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# New Mexico Register

The official publication for all official notices of rulemaking  
and filing of proposed, adopted and emergency rules.

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## **The New Mexico Register**

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# New Mexico Register

Volume XXXIII, Issue 4

February 22, 2022

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## Notices of Rulemaking and Proposed Rules

### AGRICULTURE, DEPARTMENT OF

#### NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the New Mexico Department of Agriculture (NMDA), proposes to amend 21.1.1 NMAC, NMDA RULE MAKING PROCEDURES.

**PURPOSE AND SUMMARY OF THE PROPOSED RULES:** The proposed rule makes amendments to clarify a rulemaking procedure, which will enable the New Mexico department of agriculture to secure the views and statements of all interested persons concerning rules and regulations at the department in a transparent, organized and fair manner.

#### **STATUTORY AUTHORITY:**

Granted to the board of regents of New Mexico state university under Section 76-1-2 NMSA 1978 compilation.

Copies of the Notice of Proposed Rulemaking and proposed rules (including any technical information) are available by electronic download from the New Mexico Department of Agriculture website (<https://www.nmda.nmsu.edu>) and at agency district and field offices.

**Wednesday, April 13, 2022** at 1:30 pm NMDA will host a public video/ telephonic and in person hearing at the New Mexico Department of Agriculture, at 3190 S. Espina, Las Cruces, NM, on the corner of Espina and Gregg.

Join via Video:

Meeting URL: <https://nmsu.zoom.us/j/93580466962>

Meeting ID: 935 8046 6962

Passcode: 538839

Join via Phone:

+1 669 900 6833 or +1 253 215 8782

Meeting ID: 935 8046 6962

Passcode: 538839

Oral comments will be accepted at the hearing from members of the public and any interested parties. Written comments will be accepted through 5:00 pm on April 13, 2022. Comments may be submitted via email to [comments@nmda.nmsu.edu](mailto:comments@nmda.nmsu.edu) or may be filed by sending original copies to:

New Mexico Department of Agriculture, Office of Director MSC 3189, PO Box 30005, 3190 S. Espina, Las Cruces, NM 88003-8005  
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, NMDA reserves the right to require that original signatures be provided to verify the electronic or facsimile signature.

**SPECIAL NEEDS:** 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 or meeting, please contact NMDA at (575) 646-3702 at least one week prior to the meeting or as soon as possible.

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

### ENVIRONMENT DEPARTMENT

#### NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED 20.2.91 NMAC EIB 21-66 (R)

The New Mexico Environmental Improvement Board ("EIB") will

hold a joint public hearing with the Albuquerque-Bernalillo County Air Quality Control Board ("AQCB") on May 4, 2022, beginning at 9:00 am and continuing through May 6, 2022, to consider EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards ("20.2.91 NMAC") via the web application WebEx. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days with the third day to be reserved for deliberations.

The hearing is being held via WebEx due to restrictions currently in place by Governor Lujan Grisham'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 before the hearing date, and the Board may hold the hearing in person if circumstances allow. Even if the Board holds the hearing in person, the Board Administrator will provide teleconference or virtual access to those wishing to participate without being at the hearing in person. Those interested in attending should contact the Board Administrator at (505) 660-4305 or visit the New Mexico Environment Department ("NMED") calendar at <https://www.env.nm.gov/events-calendar/>. Meeting and access details will be available on the calendar entry corresponding to the hearing start date no later than April 22, 2022. The calendar entry will also inform the public if the hearing will also be held in person. All interested persons may submit comments to Board Administrator through the conclusion of the hearing.

The purpose of the public hearing is for the EIB to consider and take possible action on a petition by NMED requesting the EIB to adopt a new regulation, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21->

66R-Petition-New-Vehicle-Emission-Stds-pj.pdf), which will set standards for low-emission and zero-emission light- and medium-duty vehicles delivered for sale in New Mexico. This regulation is part of a broader state effort to address greenhouse gas emissions and is being proposed in accordance with Governor Lujan Grisham's Executive Order on Addressing Climate Change and Energy Waste Prevention (EO 2019-003).

The proposed regulation is similar to 20.2.88 NMAC Emissions Standards for New Motor Vehicles that the EIB adopted during a joint hearing with the AQCB in 2007 and which was later repealed by the EIB. These proposed standards also relate to a rulemaking petition filed with the EIB by Climate Advocates in June 2021. To assure that the rule applies to the jurisdictions of both the EIB and of the AQCB and meets the identity requirements of Section 177 of the Clean Air Act, the EIB and the AQCB will hold a joint hearing and deliberation to consider 20.2.91 NMAC and 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>), respectively. The EIB and the AQCB may independently decide on the proposed rule for their jurisdiction at the conclusion of the hearing or may convene later meetings for that purpose.

The Petition and related documents may be viewed on NMED's docketed matters website under the Environmental Improvement Board dropdown, in the section for EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. NMED's docketed matters website is at <https://www.env.nm.gov/opf/docketed-matters/>. Additional information is available on the Clean Cars webpage at <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Interested persons may contact Claudia Borchert at (505) 699-8489 or [cleancarsnm@state.nm.us](mailto:cleancarsnm@state.nm.us).

[nm.us](http://nm.us) with questions and comments concerning the proposed rule. The deadline for stakeholders and the public to submit written comments to NMED is 5 p.m., March 25, 2022.

The hearing will be conducted in accordance with: 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, Section 74-1-9 NMSA 1978; the Air Quality Control Act, Section 74-2-6 NMSA 1978; and other applicable procedures.

Hearings and meetings of the Boards are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and 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 a statement prior to the close of the hearing.

#### **TECHNICAL TESTIMONY**

Any person who wishes to present technical evidence at the hearing shall file a notice of intent at least 20 days prior to the hearing date to the Board Administrator including the docket number and the name of the regulation, EIB 21-66 (R)- In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. The notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the

proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

#### **ENTRY OF APPEARANCE**

Any person who wishes to be treated as an interested participant and to cross-examine witnesses at the hearing shall file and serve upon all parties an entry of appearance at least 20 days prior to the hearing date. A timely notice of intent shall be considered an entry of appearance. The entry of appearance must identify the person wishing to be treated as an interested participant and any individual who may appear on behalf of that person.

Those wishing to submit non-technical testimony prior to the hearing may submit relevant evidence, data, views, and arguments to the Board Administrator: [pamela.jones@state.nm.us](mailto:pamela.jones@state.nm.us), telephone (505) 660-4305, or Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Those submitting non-technical public comment at the hearing or a non-technical written statement in lieu of oral testimony at or before the hearing should reference docket number EIB 21-66 (R).

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the Board Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email [pamela.jones@state.nm.us](mailto:pamela.jones@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 Nondiscrimination**

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. Part 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: Kathryn Becker, 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. You may also visit NMED's website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

**JUNTA DE MEJORA  
AMBIENTAL DE NUEVO  
MÉXICO AVISO DE AUDIENCIA  
DE ELABORACIÓN DE  
NORMAS PARA CONSIDERAR  
LA ADOPCIÓN DE LA  
PROPUESTA 20.2.91 NMAC EIB  
21-66 (R)**

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) celebrará una audiencia pública conjunta con la Junta de Control de la Calidad del Aire del Condado de Bernalillo-Albuquerque ("AQCB" por sus siglas en inglés) el 4 de mayo de 2022, a partir de las 9:00 a.m. y hasta el 6 de mayo de 2022, para considerar la EIB 21-66 (R) - En el Asunto

de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados ("20.2.91 NMAC") a través de la aplicación WebEx. La audiencia durará el tiempo necesario para escuchar todos los testimonios, las pruebas y los comentarios del público, y se espera que dure aproximadamente dos días y que el tercer día se reserve para las deliberaciones.

La audiencia se celebra a través de WebEx debido a las restricciones en vigor por las Órdenes Ejecutivas de la Gobernadora Lujan Grisham y varias órdenes de salud pública de emergencia diseñadas para proteger al público y prevenir la propagación del COVID-19. La ubicación de la audiencia puede cambiar antes de la fecha de la audiencia y la Junta puede celebrar la audiencia en persona si las circunstancias lo permiten. Incluso si la Junta celebra la audiencia en persona, la administradora de la Junta proporcionará acceso por teleconferencia o acceso virtual a quienes deseen participar sin tener que acudir a la audiencia en persona. Los interesados en asistir deben comunicarse con la administradora de la Junta llamando al (505) 660-4305 o visitar el calendario del Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) por <https://www.env.nm.gov/events-calendar/>. Los detalles de la reunión y de acceso estarán disponibles en la entrada del calendario correspondiente a la fecha de inicio de la audiencia a más tardar el 22 de abril de 2022. La entrada del calendario también informará al público si la audiencia se celebrará en persona. Todas las personas interesadas podrán presentar sus comentarios a la administradora de la Junta hasta la conclusión de la audiencia.

El propósito de la audiencia pública es que la EIB considere y tome una posible acción sobre una petición de NMED que solicita a la EIB que adopte una nueva regulación, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/>

[sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf](https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf)), que establecerá normas para los estándares de bajas emisiones y cero emisiones para los vehículos ligeros y medianos entregados para la venta en Nuevo México. Esta regulación es parte de un esfuerzo estatal más amplio para abordar las emisiones de gases de efecto invernadero y se propone de acuerdo con la Orden Ejecutiva de la Gobernadora Lujan Grisham para abordar el cambio climático y la prevención de desperdicio energético (EO 2019-003).

La regulación propuesta es similar a los estándares de emisiones 20.2.88 NMAC para Vehículos Motorizados Nuevos que la EIB adoptó durante una audiencia conjunta con la AQCB en 2007 y que posteriormente fue derogada por la EIB. Estas normas propuestas también están relacionadas con una petición de elaboración de normas presentada a la EIB por Climate Advocates en junio de 2021. Para garantizar que la norma se aplique a las jurisdicciones tanto de la EIB como de la AQCB y se cumpla igualmente los requisitos de la Sección 177 de la Ley del Aire Limpio, la EIB y la AQCB celebrarán una audiencia y deliberación conjuntas para considerar 20.2.91 NMAC y 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>), respectivamente. La EIB y la AQCB podrán decidir de forma independiente sobre la norma propuesta para su jurisdicción al término de la audiencia o podrán convocar reuniones después a tal efecto.

La Petición y los documentos relacionados pueden verse en el sitio web de docketed matters de NMED, en el menú desplegable de la Junta de Mejora Ambiental, en la sección de EIB 21-66 (R) - En el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados. El sitio web de docketed matters de NMED se encuentra en <https://www.env.nm.gov/opf/wp-content/uploads/>



nm.gov/opf/docketed-matters/. Hay disponible información adicional en la página web de Clean Cars en <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Las personas interesadas pueden comunicarse con Claudia Borchert llamando al (505) 699-8489 o [cleancarsnm@state.nm.us](mailto:cleancarsnm@state.nm.us) con preguntas y comentarios sobre la norma propuesta. La fecha límite para presentar comentarios por escrito de personas interesado a NMED es el 25 de marzo de 2022 hasta las 5:00 p.m.

La audiencia se llevará a cabo de acuerdo con: 20.1.1 NMAC, Procedimientos de Elaboración de Normas – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, Sección 74-1-9 NMSA 1978; la Ley de Control de la Calidad del Aire, Sección 74-2-6 NMSA 1978; y otros procedimientos aplicables.

Las audiencias y reuniones de las Juntas están abiertas al público y se anima a todas las personas interesadas a que participen. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, oralmente y por escrito; presentar pruebas instrumentales y para interrogar a los testigos. Toda persona que desee presentar por escrito una declaración no técnica para que conste en acta en lugar de un testimonio oral deberá presentar dicha declaración antes del cierre de la audiencia.

#### TESTIMONIO TÉCNICO

Toda persona que desee presentar pruebas técnicas en la audiencia deberá presentar un aviso de intención al menos 20 días antes de la fecha de la audiencia a la administradora de la Junta, incluyendo el número de expediente y el nombre de la regulación, EIB 21-66 (R)- en el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados. El aviso de la intención de presentar testimonio técnicas deberá incluir:

- (1) identificar a la persona para la que testificará el testigo o testigos;
- (2) identificar a cada testigo técnico

que la persona pretenda presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su historial académico y laboral; (3) si la audiencia se lleva a cabo en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada del cambio regulatorio propuesto; y (6) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas.

#### REGISTRO DE COMPARECENCIA

Toda persona que desee ser tratada como parte interesada y desea interrogar a los testigos en la audiencia deberá presentar y entregar a todas las partes un registro de comparecencia al menos 20 días antes de la fecha de la audiencia. Un aviso de intención presentado a tiempo se considerará un registro de comparecencia. El registro de comparecencia deberá identificar a la persona que desea ser tratada como parte interesada y a cualquier persona que pueda comparecer en nombre de dicha persona.

Las personas que deseen enviar un testimonio no técnico antes de la audiencia pueden enviar las pruebas, datos, opiniones y argumentos pertinentes a la administradora de la Junta: [pamela.jones@state.nm.us](mailto:pamela.jones@state.nm.us), teléfono (505) 660-4305, o a la dirección postal Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Las personas que presenten comentarios públicos no técnicos en la audiencia o una declaración no técnica por escrito en lugar de un testimonio oral en la audiencia o antes de ella deben hacer referencia al número de expediente EIB 21-66 (R).

Si alguna persona necesita asistencia, un intérprete o un dispositivo auxiliar para participar en este proceso, comuníquese con la administradora de la Junta al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico [pamela.jones@state.nm.us](mailto:pamela.jones@state.nm.us) (los usuarios de TDD o TTY pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

#### Aviso de no discriminación

NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la 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 Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Kathryn Becker, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). También puede visitar el sitio web de NMED en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

**TAXATION AND  
REVENUE,  
DEPARTMENT OF**

**NOTICE OF PROPOSED  
RULEMAKING AND PUBLIC  
RULE HEARING**

The New Mexico Taxation and Revenue Department hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC that it proposes to create rules regarding requiring deductions to be separately reported as authorized by Section 9-11-6.2 NMSA 1978:

**Summary of Proposed Changes:**

The New Mexico Taxation and Revenue Department proposes to change the following rule(s):

**Taxation and Revenue Department Act, Section 9-11-6.4 NMSA 1978**

(Repeal and replace) 3.1.4.18

*Electronic Filing*

(Repeal) 3.1.4.19

*Electronic Filing of Information Returns and Reports*

**Tax Administration Act, Section 7-1-24 NMSA 1978**

(Repeal) 3.1.8.8

*General Rules on Formal Hearings*

(Repeal) 3.1.8.9

*Hearing Officer*

(Repeal) 3.1.8.10

*Evidence*

(Repeal) 3.1.8.11

*Record*

(Repeal) 3.1.8.12

*Proposed Findings, Conclusions and Briefs*

(Repeal) 3.1.8.13

*Discovery*

(Repeal) 3.1.8.14

*Consequences of Failure to Comply with Orders*

(Repeal) 3.1.8.15

*Prehearing Conferences*

(Repeal) 3.1.8.16

*Motions*

**Motor Vehicle Code, Section 66-4-3 NMSA 1978**

(Repeal) 18.19.4.32

*Hearings - When Hearing Required*

*Notification*

(Repeal) 18.19.4.33

*Hearings - Informal Conferences*

(Repeal) 18.19.4.34

*Hearings - Dispositions*

(Repeal) 18.19.4.35

*Hearings - Consequences of Failure to Comply with Orders*

(Repeal) 18.19.4.36

*Hearings - Motions*

(Repeal) 18.19.4.37

*Hearings - Prehearing Conferences*

(Repeal) 18.19.4.38

*Hearings - General Rules on Hearings*

(Repeal) 18.19.4.39

*Hearings - Hearing Officer*

(Repeal) 18.19.4.40

*Hearings - Evidence*

(Repeal) 18.19.4.41

*Hearings - Record*

(Repeal) 18.19.4.42

*Hearings - Proposed Findings,*

*Conclusions, and Briefs*

**Motor Vehicle Code, Section 66-8-112 NMSA 1978**

(Repeal) 18.19.9.8

*Implied Consent Hearing - Request for Hearing - Time and Place - Telephonic Hearings - Continuance*

(Repeal) 18.19.9.9

*Implied Consent Hearing - Subpoenas for Witnesses and Documents - Issuance - Costs*

(Repeal) 18.19.9.10

*Implied Consent Hearing -Hearing Officer*

(Repeal) 18.19.9.11

*Implied Consent Hearing -Powers and Duties of Hearing Officer*

(Repeal) 18.19.9.12

*Implied Consent Hearing - Parties to the Hearing \_ Parties' Rights*

(Repeal) 18.19.9.13

*Implied Consent Hearing - Rules of Evidence*

(Repeal) 18.19.9.14

*Implied Consent Hearing -Failure to Appear*

(Repeal) 18.19.9.15

*Implied Consent Hearing - Issues to be Considered at the Hearings*

(Repeal) 18.19.9.16

*Implied Consent Hearing - Hearings Open to the Public*

(Repeal) 18.19.9.17

*Implied Consent Hearing - Decision and Order*

(Repeal) 18.19.9.18

*Implied Consent Hearing - Record of the Hearing*

(Repeal) 18.19.9.19

*Implied Consent Hearing - Time Frames*

**Technical Information:** No technical information was consulted in drafting these proposed rule changes.

**Purpose of Proposed Rule:**

Regulation 3.1.4.18 NMAC is being updated to reflect the changes passed during the 2021 legislative session and to update the regulations based on the Department's current return processing. Regulation 3.1.4.19 NMAC is being repealed to align with the changes being made to 3.1.4.18 NMAC. The regulations in regard to hearings are being repealed as they are outdated and have since been placed into regulation by the Administrative Hearing Office. Current regulations on hearings can be located under regulations under Title 22 Chapter 600 Administrative Hearings Office.

**Notice of Public Rule Hearing:** A public hearing will be held on the proposed rule changes on March 24, 2022 at 10 AM through the internet, email, and telephonic means in response to concerns surrounding COVID-19 and in accordance with 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.

The Public Hearing will be accessible via Zoom <https://us02web.zoom.us/j/87373616009?pwd=Y1hGM0Q0RFJZRzFoR1NXZ09qbGEvdz09> or by telephone by dialing 1 346 248 7799 Meeting ID: 873 7361 6009 Passcode: 77095.

Any oral comments made during this hearing will be recorded and any electronic written comments can be submitted during the hearing at [policy.office@state.nm.us](mailto:policy.office@state.nm.us).

The proposals were placed on file in the Office of the Secretary on February 7, 2022. Pursuant to Regulation 3.1.2.9 NMAC under Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of the proposals, if filed, will be filed as required by law on or about April 8, 2022.

Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Alicia Romero at Alicia.Romero@state.nm.us. The Taxation and Revenue Department 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 prior to the scheduled hearing.

Copies of the proposed rules may be found at end of this notice and at [www.tax.newmexico.gov/proposed-regulations-hearing-notices.aspx](http://www.tax.newmexico.gov/proposed-regulations-hearing-notices.aspx) or are available upon request by contacting the Tax Policy Office at [policy.office@state.nm.us](mailto:policy.office@state.nm.us).

**Notice of Acceptance of Written Public Comment:** Written comments on the proposals can be submitted by email to [policy.office@state.nm.us](mailto:policy.office@state.nm.us) or by mail to the Taxation and Revenue Department, Tax Information and Policy Office, Post Office Box 630, Santa Fe, New Mexico 87504-0630 on or before March 24, 2022 by 5 PM. All written comments received by the agency will be posted on [www.tax.newmexico.gov](http://www.tax.newmexico.gov) no more than 3 business days following receipt to allow for public review.

**WORKFORCE SOLUTIONS, DEPARTMENT OF**

**NOTICE OF RULEMAKING**

The New Mexico Department of Workforce Solutions (“Department” or “NMDWS”) hereby gives notice that the Department will conduct a public hearing in the conference room

of the Human Rights Bureau located at 1596 Pacheco Street Suite 103 in Santa Fe, New Mexico, 87505 on April 5, 2022 from 1:00 pm to 3:00 pm. The public comment hearing will also be conducted virtually.

<https://zoom.us/j/95905700471?pwd=U1dJemVzS2l6dWRIQW9sRjAySEFpUT09>

Meeting ID: 959 0570 0471  
Passcode: td0MzM

The purpose of the public hearing will be to obtain input and public comment on proposed regulations for implementing and enforcing the Healthy Workplaces Act enacted under 50-17-1 NMSA 1978 et seq.

Summary: The proposed regulation sets forth the process for implementation of the Healthy Workplaces Act to include definitions of key terms of the Act, establishing employer policies for how to accrue and use sick leave, when the sick leave is to be paid out, compliance requirements, notice requirements, the complaint process, enforcement procedures, and confidentiality requirements.

Under Section 50-17-9, NMSA 1978, the Workforce Solutions Department is authorized to coordinate the implementation and coordination of the Healthy Workplaces Act and to promulgate appropriate rules to implement the Act.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on April 4, 2022. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at <https://www.dws.state.nm.us/> or obtained by calling Andrea Christman at (505)

841-8478 or sending an email to [Andrea.Christman@state.nm.us](mailto:Andrea.Christman@state.nm.us). The proposed rule will be made available at least thirty days prior to the hearing.

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

**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.

### CHILDREN, YOUTH AND FAMILIES DEPARTMENT

#### TITLE 8 SOCIAL SERVICES CHAPTER 10 CHILD PROTECTIVE SERVICES PART 5 COMPREHENSIVE ADDICTIONS AND RECOVERY ACT (CARA) GUIDELINES

**8.10.5.1 ISSUING AGENCY:** Children, Youth and Families Department (CYFD), Protective Services Division (PSD)  
[8.10.5.1 NMAC – N, 2/22/2022]

**8.10.5.2 SCOPE:** Protective services employees, New Mexico managed care organizations (MCO's), private insurance, children's medical services (CMS), New Mexico primary care offices, hospitals, supportive services providers, and substance exposed infants and their caregivers.  
[8.10.5.2 NMAC – N, 2/22/2022]

**8.10.5.3 STATUTORY AUTHORITY:** Children, Youth and Families Department Act, Subsection D of Section 9-2A-7, NMSA 1978.  
[8.10.5.3 NMAC – N, 2/22/2022]

**8.10.5.4 DURATION:** Permanent.  
[8.10.5.4 NMAC – N, 2/22/2022]

**8.10.5.5 EFFECTIVE DATE:** 2/22/2022, unless a later date is cited at the end of a section.  
[8.10.5.5 NMAC – N, 2/22/2022]

**8.10.5.6 OBJECTIVE:** To establish guidelines for protective services division (PSD) staff, managed care organizations (MCOs), care coordinators, and other professionals who come into contact, or are working with, substance

exposed infants and their caregivers to provide comprehensive plans of care and support to ensure the safety and wellbeing of the family.  
[8.10.5.6 NMAC – N, 2/22/2022]

#### 8.10.5.7 DEFINITIONS:

**A. "Care coordination level (CCL)"** identifies the level of support a member needs through care coordination services for the member to improve or maintain and manage their individual health needs effectively. Members are assigned to either care coordination level two (CCL2) or care coordination level three (CCL3) following the completion of a comprehensive needs assessment (CNA) for the member.

**B. "Care coordinator (CC)"** is the individual assigned to the newborn and the biological parents by the MCO, private insurer or children's medical services (CMS), to coordinate the care and services needed (to include such services as medical, behavioral health, infant mental health, early intervention, home visiting programs, family FIRST, long term care, prescriptions, medical equipment, and others).

**C. "Caregiver"** is a parent, guardian or custodian in the household who provides care and supervision for the child.

**D. "Centennial care"** was implemented on January 1, 2019 as a replacement to the outdated New Mexico Medicaid system. Centennial care aims to educate recipients to become savvy health care consumers, promote more integrated care, properly manage the most at-risk members, involve members in their own wellness, and pay providers for outcomes rather than process.

**E. "Children's medical services (CMS)"** provides care coordination and services for the prevention, diagnosis, and treatment

of disabling conditions in children. It is a statewide program within the department of health, public health division. CMS serves children from birth to 21 with chronic illnesses or medical conditions that require surgical or medical treatment.

**F. "Comprehensive addiction and recovery act (CARA)"** is federal legislation signed into law in 2016. This legislation establishes a comprehensive, coordinated, balanced strategy for substance exposed infants and their caregivers, through enhanced grant programs, that expands prevention and education efforts while also promoting treatment and recovery.

**G. "Comprehensive addiction recovery act (CARA) Navigator"** is an assigned position at children, youth and families department (CYFD) and another at the department of health (DOH). The positions assure compliance with the CARA state law and accept plans of care and notifications of substance exposed infants. They provide technical assistance and navigation to the entities and individuals involved in plans of care.

**H. "Comprehensive care plan" (CCP)** is a comprehensive plan of services that meets the member's physical, behavioral, and long-term needs based on information received during the comprehensive needs assessment.

**I. "Comprehensive needs assessment (CNA)"** an assessment of the member's physical, behavioral health, and long-term care needs; it will identify potential risks and provide social and cultural information. The results of the CNA shall be used to create the comprehensive care plan (CCP), which is based on the member's assessed needs. The CNA shall be used to determine the member's care coordination level (CCL).



**J. “Fictive kin”** means a person not related by birth, adoption or marriage with whom the child has an emotionally significant relationship.

**K. “Health care professional”** may be a physician, physician’s assistant, medical assistant, nurse, midwife, or doula that is providing health care treatment and advice to expectant or new parents.

**L. “Health risk assessment (HRA)”** is an assessment the MCO shall conduct on all member’s newly enrolled in centennial care and on members, not in CCL2 or CCL3, who have had a change in health condition that requires a higher level of care. The HRA shall introduce the member to the MCO, obtain basic health and demographic information and confirm the need for a CNA.

**M. “Insurance-MCOs, private insurers, and CMS”** are three entities that can assign a care coordinator for the substance exposed infant based on their parents’ insurance coverage at the time of birth.

**N. “Insurer”** a company that underwrites an insurance risk; the party in an insurance contract undertaking to pay compensation.

**O. “Key household members”** is any individual who lives at the infant’s discharge address who is 18 years or older and provides care for the infant listed on the plan of care.

**P. “Managed care organization (MCO)”** means an entity that participates in centennial care under contract with the New Mexico human services department (HSD) to assist the state in meeting the requirements established under Section 27-2-12 NMSA 1978.

**Q. “Member”** refers to a person enrolled in Medicaid or a managed care organization.

**R. “Parent”** as defined in Subsection Q of Section 32A-1-4 NMSA 1978, includes a biological or adoptive parent if the biological or adoptive parent has a constitutionally

protected liberty interest in the care and custody of the child.

**S. “Plan of care (POC)”** as defined in Subsection T of Section 32A-1-4 NMSA 1978 means a plan created by a health care professional intended to ensure the safety and well-being of a substance-exposed newborn by addressing the treatment needs of the child and any of the child’s parents, relatives, guardians, family members or caregivers to the extent those treatment needs are relevant to the safety of the child.

**T. “Primary care physician (PCP)”** is a specialist in family medicine, general internal medicine or general pediatrics who provides definitive care to the undifferentiated patient at the point of first contact and takes continuing responsibility for providing the patient’s comprehensive care.

**U. “Private insurer”** is any health insurance policy purchased by an employer or by an individual from a private insurance company.

**V. “Substance exposed newborn”** is any newborn exposed in utero to an illicit substance such as methamphetamine or heroin, prescribed medication such as opioids, methadone, buprenorphine, and marijuana.

**W. “Statewide central intake (SCI)”** is the unit within PSD whose responsibilities may include but are not limited to receiving and screening reports of alleged child abuse or neglect and prioritizing and assigning accepted reports to the appropriate county office for investigation. [8.10.5.7 NMAC – N, 2/22/2022]

**8.10.5.8 NOTIFICATION OF NEWBORN WITH SUBSTANCE EXPOSURE:**

**A.** In accordance with Subsection H of Section 32A-4-3 NMSA 1978, when a newborn in New Mexico has been identified with substance exposure, as evidenced by toxicology results of the newborn or mother, or when a caregiver discloses substance use during the

pregnancy, written notification shall be provided to CYFD and NMDOH by the newborn’s healthcare provider prior to the newborn’s discharge from the healthcare facility, or as soon as the exposure is identified if it occurs following the newborn’s discharge. The notification of newborn substance exposure is documented in one of the following ways:

**(1)** submission of a CARA plan of care for the newborn and family; or

**(2)** submission of the notification of CARA newborn status form which documents that:

**(a)** substance exposure was identified by cord/meconium toxicology screening and the newborn was discharged from the health care facility before the family was informed;

**(b)** the newborn with substance exposure has transferred to a healthcare facility for a higher level of care; or

**(c)** the caregiver of the newborn with substance exposure has refused a CARA plan of care. Families shall be informed that they may request a referral for services at a later time, even if they have declined these services, by communicating with their health insurance care coordinator or the CARA navigator, whose contact information shall be provided by the health care provider.

**B.** The plan of care template and the notification of newborn status form shall be accessible by healthcare providers on the CARA provider resources webpage at [sharenm.org/CARA](http://sharenm.org/CARA), or via the CARA portal at NM healthy families, or by request. [8.10.5.8 NMAC – N, 2/22/2022]

**8.10.5.9 PLAN OF CARE (POC):**

**A.** A plan of care with services is to be offered prior to a newborn’s discharge from the hospital when substance exposure has been identified.

**B.** The purpose of POC is to ensure continuity and engagement of support services

for the newborn and caregivers. A POC is the document completed by a healthcare professional with the family or designated caregiver(s) of the newborn when substance exposure has been identified. POCs are jointly created by the healthcare professional and the family to support them to obtain resources and services that sustain family relationships and support the health and well-being of the infant and family members. The implementation of services in the POC shall be modified and updated as often as required to address changes in the needs and circumstances of the family. All services in the plan are voluntary and at the option of the family. All POC's must include the following information:

(1) The newborn's birth information: This shall include date of hospital admission, birth date, discharge date, and name of infant.

(2) The identified key household members: All key household members over 18 years of age shall be documented in the POC and offered supportive services listed in the plan of care.

(3) The discharge address for the family: The discharge address shall be the physical address of the caregiver who will be taking the newborn home. This may include, but is not limited to:

- (a) parents;
- (b) relatives or fictive kin; or
- (c) resource family.

(4) In-utero exposures: If a newborn is exposed to any substances during pregnancy, all exposures shall be documented in the POC and on the notification of CARA newborn status form when applicable. Documentation of exposures include exposures occurring during the timeframe in which the mother may not have known she was pregnant, and all substance exposures, including, but not limited to illicit and prescription drugs, alcohol, marijuana (medical or recreational),

and medication assisted therapy such as methadone and buprenorphine.

(5) Substance use assessment: The parents, domestic partners and key household members shall also be assessed for substance use disorders. If it is determined they have a substance use disorder, it shall be documented in the POC. If there is substance use present, the parents, domestic partners and key household members shall be offered services to address treatment and recovery goals of each individual. A copy of the POC will be provided to individuals for whom such referrals are made.

(6) Services and referrals: The POC shall also include the services for which the family agrees to be referred as well as services the family is already participating in. If the family declines services in their community, the healthcare professional clearly documents this within the POC. Families shall be informed that they may request a referral for services at a later time, even if they have declined these services during the initial development of the POC, by communicating with their health insurance care coordinator or the CARA navigator(s) whose contact information shall be included on the POC.

(7) Health insurance and care coordinator information: The POC shall identify the managed care organization (MCO) or private insurer that the mother is enrolled with and include contact information for the assigned care coordinator (CC) when known at the initial creation of the POC. The initial POC shall specify if a CC has not yet been assigned or if the family has declined care coordination with their MCO or private insurer. children's medical services (CMS) shall serve as the care coordinator for the newborn if the newborn is uninsured, fee for service exempt (Medicaid), or military if care coordination is unavailable.

(8) Release of information: The POC shall include a release of information that includes

an explanation of the entities with whom the information in the plan may be shared. The parent or designated caregiver completing the initial POC shall sign the document to indicate informed consent for the release of information and referrals included in the plan. A POC shall be considered inactive until it has been signed by the parent or designated caregiver. The individual completing the POC shall document that they reviewed the release of information with the caregivers. Any person or agency receiving information from the POC shall be directed to treat it as a confidential document and only to be used for the purpose of collaboration on this POC. The release of information is valid for two years.

(9) Caregiver acknowledgment of notification to CARA program: The POC shall be submitted to the CARA program at New Mexico children youth and families department and New Mexico department of health per the requirement of the CARA statute, this includes a POC that is unsigned by the caregiver. The health care provider who completes the form with the caregiver shall inform the caregiver of this requirement.

C. When a POC should be completed by and sent to the CARA Navigators: A POC shall be completed by the hospital staff with the parent or designated caregiver prior to the newborn's discharge from the hospital. In the case of births that occur without hospital admission, or when substance exposure has been identified after the newborn's discharge from the hospital, a POC may be created with the parent or designated caregiver by the infant's healthcare provider, or by the assigned insurance care coordinator or the CARA navigator. The POC shall be considered active upon the date of signature of the parent/designated caregiver. The individual who creates the plan with the family shall also sign and date the POC. Once the POC has been signed it shall be sent to the CARA navigators at CYFD and NMDOH by secure transmission or submitted through the CARA portal at



New Mexico healthy families by the provider who has initiated the POC.

**D. Unknown information:** If the individual completing the POC does not have specific information necessary to complete the POC, they shall fill it out to the best of their ability and write unknown where the information is not known. The assigned care coordinator (CC) is responsible for completing the missing information once they receive the POC. If a caregiver declines care coordination, then a provider working with the family will complete the missing information.

**E. Who receives copies of the POC:** The caregiver, relative, guardian, fictive kin or resource family of the newborn, the parents, designated CARA navigators at department of health (DOH) and children, youth and families department (CYFD), the care coordinator (CC), the newborn's primary care provider (PCP), and the referred supportive service providers will each receive a copy of the completed POC.

**F. Duration and Monitoring of Plans of Care:** Once the CC has been assigned and has met with the family, the CC shall contact the newborn's primary care provider (PCP) and other referred providers to ensure that referrals have been received; to provide support for family engagement with the services on the POC; and to ensure that providers have received a copy of the POC as permitted by the release of information (ROI) and informed consent signed by the caregiver. The POC shall remain in place for at least the first year of the child's life and shall remain active if continued services are needed for the child or caregivers after the first year. The implementation of services on the POC shall be monitored by the CC assigned under the newborn's MCO or private insurer; CMS when an infant lacks health insurance or is not eligible for CC; or by a designated CARA navigator or by a designated provider. The delivery of services and family engagement shall be monitored

at the frequency and intensity needed to ensure the safety and well-being of the infant, and to support progress toward achieving the parents' or designated caregivers' expressed objectives for their POC. At one year from the child's birth, a re-assessment of the POC with the family by the assigned CC shall occur and, if necessary, the POC may be extended for a period of time to be determined jointly by the family and assigned CC, by a designated provider, or CARA navigator.

**G. Plan of care modifications:** A POC may be modified in the following situations, including but not limited to when:

(1) there is a change in caregivers during the active POC, the plan shall be adjusted, as needed, based on the new caregivers' location, and identified needs;

(2) a caregiver moves to a different city or town in the state of New Mexico;

(3) reunification of the child with their parents occurs during the first year, the POC shall remain active and can be modified if needed;

(4) the needs of the child have changed;

(5) a child comes into CYFD custody, and the caregiver needs to continue following the POC; or

(6) the needs of the caregiver change.

**H. Notice of transfer of newborn between medical facilities:**

(1) If a newborn is born outside of New Mexico and is a New Mexico resident, and an agreement has been made with that birthing hospital, then the out-of-state hospital shall complete a notification of CARA newborn status to alert the CARA navigators at DOH and CYFD.

(2) If a New Mexico hospital is transferring a newborn to another facility either in-state or out of state, the notification of CARA newborn status shall be sent to the receiving hospital/facility and the CARA Navigators.

(3) For in-state hospital transfers of a newborn, the receiving hospital shall create the POC and should be notified by the transferring hospital.

**I. Late identification of substance use/exposure:** Late identification is when substance use or newborn exposure to substances is not known or identified until the newborn has already been discharged. If late identification occurs:

(1) The notification of CARA newborn status shall be utilized to notify the CARA CYFD and DOH navigators. If the hospital notifies the caregiver of the positive result on the newborn, the hospital shall explain that the CARA navigators shall be notified, and that a CARA navigator shall contact the caregiver to offer a POC for their newborn.

(2) If the CC or another healthcare provider is informed of an exposure following the newborn's discharge from the hospital or birthing facility, they shall inquire if the caregiver has a POC. If not, they shall inform the caregiver of the newborn that the CARA navigators may be notified using the notification of CARA newborn status and may be contacting the caregiver to offer a POC for the child.

**J. Open CYFD case or case needs to be opened:**

(1) When hospital staff or other providers who are involved in creating a POC with the family have concerns about the safety of the newborn upon discharge, the individual shall make a report to CYFD statewide central intake (SCI). The referral to SCI shall be indicated on the POC when known by the professional completing the POC. Upon receipt of a POC, the CYFD CARA navigator shall review if there is current involvement of CYFD protective services with the parent or designated caregiver of the newborn. The CARA navigator shall provide a copy of the POC to assigned CYFD worker when CYFD involvement has been identified. The CARA navigator shall also notify the designated CC of the newborn when

there is an investigation involving the caregiver(s) of the newborn. If the CC has concerns around the safety of the newborn, they shall contact the CYFD worker and the CARA navigators. If the CC or other providers have immediate concerns they shall immediately make a report to the CYFD SCI and notify this is a family that has an active POC.

(2) If a newborn enters CYFD custody after a POC has been created, the POC shall be modified by the CC or the CARA navigator to address the needs of the infant in the new setting. The new POC shall contain the resource family's information and shall be resent to all entities required to receive copies of the POC.

**K. Implementation of the plan of care:** Once the CC has been assigned and has met with the family, the CC shall contact the newborn's primary care provider (PCP) and other referred providers to ensure that referrals have been received and that the provider has a copy of the POC as permitted by the release of information (ROI) and informed consent signed by the caregiver. The CC shall periodically communicate with the family and review the family's engagement with the services on the POC. If the CC is unable to connect with the family and is not able to confirm the newborn is established with a PCP, along with other services, they will inform the CARA navigator, and follow an internal process (within their MCO/ agency) for potentially calling in a report to CYFD SCI.

[8.10.5.9 NMAC – N, 2/22/2022]

**8.10.5.10 ROLES AND RESPONSIBILITIES OF DIFFERENT ENTITIES INVOLVED WITH THE PLAN OF CARE:**

**A.** Children youth and families department (CYFD):

(1) Protective services division (PSD) statewide central intake (SCI): SCI shall complete the following with every hospital provider or call that involves a substance exposed newborn:

(a) Ask the reporter if a POC has been created and if there are any concerns for abuse or neglect of the child;

(b) Ask the reporter if the child is an Indian child or if the family is a member of any tribe. If the child is an Indian child, then SCI cross reports with the identified tribal social services/Indian Child Welfare Act (ICWA) coordinator and notifies the CARA navigator. If the child is an Indian child, then the POC is jointly created with the tribal social services/ ICWA coordinator;

(c) Explain to the provider that if there are concerns any time during the POC or if families disengage from services, the provider may make a report with SCI or consult the CARA navigators to determine next steps. If a family disengages, SCI will utilize their screening tool to further assess if an investigation is needed;

(d) Inform reporters that investigators receive a copy of the POC for families that have open CYFD investigations. If a POC does not exist on an open investigation, SCI shall notify the CARA navigators; and

(e) Inform providers that a SCI report shall be screened in by CYFD only if there is an immediate concern for abuse and neglect. The report shall not be screened in solely on the basis that a parent used substances during pregnancy.

(f) When a SCI supervisor reviews a report involving a CARA POC, they may decide between three different screening options depending on the reported information:

(i) Screen-out: The SCI supervisor may screen out the report when there is not enough information that warrants an investigation.

(ii) Screen-in: The SCI supervisor may screen in the report when there are concerning behaviors or information that warrant an investigation for abuse or neglect.

(iii) Family resource connection (FRC) referral: The SCI supervisor may refer the report to the family resource connections program if the report does not warrant an investigation, however the caregivers may benefit from referrals to services within their community.

(2) Licensed resource families:

(a) Licensed resource families shall ensure the newborn has a primary care provider (PCP) and attends all scheduled appointments for the newborn.

(b) Licensed resource families shall accept care coordination for the newborn and referrals for supportive services as recommended by the CC or PCP.

**B.** The CARA navigators:

(1) are children, youth, and families department (CYFD) or department of health (DOH) employees designated to oversee the CARA program and ensure plans of care are implemented. DOH and CYFD CARA navigators shall collaborate to ensure continuity of care and implementation of the CARA program.

(2) shall receive a copy of either the notification of newborn status form or the POC document for each newborn with substance exposure. If a family has agreed to services on a POC, but declined care coordination by their MCO, private insurer or CMS, the CARA navigator will assist in identifying an individual or agency to support implementation of the plan. When requested by the family, the CARA navigator shall fulfill the role of coordination of the POC.

(3) shall ensure that, if CYFD is involved, the POC is provided to the assigned investigator or other CYFD service provider working with the family.

(4) If, during the implementation of the POC, a CC or service provider has concerns regarding the safety or well-being

of an infant that warrant a report to SCI, that individual shall inform the CARA navigator when a SCI report has been made. If modifications or revisions to the POC need to be made following a CYFD investigation, the CARA navigator shall assist the CYFD investigator or CYFD service provider to make the necessary changes.

(5) If the CARA navigator is notified by the CC that the family is difficult to engage or unable to be reached, and there is no evidence of involvement of the family with other service providers, the CARA navigator shall follow-up with families to support re-engagement. Other instances for check in with families would include modifying plans of care, perform a warm handoff with a service provider, and other situations deemed appropriate that requires family contact.

(6) The CARA navigator shall receive notification of new POC's. The CARA navigator reviews all plans of care for completeness, to assure that PCP is identified, assure that correct insurance is on the plan, and that services referred to are complete. The CARA navigator serves as a consultant to assist with complex medical cases to assure that babies with plans of care are referred to appropriate providers for follow up. The DOH CARA navigator works with the CYFD CARA navigator on follow up for referrals and services on the POC. The CARA navigator will send POC's to MCO's, private insurances and CMS for care coordination, for those providers without access to the portal.

(7) The CARA navigator shall assist in identifying the CC's with the MCOs, CMS and private insurers if the newborn is discharged without notice; and

(8) DOH family health bureau shall collect data relevant to POC's as needed for evaluation and tracking purposes.

(9) CYFD shall collect data relevant to plans of care as needed for evaluation and tracking purposes.

(10) Out of state births: The CARA navigators shall notify the family that the insurance CC will create a POC on newborns that were born out of state and when families have moved to another city or town in New Mexico.

(11) Tribal members: If the newborn or family reside on Tribal land, then the CARA navigator notifies the identified Tribal social services/ICWA coordinator. If the newborn or family are identified tribal members and a report has been made to SCI, the CARA navigator or Tribal liaison shall notify the Tribal social services/ICWA coordinator.

C. Hospitals and birthing centers: Birthing hospitals and birth centers are responsible for ensuring staff are trained in the POC law and processes outlined in Subsection G of Section 32A-3A-13 of NMSA 2020. Hospital staff are responsible for offering a POC for every newborn who qualifies for one. The POC process shall be completed prior to the newborn's discharge from the hospital, which includes sending referrals to service providers for services for which consent has been provided on the POC.

(1) Prior to the offering and creation of the POC, the healthcare professional, social worker or discharge planner shall review with the infant's caregivers the CARA handouts that inform the caregivers what a POC is and what the involvement of CYFD, DOH and the insurance care coordinator (CC) will be.

(2) Hospital staff are responsible for making a referral to the MCO or private insurers for a CC prior to discharge (or a referral to CMS, if the infant is fee for service exempt or uninsured). Hospital staff shall refer to the instructions for each MCO in how to refer for a CC.

(a) If a CC has been assigned prior to the newborn's discharge from the hospital or birthing facility, the POC process shall be completed by collaboration of the caregiver, hospital staff and the assigned CC.

(b) Upon the newborn's discharge, if a CC has not yet been identified, the CARA navigators shall ensure the CC is provided a copy of the POC once assigned.

(c) Over the weekend and holidays: Upon admission and screening of the pregnant individual for substance use disorders, education on the POC shall be done with the family, along with a referral for a CC. Using the secured email links, referral for a CC shall be done and the insurance shall pick up the referral and make an assignment on Monday morning or the next business day, following a weekend or holiday discharge.

(3) If the hospital staff creating the POC does not identify any safety concerns, only a POC is needed. If there is an abuse or neglect concern, hospital staff shall make a report to CYFD SCI while continuing to support the parent(s) or designated caregiver(s) to develop a POC. The POC shall be submitted to the CARA navigators regardless of protective services involvement.

(4) A POC shall be offered with services to every family of a newborn exposed to substances, which includes medication assisted therapy and legal substances such as alcohol, regardless of families declining services or care coordination. The POC shall be integrated into the discharge plan for the mother and newborn. Referrals for services that are accepted are to be sent from the hospital prior to discharge as part of the POC process.

(5) A warm hand off from hospital staff to the CC during hospital stay is considered best practice. A warm hand off shall occur prior to the newborn's discharge either in person or by phone with the CC or identified supportive service provider.

(6) Hospital staff creating the POC shall document services declined or unavailable and current services caregivers are involved in. Further discussion regarding the reason for declining a service shall take place with the



family and shall be documented in the POC.

(7) When a hospital screens a newborn by sending the umbilical cord or meconium for drug testing, the hospital staff is responsible for informing the patient if the results are positive and that the CARA navigator will be notified using notification of CARA newborn status form.

(8) If the hospital notifies the caregiver of the positive result on the newborn, the hospital shall explain that the CARA navigators shall be notified, and that a CARA navigator shall contact the caregiver to offer a POC for their newborn using the notification of CARA newborn status form. When a positive result is received, and the family has been discharged, the notification of CARA newborn status form is to be completed and sent to the CARA navigators.

**D.** Emergency room and out of the hospital deliveries: The hospital staff shall fill out and send a notification of CARA newborn status form to the CARA navigators.

**E.** Medical professionals shall:

(1) participate in CARA training on definitions and evidence-based validated screening tools that shall be used to identify children exposed to substances in utero.

(2) complete the CARA on-line modules on the best practices regarding substance exposed infants and substance use disorder that providers may receive CME/CEU credits for completing.

(3) notify staff who complete a POC when an exposure has been identified by them.

(4) obtain the substance use history and provide education on treatment options.

**F.** Infant's primary care physician (PCP):

(1) PCP's shall receive a copy of the POC from the infant's CC.

(2) If PCP's have concerns regarding the infant related to their exposure, or regarding

the disengagement of the caregivers in the services identified within the POC, they shall notify the CC or CARA navigators. If the PCP has immediate safety concerns, the PCP shall make a report to CYFD SCI.

**G.** MCOs, private insurers, and children's medical services:

(1) Children's medical services (CMS) shall serve as a CC for the newborn if the newborn is uninsured, fee for service exempt or military.

(2) For MCOs and private insurers, the same CC shall be assigned for the mother and newborn. A CC shall be assigned prior to discharge except weekend discharges (which shall be assigned on the Monday morning immediately following the weekend discharge) and have a warm hand off in person or by phone with the family.

(3) If the newborn enters CYFD custody, the assigned PSD worker shall sign a release of information for the CC to work with the resource family.

(4) Care coordination continues after the child reaches one year if services are still needed or if the POC is still being utilized.

(5) The MCOs, private insurers and CMS shall develop an internal quality assurance process to ensure the CCs meet the requirements regarding contact, timeframes, follow up with services and reporting to CARA navigators.

**H.** Care coordinators (CC):

(1) The CC shall send the POC to the newborn's PCP within five business days of receiving notification for a new POC.

(2) If a POC was not completed by the time of the newborn's hospital discharge, the CC shall complete one upon their initial contact.

(3) The CC shall follow their agencies' requirements regarding first face to face contact.

(4) The MCO's CC shall follow a "treat first model" to complete their comprehensive needs assessment (CNA) over the course of four appointments, with a maximum of 90 days to complete the CNA. CMS and private insurers shall follow their regulations and guidelines for assessments.

(5) Once the CC receives the POC, a letter to the caregivers shall be sent to the discharge address provided. The letter outlines the roles and contact information of the CC, DOH, CYFD and service providers to which referrals were made. The CC will contact agencies that referrals were made to on the POC to assure the referral was received. If referral was not received then the CC has permission with the POC/ROI to make the referral if this is on the POC.

(6) CC's shall ensure the newborn's primary care physician receives a copy of the POC.

(7) For families who are difficult to reach, unable to be reached, refuse care coordination, do not engage, disengage with CCs or providers, three attempts shall be made to engage as well as contact the referred supportive service providers and the infant's PCP to discuss their engagement with them prior to contacting the CARA navigators.

(8) CC's shall contact the CARA navigators when a family has moved to another city or town for a new POC to be created.

(9) If the CC has immediate concerns for abuse or neglect, the CC shall make a report to CYFD SCI.

(10) Prior to the MCO/private insurer/CMS CC closing a referral for non-engagement or non-compliance, they shall contact the PCP of the newborn by phone and by mail to notify them on closure.

(11) If a family has refused care coordination from their MCO/private insurer/CMS, the CC shall offer the family a check-in phone call every three months during the first year of the POC.

(12) If the CC has made final attempts to re-engage a family and notified the PCP, they shall then notify the CARA navigators. [8.10.5.10 NMAC – N, 2/22/2022]

**8.10.5.11 TIMELINE FOR ASSIGNMENT OF CC AT MCO AND PRIVATE INSURER LEVEL AND NEWBORN’S PCP:**

A. Caregivers and the newborn shall have an assigned CC prior to the newborns discharge or within 24 to 48 hours after notification to the MCO or private insurer. Caregivers and newborn shall have the same CC when possible.

B. Caregivers shall identify a PCP and schedule appointments for the newborn prior to discharge from the hospital or within 24 hours of discharge. [8.10.5.11 NMAC – N, 2/22/2022]

**8.10.5.12 DISENGAGEMENT FROM SERVICES BY CAREGIVERS:**

If after the POC is in place, the family disengages in services, the CC contacts the CARA navigators and shall follow internal processes regarding a report to SCI. SCI shall perform an assessment to determine if the disengagement warrants a CYFD investigation. [8.10.5.12 NMAC – N, 2/22/2022]

**8.10.5.13 NON-COMPLIANCE BY PROVIDERS:**

A. If a hospital, birthing center, medical professional, MCO, private insurer or other provider is found by the CARA navigators to be out of compliance with the CARA rules, CYFD shall inform the oversight agency of that entity to ensure compliance is ensured.

B. Hospitals and birthing centers shall be considered out of compliance if a newborn is born with a positive substance and the hospital fails to create and submit a POC or fails to submit a notification of CARA newborn status form as required in the event of a transfer of the newborn, a delayed positive identification of substance

exposure (after the newborn has been discharged), or when the family declines the POC. [8.10.5.13 NMAC – N, 2/22/2022]

**HISTORY OF 8.10.5 NMAC: [RESERVED]**

**ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION**

**This is an amendment to 19.15.28 NMAC, Sections 8 and 10, effective February 22, 2022.**

**19.15.28.8 VENTING AND FLARING OF NATURAL GAS:**

A. Venting or flaring of natural gas from a natural gas gathering system that constitutes waste as defined in 19.15.2 NMAC and is prohibited. The operator has a general duty to maximize the gathering of natural gas by minimizing the waste of natural gas through venting and flaring. The operator may vent or flare natural gas only as authorized in Subsection B of 19.15.28.8 NMAC. In all circumstances, the operator shall flare rather than vent natural gas except when flaring is technically infeasible or would pose a risk to safe operations or personnel safety and venting is a safer alternative than flaring.

B. The operator shall not flare or vent natural gas except:

(1) during an emergency or malfunction; or

(2) during the following activities unless prohibited by applicable state and federal law, rule, or regulation for the emission of hydrocarbons and volatile organic compounds:

(a) repair and maintenance, including blowing down and depressurizing equipment to perform repair or maintenance;

(b) normal operation of a gas-activated pneumatic controller or pump;

(c) normal operation of dehydration units and amine treatment units;

(d) normal operation of compressors, compressor engines, and turbines;

(e) normal operation of valves, flanges, and connectors that are not the result of inadequate equipment design or maintenance;

(f) normal operation of a storage tank or other low-pressure production vessel, but not including venting from a thief hatch that is not properly closed or maintained on an established schedule;

(g) gauging or sampling a storage tank or other low-pressure vessel;

(h) loading out liquids from a storage tank or other low-pressure vessel to a transport vehicle;

(i) normal operations of valves, flanges or connectors that are not the result of inadequate equipment design or maintenance;

(j) blow down to repair a gathering pipeline;

(k) pigging a gathering pipeline;

(l) purging a gathering pipeline; or

(m) commissioning of pipelines, equipment, or facilities only for as long as necessary to purge introduced impurities from the pipeline or equipment.

**C. Performance standards.**

(1) The operator shall take all reasonable actions to prevent and minimize leaks and releases of natural gas from a natural gas gathering system and shall implement an operations plan to minimize the waste of natural gas for each non-contiguous natural gas gathering system. The plan should include procedures to reduce leaks and releases, such as a routine maintenance program, cathodic protection, corrosion control,

liquids management and integrity management. The operator shall file its operations plan with the division:

(a) for a natural gas gathering system placed into service after May 25, 2021, within 60 days following the date the natural gas gathering system is placed into service;

(b) for a natural gas gathering system in place on or before May 25, 2021, within 90 days following May 25, 2021; and

(c) for a natural gas gathering system to which the operator added a new gathering pipeline during the calendar year or changed the operations plan, an updated operations plan no later than March 31 of the following year.

(2) During scheduled maintenance, replacement, or repair of a new or existing natural gas gathering system, the operator shall not vent natural gas during blowdown and shall route natural gas to a portable flare stack which complies with the flare stack standards, inspection, and recordkeeping requirements in Subsection E of 19.15.27.8 NMAC.

(3) During unscheduled maintenance, replacement or repair of a new or existing natural gas gathering system, to the extent that it is technically feasible and would not pose a risk to safe operations or personnel safety, the operator shall not vent natural gas during blowdown and shall route natural gas to a portable flare stack which complies with the flare stack standards, inspection and recordkeeping in Subsection E of 19.15.27.8 NMAC.

(4) The operator shall conduct a weekly AVO inspection of the compressors, dehydrators and treatment facilities associated with a natural gas gathering system to confirm those components are operating properly and there are no leaks or releases except as allowed in Subsection B of 19.15.28.8 NMAC.

(a) During an AVO inspection the

operator shall inspect all components, including flare stacks, thief hatches, closed vent systems, pumps, compressors, pressure relief devices, valves, lines, flanges, connectors, and associated piping to identify defects, leaks, and releases by:

(i) comprehensive external visual inspection;

(ii) listening for pressure and liquid leaks; and

(iii) smelling for unusual and strong odors.

(b) The operator shall make and keep a record of an AVO inspection for no less than five years and make such records available for inspection by the division upon request.

(c) Subject to the division's prior written approval, the operator may use a remote or automated monitoring technology to detect leaks and releases in lieu of an AVO inspection.

(5) The operator shall perform an annual monitoring of the entire length of a gathering pipeline using an AVO technique, ALARM technology, aerial visual inspections, or other valid method to detect leaks and releases. The operator shall record and, upon the division's request, report the date and time of the monitoring, the method and technology used. The operator shall retain records of monitoring for at least five years. Personnel conducting inspections shall be knowledgeable on the methods and technology being used.

(6) For facilities constructed after May 25, 2021, facilities shall be designed to minimize waste.

(7) Operators have an obligation to minimize waste and shall resolve emergencies as quickly and safely as is feasible.

**D. Reporting to affected upstream operators.**

(1) No less than 14 days prior to the date of scheduled maintenance, replacement or repair of a natural gas gathering system, the operator shall provide

written notification to each upstream operator whose natural gas is gathered by the system of the date and expected duration that the system will not gather natural gas.

(2) As soon as possible but no more than 12 hours after discovery of an emergency or malfunction, or the need for unscheduled maintenance of a natural gas gathering system, the operator shall provide verbal notification to each upstream operator whose natural gas is gathered by the system of the date and expected duration that the system will not gather natural gas, and shall provide written confirmation of the verbal notification, including the date, time, person, and telephone number to whom verbal notification was given no later than 24 hours after discovery.

(3) The operator shall make and keep a record of each notification for no less than five years and make such records available for inspection by the division upon request.

**E. Measurement or estimation of vented and flared natural gas.**

(1) The operator shall measure or estimate the volume of natural gas that it vents, flares or beneficially uses regardless of the reason or authorization for such venting or flaring.

(2) The operator shall install equipment to measure the volume of natural gas flared from a natural gas gathering system.

(3) Measuring equipment shall conform to an industry standard such as American Petroleum Institute (API) Manual of Petroleum Measurement Standards (MPMS) Chapter 14.10 Measurement of Flow to Flares.

(4) Measuring equipment shall not be designed or equipped with a manifold that allows the diversion of natural gas around the metering element except for the sole purpose of inspecting and servicing the measuring equipment.

(5) If metering is not practicable due to



circumstances such as low flow rate or low pressure venting and flaring, the operator shall estimate the volume of vented or flared natural gas using a methodology that can be independently verified.

**F. Reporting of vented or flared natural gas.**

**(1) Venting or flaring caused by an emergency, a malfunction, or of long duration.**

**(a)** The operator shall notify the division of venting or flaring that exceeds 50 MCF in volume and either results from an emergency or malfunction or lasts eight hours or more cumulatively within any 24-hour period from a single event by filing a form C-129 in lieu of a C-141, except as provided by Subparagraph (d) of Paragraph (1) of Subsection G of 19.15.27.8 NMAC, with the division as follows:

**(i)** for venting or flaring that equals or exceeds 50 MCF but is less than 500 MCF from a single event, notify the division in writing by filing a form C-129 no later than 15 days following discovery or commencement of venting or flaring; or

**(ii)** for venting or flaring that equals or exceeds 500 MCF or otherwise qualifies as a major release as defined in 19.15.29.7 NMAC from a single event, notify the division verbally or by e-mail as soon as possible and no later than 24 hours following discovery or commencement of venting or flaring and provide the information required in form C-129. No later than 15 days following the discovery or commencement of venting or flaring, the operator shall file a form C-129 that verifies, updates, or corrects the verbal or e-mail notification; and

**(iii)** no later than 15 days following the termination of venting or flaring, notify the division by filing a form C-129.

**(b)** The operator shall provide and certify the accuracy of the following information in the form C-129:

- (i)** operator’s name;
- (ii)** name and type of facility;
- (iii)** equipment involved;
- (iv)** compositional analysis of vented or flared natural gas that is representative of the natural gas gathering system;
- (v)** date(s) and time(s) that venting or flaring was discovered or commenced and terminated;
- (vi)** measured or estimated volume of vented or flared natural gas;
- (vii)** cause and nature of venting or flaring;
- (viii)** steps taken to limit the duration and magnitude of venting or flaring; and
- (ix)** corrective actions taken to eliminate the cause and recurrence of venting or flaring.

**(c)** At the division’s request, the operator shall provide and certify additional information by the specified date.

**(d)** The operator shall file a form C-141 instead of a form C-129 for a release which includes liquid during venting or flaring that is or may be a major or minor release under 19.15.29.7 NMAC.

**(2) Monthly reporting of vented and flared natural gas.**

For each natural gas gathering system at which venting or flaring occurred, the operator shall separately report the volume of vented natural gas and the volume of flared natural gas for each month in each category listed below. Beginning October 1, 2021, the operator shall gather data for quarterly reports in a format specified by the division and submit by February 15, 2022 for the fourth quarter of 2021 and May 15, 2022 for the first quarter of 2022. Beginning April 2022, the operator shall submit a form C-115B monthly on or before the 15th day of the second month following the month in which it vented or flared natural gas. The operator shall specify

whether it estimated or measured each reported volume. In filing the initial report, the operator shall provide the methodology (measured or estimated using calculations and industry standard factors) used to report the volumes on the form, and shall report changes in the methodology on future forms. The operator shall make and keep records of the measurements and estimates, including records showing how it calculated the estimates, for no less than five years and make such records available for inspection by the division upon request. The categories are:

- (a)** emergency;
- (b)** non-scheduled maintenance or malfunction, including the abnormal operation of equipment;
- (c)** routine repair and maintenance, including blowdown and depressurization;
- (d)** beneficial use, including pilot and purge gas, fired equipment and engines;
- (e)** gathering pipeline blowdown and purging;
- (f)** gathering pipeline pigging;
- (g)** storage tanks;
- (h)** venting as a result of normal operation of pneumatic controllers and pumps;
- (i)** improperly closed or maintained thief hatches; and
- (j)** other surface waste as defined in Subparagraph (b) of Paragraph (1) of Subsection W of 19.15.2.7 NMAC that is not described above.

**(3) Upon** submittal of the C-115B report, the division will compile and publish on the division’s website an operator’s vented and flared natural gas information for each month on a volumetric and gas capture percentage basis.

**(a)** To calculate the lost natural gas on a

volumetric basis, the operator shall ~~deduct~~ sum the volume of natural gas ~~[used for beneficial use and vented or flared during an emergency, or vented as a result of normal operation of pneumatic controllers and pumps from the volume of natural gas gathered reported on its form C-115B]~~ reported under Subparagraphs (b), (c), (e), (f), (g), (i) and (j) of Paragraph (2) of Subsection F of 19.15.28.8 NMAC.

(b) To calculate the natural gas captured on a percentage basis, the operator shall deduct the volume of lost gas calculated in Subparagraph (a) of Paragraph (3) of Subsection F of 19.15.28.8 NMAC from the total volume of natural gas gathered and divide by the total volume of natural gas gathered.

(4) Upon the New Mexico environment department’s request, the operator shall promptly provide a copy of any form filed pursuant to 19.15.28 NMAC. [19.15.28.8 NMAC – N, 05/25/2021; A, 02/22/2022]

**19.15.28.10 STATEWIDE NATURAL GAS CAPTURE REQUIREMENTS:**

**A. Statewide natural gas capture requirements.** Commencing April 1, 2022, the operator of a natural gas gathering system shall reduce the annual volume of vented and flared natural gas in order to capture no less than ninety-eight percent of the natural gas gathered in each of two reporting areas, one north and one south of the Township 10 North line, by December 31, 2026. The division shall calculate and publish on the division’s website each operator’s baseline natural gas capture rate based on the operator’s fourth quarter 2021 and first quarter 2022 quarterly reports as per Paragraph (2) of Subsection G of 19.15.28.8 NMAC. In each calendar year between January 1, 2022 and December 31, 2026, the operator shall increase its annual percentage of natural gas captured in each reporting area in which it operates based on the following formula: (baseline loss rate minus two percent) divided by five, except that for 2022 only, an operator’s percentage of natural gas captured shall not be less than seventy-five percent of the annual gas capture percentage increase (2022 baseline loss rate minus two percent divided by five times 0.75), and the balance shall be captured in 2023.

(1) The following table provides examples of the formula based on a range of baseline natural gas capture rates.

Baseline Natural Gas Capture Rate	Minimum Required Annual Natural Gas Capture Percentage Increase
90-98%	0-1.6%
80-89%	>1.6-3.6%
70-79%	>3.6-5.6%
0-69%	>5.6-19.6%

(2) If the operator’s baseline capture rate is less than sixty percent, the operator shall submit by the specified date to the division for approval, a plan to meet the minimum required annual capture percentage increase.

(3) An operator’s acquisition or sale of a natural gas gathering system from another operator shall not affect its annual natural gas capture requirements. No later 60 days following the acquisition or sale, the operator may file a written request to the division requesting to modify its annual gas capture percentage requirements for good cause based on its acquisition or sale. The division may approve, approve with conditions, or deny the request in its sole discretion.

(4) Operators that are affiliated shall consolidate their natural gas capture reporting and compliance obligations.

**B. Accounting.** No later than February 28 of each year beginning in 2023, the operator shall submit a report certifying compliance with its statewide gas capture requirements. The operator shall determine compliance with its statewide gas capture requirements by deducting any ALARM credits approved pursuant to this subsection from the aggregated volume of lost gas calculated for each month during the preceding year pursuant to Subparagraph (a) of Paragraph (3) of Subsection F of ~~[19.15.27.8]~~ 19.15.28.8 NMAC, deducting that aggregated volume of lost gas from the aggregated volume of natural gas ~~[produced]~~ gathered for each month during the preceding year, and dividing that volume by the aggregated volume of natural gas ~~[produced]~~ gathered for each month during the preceding year.

(1) An operator that used a division-approved ALARM technology to monitor for leaks and releases may obtain a credit against the volume of lost natural gas if it discovered the leak or release using the ALARM technology, and the operator:

- (a) isolated the leak or release within 48 hours following field verification;
- (b) repaired the leak or release within 15 days following field verification or another date approved by the division;
- (c) timely notified the division by filing a form C-129 or form C-141; and
- (d) used ALARM monitoring technology as a routine and on-going aspect of its waste-reduction practices

(i) For discrete waste-reduction practices such as aerial methane monitoring, the operator must use the technology at least twice per year; and

(ii) for waste-reduction practices such as automated emissions monitoring systems that operate routinely or continuously, the division will determine the required frequency of use.

(e) The division shall publish a list of division-approved ALARM technologies on the division’s website.

(2) An operator may file an application with the division for a credit against its volume of lost natural gas that identifies:

(a) the ALARM technology used to discover the leak or release;

(b) the dates on which the leak or release was discovered, field-verified, isolated, and repaired;

(c) the method used to measure or estimate the volume of natural gas leaked or released;

(d) a description and the date of each action taken to isolate and repair the leak or release;

(e) visual documentation or other verification of discovery, isolation, and repair of the leak or release;

(f) a certification that the operator did not know or have reason to know of the leak or release before discovery using ALARM technology; and

(g) a description of how the operator used ALARM technology as a routine and on-going aspect of its waste-reduction practices.

(3) For each leak or release reported by an operator that meets the requirements of Paragraphs (3) and (4) of Subsection B of 29.15.28.10 NMAC, the division, in its sole discretion, may

approve a credit that the operator can apply against its reported volume of lost natural gas as follows:

(a) a credit of forty percent of the volume of natural gas discovered and isolated within 48 hours of discovery and timely repaired; and

(b) an additional credit of twenty percent if the operator used ALARM technology no less than once per calendar quarter as a routine and on-going aspect of its waste-reduction practices.

(4) A division-approved ALARM credit shall:

(a) be used only by the operator who submitted the application pursuant to Paragraph (2) of Subsection B of 29.15.28.10 NMAC;

(b) not be transferred to or used by another operator, including a parent, subsidiary, related entity or person acquiring the natural gas gathering system;

(c) be used only once; and

(d) expire 24 months after division approval.

(5) The division will publish a list of approved ALARM technology.

**C. Third-party verification.** The division may request that an operator verify any data or information collected or reported pursuant to this part, make recommendations to correct or improve the collection and reporting of data and information, submit a report of the verification and recommendations to the division by the specified date, and implement the recommendations in the manner approved by the division. If the division and the operator cannot reach agreement on the division’s request, the operator may file an application for hearing before the division. The operator, at its own expense, shall retain a third party approved by the division to conduct the activities agreed to by the division and the

operator or ordered by the division following a hearing.  
 [19.15.28.10 NMAC – N, 05/25/2021; A, 02/22/2022]

**HEALTH,  
 DEPARTMENT OF**

**This is an amendment to 7.34.2 NMAC, Section 7, effective 2/22/2022.**

**7.34.2.7 DEFINITIONS:  
 A. Definitions  
 beginning with “A”:**

(1) “Act” means the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 through 26-2B-10, NMSA 1978.

(2) “Adequate supply” means an amount of cannabis, in a form approved by the department possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient’s primary caregiver, that is determined by rule of the department to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three months and that is derived solely from an intrastate source.

(3) “Administrative review committee” means an intra-department committee that reviews qualified patient or primary caregiver application denials [~~licensed producer denials made by the program director, or the summary suspension of a producer’s license,~~] in accordance with department rules. The administrative review committee shall consist of the chief medical officer of the department (or that’s person’s designee); a deputy secretary of the department (or that person’s designee), and the chief nursing officer of the department (or that person’s designee).

(4) “Administrative withdrawal” means the procedure for the voluntary withdrawal of a qualified patient or primary caregiver from the medical cannabis program.

(5) “Advisory board” means the medical cannabis

advisory board consisting of nine practitioners knowledgeable about the medical use of cannabis, who are appointed by the secretary.

(6)

“Applicant” means any person applying for enrollment or re-enrollment in the medical cannabis program as a qualified patient [;] or primary caregiver [or licensed producer].

[ (7) ]

“Approved entity” means a manufacturer, laboratory, or courier.]

**B. Definitions**

beginning with “B”: [RESERVED]

“Batch” means, with regard to usable cannabis, an identified quantity of cannabis no greater than five pounds that is of the same strain of cannabis, that is harvested during the same specified time period from the same specified cultivation area, and with respect to which the same agricultural practices were utilized, including the use of any pesticides; and with regard to concentrated and cannabis-derived product, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.]

**C. Definitions**

beginning with “C”:

(1)

“Cannabis” means [all parts of the plant Cannabis sativa L containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; the sterilized seed of the plant that is

incapable of germination; the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or another product; or hemp.]

(a)

means all parts of the plant Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and

(b)

does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; the sterilized seed of the plant that is incapable of germination; the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or another product; or hemp;

[ (2) ] “Cannabis

consumption area” means an area within a licensed nonprofit producer’s premises that is approved by the department, where cannabis may be consumed by qualified patients, in accordance with department rules.

[ (3) ] (2)

“Cannabis-derived product” or “cannabis product” means [a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp]

(a)

means a product that contains cannabis, including edible or topical products that may also contain other ingredients; and

(b)

does not include the weight of any other ingredient combined with cannabis or cannabis extract to prepare topical or oral administrations, food, drink or another product.

[ (4) ] “Cannabis

establishment” means: (a) a licensed cannabis courier;

(b) a

licensed cannabis testing facility;

(c) a

licensed cannabis manufacturer;

(d) a

licensed non-profit producer; or

(e)

such other person that the department may by rule approve for participation in the medical cannabis program.

[ (5) ] (3) “CBD”

means cannabidiol, a cannabinoid and the primary non-psychoactive ingredient found in cannabis.

[ (6) ] (4) “CBDA”

means cannabidiolic acid, a non-psychoactive ingredient found in cannabis and an acid precursor to CBD.

[ (7) ]

“Concentrated cannabis-derived product (“concentrate”)” means

a cannabis-derived product that is manufactured by a mechanical or chemical process that separates any cannabinoid from the cannabis plant, and that contains (or that is intended to contain at the time of sale or distribution) no less than thirty-percent THC by weight.

(8) “Courier”

means a cannabis courier as defined by the Lynn and Erin Compassionate Use Act, Subsection D of Section 26-2b-3 NMSA 1978, that has been approved by the department specifically to transport usable cannabis and cannabis products within the state of New Mexico from a cannabis establishment to a qualified patient, a primary caregiver, or another cannabis establishment.]

**D. Definitions**

beginning with “D”:

(1)

“Debilitating medical condition”

means:

(a)

cancer;

(b)

glaucoma;

(c)

multiple sclerosis;

(d)

damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;



(e) seizure disorder, including epilepsy;

(f) positive status for human immunodeficiency virus or acquired immune deficiency syndrome;

(g) [admission] admitted into hospice care in accordance with rules promulgated by the department;

(h) amyotrophic lateral sclerosis;

(i) Crohn’s disease;

(j) hepatitis C infection;

(k) Huntington’s disease;

(l) inclusion body myositis;

(m) inflammatory autoimmune-mediated arthritis;

(n) intractable nausea or vomiting;

(o) obstructive sleep apnea;

(p) painful peripheral neuropathy;

(q) Parkinson’s disease;

(r) posttraumatic stress disorder;

(s) severe chronic pain;

(t) severe anorexia or cachexia;

(u) spasmodic torticollis;

(v) ulcerative colitis; or

(w) any other medical condition, medical treatment, or disease as approved by the department which results in pain, suffering, or debility for which there is credible evidence that medical use cannabis could be of benefit.

(2) “Department” means the department of health or its agent.

(3) “Diversion” means the unlawful transfer of a cannabis plant, plant material, or cannabis-derived product.

(4) “Dried usable cannabis” means the dried leaves, flowers, and trim of the female

cannabis plant, but does not include the seeds, stalks, or roots of the cannabis plant.

(5) “Dry weight basis” means a process by which delta-9-tetrahydrocannabinol concentration is measured relative to the aggregate weight of all parts of the plant genus Cannabis, whether growing or not, including the leaves of the plant, the flowers and buds of the plant, the seeds of the plant, the resin of the plant and the stalks of the plant, at the point of harvest and with no moisture added to the harvested plant.

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

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

[“Facility” means any building, space, or grounds licensed for the production, possession, testing, manufacturing, or distribution of cannabis, concentrates, or cannabis-derived products.]

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

H. Definitions beginning with “H”: “Hemp” means the plant cannabis sativa L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis;

I. Definitions beginning with “I”:

(1) “Intrastate” means existing or occurring within the state boundaries of New Mexico.

(2) “Inversion” means the unlawful acquisition of a cannabis plant, plant material, or cannabis-derived product.

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

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

L. Definitions beginning with “L”: “Licensee” means any person licensed by the New Mexico cannabis control division pursuant to the Cannabis Regulation Act, Sections 26-2C-1 through 26-2C-42 NMSA 1978 who is authorized by that license to

sell cannabis to qualified patients, primary caregivers, and reciprocal participants.

(1) — “Laboratory” means a licensed cannabis testing facility as defined in the Lynn and Erin Compassionate Use Act, Subsection I of Section 26-2B-3-NMSA 1978, that has been approved by the department specifically for the testing of cannabis, concentrates, and cannabis-derived products.

(2) — “Laboratory applicant” means a laboratory that seeks to become an approved laboratory, or that seeks renewal of approval as an approved laboratory, in accordance with this rule.

(3) — “Licensed producer” means a person or entity licensed to produce medical cannabis.]

(4) — “Lot” means an identified portion of a batch, that is uniform and that is intended to meet specifications for identity, strength, and composition; or, in the case of a cannabis-derived product or concentrate, an identified quantity produced in a specified period of time in a manner that is uniform and that is intended to meet specifications for identity, strength, and composition.]

M. Definitions beginning with “M”:

(1) — “Male plant” means a male cannabis plant.

(2) — “Manufacture” means to prepare a cannabis.

(3) — “Manufacturer” means a cannabis manufacturer as defined in the Lynn and Erin Compassionate Use Act, Subsection F of Section 26-2B-3-NMSA 1978, that has been approved by the department specifically to manufacture cannabis products; package, transport or courier cannabis products; have cannabis products tested by a cannabis testing facility; purchase, obtain, sell and transport cannabis products to other cannabis establishments; and prepare products for personal production license holders.

(4) — “Mature

**female plant** means a harvestable female cannabis plant that is flowering.

~~(5)~~ **(1) “Medical cannabis program”** means [the administrative body of the department charged with the management of the medical cannabis program and enforcement of program regulations, to include issuance of registry identification cards, licensing of producers, and regulation of manufacturing and distribution] the program established pursuant to the Lynn and Erin Compassionate Use Act for authorization and regulation of the medical use of cannabis in the state.

~~(6)~~ **(2) “Medical cannabis program director”** means the administrator of the medical cannabis program who holds that title.

~~(7)~~ **(3) “Medical director”** means a medical practitioner designated by the department to determine whether the medical condition of an applicant qualifies as a debilitating medical condition eligible for enrollment in the program, and to perform other duties.

~~(8)~~ **(4) “Medical provider certification for patient eligibility form”** means a written certification form provided by the medical cannabis program signed by a patient’s practitioner that, in the practitioner’s professional opinion, the patient has a debilitating medical condition as defined by the act or this part and would be anticipated to benefit from the use of cannabis.

~~(9)~~ **(5) “Minor”** means an individual who is less than 18 years of age.

**N. Definitions beginning with “N”:** **“Non-profit producer”** means a New Mexico corporation that has been designated as a non-profit corporation by the New Mexico secretary of state, that has been licensed by the department to possess, produce, dispense, distribute and manufacture cannabis and cannabis products and sell wholesale or by direct sale to qualified patients and primary caregivers.] **[RESERVED]**

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

**P. Definitions beginning with “P”:**  
**(1)**

**“Paraphernalia”** means any equipment, product, or material of any kind that is primarily intended or designed for use in compounding, converting, processing, preparing, inhaling, or otherwise introducing cannabis or its derivatives into the human body.

**(2) “Patient enrollment/re-enrollment form”** means the registry identification card application form for patient applicants provided by the medical cannabis program.

~~(3)~~  
**“Permanent structure”** means a building or structure that is placed on the land for the foreseeable future that is anchored to a permanent foundation, that is roofed and walled, and which requires a building permit from a local and or state governing authority.

~~(4)~~  
**“Personal production license”** means a license issued to a qualified patient or to a qualified patient’s primary caregiver participating in the medical cannabis program to permit the qualified patient or the qualified patient’s primary caregiver to produce cannabis for the qualified patient’s use at an address approved by the department.

~~(5)~~  
**“Pesticide”** means a pesticide as defined by the New Mexico Pesticide Control Act, Section 76-4-3, NMSA 1978.

~~(6)~~ **(3) “Petitioner”** means any New Mexico resident or association of New Mexico residents petitioning the advisory board for the inclusion of a new medical condition, medical treatment, or disease to be added to the list of debilitating medical conditions that qualify for the use of cannabis.

~~(7)~~  
**“Plant”** means any cannabis plant, cutting, or clone that has roots or that is cultivated with the intention of growing roots.

~~(8)~~  
**“Policy”** means a written statement of principles that guides and determines present and future decisions and actions of the licensed producer.]

~~(9)~~ **(4) “Practitioner”** means a person licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act, Sections 30-31-1 *et seq.*, NMSA 1978.

~~(10)~~ **(5) “Primary caregiver”** means a resident of New Mexico who is at least 18 years of age and who has been designated by the qualified patient or their representative and the patient’s practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978.

~~(11)~~ **(6) “Primary caregiver application form”** means the registry identification card application form provided by the medical cannabis program.

~~(12)~~  
**“Private entity”** means a private, non-profit organization that applies to become or is licensed as a producer and distributor of cannabis, concentrates, or cannabis-derived products.

~~(13)~~  
**“Produce”** means to engage in any activity related to the planting or cultivation of cannabis.

~~(14)~~  
**“Proficiency testing”** means testing conducted by the department or its agent to determine the ability of a laboratory applicant or approved laboratory to accurately identify presence, quantity, or other factors pertaining to a given analyte.]

**Q. Definitions beginning with “Q”:** **“Qualified patient”** means [a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received a registry identification card issued pursuant to the requirements of the



act or department rules] a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification and a registry identification card pursuant to the Lynn and Erin Compassionate Use Act on the basis of having been diagnosed, in person or via telemedicine, by a practitioner as having a debilitating medical condition.

**R. Definitions**

**beginning with “R”:**

**(1) “Recall”**

means to request the return of a product after the discovery of a safety issue or product defect.

**(2)**

“**Reciprocal limit**” means the quantity of cannabis and cannabis products that a reciprocal participant can use and possess in a given year pursuant to department rule.

**(3)**

“**Reciprocal participant**” means [an individual who holds proof of authorization to participate in the medical cannabis program of another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo] a person who is not a resident of New Mexico and who holds proof of enrollment by a governmental regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a governmental regulatory authority of a New Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program;

**(4) “Registry identification card”**

means [a document issued and owned by the department which identifies a qualified patient authorized to engage in the use of cannabis for a debilitating medical condition or a document issued by the department which identifies a primary caregiver authorized to engage in the intrastate possession and administration of

cannabis for the sole use of the qualified patient] a document in printed or electronic form that the department issues:

**(a)**

to a qualified patient that identifies the bearer as a qualified patient and authorizes the qualified patient to use cannabis for a debilitating medical condition; or

**(b)**

to a primary caregiver that identifies the bearer as a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of a qualified patient who is identified on the document.

**(5)**

“**Representative**” means an individual designated as the applicant’s or petitioner’s agent, guardian, surrogate, or other legally appointed or authorized health care decision maker.

**S. Definitions**

**beginning with “S”:**

**[(1)]**

“**Secretary**” means the secretary of the New Mexico department of health.

**[(2)] “Secure**

**grounds”** means a facility that provides a safe environment to avoid loss or theft.

**(3) “Security**

**alarm system”** means any device or series of devices capable of alerting law enforcement, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device used to detect or report an emergency or unauthorized intrusion.

**(4) “Security**

**policy”** means the instruction manual or pamphlet adopted or developed by the licensed producer containing security policies, safety and security procedures, and personal safety and crime prevention techniques.

**(5) “Seedling”**

means a cannabis plant that has no flowers and that is less than 12 inches in height, as measured vertically in the plant’s natural position from the

uppermost part of the root system (or from the soil line, if the plant is planted in soil) to the tallest point of the plant.

**(6)**

“**Segregate**” means to separate and withhold from use or sale batches, lots, cannabis, usable cannabis, or cannabis-derived products in order to first determine its suitability for use through testing by an approved laboratory.]

**T. Definitions**

**beginning with “T”:**

**(1) “THC”**

means tetrahydrocannabinol, a [cannabinoid] substance that is the primary psychoactive ingredient in cannabis.

**[(2)] “THCA”**

means tetrahydrocannabinolic acid, a non-psychoactive ingredient in cannabis and an acid precursor to THC.

**[(3)] (2) “Technical**

**evidence”** means scientific, clinical, medical, or other specialized testimony, or evidence, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing.

**[(4)] (3)**

“**Telemedicine**” means the use of telecommunications and information technology to provide clinical health care from a site apart from the site where the patient is located, in real time or asynchronously, including the use of interactive simultaneous audio and video or store-and-forward technology, or off-site patient monitoring and telecommunications in order to deliver health care services.

**[(5)] “Testing”**

means testing of cannabis and cannabis-derived products, consistent with provisions of this rule.]

**U. Definitions**

**beginning with “U”:**

**(1) “Unit”**

means a quantity of usable cannabis, concentrate, or cannabis-derived product that is used in identifying the maximum supply that a qualified patient may possess for purposes of department rules.

(2) **“Usable cannabis”** means the dried leaves and flowers of the female cannabis plant and cannabis-derived products, including concentrates, but does not include the seeds, stalks, or roots of the plant.

**V. Definitions beginning with “V”:** [RESERVED]

**W. Definitions beginning with “W”:**

(1) **“Wastage”** means the destruction of usable cannabis or cannabis plants;

(2) **“Written certification”** means a statement made on a department-approved form and signed by a patient’s practitioner that indicates, in the practitioner’s professional opinion, that the patient has a debilitating medical condition and the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the patient.

**X. Definitions beginning with “X”:** [RESERVED]

**Y. Definitions beginning with “Y”:** [RESERVED]

**Z. Definitions beginning with “Z”** [RESERVED] [7.34.2.7 NMAC - Rp, 7.34.2.7 NMAC, 2/27/2015; A, 2/29/2016; A, 8/27/2019; A, 6/23/2020; A, 2/22/2022]

**HEALTH,  
DEPARTMENT OF**

**This is an amendment to 7.34.3 NMAC, Sections 7 through 11, 13, 19 and 22, effective 2/22/2022.**

**7.34.3.7 DEFINITIONS:**

**A. Definitions beginning with “A”:**

(1) **“Act”** means the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 through 26-2B-10, NMSA 1978.

(2) **“Adequate supply”** means an amount of cannabis, in a form approved by the department possessed by a qualified patient or collectively possessed by a qualified patient and the qualified

patient’s primary caregiver, that is determined by rule of the department to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three months and that is derived solely from an intrastate source.

(3) **“Administrative review committee”**

means an intra-department committee that reviews qualified patient or primary caregiver application denials [; licensed producer denials made by the program director, or the summary suspension of a producer’s license;] in accordance with department rules. The administrative review committee shall consist of the chief medical officer of the department (or that’s person’s designee); a deputy secretary of the department (or that person’s designee), and the chief nursing officer of the department (or that person’s designee).

(4) **“Administrative withdrawal”** means the procedure for the voluntary withdrawal of a qualified patient or primary caregiver from the medical cannabis program.

(5) **“Advisory board”** means the medical cannabis advisory board consisting of nine practitioners knowledgeable about the medical use of cannabis, who are appointed by the secretary.

(6) **“Applicant”** means any person applying for enrollment or re-enrollment in the medical cannabis program as a qualified patient or primary caregiver [or licensed producer].

(7) **“Approved entity”** means a manufacturer, laboratory, or courier.]

**B. Definitions beginning with “B”:** **“Batch”** means, with regard to usable cannabis, an identified quantity of cannabis no greater than five pounds that is of the same strain of cannabis, that is harvested during the same specified time period from the same specified cultivation area, and with respect to which the same agricultural practices were utilized, including the use of any pesticides; and with regard

to concentrated and cannabis-derived product, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.] **[RESERVED]**

**C. Definitions beginning with “C”:**

(1) **“Cannabis”** means: [all parts of the plant Cannabis sativa L containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; the sterilized seed of the plant that is incapable of germination; the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or another product; or hemp.]

(a) means all parts of the plant Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and

(b) does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; the sterilized seed of the plant that is incapable of germination; the weight

of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or another product; or hemp.

**(2) “Cannabis consumption area”** means an area within a licensed nonprofit producer’s premises that is approved by the department, where cannabis may be consumed by qualified patients, in accordance with department rules.

**(3) (2) “Cannabis-derived product” or “cannabis product”** means [a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp]

**(a)** means a product that contains cannabis, including edible or topical products that may also contain other ingredients; and

**(b)** does not include the weight of any other ingredient combined with cannabis or cannabis extract to prepare topical or oral administrations, food, drink or another product.

**(4) “Cannabis establishment”** means:

- (a)** a licensed cannabis courier;
- (b)** a licensed cannabis testing facility;
- (c)** a licensed cannabis manufacturer;
- (d)** a licensed non-profit producer; or
- (e)**

such other person that the department may by rule approve for participation in the medical cannabis program.

**(5) (3) “CBD”** means cannabidiol, a cannabinoid and the primary non-psychoactive ingredient found in cannabis.

**(6) (4) “CBDA”** means cannabidiolic acid, a non-psychoactive ingredient found in cannabis and an acid precursor to CBD.

**(7) “Concentrated cannabis-derived product (“concentrate”)** means a cannabis-derived product that is manufactured by a mechanical or chemical process that separates

any cannabinoid from the cannabis plant, and that contains (or that is intended to contain at the time of sale or distribution) no less than thirty-percent THC by weight.

**(8) “Courier”** means a cannabis courier as defined by the Lynn and Erin Compassionate Use Act, Subsection D of Section 26-2b-3 NMSA 1978, that has been approved by the department specifically to transport usable cannabis and cannabis products within the state of New Mexico from a cannabis establishment to a qualified patient, a primary caregiver, or another cannabis establishment.]

**D. Definitions beginning with “D”:**

**(1) “Debilitating medical condition”**

- means:
- (a)** cancer;
  - (b)** glaucoma;
  - (c)** multiple sclerosis;
  - (d)** damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;
  - (e)** seizure disorder, including epilepsy;
  - (f)** positive status for human immunodeficiency virus or acquired immune deficiency syndrome;
  - (g)** [admission] admitted into hospice care in accordance with rules promulgated by the department;
  - (h)** amyotrophic lateral sclerosis;
  - (i)** Crohn’s disease;
  - (j)** hepatitis C infection;
  - (k)** Huntington’s disease;
  - (l)** inclusion body myositis;
  - (m)** inflammatory autoimmune-mediated arthritis;
  - (n)** intractable nausea or vomiting;

- (o)** obstructive sleep apnea;
- (p)** painful peripheral neuropathy;
- (q)** Parkinson’s disease;
- (r)** posttraumatic stress disorder;
- (s)** severe chronic pain;
- (t)** severe anorexia or cachexia;
- (u)** spasmodic torticollis;
- (v)** ulcerative colitis; or
- (w)**

any other medical condition, medical treatment, or disease as approved by the department which results in pain, suffering, or debility for which there is credible evidence that medical use cannabis could be of benefit.

**(2) “Department”** means the department of health or its agent.

**(3) “Diversion”** means the unlawful transfer of a cannabis plant, plant material, or cannabis-derived product.

**(4) “Dried usable cannabis”** means the dried leaves, flowers, and trim of the female cannabis plant, but does not include the seeds, stalks, or roots of the cannabis plant.

**(5) “Dry weight basis”** means a process by which delta-9-tetrahydrocannabinol concentration is measured relative to the aggregate weight of all parts of the plant genus Cannabis, whether growing or not, including the leaves of the plant, the flowers and buds of the plant, the seeds of the plant, the resin of the plant and the stalks of the plant, at the point of harvest and with no moisture added to the harvested plant.

**E. Definitions beginning with “E”:** [RESERVED]

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

[“Facility” means any building, space, or grounds licensed for the production, possession, testing, manufacturing, or distribution of cannabis, concentrates, or cannabis-derived products.]

**G. Definitions**  
beginning with “G”: [RESERVED]

**H. Definitions**  
beginning with “H”: “Hemp” means the plant cannabis sativa L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis;

**I. Definitions**  
beginning with “I”:

(1)  
“Intrastate” means existing or occurring within the state boundaries of New Mexico.

(2)  
“Inversion” means the unlawful acquisition of a cannabis plant, plant material, or cannabis-derived product.

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

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

**L. Definitions**  
beginning with “L”: “Licensee” means any person licensed by the New Mexico Cannabis Control Division pursuant to the Cannabis Regulation Act, Sections 26-2C-1 through 26-2C-42 NMSA 1978, who is authorized by that license to sell cannabis to qualified patients, primary caregivers, and reciprocal participants.

(1) —  
“Laboratory” means a licensed cannabis testing facility as defined in the Lynn and Erin Compassionate Use Act, Subsection I of Section 26-2B-3 NMSA 1978, that has been approved by the department specifically for the testing of cannabis, concentrates, and cannabis-derived products:

(2) —  
“Laboratory applicant” means a laboratory that seeks to become an approved laboratory, or that seeks renewal of approval as an approved laboratory, in accordance with this rule:

(3) — “Licensed producer” means a person or entity licensed to produce medical cannabis:

(4) — “Lot” means an identified portion of a batch, that is uniform and that is intended to meet specifications for identity,

strength, and composition; or, in the case of a cannabis-derived product or concentrate, an identified quantity produced in a specified period of time in a manner that is uniform and that is intended to meet specifications for identity, strength, and composition.]

**M. Definitions**  
beginning with “M”:

(1) — “Male plant” means a male cannabis plant:

(2) —  
“Manufacture” means to prepare a cannabis:

(3) —  
“Manufacturer” means a cannabis manufacturer as defined in the Lynn and Erin Compassionate Use Act, Subsection F of Section 26-2B-3 NMSA 1978, that has been approved by the department specifically to manufacture cannabis products; package, transport or courier cannabis products; have cannabis products tested by a cannabis testing facility; purchase, obtain, sell and transport cannabis products to other cannabis establishments; and prepare products for personal production license holders:

(4) — “Mature female plant” means a harvestable female cannabis plant that is flowering:

(5) (1) “Medical cannabis program” means [the administrative body of the department charged with the management of the medical cannabis program and enforcement of program regulations, to include issuance of registry identification cards, licensing of producers, and regulation of manufacturing and distribution] the program established pursuant to the Lynn and Erin Compassionate Use Act for authorization and regulation of the medical use of cannabis in the state.

(6) (2) “Medical cannabis program director” means the administrator of the medical cannabis program who holds that title.

(7) (3) “Medical director” means a medical practitioner designated by the department to determine whether the medical condition of an applicant

qualifies as a debilitating medical condition eligible for enrollment in the program, and to perform other duties.

(8) (4) “Medical provider certification for patient eligibility form” means a written certification form provided by the medical cannabis program signed by a patient’s practitioner that, in the practitioner’s professional opinion, the patient has a debilitating medical condition as defined by the act or this part and would be anticipated to benefit from the use of cannabis.

(9) (5) “Minor” means an individual who is less than 18 years of age.

**N. Definitions**  
beginning with “N”: [RESERVED]  
[“Non-profit producer” means a New Mexico corporation that has been designated as a non-profit corporation by the New Mexico secretary of state, that has been licensed by the department to possess, produce, dispense, distribute and manufacture cannabis and cannabis products and sell wholesale or by direct sale to qualified patients and primary caregivers.]

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

**P. Definitions**  
beginning with “P”:

(1)  
“Paraphernalia” means any equipment, product, or material of any kind that is primarily intended or designed for use in compounding, converting, processing, preparing, inhaling, or otherwise introducing cannabis or its derivatives into the human body.

(2) “Patient enrollment/re-enrollment form” means the registry identification card application form for patient applicants provided by the medical cannabis program.

(3) —  
“Permanent structure” means a building or structure that is placed on the land for the foreseeable future that is anchored to a permanent foundation, that is roofed and walled, and which requires a building permit from a local and or state governing authority:



~~(4)~~ **“Personal production license”** means a license issued to a qualified patient or to a qualified patient’s primary caregiver participating in the medical cannabis program to permit the qualified patient or the qualified patient’s primary caregiver to produce cannabis for the qualified patient’s use at an address approved by the department.

~~(5)~~ **“Pesticide”** means a pesticide as defined by the New Mexico Pesticide Control Act, Section 76-4-3, NMSA 1978:.]

~~(6)~~ **(3)** **“Petitioner”** means any New Mexico resident or association of New Mexico residents petitioning the advisory board for the inclusion of a new medical condition, medical treatment, or disease to be added to the list of debilitating medical conditions that qualify for the use of cannabis.

~~(7)~~ **“Plant”** means any cannabis plant, cutting, or clone that has roots or that is cultivated with the intention of growing roots.

~~(8)~~ **“Policy”** means a written statement of principles that guides and determines present and future decisions and actions of the licensed producer.]

~~(9)~~ **(4)** **“Practitioner”** means a person licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act, Sections 30-31-1 *et seq.*, NMSA 1978.

~~(10)~~ **(5)** **“Primary caregiver”** means a resident of New Mexico who is at least 18 years of age and who has been designated by the qualified patient or their representative and the patient’s practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978.

~~(11)~~ **(6)** **“Primary caregiver application**

**form”** means the registry identification card application form provided by the medical cannabis program.

~~(12)~~ **“Private entity”** means a private, non-profit organization that applies to become or is licensed as a producer and distributor of cannabis, concentrates, or cannabis-derived products.

~~(13)~~ **“Produce”** means to engage in any activity related to the planting or cultivation of cannabis.

~~(14)~~ **“Proficiency testing”** means testing conducted by the department or its agent to determine the ability of a laboratory applicant or approved laboratory to accurately identify presence, quantity, or other factors pertaining to a given analyte.]

**Q. Definitions beginning with “Q”:** **“Qualified patient”** means [a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received a registry identification card issued pursuant to the requirements of the act or department rules] a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification and a registry identification card pursuant to the Lynn and Erin Compassionate Use Act on the basis of having been diagnosed, in person or via telemedicine, by a practitioner as having a debilitating medical condition.

**R. Definitions beginning with “R”:**

**(1) “Recall”** means to request the return of a product after the discovery of a safety issue or product defect.

**(2)** **“Reciprocal limit”** means the quantity of cannabis and cannabis products that a reciprocal participant can use and possess in a given year pursuant to department rule.

**(3)** **“Reciprocal participant”** means [an individual who holds proof of authorization to participate in

the medical cannabis program of another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo] a person who is not a resident of New Mexico and who holds proof of enrollment by a governmental regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a governmental regulatory authority of a New Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program;

**(4) “Registry identification card”** means [a document issued and owned by the department which identifies a qualified patient authorized to engage in the use of cannabis for a debilitating medical condition or a document issued by the department which identifies a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of the qualified patient] a document in printed or electronic form that the department issues:

**(a)** to a qualified patient that identifies the bearer as a qualified patient and authorizes the qualified patient to use cannabis for a debilitating medical condition; or

**(b)** to a primary caregiver that identifies the bearer as a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of a qualified patient who is identified on the document.

**(5)** **“Representative”** means an individual designated as the applicant’s or petitioner’s agent, guardian, surrogate, or other legally appointed or authorized health care decision maker.

**S. Definitions beginning with “S”:**

~~(1)~~ **“Secretary”**  
means the secretary of the New Mexico department of health.

~~(2)~~ **“Secure grounds”** means a facility that provides a safe environment to avoid loss or theft.

~~(3)~~ **“Security alarm system”** means any device or series of devices capable of alerting law enforcement, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device used to detect or report an emergency or unauthorized intrusion.

~~(4)~~ **“Security policy”** means the instruction manual or pamphlet adopted or developed by the licensed producer containing security policies, safety and security procedures, and personal safety and crime prevention techniques.

~~(5)~~ **“Seedling”**  
means a cannabis plant that has no flowers and that is less than 12 inches in height, as measured vertically in the plant’s natural position from the uppermost part of the root system (or from the soil line, if the plant is planted in soil) to the tallest point of the plant.

~~(6)~~ **“Segregate”** means to separate and withhold from use or sale batches, lots, cannabis, usable cannabis, or cannabis-derived products in order to first determine its suitability for use through testing by an approved laboratory.]

**T. Definitions beginning with “T”:**

(1) **“THC”**  
means tetrahydrocannabinol, a [cannabinoid] substance that is the primary psychoactive ingredient in cannabis.

~~(2)~~ **“THCA”**  
means tetrahydrocannabinolic acid, a non-psychoactive ingredient in cannabis and an acid precursor to THC.]

~~(3)~~ (2) **“Technical evidence”** means scientific, clinical, medical, or other specialized testimony, or evidence, but does

not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing.

(4) (3) **“Telemedicine”** means the use of telecommunications and information technology to provide clinical health care from a site apart from the site where the patient is located, in real time or asynchronously, including the use of interactive simultaneous audio and video or store-and-forward technology, or off-site patient monitoring and telecommunications in order to deliver health care services.

~~(5)~~ **“Testing”**  
means testing of cannabis and cannabis derived products, consistent with provisions of this rule.]

**U. Definitions beginning with “U”:**

(1) **“Unit”**  
means a quantity of usable cannabis, concentrate, or cannabis-derived product that is used in identifying the maximum supply that a qualified patient may possess for purposes of department rules.

(2) **“Usable cannabis”** means the dried leaves and flowers of the female cannabis plant and cannabis-derived products, including concentrates, but does not include the seeds, stalks, or roots of the plant.

**V. Definitions beginning with “V”:** [RESERVED]

**W. Definitions beginning with “W”:**

~~(1)~~ **“Wastage”**  
means the destruction of usable cannabis or cannabis plants;

~~(2)~~ **“Written certification”** means a statement made on a department-approved form and signed by a patient’s practitioner that indicates, in the practitioner’s professional opinion, that the patient has a debilitating medical condition and the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the patient.

**X. Definitions beginning with “X”:** [RESERVED]

**Y. Definitions beginning with “Y”:** [RESERVED]

**Z. Definitions beginning with “Z”** [RESERVED]  
[7.34.3.7 NMAC - Rp, 7.34.3.7 NMAC, 2/27/2015; A, 2/29/2016; A, 8/27/2019; A, 6/23/2020; A, 2/22/2022]

**7.34.3.8 QUALIFYING DEBILITATING MEDICAL CONDITIONS:**

**A. Statutorily-approved conditions:** As of the date of promulgation of this rule, specific qualifying debilitating medical conditions, diseases, and treatments (“qualifying conditions”) identified in the Lynn and Erin Compassionate Use Act, Subsection B of Section 26-2B-3 NMSA 1978, include:

- (1) cancer;
- (2) glaucoma;
- (3) multiple sclerosis;
- (4) damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;
- (5) seizure disorder, including epilepsy;
- (6) positive status for human immunodeficiency virus or acquired immune deficiency syndrome;
- (7) admission into hospice care in accordance with rules promulgated by the department.
- (8) amyotrophic lateral sclerosis (Lou Gehrig’s disease);
- (9) Crohn’s disease;
- (10) hepatitis C infection;
- (11) Huntington’s disease;
- (12) inclusion body myositis;
- (13) inflammatory autoimmune-mediated arthritis: each individual applying to the program for enrollment shall submit medical records that confirm the diagnosis of inflammatory autoimmune-mediated arthritis;
- (14) intractable nausea/vomiting;

(15) obstructive sleep apnea;

(16) painful peripheral neuropathy: application to the medical cannabis program shall be accompanied by medical records that confirm the objective presence of painful peripheral neuropathy;

(17) Parkinson’s disease;

(18) post-traumatic stress disorder (PTSD): each individual applying to the program for enrollment shall submit medical records that confirm a diagnosis of PTSD meeting the diagnostic criteria of the current *diagnostic and statistical manual of mental disorders*;

(19) severe chronic pain:

(a) objective proof of the etiology of the severe chronic pain shall be included in the application; and

(b) a practitioner familiar with the patient’s chronic pain shall provide written certification that the patient has an unremitting severe chronic pain condition;

(20) severe anorexia/cachexia;

(21) spasmodic torticollis (cervical dystonia); and

(22) ulcerative colitis.

**B. Department-approved conditions:** The department finds that the following additional qualifying conditions result in pain, suffering, or debility for which there is credible evidence that the medical use of cannabis could be of benefit, through the alleviation of symptoms, and the department accordingly approves these conditions as qualifying debilitating medical conditions for the participation of a qualified patient or primary caregiver in the medical cannabis program. The department-approved conditions include:

- (1) autism spectrum disorder;
- (2) Friedreich’s ataxia;

- (3) Lewy body disease;
- (4) spinal muscular atrophy;
- (5) Alzheimer’s disease;
- (6) opioid use disorder;
- (7) such other conditions as the secretary may approve.

**C. Additional application requirements:** A patient shall submit with the patient’s application a written certification from the patient’s practitioner which shall attest:

- (1) to the diagnosis of the medical condition;
- (2) that the condition is debilitating; and
- (3) that potential risks and benefits of the use of medical cannabis for the condition have been discussed with the patient, in accordance with this rule; a patient who applies on the basis of having a department-approved condition may also be required to satisfy additional eligibility criteria, as specified in this rule.

**D. Annual [submittal-requirements] written certification requirement:** Pursuant to the Lynn and Erin Compassionate Use Act, Section 26-2B-7.1 NMSA 1978, in order to remain eligible for participation in the medical cannabis program, [A] a qualified patient shall submit annually to the department, and at least 30 calendar days prior to the annual certification date printed on their card, [on a department-approved form;] a statement from a practitioner on a department approved form [indicating that:]. The annual written certification shall be attested by the certifying practitioner no more than 90 days prior to submission of the certification to the department. The certification shall indicate the following:

- (1) the practitioner has examined the qualified patient during the preceding 12 months;
- (2) the qualified patient continues to have a debilitating medical condition; and

(3) the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified patient.

**E. Modification or removal of department-approved conditions:** The secretary may remove or modify a department-approved condition only if the secretary determines, on the basis of substantial credible medical and scientific evidence, and after an opportunity for review of the proposed removal or modification by the medical advisory board, that the use of cannabis by patients who have the approved condition would more likely than not result in substantial harm to the patients’ health. [7.34.3.8 NMAC - N, 2/27/2015; A, 2/29/2016; A, 8/27/2019; A, 2/22/2022]

**7.34.3.9 QUANTITY OF USABLE CANNABIS THAT MAY BE POSSESSED BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER:**

**A. Maximum quantity:** A qualified patient and a qualified patient’s primary caregiver may collectively [possess] purchase within any three-month period a quantity of usable cannabis no greater than [230] 425 total units. For purposes of department rules, this quantity is deemed an adequate supply. (For ease of reference: [230] 425 units is equivalent to [230] 425 grams, or approximately [eight] 15 ounces, of dried usable cannabis plant material.) [~~A qualified patient and primary caregiver may also possess cannabis seeds.~~] A qualified patient and a primary caregiver may possess the amounts of cannabis permitted in accordance with the Cannabis Regulation Act, Sections 26-2C-1 through 26-2C-42 NMSA 1978. Once commercial cannabis sales are authorized by the cannabis control division to begin in accordance with Subsection K of Section 26-2C-6 NMSA 1978, qualified patients and primary caregivers will be able to make commercial purchases above the

adequate supply limit, in accordance with the Cannabis Regulation Act.

**B. Calculation of units:** For purposes of department rules, one unit of usable cannabis shall consist of one gram of the dried leaves and flowers of the female cannabis plant, or 0.2 grams (200 milligrams) of THC for cannabis-derived products.

~~**C. Medical exception:** A greater quantity of usable cannabis, not to exceed 15 additional units, may be allowed, at the department's discretion, upon the submission of a statement by a medical practitioner explaining why a greater number of units of usable cannabis is medically necessary. Any such allowance shall be reviewed for approval by the program's medical director.~~  
[7.34.3.9 NMAC - N, 2/27/2015; A, 8/27/2019; A, 2/22/2022]

**7.34.3.10 QUALIFIED PATIENT AND PRIMARY CAREGIVER REGISTRY IDENTIFICATION CARD APPLICATION REQUIREMENTS:**

**A.** The department shall issue a registry identification card to an applicant for the purpose of participating in the medical cannabis program upon the written certification of the applicant's practitioner and supporting application documents. Certifications from certifying providers must be obtained within 90 calendar days prior to the expiration of the patient's registry identification card.

**B.** The department may require the submittal of a recent photograph from a patient applicant and primary caregiver applicant.

**C.** The following information shall be provided in (or as an attachment to) the participant enrollment form submitted to the department in order for a registry identification card to be obtained and processed. An attached original medical provider certification for patient eligibility form shall contain:

(1) the name, address, and telephone number of the practitioner;

(2) the practitioner's clinical licensure;

(3) the patient applicant's name and date of birth;

(4) the medical justification for the practitioner's certification of the patient's debilitating medical condition, which shall include but not be limited to a statement that, in the practitioner's professional opinion, the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh health risks for the patient;

(5) an attestation that the practitioner's primary place of practice is located within the state of New Mexico;

(6) the practitioner's signature and the date;

(7) the name, address, and date of birth of the applicant;

(8) the name, address, and telephone number of the applicant's practitioner;

(9) a legible photocopy of the applicant's New Mexico driver's license or comparable state of New Mexico issued photo identification card verifying New Mexico residence;

(10) documented parental consent, if applicable, to the applicant;

(11) the applicant's debilitating medical condition;

(12) the length of time the applicant has been under the care of the practitioner providing the medical provider certification for patient eligibility;

(13) the applicant's signature and date; and

(14) a signed consent for release of medical information related to the patient's debilitating medical condition, on a form provided by the medical cannabis program.

**D. Qualified minor:**

The department shall issue a registry identification card to an applicant under the age of 18 for the purpose of participating in the medical cannabis program upon the medical provider

certification for patient eligibility from the applicant's practitioner and supporting application documents required under this rule. The qualified minor parental consent form shall require the following information to be provided:

(1) written documentation that the applicant's practitioner has explained the potential risks and benefits of the use of cannabis to both the applicant and parent or representative of the applicant; and

(2) written consent of the applicant's parent or legal representative to:

(a) allow the applicant's use of cannabis and cannabis-derived products;

(b) serve as the applicant's primary caregiver; and

(c) control the acquisition of the cannabis, dosage, and the frequency of the use of cannabis and cannabis-derived products by the applicant.

**E. Primary caregiver:**

The department shall issue a registry identification card to a primary caregiver applicant for the purpose of managing the well-being of up to four qualified patients pursuant to the requirements of this rule upon the completion and approval of the primary caregiver application form available from the medical cannabis program. In order for a registry identification card to be obtained and processed, the following information shall be submitted to the medical cannabis program:

(1) New Mexico driver's license or comparable state of New Mexico issued photo identification card verifying that the applicant is at least 18 years of age and is a resident of New Mexico;

(2) written approval by each qualified patient, and written approval by at least one certifying practitioner for each qualified patient, authorizing the primary caregiver's responsibility for managing the well-being of the patient(s) with respect to the medical use of cannabis;



(3) the name(s), address(es), telephone number(s), and date of birth(s) of the qualified patient(s);

(4) the name, address, and telephone number of each qualified patient’s practitioner;

(5) the name, address, and telephone number of the applicant primary caregiver;

(6) an attestation from the primary caregiver applicant that he or she is a resident of the state of New Mexico; and

(7) the applicant primary caregiver’s signature and the date [; and].

~~(8) — documentation of completed nationwide and statewide background checks conducted within six months of the application submission date.~~

~~F. Primary caregiver application requirements: Criminal history screening requirements.]~~

~~(1) — All primary caregiver applicants are required to consent to a nationwide and statewide department of public safety (DPS) criminal history screening background check. All applicable application fees associated with the nationwide and statewide criminal history screening background check shall be paid by the primary caregiver applicant.~~

~~(2) — Individuals convicted of a felony violation of Section 30-31-20, 30-31-21, or 30-31-22 NMSA 1978, or a violation of any equivalent out-of-state statute in any jurisdiction are prohibited from serving as a primary caregiver. If an applicant has been convicted of a felony violation of Section 30-31-1 et seq. NMSA 1978, other than Sections 30-31-20 through 30-31-22, and the final completion of the entirety of the associated sentence of such felony conviction has been less than three years from the date of the applicant’s application as a primary caregiver, then the applicant is prohibited from being a primary caregiver. The applicant and qualified patient shall be notified of his or her disqualification from being a primary caregiver. If the applicant has been convicted of~~

~~more than one felony violation of Section 30-31-1 et seq. NMSA 1978 or a violation of an equivalent out-of-state statute in any jurisdiction, the applicant and qualified patient shall be notified that the applicant is permanently prohibited from being a primary caregiver and cannot be issued a medical use cannabis registry identification card.]~~

~~[G.] E. Primary caregiver requirements:~~

~~(1) A primary caregiver applicant shall be a resident of New Mexico.~~

~~(2) A qualified patient’s primary caregiver shall be permitted to obtain and transport medical cannabis from a licensed nonprofit to the qualified patient.~~

~~(3) The primary caregiver of a qualified patient who holds a personal production license may assist the qualified patient to produce medical cannabis at the designated licensed location, identified on the personal production license.~~

~~(4) A qualified patient shall only reimburse their primary caregiver for the cost of travel, supplies, or utilities associated with the possession of medical cannabis, or cannabis-derived products by the primary caregiver for the qualified patient. No other cost associated with the possession of medical cannabis, or cannabis-derived products by the primary caregiver for the qualified patient, including the cost of labor, shall be reimbursed or paid. All medical cannabis or cannabis-derived products possessed by a primary caregiver for a qualified patient are the property of the qualified patient.~~

~~(5) A qualified patient shall notify the medical cannabis program in the event that the qualified patient ceases to retain the services of a primary caregiver. A primary caregiver shall promptly dis-enroll from the medical cannabis program at the time that the primary caregiver’s services are no longer used by a qualified patient in their care.~~

~~[H.] G. Certifying practitioner requirements:~~

(1) A patient may not be certified by a practitioner who is related to the patient within the second degree of consanguinity or the first degree of affinity, including a spouse, child, stepchild, parent, step-parent, sibling, grandparent, mother-in-law, father-in-law, son-in law, or daughter-in-law of the patient.

(2) A practitioner’s primary place of practice must be located within the state of New Mexico in order for the practitioner to certify a patient’s eligibility.

(3) In order to certify a patient’s application, a practitioner must have an actual physician-client relationship with the applicant or qualified patient. A practitioner shall conduct an in-person physical or mental evaluation of the applicant or qualified patient prior to issuing a certification. A practitioner may only issue a written certification on the basis of an evaluation conducted via telemedicine if the practitioner has previously examined the patient in person.

(4) A practitioner may be prohibited from certifying patient applications for:

- (a) failure to comply with any provision of this rule;
- (b) falsification of any material or information submitted to the department;
- (c) threatening or harming an employee of a producer, a medical practitioner, a patient, or an employee of the department; or

(d) any determination by the practitioner’s licensing body that practitioner has engaged in unprofessional or dishonorable conduct.

~~[I.] H. Continuing education of certifying practitioners:~~ The department encourages certifying practitioners to obtain at least two continuing medical education credit hours annually related to the medicinal use of cannabis.

[7.34.3.10 NMAC - Rp, 7.34.3.9 NMAC, 2/27/2015; A, 8/27/2019; A, 2/22/2022]

**7.34.3.11 REGISTRY IDENTIFICATION CARDS:**

**A. Department inquiry:**

(1) The department may verify information on each application and accompanying documentation by the following methods:

(a) contacting each applicant by telephone or mail, or if proof of identity is uncertain, by requiring a face-to-face meeting, and the production of additional identification materials;

(b) when applicable, contacting a minor's parent or legal representative;

(c) contacting the New Mexico medical board, the New Mexico board of nursing, board of pharmacy, or other licensing agencies to verify that the practitioner is licensed to practice and prescribe controlled substances in New Mexico and is in good standing; and

(d) contacting the practitioner to obtain further documentation to verify that the applicant's medical diagnosis and medical condition qualify the applicant for enrollment in the medical cannabis program.

(2) The department shall approve or deny an application within 30 calendar days of receipt of the completed application. A request by the department for additional information shall toll this period until such time as the requested information is received.

**B. Department registry identification card:** The department shall issue a registry identification card within five business days of approving an application. A registry identification card shall include the name, address, and date of birth of the qualified patient and primary caregiver (if any), the date of issuance and expiration [;] date of the registry identification

card, and a code maintained by the program which identifies the qualified patient or primary caregiver. Unless renewed at an earlier date, suspended, or revoked, a registry identification card shall be valid for a period of three years from the date of issuance and shall expire at midnight on the day indicated on the registry identification card as the expiration date. A registry identification card is the property of the department, and shall be returned to the department upon the disenrollment, suspension, or revocation of a qualified patient or primary caregiver, and upon a change of address, or change of a qualified patient's primary caregiver.

**C. Supplemental information requirement:** A qualified patient or primary caregiver who possesses a registry identification card shall notify the department of any change in the person's name, address, qualified patient's primary caregiver, or change in status of the qualified patient's debilitating medical condition, within 10 calendar days of the change. Failure to provide notification of any change may result in the immediate revocation of the registry identification card and all lawful privileges provided under the act.

**D. Registry identification card application denial:** The medical director or designee shall deny an initial application if the application fails to satisfy any requirement of this rule, if the applicant fails to provide the information required, if the department determines that the information provided is false, if the patient does not have a debilitating medical condition eligible for enrollment in the program as determined by the medical director, or if the applicant's certifying provider(s) determine(s) that the use of cannabis by the patient would more likely than not be detrimental to the patient's health. The medical director or designee may also deny an application if the applicant has threatened or harmed an employee of a [producer] licensee, a medical practitioner, a patient, or an employee

of the department. A person whose application has been denied shall not reapply for six months from the date of the denial, unless otherwise authorized by the department, and is prohibited from all lawful privileges provided by this rule and act. A person whose application as a qualified patient or primary caregiver has been denied for failure to complete an application or failure to meet a submittal requirement of this rule may request a record review to be conducted by the medical cannabis program.

**E. Registry identification card renewal application:** Each registry identification card issued by the department [~~is valid for~~] shall expire three years [~~from~~] after the date of issuance. A qualified patient or primary caregiver shall apply for a registry identification card renewal no less than 30 calendar days prior to the expiration date of the existing registry identification card in order to prevent interruption of possession of a valid (unexpired) registry identification card. Certifications from certifying providers must be obtained within 90 calendar days prior to the submission of the application.

**F. Non-transferable registration of registry identification card:** A registry identification card shall not be transferred by assignment or otherwise to other persons. Any attempt shall result in the immediate revocation of the registry identification card and all lawful privileges provided by this rule and act.

**G. Automatic expiration of registry identification card by administrative withdrawal:** Upon request of the qualified patient or primary caregiver, the qualified patient or primary caregiver may discontinue the medical cannabis program by an administrative withdrawal. A qualified patient or primary caregiver that intends to seek an administrative withdrawal shall notify the licensing authority no later than 30 calendar days prior to withdrawal and return the proof of registry identification to the program.

**H. Lost or stolen registry identification card:**

The qualified patient or primary caregiver shall report a lost or stolen registry identification card to the medical cannabis program within five business days after discovery. Upon notification and receipt of the *information change or replacement card* form provided by the medical cannabis program, the medical cannabis program manager or designee shall issue a new registry identification card. The patient or primary caregiver shall verify the accuracy of all documentation in the most recent application. Unless documentation in the most recent application has changed, the qualified patient or primary caregiver shall not be required to submit a new application.  
[7.34.3.11 NMAC - Rp, 7.34.3.10 NMAC, 2/27/2015; A, 8/27/2019; A, 2/22/2022]

**7.34.3.13 POSSESSION OF USABLE CANNABIS:**

**A.** A qualified patient or primary caregiver shall ensure that that all cannabis, cannabis-derived products, and paraphernalia are kept secure and out of reach of children.

**B.** A qualified patient and primary caregiver shall ensure that all cannabis and cannabis-derived products that are purchased from a licensed non-profit producer remain in the package or container provided by the non-profit entity when not in use. If the package or container is damaged, the product label and any other identifying information from the package or container shall be kept and remain with the cannabis or cannabis-derived product upon transfer to another package or container.

~~C.~~ A qualified patient or primary caregiver may transfer cannabis and cannabis derived products to an approved laboratory for testing purposes.]

[7.34.3.13 NMAC - N, 2/27/2015; A, 02/22/2022]

**7.34.3.19 DISPOSAL OF UNUSED CANNABIS:** Unused cannabis, concentrate, or cannabis-

derived product in the possession of a qualified patient [or] , primary caregiver, or reciprocal participant that is no longer needed for the [patient's] needs of the patient or reciprocal participant may be disposed of by transporting the unused portion to a state or local law enforcement office, [or] by destroying the unused cannabis, or by transferring, without financial consideration, to a person who is 21 years of age or older not more than the amount of cannabis lawfully purchased and obtained pursuant to the Medical Cannabis Program or the Cannabis Regulation Act. [Transfer to a nonprofit entity is prohibited.]

[7.34.3.19 NMAC - Rp, 7.34.3.17 NMAC, 2/27/2015; A, 8/27/2019; A, 2/22/2022]

**7.34.3.22 RECIPROCITY:**

Beginning July 1, 2020, an individual who holds proof of authorization to participate in the medical cannabis program of another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo may lawfully purchase a quantity of cannabis that does not exceed the reciprocal limit identified in this section. A reciprocal participant may possess the amounts of cannabis permitted in accordance with the Cannabis Regulation Act, Sections 26-2C-1 through 26-2C-42 NMSA 1978. Once commercial cannabis sales are authorized by the cannabis control division to begin in accordance with Subsection K of Section 26-2C-6 NMSA 1978, a reciprocal participant will be able to make commercial purchases above the reciprocal limit, in accordance with the Cannabis Regulation Act. A qualified patient may not be registered or participate as a reciprocal participant in the New Mexico medical cannabis program.

**A. Reciprocal participation:**

**(1) General requirements:** A reciprocal participant:

**(a)** may participate in the medical

cannabis program in accordance with department rules:

**(b)** shall not be required to comply with the registry identification card application and renewal requirements established pursuant to this section and department rules:

**(c)** shall at all times possess proof of authorization to participate in the medical cannabis program of another state, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo and shall present proof of that authorization when purchasing cannabis from a licensee; and

**(d)** shall register with a licensee for the purpose of tracking sales to the reciprocal participant in an electronic system specified by the cannabis control division of the regulation and licensing department that is accessible to the department of health.

**(2) Minors:**

In the event that a reciprocal participant is a minor, the reciprocal participant may not purchase cannabis, but may have cannabis purchased on their behalf by the minor's parent or legal guardian who holds proof of authorization to purchase cannabis on the minor's behalf that was issued by another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo.

**(3) Residency requirements:**

**(a) Non-residents:** A person who is not a resident of New Mexico may participate in the medical cannabis program as a reciprocal participant, provided that the reciprocal participant's place of residence is consistent with their place of enrollment. (For example: a Colorado resident shall not be registered or otherwise participate as a reciprocal participant on the basis that he or she is enrolled in the medical cannabis program of a state or other jurisdiction other than Colorado.)



(b)  
**New Mexico residents:** A New Mexico resident who is not a member of a New Mexico Indian nation, tribe, or pueblo shall not participate in the medical cannabis program as a reciprocal participant, but may pursue enrollment as a qualified patient in accordance with rule 7.34.3 NMAC. A member of a New Mexico Indian nation, tribe or pueblo medical cannabis program may participate as a reciprocal participant, provided that the individual has proof of authorization to participate in the New Mexico Indian nation, tribe or pueblo’s medical cannabis program.

**B. Reciprocal limit:** A reciprocal participant may collectively possess within any three-month period a quantity of usable cannabis no greater than 425 total units. For purposes of department rules, this quantity is deemed the reciprocal limit. (For ease of reference: 425 units is equivalent to 425 grams, or approximately 15 ounces, of dried usable cannabis plant material.)

**C. Registration:** At the time of registration, a reciprocal participant shall sign a registration form acknowledging that they understand the requirements of participation in the program, including but not limited to acknowledging the time and quantity limits for reciprocal participation under this rule, as well as the state and federal prohibitions against the transport of cannabis across state and international boundaries.

**D. Proof of authorization:** Proof of authorization to participate in the medical cannabis program of another jurisdiction (an “originating jurisdiction”) shall consist of a card or other physical document issued by a governmental entity authorized by law to enroll the applicant in the medical cannabis program in the originating jurisdiction. For purposes of reciprocal participation in the New Mexico medical cannabis program, permission from a medical practitioner shall not in itself be deemed proof of authorization to

participate in the medical cannabis program of another jurisdiction, but shall be accompanied by a card or other proof of enrollment issued by an authorized governmental entity of the originating jurisdiction. (For example, a written letter from a physician authorizing the individual to participate in the California medical cannabis program shall not be deemed proof of authorization for the purpose of participating in the New Mexico medical cannabis program.)

**E. Compliance with rule requirements:** Noncompliance with the requirements of this rule may result in the suspension or revocation by the department of a reciprocal participant’s registration and ability to participate reciprocally in the New Mexico medical cannabis program. [7.34.3.22 NMAC - N, 2/22/2022]

**HEALTH,  
 DEPARTMENT OF**

**This is an amendment to 7.34.4 NMAC, Section 28 effective 2/22/2022.**

**7.34.4.28 [RECIPROCALITY:]** Beginning July 1, 2020, an individual who holds proof of authorization to participate in the medical cannabis program of another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo may lawfully purchase and possess cannabis, provided that the quantity of cannabis does not exceed the reciprocal limit identified in this section. A qualified patient may not be registered or participate as a reciprocal participant in the New Mexico medical cannabis program.

**A. Reciprocal participation:**  
(1) General requirements: A reciprocal participant:  
(a) may participate in the medical cannabis program in accordance with department rules;

(b)  
 shall not be required to comply with the registry identification card application and renewal requirements established pursuant to this section and department rules;

(c)  
 shall at all times possess proof of authorization to participate in the medical cannabis program of another state, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo and shall present proof of that authorization when purchasing cannabis from a licensee; and

(d)  
 shall register with a licensed non-profit producer for the purpose of tracking sales to the reciprocal participant in an electronic system specified by the department.

(2) Minors:  
 In the event that a reciprocal participant is a minor, a licensed non-profit producer shall not sell or transfer cannabis to the minor, but may sell or transfer cannabis to a parent or legal guardian of the minor who holds proof of authorization to purchase cannabis on the minor’s behalf that was issued by another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo.

(3) Residency requirements:

(a)  
**Non-residents:** A person who is not a resident of New Mexico may participate in the medical cannabis program as a reciprocal participant, provided that the reciprocal participant’s place of residence is consistent with their place of enrollment. (For example: a Colorado resident shall not be registered or otherwise participate as a reciprocal participant on the basis that he or she is enrolled in the medical cannabis program of a state or other jurisdiction other than Colorado.)

(b)  
**New Mexico residents:** A New Mexico resident who is not a member



of a New Mexico Indian nation, tribe, or pueblo shall not participate in the medical cannabis program as a reciprocal participant, but may pursue enrollment as a qualified patient in accordance with rule 7.34.3 NMAC. A member of a New Mexico Indian nation, tribe or pueblo medical cannabis program may participate as a reciprocal participant, provided that the individual has proof of authorization to participate in the New Mexico Indian nation, tribe or pueblo's medical cannabis program.

**B. Reciprocal**

**limit:** A reciprocal participant may collectively possess within any three-month one year period a quantity of usable cannabis no greater than 230 total units. For purposes of department rules, this quantity is deemed the reciprocal limit. (For ease of reference: 230 units is equivalent to 230 grams, or approximately eight ounces, of dried usable cannabis plant material.)

**C. Registration;**

**verification; tracking:** A licensed non-profit producer shall require the submittal of a reciprocal participant's contact information for registration purposes, to include the individual's full name, date of birth, mailing address, and the enrollment number specified in the individual's medical cannabis program enrollment card (if applicable); and shall record that information in an electronic tracking system specified by the department.

**(1)**

The licensed non-profit producer shall confirm the accuracy of a reciprocal participant's contact information prior to each transaction.

**(2)**

A licensed non-profit producer that registers a reciprocal participant or that sells or transfers cannabis or a cannabis product to a reciprocal participant shall first verify the reciprocal participant's identity by viewing-comparing the individual's proof of authorization from the other state, territory or tribe, [and also viewing] to the reciprocal participant's government-issued photo identification card, and verifying that the information, including but

not limited to place of residence, is consistent.

**(3)**

A licensed non-profit producer that sells or otherwise transfers cannabis or a cannabis product to a reciprocal participant shall track the sale or transfer using an electronic system specified for that purpose by the department.

**(4)**

A licensed non-profit producer shall not register an employee or board member of the producer as a reciprocal participant.

**(5)**

At the time of registration, a licensed non-profit producer shall electronically upload a copy of the reciprocal participant's proof of authorization, and a copy of the reciprocal participant's government issued photo identification which indicates the person's place of residence, into the electronic tracking system specified by the department.

**(6)**

A licensed non-profit producer shall ensure that the individual registering as a reciprocal participant is not already registered as a reciprocal participant or a qualified patient in the New Mexico medical cannabis program, before entering registration information for the individual. Registration of a reciprocal participant who was previously registered may result in disciplinary action in accordance with this rule.

**(7)**

At the time of registration, a licensed non-profit producer shall ensure that the reciprocal participant signs the participant's registration in the electronic tracking system specified by the department and acknowledges that they understand the requirements of participation in the program, including but not limited to acknowledging the time and quantity limits for reciprocal participation under this rule, as well as the notice concerning state and federal prohibitions against the transport of cannabis across state and international boundaries. A licensed non-profit producer shall ensure that the acknowledgment is signed by the reciprocal participant, and is not substituted by the signature of

another person. A licensed non-profit producer that fails to comply with these requirements may be subject to disciplinary action in accordance with this rule.

**D. Proof of authorization:**

Proof of authorization to participate in the medical cannabis program of another jurisdiction (an "originating jurisdiction") shall consist of a card or other physical document issued by a governmental entity authorized by law to enroll the applicant in the medical cannabis program in the originating jurisdiction. For purposes of reciprocal participation in the New Mexico medical cannabis program, permission from a medical practitioner shall not in itself be deemed proof of authorization to participate in the medical cannabis program of another jurisdiction, but shall be accompanied by a card or other proof of enrollment issued by an authorized governmental entity of the originating jurisdiction. (For example, a written letter from a physician authorizing the individual to participate in the California medical cannabis program shall not be deemed proof of authorization for the purpose of participating in the New Mexico medical cannabis program.)

**E. Refusal of service:**

A non-profit producer that reasonably suspects that either a person's proof of authorization or identification card is falsified may refuse to dispense cannabis to that individual.

**F. Informational materials:**

At the time of a sale or transfer of cannabis to a reciprocal participant, a non-profit producer shall provide informational materials to the reciprocal participant that include, at a minimum, a notice of the time and quantity limits for reciprocity under this section, and a notice concerning state and federal prohibitions against the transport of cannabis across state and international boundaries.]

**[RESERVED]**

[7.34.4.28 NMAC - Rp. 7.34.4.28 NMAC, 6/23/2020; A, 10/8/2020; A, 3/23/2021; Repealed, 2/22/2022]

**PUBLIC EDUCATION DEPARTMENT**

At a public hearing on November 12, 2021, the Public Education Department agreed to repeal 6.29.11 NMAC, Social Studies, filed 6/30/2009, and replace it with 6.29.11 NMAC, Social Studies, adopted 2/10/2022 and effective 02/22/2022.

**PUBLIC EDUCATION DEPARTMENT**

**TITLE 6 PRIMARY AND SECONDARY EDUCATION  
CHAPTER 29 STANDARDS FOR EXCELLENCE  
PART 11 SOCIAL STUDIES**

**6.29.11.1 ISSUING AGENCY:** Public Education Department, hereinafter the department.

[6.29.11.1 NMAC – Rp, 6.29.11.1 NMAC, 2/22/2022]

**6.29.11.2 SCOPE:** All public schools, state educational institutions, and educational programs conducted in state institutions other than New Mexico military institute.

[6.29.11.2 NMAC - Rp, 6.29.11.2, 2/22/2022]

**6.29.11.3 STATUTORY AUTHORITY:** Sections 9-24-8, 22-2-1, 22-2-2, and 22-2C-3 NMSA 1978.

[6.29.11.3 NMAC - Rp, 6.29.11.3 NMAC, 2/22/2022]

**6.29.11.4 DURATION:** Permanent.

[6.29.11.4 NMAC - Rp, 6.29.11.4 NMAC, 2/22/2022]

**6.29.11.5 EFFECTIVE DATE:** February 22, 2022, unless a later date is cited at the end of a section.

[6.29.11.5 NMAC – Rp, 6.29.11.5 NMAC, 2/22/2022]

**6.29.11.6 OBJECTIVE:** This rule establishes the academic

content and performance standards for social studies for grades kindergarten through 12. The social studies standards include six strands: (1) civics, (2) economics and personal financial literacy, (3) geography, (4) history, (5) ethnic, cultural, and identity studies, and (6) inquiry. The strands are organized by anchor standard, which are the core ideas that establish what students should understand and be able to do, with increasing complexity. Anchor standards consist of performance indicators, which are concise, written descriptions of what students are expected to know and be able to do in a specific grade or course.

[6.29.11.6 NMAC - Rp, 6.29.11.6 NMAC, 2/22/2022]

**6.29.11.7 DEFINITIONS: [RESERVED]**

**6.29.11.8 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR KINDERGARTEN:**

**A. Civics.**

**(1)** The student shall demonstrate an understanding of processes, rules, and laws by:

**(a)** communicating the purpose of rules; and

**(b)** explaining how the rules help us work together.

**(2)** The student shall demonstrate an understanding of civic dispositions and democratic principles by identifying the local, state, and national symbols (e.g. flag, bird, song).

**(3)** The student shall demonstrate an understanding of roles and responsibilities of a civic life by:

**(a)** identifying the consequences of following and not following rules; and

**(b)** identifying authority figures and describing their roles.

**B. Economics and personal financial literacy.**

**(1)** The student shall demonstrate an understanding of incentives and choices by distinguishing between a basic need (e.g. food, clothing, shelter) and a want.

**(2)** The student shall demonstrate an understanding of money and markets by:

**(a)** identifying examples of goods and services; and

**(b)** explaining what scarcity is and how scarcity affects the accessibility of goods and services.

**(3)** The student shall demonstrate an understanding of personal financial literacy by recognizing personal finance choices people make.

**C. Geography.**

**(1)** The student shall demonstrate an understanding of geographic representations and reasoning by, with prompting and support, creating maps of familiar areas (e.g. classroom, school, community), that include labels.

**(2)** The student shall demonstrate an understanding of location, place, and region by:

**(a)** recognizing and identifying signs and symbols around their town and community, including the location of places, people, and objects; and

**(b)** identifying the differences and similarities between a globe and a map, and explaining the purpose of the two.

**(3)** The student shall demonstrate an understanding of movement, population, and systems by explaining why and how people move from place to place within a community.

**D. History.**

**(1)** The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by comparing traditions found in communities over time.

(2) The student shall demonstrate an understanding of power dynamics, leadership, and agency by demonstrating an awareness of community leaders (e.g. teacher, principal, mayor, tribal leaders).

**E. Ethnic, cultural, and identity studies.** The student shall demonstrate an understanding of diversity and identity by:

(1) sequencing important events in the student’s life;

(2) identifying how individuals are similar and different;

(3) communicating a positive view of themselves and identifying some of their group identities;

(4) describing ways they are similar and different from people who share their identities, and people who do not;

(5) exploring their personal history, culture, and past; and

(6) with support, learning about current contributions of people in their main identity groups.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by, with prompting and support:

(a) recognizing a compelling question; and

(b) identifying the relationship between compelling and supporting questions.

(2) The student shall demonstrate an understanding of communicating and critiquing conclusions by, with prompting and support, constructing responses to compelling questions using examples.

(3) The student shall demonstrate an understanding of taking informed action by:

(a) taking group or individual action to

help address local, regional, or global problems or issues; and

(b) participating in deliberative and democratic procedures to make decisions about, and act on, civic problems or issues in their classrooms.

[6.29.11.8 NMAC - Rp, 6.29.11.8 NMAC, 2/22/2022]

**6.29.11.9 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR FIRST GRADE:**

**A. Civics.** The student shall demonstrate an understanding of the roles and responsibilities of a civic life by explaining and providing examples of how people play important roles in society.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of incentives and choices by examining choices that families make in purchasing general goods and identifying costs associated with those choices.

(2) The student shall demonstrate an understanding of money and markets by examining decisions people make about spending and saving money.

(3) The student shall demonstrate an understanding of personal financial literacy by:

(a) identifying examples of producers and consumers; and

(b) examining how earning money through work is related to the purchase of goods and services.

**C. Geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) creating geographic representations to identify the location of familiar places and demonstrate how these representations can help us navigate from one place to the next, provide directions, or trace important routes;

(b) identifying the common symbols used on maps for human-made structures and physical features; and

(c) using a variety of maps to locate specific places, and identify major landforms, bodies of water, and other places of significance around the United States.

(2) The student shall demonstrate an understanding of location, place, and region by explaining how human-made structures are all examples of how people modify the physical environment to meet needs and wants.

(3) The student shall demonstrate an understanding of human-environmental interactions and sustainability by explaining how people interact with their physical environment in ways that may have a positive or a negative effect on natural resources.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by comparing life in New Mexico in the past to life in New Mexico today.

(2) The student shall demonstrate an understanding of historical thinking by:

(a) comparing fact and opinion in stories and narratives from the past; and

(b) demonstrating chronological thinking by distinguishing among past, present, and future using family, school, or community events.

(3) The student shall demonstrate an understanding of critical consciousness and perspectives by examining and identifying cultural differences within their community.

**E. Ethnic, cultural, and identity studies.**

(1) The student shall demonstrate an understanding of diversity and identity by:

(a) explaining how groups of people believe different things and live in unique ways; and

(b) explaining how student and individual identities are part of what makes each person unique and special.

(2) The student shall demonstrate an understanding of identity in history by investigating significant events, people, and observances in history, and discussing their effects on local and national communities.

(3) The student shall demonstrate an understanding of community equity building by investigating how people work together to accomplish a common task, and how working together benefits and challenges people.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) recognizing a compelling question; and

(b) generating supporting questions related to compelling questions within a variety of social studies topics.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by interacting with a variety of primary and secondary sources.

(3) The student shall demonstrate an understanding of communicating and critiquing conclusions by constructing responses to compelling questions using examples.

(4) The student shall demonstrate an understanding of taking informed action by:

(a) taking group or individual action to help address local, regional, or global problems or issues; and

(b) using deliberative and democratic

procedures to make decisions about, and act on, civic problems or issues in their classrooms.  
[6.29.11.9 NMAC – Rp, 6.29.11.9 NMAC, 2/22/2022]

**6.29.11.10 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR SECOND GRADE:**

**A. Civics.**

(1) The student shall demonstrate an understanding of processes, rules, and laws by:

(a) evaluating how American society has changed through rules and laws; and

(b) understanding the purposes and structures of government (e.g. tribal, local, state, national).

(2) The student shall demonstrate an understanding of civic dispositions and democratic principles by:

(a) assessing how the contributions of diverse individuals have helped develop our national identity; and

(b) examining and comparing the American democratic principles to neighboring countries.

(3) The student shall demonstrate an understanding of the roles and responsibilities of a civic life by examining and understanding the various qualities of leadership.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of economic decision-making by:

(a) examining how consumers react to changes in the prices of goods and how this influences economic decision-making and the use of money; and

(b) exploring how communities share resources and services with other communities.

(2) The student shall demonstrate an

understanding of economic systems and models by investigating what resources are available in their community, how available resources differ in communities, and what resources are obtained from neighboring communities.

(3) The student shall demonstrate an understanding of personal financial literacy by:

(a) identifying different types of jobs performed in the community;

(b) assessing priorities when making financial decisions; and

(c) classifying financial goals as short-term or long-term.

**C. Geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) using maps, identifying and locating the United States, Canada, and Mexico as the countries that make up North America; and

(b) identifying and locating the bordering states to New Mexico and understanding that New Mexico is in the southwest.

(2) The student shall demonstrate an understanding of location, place, and region by:

(a) comparing the human and physical characteristics of two regions in the United States; and

(b) generating a description for their region of the United States by identifying unique features.

(3) The student shall demonstrate an understanding of movement, population, and systems by listing at least three different waves of migration to the western hemisphere in chronological order.

(4) The student shall demonstrate an understanding of human-environmental interactions and



sustainability by describing ways in which individuals and groups use or conserve natural resources.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

- (a) describing events in North America that illustrate how people from diverse cultural groups aimed to work through conflicts to solve a problem;
- (b) comparing diverse world communities to local communities in terms of members, customs, and traditions; and
- (c) demonstrating chronological thinking by distinguishing among years and decades using a timeline of local and national events.

(2) The student shall demonstrate an understanding of critical consciousness and perspectives by:

- (a) identifying and comparing the diverse North American cultural groups of the past and today; and
- (b) evaluating the effects of people, goods, and ideas that diffused from one community to other communities and their impact.

**E. Ethnic, cultural, and identity studies.**

(1) The student shall demonstrate an understanding of diversity and identity by:

- (a) expressing a positive view of themselves while demonstrating respect and empathy for others; and
- (b) describing ways people are similar and different from people who share identities, and people who do not.

(2) The student shall demonstrate an understanding of community equity building by demonstrating respect for the feelings of people who are similar and different from the student.

**F. Inquiry.**

(1) The

student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) explaining why a compelling question is important; and

(b) generating supporting questions related to compelling within a variety of social studies topics.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by, with support, determining if a source is primary or secondary.

(3) The student shall demonstrate an understanding of communicating and critiquing conclusions by, with support, constructing responses to compelling questions using reasoning, examples, and relevant details.

(4) The student shall demonstrate an understanding of taking informed action by:

- (a) taking group or individual action to help address local, regional, or global problems or issues; and
- (d) using deliberative and democratic procedures to make decisions about, and act on, civic problems or issues in their classrooms.

[6.29.11.10 NMAC - Rp, 6.29.11.10 NMAC, 2/22/2022]

**6.29.11.11 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR THIRD GRADE:**

**A. Civics.**

(1) The student shall demonstrate an understanding of civic dispositions and democratic principles by explaining how the democratic principles motivate people to migrate then and now.

(2) The student shall demonstrate an understanding of the roles and responsibilities of a civic life by explaining how to be a responsible and active citizen in a democracy.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of economic systems and models by investigating who receives the goods that are produced in various world communities.

(2) The student shall demonstrate an understanding of global economy by:

- (a) exploring the concepts of surplus and scarcity in relation to resources for various world communities;
- (b) exploring the basic economic concepts of supply and demand;
- (c) explaining how supply and demand influence prices and trade;
- (d) describing how technological developments in transportation and communication influence trade over time;

(e) identifying currency, credit, debit, and checks as the basic means of exchange in western society; and

(f) comparing currency, credit, debit, and checks in the United States to other world money systems.

(3) The student shall demonstrate an understanding of personal financial literacy by:

(a) examining the various ways people earn a living to meet their basic needs (e.g. food, clothing, shelter) and how this has changed over time in various world communities; and

(b) creating a plan with specific steps to reach a short-term financial goal.

**C. Geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) creating a model to demonstrate how geographic factors influence where people settle and how some people make adaptations to the environment to make a location more suitable for settlement; and

(b) identifying and using a variety of digital and analog mapping tools to locate places.

(2) The student shall demonstrate an understanding of location, place, and region by:

(a) explaining how physical and cultural characteristics of world regions affect people, and examining geographic features of various global communities that might create a need for migration or immigration using a variety of maps, photos, and other geographic representations; and

(b) identifying the components of the Earth’s biosystems and their makeup.

(3) The student shall demonstrate an understanding of movement, population, and systems by:

(a) evaluating the reasons for migration and immigration and the effects on people, culture, and ideas in world communities;

(b) analyzing how human settlement and movement impact diverse groups of people; and

(c) analyzing the movement of indigenous groups, including the removal and return of Indigenous people throughout New Mexico and the United States.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by explaining how world events impact New Mexico and the United States in the past and present.

(2) The student shall demonstrate an understanding of historical thinking by using a timeline to analyze connections among historical events, including how human settlement and movement impacted diverse groups of people.

**E. Ethnic, cultural, and identity studies.**

(1) The

student shall demonstrate an understanding of diversity and identity by:

(a) expressing a positive view of themselves while demonstrating respect and empathy for others; and

(b) comparing and contrasting their cultural identity with other people and groups.

(2) The student shall demonstrate an understanding of community equity building by identifying the actions of people and groups who have worked throughout history to improve their community, which leads to a more equitable society.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) explaining how a compelling question represents key ideas; and

(b) using supporting questions to help answer the compelling question in an inquiry.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by, with support, determining the credibility of sources.

(3) The student shall demonstrate an understanding of developing claims by citing evidence that supports a response to supporting or compelling questions.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by constructing responses to compelling questions using reasoning, examples, and relevant details.

(5) The student shall demonstrate an understanding of taking informed action by:

(a) identifying challenges and opportunities when taking action to address problems or issues, including predicting possible outcomes; and

(b) using deliberative and democratic procedures to make decisions about, and act on, civic problems or issues in their classrooms.  
[6.29.11.11 NMAC - Rp, 6.29.11.11 NMAC, 2/22/2022]

**6.29.11.12 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR FOURTH GRADE:**

**A. Civics.**

(1) The student shall demonstrate an understanding of processes, rules, and laws by examining and evaluating the rules, laws, and authorities that keep people safe in New Mexico.

(2) The student shall demonstrate an understanding of civic dispositions and democratic principles by:

(a) explaining how democratic principles guide local, state, and sovereign governments; and

(b) demonstrating an understanding that state symbols, holidays, traditions, and songs represent various cultural heritages, natural treasures, and the democratic values of New Mexico.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of economic decision-making by explaining the impact of using natural resources on the local, county, and state economy.

(2) The student shall demonstrate an understanding of economic systems and models by:

(a) explaining how trade and industry in New Mexico is impacted by surrounding economies (e.g. Mexico, Arizona, Colorado, Texas); and

(b) researching and creating a list of products, goods, and services that New Mexico imports and exports.

(3) The student shall demonstrate an understanding of money and markets by exploring the significance of various industries in New Mexico.

(4) The student shall demonstrate an understanding of personal financial literacy by:

(a) establishing the purpose of banks and how they work; and

(b) explaining what a checking and savings account are used for.

**C. Geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) examining and synthesizing data from at least two types of maps (e.g. physical, topographical, thematic) to support a claim about the regional divisions of New Mexico, and comparing and contrasting its diverse geography;

(b) using a variety of maps, investigating and comparing how New Mexico’s boundaries have changed over time;

(c) applying geographic tools of title, grid system, legends, symbols, scale, and compass rose to construct and interpret digital and analog maps; and

(d) describing and identifying the regions and four provinces that make up New Mexico’s land surface.

(2) The student shall demonstrate an understanding of movement, population, and systems by describing the different groups of people that have settled in New Mexico throughout history and describing their contributions to New Mexico cultures.

(3) The student shall demonstrate an understanding of human-environmental interactions and sustainability by exploring how geographic factors influence locations of settlements and use of natural resources to meet the basic needs of humans.

**D. History.**

(1) The student shall demonstrate an understanding of causes and

consequences by describing the interactions between indigenous people and European settlers including agriculture, cultural exchanges, alliances, and conflicts.

(2) The student shall demonstrate an understanding of historical thinking by creating a timeline that depicts events and the changes in New Mexico during a selected time period.

(3) The student shall demonstrate an understanding of critical consciousness and perspectives by explaining why various individuals and groups during the same historical period differed in their perspectives toward significant historical events.

(4) The student shall demonstrate an understanding of power dynamics, leadership, and agency by:

(a) investigating how different groups have influenced the ways that state issues are viewed and resolved; and

(b) examining the changes in governance of New Mexico.

**E. Ethnic, cultural, and identity studies.**

(1) The student shall demonstrate an understanding of diversity and identity by participating in inquiry of other people’s lives and experiences while demonstrating respect and empathy for others.

(2) The student shall demonstrate an understanding of identity in history by explaining connections among historical contexts and people’s perspectives at the time.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) generating compelling questions in an inquiry; and

(b) using supporting questions to help answer the compelling question in an inquiry.

(2) The student shall demonstrate an understanding of developing claims by citing evidence that supports a response to supporting or compelling questions.

(3) The student shall demonstrate an understanding of communicating and critiquing conclusions by constructing responses to compelling questions using reasoning, examples, and relevant details.

(4) The student shall demonstrate an understanding of taking informed action by:

(a) identifying challenges and opportunities when taking action to address problems or issues, including predicting possible outcomes; and

(b) using deliberative and democratic procedures to make decisions about, and act on, civic problems or issues in their classrooms.

[6.29.11.12 NMAC - Rp, 6.29.11.12 NMAC, 2/22/2022]

**6.29.11.13 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR FIFTH GRADE:**

**A. Civics.**

(1) The student shall demonstrate an understanding of civic and political institutions by identifying and explaining the structure and function of the three branches government and how they form the basis for our constitutional and federal republic.

(2) The student shall demonstrate an understanding of processes, rules, and laws by analyzing how different individuals and groups influenced the creation and interpretation of the founding documents.

(3) The student shall demonstrate an understanding of civic dispositions and democratic principles by explaining how the principles of the founding documents and the principle of liberty became unifying ideas of American democracy.

(4) The student shall demonstrate an understanding of roles and responsibilities of a civic life by evaluating how the bill of rights shaped the rights of United States citizens.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of economic decision-making by:

(a) using examples from the western hemisphere, exploring and illustrating the role of scarcity historically and today;

(b) analyzing how economic success is defined differently by various communities in the United States throughout the past and present; and

(c) identifying and comparing the major natural resources and industries of two or more countries in the western hemisphere.

(2) The student shall demonstrate an understanding of economic systems and models by examining products that are imported and exported into markets within the United States based on demand for these products, noting how this affects the United States economy.

(3) The student shall demonstrate an understanding of personal financial literacy by:

(a) creating a way to keep track of money spent and saved; and

(b) determining the relationship between long-term goals and opportunity cost.

**C. Geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) demonstrating how physical maps reflect the varied climate zones, landforms, bodies of water, and natural resources of the western hemisphere;

(b) using maps and globes, identifying the regions within the western hemisphere and locating major physical features within each region;

(c) demonstrating how the states are organized, including time zones and the regions of the United States; and

(d) using geographic and place-based vocabulary to communicate locations and navigate from one place to another.

(2) The student shall demonstrate an understanding of location, place, and region by using a map, identifying and locating the 50 states in the United States, and knowing the capitals of each state along with the surrounding United States territories.

(3) The student shall demonstrate an understanding of human-environmental interactions and sustainability by examining and explaining how the physical environment influences human population distribution and land use.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by examining history from the perspective of the participants using a variety of narratives.

(2) The student shall demonstrate an understanding of causes and consequences by:

(a) creating and using a chronological sequence of events and timelines to organize and analyze cause and effect relationships; and

(b) using primary and secondary sources to acquire historical information.

(3) The student shall demonstrate an understanding of historical thinking by:

(a) analyzing the causes of the American revolution and the effects individuals and groups had on the conflict; and

(b) analyzing the causes of the civil war and the effects individuals and groups had on the conflict.

(4) The student shall demonstrate an understanding of critical consciousness and perspectives by:

(a) explaining the connections among historical contexts and people's perspectives during major historical events in the United States; and

(b) identifying how the beliefs, experiences, perspectives, and values contribute to forming points of view about civic issues.

(5) The student shall demonstrate an understanding of power dynamics, leadership, and agency by exploring inequity throughout the history of the United States and its connection to conflict that arises today.

**E. Ethnic, cultural, and identity studies.** The student shall demonstrate an understanding of diversity and identity by:

(1) demonstrating knowledge of family history, culture, and past contributions of people in their main identity groups; and

(2) explaining how the treatment of groups of people in the past and present impacts who they are.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) generating compelling and related supporting questions in an inquiry; and

(b) using supporting questions to help answer the compelling question in an inquiry.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by, with support, identifying primary and secondary



sources and determining their credibility.

(3)

The student shall demonstrate an understanding of developing claims by identifying evidence that draws information from multiple perspectives and sources in response to a compelling question.

(4) The

student shall demonstrate an understanding of communicating and critiquing conclusions by constructing responses to compelling questions supported by reasoning and evidence.

(5) The

student shall demonstrate an understanding of taking informed action by:

(a)

identifying challenges and opportunities when taking action to address problems or issues, including predicting possible outcomes; and

(b)

using a range of consensus-building and democratic procedures to make decisions about, and act on, civic problems or issues in the classroom. [6.29.11.13 NMAC - Rp, 6.29.11.13 NMAC, 2/22/2022]

**6.29.11.14 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR SIXTH GRADE:**

**A. Civics.**

(1) The

student shall demonstrate an understanding of civic and political institutions by:

(a)

identifying the social structures of early humans;

(b)

describing cultural and political structures in classical eastern societies;

(c)

describing cultural and political structures in classical western societies; and

(d)

comparing and contrasting classical forms of government and political structure to the current United States government and political structure.

(2)

The student shall demonstrate

an understanding of roles and responsibilities of a civic life by identifying rights and responsibilities of citizens and non-citizens in civic participation within the governmental systems, such as monarchy, democracy, republic, and oligarchy.

**B. Economics and personal financial literacy.**

(1) The

student shall demonstrate an understanding of economic decision-making by:

(a)

describing the distribution of resources among classes in the feudal hierarchy of European and Asian societies;

(b)

describing how trade networks and the transfer of goods and ideas linked post-classical societies; and

(c)

explaining the role of trade in the development and growth of societies.

(2) The

student shall demonstrate an understanding of money and markets by explaining how the interaction between producers and consumers in the trade networks satisfied economic wants and needs.

(3) The

student shall demonstrate an understanding of global economy by analyzing the economic impact that surpluses of food and goods have on the growth of civilizations.

(4) The

student shall demonstrate an understanding of personal financial literacy by:

(a)

analyzing how external factors might influence spending decisions for different individuals and households; and

(b)

giving examples of financial risks that individuals and households face.

**C. Geography.**

(1)

The student shall demonstrate an understanding of geographic representations and reasoning by:

(a)

creating and using maps, globes, and

graphs to gather, analyze, and report geographic information;

(b)

comparing environmental and geographic characteristics of locations of the earliest human settlements; and

(c)

using maps to explain how encounters and exchanges linked the world.

(2) The

student shall demonstrate an understanding of location, place, and region by:

(a)

identifying how natural forces shape Earth's environments and regions;

(b)

comparing ancient cultural and early technological innovations of one early Mesoamerican and one South American civilization; and

(c)

comparing cultural, political, and religious characteristics of early river valley civilizations.

(3)

The student shall demonstrate an understanding of movement, population, and systems by identifying and comparing the movement of key religions and philosophies over time.

(4)

The student shall demonstrate an understanding of human-environmental interactions and sustainability by:

(a)

describing how the local environment impacts culture and technology;

(b)

describing how people impact the local environment; and

(c)

comparing how regional environments impacted the advances of technology for travel and trade.

**D. History.**

(1) The

student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

(a)

evaluating the lasting impact of philosophy, art, science, and technology of classical Greece, Rome, India, and China;

(b) evaluating the factors that allowed classical civilizations to thrive;

(c) analyzing the significance of innovations (e.g. scientific, mathematical, technological) in European, African, and Asian societies;

(d) explaining how religion and philosophy shaped European, Asian, and African societies during the post-classical period; and

(e) examining instances of conflict and oppression in medieval times, and responses to these violations.

(2) The student shall demonstrate an understanding of causes and consequences by:

(a) analyzing the impact that the agricultural revolution had on hunter-gatherers and nomadic peoples;

(b) identifying the political and social issues that led to the development of new philosophies during the classical period;

(c) comparing strategies used by classical civilizations to maintain their empires;

(d) comparing causes of decline in Roman, Han, and Gupta empires;

(e) explaining what led to the emergence of European feudalism; and

(f) analyzing the diffusion and the social, political, and economic effects of the black death.

(3) The student shall demonstrate an understanding of critical consciousness and perspectives by examining and explaining how the perspectives and encounters between Christians, Muslims, and Jews impacted individuals and society.

**E. Ethnic, cultural, and identity studies.**

(1) The student shall demonstrate an understanding of diversity and identity by:

(a) identifying how differences and similarities between diverse groups impact perspectives; and

(b) describing the interactions of religious and philosophical perspectives and explaining their impact on European, Asian, and African societies during the classical period.

(2) The student shall demonstrate an understanding of identity in history by demonstrating relationships between personal events and historical events.

(3) The student shall demonstrate an understanding of community equity building by explaining how the treatment of people in ancient civilizations shaped group identities and cultures.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) distinguishing primary and secondary sources by correctly identifying the author, type of document, and date of publication of the text in relation to the historical event described in the text;

(b) categorizing and sequencing significant people, places, events, and ideas using both chronological and conceptual graphic organizers;

(c) categorizing questions as compelling (e.g. main topic) or supporting questions; and

(d) generating relevant questions to be answered by historical inquiry that allow for multiple approaches of exploration.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by:

(a) identifying where and how to locate sources to best answer a research question;

(b) distinguishing among fact, opinion, and reasoned judgment in a source, and identifying the author perspectives and possible biases;

(c) comparing a variety of map projections to evaluate how information is presented, and analyzing how cartographic conventions portray intended and unintended bias; and

(d) evaluating the credibility of a source by determining its relevance and intended use.

(3) The student shall demonstrate an understanding of developing claims by:

(a) formulating a claim based on evidence from primary and secondary sources in response to a question;

(b) supporting a claim using a variety of sources and perspectives;

(c) citing specific textual evidence to support analysis of primary and secondary sources; and

(d) using primary and secondary sources to analyze conflicting and diverse points of view on a certain topic.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) using applicable presentation technology to communicate research findings or other significant information; and

(b) creating maps, charts, infographics, or digital media that communicate research findings or other significant information.

(5) The student shall demonstrate an understanding of taking informed action by:

(a) describing the many facets of student identity, including family history and culture, and how they are connected to the history and culture of other people; and

(b) explaining the challenges and opportunities people from the past faced when taking action to address problems.  
[6.29.11.14 NMAC - Rp, 6.29.11.14 NMAC, 2/22/2022]

**6.29.11.15 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR SEVENTH GRADE:**

**A. Civics.**

- (1) The student shall demonstrate an understanding of civic and political institutions by:
  - (a) explaining the role of the political decision-making process at the tribal, state, and local levels of government;
  - (b) describing the relationships of tribal, state, and local governments with the national government under the federal system;
  - (c) comparing and contrasting global and historical government systems to the United States federal system; and
  - (d) examining how conflict over social class (e.g. castas), land, and culture led to Mexican independence from Spain.
- (2) The student shall demonstrate an understanding of processes, rules, and laws by:
  - (a) describing the relationship between a nation-state and its colonies;
  - (b) drawing conclusions about how the policies of the Spanish monarchy in New Spain impacted the people of New Spain; and
  - (c) evaluating New Mexico’s transition into a United States territorial government from the perspectives of the various groups residing in the territory at the time.
- (3) The student shall demonstrate an understanding of civic dispositions and democratic principles by:
  - (a) describing the role of citizens in

- ensuring the long-term survival of their community, including cooperation, obligations, rights, and responsibilities; and
  - (b) analyzing United States policies on expansion into the southwest, including how they reflected United States civic ideals of the time and conflicted with those that resided in New Mexico already and had historically made their home here.
- B. Economics and personal financial literacy.**
- (1) The student shall demonstrate an understanding of economic decision-making by:
    - (a) explaining how tribal, state, and local government agencies work to sustain resources in New Mexico;
    - (b) discussing New Mexico’s economic limitations and successes;
    - (c) demonstrating how early humans compete and cooperate to gather and use resources;
    - (d) explaining the economic motivation of Spaniards as they enter the lands of, and interact with, the indigenous people of the Americas;
    - (e) describing Spanish economics policies that led to colonial isolation and their impact on the people of New Mexico; and
    - (f) summarizing the relationship between specialization and interdependence between 1821 CE and 1850 CE.
  - (2) The student shall demonstrate an understanding economic systems and models by showing the correlation between the territorial and indigenous economies, including how both were impacted by United States federal policies.
  - (3) The student shall demonstrate an understanding of money and markets by:
    - (a) defining the relationship between

- specialization and interdependence between c. 1200 BCE and c. 1500 CE;
  - (b) explaining early trade networks and their impact on cultural groups;
  - (c) investigating the use of trade routes and systems to analyze the economic impact they had on New Mexico and those who traded with New Mexicans; and
  - (d) describing the economy of territorial New Mexico from various perspectives.
  - (4) The student shall demonstrate an understanding of the global economy by demonstrating connections between the economies of Spain and the indigenous people of the Americas.
  - (5) The student shall demonstrate an understanding of personal financial literacy by:
    - (a) summarizing how the distribution of resources impacts consumerism and individual financial decisions; and
    - (b) differentiating between saving and investing.
- C. Geography.**
- (1) The student shall demonstrate an understanding of geographic representations and reasoning by:
    - (a) explaining the physical and human characteristics of New Mexico using the five themes of geography;
    - (b) discussing the role of El Camino Real as a significant corridor for movement of people, goods, and ideas; and
    - (c) describing how the movement of people influenced the division and control of resources.
  - (2) The student shall demonstrate an understanding of movement, population, and systems by:
    - (a) discussing patterns of migration of early people as they settled across New Mexico and the southwest region;

(b) analyzing the movement of people, goods, and ideas across the world during the age of exploration;

(c) distinguishing land use patterns of Anglo-Americans during the American westward expansion period; and

(d) identifying cultural diffusion into and out of the New Mexico territory.

(3) The student shall demonstrate an understanding of human-environmental interactions and sustainability by:

(a) describing how environmental factors affect human activities and resources;

(b) comparing and contrasting nomadic and semi-nomadic lifestyles;

(c) analyzing land use patterns of ancestral Pueblo, Mogollon, and Athabaskan peoples;

(d) discussing the importance of resource shortages on the lifestyles of the Mogollon and ancestral Pueblos;

(e) explaining how differing places, people, and resources affected events and conditions in New Mexico during the Spanish colonial period; and

(f) evaluating and comparing practices of land usage and ownership between indigenous people and Spaniards.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

(a) explaining the importance of artifacts and oral histories in understanding how prehistoric people lived;

(b) connecting cultural adaptations of the Pueblo, Apache, and Diné people to today;

(c) comparing and contrasting Athabaskan culture, agricultural

practices, and settlement patterns with those of the Pueblos;

(d) exploring the interactions between the Spaniards and indigenous people;

(e) comparing and contrasting the revolts and resistance movements under Spanish rule;

(f) explaining the impact Mexican independence had on New Mexico;

(g) demonstrating how troubles between Texas and the government of Mexico impacted New Mexico; and

(h) evaluating the significance of short- and long-range trails throughout the lands gained in the Mexican cession.

(2) The student shall demonstrate an understanding of causes and consequences by identifying the causes and consequences of United States government policies that impacted the territory of New Mexico.

(3) The student shall demonstrate an understanding of historical thinking by:

(a) describing the technical limitations of historians and archeologists studying the distant past;

(b) explaining the political and religious motivations of Spaniards as they encounter the indigenous people of the Americas;

(c) analyzing the patterns of colonization, exploration, destruction, and creation that came with the occupation of the Americas by Spaniards;

(d) interpreting the factors that led people in New Mexico to resist and rebel against political leadership between 1821 CE and 1850 CE;

(e) categorizing causes and consequences of the United States military invasion of Mexico and New Mexico; and

(f) exploring the impact of land ownership throughout New Mexico history.

(4) The student shall demonstrate an understanding of critical consciousness and perspective by assessing evidence of Spanish influence in New Mexico today.

**E. Ethnic, cultural, and identity studies.** The student shall demonstrate an understanding of diversity and identity by:

(1) analyzing how groups maintain their cultural heritage and how we see this heritage through the symbols, traditions, and culture of New Mexico;

(2) defining and explaining the present demographics of New Mexico;

(3) evaluating how society’s responses to different social identities lead to access and barriers for various demographic groups in relation to various societal institutions, including education, healthcare, government, and industry;

(4) analyzing who have been key figures that have contributed to an individual culture, and what they did;

(5) describing the relationship between cultural heritage(s) and personal identity or identities;

(6) identifying what tribal leaders want the world to see when their culture is on display, and how to address negative perceptions;

(7) demonstrating how diversity includes the impact of unequal power relations on the development of group identities and cultures;

(8) brainstorming ways in which New Mexicans might heal from past and current injustices;

(9) describing key figures that have made significant contributions to an individual culture;

(10) exploring personal, familial, and societal cultures in the modern day;

(11) discussing the importance of respecting individual cultures and exploring how to address stereotypes;



(12) using primary and secondary sources to evaluate the lasting impacts of unequal power relations and disenfranchisement of persons and groups;

(13) identifying how stereotyping influences social perspectives about members of a group; and

(14) identifying and describing the traditions, rites, and norms of the groups to which the student identifies as belonging; and exploring how these traditions, rights, and norms may have changed over time.

**F. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) developing compelling (e.g. big idea) questions about a relevant topic of interest; and

(b) creating supporting questions from credible sources to expand upon the compelling question.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by:

(a) identifying, locating, and gathering reliable and relevant primary and secondary sources from a variety of media, such as print, digital, multimedia, artifacts, and oral traditions;

(b) evaluating primary and secondary sources for fact, opinion, author’s bias, perspective of the creator, and relevance to the topic;

(c) analyzing various forms of media to identify polarizing language, logical fallacy, and reasonable judgment; and

(d) using a coherent system or structure to evaluate the credibility of a source by determining its relevance and intended use.

(3) The student shall demonstrate an

understanding of developing claims by:

(a) using primary and secondary sources to develop an argument and cite specific textual evidence to support the claim; and

(b) making connections between current events, historical materials, and personal experience.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) presenting student-developed texts communicating thinking and understanding, including written text, oral presentation, visual representation, and multimedia; and

(b) engaging in academic discussions analyzing multiple viewpoints on public issues.

(5) The student shall demonstrate an understanding taking informed action by:

(a) examining the relationship between stereotypes, bias, and group identity;

(b) exploring opportunities to be an ally and describing ways in which stereotyping can be a barrier to acting as an ally; and

(c) engaging in positive civic behaviors to make decisions and take action in classrooms, schools, and communities.

[6.29.11.15 NMAC - Rp, 6.29.11.15 NMAC, 2/22/2022]

**6.29.11.16 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR EIGHTH GRADE:**

**A. Civics.**

(1) The student shall demonstrate an understanding of civic and political institutions by:

(a) comparing indigenous government structures to those of the United States today;

(b) describing the ways indigenous people organize themselves and their societies;

(c) discussing the relationship between a ruler of a nation-state and the citizens of its colonies;

(d) examining how challenges the government faced because of the articles of confederation resolved at the constitutional convention;

(e) evaluating how individuals and groups addressed specific problems at various levels to form a new republic;

(f) identifying and applying the function of the bill of rights; and

(g) discussing the nature of civil wars in general, and the role of border states and territories in the United States civil war specifically, and exploring the role the territory of New Mexico played.

(2) The student shall demonstrate an understanding of processes, rules, and laws by:

(a) identifying policies of this era that define the relationship between federal, state, and tribal governments through treaties, court decisions, and land acquisition statutes;

(b) evaluating the efficacy of formal United States policies of expansion, their effects on sovereign tribal nations’ ability to self-govern, and indigenous resistance efforts to preserve tribal sovereignty;

(c) comparing the federal government’s response to the southern states’ call for independence with that of the original 13 colonies;

(d) discussing the impact of significant legislation and judicial precedents in formally perpetuating systemic oppression; and

(e) analyzing the impact of individuals and reform movements that advocated for greater civil rights and liberties

throughout early United States history.

(3) The student shall demonstrate an understanding of civic dispositions and democratic principles by:

(a) describing the role of community members in ensuring the long-term survival of their community, including cooperation, obligations, rights, and responsibilities;

(b) assessing the responses of various groups to British policies in the 13 colonies;

(c) identifying parallels in language or intent (i.e. construct or content) between enlightenment philosophies and the ideas expressed in the founding documents of the United States;

(d) citing specific examples of precedents established in the early republic that impact American lives today; and

(e) critiquing citizens' responses to changing political and social policies during the early 19th century.

(4) The student shall demonstrate an understanding of roles and responsibilities of a civic life by investigating the causes and effects of diverse ideologies on politics, society, and culture that are associated with immigration and migration.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of economic decision-making by:

(a) identifying and analyzing the economic specializations of the 13 colonies; and

(b) identifying and explaining the economic differences between the north and the south.

(2) The student shall demonstrate an understanding of incentives and choices by analyzing the benefits and challenges associated with rapidly

growing urban areas because of industrialization.

(3) The student shall demonstrate an understanding of economic systems and models by illustrating significant European economic theories and their connection to the colonization of the western hemisphere.

(4) The student shall demonstrate an understanding of money and markets by:

(a) summarizing a significant economic warfare initiative of the civil war through creative expression; and

(b) explaining how union army strategies and other socio-economic changes at the end of the civil war led to an economic depression in the southeast United States.

(5) The student shall demonstrate an understanding of personal financial literacy by:

(a) determining the relationship between long-term goals and opportunity cost;

(b) identifying ways insurance may minimize personal financial risk; and

(c) illustrating the power of compounding to highlight the importance of investing at a young age.

**C. Geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) using the five themes of geography (i.e. location, place, movement, human-environmental interaction, and region) to describe a specific sovereign tribal nation or indigenous people group of North America;

(b) analyzing how historic events are shaped by geography; and

(c) synthesizing geographic information about the significance of the 13 colonies to the British empire.

(2) The student shall demonstrate an

understanding of location, place, and region by defining a region by its human and physical characteristics.

(3) The student shall demonstrate an understanding of movement, population, and systems by:

(a) describing the causes and effects of exploration and expansion into the Americas, by the Europeans during the 15th and 16th centuries;

(b) comparing and contrasting reasons why people moved to and left the 13 colonies; and

(c) identifying immigration and emigration factors that motivated groups to move to and within the United States during time periods of mass immigration.

(4) The student shall demonstrate an understanding of human-environmental interactions and sustainability by:

(a) describing how indigenous people of North America adapted to their environment;

(b) critiquing the ideas and belief systems related to land and resource-use among indigenous people and Europeans; and

(c) describing a human-created environmental concern related to western expansion, including different contemporary perspectives and other historical context between 1815 CE and 1850 CE.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

(a) identifying key people, places, and ideas from major European nations of the 15th and 16th centuries;

(b) identifying and describing the structure and function of the three branches of government, as laid out in the United States constitution;

(c) comparing and contrasting indigenous and Hispanic peoples’ assimilation experiences with later immigrants’ experiences as part of expansion across the territorial United States;

(d) analyzing the development of the women’s suffrage movement over time and its legacy; and

(e) making personal connections to immigration stories and experiences in the past and present.

(2) The student shall demonstrate an understanding of causes and consequences by:

(a) evaluating the impacts of European colonization on indigenous populations;

(b) describing the impact of slavery on African populations in Africa and the Americas;

(c) identifying indigenous alliances during and after the American revolutionary war;

(d) comparing and contrasting the efforts of the American and British governments to gain the services of African Americans with recruitment of indigenous people;

(e) describing the causes and effects of the Mexican American war and its consequences on residents living in the “new” United States territories;

(f) examining the ways the United States acquired new territories, including purchases, forced relocation, treaties, annexation, and war;

(g) demonstrating how conflicts over slavery led the north and the south to war; and

(h) evaluating the impact of science and technology during the civil war period.

(3) The student shall demonstrate an understanding of historical thinking by:

(a) comparing and contrasting the causes, demographics, and results of the American revolution;

(b) discussing the role of religion in the 13 colonies and its impact on developing American identity;

(c) comparing and contrasting the causes, demographics, and results of the American revolution with the French and Latin American revolutions; and

(d) comparing and contrasting the causes, demographics, and results of the Haitian revolution and enslaved peoples’ rebellions between 1830 CE and 1860 CE.

(4) The student shall demonstrate an understanding of critical consciousness and perspective by:

(a) demonstrating why different people may have different perspectives of the same historical event and why multiple interpretations should be considered to avoid historical linearity and inevitability; and

(b) examining both sides in debate or academic discussion of politics in response to immigration.

(5) The student shall demonstrate an understanding of power dynamics, leadership, and agency by:

(a) describing how white supremacist organizations in the United States arose with the intention of maintaining the oppression of specific groups through informal institutions;

(b) describing demographic shifts because of the civil war and reconstruction; and

(c) analyzing why and how indigenous people resisted United States territorial expansion.

**E. Ethnic, cultural, and identity studies.**

(1) The student shall demonstrate an understanding of diversity and identity by:

(a) describing how knowledge and perspectives of indigenous people can help inform solutions to environmental and human rights issues;

(b) drawing a diagram or making a model to illustrate how indigenous people have preserved their histories;

(c) examining how enslaved people adapted within and resisted their captivity;

(d) describing the formation of African American cultures and identities in free and enslaved communities; and

(e) identifying and exploring how current traditions, rites, and norms or identity groups have changed or are changing over time.

(2) The student shall demonstrate an understanding of identity in history by:

(a) comparing and contrasting the various origins – indigenous, forced, voluntary – of identity groups in the United States;

(b) examining the impact of historical, cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups;

(c) examining historical and contemporary cultural, economic, intellectual, political, and social contributions to society by individuals or groups within an identity group between c. 1400 CE and 1500 CE;

(d) examining historical and contemporary cultural, economic, intellectual, political, and social contributions to society by individuals or groups within an identity group between 1490 CE and 1750 CE;

(e) examining the demographics of the 13 colonies in the years leading to, and during, the American revolution;

(f) describing the influence of diverse

ideologies on politics, society, and culture in early United States history;

(g)

analyzing the motivations of various groups and their impacts of western expansion and the settlement of the United States;

(h)

examining the role assimilation plays in the loss of cultural, ethnic, racial, and religious identities and language;

(i)

deconstructing the emancipation proclamation to determine its contemporary purpose and current significance;

(j)

discussing the impact of the western campaign on indigenous people;

(k)

exploring and demonstrating the contemporary and current significance of Juneteenth; and

(l)

assessing how social policies and economic forces offer privilege or systemic inequity in accessing social, political, and economic opportunity for identity groups in education, government, healthcare, industry, and law enforcement.

(3) The

student shall demonstrate an understanding of community equity building by:

(a)

discussing how the exchanges of resources and culture across civilizations led to the emergence of a global society;

(b)

identifying and analyzing cultural, differently abled, ethnic, gender, national, political, racial, and religious identities and related perceptions and behaviors by society of these identities;

(c)

discussing the similarities, differences, and interactions between civil rights and civil liberties;

(d)

evaluating the role of racial social constructs in the structures and functions of a 21st century American society;

(e)

applying knowledge of an event of

the sectionalism and reform era to analyze current issues and events; and

(f)

investigating how identity groups and society address systemic inequity through individual actions, individual champions, social movements, and local, community, national, and global advocacy.

**F. Inquiry.**

(1) The

student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a)

developing compelling questions about a relevant topic of interest; and

(b)

creating supporting questions from credible sources to expand upon the compelling question.

(2) The

student shall demonstrate an understanding of gathering and evaluating sources by:

(a)

identifying, locating, and gathering reliable and relevant primary and secondary sources from a variety of media, such as print, digital, multimedia, artifacts, and oral traditions;

(b)

evaluating primary and secondary sources for the author's bias, perspective of the creator, and relevance to the topic;

(c)

describing how geographic representations can express both geo-spatial locations and human bias; and

(d)

using a coherent system or structure to evaluate the credibility of a source by determining its relevance and intended use.

(3) The

student shall demonstrate an understanding of developing claims by:

(a)

categorizing and sequencing significant people, places, events, and ideas in history using both chronological and conceptual graphic organizers;

(b)

formulating a claim based on evidence from primary and secondary sources in response to a question;

(c)

citing specific textual evidence to support analysis of primary and secondary sources;

(d)

using primary and secondary sources to analyze conflicting and diverse points of views on a certain topic;

(e)

making connections between current events, historical materials, and personal experience; and

(f)

examining how and why diverse groups have been denied equality and opportunity, both institutionally and informally.

(4) The

student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a)

engaging in discussion, debate, or academic conversation analyzing multiple viewpoints on public issues;

(b)

creating maps, charts, infographics, or other visual media that communicate research findings or other significant information digitally or on paper;

(c)

developing informational texts, including analyses of historical and current events;

(d)

portraying historical people, places, events, and ideologies of the time to examine history from the perspective of the participants through creative expression;

(e)

using applicable presentation technology to communicate research findings or other significant information; and

(f)

conducting a research project to answer a self-generated question of historical significance, and applying problem-solving skills for historical research.

(5) The

student shall demonstrate an understanding of taking informed action by:



(a) recognizing and valuing the student’s group identities without perceiving or treating others as inferior;

(b) identifying facets of personal identity, determining how the student wants to present themselves to the world as a person belonging to an identity group, and brainstorming how to address negative perceptions.

(c) describing ways in which stereotyping can be a barrier to acting as an ally and engaging in positive civic behaviors in classrooms, schools, and the broader community;

(d) explaining the challenges and opportunities people face when taking action to address problems, including predicting possible results; and

(e) synthesizing historical and local knowledge to take age-appropriate action toward mending, healing, and transforming the future.  
[6.29.11.16 NMAC - Rp, 6.29.11.16 NMAC, 2/22/2022]

**6.29.11.17 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL CIVICS:**

**A. High school civics.**

(1) The student shall demonstrate an understanding of civic and political institutions by:

(a) distinguishing the powers and responsibilities of local, state, indigenous, national, and international civic and political institutions;

(b) developing claims about the purpose, processes, strengths, and weaknesses of the United States government;

(c) evaluating efforts to adapt and redesign the United States constitution and political institutions over time;

(d) analyzing the role of groups without formal decision-making power in influencing change in the United States government;

(e) evaluating multiple sources and citing evidence investigating the relationships between equality, equity, justice, freedom, and order in American constitutional democracy;

(f) investigating relationships among governments, civil societies, and economic markets;

(g) distinguishing historical and current types and systems of government in the United States and in diverse regions in the world;

(h) using data and evidence from multiple perspectives related to federal policy toward indigenous groups to develop an understanding of indigenous and United States relations over time;

(i) evaluating the way America’s founding principles and constitutional structures have influenced initiatives and revisions to foreign policy over time; and

(j) researching multiple sources to think critically about how the United States conducts itself in international relations and how international standards affect United States domestic policy.

(2) The student shall demonstrate an understanding of processes, rules, and laws by:

(a) analyzing the United States Constitution and its founding principles;

(b) evaluating procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved;

(c) evaluating sources to determine how people use and challenge local, state, national, and international laws, to address a variety of public issues;

(d) evaluating public policies in terms of intended and unintended outcomes and related consequences;

(e) analyzing historical, contemporary, and emerging means of changing societies, promoting the common good and protecting civil and human rights;

(f) evaluating the United States justice system over time and its impacts on policy, society, economics, and individual rights;

(g) explaining the unique features and processes of New Mexico’s constitution;

(h) evaluating the contributions of New Mexico’s diverse populations to its governmental structure and outcomes; and

(i) investigating challenges and opportunities within and between different government entities in New Mexico.

(3) The student shall demonstrate an understanding of civic dispositions and democratic principles by:

(a) analyzing the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights;

(b) analyzing civic virtues and principles, governance, and the role of the people in creating a government “of the people, by the people, and for the people” at all levels of government;

(c) applying civic dispositions and democratic principles when working with others;

(d) analyzing founding documents and their impact on national unity over time;

(e) evaluating the tensions between personal interests, different cultural groups, and civic responsibilities or the common good over time.

(4) The student shall demonstrate an understanding of roles and responsibilities of a civic life by:

(a) participating in civil discourse to promote greater understanding around historical, contemporary, and future opportunities and obstacles;

(b) using historical data and evidence related to various actors' interests and motivations to determine their influence on contemporary issues;

(c) evaluating how fundamental American principles have been interpreted over time and how they currently shape policy debates;

(d) developing strategies for evaluating multiple perspectives about current events and policy issues;

(e) analyzing historic inequalities and evaluating proposed solutions to correct them;

(f) applying an effective questioning strategy to evaluate sources intended to inform the public, and consider the effects of choices made by media organizations, including internet social platforms, on elections and social movements;

(g) evaluating sources and determining potential bias in the media and how that impacts government decision-making;

(h) evaluating the effects of diverse ideologies and the process of political socialization on oneself and society;

(i) analyzing rights and obligations of citizens of the United States;

(j) critiquing leadership strategies through past and present examples of change-makers;

(k) planning and demonstrating some ways in which an active citizen can effect change in the community, state, nation, or world;

(l) evaluating citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and international government; and

(m) taking informed action to improve the student's community.

**B. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) creating compelling questions representing key ideas within the disciplines; and

(b) developing supporting questions that contribute to an inquiry and demonstrating how, through engaging source work, new compelling and supporting questions emerge.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by:

(a) gathering relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection; and

(b) evaluating the credibility of a source by examining how experts value the source.

(3) The student shall demonstrate an understanding of developing claims by:

(a) identifying evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence to revise or strengthen claims; and

(b) refining claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) constructing arguments using precise and knowledgeable claims, with evidence from multiple sources, while

acknowledging counterclaims and evidentiary weaknesses;

(b) constructing explanations using reasoning, correct sequence, examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanations given its purpose;

(c) presenting adaptations of arguments and explanations that feature expressive ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print, oral, and digital technologies; and

(d) critiquing the use of claims and evidence in arguments for credibility.

(5) The student shall demonstrate an understanding of taking informed action by:

(a) using disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems; instances of such problems in multiple contexts; and challenges and opportunities faced by those trying to address these problems over time and place; and

(b) applying a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-school contexts.

[6.29.11.17 NMAC - Rp, 6.29.11.17 NMAC, 2/22/2022]

**6.29.11.18 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL ECONOMICS:**

**A. High school economics.**

(1) The student shall demonstrate an understanding of economic decision-making by:

(a) applying understanding of economic concepts and systems to analyze

decision-making and the interactions between consumers, businesses, governments, and societies;

(b)

gathering and evaluating sources to explain the relationship between economic decisions and environmental consequences;

(c)

using cost-benefit analysis and marginal analysis to evaluate an economic issue;

(d)

evaluating how economic principles influence choices and can produce varied outcomes for different individuals or groups; and

(e)

evaluating the market value of income earned through wages and other activities associated with saving and investing.

(2) The

student shall demonstrate an understanding of economic systems and models by:

(a)

analyzing the production, distribution, and consumption of goods and services;

(b)

evaluating economic theories for their compatibility with democracy;

(c)

comparing the advantages and disadvantages of major economic systems found around the world;

(d)

critiquing inequalities that exist in economic systems;

(e)

using economic data to evaluate the positive and negative aspects of American capitalism in relation to other economic systems;

(f)

analyzing how national and global economic trends, practices, and policies impact the state and local economies in New Mexico;

(g)

critiquing the impact of globalization on New Mexico and its citizens;

(h)

evaluating the impact of environmental externalities in New Mexican communities; and

(i)

evaluating opportunities for economic diversification that can significantly impact state and local conditions.

(3) The

student shall demonstrate an understanding of money and markets by:

(a)

explaining how buyers and sellers interact to create markets and market structures;

(b)

evaluating how a variety of factors and conditions in a market determine price and the allocation of scarce goods and resources;

(c)

evaluating the role played by competition in the market;

(d)

evaluating the role of financial institutions in a market economy;

(e)

analyzing the role of money in the economy;

(f)

critiquing specific government policies and regulations initiated to improve market outcomes and the intended and unintended consequences experienced by individuals, businesses, communities, and states;

(g)

generating possible explanations for a government role in markets when market inefficiencies exist;

(h)

evaluating the causes and implications of market failures;

(i)

explaining how governments establish the rules and institutions in which markets operate at the local, state, tribal, national, and international levels;

(j)

using economic indicators and data to analyze the health of the national economy in relation to other countries;

(k)

evaluating how fiscal and monetary policy choices have economic consequences for different stakeholders in a variety of economic conditions;

(l)

evaluating foreign and domestic issues related to United States economic growth overtime; and

(m)

explaining the effect of advancements in technology and training on economic growth and standards of living across diverse groups and circumstances.

(4) The

student shall demonstrate an understanding of global economy by:

(a)

explaining how current globalization trends and policies affect economic growth, labor, markets, rights of citizens, the environment, and resource and income distribution in different nations;

(b)

explaining how economic conditions and policies in one nation increasingly affect economic conditions and policies in other nations;

(c)

evaluating how geography, demographics, industry structure, and the rules of economic institutions influence a nation's economic development;

(d)

analyzing why a country might participate in global trade;

(e)

connecting how trade agreements between nations have short- and long-term effects; and

(f)

constructing an argument about how global interdependence impacts individuals, institutions, or societies based on documented evidence.

(5) The

student shall demonstrate an understanding of personal financial literacy by:

(a)

explaining how and why people make choices to improve their economic well-being;

(b)

comparing the costs and benefits of saving, using credit, or making certain types of financial investments;

(c)

evaluating how and why individuals choose to accept risk, reduce risk, or transfer risk to others;

(d) investigating ways personal information is fraudulently obtained;

(e) identifying voluntary (i.e. retirement contributions) and involuntary deductions (i.e. payroll taxes) and how they impact net income;

(f) preparing a budget or spending plan that depicts varying sources of income, a planned saving strategy, taxes, and other sources of fixed and variable spending;

(g) evaluating options for payment on credit cards and the consequences of each option;

(h) describing how a credit score impacts the ability to borrow money and at what rate;

(i) identifying various strategies students can use to finance higher education and how to access student aid through completion of the free application for federal student aid;

(j) calculating the total cost of repaying a loan under various rates of interest and over different time periods;

(k) explaining what a mortgage is, why most Americans require a mortgage to finance a home, and the challenges of financing mortgages on tribal land;

(l) explaining how investing may build wealth and help meet financial goals (e.g. stocks, bonds, mutual funds, retirement savings options, real estate); and

(m) explaining various types of insurance and the purpose of using insurance to protect financial interests.

**B. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) creating compelling questions representing key ideas within the disciplines; and

(b) developing supporting questions that contribute to an inquiry and demonstrate how, through engaging source work, new compelling and supporting questions emerge.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by:

(a) gathering relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection; and

(b) evaluating the credibility of a source by examining how experts value the source.

(3) The student shall demonstrate an understanding of developing claims by:

(a) identifying evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence to revise or strengthen claims; and

(b) refining claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) constructing arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses;

(b) constructing explanations using reasoning, correct sequence, examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanations given its purpose;

(c) presenting adaptations of arguments and explanations that feature

evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print, oral, and digital technologies; and

(d) critiquing the use of claims and evidence in arguments for credibility.

(5) The student shall demonstrate an understanding of taking informed action by:

(a) using disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems; instances of such problems in multiple contexts; and challenges and opportunities faced by those trying to address these problems over time and place; and

(b) applying a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-school contexts.

[6.29.11.18 NMAC - Rp, 6.29.11.18 NMAC, 2/22/2022]

**6.29.11.19 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL GEOGRAPHY:**

**A. High school geography.**

(1) The student shall demonstrate an understanding of geographic representations and reasoning by:

(a) analyzing and evaluating the characteristics, purposes, and uses of geographic tools, knowledge, and skills;

(b) creating maps to display and explain the spatial patterns of culture and environment;

(c) interpreting geographic characteristics of cultures, economies, and political systems;

(d) analyzing geographic representations to explain changes over time; and



(e) applying geographic knowledge and geospatial skills to interpret the past and present to make informed decisions.

(2) The student shall demonstrate an understanding of location, place, and religion by:

(a) interpreting the reciprocal relationship between physical, geographical locations, and the patterns and processes humans create within them;

(b) evaluating the process of place-making and the development of place-based identity; and

(c) explaining the distinguishing features of formal, functional, and perceptual regions.

(3) The student shall demonstrate an understanding of movement, population, and systems by:

(a) explaining the causes, characteristics, and impact of human movement (migration, immigration, emigration) and settlement patterns at the local, national, and global scale;

(b) evaluating the causes, characteristics, and impact of diffusion: the spread of ideas, religion, beliefs, cultural practices and traits, language, artifacts, methods, technologies, and diseases over time;

(c) describing how human systems, perceptions, and identities shape places and regions over time;

(d) analyzing and predicting how location, place, and region impact the evolution of human perspectives and identities;

(e) describing how particular historical events and developments shape human processes and systems in a given place or region over time; and

(f) predicting future social, political, economic, cultural, spiritual, and environmental opportunities, and obstacles associated with movement,

population, decision-making, and perspectives in a given place or region.

(4) The student shall demonstrate an understanding of human-environmental interactions and sustainability by:

(a) developing reasoned ethical judgements about people, places, events, phenomena, ideas, or developments, and determining appropriate ways to respond;

(b) analyzing shifting United States government environmental policies and regulations in response to changing human-environment interactions;

(c) evaluating the consequences of human-made and natural catastrophes on global trade, politics, and human migration;

(d) assessing the reciprocal relationships between physical environment and culture within local, national, and global scales;

(e) evaluating how economic globalization and the scarcity of resources contribute to conflict and cooperation within and among countries;

(f) analyzing how the forces of cooperation and conflict within and among people, nations, and empires influence the division and control Earth's surface and resources; and

(g) assessing how social, economic, political, and environmental developments at global, national, regional, and local levels affect the sustainability of modern and traditional cultures.

**B. Inquiry.**

(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) creating compelling questions representing key ideas within the disciplines; and

(b) developing supporting questions that contribute to an inquiry and demonstrate how, through engaging source work, new compelling and supporting questions emerge.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by:

(a) gathering relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection; and

(b) evaluating the credibility of a source by examining how experts value the source.

(3) The student shall demonstrate an understanding of developing claims by:

(a) identifying evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence to revise or strengthen claims; and

(b) refining claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) constructing arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses;

(b) constructing explanations using reasoning, correct sequence, examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanations given its purpose;

(c) presenting adaptations of arguments and explanations that feature

evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print, oral, and digital technologies; and

(d) critiquing the use of claims and evidence in arguments for credibility.

(5) The student shall demonstrate an understanding of taking informed action by:

(a) using disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems; instances of such problems in multiple contexts; and challenges and opportunities faced by those trying to address these problems over time and place; and

(b) applying a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-school contexts.

[6.29.11.19 NMAC - Rp, 6.29.11.19 NMAC, 2/22/2022]

**6.29.11.20 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL NEW MEXICO HISTORY:**

**A. Civics.**  
**(1)**

The student shall demonstrate an understanding of civic and political institutions by comparing and contrasting the similarities and differences between the three branches of the federal and state governments.

(2) The student shall demonstrate an understanding of processes, rules, and laws by analyzing the requirements for statehood.

(3) The student shall demonstrate an understanding of civic dispositions and democratic principles by defining sovereignty, exploring how tribal sovereignty has been interpreted over time by indigenous people, and distinguishing ways in which

the different tribes in New Mexico conduct governmental affairs.

**B. Economics and personal financial literacy.**

(1) The student shall demonstrate an understanding of economic decision-making by:

(a) discussing the sequence of events that led to the great depression and the implementation of new deal programs in New Mexico, including the efficacy of the programs for different communities;

(b) analyzing the private and public industries that have impacted New Mexico's economy; and

(c) evaluating the main sources of income for indigenous populations and how they might be different.

(2) The student shall demonstrate an understanding of global economy by summarizing how the United States and Soviet Union emerged from World War II as superpowers, and articulating the difference between communism and capitalism.

**C. Geography.**

(1) The student shall demonstrate an understanding of location, place, and region by:

(a) explaining the impact of the military bases and weapons testing sites in New Mexico as influenced by World War II and the cold war; and

(b) giving examples of the different types of sites and activities that would make people want to tour aspects of New Mexico.

(2) The student shall demonstrate an understanding of human-environmental interactions and sustainability by:

(a) examining the changes in the plains of New Mexico as irrigation and cattle ranches expand into the territory;

(b) analyzing the pros and cons of New Mexico's role in the production of

uranium fueled weapons built during the cold war; and

(c) analyzing how New Mexicans maintain an agricultural industry being that we are one of the driest states in the country.

**D. History.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

(a) connecting various disputes that occur as a result of Article X being stricken from the treaty of Guadalupe Hidalgo;

(b) assessing the changes of the land and society initiated by the railroad system, along with the immigrant population it brought to the New Mexican territory;

(c) evaluating efforts from the people of New Mexico to become a state, and analyzing outside perspectives to the entrance of New Mexico as a state;

(d) interpreting data and evidence to conduct periodization of key events and contributions by key people to the events that occurred during the early 20th century; and

(e) analyzing the civil rights era in New Mexico using multiple perspectives.

(2) The student shall demonstrate an understanding of causes and consequences by:

(a) examining the causes and effects of the civil war, and the battles that ensued within New Mexico;

(b) explaining how the Homestead Act of 1862 impacted the demographics of New Mexico;

(c) probing the beginnings of the boarding school system, and the ramifications that it had on indigenous communities in New Mexico and abroad; and

(d) analyzing the causes and effects of the

dust bowl in New Mexico, and how it changed or eliminated communities.

(3) The student shall demonstrate an understanding of historical thinking by:

(a) demonstrating historical argumentation by using various resources and perspectives to show the impact of World War II on the people of New Mexico, and the impact that our citizens and resident populations had on the war;

(b) examining the development of the first atomic bomb and the dawn of the nuclear age born in New Mexico;

(c) explaining the importance of military research and testing facilities in New Mexico, during the cold war and today;

(d) analyzing multiple perspectives of how water use, policy, and management has changed over the centuries in New Mexico; and

(e) evaluating the importance of preserving historical sites, culture, and New Mexico's resources.

(4) The student shall demonstrate an understanding of critical consciousness and perspectives by:

(a) dissecting the treaty of Guadalupe Hidalgo, and evaluating how the different people of New Mexico were addressed and impacted by the document; and

(b) evaluating the role of race and racism in the acts of land redistribution during the territorial period.

(5) The student shall demonstrate an understanding of power dynamics, leadership, and agency by:

(a) examining the rights that were guaranteed to New Mexico citizens in Article IX of the treaty of Guadalupe Hidalgo, and reason why Article X would have been stricken;

(b) contextualizing the struggles toward

statehood by including the resistance of the Hispanic and Native American population to newcomers;

(c) comparing and contrasting the liberties of people living within a territory versus a state; and

(d) comparing organizations engaged in civil rights work.

**E. Ethnic, cultural, and identity studies.** The student shall demonstrate an understanding of diversity and identity by assessing how social policies and economic forces offer privilege or systemic inequity in accessing social, political, and economic opportunity for identity groups in education, government, healthcare, industry, and law enforcement.

**F. Inquiry.**  
(1) The student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a) creating compelling questions representing key ideas within the disciplines; and

(b) developing supporting questions that contribute to an inquiry and demonstrate how, through engaging source work, new compelling and supporting questions emerge.

(2) The student shall demonstrate an understanding of gathering and evaluating sources by:

(a) gathering relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection; and

(b) evaluating the credibility, reliability, and validity of a source by examining how experts value the source.

(3) The student shall demonstrate an understanding of developing claims by:

(a) identifying evidence that draws

information directly and substantively from multiple sources to detect inconsistencies in evidence to revise or strengthen claims; and

(b) refining claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) constructing arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses;

(b) constructing explanations using reasoning, correct sequence, examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanations given its purpose;

(c) presenting adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print, oral, and digital technologies; and

(d) critiquing the use of claims and evidence in arguments for credibility.

(5) The student shall demonstrate an understanding of taking informed action by:

(a) using disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems; instances of such problems in multiple contexts; and challenges and opportunities faced by those trying to address these problems over time and place; and

(b) applying a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-

school contexts.  
[6.29.11.20 NMAC - Rp, 6.29.11.20 NMAC, 2/22/2022]

**6.29.11.21 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL UNITED STATES HISTORY:**

**A. Geography. (1)**

The student shall demonstrate an understanding of movement, population, and systems by:

(a) analyzing and predicting how locations, places, and regions impact the evolution of human perspective and identity;

(b) predicting future social, political, economic, cultural, religious, spiritual, and environmental opportunities, and obstacles associated with movement, population, decision-making, and perspectives in a given place or region between 1945 and 1975;

(c) describing how particular historical events and developments shape human processes and systems in World War II;

(d) predicting future social, political, economic, cultural, religious, spiritual, and environmental opportunities, and obstacles associated with movement, population, decision-making, and perspectives in World War II; and

(e) describing how particular historical events and developments shape human processes and systems in a given place or region over time, between 1945 and 1975.

**(2)**

The student shall demonstrate an understanding of human-environmental interactions and sustainability by:

(a) assessing how social, economic, politic, and environmental developments at global, national, regional, and local levels affect the sustainability of modern and traditional cultures between 1865 and 1877;

(b) describing how particular historical events and developments shape human processes and systems in a given place or region over time, between 1890 and 1920;

(c) analyzing how the forces of cooperation and conflict within and among people, nations, and empires influence the division and control of the Earth’s surface and resources between 1920 and 1929;

(d) analyzing how the forces of cooperation and conflict within and among people, nations, and empires influence the division and control of the Earth’s surface and resources between 1929 and 1941;

(e) analyzing how the forces of cooperation and conflict within and among people, nations, and empires influence the division and control of the Earth’s surface and resources between 1945 and 1975; and

(f) assessing how social, economic, political, and environmental developments at global, national, regional, and local levels affect the sustainability of modern and traditional cultures between 2008 and the present.

**B. High school United States history.**

(1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

(a) evaluating the long-term consequences of the end of reconstruction and the rise of Jim Crow on formerly enslaved people and their descendants in all regions of the country;

(b) examining immigration policy in the United States;

(c) evaluating what an efficient, equitable, equal, and just economic system would look like in the United States;

(d) examining labor struggles and populist movements in the United States and comparing to other movements around the world;

(e) examining United States imperialist policies and practices;

(f) analyzing the influence of cultural, literary, and artistic movements between 1890 and 1920;

(g) examining the ethics of the suppression of civil liberties and human rights during times of conflict and war, past and present;

(h) analyzing the role of the United States in the world and the balance of foreign and domestic priorities;

(i) analyzing the influence of cultural, literacy, and artistic movements during the progressive era and World War I;

(j) exploring the change between traditionalism and modernity in American society in the past and compare it with today;

(k) evaluating new deal programs and their impact on diverse groups of people in Americas;

(l) analyzing the influence of cultural, literary, and artistic movements between 1929 and 1941;

(m) analyzing the similarities, differences, and connections between the racial social order in the United States, Germany, and other countries during World War II;

(n) analyzing the influence of cultural, literary, and artistic movements during World War II;

(o) exploring the legacy of “othering” in the United States, including boarding schools, internment camps, and detention centers;

(p) examining the short- and long-term effects of central intelligence agency involvement in Latin America;



**(q)**  
analyzing the impact of cold war rhetoric and ideology on social movements and activists in the United States;

**(r)**  
examining how evolving global and domestic understanding of, and respect for, universal human rights affected in the development of the civil rights movement in the United States;

**(s)**  
analyzing issues related to race relations in the United States since the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

**(t)**  
evaluating the role of McCarthyism on the civil rights movement;

**(u)**  
evaluating the influence of 1960s cultural and artistic movements from past to present day;

**(v)**  
assessing the short- and long-term social and political impacts of conservatism and liberalism in the United States;

**(w)**  
examining the short- and long-term impacts of criminal justice policy implemented during the presidencies of Ronald Reagan and Bill Clinton;

**(x)**  
examining the push-pull relationship between conservatism and liberalism in America over time;

**(y)**  
evaluating whether the cold war definitively ended in 1991;

**(z)**  
analyzing the influence of cultural, literary, and artistic movements between 2008 and the present; and

**(aa)**  
analyzing major trends, issues, and advances to address healthcare disparities in the past, present, and future.

**(2)**  
The student shall demonstrate an understanding of causes and consequences by:

**(a)**  
analyzing the short- and long-term effects of the end of the civil war and reconstruction period;

**(b)**  
examining the impact of the end of the civil war on the settlement of the west, and on the relationships between the United States and the indigenous nations of the west;

**(c)**  
explaining the various causes of the industrial revolution;

**(d)**  
evaluating the consequences of the industrial revolution;

**(e)**  
analyzing social, political, and economic reasons groups migrated to and within the United States, including push and pull factors;

**(f)**  
analyzing the causes and course of the growing role of the United States in world affairs from the civil war to World War I;

**(g)**  
distinguishing between the long-term causes and triggering events that led the United States into World War I;

**(h)**  
explaining the course and significance of Woodrow Wilson’s wartime diplomacy, including his fourteen points, the league of nations, and the failure of the treaty of Versailles;

**(i)**  
assessing how new technology in transportation, communication, and finance impacted American society;

**(j)**  
describing the multiple causes and consequences of the global and the United States depression of the 1930s;

**(k)**  
assessing the impact and legacy of new deal relief, recovery, and reform programs;

**(l)**  
explaining the reasons for American involvement in World War II and the key actions and events leading up to declarations of war against Japan and Germany;

**(m)**  
explaining the rise of fascism and the forms it took in Germany and Italy, including ideas and policies that led to the Holocaust, also known as Shoah;

**(n)**  
analyzing the events that led to World War II, the major battles of the war,

use of nuclear weapons, and the Holocaust, also known as Shoah;

**(o)**  
analyzing the consequences of World War II, including the conferences of allied leaders following the war, and the development of human rights;

**(p)**  
assessing the social, political, and economic transformation of the United States during World War II.;

**(q)**  
analyzing the causes, conflicts, and consequences of the cold war;

**(r)**  
evaluating the policy of containment as a response by the United States to Soviet expansionist policies;

**(s)**  
analyzing how United States foreign policy during the cold war shaped conflicts in Asia and the Americas;

**(t)**  
analyzing the roots of domestic communism and anti-communism in the 1950s, the origins and consequences of, and the resistance to McCarthyism;

**(u)**  
analyzing the origin, goals, and outcomes of civil rights groups in the 1950s and the 1960s, and their influence on contemporary civil rights movements;

**(v)**  
evaluating resistance to integration in white communities, protests to end segregation, and the supreme court decisions on civil rights;

**(w)**  
analyzing the social, political, and economic conditions of the 1960s and 1970s that led to a rise in conservatism and its overall impact on society; and

**(x)**  
analyzing how communist economic policies and United States-sponsored resistance to Soviet military and diplomatic initiatives contributed to the fall of the Berlin wall in 1989 and the dissolution of the Soviet Union in 1991.

**(3)**  
The student shall demonstrate an understanding of critical consciousness and perspectives by:

**(a)** evaluating how the events of reconstruction impacted people from diverse groups;

**(b)** exploring African American economic, political, and sociocultural (educational, artistic, literary) responses to emancipation and reconstruction;

**(c)** identifying the ways in which gender roles were changing and unchanged during the 19th century;

**(d)** evaluating the effects of the entry of women into the workforce after the civil war and analyzing women’s political organizations;

**(e)** analyzing the consequences of the continuing westward expansion of the American people after the civil war;

**(f)** evaluating the impact of the 14th Amendment on indigenous people and Asian and European immigrant men and women;

**(g)** examining the ways that the great migration changed America, and exploring the ways that African Americans adapted and resisted;

**(h)** evaluating how events during imperialism impacted people from diverse groups;

**(i)** examining the ways in which art, journalism, literature, and cultural artifacts served as forms of resistance and contributed to the anti-imperialist movement;

**(j)** evaluating major reform movements and reformers during the progressive era;

**(k)** evaluating the inclusivity and exclusivity of progressive era reform movements;

**(l)** analyzing the campaign for, and the opposition to, women’s suffrage in the late 19th and early 20th centuries;

**(m)** analyzing the strategies of African Americans to achieve basic civil rights in the early 20th century;

**(n)** analyzing how ideologies of the progressive movement impacted indigenous people in the United States;

**(o)** evaluating how the events of the 1920s impacted people from diverse groups;

**(p)** exploring the arts, entrepreneurship, and philanthropy of the Harlem renaissance and its connections to the great migration;

**(q)** evaluating the passage of the 19th amendment from the perspective of diverse groups in American society;

**(r)** examining the ways in which gender role norms changed and stayed the same in 1920s America;

**(s)** examining the lives and experiences of Latinos and other diverse groups and the relationship of the United States to Mexico;

**(t)** evaluating how the events of this time period, during World War II, impacted people from diverse groups;

**(u)** examining the ways in which gender roles changed and stayed the same for women during World War II;

**(v)** evaluating how the events during the cold war impacted people from diverse groups;

**(w)** examining the ways in which gender roles changed and stayed the same during World War II;

**(x)** evaluating how the events of the civil rights movement impacted people from diverse groups;

**(y)** analyzing the causes, course, and impact on American politics and society of new social and political movements, including consideration of the role of protest, advocacy organizations, and active citizen participation;

**(z)** evaluating how major world events between 1968 and 2008, such as

9/11, and the rise of global terrorism impacted people from diverse groups;

**(aa)** examining the ways in which gender roles changed and stayed the same between 1945 and 1975;

**(bb)** evaluating the significance of the federal 1990 Americans with Disabilities Act;

**(cc)** examining the experiences, activism, and legislation impacting the LGBTQIA+ community;

**(dd)** evaluating how the events between 2008 and the present impact people from diverse groups; and

**(ee)** examining the ways in which gender roles changed and stayed the same between 1968 and 2008.

**(4)** The student shall demonstrate an understanding of power dynamics, leadership, and agency by:

**(a)** exploring the efforts of the federal government, African Americans, and civil society reformers to create a new political and social order after emancipation;

**(b)** explaining what progressivism meant in the early 20th century through the ideas, actions, and experiences of progressive leaders;

**(c)** analyzing the governmental policies of the progressive period, determine which problems they were designed to solve, and assessing long- and short-term effectiveness;

**(d)** analyzing the role of the United States in World War I;

**(e)** examining the conflict between traditionalism and modernity as manifested in the major political and economic events in the first two decades of the 20th century;

**(f)** summarizing United States diplomatic and military policies during the cold war;

**(g)** analyzing the important policies and

events that took place during the presidencies of John F. Kennedy, Lyndon Johnson, and Richard Nixon;

(h)

analyzing the rise of conservatism and liberalism in American politics and society;

(i)

evaluating the role of the United States in contemporary global issues;

(j)

evaluating the impacts of contemporary global issues on the United States;

(k)

analyzing the current state and health of American democracy;

(l)

analyzing some of the major technological and social trends and issues of the late 20th and early 21st centuries;

(m)

evaluating the effectiveness of the federal government’s response to international and domestic terrorism in the 21st century;

(n)

examining contemporary civil and human rights struggles and successes; and

(o)

analyzing United States government policies to reduce climate disruption.

**C. Ethnic, cultural, and identity studies.**

(1) The

student shall demonstrate an understanding of diversity and identity by:

(a)

investigating how identity groups and society address systemic inequity through individual actions, individual champions, social movements, and local community, national, and global advocacy;

(b)

identifying and exploring how current traditions, rites, and norms of identity groups have or are changing over time;

(c)

comparing and contrasting the various origins – indigenous, forced, voluntary – of identity groups in the United States;

(d)

examining the role assimilation plays in the loss of cultural, ethnic, racial, and religious identities and language, between 1865 and 1920;

(e)

examining the impact of historical, cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups, between 1890 and 1920;

(f)

examining the impact of historical, cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups, during the progressive era and World War I;

(g)

examining the role assimilation plays in the loss of cultural, ethnic, racial, and religious identities and language, during the progressive era and World War I;

(h)

examining the impact of historical, cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups, between 1920 and 1929;

(i)

examining the impact of historical, cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups, between 1929 and 1941; and

(j)

assessing how social policies and economic forces offer privilege or systemic inequity in accessing social, political, and economic opportunity for identity groups in education, government, healthcare, industry, and law enforcement.

(2) The

student shall demonstrate an understanding of community identity in history by examining the impact of historical, cultural, economic, political, religious, and social factors that resulted in unequal power relations among identity groups.

(3) The

student shall demonstrate an understanding of community equity building by:

(a)

examining historical and contemporary cultural, economic, political, and social contributions to society by individuals or groups within an identity group;

(b)

examining the impact of historical, cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups, during World War II;

(c)

investigating how identity groups and society address systemic identity through individual actions, individual champions, social movements, and local community, national, and global advocacy;

(d)

examining historical and contemporary cultural, economic, intellectual, political, and social contribution to society by individuals or groups within an identity group;

(e)

investigating how identity groups and society address systemic inequity through individual actions, individual champions, social movements, and local community, national, and global advocacy; and

(f)

evaluating the role of racial social construct in the structure and function of a 21st century American society;

**D. Inquiry.**

(1) The

student shall demonstrate an understanding of constructing compelling and supporting questions by:

(a)

creating compelling questions representing key ideas within the disciplines; and

(b)

developing supporting questions that contribute to an inquiry and demonstrate how, through engaging source work, new compelling and supporting questions emerge.

(2) The

student shall demonstrate an understanding of gathering and evaluating sources by:

(a) gathering relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection; and

(b) evaluating the credibility of a source by examining how experts value the source.

(3) The student shall demonstrate an understanding of developing claims by:

(a) identifying evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence to revise or strengthen claims; and

(b) refining claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

(4) The student shall demonstrate an understanding of communicating and critiquing conclusions by:

(a) constructing arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses;

(b) constructing explanations using reasoning, correct sequence, examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanations given its purpose;

(c) presenting adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print, oral, and digital technologies; and

(d) critiquing the use of claims and evidence in arguments for credibility.

(5) The student shall demonstrate an

understanding of taking informed action by:

(a) using disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems; instances of such problems in multiple contexts; and challenges and opportunities faced by those trying to address these problems over time and place; and

(b) applying a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-school contexts.

[6.29.11.21 NMAC – Rp, 6.29.11.21 NMAC, 2/22/2022]

**6.29.11.22 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL WORLD HISTORY:**

**A. Civics.** The student shall demonstrate an understanding of roles and responsibilities of a civic life by:

(1) assessing options for individual and collective action to address local, regional, and global problems;

(2) applying a range of strategies and procedures to make decisions and take action in classrooms, schools, and out-of-school civic contexts; and

(3) evaluating methods people use to create, change, expand, or oppose systems of power or authority.

**B. Economics.** The student shall demonstrate an understanding of a global economy by:

(1) evaluating the impact of global interconnectedness on international economic stability and growth; and

(2) analyzing how national and global economic trends and policies impact the state and local economies in New Mexico.

**C. Geography.** (1) The student shall demonstrate an

understanding of location, place, and region by analyzing and explaining the reciprocal relationship between physical, geographical locations, and the patterns and processes humans create within them.

(2) The student shall demonstrate an understanding of movement, population, and systems by identifying, evaluating, and explaining the causes, characteristics, and impact of diffusion: the spread of ideas, beliefs, religions, cultural practices and traits, language, artifacts, methods, technologies, and diseases across space and over time.

(3) The student shall demonstrate an understanding of human-environmental interactions and sustainability by assessing how social, economic, political, and environmental developments at global, national, regional, and local levels affect the sustainability of modern and traditional cultures.

**D. History.** (1) The student shall demonstrate an understanding of historical change, continuity, context, and reconciliation by:

(a) identifying significant transformative moments in world history, analyzing the reasons behind their transformative nature, and explaining how they continue to shape contemporary global interactions;

(b) tracing political, intellectual, religious, artistic, technological, economic, and social developments in historical periods, and within individual societies;

(c) identifying patterns of continuity and change over time in world history, focusing on patterns within and between historical eras;

(d) examining how historical events and developments were shaped by unique circumstances of time and place, and broader historical contexts; and

(e) identifying how individuals, groups,



and events in New Mexico’s history that have influenced or were influenced by events in world history.

(2)

The student shall demonstrate an understanding of causes and consequences by:

(a)

identifying and evaluating multiple causes and effects of historical events within world history;

(b)

distinguishing between long- and short-term causes in developing historical interpretations; and

(c)

identifying contemporary global issues that influence or are influenced by New Mexicans.

(3) The

student shall demonstrate an understanding of historical thinking by:

(a)

analyzing and evaluating the values and limitations of primary and secondary sources of information, including digital, with attention to the source, its context, reliability, and usefulness;

(b)

effectively using and integrating evidence from a variety of diverse sources to evaluate and develop historical claims; and

(c)

synthesizing historical information to create new understandings.

(4)

The student shall demonstrate an understanding of critical consciousness and perspectives by:

(a)

using a variety of source materials to compare and contrast treatments of the same topic;

(b)

examining historical events from the perspectives of diverse groups, including indigenous people, national, regional, racial, ethnic, class, gender, sexual orientation, and differently abled; and

(c)

analyzing and evaluating multiple points of view to explain the ideas and actions of individuals and groups.

(5) The

student shall demonstrate an understanding of power dynamics, leadership, and agency by:

(a)

using historical thinking skills to evaluate historical and contemporary sources of information relating to local, regional, and global problems, and identify challenges and opportunities faced by those trying to address these problems;

(b)

investigating cultural and historical developments within societies with attention to belief systems, ideologies, the arts, science, and technology; and

(c)

analyzing the complex relationship between dominant cultures and minority groups throughout world history, including constructions of race, ethnicity, gender, sexual orientation, differently abled, nationality, class, religion, reactions, and long-term effects of oppression.

**E. Ethnic, cultural, and identity studies.** The student shall demonstrate an understanding of identity in history by:

(1) comparing

and contrasting the various origins (including indigenous, forced, voluntary) of identity groups in world history;

(2) examining

the impact of historical cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups; and

(3) examining

the role colonization, assimilation, and syncretism plays in the evolution of cultural, ethnic, racial, and religious identities and language.

**F. Inquiry.**

(1) The

student shall demonstrate an understanding of constructing compelling and supporting questions by creating compelling questions representing key ideas in world history.

(2) The

student shall demonstrate an understanding of gathering and evaluating sources by:

(a)

evaluating the credibility of sources from a range of media (print, internet, audio, visual) by examining origin, author, context, content, and corroborative value; and

(b)

gathering relevant information from credible sources representing a wide range of views and noting inconsistencies in the information.

(3) The

student shall demonstrate an understanding of developing claims by:

(a)

developing claims and analyzing counterclaims about the significance of historical events using evidence that draws directly and substantively from multiple sources; and

(b)

analyzing evidence to detect inconsistencies within the evidence to revise or strengthen claims.

(4) The

student shall demonstrate an understanding of communicating and critiquing conclusions by presenting arguments and explanations that reach a range of audiences using print and oral technologies (e.g. posters, essays, letters, debates, speeches, reports, maps) and digital technologies (e.g. internet, social media, digital documentary).

(5) The

student shall demonstrate an understanding of taking informed action by:

(a)

evaluating historical and contemporary sources of information relating to local, regional, and global problems and identifying challenges and opportunities faced by those trying to address these problems;

(b)

assessing options for individual and collective action to address local, regional, and global problems; and

(c)

applying a range of strategies and procedures to make decisions and take action in classrooms, schools, and out-of-school civic contexts.

[6.29.11.22 NMAC - Rp, 6.29.11.22 NMAC, 2/22/2022]

**6.29.11.23 ANCHOR STANDARDS AND PERFORMANCE STANDARDS FOR HIGH SCHOOL ETHNIC, CULTURAL, AND IDENTITY STUDIES:**

**A. Ethnic, cultural, and identity studies.**

**(1)** The student shall demonstrate an understanding of diversity and identity by:

**(a)** recognizing and valuing the student’s group identities without perceiving or treating others as inferior;

**(b)** identifying and analyzing cultural, differently abled, ethnic, gender, sexual orientation, national, political, racial, and religious identities, and related perceptions and behaviors by society of these identities;

**(c)** identifying and exploring how current traditions, rites, and norms of identity groups have or are changing over time; and

**(d)** assessing how social policies and economic forces offer various identity groups privilege or systemic inequity in accessing social, political, and economic opportunity in education, government, healthcare, industry, and law enforcement.

**(2)** The student shall demonstrate an understanding of identity in history by:

**(a)** comparing and contrasting the various origins (including indigenous, forced, voluntary) of identity groups in the United States;

**(b)** examining the impact of historical cultural, economic, political, religious, and social factors, which resulted in unequal power relations among identity groups; and

**(c)** examining the role assimilation plays in the loss of cultural, ethnic, racial, and religious identities and language.

**(3)** The student shall demonstrate an understanding of community equity building by:

**(a)** examining historical and contemporary cultural, economic, intellectual, political, and social contributions to society by individuals or groups within an identity group;

**(b)** investigating how identity groups and society address systemic inequity and transformational change through individual actions, individual champions, social movements, and local community, national, and global advocacy; and

**(c)** evaluating the role of racial social constructs in the structures and functions of a 21st century American society.

**B. Inquiry.**

**(1)** The student shall demonstrate an understanding of constructing compelling and supporting questions by:

**(a)** creating compelling questions representing key ideas within the disciplines; and

**(b)** developing supporting questions that contribute to an inquiry and demonstrate how, through engaging source work, new compelling and supporting questions emerge.

**(2)** The student shall demonstrate an understanding of gathering and evaluating sources by:

**(a)** gathering relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection; and

**(b)** evaluating the credibility of a source by examining how experts value the source.

**(3)** The student shall demonstrate an understanding of developing claims by:

**(a)** identifying evidence that draws information directly and substantively from multiple sources to detect

inconsistencies in evidence to revise or strengthen claims; and

**(b)** refining claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

**(4)** The student shall demonstrate an understanding of communicating and critiquing conclusions by:

**(a)** constructing arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses;

**(b)** constructing explanations using reasoning, correct sequence, examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanations given its purpose;

**(c)** presenting adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print, oral, and digital technologies; and

**(d)** critiquing the use of claims and evidence in arguments for credibility.

**(5)** The student shall demonstrate an understanding of taking informed action by:

**(a)** using disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems; instances of such problems in multiple contexts; and challenges and opportunities faced by those trying to address these problems over time and place; and

**(b)** applying a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-school contexts.

[6.29.11.23 NMAC - Rp, 6.29.11.23 NMAC, 2/22/2022]

**HISTORY OF 6.29.11 NMAC:  
[RESERVED]**

6.29.11 NMAC, Social Studies, filed 6/30/2009, was repealed and replaced by 6.29.11 NMAC, Social Studies, effective 2/22/2022.

**REGULATION AND  
LICENSING DEPARTMENT  
INTERIOR DESIGN BOARD**

**TITLE 16 OCCUPATIONAL  
AND PROFESSIONAL  
LICENSING  
CHAPTER 42 INTERIOR  
DESIGNERS  
PART 7 LICENSURE FOR  
MILITARY SERVICE MEMBERS,  
SPOUSES, DEPENDENT  
CHILDREN AND VETERANS**

**16.42.7.1 ISSUING**  
**AGENCY:** Regulation and Licensing Department, New Mexico Interior Design Board.  
[16.42.7.1 NMAC – N, 3/12/2022]

**16.42.7.2 SCOPE:** This part sets forth application procedures to expedite licensure for military service members, spouses, dependent children, and veterans.  
[16.42.7.2 NMAC – N, 3/12/2022]

**16.42.7.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to Section 61-1-34 of the Uniform Licensing Act, NMSA 1978, Section 61-1-1 to 34 (1957, as amended through 2013) and the Interior Designers Act, Sections 61-24C-1 to 16 NMSA 1978.  
[16.42.7.3 NMAC – N, 3/12/2022]

**16.42.7.4 DURATION:**  
Permanent.  
[16.42.7.4 NMAC – N, 3/12/2022]

**16.42.7.5 EFFECTIVE DATE:** January 4, 2014, unless a later date is cited at the end of a section.  
[16.42.7.5 NMAC - RP, 16.42.7.5 NMAC, 3/12/2022]

**16.42.7.6 OBJECTIVE:**  
The purpose of this part is to expedite licensure for military service members, their spouses, their dependent children and for veterans pursuant to Section 61-1-34 NMSA 1978.  
[16.42.7.6 NMAC – N, 3/12/2022]

**16.42.7.7 DEFINITIONS:**

**A. “License”** means a license, registration, certificate of registration, certificate, permit or certification.

**B. “Licensing Fee”** means a fee charged at the time an application for a professional or occupational license is submitted to the state agency, board or commission and any fee charged for the processing of the application for such license; “licensing fee” does not include a fee for an annual inspection or examination of a licensee or a fee charged for copies of documents, replacement license or other expenses related to a professional or occupational license.

**C. “Military service member”** means a person who is:

(1) serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member’s death was serving on active duty; or

(2) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member’s death was serving on active duty; or

(3) the child of a person who is serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes.

**D. “Substantially equivalent”** means the determination by the board that the education, examination, and experience requirements contained in the statutes and rules of another jurisdiction are comparable to, or exceed the education, examination, and experience requirements of the Interior Designers Act.

**E. “Veteran”** means a person who has received an honorable discharge or separation from military service.  
[16.42.7.7 NMAC – N, 3/12/2022]

**16.42.7.8 APPLICATION REQUIREMENTS:**

**A.** Applications for registration shall be completed on a form provided by the board.

**B.** The applicant shall provide a complete application that includes the following information:

(1) applicant’s full name;

(2) current mailing address;

(3) current electronic mail address, if any;

(4) date of birth; and

(5) proof as described in Subsection C of 16.42.8 NMAC.

**C.** The applicant shall provide the following satisfactory evidence as follows:

(1) applicant is currently licensed and in good standing in another jurisdiction, including a branch of the United States armed forces;

(2) applicant has met the minimal licensing requirements in that jurisdiction and the minimal licensing requirements in that jurisdiction are substantially equivalent to licensing requirements for New Mexico; and

(3) the following documentation:

(a) for military service member: a copy of military orders;

(b) for spouse of military service members: copy of military service

member’s military orders, and a copy of marriage license;

(c) for spouses of deceased military service members: copy of decedent’s DD 214 and copy of marriage license;

(d) for dependent children of military service members; copy of military service member’s orders listing dependent child, or a copy of military orders and one of the following: copy of birth certificate, military service member’s federal tax return or other governmental or judicial documentation establishing dependency;

(e) for veterans (retired or separated): copy of DD 214 showing proof of honorable discharge.

D. The license or registration shall be issued by the board as soon as practicable but no later than thirty days after a qualified military service member, spouse, dependent child, or veteran files a complete application and provides a background report if required for a license, and any required fees.

E. Military service members and veterans shall not pay and the board shall not charge a licensing fee for the first three years for a license issued pursuant to this rule.

F. A license issued pursuant to this section shall be valid for the time period that is specified in the Interior Designers Act.

G. Electronic signatures will be acceptable for applications submitted pursuant to section 14-16-1 through section 14-16-19 NMSA 1978.

[16.42.7.8 NMAC – N, 3/12/2022]

16.42.7.9 [RESERVED]

**16.42.7.10 RENEWAL REQUIREMENTS:**

A. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for renewal set forth in 16.42.3 NMAC pursuant to Interior Designers Act, Sections 61-24C-1 to 16 NMSA 1978.

B. As a courtesy, the board, will send via electronic mail license renewal notifications to licensees or registrants before the license expiration date to the last known email address on file with the board/commission. Failure to receive the renewal notification shall not relieve the licensee or registrant of the responsibility of timely renewal on or before the expiration date.  
[16.42.7.10 NMAC – N, 3/12/2022]

**HISTORY OF 16.42.7 NMAC:  
[RESERVED]**

**REGULATION AND LICENSING DEPARTMENT INTERIOR DESIGN BOARD**

**This is an amendment to 16.42.4 NMAC, adding Section 10, effective 3/12/2022.**

**16.42.4.10 CRIMINAL OFFENDERS EMPLOYMENT ACT:** Convictions for any of the following offense, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify and applicant from receiving or retaining a license or certificate by the board.

- A. Physical harm to others:
- (1) murder;
  - (2) manslaughter;
  - (3) assault;
  - (4) battery;
  - (5) abandonment of a child resulting in death or great bodily harm;
  - (6) abuse of a child;
  - (7) kidnapping;
  - (8) false imprisonment;
  - (9) sexual assault;
- B. Property damage:
- (1) shooting at property;
  - (2) criminal damage to property;
  - (3) dangerous use of explosives;

- (4) graffiti;
  - (5) arson;
- C. Fraud:
- (1) misrepresentation fraudulent statements or alterations of documents;
  - (2) improper sale, disposal, removal or concealing of encumbered property;
  - (3) tax fraud;
  - (4) conspiracy;
  - (5) Medicaid, Medicare or insurance fraud;
  - (6) money laundering;
- D. Theft:
- (1) breaking and entering;
  - (2) larceny;
  - (3) robbery;
  - (4) burglary;
  - (5) shoplifting;
  - (6) I.D. theft;
  - (7) credit card or other financial information;
  - (8) receiving or transferring stolen property;
- E. Financial crimes:
- (1) embezzlement;
  - (2) extortion;
  - (3) receiving stolen property;
  - (4) forgery;
  - (5) receiving illegal kickbacks;
  - (6) racketeering;
  - (7) falsification of documents;
  - (8) white collar crimes;
- F. Drug offenses:
- (1) drug trafficking;
  - (2) possession;
  - (3) contributing to the delinquency of a minor;
- G. Sex crimes:
- (1) distribution of pornography;
  - (2) human trafficking;
  - (3) criminal sexual penetration or contact;
  - (4) failure



to register with the sex offender and notification act;

H. Any crimes identified under Section 61-24C-10, NMSA 1978:

- I. Miscellaneous:
- (1) felon in possession of a firearm;
  - (2) bribery of an official;
  - (3) accepting a bribe;
  - (4) gambling and gaming crimes;
  - (5) stalking;
  - (6) terrify, intimidate, threaten, harass, annoy or offend another;
  - (7) escape from incarceration;
  - (8) DWI;
  - (9) practicing a profession without a license or on a revoked or suspended license;
  - (10) violation of the subdivision act, mortgage foreclosure act, mortgage loan company act or uniform money services act;
  - (11) violation of the controlled substance act;

J. The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in Section 16.42.4.10 NMAC.

K. The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in 16.42.4.10 NMAC.

L. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Interior Designers Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in 16.42.4.10 NMAC.

M. In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in 16.42.4.10 NMAC [16.42.4.10 NMAC - N, 3/12/2022]

**REGULATION AND LICENSING DEPARTMENT ENGINEERS AND PROFESSIONAL SURVEYORS**

**This an amendment to 12.8.2 NMAC, Sections 7 and 9, effective 3/12/2022.**

**12.8.2.7 DEFINITIONS:**

**A. Professional competency and performance:** A surveyor shall provide competent representation to the client, their employer and the public interest. Competent surveying practice requires the knowledge, skill, thoroughness, and preparation reasonably necessary for the engagement including the assessment of which his/her skills, knowledge and experience befits the needs of the client and to advise or otherwise direct or decline the work based on that assessment of their personal and professional competency.

**B. Types of Surveying:**

**(1) Boundary surveying** is the determination, description, portraying, measuring or monumentation of the boundaries of a tract of land and reflecting the relationship of the boundaries of the surveyed property (i.e. contiguity, gaps, or overlaps) with its adjoiners, where ascertainable from record documents or from field evidence

gathered during the process of conducting the survey of the property being surveyed. If the surveyed property is composed of multiple parcels, the extent of any gaps or overlaps between those parcels shall be identified.

**(2) Improvement location reporting** is the preparation of a report which complies with all of the requirements and limitations of an improvement location report as set forth in 12.8.2.10 NMAC, and which is issued to a title, abstract or escrow company or a lending institution for their exclusive use in determining such things as insurability or value of a tract of land.

**(3) Topographic surveying** is the measurement and portrayal of the configuration of the ground or the location and description of objects thereon. It can include the plotting and description of property boundary monuments and property lines on a topographic map. Unless a boundary survey is being conducted simultaneously, only existing monuments found at the time of the survey are shown, and no boundary monuments are set; and the following words are prominently shown on the topographic map: THIS IS NOT A BOUNDARY SURVEY OR A RIGHT-OF-WAY SURVEY. APPARENT PROPERTY CORNERS, RIGHT-OF-WAY LINES, OR PROPERTY LINES AS SHOWN ARE DERIVED FROM RECORD SURVEY PLATS, RIGHT-OF-WAY MAPS, OR DEEDS REFERENCED HEREON AND ARE NOT GUARANTEED OR TO BE RELIED ON FOR THE ESTABLISHMENT OF PROPERTY LINES.

**(4) Easement surveying** is the description, portrayal, or monumentation of easement(s) only.

**(5) Right-of-way surveying** is boundary surveying of existing right-of-way lines, which may include the boundary survey of adjoining property lines, for locating existing or proposed right-of-way.

(6)

**Condominium surveying** - when performing or preparing a survey that falls under the Condominium Act (Article 7B), the survey requirements (Article 47-7B-9 or subsequent amendments) of said act shall be the standards to which the survey shall be held.

(7)

**Preparation of legal descriptions** - the preparation of legal descriptions is a form of surveying and, other than the citing of a lot or parcel for reference or identification purposes of a duly recorded plat, must be performed by a licensed professional surveyor.

(8) **An ALTA/**

**NSPS survey** is a boundary survey. Therefore, a plat of survey must be recorded. The filed survey can be a separate plat and need not include all the detail of the ALTA/NSPS survey but only the improvements affecting the boundary are required to be shown (See Subsection J of 12.8.2.9 NMAC).

(9) **Control**

**surveying** is the establishment of horizontal or vertical controls which will be the basis for future phases of a project including, but not limited to: extraction of geospatial data, engineering design projects, construction staking, surveys to layout horizontal and vertical alignments, topographic surveys using field methods, collection of topographic and planimetric data using photogrammetric methods and construction surveys of engineering or architectural public works projects.

(10)

**Unclassified surveying** is surveying not defined above.

C. **“Dimensions**

**means”** the direction, expressed either as a bearing or an azimuth, and the length of a survey line.

D. **“Easement means”**

a right that the public, a person or an entity holds in the land of another.

E. **“Monument**

**means”** an object intended to mark a property boundary or a point of reference.

F. **“Surveyor means”**

a professional surveyor licensed

under the Engineering and Surveying Practice Act.

G. **“Tract or lot means”** a parcel of land in separate ownership, where a unique parcel identification number(s) has been or will be assigned by the county in which the tract or lot is situated. It can also be a leasehold set off for separate ownership or a leasehold for other uses.

H. **“Supplemental surveying work means”** surveying work performed in order to densify, augment and enhance previously performed surveying work or site information but excludes the surveying of real property for the establishment of land boundaries, rights of way, easements and the dependent or independent surveys or resurveys of the public land system.

I. **“GPS”** is global positioning system, a.k.a. GNSS.

J. **“Classes of surveys”:**

(1) **“Urban means”** a survey within or adjoining a municipality or a survey, regardless of location, of land zoned for or intended for use for multifamily, commercial or industrial purposes.

(2) **“Suburban means”** a survey, which is not an urban survey, of land zoned for or intended for use for residential purposes.

(3) **“Rural means”** a survey, which is neither an urban nor suburban survey.

K. **“Positional error means”** the error inherent in setting or measuring from a monument and is added to the error expressed as a ratio for a closed traverse.

L. **“Positional accuracy”** is an assessment of the closeness of the location of spatial objects in relation to their true positions geospatially.

M. **“GNSS”** is global navigational satellite system, a.k.a. GPS or global positioning by satellites.

N. **“Geospatial”** is the relative position of features on, above, or below the earth’s surface defined by a localized or globalized system.

O. **“OPUS”** is the online positioning user service as provided by the national geodetic survey, national oceanic atmospheric administration, United States (U.S.) government.

P. **“Digital geospatial data”** is data in addition to, or as an alternative to, written or drawn media containing geospatially referenced electronic or computerized data, including land information systems (LIS) and geographic information systems (GIS). It includes data such as produced by optical and digital photographic comparison, scanners, lidar or radar, laser, infrared or ultrasonic measuring and UAV/UAS/airborne sensors.

Q. **“Basis of bearing”** is the basis of bearings or azimuth used in the survey and required to be depicted for boundary surveys, easement surveys, right-of-way surveys, ALTA/NSPS surveys and control surveys and shall be shown and based upon:

(1) New Mexico (NM) state plane grid coordinates with specifics to horizontal datum, zone, and convergence angle if pertinent;

(2) a specific line between two points either found or re-established set points as shown on an existing filed plat or included as part of a deed description;

(3) measured and published geodetic control values based upon an online position user service (OPUS) solution or geodetic control stations;

(4) a longitudinal line is acceptable using GPS or GNSS observations or other means for determining the longitude of a basis of bearings as long as the longitudinal value is published on the survey with the method used in determining the longitude;

(5) “GPS North” or similar notations without explanation as described above is unacceptable; and the use of “assumed bearings” is prohibited. A basis of bearings for legal descriptions and unclassified surveys is required only if the performing

surveyor determines it is necessary for others to retrace the survey.  
 [12.8.2.7 NMAC - Rp, 12.8.2.7 NMAC, 5/01/2007; A, 7/24/2016; A, 3/12/2022]

**12.8.2.9 BOUNDARY SURVEYING:** When performing a boundary survey, the surveyor shall be responsible for accomplishing all of the following.

**A.** Obtain copies of relevant documents necessary to perform the survey.

**B.** Review recorded plats and plats known to and available to the surveyor that are germane to the tract being surveyed.

**C.** Make a site visit and inspect the subject property and look for evidence of existing monuments and for evidence of possession and usage.

**D.** Determine the relative location on the ground of all found existing monuments which pertain to the survey using procedures which achieve the minimum accuracy standards in 12.8.2.16 NMAC.

**E.** Tag found monuments which are accepted by the surveyor and pertain to the boundary being surveyed with a metal tag, bearing the surveyor's license number, attached to the monument with a metal wire or strap; monuments set by a government agency which are clearly identified by their markings need not be tagged.

**F.** Set new monuments in conformance with 12.8.2.17 NMAC at all corners of the tract being surveyed using procedures which achieve the minimum accuracy standards in 12.8.2.16 NMAC, unless a permanent monument already exists.

**G.** Follow the rules and procedures, except for the accuracy and monumentation standards, in the applicable *manual of surveying instructions* for the survey of the public lands of the U.S., prepared by the United States bureau of land management, if the tract being surveyed pertains to the United States survey of public lands in any way including the following:

**(1)** is a section or an aliquot part of a section;

**(2)** is a small holding claim, private claim, land grant, mining claim or any other tract described in the manual of instructions for the survey of the public lands of the United States (*manual of surveying instructions*);

**(3)** has a boundary which is a boundary of a tract described in [~~Subsection G of 12.8.2.9 NMAC, paragraphs (1) or (2) above~~] Paragraph (1) and (2) of Subsection G of 12.8.2.9 NMAC;

**(4)** prior surveys and physical evidence within and adjacent to the section being surveyed should be carefully considered as evidence of original corner locations.

**H.** Never move, remove nor obscure an existing monument unless it is first properly referenced and all dimensions necessary to preserve its location are reported on a recorded plat.

**I.** Updating a prior survey - If an existing survey is updated for any reason, the surveyor shall comply with the minimum standards in effect at the time of the update unless the update is only to correct a minor scrivener's error. If the update is solely to bring the survey into compliance with the minimum standards and the location of the boundary has not changed, remonumentation is not required unless the original monumentation was not in compliance with the minimum standards in effect at the time the original survey was performed.

**J.** Prepare a plat of the survey, unless the survey is only the re-monumentation of corners of a tract, shown on a recorded plat, where some of the existing corners of the tract are recovered, whose measured dimensions on the ground are reasonably close to the record dimensions. A plat of survey must be recorded only if it is a survey of a parcel for which no previously recorded plat exists or, in the case of remonumentation, the surveyor finds that field measurements are significantly different from record dimensions. The plat may contain as

many sheets as required, which meet the size and material requirements of the state statute and shall contain at least the following:

**(1)** the name, address and registration number of the surveyor responsible for the survey;

**(2)** a certificate followed by the dated signature and seal of the surveyor responsible for the survey stating that the surveyor conducted an actual survey on the ground and is responsible for the survey and that the survey and plat meet the minimum standards for surveying in New Mexico; only one surveyor's signature and seal shall appear on a plat; and the following model certification is considered to be an example of the minimum that the surveyor should certify to:

I, \_\_\_\_\_ (surveyor's name) \_\_\_\_\_, New Mexico Professional Surveyor No. (surveyors' license number), do hereby certify that this Boundary Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is a Boundary Survey Plat of an existing tract or tracts.

(Surveyor's Name) \_\_\_\_\_

PS No. \_\_\_\_\_

Date \_\_\_\_\_;

**(3)** a title which shall include the county in which the survey is located and at least the following:

**(a)** the lot, block or tract number and subdivision or district name if the survey is within a subdivision or conservancy district;

**(b)** the city, grant, small holding, mining or private claim, or similar area in which the survey is located;

**(c)** if neither Subparagraph (a) nor

(b) applies, then the section(s), township(s) and range(s) in which the survey is located; if the survey is not within a section, then the projected section(s) shall be stated and designated as such if required by the county clerk;

(4) a north arrow, equivalent scale and graphic scale for each sheet of the main drawing;

(5) a description of all monuments found or set, which shall include identifying characteristics such as the material, shape and all pertinent information stamped or printed on any cap or tag and the diameter (or the equivalent if other than round) when possible; a found monument which the surveyor has rejected as a true property corner shall be designated as such;

(6) the basis of bearings used in the survey; [which shall be based upon:

~~(a) New Mexico (NM) state plane coordinates with specifics to elevation, vertical datum, horizontal datum, zone, mapping angle, ground to grid factor used if using a modified ground system;~~

~~(b) a specific line between two points either found or re-established set points as shown on an existing filed plat;~~

~~(c) measured and published geodetic control values based upon an online position user service (OPUS) solution or geodetic control stations;~~

~~(d) a longitudinal line is acceptable based off GPS observation or other means for determining the longitude of a basis of bearings as long as the longitudinal value is published on the survey with the method used in determining the longitude; "GPS-North" or similar notations without explanation as described above is unacceptable; "assumed bearings" are prohibited.]~~

(7) a description of pertinent documents, including filing information as applicable, used to determine the boundaries and to prepare the plat

of survey; if a particular document is not of record, this fact shall be so stated and all information used from the document shall be shown on the plat; if significant discrepancies exist between the documents used to determine the boundaries, the surveyor shall disclose the same and shall disclose which document was ultimately relied upon to determine the boundaries;

(8) the boundary being surveyed including the dimensions as measured on the ground and the record dimensions unless the two are equivalent in which case it shall be so stated; all dimensions which pertain to the determination of the tract boundaries, and a tie to a suitable, permanent, existing monument;

(9) all dimensions which pertain to the restoration of a lost or obliterated corner or the subdividing of a section under Subsection G of 12.8.2.9 NMAC;

(10) the location and description of any evidence of a boundary or line of occupation including such things as a fence, building, wall or the remains thereof which is on a boundary or close enough to a boundary to be confused with the boundary;

(11) the location and description of all easements known or disclosed to the surveyor which cross, adjoin or serve a surveyed tract together with the recording data for the document that created the easement and the location and description of any visible structures which encroach upon said easement;

(12) the radius, central angle, length and chord dimensions for all curves;

(13) the lot number, tract number, other designation or the apparent owner of all adjoining tracts with the recording data of the last recorded plat;

(14) the relationship of the boundaries of the surveyed property (i.e. contiguity, gaps, or overlaps) with its adjoiners, where ascertainable from record

documents and from field evidence gathered during the process of conducting the survey of the property being surveyed; if the surveyed property is composed of multiple parcels, the extent of any gaps or overlaps between those parcels shall be identified;

(15) the location and description of any evidence of use by a nonowner of the surveyed tract including such things as a road, trail, path, pipeline or utility which crosses a boundary of the tract;

(16) a letter or number providing a unique designation of each surveyed tract on a plat with more than one tract;

(17) access easement; if the surveyed tract is not contiguous to a public right-of-way, any access easement of record which is known to the surveyor shall be described on the plat and its location shall be determined; if no easement is known to the surveyor, a note prominently shown shall disclose that fact;

(18) the area of each surveyed tract.

**K.** Record the plat prepared under Subsection J of 12.8.2.9 NMAC with the county clerk of the county or counties in which the survey is located. A plat of survey must be recorded only if it is a survey of a parcel for which no previously recorded plat exists or, in the case of remonumentation, the surveyor finds that field measurements are significantly different from record dimensions. The plat shall be recorded within sixty days of completion. A plat which requires the approval of a government agency is complete upon final approval. Any other plat is complete when the surveyor signs or seals it.

[12.8.2.9 NMAC - Rp, 12.8.2.9 NMAC, 5/01/2007; A, 7/24/2016; A, 3/12/2022]

**REGULATION AND LICENSING DEPARTMENT  
ENGINEERS AND PROFESSIONAL SURVEYORS**



**This is an amendment to 16.39.1 NMAC, Section 17 effective 3/12/2022.**

**16.39.1.17 STATUS OF LICENSURE:**

A. Intern Certification - a licensee's intern certification will automatically be superseded by the professional license and will not show as "active" on the roster.

~~[A.]~~ **B.** Retired status - a licensee shall become eligible for retired status with a waiver of renewal fees after meeting all the following qualifications:

- (1) retired from active practice;
- (2) at least 60 years of age;
- (3) have been a licensee for a continuous period of 20 years, at least 10 of which must have been in New Mexico; ~~and]~~

(4) the licensee has filed an application prescribed by the board for retired status prior to the expiration of the license;

(5) the licensee does not have any pending complaints;

(6) the licensee does not have any pending litigation; and

(7) the licensee has completed any imposed disciplinary actions.

~~[B.]~~ **C.** Licensees shall request retired status by letter. In the event the licensee on retired status desires to return to practice, the licensee shall apply to the board, comply with the continuing professional development requirements; and if approved shall pay the appropriate fee.

~~[C.]~~ **D.** Professional engineers and professional surveyors on "retired status" with the board may use the titles "engineer", "surveyor", "professional engineer", "professional surveyor", PE or PS after their names and shall add "(Ret.)" or "(Retired)" after such title.

~~[D.]~~ **E.** Inactive status - a licensee shall become eligible

for inactive status with a waiver of renewal fees and professional development requirements after meeting all the following qualifications:

(1) the licensee is not engaged in the respective professions (engineering or surveying) which requires licensure in this jurisdiction;

(2) the licensee has been a licensed professional engineer or surveyor in this jurisdiction for 10 consecutive years;

(3) the licensee has filed an application prescribed by the board for inactive status prior to the expiration of the license;

(4) the licensee does not have any pending complaints;

(5) the licensee does not have any pending litigation; and

(6) the licensee has completed any imposed disciplinary actions.

~~[E.]~~ **F.** In the event a licensee on inactive status desires to return to practice within six years of acquiring inactive status, the licensee shall make proper application to the board, comply with the continuing professional development requirements (a minimum of 30 PDHs) and if approved shall pay the appropriate fee.

~~[F.]~~ **G.** An inactive licensee who has maintained inactive status in excess of six consecutive years may be readmitted to active practice of the profession only upon making proper application and completion of the requirements as prescribed by the board for reinstatement of a license. ~~[(In the event an inactive licensee does not maintain a current license in any jurisdiction for the six previous years prior to requesting active status, that person will be required to take the principles and practice of engineering (PE) examination or the principles and practice of surveying (PS) examination and the New Mexico surveying state specific exam.]~~

[16.39.1.17 NMAC - Rp, 16 NMAC 39.1.17, 1/1/2002; A, 7/1/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

**REGULATION AND LICENSING DEPARTMENT ENGINEERS AND PROFESSIONAL SURVEYORS**

**This is an amendment to 16.39.3 NMAC, Sections 7, 11, 12 and 13, effective 3/12/2022.**

**16.39.3.7 DEFINITIONS:** ~~[Board-approved, four-year curriculum in engineering is defined as:]~~

**A. "ABET"** is defined as the accreditation board for engineering and technology.

**B. "Board-approved, four - year curriculum in engineering"** is defined as:

(1) engineering curriculum of at least four years that has been accredited by ABET within at least three years of the applicant's graduation with a bachelor's degree in engineering;

(2) curriculum not accredited by ABET but with the minimum number of engineering credits required for accreditation by ABET; and

(3) ~~[Curriculum]~~ curriculum required for graduate degree (master or doctoral) in engineering from an engineering program with an ABET-accredited bachelor's degree has successfully completed (as confirmed by letter from graduation committee) all requirements deficient to bachelor's degree in engineering.

**C. "Branch"** refers to engineering disciplines as referred to in 16.39.3.8 NMAC.

**D. "Category"** refers to the type of license such as professional engineer or professional surveyor as referred to in Subsections L and P of Sections 61-23-23 NMSA 1978.

**E. "Electronic signature"** means an electronic symbol or process attached to or

logically associated with a record and executed or adopted by a person with the intent to sign the record.

**[E:] E. “Engineering accreditation commission”** is defined as the engineering accreditation commission of ABET, or any successor commission or organization.

**[F:] G. “Engineering discipline”** is defined as a designated area of proficiency and competence in the practice of engineering.

**H. “Engineering experience”** is defined as experience gained by the time of the application that includes demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design as well as demonstration of the application of engineering principles in the practical solution of engineering problems and is:

(1) progressive experience on engineering projects that demonstrates an increasing quality and responsibility;

(2) experience not associated with a graduate degree if that degree that is used to satisfy education requirements;

(3) experience obtained in compliance with the licensure act;

(4) experience gained in the armed services of a character equivalent to that which would have been gained in the civilian sector doing similar work;

(5) experience gained under the supervision of a licensed professional engineer;

(6) experience not gained under the supervision of a licensed professional engineer provided that an explanation is made to the satisfaction of the Board showing why the experience should be considered acceptable including the appropriate credentials of the unlicensed supervisor;

(7) sales experience demonstrating that engineering principles were required and used in gaining the experience;

(8) teaching experience in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering program of four years or more that is approved by the board;

(9) experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board;

(10) experience gained in engineering research by industry or government employees; or  
(11) experience in construction demonstrating the application of engineering principles.

**[G:] I. “FE exam”** refers to the fundamentals of engineering exam.

**[H:] J. “NCEES”** refers to the national council of examiners for engineering and surveying.

**[I:] K. “PE exam”** refers to the principles and practice of engineering exam.

**L. “Signature”** means a physical or digital representation of the name of the person who applied it. [16.39.3.7 NMAC - Rp, 16 NMAC 39.3.7, 1/01/2002; A, 7/01/2006; A, 1/01/2007; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

#### **16.39.3.11 PRACTICE OF ENGINEERING:**

**A.** Neither a person nor a business entity shall advertise, accept work or offer to practice engineering work in a discipline of engineering unless the person or a member of the organization has been approved by the professional engineering committee in the appropriate discipline and who is legally able to bind that business entity by contract.

**B.** Neither persons nor business entities shall circumvent these rules. Licensees or business entities may advertise for work only in those disciplines of engineering in which they are approved by the professional engineering committee to practice. Nothing in this section is intended to prevent the existence of an association of professionals in different disciplines.

**C.** In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the board’s satisfaction, the board shall, either upon request of the licensee or of its own volition, require the licensee to pass an appropriate examination.

**D.** The professional engineering committee will consider the use of the terms, “engineer,” “engineering,” or any modification or derivative of such terms, in the title of a firm or business entity to constitute the offering of engineering. The board will also consider the use of these terms or any modification or derivative of such terms in a corporation’s name or its articles of incorporation or in a foreign corporation’s certificate of authority as published by the New Mexico secretary of state to constitute the offering of engineering services.

**E.** In the case of practice through a business entity offering or providing services or work involving the practice of engineering, an authorized company officer and the professional engineer who is employed by the business entity and in responsible charge shall place on file with the board within 30 days a signed affidavit, as prescribed by board rule. The affidavit shall be kept current, and, if there is any change in the professional engineer or authorized company officer, the affidavit shall be revised within 30 days and resubmitted to the board.

**F.** The board shall recognize that there may be occasions when engineers need to obtain supplemental survey information for the planning and design of an engineering project. An engineer may densify, augment and enhance previously performed survey work by a surveyor for a project as defined in Subsection U of Section 61-23-3 NMSA 1978 of the Engineering and Surveying Practice Act.

**G.** In the case of an employee of a business entity who performs only the engineering services involved in the operation of the business entity’s business,

the extent to which the engineering services can be provided without licensure is limited to only the legal boundaries of the property owned or leased by that business. Practice beyond this extent or within off-premises easements is considered within public space and is subject to the Engineering and Surveying Practice Act.

[16.39.3.11 NMAC - Rp, 16 NMAC 39.3.11, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

**16.39.3.12 SEAL OF LICENSEE:**

**A.** Each licensed professional engineer shall obtain a seal/stamp, which shall appear on all final engineering design drawings, the certification page of all specifications and engineering reports prepared by the licensee in responsible charge. Adjacent to the seal/stamp shall appear the original signature of the licensee along with the date the signature was applied. Rubber stamps signatures are not acceptable. Electronic signatures as provided by law and board’s policy shall be acceptable.

**B.** The seal/stamp shall be the impression type seal, the rubber type, or a computer-generated facsimile. Computer generated seals shall be bona fide copies of the actual seal/stamp specific to the work being presented.

**C.** The design of the seal/stamp shall consist of either:

(1) three concentric circles, the outermost circle being one and one-half inches in diameter, the middle circle being one inch in diameter, and the innermost circle being one-half inch in diameter. The outer ring shall contain the words, “*professional engineer*” and the licensee’s name. The inner ring shall contain the words “*New Mexico*”. The center circle shall contain the license number issued by the board. Any border pattern used by the manufacturer is acceptable; or

(2) a design approved by the board which contains

the words “*professional engineer*”, the licensee’s name, “*New Mexico*”, and the license number issued by the board each in text no less than 0.2 inches in height.

**D.** Professional engineers who were licensed prior to the enactment of these current rules and who have maintained that license without lapse, may retain and use the seals, stamps, and wall certificates previously approved.

**E.** For the purposes of the Engineering and Surveying Practice Act, a licensee of this board has “responsible charge of the work” as defined in Subsection O of Section 61-23-3 NMSA 1978 and may sign, date and seal/stamp plans, specifications, drawings or reports which the licensee did not personally prepare when plans, specifications, drawings or reports have been sealed only by another licensed engineer, and the licensee or persons directly under his personal supervision have reviewed the plans, specifications, drawings or reports and have made tests, calculations or changes in the work as necessary to determine that the work has been completed in a proper and professional manner.

**F.** The seal and signature shall be placed on work only when it is under the licensee’s responsible charge. The licensee shall sign and seal only work within the licensee’s area of discipline.

**G.** When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided it is designated by a note under the seal specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet and, in the case of multiple licensees, explicitly identify the portion of work attributable to each licensee.

**H.** An electronic

signature, as an option to a permanently legible signature, is acceptable for professional documents. The licensee shall provide adequate security regarding the use of the seal and signature. If the document contains more than one licensee and is electronically transmitted as specified under the preceding paragraph, each signature must contain an independent electronic signature.

~~[—————**I.**—————The board shall recognize that there may be occasions when engineers need to obtain supplemental survey information for the planning and design of an engineering project. An engineer may densify, augment and enhance previously performed survey work by a surveyor for a project as defined in Subsection U of Section 61-23-3 NMSA 1978 of the Practice Act.]~~

[16.39.3.12 NMAC - Rp, 16 NMAC 39.3.12, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

**16.39.3.13**

**ENDORSEMENTS:** For the purpose of New Mexico licensees by endorsement from other states, or possessions, the professional engineering committee will only recognize licensure granted by those authorities when the professional engineering committee has determined that the applicant possesses qualifications which “do not conflict with the provisions of the Engineering and Surveying Practice Act and are of standard not lower than that specified in Sections 61-23-14 and 61-23-14.1, NMSA 1978”. Conditions establishing eligibility for licensure by endorsement shall have been met at the time of initial licensure. Additionally, the applicant must have a current license in another state, the district of Columbia, a territory or a possession of the United States, or in a foreign country. Conditions for endorsement for licensure as a professional engineer shall be as follows:

**A.** has been actively licensed for the contiguous 10 years immediately preceding application to



New Mexico, and has not received any form of disciplinary action related to the practice of engineering or professional conduct from any jurisdiction within the five years preceding application to New Mexico, and has not had the applicant's professional license suspended or revoked at any time from any jurisdiction; (2019 law);

~~[A.]~~ **B.** graduation from an approved engineering curriculum that fulfills the required content of the engineering education standard as defined by NCEES, four years of experience satisfactory to the professional engineering committee, and passing of the eight - hour fundamentals and eight - hour professional examinations; (2017 law);

~~[B.]~~ **C.** graduation from an ABET accredited engineering technology program, six years of experience satisfactory to the professional engineering committee, and passing of the eight - hour fundamentals examination and eight - hour professional examination (1993 law);

~~[C.]~~ **D.** graduation from an approved engineering curriculum, four years of experience satisfactory to the professional engineering committee, and passing of the eight hour fundamentals and eight - hour professional examinations; (1979 law and 1987 law);

~~[D.]~~ **E.** licensure prior to July 1, 2002, graduation from an ABET accredited engineering technology program or from an engineering or related science curriculum approved by the committee, six years of experience satisfactory to the professional engineering committee, and passing of the eight -hour fundamentals and eight -hour professional examination (1993 law);

~~[E.]~~ **F.** licensure prior to July 1, 1993, by graduation from an engineering or related science curriculum other than the ones approved by the committee, eight years of experience satisfactory to the professional engineering committee, and passing of the eight

-hour fundamentals and eight -hour professional examination (1979 law and 1987 law);

~~[F.]~~ **G.** licensure prior to July 1, 1993, by graduation from an engineering or related science curriculum, 20-years experience satisfactory to the professional engineering committee, and passing the eight -hour professional examination (1979 law and 1987 law);

~~[G.]~~ **H.** licensure prior to July 1, 1940, by 12 years of experience satisfactory to the professional engineering committee (1934 law);

~~[H.]~~ **I.** licensure prior to July 1, 1957, by graduation from an approved curriculum, and four years or more of experience satisfactory to the professional engineering committee (1935 law);

~~[I.]~~ **J.** licensure prior to July 1, 1957, by passing a written and oral examination designed to show knowledge and skill approximating that attained through graduation from an approved curriculum, and four years or more of experience satisfactory to the professional engineering committee (1952 law);

~~[J.]~~ **K.** licensure prior to July 1, 1967, by 24 years of experience satisfactory to the professional engineering committee, and by passing an oral examination (1957 law);

~~[K.]~~ **L.** licensure prior to July 1, 1967, by graduation from an approved curriculum prior to July 1, 1957, and passing the eight - hour professional examination (1957 law);

~~[L.]~~ **M.** licensure prior to July 1, 1979, by eight years of experience satisfactory to the professional engineering committee, and by having passed the eight - hour fundamentals and eight - hour professional examinations (1969 law);

~~[M.]~~ **N.** licensure prior to July 1, 1979, by 30 years of experience, the last 12 years of which must have been of outstanding nature and by having been nationally eminent among his peers (1967 law);

~~[N.]~~ **O.** for the purposes of endorsement, an approved

engineering curriculum shall be an ABET accredited engineering curriculum of four years or more or equivalent as determined by the board.

[16.39.3.13 NMAC - Rp, 16 NMAC 39.3.13, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

## REGULATION AND LICENSING DEPARTMENT ENGINEERS AND PROFESSIONAL SURVEYORS

**This is an amendment to 16.39.5 NMAC, Sections 7, 8, 10 and 11, effective 3/12/2022.**

### 16.39.5.7 DEFINITIONS:

**A.** "ABET" is defined as the accreditation board for engineering and technology.

**B.** "Augment", as it relates to curriculum in this part, shall refer to classes taken as a part of or in addition to a formal degree program.

**C.** "Authoritative location" is defined as an accurately and precisely established location of a feature, object or boundary sufficient for use in establishing property rights, legal proceedings, or to protect the welfare and safety of the public.

**D.** "Board-approved, four year curriculum in surveying" is defined as:

(1) surveying curriculum of four years that has been accredited by ABET within at least three years of the applicant's graduation with a bachelor's degree in surveying;

(2) curriculum not accredited by ABET but with a minimum number of surveying credits required for accreditation by ABET;

**E.** "Board-approved related science degree" is defined as:

(1) A four year bachelor of arts or science degree that is augmented by a minimum of 18 core curriculum hours in surveying, 12 hours of higher mathematics and six hours of basic science.

(2) Core surveying classes shall include a



minimum of a three hour semester course in each of the following areas:

- (a) boundary law/ legal principles of land surveying;
- (b) public land surveying system (PLSS);
- (c) plane surveying;
- (d) geodesy or photogrammetry.

(3)

The remainder of the 18 core curriculum hours in surveying may include classes in route surveying, geographic information systems, land development, global positioning systems, photogrammetry or geodesy, remote sensing, mapping, or professional ethics .

(4) 12 hours of higher mathematics may include college algebra, trigonometry, analytical geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistic and advanced calculus.

(5) Six hours of basic science may include physics, chemistry, geology, physical geography, biology, and astronomy.

F. “Four year”, as it relates to a minimum course of academic study in this part, means a program of study normally associated with a university, college or other accredited academic course of study that includes a minimum 120 semester hours.

G. “Geomatics”, as it relates to curriculum as discussed in these rules, will be considered synonymous with surveying.

H. “NCEES” refers to the national council of examiners for engineering and surveying.

[16.39.5.7 NMAC - Rp, 16 NMAC 39.5.7, 1/01/2002; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

**16.39.5.8 APPLICATION - SURVEYOR INTERN AND PROFESSIONAL SURVEYOR:**

A. Types of application - licensure as a professional surveyor or certification as a survey intern require that an applicant present his or her qualifications on forms prescribed by this board.

B. Any application, to be complete, must include acceptable replies from references, official transcript(s) provided directly from the university; and if applicable, verification(s) of prior examinations taken in other state(s).

C. Board members shall not be used as references.

D. Applications for surveying intern certification will be accepted after an applicant has passed the fundamentals of surveying exam and has graduated from a board-approved, four year surveying curriculum, or if a graduate of an approved four year curriculum in a related science as defined by ~~[Subsection D]~~ Subsection E of Section 16.39.5.7 NMAC ~~[above]~~ and augmented with the required two-year combined office and field board approved surveying experience obtained under the direction of a licensed professional surveyor. Class time will not be counted in the required years of experience, but work prior to or while attending school may be counted toward the required experience at the discretion of the board.

E. Applicants for the principles and practices of surveying examination having graduated with a board-approved four year surveying curriculum of four years or more, or with a related-science degree, as determined by the board shall have a minimum of four years of experience acceptable to the professional surveying committee at the date of application and shall have passed the fundamentals of surveying examination.

F. No applicant will be eligible to take the professional surveying examination whose application for eligibility has not been completed, reviewed and approved by the board, as set forth in 16.39.5.8 NMAC.

G. Applicants for the professional surveying license will be accepted after applicant has passed the professional surveying exam and has fulfilled the education and experience requirements. Successful passing of the professional surveying

exam does not ensure licensure as a professional surveyor. To satisfy the statutory requirement for board-approved surveying experience prior to licensure, a candidate with a board-approved surveying curriculum of four years or more as determined by the board shall have four years of experience acceptable to the professional surveying committee. This experience may be acquired before or after certification as a surveying intern. A candidate with a related science degree shall have four years of surveying experience acceptable to the professional surveying committee ~~[subsequent to certification as a surveying intern]~~ pursuant to the Engineering and Surveying Practice Act, Subsection A of Section 61-23-27.4 NMSA 1978.

After successfully completing the professional surveying examination, an applicant, if necessary to meet the licensing requirements in the New Mexico Engineering and Surveying Practice Act, shall update the application as provided by ~~[Subsection H of 61.39.5.8 NMAC]~~ Subsection H of 16.39.5.8 NMAC.

H. To update a professional survey (PS) application file in relation to experience, the applicant must complete an application update form and provide references acceptable to the professional surveying committee to verify each additional experience record.

I. Applications for licensure or certification by examination, comity or endorsement which have been approved by the professional surveying committee shall remain valid for two years from the date of approval.

J. An applicant with foreign credentials requesting licensure by examination or endorsement shall provide to the professional surveying committee’s satisfaction, evidence that the applicant’s qualifications are equal to or exceed the qualifications for licensure in effect in New Mexico at the time of application.

K. All applicants for professional surveyor license shall

show proficiency in the English language and shall have a minimum of four years of experience if a graduate of a board approved, four year surveying curriculum or eight years if a graduate of a board approved related science curriculum, working in the United States, or for a United States corporation, under the direction of a licensed professional surveyor who can attest to the applicant's ability and knowledge as a competent surveyor.

**L.** When considering surveying applicants who are graduates of educational programs from a school, college or university outside of the United States and its jurisdictions, or considering applicants from related science programs, the board will evaluate and approve the degrees on an individual basis. The board may require an independent evaluation of the education and such evaluation shall be done through an organization approved by the board and at the expense of the applicant.  
[16.39.5.8 NMAC - Rp, 16 NMAC 39.5.8, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 1/1/2016; A, 12/28/2017; A, 3/12/2022]

**16.39.5.10 PRACTICE OF SURVEYING:**

**A.** A person or any business entity shall not advertise or offer to practice surveying work or accept such work unless that person or a member of the business entity is licensed by the board and is legally able to bind that business entity by contract.

**B.** Neither persons nor business entities shall circumvent these rules.

**C.** Nothing in this section is intended to prevent the existence of an association of professionals in different disciplines.

**D.** The board will consider the use of the terms, "surveyor", "surveying" or any modification or derivative of such terms, in the title of a firm or business entity to constitute the offering of surveying services. The board also considers the use of these terms or

any modification or derivative of such terms in a domestic corporation's articles of incorporation or in a foreign corporation's certificate of authority as published by the New Mexico's secretary of state to constitute the offering of surveying services.

**E.** In the case of practice through a business entity offering or providing services or work involving the practice of surveying, an authorized company officer and the professional surveyor who is employed by the business entity and in responsible charge shall place on file with the board a signed affidavit within 30 days, as prescribed by board rule. The affidavit shall be kept current, and, if there is any change in the professional surveyor or authorized company officer, the affidavit shall be revised within 30 days and resubmitted to the board.

**F.** Inclusions and exclusions to the practice of surveying. Land surveying does not encompass work products which represent only a generalized location of a feature, object, or boundary upon which the public would not reasonably rely as the precise location of that feature, object, or boundary.

**(1)** Activities included within the practice of surveying activities that must be accomplished by or under the responsible charge of a professional surveyor (unless specifically exempted in Subsection B of this Section) include, but are not limited to, the following:

**(a)** The creation of maps and georeferenced databases representing authoritative locations for boundaries, the location of fixed works, or topography. This includes maps and georeferenced databases prepared by any person or government agency where that data is provided to the public as a survey product.

**(b)** Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features

within the following data themes: geodetic control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries, and cadastral information.

**(c)** Certification of positional accuracy of maps or measured survey data.

**(d)** Adjustment or authoritative interpretation of raw survey data.

**(e)** Geographic information system (GIS)-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

**(f)** Authoritative interpretation of maps, deeds, and other land title documents to resolve conflicting data elements.

**(g)** Acquisition of field data required to authoritatively position fixed works or cadastral data relative to geodetic control.

**(h)** Analysis, adjustment or transformation of cadastral data of the parcel layers with respect to the geodetic control layer within a geographic information system (GIS) resulting in the affirmation of positional accuracy.

**(2)** Activities excluded from the practice of surveying. A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of survey products, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurement products in electronic systems to determine a definitive location versus the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of the practice of surveying:

(a) The creation of general maps:

(i) Prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians.

(ii) Prepared for publication in a gazetteer or atlas as an educational tool or reference publication.

(iii) Prepared for or by education institutions for use in the curriculum of any course of study.

(iv) Produced by any electronic or print media firm as an illustrative guide to the geographic location of any event.

(v) Prepared by laypersons for conversational or illustrative purposes. This includes advertising material and user guides.

(b) The transcription of previously georeferenced data into a geographic information system (GIS) or land information systems (LIS) by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and/or the precise location of fixed works of humans.

(c) The transcription of public record data, without modification except for graphical purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property boundaries. This includes tax maps and zoning maps.

(d) The preparation of any document by any federal government agency that does not define real property boundaries. This includes civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other such documents.

(e) The incorporation or use of documents or databases prepared by any federal agency into a Geographic information system (GIS)/ land information systems (LIS), including but not limited to federal census and demographic data, quadrangle topographic maps, and military maps.

(f) Inventory maps and databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibility. The distribution of these maps and/or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data sources and dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(g) Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document such data.

(h) Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.

G. In the case of an employee of a business entity who performs only the surveying services involved in the operation of the business entity's business, the extent to which the surveying services can be provided without licensure is limited to only the legal boundaries of the property owned or leased by that business. Practice beyond this extent or within off-premises easements is considered within public space and is subject to the Engineering and

Surveying Practice Act.  
 [16.39.5.10 NMAC - Rp, 16 NMAC 39.5.10, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

**16.39.5.11 SEAL OF LICENSEE:**

A. Each licensed professional surveyor shall obtain a seal/stamp which must be impressed on all plats, reports, etc., prepared by the licensee in responsible charge. Adjacent to the seal/stamp shall appear the original signature of the licensee along with the date the signature was applied. Rubber stamps and all facsimiles of signatures are not acceptable. Electronic signature as provided by law and board's policy shall be acceptable.

B. The seal/stamp shall be either the impression type seal, the rubber type, or a computer-generated facsimile. Computer-generated seals shall be bona fide copies of the actual seal/stamp specific to the work being presented.

C. The design of the seal/stamp shall consist of either:

(1) three concentric circles, the outermost circle being one and one-half inches in diameter, the middle circle being one inch in diameter, and the innermost circle being one-half inch in diameter. The outer ring shall contain the words, "*professional surveyor*" and the licensee's name. The inner ring shall contain the words "*New Mexico*". The center circle shall contain the license number issued by the board. Any border pattern used by the manufacturer is acceptable; or

(2) a design approved by the board which contains the words "*professional surveyor*", the licensee's name, "*New Mexico*", and the license number issued by the board each in text no less than 0.2 inches in height.

D. Professional surveyors who were licensed prior to the enactment of these current rules and who have maintained that license without lapse, may retain and use the seals, stamps, and wall certificates previously approved.

**E.** The seal and signature shall be placed on work only when it was under the licensee’s responsible charge. The licensee shall sign and seal only work within the licensee’s area of discipline.

**F.** When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided it is designated by a note under the seal the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet and, in the case of multiple licensees, explicitly identify the portion of work attributable to each licensee.

**G.** An electronic signature, as an option to a permanently legible signature, is acceptable for professional documents. The licensee shall provide adequate security regarding the use of the seal and signature. If the document contains more than one licensee and is electronically transmitted as specified under the preceding paragraph, each signature must contain an independent electronic signature.  
[16.39.5.11 NMAC - Rp, 16 NMAC 39.5.11, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

**REGULATION AND LICENSING DEPARTMENT ENGINEERS AND PROFESSIONAL SURVEYORS**

**This is an amendment to 16.39.6 NMAC, Sections 7 and 8, effective 3/12/2022.**

**16.39.6.7 DEFINITIONS:**  
**A. “Military service member means”** a person who is serving in the armed forces of the

United States or in an active reserve component of the armed forces of the United States, including the national guard.

**B. “Recent veteran means”** a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

**C. “Spouse means”** the spouse of a person who is serving in the armed forces of the United States as an active-duty member or in an active reserve component of the armed forces of the United States, including the national guard; or a surviving spouse of a member who at the time of death was serving on active duty.

**D. “Child means”** the child of a person who is serving in the armed forces of the United States as an active duty member or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes.

**E. “Licensing fee means”** a fee charged at the time an application for a professional license is submitted to the board and any fee charged for the processing of the application for such license; “licensing fee” does not include a fee for an annual inspection or examination of a licensee or a fee charged for copies of documents, replacement licenses or other expenses.

[16.39.6.7 NMAC - N, 7/1/2015; A, 3/12/2022]

**16.39.6.8 APPLICATION REQUIREMENTS:**

**A.** Applications for licensure shall be completed on a form provided by the department.

**B.** The information shall include:  
**(1)** completed application and fee;

**(2)** satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for ~~the occupational or professional~~ license the applicant applies for pursuant to Chapter 61, Article 23 NMSA 1978.

**(3)** the applicant shall provide the following documentation:

**(a)** for military service member: copy of military orders;

**(b)** for spouse of military service members: copy of spouse’s military orders, and copy of marriage license;

**(c)** for spouses of deceased military service members: copy of spouse’s DD214 and copy of marriage license;

**(d)** for dependent children of military service members: copy of military orders listing dependent child, or a copy of military orders and one of the following: copy of birth certificate, military service member’s federal tax return or other governmental or judicial documentation establishing dependency;

**(e)** for veterans (retired or separated): copy of DD214 showing proof of honorable discharge.

**C.** The license shall be issued by the board as soon as practicable but no later than thirty days after a qualified military service member, spouse, dependent child, or veteran files a complete application.

**D.** Military service members and veterans shall not pay and the board shall not charge a licensing fee for the first three years for a license issued pursuant to this rule.

[16.39.6.8 NMAC - N, 7/1/2015; A, 3/12/2022]



**REGULATION AND LICENSING DEPARTMENT  
ENGINEERS AND PROFESSIONAL SURVEYORS**

**This an amendment to 16.39.7 NMAC, Part Name and Sections 7, 8 and 9, effective 3/12/2022.**

**PART 7 MISC - PROCEDURES FOR ISSUANCE, REVOCATION, SUSPENSION, IMPOSITION OF FINES, REISSUANCE OF CERTIFICATES AND DISCIPLINARY ACTION**

**16.39.7.7 DEFINITIONS:** ~~[RESERVED]~~ “disqualifying criminal conviction” has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978. [16.39.7.7 NMAC - Rp, 16 NMAC 39.7.7, 1/01/2002; A, 3/12/2022]

**16.39.7.8 ISSUANCE, REVOCATION, SUSPENSION, IMPOSITION OF FINES, REISSUANCE OF LICENSES AND CERTIFICATES AND DISCIPLINARY ACTION:**  
A. The board may impose fines as may be determined by the nature of the violation pursuant to Section 61-23-24 and 61-23-27.11 NMSA 1978.

B. A lost, mutilated or destroyed certificate shall be replaced only upon the written request of the licensee and payment of the required fee. The reissued certificate shall show the original license number and original date, shall be signed by the current chair and secretary of the board in office at that date, and shall carry the notation “reissued (DATE).” [16.39.7.8 NMAC - Rp, 16 NMAC 39.7.8, 1/01/2002; A, 7/01/2015; A, 3/12/2022]

**16.39.7.9 VIOLATIONS:**  
A. For business entities using the words “engineering” or “surveying” in their titles or offering engineering or surveying services, the board’s executive director shall write the business entity, enclosing an affidavit to be completed which identifies the member of the business

entity who is licensed to practice in the state of New Mexico and who is an employee of and legally able to bind the business entity by contract. If no response to this request is received within 30 days, a second letter shall be sent by certified mail, return receipt requested. If the second letter does not result in a response 30 days from the receipt of a refusal, the matter may be turned over to the attorney general’s office for action.

B. It shall be considered “a violation” under Paragraph (1) of Subsection A of Section 61-23-24 NMSA 1978 and Paragraph (1) of Subsection A of Section 61-23-27.11 NMSA 1978 of the Engineering and Surveying Practice Act for any engineer or surveyor to practice or offer to practice outside their field(s) of demonstrated competence or in contravention of any of the provisions of these rules. It shall also be considered “a violation” under Subsection A of Section 61-23-23.1 NMSA 1978 and Subsection A of Section 61-23-27.15 NMSA 1978 of the Engineering and Surveying Practice Act for any person to act in the capacity of a professional engineer or a professional surveyor without being licensed by the board.

C. The practice or offer to practice engineering by a licensee of the board in any state, territory or country where the licensee has been determined to be in violation of that jurisdiction’s licensing requirement shall be considered to be professional misconduct which may be actionable by the board. The practice or offer to practice surveying by a licensee of the board in any state, territory, or country where the licensee has been determined to be in violation of that jurisdiction’s licensing requirement shall be considered to be professional misconduct which may be actionable by the board.

D. Each applicant or licensee shall notify the board, in writing, within 90 days, of the imposition of any disciplinary action by any other applicable licensing board or any conviction of or entry of plea of nolo contendere to any crime

under the laws of the United States, or any state, territory or county thereof, which is a felony, whether related to practice or not; any conviction of or entry of plea of nolo contendere to any crime, ~~[whether] which~~ is a felony ~~[misdemeanor, or otherwise,~~ an essential element of which is moral turpitude, ~~or which is]~~ directly related to the practice of engineering or surveying as listed in Subsection F of 16.39.7.9 NMAC.

E. The board shall comply with the provisions of the Parental Responsibility Act as they relate to the denial, suspension or revocation of certificates of licensure for non-payment of child support.

**F. Criminal convictions:**  
**(1) Felony convictions for any of the following offenses, or their equivalents in any other jurisdiction, that may disqualify an applicant from receiving licensure, or disciplinary action including but not limited to suspension or revocation:**

**(a)** crimes involving homicide, murder, manslaughter, or resulting in death;

**(b)** crimes involving human trafficking, or trafficking in controlled substances;

**(c)** kidnapping, false imprisonment, assault, aggravated assault, battery, aggravated battery;

**(d)** rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, prostitution, or other sexual crimes;

**(e)** crimes involving great bodily harm, adult abuse, child abuse, neglect, abandonment, stalking, aggravated stalking, injury to pregnant woman, custodial interference, property damage, or financial exploitation;

**(f)** crimes involving ransom, robbery, larceny, extortion, burglary, sabotage, fraud, forgery, embezzlement, identity theft, credit card fraud, unauthorized use of a credit card, receiving stolen property, money laundering, burglary tools, or stolen vehicles;

(g)  
crimes involving arson, explosives, incendiary devices, facsimile bombs, hoax explosives, deadly weapons, or firearms;

(h)  
crimes involving seizing or exercising control of a bus by force or violence or by threat of force or violence;

(i)  
violation of Partial-Birth Abortion Ban Act;

(j)  
crimes involving bribery, intimidating witnesses, tampering with evidence, tampering with public records, performing an official act for personal gain, demanding or receiving a bonus, gratuity or bribe, unlawful interest in a contract involving an irrigation district, or receiving profits derived from an unlawful interest in a contract involving an irrigation district, or unlawful interest in a public contract;

(k)  
crimes involving jury tampering;

(l)  
crimes involving escape from custody, jail or penitentiary;

(m)  
crimes involving harboring or aiding a felon;

(n)  
crimes involving tax evasion or tax fraud;

(o)  
crimes involving violations of the Mortgage Foreclosure Consultant Fraud Prevention Act, or the Savings and Loan Act;

(p)  
crimes involving the Credit Union Act;

(q)  
crimes involving perjury, public assistance, false swearing of oath or affidavit, false voting, falsely obtaining services or accommodations, falsifying documents, filing false documents, making false statements, making an unauthorized withdrawals, issuing a worthless check, obtaining information under false pretenses, or providing the credit bureau information of a consumer to an entity who is not authorized to receive that information;

(r)  
crimes involving improper disposition of certain court funds or improper sale, disposal, removal or concealing of encumbered property;

(s)  
crimes involving the possession of 4 or more incomplete credit cards or machinery, plates or other contrivance;

(t)  
crimes involving altering or changing engine or other number of a vehicle or motor vehicle;

(u)  
crimes involving any contractor or subcontractor justly indebted to a supplier of material or labor who accepts payment for construction and knowingly and intentionally applies the proceeds to a use other than paying those persons with whom he contracted;

(v)  
crimes involving knowingly authorizing or assisting in the publication, advertising, distribution or circulation of any false statement or representation concerning any subdivided land offered for sale or lease, or with knowledge that any written statement relating to the subdivided land is false or fraudulent, issuing, circulating, publishing or distributing it;

(w)  
crimes involving making or permitting a false public voucher;

(x)  
crimes involving a false public voucher, false reports, uttering false statements, paying or receiving public money for services not rendered;

(y)  
crimes involving unlawful influencing, unlawful sale of a lottery ticket, unlawful representation of a business or individual as a credit union, conducting business as a credit union when not authorized to do so, or violations of the New Mexico Uniform Securities Act;

(z)  
crimes involving extortionate extensions of credit;

(aa)  
crimes involving the unlawful request, receipt, or offer to another

that is exchanged for the promised performance of and official act, or illegal kickbacks;

(bb)  
failing to comply with the registration or verification requirements of the Sex Offender Registration and Notification Act;

(cc)  
crimes involving the practice of medicine, dentistry or osteopathic medicine without a license or authorization of the appropriate regulating authority;

(dd)  
4th or subsequent driving under the influence of intoxicating liquor or drugs;

(ee)  
an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

(2) The board shall not consider the fact of a criminal conviction as part of an application for licensure, or license renewal, unless the conviction in question is one of the disqualifying criminal convictions listed in Paragraph (1) of Subsection F of 16.39.7 NMAC.

(3) The board shall not deny, suspend, or revoke a license, or impose disciplinary action on a licensee on the sole basis of a criminal conviction, unless the conviction in question is one of the disqualifying criminal convictions listed in Paragraph (1) of Subsection F of 16.39.7 NMAC.

(4) Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Engineering and Surveying Practice Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Paragraph (1) of Subsection F of 16.39.7 NMAC.

(5) In connection with an application for licensure or a license renewal, or

disciplinary action, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(a)  
an arrest not followed by a valid conviction;

(b)  
a conviction that has been sealed, dismissed, expunged or pardoned;

(c) a  
juvenile adjudication; or

(d)  
a conviction for any crime other than the disqualifying criminal convictions listed in Paragraph (1) of Subsection F of 16.39.7 NMAC.

[16.39.7.9 NMAC - Rp 16 NMAC 39.7.9, 1/01/2002; A, 7/01/2006; A, 7/01/2015; A, 12/28/2017; A, 3/12/2022]

**REGULATION AND LICENSING DEPARTMENT  
SIGNED LANGUAGE  
INTERPRETING PRACTICE  
BOARD**

**This is an amendment to 16.28.2 NMAC, Sections 1, 3 and 8, effective 2/27/2022.**

**16.28.2.1 ISSUING AGENCY:** [~~Regulation and Licensing Department,~~] Signed Language Interpreting Practices Board.

[16.28.2.1 NMAC - N, 7/21/2009; A, 2/27/2022]

**16.28.2.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Signed Language Interpreting Practices Act, [~~Section 61-34-1 through 61-34-17 NMSA 1978~~] Sections 61-34-1 through -17 NMSA 1978.

[16.28.2.3 NMAC - N, 7/21/2009; A, 2/27/2022]

**16.28.2.8 EDUCATION REQUIREMENTS:**

**A.** The board shall issue a license as a signed language interpreter to an applicant, otherwise qualified, who furnishes evidence

satisfactory to the board that the applicant has fulfilled the degree requirements for certification as established RID. Official or unofficial transcripts showing the degree awarded or documentation of educational equivalency approval from RID is acceptable evidence.

**B.** Applicants for provisional licenses must submit official or unofficial transcripts showing proof of completion of an interpreting education program or an interpreter preparation program from an accredited institution [~~OR a letter of completion on letterhead from the director of the interpreting program with a copy of the degree audit report~~]. If the degree is pending, applicants must also submit If the degree is pending, applicants must also submit a letter of completion on letterhead from the director of the interpreting program.

[16.28.2.8 NMAC - N, 07/21/09; A, 12/16/15; A, 3/27/2021; A, 2/27/2022]

**REGULATION AND LICENSING DEPARTMENT  
SIGNED LANGUAGE  
INTERPRETING PRACTICE  
BOARD**

**This is an amendment to 16.28.4 NMAC, Sections 2, 3, 10 and 13, effective 2/27/2022.**

**16.28.4.2 SCOPE:** The provisions of Part 4 shall apply to all licensees and applicants for license entitled to notice and hearing under the Uniform Licensing Act, (“ULA”), ~~NMSA 1978 [Section 61-1-1 through 61-1-36 NMSA 1978]~~ Sections 61-1-1 through 36 NMSA 1978 and to any interested person who may file a complaint against a licensee or applicant.

[16.28.4.2 NMAC - N, 7/21/2009; A, 2/27/2022]

**16.28.4.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Signed Language Interpreting Practices Act, [~~Section~~] Sections 61-34-1 through 17 NMSA 1978.

[16.28.4.3 NMAC - N, 7/21/2009; A, 1/15/2014; A, A, 2/27/2022]

**16.28.4.10 INVESTIGATION:** Upon receipt of the complaint, the board will cause an investigation to be made into the subject complaint by the [~~boards~~] board's standards of practice committee.

[16.28.4.10 NMAC - N, 7/21/2009; Repealed, 8/18/2011; 16.28.4.10 NMAC - N, 8/18/2011; A, 2/27/2022]

**16.28.4.13 DISCIPLINARY ACTION:** In accordance with the [~~Uniform Licensing Act~~] ULA, the board has authority to impose penalties in disciplinary matters. The [~~Uniform Licensing Act~~] ULA allows discipline in many forms including but not limited to fines, letters of reprimand, corrective action plans, suspension, and revocation of license.

**A.** Formal letter of reprimand: The board shall have discretionary authority to issue formal letters of reprimand or warning instead of revocation or suspension. Issuance of formal letters of reprimand shall be subject to the provisions of the ULA and shall be matters of public record.

**B.** Prehearing motions: The board may appoint a hearing officer to decide non- dispositive motions filed prior to a hearing. Until such time as the board appoints a hearing officer, the chair of the board shall serve as hearing officer.

**C.** Settlement agreements: Following the issuance of a notice of contemplated action, the board may enter into a settlement agreement with the respondent as a means of resolving a complaint.

**D.** Costs of disciplinary proceedings: Licensees or applicants shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees, or if they prevail at the hearing [~~and an action in~~] held pursuant to Section 61-1-3 NMSA 1978 of the [~~Uniform Licensing Act~~] ULA.

**E.** Uniform licensing provisions: In accordance with

Subsection G of Section 61-1-7 NMSA 1978 of the [Uniform Licensing Act] ULA, a licensee who directly or through an agent intimidates, threatens, injures or takes any adverse action against a person for providing information to the board shall be subject to disciplinary action.

**F.** License returned to the board: Any license issued by the board must be returned to the board subsequent to revocation or suspension. The item(s) listed must be returned in person or by certified mail no later than 30 days after the suspension or revocation order to the board.

**G. DISQUALIFYING CRIMINAL CONVICTIONS:**

Convictions for any of the following offense, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving a retaining a license or certificate by the board.

- (1) Physical harm to others:
  - (a) Section 30-2-1 NMSA 1978 "Murder";
  - (b) Section 30-2-3 NMSA 1978 "Manslaughter";
  - (c) Section 30-3-1 NMSA 1978 "Assault";
  - (d) Section 30-3-4 NMSA 1978 "Battery";
  - (e) Section 30-6-1 NMSA 1978 "Abandonment or abuse if a child";
  - (f) Section 30-4-1 NMSA 1978 "Kidnapping";
  - (g) Section 30-4-3 NMSA 1978 "False imprisonment";
  - (h) Section 30-9-19 NMSA 1978 "Sexual assault".
- (2) Theft:
  - (a) Section 30-16-1 NMSA 1978 "Larceny";
  - (b) Section 30-16-24.1 NMSA 1978

- "Theft of identity";
  - (c) Section 30-16-26 NMSA 1978 "Theft of a credit card".
- (3) Financial crimes:
  - (a) Section 30-16-8 NMSA 1978 "Embezzlement";
  - (b) Section 30-16-9 NMSA 1978 "Extortion";
  - (c) Section 30-16-10 NMSA 1978 "Forgery".
- (4) Drug offenses:
  - (a) Section 30-31-20 NMSA 1978 "Trafficking of controlled substances";
  - (b) Section 30-31-23 NMSA 1978 "Possession of controlled substances";
  - (c) Section 30-31-21 NMSA 1978 "Distribution to a minor";
  - (d) Section 30-6-3 NMSA 1978 "Contributing to the delinquency of a minor".
- (5) Sex crimes:
  - (a) Section 30-52-1 NMSA 1978 "Human trafficking";
  - (b) Section 30-9-11 NMSA 1978 "Criminal sexual penetration";
  - (c) Section 30-9-12 NMSA 1978 "Criminal sexual contact";
  - (d) Section 30-9-13 NMSA 1978 "Criminal sexual contact of a minor";
  - (e) Section 30-6A-3 NMSA 1978 "Sexual exploitation of children";
  - (f) Subsection P of Section 29-11A-4 NMSA 1978 "Failure to register as required by sex offender registration and notification act".
- (6) Miscellaneous:
  - (a) Subsection B of Section 30-7-16 NMSA 1978 "Felon in possession of a firearm";

- (b) Section 30-3A-3 NMSA 1978 "Stalking";
- (c) Section 30-20-12 NMSA 1978 "Use of telephone to terrify, intimidate, threaten, harass, annoy, or offend another".
- (7) The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.
- (8) The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.
- (9) Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Signed Language Interpreting Practices Act, NMSA 1978, Sections 61-34-1 to -17 and the ULA, NMSA 1978, Section 61-1-1 to-36 NMSA 1978, regardless of whether the individual was convicted of a crime for such conduct whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.
- (10) In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:
  - (a) an arrest not followed by a valid conviction;
  - (b) a conviction that has been sealed, dismissed, expunged or pardoned;
  - (c) a juvenile adjudication; or
  - (d) a conviction for any crime other than



the disqualifying criminal convictions listed in 16.28.4.13 NMAC.  
[16.28.4.13 NMAC - N, 8/18/2011; A, 2/27/2022]

**REGULATION AND  
LICENSING DEPARTMENT  
SIGNED LANGUAGE  
INTERPRETING PRACTICE  
BOARD**

**This is the amendment to 16.28.7 NMAC Sections 7, and 8 effective 3/2/2022.**

**16.28.7.7 DEFINITIONS:**

**A.** Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the National guard.

**B.** 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 applied for an occupational or professional license pursuant to this section]

**A.** “License” means a license, registration, certificate of registration, certificate, permit or certification.

**B.** “Licensing fee” means a fee charged at the time an application for a professional or occupational license is submitted to the state agency, board or commission and any fee for the processing of an application for such license; “licensing fee” does not include a fee for an annual inspection or examination of a licensee or a fee charged for copies of documents, replacement license or other expenses related to a professional or occupational license.

**C.** “Military service member”: means a person who is:  
**(1)** \_\_\_\_\_ serving in the armed forces of the United States as an active duty member or in an active reserve component of the armed forces of the United States including the national guard, or

surviving spouse of a member who at the time of the member’s death was serving on active duty; or

**(2)** \_\_\_\_\_ the spouse of a person who is serving in the armed forces of the United State or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member’s death was serving on active duty; or

**(3)** \_\_\_\_\_ the child of a person who is serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard; provided that the child is also a dependent of that person for federal income tax purposes; and

**(4)** \_\_\_\_\_ “veteran” means a person who has received an honorable discharge or separation from military service.

**D.** “Substantially equivalent” means the determination by the board that the education, examination, and experience requirements contained in the statutes and rules of another jurisdiction are comparable to, or exceed the education, examination, and experience requirements of the Signed Language Interpreting Practices Act, Sections 61-34-1 through 17 NMSA 1978.

[16.28.7.7 NMAC - N, 1/15/2014; A, 3/2/2022]

**16.28.7.8 APPLICATION REQUIREMENTS:**

**A.** Applications for registration shall be completed on a form provided by the [department] board.

**B.** The [information] completed application shall include the following information:

**(1)** \_\_\_\_\_ Completed application and fee;

**(2)** \_\_\_\_\_ Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces

of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.]

**(1)** \_\_\_\_\_ applicant’s full name;

**(2)** \_\_\_\_\_ current mailing address;

**(3)** \_\_\_\_\_ current electronic mail address, if any;

**(4)** \_\_\_\_\_ date of birth;

**(5)** \_\_\_\_\_ background check if required; and

**(6)** \_\_\_\_\_ proof as described in subsection C below.

**C.** The applicant shall provide the following satisfactory evidence:

**(1)** \_\_\_\_\_ applicant is currently licensed and in good standing in another jurisdiction, including a branch of the United States armed forces;

**(2)** \_\_\_\_\_ applicant has met the minimal licensing requirements in that jurisdiction and the minimal licensing requirements in that jurisdiction are substantially equivalent to the licensing requirements for New Mexico;

**(3)** \_\_\_\_\_ the following documentation:

**(a)** \_\_\_\_\_ a copy of military orders for military service members;

**(b)** \_\_\_\_\_ a copy of military service member’s military orders and a copy of marriage license for spouses of military service members;

**(c)** \_\_\_\_\_ for spouses of deceased military members: a copy of the decedent’s DD 214 and a copy of marriage license;

**(d)** \_\_\_\_\_ for dependent children of military service members: a copy of military service member’s orders listing the dependent child, or a copy of military orders and one of the following: a copy of a birth certificate, military service member’s federal income

tax return or other governmental or judicial documentation establishing dependency;

(e)

for veterans (retired or separated): a copy of DD 214 showing proof of honorable discharge.

D. The license shall be issued by the board as soon as is practicable but no later than 30 days after a qualified military service member, spouse, dependent child, or veteran files a complete application and pays any required fees.

E. Military service members and veterans shall not pay, and the board shall not charge a licensing fee for the first three years for a license issued pursuant to this rule.

F. A license issued pursuant to this rule shall be valid for the time period that is specified in the Signed Language Interpreting Practices Act, Sections 61-34-1 to 17 NMSA 1978.

G. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for renewal set forth in 16.28.7.11 NMAC, Section 61-34-10 NMSA 1978. As a courtesy, the board will send, via electronic mail, license renewal notifications to licensees or registrants before the license expiration date to the last known electronic mail address on file with the board. Failure to receive the renewal notification shall not relieve the licensee or registrant of the responsibility of timely renewal on or before the expiration date.

H. Electronic signatures will be acceptable for applications submitted pursuant to Sections 14-16-1 through -19 NMSA 1978.

[16.28.7.8 NMAC - N, 1/15/2014; A, 3/2/2022]

## SUPERINTENDENT OF INSURANCE, OFFICE OF THE

The Office of Superintendent of Insurance has repealed its rule 13.10.30 NMAC -Pharmacy Benefits

Managers effective 3/1/2021 and replaced it with 13.10.30 NMAC – Pharmacy Benefits Managers effective 3/1/2022.

## SUPERINTENDENT OF INSURANCE, OFFICE OF THE

### TITLE 13      INSURANCE CHAPTER 10    HEALTH INSURANCE PART 30        PHARMACY BENEFITS MANAGERS

**13.10.30.1      ISSUING**  
**AGENCY:** Office of Superintendent of Insurance (“OSI”).

[13.10.30.1 NMAC – Rp, 13.10.30.1 NMAC, 3/1/2022]

**13.10.30.2      SCOPE:** This rule applies to every pharmacy benefits manager (“PBM”) and health insurance carrier subject to the jurisdiction of the office of superintendent of insurance.  
[13.10.30.2 NMAC – Rp, 13.10.30.2 NMAC, 3/1/2022]

**13.10.30.3      STATUTORY**  
**AUTHORITY:** Section 59A-2-9 NMSA 1978 and Subsection C of Section 59A-61-3 NMSA 1978.  
[13.10.30.3 NMAC – Rp, 13.10.30.3 NMAC, 3/1/2022]

**13.10.30.4      DURATION:**  
Permanent.  
[13.10.30.4 NMAC – Rp, 13.10.30.4 NMAC, 3/1/2022]

**13.10.30.5      EFFECTIVE**  
**DATE:** March 1, 2022, unless a later date is cited at the end of a section.  
[13.10.30.5 NMAC – Rp, 13.10.30.5 NMAC, 3/1/2022]

**13.10.30.6      OBJECTIVE:** This rule establishes operating standards, licensing, reporting and record retention requirements for PBMs to implement and promote the objectives and policies of the Pharmacy Benefits Manager Regulation Act, Chapter 59A, Article 61 NMSA 1978.

[13.10.30.6 NMAC – Rp, 13.10.30.6 NMAC, 3/1/2022]

**13.10.30.7      DEFINITIONS:**  
For purposes of this rule and the Pharmacy Benefits Manager Regulation Act:

**A.      “Clean claim”** has the definition found in Paragraph (1) of Subsection A of Section 59A-16-21.1 NMSA 1978.

**B.      “Client”** means any person with whom a PBM contracts to provide pharmacy benefits management services arising out of or relating to pharmacy operations in New Mexico.

**C.      “Formulary”** is a list of prescription drugs that has been developed by a health insurance carrier or its designee that the carrier or health plan in determining applicable prescription drug coverage and benefit levels.

**D.      “Health insurance carrier”** or “carrier” has the definition found in Paragraph (2) of Subsection C of Section 59A-16-21.2 NMSA 1978.

**E.      “Health plan”** has the definition found in Paragraph (3) of Subsection A of Section 59A-16-21.1 NMSA 1978.

**F.      “NCPDP”** means the national council for prescription drug program.

**G.      “NDC”** means national drug code.

**H.      “Network pharmacy”** means a pharmacy with whom a payor or PBM has contracted to provide pharmacy services to persons with an expectation of receiving payment directly or indirectly from the carrier.

**I.      “Prescription drug claim administration”** is administrative services performed in connection with the processing, adjudicating and auditing of claims relating to pharmacy services.

**J.      “Similarly situated”** refers to a network pharmacy whose PBM contract is subject to the same reimbursement for a claim as a pharmacy whose appeal was granted.

[13.10.30.7 NMAC – Rp, 13.10.30.7 NMAC, 3/1/2022]

**13.10.30.8 REQUIREMENTS FOR LICENSURE:**

A PBM shall not conduct any operation or provide any service in New Mexico unless it holds a valid PBM license issued by the superintendent.

**A.** A PBM shall apply for a license by submitting a complete application package on a form, and pursuant to the directions, prescribed by the superintendent. The application package shall include:

(1) The non-refundable filing fee prescribed by Paragraph (1) of Subsection AA of Section 59A-6-1 NMSA 1978 for filing an application for a license.

(2) The name of the legal entity, federal employer identification number (“FEIN”), business address, phone number and state of residency.

(3) The name, business address, phone number and e-mail address of a contact person designated by the PBM to respond to grievances.

(4) The name, business address, phone number and e-mail address of a contact person designated by the PBM to respond to inquiries by the superintendent.

(5) Proof of current authority from the controlling New Mexico regulator to conduct business in New Mexico.

(6) For each partner, managing member, and director, as applicable, the application package shall include a background investigation report through a vendor approved by OSI upon initial application. Changes in leadership shall submit a background investigation report at the time of renewal of license.

(7) For the preceding 10 years, a statement of whether the application has:

(a) been refused a registration, license or certification to act as or provide the services of a PBM or third-party administrator; or

(b) had any registration, license or

certification denied, suspended, revoked or non-renewed for any reason by any state or federal entity; and

(c) if either (a) or (b) apply, the PBM shall separately attach the details of each such action, including the date, nature and disposition of the action.

(8) A statement of whether the applicant in the most recent 10 years had a business relationship terminated for any admission, legal finding, or judgement of fraudulent or illegal activities in connection with the administration of a pharmacy benefits plan and a description of each termination.

(9) A list of all New Mexico clients serviced by the PBM.

(10) A list of each regulatory enforcement action against the PBM in any other state for the previous 10 years.

(11) The application shall be signed and verified by an officer, director, managing member, or partner, as applicable, of the PBM.

(12) Any other information that is deemed necessary by the superintendent in evaluating the application to evidence compliance with Chapter 59A, Article 61 NMSA 1978 or the requirements of rules promulgated by the superintendent.

(13) Confidentiality requests by an applicant are governed by the superintendent’s bulletin 2022-001 or any superseding bulletin or rule.

(14) The application package, except for the application fee, shall be submitted as directed by the superintendent. After the application has been approved or rejected by the PBM program coordinator, the applicant shall pay the application fee through NIPR. Failure to pay the application fee for a rejected application will preclude licensure or renewal.

**B. Review and approval process for initial licensure.** Within 30 days of receipt of an application pursuant

to Subsection A of this section, the superintendent will review the application and:

(1) if the application is incomplete, notify the applicant in writing that additional information is needed, and allow the applicant 30 days to cure any deficiency in the application.

(2) approve the application and issue a PBM license to the applicant if the superintendent determines that the applicant meets the requirements for licensure; or

(3) deny the application if the superintendent determines that the applicant does not meet the requirements for licensure.

**C. Content and scope of license.**

(1) **Content.** A license issued by the superintendent under this rule shall identify the PBM by name and business address; the capacity of the licensee to act as a PBM in New Mexico; and the effective and expiration dates of the license.

(2) **Scope.** A license issued under this regulation entitles the PBM to act for one or more authorized insurance carriers, health plans, workers’ compensation insurers, Medicaid MCO, multiple employer welfare arrangement or government plan or persons that self-insure without being required to obtain a separate license.

**D. License renewal.**

To continue a license a PBM shall submit a renewal application by March 1, of each year pursuant as directed by the superintendent. After the application has been approved or rejected by the PBM program coordinator, the applicant shall pay the required application fee through NIPR and shall pay the annual report fee as directed by the superintendent. Failure to pay the application fee will preclude renewal. A renewal application shall include updates to any items required by the initial application for licensure.

**E. Review and approval process for renewal of license.** Within 60 days of receipt of a renewal license application,

the superintendent will review the application and:

(1) if the application is incomplete, notify the applicant in writing that additional information is needed, and allow the applicant 30 days to cure any deficiency in the application.

(2) approve the application and issue a PBM license to the applicant if the superintendent determines that the application meets the requirements for licensure; or

(3) deny the application if the superintendent determines that the applicant does not meet the requirements for licensure. For disapprovals or denials of an application for renewal the superintendent will notify the applicant of the denial or rejection and state the basis or reason for the denial.

**F. Corrective action plan.** In lieu of a denial for initial licensure or renewal, the superintendent may require the PBM to submit a plan to cure or correct deficiencies in its application. [13.10.30.8 – Rp, 13.10.30.8 NMAC, 3/1/2022]

**13.10.30.9 PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION (“PSAO”) REGISTRATION:**

**A. Registration required.** A PSAO shall not provide any service in New Mexico unless it is registered with the register with the superintendent.

**B.** A PSAO’s registration application shall be submitted on a form provided by the superintendent and shall include:

- (1) full business name of PSAO;
- (2) name, business address, phone number and e-mail address for primary contact;
- (3) name, business address, phone number and e-mail address for contact designated to handle grievances; and
- (4) FEIN.

[13.10.30.9 – Rp, 13.10.30.9 NMAC, 3/1/2022]

**13.10.30.10 PHARMACY GRIEVANCES:**

**A. Health plans subject to 13.10.16 NMAC:** a pharmacy grievance relating to a PBM who is performing services for a health plan or carrier subject to rule 13.10.16 NMAC shall be governed by that rule.

**B. Health plans not subject to 13.10.16 NMAC:** A pharmacy with a grievance relating to a PBM who is performing services for health plan or carrier that is not subject to rule 13.10.16 NMAC may file a grievance against the PBM with the superintendent.

(1) A grievance by a pharmacy against a PBM shall be in writing on a form provided by the superintendent.

(2) A pharmacy shall submit a grievance within six months from the date the pharmacy new or should have known of alleged PBM misconduct.

(3) A grievance may allege multiple violations against a single PBM.

(4) A pharmacy shall provide supporting documentation.

(5) The superintendent shall transmit any grievance, including supporting documentation to the e-mail contact designated by the PBM to receive grievance.

(6) The superintendent will specify the documentation necessary to address the grievance.

(7) A PBM shall have 14 business days from receipt of the grievance to respond in writing.

(8) The superintendent may request additional documentation. The PBM shall provide any additional documentation in writing within 14 business days from the date of the superintendent’s request.

(9) The superintendent may grant a PBM’s request for an extension of time.

(10) The superintendent will send a copy of all

submissions received in connection to a grievance to the opposing party.

**C. Enforcement:** If the superintendent finds probable cause that a PBM violated a law enforceable by the superintendent, the superintendent may issue a notice to show cause, why the superintendent should not take specified enforcement action against the PBM and its principal.

[13.10.30.10 NMAC – Rp, 13.10.30.10 NMAC, 3/1/2022]

**13.10.30.11 PAYMENT OF CLAIMS:** Claims for reimbursement by a pharmacy are subject to the clean claims laws.

[13.10.30.11 NMAC – Rp, 13.10.30.11 NMAC, 3/1/2022]

**13.10.30.12 MAXIMUM ALLOWABLE COST (“MAC”) APPEALS:**

**A. Submission of appeal.** A network pharmacy that disputes a MAC reimbursement amount may submit a MAC appeal, to the PBM within 21 business days after a network pharmacy receives notice of the reimbursement amount. A PSAO may submit a MAC appeal on behalf of a network pharmacy.

**B. Appeals mechanism.** A PBM shall provide a mechanism for submitting MAC appeals, including the dedicated phone number and electronic mail address or website. The phone number shall be manned at a minimum during the hours of 8:00 a.m. to 5:00 p.m., mountain time. Information about MAC appeals mechanisms shall be prominently displayed in any contract or manual provided by a PBM to a pharmacy.

**C. Appeal instructions on website.** The PBM’s website shall prominently display instructions for submitting a MAC appeal and instructions for seeking assistance in navigating the website. This link shall also be included in the PBM’s provider manual.

**D. Response to denied appeal(s).** The PBM’s response to a denied MAC appeal shall include:

- (1) the source



or sources used, including NDC and name of supplier, to determine pricing for the maximum allowable cost list specific to that provider.

(2) the date of the last MAC list update for the drug which is the subject of the MAC appeal;

(3) documentation evidencing that the drug was available for purchase by a pharmacy in New Mexico at the MAC price from a national or regional wholesaler at the time of claim submission; and

(4) any other information the PBM deems relevant to the MAC appeal.

**E. Nonresponse to appeal.** The MAC appeal shall be deemed granted if the PBM does not respond within 14 business days of a complete appeal submission or its response does not include the items outlined in Subsection D of 13.10.30.12 NMAC.

**F. Notice of granting appeal.** If a MAC appeal is granted or deemed granted, a PBM shall:

(1) within one day, notify by email the challenging pharmacy and any similarly situated network pharmacy and their PSAO(s) that a MAC appeal was granted, the NDC of the drug, the MAC price challenged and the updated MAC price; and

(2) permit the appealing pharmacy and any similarly situated pharmacy to resubmit the claim at the updated price.

**H. Request for MAC list.** A PBM shall provide a MAC list to a network pharmacy or the superintendent within seven business days upon request.

[13.10.30.12 NMAC – Rp, 13.10.30.12 NMAC, 3/1/2022]

**13.10.30.13 SUBMISSION OF A MAC APPEAL:**

**A. Submission requirements.** A MAC appeal submission include:

- (1) fill date;
- (2) BIN number (six digits);
- (3) NCPDP (seven digits);

- (4) Rx number;
- (5) NDC 11 (11 digits);
- (6) drug name;
- (7) drug strength;
- (8) invoice price and net purchase price of drug (whole dollar with two decimal places);
- (9) total reimbursement (whole dollar with two decimal places);
- (10) reason for review;
- (11) any information required by contract; and
- (12) notes (optional).

**B. No additional information required.** A PBM shall not require or request additional information to process a MAC appeal but shall accept and consider any additional information provided in a MAC appeal submission.

[13.10.30.13 NMAC – Rp, 13.10.30.13 NMAC, 3/1/2022]

**13.10.30.14 SEARCHABLE ONLINE DATABASE OF DRUG PRICES:**

**A. Update timeframe.** A PBM shall update its MAC list at least once every seven days.

**B. Searchable online database required.** A PBM shall establish a searchable online database that will allow a network pharmacy to search MAC list prices for a particular drug for as long as the pharmacy has the right to file a MAC appeal or grievance concerning a specific fill. The PBM’s provider manual shall include instructions for accessing the price list on the PBM’s website. The provider manual shall be transmitted to a newly joined pharmacy within 10 business days from the date of execution of a contract with the PBM. A PBM shall provide an updated version of its provider manual within 30 days of any revisions to all network pharmacies.

**C. Search requirements.** The database shall be searchable by NDC or drug name, and specific plan identifier.

**D. Drug information.**

The information provided for the drug shall contain:

- (1) NDC;
- (2) NDC description;
- (3) MAC list price; and
- (4) effective date.

**E. Instructions required.** The provider manual shall contain instructions for searching the MAC list and contain instructions for requesting the name of the sources used to determine MAC pricing for the MAC list. A network pharmacy may request the name of the sources through a PBM’s website, e-mail, facsimile or letter, if they are not already included in the provider manual. The PBM shall respond with the names of the sources within 10 business days from the date of the request.

**F. Website requirements.** The PBM’s website shall contain a prominent link to request the names of the sources used to establish the MAC price.

**G. Accessibility.** Upon request a PBM shall provide the superintendent information contained in the database to determine compliance with these rules or to resolve a grievance.

[13.10.30.14 NMAC – Rp, 13.10.30.14 NMAC, 3/1/2022]

**13.10.30.15 HISTORICAL MAC LIST DATABASE:**

**A. Searchable list of drugs.** A PBM shall maintain a searchable database containing all MAC list pricing for the preceding five years, but no earlier than January 14, 2021. The database shall be searchable by these criteria:

- (1) NDC number;
- (2) drug name;
- (3) specific health plan; and
- (4) removal data.

**B. Reason for removal.** When a drug is removed from the MAC database, the database

shall indicate the reason for its removal.

**C. Obsolete drugs.**

The database shall include obsolete drugs. If a drug is removed because it is obsolete, the database shall indicate the date it became obsolete.

**D. List dated.**

The database shall specifically indicate the date a drug price was updated and posted to the PBM’s website.

**E. Accessibility.**

Upon request a PBM shall provide the superintendent information contained in the database for any regulatory or legislative purpose.

[13.10.30.15 NMAC – Rp, 13.10.30.15 NMAC, 3/1/2022]

**13.10.30.16 ANNUAL REPORT BY PBM:**

A PBM applying for license renewal shall submit an annual report to the superintendent’s PBM program coordinator with the license renewal application. The annual report shall contain the items outlined in 13.10.30.8 NMAC. Failure to comply with these requirements shall result in non-renewal of the license. Information submitted in the annual report is considered PBM data received by the superintendent pursuant to a specific request pursuant to 13.10.30.17 NMAC.

[13.10.30.16 NMAC – Rp, 13.10.30.16 NMAC, 3/1/2022]

**13.10.30.17 CONFIDENTIALITY AND CONFLICTS:**

**A. Confidentiality.**

Any PBM data received by the superintendent in response to a specific request shall be deemed confidential, unless disclosure is required for a regulatory purpose, enforcement, rulemaking, to respond to a legislative request, or is otherwise required by law or directed by court order. Notwithstanding the foregoing, the superintendent may publish aggregated data that cannot be traced to a specific PBM, provided any published data is at least 12 months old.

**B. Conflicts.**

The superintendent shall not share

confidential data with a consultant or contractor unless that third-party:

**(1) discloses**

all potential conflicts of interest;

**(2) maintains**

appropriate data safeguards and firewalls; and

**(3) executes an**

agreement prohibiting unauthorized disclosure or use of the confidential data.

[13.10.30.17 NMAC – Rp, 13.10.30.17 NMAC, 3/1/2022]

**13.10.30.18 COMPLIANCE REPORTING BY PBM:** PBMs shall submit the following information to determine compliance with New Mexico law according to the schedule provided by the superintendent:

**A. Grievance and**

**MAC appeal data.** The PBM shall file a log of grievance and MAC appeal data using a form specified by the superintendent.

**B. Pharmacy and**

**therapeutics (“P&T”) committee data.** The PBM shall submit the following information for any P&T Committee:

**(1) names**

of committee members and conflict disclosure statements;

**(2) dates**

and meeting minutes of the P&T committee from the prior plan year; and

**(3) statement**

of the P&T committee’s duties responsibilities, and goals.

**C. Confidentiality**

**of P&T committee data.** P&T committee minutes provided to the superintendent shall be deemed confidential.

[13.10.30.18 NMAC – Rp, 13.10.30.18 NMAC, 3/1/2022]

**13.10.30.19 RETALIATION, DISCRIMINATION AND UNFAIR PRACTICES:** A PBM shall not:

**A. Retaliate.**

Retaliate against a pharmacy for invoking its rights under these rules or the Pharmacy Benefits Manager Regulation Act. Selecting a pharmacy that has filed a grievance for audit at a rate disproportionately higher than

for other network pharmacies may be considered retaliation.

**B. Discriminate.**

Discriminate against any person or legal entity.

**(1) based**

on any class membership or characteristic protected under any state of federal antidiscrimination law or

**(2) that**

receives discounts on prescription drugs as a result of a state or federal program or law.

**C. Unfair trade**

**practice.** Engage in or commit any act or practice proscribed by any state or federal unfair practice law.

**D. Steer.**

Induce or attempt to induce, a health plan member to fill a prescription at a pharmacy benefits manager affiliate or transfer a prescription to any pharmacy benefits manager affiliated without an enrollee’s express and informed consent.

[13.10.30.19 NMAC – Rp, 13.10.30.19 NMAC, 3/1/2022]

**13.10.30.20 EXAMINATION:**

**A. Examination.**

Pursuant to the examination powers conferred by the Insurance Code, the superintendent may examine a PBM for compliance with any applicable New Mexico law.

**B. Data calls.**

Pursuant to the oversight and supervision powers conferred by the Insurance Code, the superintendent may issue a data call to a PBM or PSAO.

[13.10.30.20 NMAC – Rp, 13.10.30.20 NMAC, 3/1/2022]

**13.10.30.21 MAINTENANCE OF INFORMATION:**

Every PBM shall maintain at its principal administrative office for the duration of the written agreement referred to in Section 59A-12A-4 NMSA 1978 and five years thereafter adequate books and records of all contracts and transactions. The superintendent shall have access to such books and records for the purpose of examination, audit and inspection. A PBM may request that certain records be deemed confidential through the process

established by OSI. The release of any confidential information shall only be made pursuant to law. [13.10.30.21 NMAC – Rp, 13.10.30.21 NMAC, 3/1/2022]

**13.10.30.22 RULE NONCOMPLIANCE:** Failure to comply with any provision of these rules is a violation of the Insurance Code. [13.10.30.22 NMAC – Rp, 13.10.30.22 NMAC, 3/1/2022]

**History of 13.10.30 NMAC:** History of Repealed Material. 13.10.30 NMAC, Pharmacy Benefits Managers filed 3/1/2021, was repealed and replaced by 13.10.30 NMAC, Pharmacy Benefits Managers, effective 3/1/2022.

**SUPERINTENDENT OF INSURANCE, OFFICE OF THE**

**This is an amendment to 13.1.3 NMAC, Section 9, effective 3/1/2022.**

**13.1.3.9 ANNUAL PRIVACY NOTICE TO CUSTOMERS REQUIRED FOR NONPUBLIC PERSONAL FINANCIAL INFORMATION:**

**A. General rule.** A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of ~~twelve (12)~~ 12 consecutive months during which that relationship exists. A licensee may define the ~~twelve~~ 12 consecutive-month period, but the licensee shall apply it to the customer on a consistent basis. **Example:** A licensee provides a notice annually if it defines the ~~twelve~~ 12 consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer

opens an account on any day of year ~~[1]~~ one the licensee shall provide an annual notice to that customer by December 31 of year ~~[2]~~ two.

**B. Exception to the general rule.** A licensee that provides nonpublic personal information in accordance with Sections 13.1.3.17 NMAC, 13.1.3.18 NMAC, and 13.1.3.19 NMAC and has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent notice sent to consumers in accordance with 13.1.3.8 NMAC shall not be required to provide a subsequent annual notice under this section until such time as the licensee fails to comply with any criteria described in this subsection. Notice of a change in a licensee’s privacy policy shall be sent 90 days after the effective date of the change.

**~~B-~~ C. Termination of customer relationship.** A licensee is not required to provide ~~an annual~~ a privacy notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship. **Examples:**

**(1) A** licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

**(2) A** licensee no longer has a continuing relationship with an individual if the individual’s policy is lapsed, expired or otherwise inactive or dormant under the licensee’s business practices, and the licensee has not communicated with the customer about the relationship for a period of ~~twelve (12)~~ 12 consecutive months, other than to provide ~~annual~~ privacy notices, material required by law or rule, or promotional materials.

**(3)** For the purposes of this rule, a licensee no longer has a continuing relationship with an individual if the individual’s last known address according to the licensee’s records is deemed invalid. An address of record is deemed

invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

**(4) A** licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

**~~C-~~ D. Delivery.** When a licensee is required by this section to deliver ~~an annual~~ a privacy notice, the licensee shall deliver it according to 13.1.3.13 NMAC.

[13.1.3.9 NMAC - N, 2/25/2002; A, 3/1/2022]

**End of Adopted Rules**

## Other Material Related to Administrative Law

**GOVERNOR,  
OFFICE OF THE****EXECUTIVE ORDER 2022-007****RENEWING THE STATE  
OF PUBLIC HEALTH  
EMERGENCY INITIALLY  
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 ONGOING 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 as “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 1,000 cases in the United States, spread out over 39 states. The President of the United States declared a national state of emergency for COVID-19 on March 13, 2020. As of February 3, 2022 the Centers for Disease Control and Prevention (“CDC”) reported over 75 million people have been infected in the United States, with over 880,000 related deaths, and the New Mexico Department of Health has reported 487,604 positive COVID-19 cases and 6,516 related deaths in New Mexico.

Public health organizations 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 declared a Public Health Emergency of International Concern shortly thereafter. All of our sister states subsequently declared a state of emergency and implemented significant measures and deployed substantial resources to fight the spread of COVID-19; many, if not most, have kept such states of emergency in place.

New Mexico has taken aggressive measures to reduce the spread of COVID-19 and to mitigate its impacts. 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, particularly the New Mexico Department of Health. The hard work of a variety of state employees has made a difference in our fight against COVID-19. Due to the continued spread of COVID-19, it is necessary for all branches of State government to continue taking actions to minimize transmission 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 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, and renewed in Executive Orders 2020-022, 2020-026, 2020-030, 2020-036, 2020-053, 2020-55, 2020-059, 2020-064, 2020-073, 2020-080, 2020-085, 2021-001, 2021-004, 2021-010, 2021-011, 2021-012, 2021-023, 2021-030,

2021-044, 2021-049, 2021-054, 2021-058, 2021-061, 2021-067, and 2022-004 shall be renewed and extended through March 4, 2022.

2. All other powers, directives, and orders invoked 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 or that was not explicitly stated shall continue with the same effect, including any orders appropriating emergency funding as well as Executive Orders 2020-016, 2020-020, 2020-021, 2020-025, and 2020-039.

This Order supersedes any previous orders, proclamations, or directives in conflict. This Order shall take effect on February 4, 2022 and shall remain in effect until March 4, 2022 unless renewed, modified, or rescinded.

**ATTEST:  
DONE AT THE EXECUTIVE  
OFFICE  
THIS 4TH DAY OF FEBRUARY  
2022**

/ 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  
ACTING SECRETARY DAVID  
R. SCRASE, M.D.**

**February 4, 2022**



**Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures**

**PREFACE**

The purpose of this amended Public Health Emergency Order is to amend restrictions on mass gatherings and business operations, which were implemented in response to the spread of the Novel Coronavirus Disease 2019 (“COVID-19”). While vaccines are the most effective method to prevent the spread of COVID-19, masks, social distancing and self-isolation measures continue to be necessary to protect New Mexicans who are ineligible to receive a COVID-19 vaccine or who choose not to receive a vaccine. All New Mexicans should continue to adhere to social distancing protocols when required to protect our State as a whole. In accordance with these purposes, this Order and its exceptions should be narrowly construed to encourage New Mexicans continue social distancing measures.

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. December 15, 2020 Amended Public Health Emergency Order Implementing Additional Contact Tracing Information Requirements for All Laboratories and Submitters

Submitting Notifiable Condition COVID- 19 Test Results to the New Mexico Epidemiology and Response Division;

- B. January 8, 2021 Emergency Order Implementing Administration and Reporting Requirements for All COVID-19 Vaccine Providers;
- C. April 5, 2021 Amended Public Health Emergency Order Temporarily Limiting Long-Term Care Facilities Visitation Due to COVID-19;
- D. February 26, 2021 Public Health Emergency Order Implementing Administration Requirements for all COVID-19 Vaccine Providers and Requiring Accurate Information be Provided by Individuals Registering to Receive the COVID-19 Vaccine; and

E. December 2, 2021 Amended Public Health Emergency Order Requiring All School Workers Comply with Certain Health Requirements and Requiring Congregate Care Facility Workers, Hospital Workers, and Employees of the Office of the Governor Be Fully Vaccinated and Receive Booster Vaccines.

3. The January 7, 2022 Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures 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**, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through March 4, 2022;

**WHEREAS**, confirmed cases in the United States have risen to more than 75 million and confirmed COVID-19 infections in New Mexico have risen to over 480,000;

**WHEREAS**, COVID-19 is a deadly virus and has taken the lives of over 880,000 Americans and over 6,500 New Mexicans;

**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**, vaccination, social distancing and the consistent and proper use of face coverings in public spaces are the most effective ways New Mexicans can minimize the spread of COVID-19 and mitigate 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 -19, 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, David R. Scrase, M.D., Acting 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, do hereby declare the current outbreak of COVID-19 a condition of public health importance, as defined in 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.

**I HEREBY DIRECT AS FOLLOWS:**

(1) Unless a healthcare provider instructs otherwise, all individuals ages 2 years and older shall wear a mask or multilayer cloth face covering in all indoor public settings except when eating or drinking. Nothing in this Order shall be construed as prohibiting any business, house of worship, non-profit entity, or other entity from imposing more stringent requirements.

(2) Any business, establishment, or non-profit (other than those which are a healthcare operation, utility, or indigent care services) which members of the public regularly visit must report to the New Mexico Environment Department when there is an occurrence of a rapid response. The New Mexico Environment Department shall monitor when an entity has four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis. Businesses, establishments, or non-profits with four or more rapid responses shall not be required to

cease operations. However, the rapid responses must be reported to the Environment Department so that the public may be made aware of the positive cases.

(3) All businesses, establishments, and non-profit entities must adhere to the pertinent COVID-Safe Practices

(4) Private educational institutions serving children and young adults from pre-Kindergarten through 12th Grade, including homeschools serving children who are not household members, shall adhere to the face covering and other COVID-Safe Practices requirements for in person instruction contained in the New Mexico's Public Education Department's "COVID-19 Response Toolkit for New Mexico's Public Schools", available at <https://webnew.ped.state.nm.us/reentry-district-and-school-guidance/>, and may operate up to maximum capacity. Public and private educational institutions shall follow the reporting, testing, and closure requirements set forth by the Public Education Department in the COVID-19 Response Toolkit for New Mexico's Public Schools.

**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 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 March 4, 2022.

(5) The New Mexico Department of Health, the New Mexico Department of

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

(6) Any and all State officials authorized by the Department of Health may enforce this Public Health Order by issuing a citation of violation, which may result in civil administrative penalties of up to \$5,000 for each violation under NMSA 1978, Section 12-10A-19.

**ATTEST:**

**DONE AT THE EXECUTIVE OFFICE**

**THIS 4TH DAY OF FEBRUARY 2022**

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

/ S /

**MAGGIE TOULOUSE OLIVER  
SECRETARY OF STATE**

/ S /

**DAVID R. SCRASE, M.D.  
ACTING SECRETARY OF THE  
NEW MEXICO DEPARTMENT  
OF HEALTH**

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

**ACTING SECRETARY DR.  
DAVID R. SCRASE, M.D.**

**February 11, 2022**

**Public Health Emergency Order  
Regarding Crisis Care and  
Establishing the Credentialing  
and Approval of State  
Credentialed Physicians and  
Credentialed Advanced Practice  
Clinicians in Response to Medical  
Staff Shortages**

**ORDER**

**WHEREAS, COVID-19  
has been confirmed in New Mexico**

since March 11, 2020, when the New Mexico Department of Health (“NMDOH” or the “Department”) confirmed the first cases of individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

**WHEREAS**, on March 11, 2020, because of the spread of COVID-19, Michelle Lujan Grisham, the Governor of the State of New Mexico, issued Executive Order 2020-004 declaring 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**, the State issued a Public Health Order on December 9, 2020, activating Crisis Standards of Care in response to the overwhelming burden placed on medical institutions responding to the pandemic. Contemporaneously, the State also issued a Public Health Order temporarily limiting non-essential medical procedures to devote maximum resources towards intensive care units dealing with a surge in COVID-19 cases. These two Public Health Orders expired on January 5, 2021, and January 4, 2021, respectively;

**WHEREAS**, ongoing surges in COVID-19 cases and novel strains of the virus continue to stress the ability of both institutional and individual providers to deliver the quality of care New Mexicans ordinarily expect, thus causing an urgent medical crisis;

**WHEREAS**, the limitations posed on non-medically necessary procedures in the past and the hesitance of the general public to seek preventive and routine medical care during the pandemic has resulted in a significant subsequent increase in non-COVID related patients seeking medical care, forcing every acute care

facility in the State to expand far beyond normal capacity;

**WHEREAS**, the State is now experiencing a drastic shortage in the number of acute care medical workers available as a result of high patient censuses, fatigue, and higher wages being offered in other states;

**WHEREAS**, nurses in the State have been carrying unprecedented patient loads for the duration of the pandemic, forcing some nurses to retire or move away from the profession;

**WHEREAS**, this shortage of medical professionals not only threatens the State’s immediate ability to respond to the pandemic, but also threatens medical care access in the State for many years to follow;

**WHEREAS**, the State is securing resources and funding from the Federal Emergency Management Agency to obtain contract nurses and other medical personnel to assist acute care hospitals throughout the State, but given that this personnel shortage is a national issue, few nurses and other medical professionals have been available to come to New Mexico;

**WHEREAS**, a host of modifications of normal medical practice will be necessitated to address the ongoing surge of both COVID-related and non-COVID related hospitalizations in the New Mexico and the attendant detrimental consequences to medical practice and medical service availability within the State;

**WHEREAS**, it is prudent and crucial to ensure that primary care and outpatient clinics throughout the state continue to operate to provide preventative and routine care to lower the number of inpatient hospitalizations caused by delays in care;

**WHEREAS**, on October 18, 2021, Governor Michelle Lujan Grisham issued Executive Order 2021-059 (“EO 2021-059”), recognizing that crisis care standards may need to be implemented due to the shortage of acute care medical providers;

**WHEREAS**, EO 2021-059 orders and directs the New Mexico Department of Health to undertake all steps necessary to credential and approve certain physicians and other licensed healthcare providers as “Credentialed Physicians” and certain advance practice clinicians as “Credentialed Advanced Practice Clinicians” so that such individuals shall be considered public employees for purposes of the Tort Claims Act under the All Hazards Emergency Response Act;

**WHEREAS**, Governor Michelle Lujan Grisham has renewed the orders and directives contained in EO 2021-059 through March 4, 2022, and the orders and directives in EO 2021-059 through March 11, 2022;

**WHEREAS**, the Department of Health finds that it is necessary and appropriate under the current circumstances for certain physicians and other medical clinicians who evidence the meeting of certain qualifications to become approved to perform certain medical duties by the Cabinet Secretary and to become credentialed for the purpose of being deemed public employees for purposes of the New Mexico Tort Claims Act.

**WHEREAS**, on October 15, 2021, the New Mexico Medical Advisory Team notified the Secretary of Health that acute care medical staffing conditions for the possible implementation of “Crisis Care Standards” are present within the State and that it is appropriate to apply Crisis Care Standards in hospital settings; and on October 18, 2021, the Department adopted a Public Health Emergency



Order regarding crisis care and establishing in response to medical staff shortages;

**WHEREAS**, the Department, in consultation with the New Mexico Medical Advisory Team, created, and subsequently revised, a Statewide Acute Care Medical Surge Plan to provide acute care hospital facilities with specific guidance on applying crisis standards of care and allocating scarce resources; and

**WHEREAS**, during a declared Public Health Emergency, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Emergency Response Act to “utilize, secure or evacuate health care facilities for public use.” NMSA 1978, § 12-10A-6(A)(1). The Department of Health also possesses the legal authority under the Public Health Act to “respond to public health emergencies,” “ensure the quality and accessibility of health care services and the provision of health care when health care is otherwise unavailable,” “control and abate the causes of disease, especially epidemics,” and “maintain and enforce rules for the control of conditions of public health importance.” NMSA 1978, § 24-1-3.

**NOW, THEREFORE**, I, David R. Scrase, M.D., Acting 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 Executive Order 2021-059 under the full scope of her emergency powers under the All Hazard Emergency Management Act and the Emergency Licensing Act, do hereby **DECLARE** that it is necessary for the State to recognize that conditions requiring the potential implementation of crisis-level standards of care are present,

and hereby **ORDER** and **DIRECT** as follows:

1. Acute care hospital facilities shall comply with the “New Mexico Statewide Acute Care Medical Surge Plan for COVID-19 Pandemic Response,” and any subsequent revisions made thereto, which is hereby incorporated by reference.

2. Prior to the implementation and application of any crisis care plans or standards, an acute care hospital facility must first (1) temporarily suspend any non-medically necessary procedures taking place within the facility, and (2) maintain compliance with all licensure requirements prescribed by NMDOH and Centers for Medicare and Medicaid Services (“CMS”). The Department shall provide information and training to acute care facilities regarding the effect of implementing crisis standards of care and the process for requesting any necessary licensure waivers from CMS.

3. For purposes of this Order, “medically necessary procedures” include those services which cannot be delayed without undue risk to the patient’s health, as determined by a qualified medical professional. Examples of criteria to consider in distinguishing between medical necessary and non-medically necessary procedures include: (a) threat to a patient’s life; (b) threat of permanent dysfunction of an extremity, including teeth, jaws and eyes; (c) risk of metastasis or progression of staging; (d) prenatal and postnatal care; and (e) any other factors that will conserve medical resources without creating undue risk of permanent harm to patients.

4. This Order’s guidance on medically necessary procedures is not meant to apply to (a) the provision of emergency medical care or any actions necessary to provide treatment

to patients with emergency or urgent medical needs; and (b) any surgery that if not performed would result in a serious condition of a patient worsening (e.g., removing a cancerous tumor or a surgery intended to manage an infection).

**I FURTHER DIRECT** that the credentialing and approval of providers credentialed under this Order shall be conducted as follows:

#### 1. Definitions

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

(a) “Applicant” means a natural person who is licensed as a medical practitioner and who applies for credentialing and approval as a Credentialed Physician or an Advanced Practice Clinician.

(b) “Application” means an application for credentialing and approval of a person to be a Credentialed Physician or Advanced Practice Clinician, that is completed utilizing the Department-approved application form.

(c) “Application form” means the form available online at [www.nmhealth.org](http://www.nmhealth.org).

(d) “Credentialed Advanced Practice Clinician” means a natural person who is licensed as a healthcare provider, who is credentialed and approved by the New Mexico Department of Health for the purpose of deeming the person to be a public employee pursuant to the Emergency Licensing Act and the New Mexico Tort Claims Act. Credentialed Advanced Practice Clinicians are limited to the following:

(i) certified nurse practitioners (licensed by the New Mexico Board of Nursing in accordance with NMSA 1978, § 61-3-23.2);

(ii) certified registered nurse anesthetists (licensed by the New Mexico Board



of Nursing in accordable with NMSA 1978, § 61-3-23.3);

(iii) clinical nurse specialists (licensed by the New Mexico Board of Nursing in accordance with NMSA 1978, § 61-3-23.4); and

(iv) certified nurse-midwives (licensed by the New Mexico Board of Nursing pursuant to the Nursing Practice Act and licensed by the Department of Health as a certified nurse-midwife pursuant to NMSA 1978, § 24-1-3(R) and NMAC 16.11.2).

(e) “Credentialed Physician” means a medical doctor or doctor of osteopathic medicine who holds authority under New Mexico law to provide medical care, who is credentialed and approved by the New Mexico Department of Health for the purpose of deeming the person to be a public employee pursuant to the Emergency Licensing Act and the New Mexico Tort Claims Act.

(f) “Credentialed Practitioner” means a Credentialed Physician or an Advanced Practice Clinician.

(g) “Facility” means the acute care hospital facility or institution at which an applicant intends to provide medical services, whether for consideration or on a voluntary basis.

(h) ”Licensed” means licensed, certified, or permitted to provide medical care to a person by an authorized governmental licensing authority in the State of New Mexico.

(i) “Triage Officer” or “Triage Board Member” means a Credentialed Physician at an acute care hospital facility who is approved by and receives training from the Department of Health, and who exercises triage decisions affected by critical staffing levels and scarce resources caused by or resulting from the COVID-19 pandemic.

2. **Designation of Credentialed Practitioners; Effect**

The Secretary of Health shall designate a physician as a Credentialed Physician, or a clinician as a Credentialed Advanced Practice Clinician, based upon findings that: (1) the physician/advanced practice clinician services will materially further the State’s interest in public health and welfare, and (2) the physician/advanced practice clinician possesses the requisite skills and background necessary to provide care during the pendency of the existing health emergency. The Secretary may weigh and consider any additional factors the Secretary deems appropriate given the operative facts and circumstances. The Secretary shall implement an application process, as more set forth more fully herein, for the purpose of identifying eligible medical practitioners and assessing their scopes of current practice and clinical services proposed for approval by the Department.

A physician, certified nurse practitioner, certified registered nurse anesthetist, clinical nurse specialist, or certified nurse-midwife infected with COVID-19 shall also be eligible for designation as a Credentialed Physician or Credentialed Advance Practice Clinician when providing medical care under altered work restrictions at a Facility in crisis standards of care due to critical staffing needs, as described in the CDC’s December 23, 2021, Interim Guidance for Managing Healthcare Personnel, available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>, and any subsequent updates to that guidance. The above categories of individuals infected with COVID-19 who tested positive beginning December 23, 2021, are eligible for credentialing pursuant to this Order.

**Credentialed Physicians and Credentialed Advanced Practice Clinicians shall only be considered public employees for purposes of the Tort Claims Act to the limited extent and in the limited circumstance in which**

**such Credentialed Practitioners provide medical care outside of their normal and privileged scope of practice, and/or are serving as a triage officer or triage board member, in a hospital acute care setting.** NMSA 1978, §§ 41-4-1 to -27; NMSA 1978, §§ 12-10-4, -11, -13.

(a) **Application Process**

An applicant or a facility affiliated with an applicant shall submit a completed application to the e-mail address that is identified on the application form. The Secretary or his or her designee(s) shall review the application and render a determination of whether to grant or deny the application in whole or in part based on operative facts and circumstances, including, but not limited to: the nature of the applicant’s current primary scope of medical practice, the nature of the applicant’s proposed scope of practice, the extent of deviation between the applicant’s primary scope of practice and proposed scope of practice, and other factors as the Secretary may deem appropriate.

(b) **Content of Application**

The information required to be submitted in the application shall include, but need not be limited to, the following:

1. Identity and contact information of the applicant;
2. Professional qualifications of the applicant, including the applicant’s professional degree;
3. Main location of the facility;
4. Main scope of current practice;
5. Proposed practice locations, including name and contact information for associated facilities;
6. Proposed scope of clinical services;
7. Request for designation as a Credentialed

Physician or Credentialed Advanced Practice Clinician;

8. Name and signature of applicant; and

9. Proof of: agreement between the applicant and the associated facility, that the facility is willing to permit the performance of the identified proposed clinical services on the facility's premises, and that the applicant is willing to perform such services.

**(c) Disclaimer**

The Secretary or his or her designee may rescind approval of an application upon notice to an affected applicant and associated facility for cause, which includes, but is not limited to, falsification of any information included within the application or any other information or material submitted to the Department. A previously issued approval of an application shall be deemed automatically rescinded upon the suspension or revocation of an applicant's medical license by the applicant's professional licensing authority.

A Credentialed Practitioner and an associated facility shall at all times adhere to applicable ethical standards. All Credentialed Practitioners shall complete mandatory trainings provided by the Department prior to engaging or applying the standards referenced in the New Mexico Statewide Acute Care Medical Surge Plan for COVID-19 Pandemic Response.

**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. This Order shall take effect on February 11, 2022 and remain in effect through March

11, 2022.

**THIS ORDER** supersedes any other previous orders, proclamations, or directives in conflict. This Order shall take effect immediately and shall remain in effect for the duration indicated in the Order unless otherwise rescinded.

**ATTEST:**

**DONE AT THE EXECUTIVE OFFICE**

**THIS 11TH DAY OF FEBRUARY 2022**

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

/ S /

**MAGGIE TOULOUSE OLIVER  
SECRETARY OF STATE**

/ S /

**DAVID R. SCRASE, M.D.  
ACTING SECRETARY OF THE  
NEW MEXICO DEPARTMENT  
OF HEALTH**

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

# 2022 New Mexico Register

## Submittal Deadlines and Publication Dates

### Volume XXXIII, Issues 1-24

<b>Issue</b>	<b>Submittal Deadline</b>	<b>Publication Date</b>
<b>Issue 1</b>	<b>January 4</b>	<b>January 11</b>
<b>Issue 2</b>	<b>January 13</b>	<b>January 25</b>
<b>Issue 3</b>	<b>January 27</b>	<b>February 8</b>
<b>Issue 4</b>	<b>February 10</b>	<b>February 22</b>
<b>Issue 5</b>	<b>February 24</b>	<b>March 8</b>
<b>Issue 6</b>	<b>March 10</b>	<b>March 22</b>
<b>Issue 7</b>	<b>March 24</b>	<b>April 5</b>
<b>Issue 8</b>	<b>April 7</b>	<b>April 19</b>
<b>Issue 9</b>	<b>April 21</b>	<b>May 3</b>
<b>Issue 10</b>	<b>May 5</b>	<b>May 24</b>
<b>Issue 11</b>	<b>May 26</b>	<b>June 7</b>
<b>Issue 12</b>	<b>June 9</b>	<b>June 21</b>
<b>Issue 13</b>	<b>July 1</b>	<b>July 12</b>
<b>Issue 14</b>	<b>July 14</b>	<b>July 26</b>
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<b>Issue 21</b>	<b>October 27</b>	<b>November 8</b>
<b>Issue 22</b>	<b>November 17</b>	<b>November 29</b>
<b>Issue 23</b>	<b>December 1</b>	<b>December 13</b>
<b>Issue 24</b>	<b>December 15</b>	<b>December 27</b>

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