extended learning time program in the next calendar year. The department

may not approve an extended learning time program unless the school district or charter school notifies the department of their intent to start a program.

[6.30.16.10 NMAC – N, 5/5/2020]

6.30.16.11 FUNDING

MECHANISMS: Funding for individual extended learning time programs shall be calculated based on the approved number of extended learning time program units.

[6.30.16.11 NMAC – N, 5/5/2020]

6.30.16.12 EVALUATION AND REPORTING:

A. Schools shall comply with department reporting requirements for student and program assessments.

B. All students participating in extended learning time programs shall be reported to the department through the department's data collection and reporting system. Required fields of information include the following:

(1) demographic information;

(2) assigned teacher; and

(3) number of years the student has participated in the extended learning time program.

C. The department may request reporting of additional information regarding staffing, endorsements, licensure levels, program elements, class roster reports, professional development activities, parent involvement activities, implementation successes and challenges, suggested modifications, or other information the department deems relevant.

D. Site-monitoring visits by the department or by evaluators designated by the department shall be conducted.
[6.30.16.12 NMAC – N, 5/5/2020]

HISTORY OF 6.30.16 NMAC: [RESERVED]

**PUBLIC LANDS,
COMMISSIONER OF**

This is an emergency amendment to 19.2.100 NMAC, Section 71, effective April 22, 2020.

19.2.100.71 TEMPORARY SHUT-IN OF OIL WELLS DUE TO SEVERE REDUCTION IN THE PRICE OF OIL:

A. Basis for allowing shut in of oil wells: ~~[After notice and a public hearing]~~ Pursuant to Section 19-10-6 NMSA 1978, the commissioner has determined that, because of a severe reduction in the price of oil, the beneficiaries of state trust lands will be better served if oil wells are allowed to be temporarily shut in rather than produced at a low price.

B. Effective ~~[date]~~ period:

~~(1)~~ Unless extended by the commissioner after a subsequent notice and public hearing or terminated sooner by a subsequent regulation of the commissioner after finding that the price of oil is no longer severely reduced, ~~19.2.100.71 NMAC shall remain in effect for a period of two years from its effective date.~~

~~(2)~~ Any termination of ~~19.2.100.71 NMAC~~ before the expiration of two years from its effective date shall not be effective until 30 days after the commissioner has by certified-mail sent notice of the prospective termination to each lessee whose lease is being extended by the operation of this section.]

Pursuant to Section 14-4-5.6 NMSA 1978 and 19.2.16.14 NMAC, this emergency rule shall be effective immediately upon filing. Pursuant to 19.2.16.14 NMAC, this rule shall expire in 30 days unless within that time period the commissioner commences proceedings to adopt the rule under the normal rulemaking process, in which case this emergency rule shall remain in effect until a rule is adopted in accordance with the normal rulemaking process, but in no event shall this emergency rule

remain in effect for more than 120 days.

C. Any oil and gas lease issued by the commissioner of public lands and maintained in good standing according to the terms and conditions thereof and all applicable statutes and regulations shall not expire if:

(1) There is [a] at least one well capable of producing oil located upon some part of the lands included in the lease and all such [well-is] wells are shut in because of the severe reduction in the price of oil;

(2) The lessee timely notifies the commissioner in writing within 30 days of the date ~~[the well is first]~~ all wells capable of producing oil have been shut in, on a form made available by the commissioner for that purpose, accompanied by a form C-103 filed with the oil conservation division or other written oil conservation division approval of the shut-in for each well shut in; and

(3) The lessee timely pays an annual shut-in royalty within 90 days from the date ~~[the well was first]~~ all wells capable of producing oil have been shut in and thereafter before each anniversary of ~~[the]~~ such date [the well was first shut in]. The amount of the shut-in royalty shall be twice the annual rental due by the lessee under the terms of the lease but not less than three hundred twenty dollars (\$320) per well per year, the fee established by the state legislature in Section 19-10-6 NMSA 1978. If the other requirements of this subsection are satisfied, the timely payment of the shut-in royalty shall be considered for all purposes the same as if oil were being produced in paying quantities until the next anniversary of the date the well was first shut in; provided, that ~~[19.2.100.71 NMAC]~~ this emergency rule and any rule adopted in accordance with the normal rulemaking process continues to be in effect.

(a) [In order for a lessee to rely on the payment of shut-in royalty to maintain

a lease in effect after all wells on the lease capable of producing oil have been shut in, the lessee must have provided timely notice of the shut-in and payment of the shut-in royalty to the commissioner in accordance with Subsection C of 19.2.100.71 NMAC for each well shut in as it was shut in, regardless of whether at the time the well was shut in there continued to be a well producing on the lease after the well was shut in. For example, if the lease area has four wells capable of producing oil, and the wells were shut in at different times rather than all at once, the lessee must have provided timely notice of the shut-in and payment of the shut-in royalty as to each of the four wells as each well was shut in and may not rely on notification and payment of the shut-in royalty only after the last of the four wells is shut in.] A state land office lease may be maintained in effect by virtue of one or more wells located within an area covered by a unit agreement where all such wells have been temporarily shut in pursuant to this rule. For such shut-in wells located on a state land office lease, the lessee of each state lease maintained in effect by virtue of such wells shall pay royalty per well calculated by multiplying the base shut-in royalty that would be due for that lease by the percentage of acreage of that lease within the area, but in no event shall the lessee pay less than three hundred twenty dollars (\$320) per well per year.

(b) [A shut-in well located on a state land office lease within the boundaries of an area covered by a unit agreement, communitization agreement or commingling order or constituting a pooled unit or cooperative area will be considered to be a shut-in well located upon each state lease within the area.] A state land office lease may be maintained in effect by virtue of one or more wells located within an area covered by a communitization agreement, or constituting a pooled unit or cooperative area, where all such wells have been temporarily shut in pursuant to this rule. The lessee of the largest state lease within the

communitized area shall pay the base shut-in royalty due for that lease; but in no event shall the lessee pay less than three hundred twenty dollars (\$320) per well per year.

(c)

If the date when a shut-in royalty payment is due falls on a Saturday, Sunday or legal state or federal holiday, the shut-in royalty may be timely paid if received on the next calendar day which is not a Saturday, Sunday or holiday.

(d)

Under the standard business practice of the state land office, the date that the state land office stamps or otherwise marks the shut-in royalty payment or check establishes the date of actual receipt by the state land office.

D. If the lessee fails to timely comply with the requirements of Subsection C of 19.2.100.71 NMAC, no action by the commissioner or the state land office may ratify, re-grant or revive the expired lease or estop the commissioner from treating the lease as expired, unless such relief is granted expressly in writing signed by the commissioner.

E. Lessees utilizing the temporary shut-in provisions of this rule remain fully responsible for compliance with all laws, regulations of the state land office and other state agencies, and lease terms regarding operations on the leased premises, including with respect to environmental protection. Lessees shutting in under this rule shall remain subject to all present state land office bonding requirements, and shall be subject to any future bonding requirements upon adoption.

~~[E.]~~ **E.** Under no circumstances will the commissioner refund any portion of the shut-in royalty paid for a shut-in well up to the amount required by Subsection C of 19.2.100.71 NMAC.

~~[F.]~~ **G.** Upon the termination of 19.2.100.71 NMAC, automatically or by action of the commissioner, a lease maintained in effect by payment of shut-in royalty shall expire unless there is actual

production in paying quantities within 90 days thereafter, unless the time is further extended, in writing, on an individual lease basis, upon request, at the discretion of the commissioner.

[19.2.100.71 NMAC, Rn, SLO Rule 1, Section 1.072, 12/13/2002; Repealed, 6/30/2016; 19.2.100.71 NMAC - N, 10/31/2016; A/E, 4/22/2020]

End of Adopted Rules

Other Material Related to Administrative Law

COMMISSION OF PUBLIC RECORDS**RULE FILING ANNOUNCEMENT**

In light of the governor's executive orders declaring and extending the public health emergency and in the interest of the health and safety of our staff and rule filers, an emergency amendment has been made to 1.24.10.15 NMAC, effective April 29, 2020. All rule filings may now be accomplished via email, with a valid digital signature on a reviewed and approved *Transmittal Form*. Please be advised, that all filings of all rule filing will continue to take place on **submission deadline dates only**, until further notice: <http://www.srca.nm.gov/nmac/nmregister/pdf/2020-schedule.pdf>.

If your agency needs to file on any different date, pursuant to either Subsection D of Section 14-4-5 or Section 14-4-5.6 NMSA 1978, alternate arrangements can be made on a case by case basis. If you do need to file on any other date, please send your request to Matthew Ortiz at matt.ortiz@state.nm.us or at 505-476-7941.

**GOVERNOR,
OFFICE OF THE****EXECUTIVE ORDER 2020-022****RENEWING THE STATE OF PUBLIC HEALTH EMERGENCY DECLARED IN EXECUTIVE ORDER 2020-004, OTHER POWERS INVOKED IN THAT ORDER, AND ALL OTHER ORDERS AND DIRECTIVES CONTAINED IN EXECUTIVE ORDERS TIED TO THE PUBLIC HEALTH EMERGENCY**

On December 31, 2019, several cases of pneumonia with an unknown cause were detected in Wuhan City, Hubei Province,

China, and reported to the World Health Organization ("WHO"). The underlying virus giving rise to those reported instances of respiratory illness was later identified as a novel coronavirus disease which has been referred to "COVID-19".

By the time the first COVID-19 cases had been confirmed in New Mexico, on March 11, 2020, COVID-19 had already spread globally and throughout the United States. At that time, more than 100,000 people had been infected globally and there were more than 1000 cases in the United States, spread out over 39 states.

On March 11, 2020, I issued Executive Order 2020-004, which declared a state of public health emergency under the Public Health Emergency Response Act and invoked powers provided by the All Hazards Emergency Management Act and the Emergency Licensing Act. That public health emergency was declared for a period of 30 days.

Now, less than four weeks later, the world is reeling from staggering increases in cases of COVID-19 and deaths related to COVID-19. The WHO reports more than 1.2 million worldwide infections and at least 67,5994 related deaths. According to the United States Centers for Disease Control and Prevention ("CDC"), at least 330,891 people have been infected in the United States, including confirmed cases in every state, with at least 8,910 related deaths. The numbers of cases and deaths are continuing to increase exponentially throughout many parts of the world and in many parts of the United States. That is why the President of the United States declared a national state of emergency for COVID-19 on March 13, 2020.

The numbers have also risen dramatically in our State since I declared a public health emergency. As of April 5, 2020, the New Mexico Department of Health reported at least 624 confirmed cases of COVID-19 in New Mexico and at least 12 related deaths. There are confirmed cases of

COVID-19 in 23 of New Mexico's 33 counties. Despite proactive measures taken by the State and our citizens, these numbers are increasing at a dangerous rate and COVID-19 is expected to continue its spread in New Mexico.

Public health organization have implemented emergency measures intended to slow the spread of COVID-19. For example, on January 20, 2020, the CDC activated its Emergency Operations Center in response to the COVID-19 outbreak. The WHO similar declared a Public Health Emergency of International Concern shortly thereafter. Nearly all or our sister states have declared a state of emergency and implemented significant measures and deployed substantial resources to fight the spread of COVID-19.

New Mexico has taken aggressive measures to reduce the spread of COVID-19 and to mitigate its potentially devastating effects. I have been in frequent contact with federal and state agencies and officials who are coordinating their efforts and resources to fight COVID-19. Various state agencies have been at the forefront of our State's response to COVID-19, including the New Mexico Department of Health. All State agencies are undertaking efforts in response to the pandemic.

Due to the continued spread of the COVID-19, it is necessary for all branches of State government to continue taking actions to minimize the spread of COVID-19 and to reduce its attendant physical and economic harms.

Therefore, for the reasons above, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico, hereby ORDER and DIRECT:

1. In consultation with the New Mexico Department of Health, I have determined that the statewide public health emergency proclaimed in Executive Order 2020-004 is renewed and extended through April 30, 2020.

2. All other powers invoked, directives, and orders contained in Executive Order 2020-004 remain in effect.

3. All other Executive Orders with a duration that was tied to the COVID-19 public health emergency shall continue with the same effect. This includes Executive Orders 2020-006, -007, -008, -009, -010, -011, -013, -014, -015, -016, -017, -018, -019, -020.

**DONE AT THE EXECUTIVE
OFFICE THIS 6TH DAY OF
APRIL 2020**

ATTEST:

**/S/ MAGGIE TOULOUSE
OLIVER
SECRETARY OF STATE**

**WITNESS MY HAND AND THE
GREAT SEAL OF THE STATE OF
NEW MEXICO**

**/S/ MICHELLE LUJAN
GRISHAM
GOVERNOR**

**HEALTH,
DEPARTMENT OF**

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT
OF HEALTH**

APRIL 11, 2020

**Public Health Emergency Order
Clarifying that Current Guidance
Documents, Advisories, and
Emergency Public Health Orders
Remain in Effect; and Amending
the March 23, 2020 and April 6,
2020 Public Health Emergency
Orders Closing All Businesses
and Non-Profit Entities Except
for those Deemed Essential and
Providing Additional Restrictions
on Mass Gatherings Due to
COVID-19**

PREFACE

The purpose of this amended Public Health Emergency Order is to further restrict business operations

and public gatherings to mitigate the spread of the Novel Coronavirus Disease 2019 (“COVID-19”). We have reached a crucial juncture at which stricter adherence to social distancing and self-isolation measures will be necessary to protect the integrity of our health care system against the potentially devastating effects that could result from a rapid increase in COVID-19 cases in New Mexico. **The bottom line is that all New Mexicans should be staying in their homes for all but the most essential activities and services.**

When New Mexicans are not in their homes, they should strictly adhere to social distancing protocols to minimize risks. These sacrifices are the best contribution that each of us can individually make to protect the health and wellbeing of our fellow citizens and the State as a whole. In accordance with these purposes, this Order and its exceptions should be narrowly construed to encourage New Mexicans to stay in their homes for all but the most essential activities.

It is hereby **ORDERED** that:

1. All current guidance documents and advisories issued by the Department of Health remain in effect.

2. The following Public Health Emergency Orders remain in effect through the current Public Health Emergency and any subsequent renewals of that Public Health Emergency or until they are amended or rescinded:

A. March 13, 2020 Public Health Emergency Order to Temporarily Limit Nursing Home Visitation Due to COVID-19;

B. March 24, 2020 Public Health Emergency Order Imposing Temporary Restrictions on Non-Essential Health Care Services, Procedures, and Surgeries; Providing Guidance on those Restrictions; and Requiring a Report from Certain Health Care Providers; and

C. March 24, 2020 Public Health Emergency Order Temporarily Regulating the Sale and Distribution of Personal Protective Equipment Due to Shortages Caused by COVID-19.

3. The March 23, 2020 Public Health Emergency Order Closing All Businesses and Non-Profit Entities Except for those Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to COVID-19 is hereby amended as follows:

ORDER

WHEREAS, on March 11, 2020, because of the spread of the novel Coronavirus Disease 2019 (“COVID-19”), Michelle Lujan Grisham, the Governor of the State of New Mexico, declared that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

WHEREAS, on April 6, 2020, Governor Michelle Lujan Grisham renewed the declaration of a Public Health Emergency until April 30, 2020 due to the continued spread of COVID-19 in New Mexico;

WHEREAS, COVID-19 continues to spread in New Mexico and nationally. Since, Executive Order 2020-004 was issued, confirmed COVID-19 infections in New Mexico have risen to 1,091 and cases in the United States have increased from 1,000 confirmed cases to over 500,000 confirmed cases;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment (particularly among public safety and law enforcement personnel and persons engaged in activities and

businesses critical to the economy and infrastructure of the State), potential displacement of persons, and closures of schools or other places of public gathering;

WHEREAS, social distancing is the sole way New Mexicans can minimize the spread of COVID-19 and currently constitutes the most effective means of mitigating the potentially devastating impact of this pandemic in New Mexico; and

WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -10, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government, to preserve and promote public health and safety, to adopt isolation and quarantine, and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

NOW, THEREFORE, I, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of her emergency powers under the All Hazard Emergency Management Act as invoked through Executive Order 2020-004, do hereby declare the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2(A) as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico.

The following definitions are adopted for the purposes of this Order:

Definitions: As used in this Public Health Order, the following terms shall have the meaning given to them, except where the context clearly requires otherwise:

(1) "Retail space" means an "essential business" that sells good or services directly to customers or end-users inside its place of business, such as a grocery store or a hardware stores and includes the "essential businesses" listed in the categories below: 2(d), 2(k), 2(m), 2(n), 2(s), 2(u), and 2(v).

(2) "Essential business" means any business or non-profit entity falling within one or more of the following categories:

(a) Health care operations including hospitals, walk-in-care health facilities, veterinary and livestock services necessary to assist in an emergency or to avoid an emergency (such as vaccinations), pharmacies, medical wholesale and distribution, home health care workers or aides for the elderly, emergency dental facilities, nursing homes, residential health care facilities, research facilities, congregate care facilities, intermediate care facilities for those with intellectual or developmental disabilities, supportive living homes, home health care providers, and medical supplies and equipment manufacturers and providers;

(b) Homeless shelters, food banks, and other services providing care to indigent or needy populations;

(c) Childcare facilities necessary to provide services to those workers employed by essential businesses and essential non-profit entities;

(d) Grocery stores, supermarkets, food banks, farmers' markets and vendors who sell food, convenience stores, and other businesses that generate the majority of their revenue from the sale of canned food, dry goods, fresh

fruits and vegetables, pet food, feed, and other animal supply stores, fresh meats, fish, and poultry, and any other household consumer products;

(e) Farms, ranches, and other food cultivation, processing, or packaging operations;

(f) All facilities routinely used by law enforcement personnel, first responders, firefighters, emergency management personnel, and dispatch operators;

(g) Infrastructure operations including, but not limited to, public works construction, commercial and residential construction and maintenance, airport operations, public transportation, airlines, taxis, private transportation providers, transportation network companies, water, gas, electrical, oil drilling, oil refining, natural resources extraction or mining operations, nuclear material research and enrichment, those attendant to the repair and construction of roads and highways, gas stations, solid waste collection and removal, trash and recycling collection, processing and disposal, sewer, data and internet providers, data centers, technology support operations, and telecommunications systems;

(h) Manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, microelectronics/semi-conductor, primary metals manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers;

(i) Services necessary to maintain the safety and sanitation of residences or essential businesses including security services, towing services, custodial services, plumbers, electricians, and other skilled trades;

(j) Media services including television, radio, and newspaper operations;

(k) Automobile repair facilities, bike repair facilities, and retailers who generate the majority of their revenue from the sale of automobile or bike repair products;

(l) New and used automobile dealers may sell cars through internet or other audiovisual means but they may not allow customers in showrooms;

(m) Hardware stores;

(n) Laundromats and dry cleaner services;

(o) Utilities, including their contractors, suppliers, and supportive operations, engaged in power generation, fuel supply and transmission, water and wastewater supply;

(p) Funeral homes, crematoriums and cemeteries;

(q) Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms;

(r) Real estate services including brokers, title companies, and related services;

(s) Businesses providing mailing and shipping services, including post office boxes;

(t) Laboratories and defense and national security-related operations supporting the United States government, a contractor to the United States government, or any federal entity;

(u) Restaurants, but only for delivery or carry out and local breweries or distillers but only for carry out;

(v) Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities; and

(w) Logistics, and also businesses that store, transport, or deliver groceries, food, materials, goods or services directly to residences, retailers, government institutions, or essential businesses. Businesses falling under this category are not permitted to provide curbside

pickup services to the general public for online or telephonic orders.

(4) "Individuals" mean natural persons.

(5) "Gathering" means any grouping together of individuals in a single connected location.

(6) "Mass gathering" means any public or private gathering that brings together five (5) or more individuals in a single room or connected space, confined outdoor space or an open outdoor space where individuals are within six (6) feet of each other, but does not include the presence of five (5) or more individuals where those individuals regularly reside. "Mass gathering" does not include individuals who are public officials or public employees in the course and scope of their employment.

I HEREBY DIRECT AS FOLLOWS:

(1) All Mass Gatherings are hereby prohibited under the powers and authority set forth in the New Mexico Public Health Act, and all regulations promulgated pursuant thereto. This prohibition does not apply to necessary operations of essential businesses. Churches, synagogues, mosques, and all other houses of worship shall adhere to this restriction, but nothing in this order is intended to preclude these faith-based institutions from holding services through audiovisual means.

(2) All businesses, except those entities identified as "essential businesses", are hereby directed to reduce the in-person workforce at each business or business location by 100%. "Essential businesses" may remain open provided they minimize their operations and staff to the greatest extent possible. Further, all essential businesses shall adhere to social distancing protocol and maintain at least six-foot social distancing from other individuals, avoid person-to-person contact, and direct employees to wash their hands frequently. All essential businesses shall ensure that all surfaces are cleaned routinely.

(3) This Order requires the closure of physical office spaces, retail spaces, or other public spaces of a business and does not otherwise restrict the conduct of business operations through telecommuting or otherwise working from home in which an employee only interacts with clients or customers remotely.

(4) The maximum number of customers allowed in a "retail space" at any given time shall be equal to 20% of the maximum occupancy of the retail space, as determined by the relevant fire marshal or fire department. If customers are waiting outside of a "retail space", they must do so in compliance with social distancing protocols including the requirement that they maintain a distance of at least six-feet from other individuals, avoid person-to-person contact.

(5) All casinos and horse racing facilities shall close during the pendency of this Order. This directive excludes those casinos operating on Tribal lands.

(6) Hotels, motels, RV parks, and other places of lodging shall not operate at more than twenty-five percent of maximum occupancy. Health care workers who are engaged in the provision of care to New Mexico residents or individuals utilizing lodging facilities for extended stays, as temporary housing, or for purposes of a quarantine or isolation period shall not be counted for purposes of determining maximum occupancy. Short-term vacation rentals, apartments, and houses are not permitted to operate except to provide housing to health care workers who reside out of state but are engaged in the provision of care to New Mexico residents.

(7) All call centers situated in New Mexico are directed to reduce their in-person workforce by 100%. This includes any call center that is part of or supports an essential business.

(8) Self-storage facilities should reduce operations to the minimum number of employees necessary to ensure public access to storage units and adequate security for storage units, including a 100% reduction in permanent on-site workforce whenever possible.

(9) This Order does not limit animal shelters, zoos, and other facilities with animal care operations from performing tasks that ensure the health and welfare of animals. Those tasks should be performed with the minimum number of employees necessary, for the minimum amount of time necessary, and with strict adherence to all social distancing protocols.

(10) The New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, the Department of the Environment, and all other State departments and agencies are authorized to take all appropriate steps to ensure compliance with this Order.

(11) All public and private employers are required to comply with this Order and any instructions provided by State departments or agencies regarding COVID-19.

(12) In order to minimize the shortage of health care supplies and other necessary goods, grocery stores and other retailers are hereby directed to limit the sale of medications, durable medical equipment, baby formula, diapers, sanitary care products, and hygiene products to three items per individual. NMSA 1978, § 12-10A-6 (2012).

I FURTHER DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.

(3) Nothing in this Order is intended to restrain or preempt local authorities from enacting more stringent restrictions than those required by the Order.

(4) This Order shall take effect immediately and remain in effect through April 30, 2020. This Order may be renewed consistent with any direction from the Governor.

I FURTHER ADVISE the public to take the following preventive precautions:

-- **New Mexico citizens should stay at home and undertake only those outings absolutely necessary for their health, safety, or welfare.**

-- Retailers should take appropriate action consistent with this order to reduce hoarding and ensure that all New Mexicans can purchase necessary goods.

-- Avoid crowds.

-- Avoid all non-essential travel including plane trips and cruise ships. Self-quarantine or self-isolate for at least fourteen days after all out-of-state travel.

DONE AT THE EXECUTIVE OFFICE THIS 11TH DAY OF APRIL 2020

ATTEST:
/S/ MAGGIE TOULOUSE
OLIVER
SECRETARY OF STATE

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

/S/ KATHLEEN M. KUNKEL
SECRETARY OF THE STATE OF NEW MEXICO DEPARTMENT OF HEALTH

**End of Other Material
Related to Administrative
Law**

2020 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXI, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 6	January 14
Issue 2	January 16	January 28
Issue 3	January 30	February 11
Issue 4	February 13	February 25
Issue 5	February 27	March 10
Issue 6	March 12	March 24
Issue 7	March 26	April 7
Issue 8	April 9	April 21
Issue 9	April 23	May 5
Issue 10	May 7	May 19
Issue 11	May 28	June 9
Issue 12	June 11	June 23
Issue 13	July 6	July 14
Issue 14	July 16	July 28
Issue 15	July 30	August 11
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Issue 17	August 27	September 15
Issue 18	September 17	September 29
Issue 19	October 1	October 13
Issue 20	October 15	October 27
Issue 21	October 29	November 10
Issue 22	November 13	November 24
Issue 23	December 3	December 15
Issue 24	December 17	December 29

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