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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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New Mexico Register

Volume XXIX, Issue 1

January 16, 2018

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Notices of Rulemaking and Proposed Rules

HEALTH, DEPARTMENT OF

NOTICE OF TERMINATION OF PUBLIC HEARING

The New Mexico Department of Health (DOH) is providing notice to terminate the public rule hearing scheduled on Wednesday January 31, 2018 at 9:00 a.m., in accordance with Subsection C of Section 14-4-5 NMSA 1978. The proposed new rule, 7.30.9 NMAC, "Crisis Triage Centers" is being terminated.

HEALTH, DEPARTMENT OF

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the adoption of a new rule, 7.30.9 NMAC, "Crisis Triage Centers". The hearing will be held on February 21, 2018 at 9:00 a.m. in the auditorium of the Harold Runnels Building, located at 1190 St. Francis Drive in Santa Fe, New Mexico. This hearing will be conducted to receive public comment regarding the proposed adoption of a new rule concerning the licensing requirements for a new type of health facility known as Crisis Triage Centers.

A Crisis Triage Center (CTC) provides stabilization of behavioral health crises including outpatient stabilization and short-term residential stabilization in a residential rather than institutional setting. The CTC provides emergency behavioral health triage, evaluation, and admission 24 hours a day, 7 days a week on a voluntary basis. The CTC may serve individuals 14 years or age or older who meet admission criteria. The CTC offers services to manage individuals at high risk of suicide or intentional self-harm and may offer drug and alcohol detox services.

The legal authority authorizing the

proposed rule and the adoption of the rule by the Department is at Subsection E of Sections 9-7-6, Subsections B-D of Section 24-1-2, Subsection J of Section 24-1-3 and Section 24-1-5, NMSA 1978.

A free copy of the full text of the proposed rule can be obtained from the Department's website at <https://nmhealth.org/publication/regulation/>

Joseph T. Foxhood, LNHA
Division Director, Health Improvement
New Mexico Department of Health
2040 S. Pacheco,
Santa Fe, NM 87505
Joseph.Foxhood@state.nm.us

Please submit any written comments regarding the proposed rule to the attention of Joseph Foxhood at the above mailing address or e-mail address prior to the hearing. If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Samantha Baca by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

Any interested member of the public may attend the hearing and offer public comment on the proposed rule changes during the hearing. Written public comment may also be submitted prior to the date of the hearing to the contact person and mailing address or e-mail address above.

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

NOTICE OF RULEMAKING

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is

proposing to amend New Mexico Administrative Code (NMAC) rule 8.310.10 Health Home Services.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: January 16, 2018
Hearing Date: February 19, 2018
Adoption Date: Proposed as May 1, 2018.

Technical Citations: Social Security Act Sec 1945 which may be found at https://www.ssa.gov/OP_Home/ssact/title19/1945.htm.

Centers for Medicare and Medicaid Services – Health Homes which may be found at <https://www.medicaid.gov/medicaid/ltss/health-homes/index.html>.

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend New Mexico Administrative Code (NMAC) rule 8.310.10 Health Home Services. The Department has analyzed data from Health Home Services' first year of operations and determined a number of amendments are necessary to increase the effectiveness of the service. The proposed amendments include:

Section 8 Mission Statement

The Department is removing the mission statement from each New Mexico Administrative Code (NMAC) rule as it is amended or a new rule is proposed.

Section 10 Eligible Providers and Practitioners, Subsection A

The provision of Comprehensive Community Support Services (CCSS) is a CareLink New Mexico Health Home requirement. MAD no longer requires the Children, Youth and Families Department or Department of Health Division of Health Improvement to certify an agency to render CCSS. MAD requires

an attestation that the agency has completed CCSS training.

Subsection B, Paragraphs (3) through (7)

The Department is expanding the role of the Health Home Services supervisor to include two new types of practitioners: certified peer and family support workers. The supervisor will no longer supervise physical health and psychiatric consultants who will comply with their respective licensing boards' requirements for supervision.

The Department is adding a Registered Nurse as another option for Care Coordination providers. It also adds waiver availability through the CareLink Steering Committee.

Section 11 Provider Responsibilities, Subsection D, Paragraph 5

MAD Health Home Services has completed its first year of operation. The Department has analyzed data and found the caseload ratios are not providing the level of intensity necessary to meet the needs of some recipients. The Department also found for the combined Care Coordination Levels 6 and 7 the average care coordinator caseload is 50 to 65 recipients. Based on these results, the Department is proposing to decrease the caseloads for Care Coordination Levels 7, 8 and 9 in order to provide better support to recipients with high intensity needs.

Section 12 Identified Population, Subsection B

The Department is expanding access to CareLink NM services to an eligible recipient regardless of whether he or she resides in the same county as the approved health home agency.

Section 13 Covered Services

The Centers for Medicare and Medicaid Services (CMS) amended Health Home Services' six service requirements to no longer reimburse separately for linkage through health information technology. However, it remains a required element for Health

Home Services. The Department also proposes to identify Health Promotion as a distinct service category in order to bring focus to this service.

This proposed rule will be contained in 8.310.10 NMAC. The register and proposed rule language are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <http://www.hsd.state.nm.us/public-notices-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at 505-827-6252.

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on February 19, 2018 from 10 a.m. to 11 a.m., Mountain Standard Time (MST).

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at (505) 827-6252. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Interested persons may address written comments to:
Human Services Department
Office of the Secretary
ATTN: Medical Assistance Division
Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MST on February 19, 2018. Written and recorded comments will be given the same consideration as oral testimony

made at the public hearing.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

NURSING BOARD

PUBLIC RULE HEARING

The New Mexico Board of Nursing (NMBON) will hold a Rules Hearing on Thursday, March 1, 2018. The Rules Hearing will begin at 9:00 a.m. The Rules Hearing will be held at The Cottonwood at the Hyatt Regency Tamaya Resort and Spa, located at 1300 Tuyuna Trail, Santa Ana Pueblo, NM 87004.

Statutory authority for this rulemaking can be found in Section 61-3-10 et seq. NMSA 1978.

The purpose of the Rules Hearing is to hear public testimony and comments regarding the proposed amendments to the Board's rules and regulations:

Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers - Part 2 Nurse Licensure.

Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers - Part 9 Management of Chronic Pain with Controlled Substances.

No specific technical information serves as a basis for this proposed rule.

The proposed rule changes to Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers - Part 2 Nurse Licensure amend the language of the regulation as follows:

(1) to alter the NCLEX attempt

limits for individuals desiring licensure through examination in New Mexico from eight (8) times in two (2) years to three (3) times in three (3) years, and eliminating the option of completing a remediation plan;

(2) to add language defining the registered nurse's role and responsibilities during the administration of medication for the purposes of procedural sedation and analgesia; and

(3) to clarify the continuing education requirements for advanced practice nurses around non-cancer pain management to allow for the inclusion of educational offerings that include non-pharmacological modalities.

The proposed rule changes to Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers - Part 9 Management of Chronic Pain with Controlled Substances amends the language of the regulation to broaden the continuing education requirements around non-cancer pain management to include the option of non-pharmacological modalities.

Persons desiring to view the proposed amendments to the rules may download them from <http://nmbon.sks.com/rule-changes.aspx>. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9094.

Written comments may be submitted via email to BON.Legal@state.nm.us. If submitting comments via email, specify in the subject line the following: NMBON Public Comments. Written comments may also be filed by sending original, signed copies to:

New Mexico Board of Nursing
ATTN: NMBON Public Comments
6301 Indian School Road, NE, Suite 710
Albuquerque, NM 87110

Persons wishing to submit written comments regarding the proposed

rules should submit them to the Board office no later than Thursday, February 22, 2018. Written comments will be given the same consideration as oral testimony made at the public hearing. All written comments must be received no later than 5:00 p.m. MST, February 22, 2018.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the NMBON at (505) 841-9094. The NMBON requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Notice. The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing in Mabry Hall located at the Jerry Apodaca Education Building, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, on February 19, 2018, from 9:00 a.m. to 12:00 p.m. (MDT). The purpose of the public hearing is to receive public input on the proposed repeal and replace of 6.41.4 NMAC - Standards for Providing Transportation to Eligible Students. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to speak will be given three (3) minutes to make a statement concerning the rule changes on record. Written comment will also be accepted at the hearing.

Rule Information. The purpose of this rule is to update standards for the transportation of eligible students and to establish standards for the safe use of Sport Utility Vehicles (SUVs) for to-and-from transportation. On September 29, 2017, the PED adopted 6.41.4.14 NMAC, Using

Sport Utility Vehicles (SUVs) for to-and-from Transportation pursuant to the requirements in Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency Rule.

The statutory authorizations include the following:

Section 22-2-1 NMSA 1978 grants the authority of the secretary to adopt, promulgate, and enforce rules.

Section 22-2-2 NMSA 1978 grants the Public Education Department the authority to properly and uniformly enforce the provisions of the Public School Code.

Section 22-8-26 NMSA 1978 grants the authority to use money in the transportation distribution of the public school fund to make payments to each school district or state-chartered charter school for the to-and-from transportation costs of students.

Section 22-10A-5 NMSA 1978 grants the authority to conduct background checks on district employees.

Section 22-16-2 NMSA 1978 grants the authority to establish standards and procedures for school bus transportation.

Section 22-16-4 NMSA 1978 grants the authority to transport students to and from school using an SUV.

Section 9-48-8 NMSA 1978 grants the authority of the secretary to make and adopt reasonable and procedural rules as may be necessary to carry out the duties of the department and its division.

Section 1111g(1)(E) of ESEA grants the authority to ensure the educational stability of children in foster care.

Section 1111g(1)(F) of ESEA grants the authority to provide support to local educational agencies in the identification, enrollment, attendance, and school stability of homeless children and youths.

Section 1112c(5)(B) of ESEA grants the authority to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.

Section 722g(J)(iii) of the McKinney-Vento Act grants the authority to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin.

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

Public Comment. Interested parties may provide comment on the proposed repeal and replacement of this state rule at the public hearing or may submit written comments, or both, to Jamie Gonzales, Policy Division, New Mexico Public Education Department, Room 101, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, or by electronic mail at rule.feedback@state.nm.us, or fax to (505) 827-6681. All written comments must be received no later than 5:00 p.m. (MDT) on the date of the public hearing. The PED encourages the early submission of written comments. The public comment period is from January 16, 2018 to February 19, 2018 at 5:00 p.m. (MDT).

Copies of the proposed rules may be accessed through the New Mexico Public Education Department's website under the "Rule Notification" link at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/> or may be obtained from Jamie Gonzales by contacting her at (505) 827-7889 during regular business hours.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Jamie Gonzales at (505) 827-7889 as soon as possible before the date set for the public hearing. The PED requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

REGULATION AND LICENSING DEPARTMENT

BARBERS AND COSMETOLOGISTS, BOARD OF

PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Barbers and Cosmetologists ("Board") will hold a rule hearing on Monday, February 26, 2018, at 9 AM and following the rule hearing will convene a board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the New Mexico Regulation and Licensing Department, 5500 San Antonio Drive NE, Albuquerque NM 87109.

Pursuant to its authority in Section 61-17A-7, NMSA 1978, the Board is proposing the following amendments to the Barbers and Cosmetology rules listed below in light of recent statutory amendments that add a new license for hairstylists and exempt from licensure persons performing eyebrow threading. The proposed amendments include the following: new provisions applicable to hairstylists; modification of procedures regarding violations of sanitation and safety requirements; modification of procedures and requirements for licensing; and updates and clarification of rule language. To sum up, the amendments are intended to provide for the licensing of hairstylists, update inspection procedures, clarify definitions and provide uniformity in the application of the following rules:

16.34.1 NMAC – General Provisions;
 16.34.2 NMAC – Licensing;
 16.34.3 NMAC – Examinations;
 16.34.4 NMAC – Special Licenses;
 16.34.5 NMAC – Regular Licenses;
 16.34.6 NMAC – Licensing by Reciprocity: Credit for Out-of-State Training;
 16.34.7 NMAC – Establishments and Enterprises;
 16.34.8 NMAC – Schools;
 16.34.9 NMAC – Continuing

Education;
 16.34.10 NMAC – Investigations and Confidentiality;
 16.34.11 NMAC – Violations;
 16.34.12 NMAC – Record Keeping by the Board Office;
 16.34.13 NMAC – Administrative Procedures;
 16.34.14 NMAC – Fees;
 16.34.15 NMAC – Administrative Penalties and Fines; and
 16.34.16 NMAC – Parental Responsibility Act Compliance.

To obtain and review copies of the proposed changes you may go to the Board's website: http://www.rld.state.nm.us/boards/Barbers_and_Cosmetologists_Rules_and_Laws.aspx, or contact the Boards and Commissions Division at 505.476.4622.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Samantha Lopez, Board Administrator, via electronic mail at Barber.cosmoboard@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504 no later than Monday February 19, 2018. Persons wishing to present their written comments at the rule hearing will need to provide 8 copies of any written comment or proposed language change for distribution to the Board members and staff.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Samantha Lopez, Board Administrator 505.476.4622.

**REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

NOTICE OF PUBLIC HEARING

The Construction Industries Commission (CIC) will convene a public hearing on proposed changes to repeal and replace the following rules: 14.8.2 NMAC - 2012 NEW MEXICO PLUMBING CODE, Replaced by 14.8.2 NMAC - 2015 NEW MEXICO PLUMBING CODE; 14.9.2 NMAC - 2012 NEW MEXICO MECHANICAL CODE, replaced by 14.9.2 NMAC - 2015 NEW MEXICO MECHANICAL CODE. And proposed amendments to the following rules:

14.7.6 NMAC - 2009 NEW MEXICO ENERGY CONSERVATION CODE, Amending Subsections C and F of Section 8.

14.5.1 NMAC - GENERAL PROVISIONS, Amending Subsections U, W, X, Y and DD of Section 7.

14.5.2 NMAC - PERMITS, Amending Subsections C & D of Section 9, and Paragraph (2) of Subsection L of Section 10.

14.5.3 NMAC - INSPECTIONS, Amending Section 9.

The hearing will be held before a hearing officer, at which time any interested person is invited to submit data, views or arguments on the proposed changes, orally or in writing, and to examine witnesses testifying at the hearing.

The hearing is scheduled as follows:

9:00 a.m., February 20th, 2018 at the New Mexico Regulation and Licensing Department (Toney Anaya Building - Hearing Room 2 on the 2nd Floor), located at 2550 Cerrillos Rd., Santa Fe, NM 87504.

Please Note: All persons wishing to participate in the public hearing remotely may do so telephonically dialing into:

Dial-in Number: (515) 739-1015
Meeting ID: 788-223-117

Adopting and updating the New Mexico Mechanical and Plumbing Codes from the 2012 to the 2015 International Association of Plumbing and Mechanical Officials (IAPMO) model codes helps state and local jurisdictions maintain minimum code requirements while recognizing new and more efficient materials and methods of operating while providing a level of safety to protect building occupants. The updates will enhance life and property protection in the mechanical and plumbing industry where necessary while also reducing costs and boosting economic development where feasible without diminishing life and property protection. Amendments to 14.5.1 NMAC - General Provisions, 14.5.2 NMAC - Permits, 14.5.3 NMAC - Inspections and 14.7.6 NMAC - 2009 New Mexico Energy Conservation Code are made to reflect the adoption of the New Mexico mechanical, plumbing, electrical and building codes. Sections 60-13-9 and 60-13-44 NMSA 1978, authorize the commission and the Construction Industries Division (CID) to adopt rules to carry out the provision of the act.

Interested persons may secure copies of the proposed changes by accessing the CID website (www.rld.state.nm.us/construction) or by request from the Santa Fe CID Office - Toney Anaya Building, 2550 Cerrillos Rd. Santa Fe, NM 87504. You may send written comments to: Construction Industries Division P.O. Box 25101, Santa Fe, New Mexico 87504, Attention: Public Comments. Written comments may also be faxed to (505) 476-4702. All comments must be received no later than 5:00 p.m., on February 12th, 2018. All public comments and documentation will be entered into the record during the public rules hearing. If you require special accommodations to attend the hearing, please notify CID by phone, email, or fax, of such needs notifying us as soon as possible to

ensure adequate accommodations. Telephone: (505) 476-4674. Email: Melissa.shelley@state.nm.us; Fax No. (505) 476-4702.

**TRANSPORTATION,
DEPARTMENT OF**

**NOTICE OF PROPOSED
RULEMAKING**

**PROPOSED REVISIONS TO
18.27.5 NMAC**

The New Mexico Department of Transportation (NMDOT) is proposing to revise 18.27.5 NMAC, Transportation and Highways, Highway Construction General Provisions, Contractor Prequalification Rule.

AMEND

18.27.5.3	Statutory Authority
18.27.5.7	Definitions
18.27.5.8	Prequalification
Procedure	
18.27.5.11	Prequalification
Calculation	
18.27.5.12	Posting, Review and Application of Prequalification Factor
18.27.5.13	Appeal Procedure
18.27.5.15	Prequalification for Consolidated Corporations, Merged Corporations, and Joint Ventures

SYNOPSIS:

The proposed amendment of 18.27.5.3 NMAC consists of the following modification: Additional legal citations.

The proposed amendment of 18.27.5.7 NMAC consists of the following modification: Modification of definition and addition of definition.

The proposed amendment of 18.27.5.8 NMAC consists of the following modification: Language modifications for clarity.

The proposed amendment of 18.27.5.11 NMAC consists of the following modification: Modifications

for rule requirements and language modifications for clarity.

The proposed amendment of 18.27.5.12 NMAC consists of the following modification: Additional language for reposting of Pqfra.

The proposed amendment of 18.27.5.13 NMAC consists of the following modification: Updating language for clarity.

The proposed amendment of 18.27.5.15 NMAC consists of the following modification: Updating language for organizational flow.

Approval of the initial rulemaking action for the proposed rule revisions was granted to NMDOT by the New Mexico State Transportation Commission on March 16, 2017 pursuant to Sections 9-5-1, 67-3-8 and 67-3-11, NMSA 1978. The legal authority authorizing this rulemaking is Section 13-1-82 NMSA 1978 (1984, as amended through 2012) and Section 13-1-133 to 134 NMSA 1978 (1984, as amended through 2012) Sections 67-3-2 (2003), 67-3-11 (2003), 67-3-14 (2003), and 67-3-43 (1983) NMSA 1978, 23 USC Section 112(b), 23 CFR Sections 635.110 and 635.114.

Copy of the full text of the proposed revised rule may be found on the NMDOT website at the following internet link: <http://dot.state.nm.us/content/nmdot/en/prequalification.html>. To obtain a printed copy of the proposed revised rule, you may visit the NMDOT Office of the Inspector General, 1570 Pacheco Street, Suite B1, Santa Fe, New Mexico 87505 or contact Jeff Canney at: Telephone (505) 476-0921 or e-mail: Jeff.Canney@state.nm.us. A reasonable fee may be charged for printed copies.

NMDOT will hold a public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed revised rule revisions for, 18.27.5 NMAC. The hearing is scheduled on February 23, 2018 from 9:00 a.m.

to 12:00 p.m. at the New Mexico Department of Transportation, 1120 Cerrillos Road, Training Rooms 1 and 2, in Santa Fe, New Mexico.

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.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

This is an amendment to 2.60.8 NMAC, Sections 8 and 9, effective 1/16/2018.

2.60.8.8 AGENCY RESPONSIBILITIES AND REQUIREMENTS FOR BOARD APPROVAL OF PAYMENT CARD ACCEPTANCE:

A. Payment card services will be provided through the fiscal agent subject to the terms and conditions as set out in the fiscal agent agreement and the board's agreements with individual payment card companies, through an agreement between an agency and a third-party processor if approved by the board, or through a statewide payment card acceptance system, if established.

B. Agencies requesting payment card acceptance shall submit to the director of the board a written request that contains the following:

(1) reason for payment card services and the specific fees, taxes, or other amounts to be collected using payment cards;

(2) confirmation that the agency has read and will follow the terms and conditions for payment card acceptance as set out in the fiscal agent agreement or statewide payment card acceptance system agreement, if established, and the board's agreements with individual payment card companies;

(3) confirmation that the agency will pay all costs associated with the acceptance of payment card services, including purchases or leases of merchant equipment, as set out in the fiscal agent agreement and any agreement with an approved third-

party processor, and including any assessment charged by the state to cover the cost of compliance with payment card industry data security standards;

(4) confirmation that the agency will be responsible for tracking, researching and recording all payment card transactions for reconciliation purposes;

(5) confirmation that any acceptance of payment cards through the internet shall be done in a secure fashion and on a secure system;

(6) confirmation in writing from the department of information technology that the agency's acceptance of payment cards will meet data security standards of the payment card industry;

(7) confirmation that the agency's chief financial officer and chief information officer will cooperate with the board to ensure compliance with payment card industry data security standards;

(8) whether the agency will absorb fees for acceptance of payment cards or cardholders will be assessed a convenience fee. If fees are to be paid by the cardholder, provide the procedures used to charge and collect convenience fees from cardholders and confirmation that the convenience fee will be in compliance with [Section 6-10-1.2(B)] Subsection B of 6-10-1.2 NMSA 1978, as amended;

(9) if the agency wishes to use a third-party processor, a copy of the third-party processor agreement with the agency and the reasons why use of a third-party processor is more advantageous for the agency than using the fiscal agent. If the third-party processor agreement with the agency is not yet

available at the time board approval for acceptance of payment cards is requested, the board director may condition any approval on the board director's later review and approval of the third-party processor agreement;

(10) if the agency wishes to use payment gateway through the fiscal agent agreement, a comparison of the costs and benefits of using payment gateway to traditional payment card services, including breakdown of fees to be paid by the board, the agency, and cardholders.

C. The board, in consultation with the fiscal agent, may, at any time, deny acceptance of payment cards by or revoke approval to an agency through the fiscal agent agreement. The reasons for denial or revocation may include, but are not limited to, the following:

(1) cost effectiveness;

(2) illegal or misuse of payment card transactions;

(3) failure to adhere to the terms and conditions of these regulations, the fiscal agent agreement payment card industry data security standards, or the board's agreements with individual payment card companies;

(4) repeated lapses in compliance or security.

D. Reasons for denial of use of a third-party processor may include, but are not limited to, the reasons specified in [Subsection C of 2.60.8.8] Subsection C of 2.60.8.8 NMAC. In addition, upon approval, the agency's agreement with the third-party processor must be approved by the board's director to ensure compliance with the fiscal agent agreement and the board's agreements with individual payment card companies. In the event there is no current agreement between

the board and a particular payment card company, the board's director may authorize an agency's third-party processor to process payment cards issued by that company under the terms and conditions of the third-party processor's own contract with the company as long as there is no discount imposed on or deduction from the entire amount due and owing to the agency and paid by the cardholder (except for any convenience fee paid by the cardholder in addition to the amount owed), which amount shall be transferred by the third-party processor to the agency.

[2.60.8.8 NMAC - N, 8/31/2000, A, 11/27/2003; A, 7/15/2003; A, 8/14/2015; A, 1/16/2018]

2.60.8.9

RESPONSIBILITIES FOR PAYMENT CARD ACCEPTANCE:

A. The fiscal agent shall provide payment card services, upon written request by the director of the board, to any agency so requesting subject to the terms and conditions set out in the fiscal agent agreement and individual payment card company agreements with the board.

B. The charge to an agency for payment card services will be the fee designated in the fiscal agent agreement or that set out in the approved third-party processor's agreement. The fiscal agent shall bill the appropriate agency through [account analysis performed] separate invoices for card processing fees and applicable treasury management fees, if any prepared by the fiscal agent in accordance with the relevant provisions of the fiscal agent agreement. At the end of each fiscal year, the fiscal agent shall submit a report to the board director summarizing the payment card fees and merchant equipment costs charged to each agency for that fiscal year. Each agency will be responsible for all fees as set out in any approved third-party processor's agreement with the agency. Each agency will ensure payments to service providers are timely and compliant with the service agreement.

C. Agencies may be assessed an incremental charge to cover the cost of compliance with payment card industry data security standards.

D. Agencies shall comply with the following payment card industry data security standards vendor management requirements:

(1) Maintain a current list of service providers handling cardholder data, including a description of the services provided;

(2) Maintain a written agreement with service providers that includes an acknowledgement that the service providers are responsible for the security of cardholder data that the service providers maintain in possession or otherwise store, process or transmit on behalf of the agency.

The written agreement must also acknowledge any action or procedure that the provider undertakes that may impact the security of the agency's cardholder data environment;

(3) Establish and maintain a program to monitor the third-party service provider's payment card industry data security standards compliance status at least annually. This function will be performed by the State Treasurer's Office for services provided under the fiscal agent agreement;

(4) Maintain documentation describing which payment card industry data security standards requirements are managed by each service provider and which are managed by the agency. The State Treasurer's Office will maintain documentation regarding payment card industry data security standards requirements for payment card services provided by the fiscal agent; and

(5) Ensure compliance with any additional vendor management requirements mandated under subsequent releases of payment card industry data security standards requirements.

[2.60.8.9 NMAC - N, 8/31/2000; A, 11/27/2003; A, 8/14/2015; A, 1/16/2018]

GAME AND FISH, DEPARTMENT OF

TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING

PART 22 LANDOWNER CERTIFICATION OF NON- NAVIGABLE WATER

19.31.22.1 ISSUING

AGENCY: New Mexico State Game Commission.

[19.31.22.1 NMAC - N, 01-22-2018]

19.31.22.2 SCOPE:

Department, staff, and landowners whose private property contains within its boundary, a segment of non-navigable public water.

[19.31.22.2 NMAC - N, 01-22-2018]

19.31.22.3 STATUTORY

AUTHORITY: Section 17-1-14 NMSA 1978, Section 17-1-26 NMSA 1978, and Section 17-4-6 NMSA 1978, provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.

[19.31.22.3 NMAC - N, 01-22-2018]

19.31.22.4 DURATION:

Permanent.

[19.31.22.4 NMAC - N, 01-22-2018]

19.31.22.5 EFFECTIVE

DATE: January 22, 2018, unless a later date is cited in the history note at the end of a section.

[19.31.22.5 NMAC - N, 01-22-2018]

19.31.22.6 OBJECTIVE:

To establish rules, requirements, definitions and regulations implementing the process for a landowner to be issued a certificate and signage by the director and the commission that recognizes that within the landowner's private property is a segment of a non-navigable public water, whose riverbed or streambed or lakebed is closed to access without written

permission from the landowner.
[19.31.22.6 NMAC - N, 01-22-2018]

19.31.22.7 DEFINITIONS:

A. “Certified non-navigable public water” shall mean a segment of watercourse or river submitted to the department by a landowner which has met all requirements described in 19.31.22.8 NMAC and has been issued a certificate by the director, and approved by the commission.

B. “Commission” shall mean the New Mexico state game commission.

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

D. “Director” shall mean the director of the department of game and fish or designee.

E. “Landowner” shall mean any person or entity that has legal, record title to private property within the state of New Mexico.

F. “Navigable-in-fact” shall mean that a watercourse or river is navigable-in-fact when it was used at the time of statehood, in its ordinary and natural condition, as a highway for commerce over which trade and travel was or may have been conducted in the customary modes of trade or travel on water. A navigable-in-fact determination shall be made on a segment by segment basis.

G. “Non-navigable public water” shall mean a watercourse or river which, at the time of statehood, was not navigable-in-fact. A watercourse or river is not navigable-in-fact when it was not used at the time of statehood, in its ordinary and natural condition, as a highway for commerce over which trade and travel was or may have been conducted in the customary modes of trade or travel on water. The certification on non-navigable public water shall be made by the director and approved by the commission on a segment by segment basis.

H. “Segment” shall mean the watercourse or river located within the boundaries of a landowner’s private property.
[19.31.22.7 NMAC - N, 01-22-2018]

19.31.22.8 LANDOWNER NON-NAVIGABLE PUBLIC WATER SEGMENT CERTIFICATION REQUIREMENTS:

A. Application:
An application by a landowner for certification of non-navigable public water on a segment by segment basis shall be made on a form or in a manner provided by the department as prescribed by the director. The form or manner shall be available to the public on or before February 2, 2018, via the department’s website.

B. Contents: A landowner requesting certification of a non-navigable public water segment shall provide the following information:

(1) name of owner, address, telephone number, name of property or ranch, name of contact person authorized to grant written permission to access property;

(2) current recorded property deed(s) or other written, recorded instruments of title and a complete legal description of property(s); county; name(s) of non-navigable public water, stream or river on property; a map of sufficient size and detail to allow the identification of potential access points to water and access roads to be located by someone unfamiliar with the area shall be included;

(3) proof of publication of notice of application for certification for three consecutive weeks in a newspaper of general circulation in the county where the property is located.

(4) substantial evidence which is probative of the waters, watercourse or river’s being non-navigable at the time of statehood, on a segment-by-segment basis. This may include any reports to the US department of interior from the territorial governor(s) of New Mexico, any pre-statehood cases discussing the navigability or non-navigability of New Mexico’s watercourses or rivers, any title opinion or other expert opinion, and any other evidence that may be probative.

C. Application

acceptance: An application shall be accepted for further consideration if it includes the required contents without regard to the merits of the application. An application shall not be refused for technical reasons. Refused applications may be amended, supplemented, and resubmitted and then reconsidered by the department and director in accord with the deadlines set forth herein for an original application. Refused applications can be appealed.

D. Application

deadline: A landowner may engage in the certification process at any time by completing and submitting the proper application form. A refused application is without prejudice.
[19.31.22.8 NMAC - N, 01-22-2018]

19.31.22.9 WRITTEN DETERMINATION AND RECOMMENDATION BY DIRECTOR AND DESIGNATION OF NON-NAVIGABLE PUBLIC WATER STATUS:

A. An accepted application shall be forwarded by the department to the director so that a determination can be made by the director whether the application meets the requirements set forth in 19.31.22.8 NMAC.

B. The director shall have 60 days to make a written determination and recommendation or a written rejection to the commission.

(1) If the director determines that the application meets the requirements set forth in 19.31.22.8 NMAC, the director’s shall issue a written determination and recommendation to the commission that the segment in the application shall be designated a “non-navigable public water,” stating the reasons for written determination and recommendation, and the matter shall be heard at a future regular meeting or special meeting, subject to availability of time and time constraints on the agenda, but in no event more than 180 days after the director issues a written determination and recommendation to the commission, for final vote of approval

by the commission.

(2) If the director determines that the application does not meet the requirements set forth in 19.31.22.8 NMAC, the director shall issue a written rejection of the application stating the reasons for rejection, and the matter shall be heard at a future regular meeting or special meeting, subject to availability of time and time constraints on the agenda, but in no event more than 180 days after the director issues a written rejection, for final vote of approval by the commission.

C. The department shall post on its website, the director's recommendation to the commission at least 21 days before regular or special meeting at which the application will be presented to the commission. [19.31.22.9 NMAC - N, 01-22-2018]

19.31.22.10 NOTICE OF WRITTEN DETERMINATION AND RECOMMENDATION OF NON-NAVIGABLE PUBLIC WATER STATUS: The posting of the written determination and recommendation by the director of proposed certification of non-navigable public water on the commission's agenda or written rejection for final vote and approval shall serve as notice of the commission's intent to take final action on the application and written determination and recommendation or written rejection of the director. [19.31.22.10 NMAC - N, 01-22-2018]

19.31.22.11 MEETING PROCEDURES:

A. The commission shall make and preserve a record of the meeting.

B. Comments and proposed documentary evidence of the landowner, persons with standing, and the general public shall only be taken in writing and in a written format; this format will allow for comments and proposed documentary evidence to be submitted electronically as stated in the notice of meeting or the agenda. There shall be no oral or verbal comment

from the landowner, persons with standing, and the general public at the meeting. There shall be no exception to this rule except upon good cause shown and at the sole discretion of the chairman.

C. The comment period closes 14 days before the meeting at which the application will be considered for final action by the commission.

D. Final action may be postponed or continued at the discretion of the commission but in no event shall a final determination as required in Subsection B of 19.31.22.9 NMAC exceed the 180 day deadline.

E. The director shall provide copies of the application and supporting documentation and all comments and proposed documentary evidence to the commission members at least seven days before the meeting at which the application will be considered for final action by the commission. The same information shall be posted on the department website at least seven days before the meeting at which the application will be considered for final action by the commission.

F. In a meeting held under this section, the chairman may admit any evidence, in his or her sole discretion, which is probative of the issues. The chairman may exclude, in his or her sole discretion, incompetent, irrelevant, immaterial and unduly repetitious evidence. Proposed documentary evidence may be received in the form of copies or excerpts. The commission may take notice of well-known, cognizable facts.

G. The commission may take final action on the application by approving or rejecting the written determination and recommendation or written rejection of the director but is not limited to those options. The commission may take such other final action as necessary to resolve the application, including but not limited to determining and finding that a segment be designated a non-navigable public water.

H. Within 60 days of the meeting, the commission shall issue its written final agency action and decision with the factual and legal basis for that decision. A copy of that decision will be given to all persons who were a party in the proceeding and every person who has filed a written request for notice of the final decision of that specific application. [19.31.22.11 NMAC - N, 01-22-2018]

19.31.22.12 JUDICIAL

REVIEW: A landowner having made application under this rule or a person with standing may appeal to the district court for relief in accordance with Section 39-3-1.1 NMSA 1978. Any appeal may not be filed more than 30 days after issuance of the written final agency action and decision. Any appeal filed outside that 30 day period is untimely. Upon appeal, the district court shall set aside the action and decision only if it is found to be:

A. fraudulent, arbitrary, or capricious;

B. not supported by substantial evidence in the record; or

C. otherwise not in accordance with the law.

[19.31.22.12 NMAC - N, 01-22-2018]

19.31.22.13 FINAL VOTE AND APPROVAL BY COMMISSION AND EFFECT THEREOF:

A. If the commission votes to approve the director's determination that a segment be designated a non-navigable public water or otherwise votes to determine and find that a segment be designated a non-navigable public water and issues a written final agency action and decision indicating the segment identified in the application or any portion thereof is now a "certified non-navigable public water", a certificate shall be issued by the director immediately following the issuance of the written final agency action and decision indicating the segment identified in the application, or any portion thereof identified by the commission, is now a "certified non-navigable public water". The

certificate shall include sufficient information for recording purposes with the various county clerks of the state of New Mexico and shall be in a format sufficient for recording purposes with the various county clerks of the state of New Mexico. The certificate and certification shall run with the segment, the land, and the real property.

B. The certificate formally recognizes that the segment and certain waters found on the private property are non-navigable public waters and therefore trespass on private property through non-navigable public water or via accessing public water via private property is not lawful unless prior written permission is received from the landowner in accordance with Section 17-4-6 NMSA 1978.

C. Landowners that receive an actual certificate are eligible to receive a sufficient number of signs for a reasonable fee. The fee is to fully compensate the department for the cost of sign production. The posting of signs and the addition of contact information written or adhered to the sign will be the responsibility of the applicant.

D. Sign requirements:

(1) Signs shall be at least 144 square inches (12 inches by 12 inches)

(2) Signs shall be printed in English and Spanish.

(3) Signs shall state the following prohibitions in accord with Subsection C of Section 17-4-6 NMSA 1978. Hunting and fishing on private property; posting; penalty: No person engaged in hunting, fishing, trapping, camping, hiking, sightseeing, the operation of watercraft or any other recreational use shall walk or wade onto private property through non-navigable public water or access public water via private property unless the private property owner or lessee or person in control of private lands has expressly consented in writing.

(4) Signs shall have the name and address of a person authorized to grant permission.

E. Sign posting

requirements:

(1) Signs shall be posted in at least six conspicuous places on the property.

(2) Signs shall be posted along all the exterior boundaries of the property.

(3) Signs shall be posted at each roadway or other way of access in conspicuous places.

(4) Signs shall be posted where water line crosses all property boundaries.

(5) Signs shall be posted every 500 feet along the exterior boundaries if property is not fenced.

(6) Signs shall not be posted on any public land or any easements that the department or commission has acquired.

F. Effect of signage:

A sign issued in accordance with this rule and meeting the requirements of this rule is prima facie evidence that the property subject to the sign is private property, subject to the laws, rules, and regulations of trespass and related laws, rules, and regulations. [19.31.22.13 NMAC - N, 01-22-2018]

HISTORY OF 19.31.22 NMAC: [RESERVED]

GENERAL SERVICES DEPARTMENT

This is an amendment to 1.4.1 NMAC, Section 94, effective 1/16/2018.

1.4.1.94 CHIEF PROCUREMENT OFFICER REGISTRATION AND CERTIFICATION:

[A.] Registration. On or before January 1, 2014, and every time thereafter that a chief procurement officer is hired, each state agency and local public body shall provide to the state purchasing agent the name of the state agency's or local public body's chief procurement officer and information identifying the state agency's or local public body's central purchasing office, if applicable.

B. Information required. The information required from the state agency or local public body shall be submitted to the state purchasing agent through a database established by the state purchasing agent and made available on the state purchasing division's website. All required information must be submitted using this method.

C. Certification. On or before January 1, 2015, the state purchasing agent shall establish a certification program for chief procurement officers that includes initial certification and recertification every two years for all chief procurement officers. In order to be certified and recertified, a chief procurement officer shall obtain such education and training as deemed appropriate by the secretary of the general services department and pass a certification or recertification examination, as appropriate, approved by the secretary of the general services department. Separate certifications designed by the state purchasing agent and approved by the secretary of the general services department may be required before a chief procurement officer may conduct specialized procurement processes such as qualifications-based proposals, design-and-build projects, construction manager-at-risk projects, and other such procurements as determined by the state purchasing agent and approved by the secretary of the general services department. The secretary of the general services department reserves the right to add other elements to the required certification process as are deemed necessary or useful.

D. Chief procurement officer duties, responsibilities and obligations. On and after July 1, 2015, only certified chief procurement officers may:

(1) make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;

(2) issue purchase orders and authorize small purchases pursuant to the Procurement Code; and

(3) approve procurement pursuant to the Procurement Code;

(4) provided that, persons using procurement cards may continue to issue purchase orders and authorize small purchases.]

A. Overview. This Section applies to chief procurement officers in all state agencies and local public bodies.

(1) Statutory Authority. Under Section 9-17-5 NMSA 1978 and the Procurement Code, Sections 13-1-1 et seq NMSA 1978, the general services secretary has authority to promulgate rules and regulations relating to this program.

(2) Scope. The chief procurement officer registration, certification and recertification training program is a state wide program administered by the state purchasing agent. Each state agency and local public body shall provide to the state purchasing agent the name of and all changes to the name of the state agency's or local public body's chief procurement officer and information identifying the state agency's or local public body's central purchasing office. The state purchasing agent shall maintain a list of the names of chief procurement officers reported to the state purchasing agent by state agencies and local public bodies. The state purchasing agent shall make the list of approved chief procurement officers available to the public through the web site of the purchasing division of the general services department and in any other appropriate form. It is a violation of statute if state agencies and local public bodies do not have a chief procurement officer listed on the state purchasing agent list before performing procurements. Section 13-1-98 NMSA 1978 shall not reduce the scope of duties, responsibilities or authority of the state purchasing agent, nor shall such exemptions exclude state agencies and local public bodies from the duties and responsibilities of providing the state purchasing agent the name of its certified chief procurement officer. All state agencies and local

public bodies and their certified chief procurement officers are required to comply with all requirements under Sections 13-1-28 through 13-1-199 NMSA 1978 (amended 2013).

B. Definitions.

(1)

"Approves" or "approved" means a chief procurement officer has successfully completed the certification or recertification training program administered by the state purchasing agent and attested to by the issuance of a certificate signed by the state purchasing agent.

(2)

"Conduct" or "conducting" procurements means the act of preparing, advertising, processing, and awarding procurements of any kind, including, but not limited to, sole source, invitation to bid, request for proposals, and contracts under state price agreements.

(3)

"Certification Program" means the initial certification process through passing an exam after completing course material and a test approved by the general services secretary.

(4)

"Recertification Program" means training that will include affirmation of successfully completing course material approved by the general services secretary.

C. Mandatory identification of certified chief procurement officer. Each state agency and local public body shall annually, on or before January 1st of each year, and within 15 calendar days every time thereafter upon a vacancy or extended absence of a certified chief procurement officer for more than two weeks, provide to the state purchasing agent the name of the state agency or local public body certified chief procurement officer and, if applicable, information identifying the state agency or local public body central purchasing office. Every state agency or local public body shall have a certified chief procurement officer on the state purchasing agent list to perform procurments. No agency shall conduct procurements until a

certified chief procurement officer is approved by the state purchasing agent. Upon a vacancy or absence, the state agency or local public body shall have 90 days to replace its certified chief procurement officer. In the event the initial 90 day period is to be exceeded, and upon good cause shown, to the satisfaction of the state purchasing agent, an additional 90 days may be granted to the state agency or local public body by the state purchasing agent to replace its certified chief procurement officer. Examples of good cause would include vacancies due to emergencies, death or resignation of a certified chief procurement officer. Until a certified chief procurement officer is reported to the state purchasing agent no procurements may be conducted and no duties, responsibilities, and obligations may be performed as detailed in Subsection F of 1.4.1.94 NMAC unless granted temporary authority by the state purchasing agent.

D. Registration of chief procurement officer with state purchasing agent. The certified chief procurement officer, that has been reported by the state agency or local public body to the state purchasing agent as provided in Subsection C of 1.4.1.94 NMAC above, shall register with the state purchasing agent through the state purchasing division's website. The state agency or local public body shall provide all the required identification information, including:

(1) certified chief procurement officer name with title, phone number and email address;

(2) agency or entity name with full address and registration date.

At the time of registering for the certification or recertification program, the applicant shall execute a statement of personal responsibility affirming:

(a)

he/she is a current employee of a state agency or local public body and not employed as an independent contractor;

(b)
he/she has not been convicted of a felony unless pardoned by the governor; and

(c)
any additional required information specified by the state purchasing agent.

E. Chief procurement officer certification. The state purchasing agent shall establish a certification and recertification program for all chief procurement officers including the initial certification, and recertification every two years, on or before the certification anniversary date for each certified chief procurement officer. In order to be certified or recertified, a chief procurement officer shall remain an employee of the state agency or local public body, must not be convicted of a felony or behavior unbecoming of a chief procurement officer with a record of performance that establishes good moral character and competency, and shall obtain such training as deemed appropriate by the secretary of the general services department and pass a certification or recertification program, as appropriate, approved by the secretary of the general services department. Subject to the provisions of subsection J, the state purchasing agent may revoke a certification if shown that the chief procurement officer has not maintained the standards for a chief procurement officer. The secretary of the general services department reserves the right to add separate certifications and recertifications of specialized acquisitions under the procurement code as are deemed necessary or useful by the secretary.

F. Certified chief procurement officer duties, responsibilities and obligations. On and after July 1, 2015, only certified chief procurement officers may do the following, except that persons using procurement cards may continue to issue purchase orders and authorize small purchases:

(1)
make determinations, including determinations regarding exemptions,

pursuant to the Procurement Code;
(2) issue purchase orders and authorize small purchases pursuant to the Procurement Code; and

(3) approve procurement pursuant to the Procurement Code.

G. Failure to identify and register a certified chief procurement officer. In the event that the state agency or local public body does not have a certified chief procurement officer identified and registered in conformance with Section 13-1-95.2 NMSA 1978, pursuant to Section 13-1-97 NMSA 1978, procurement acts by that state agency or local public body may be suspended at the discretion of the state purchasing agent.

H. Identification, registration and certification violations. Any procurement act performed by a state agency or local public body under the New Mexico procurement code that has not identified and registered its certified chief procurement officer in conformance with Section 13-1-95.2 NMSA 1978, may be deemed a procurement violation. For state agencies, such procurement violation(s) may also result in a violation of the department of finance and administration's Model Accounting Practices.

I. Delegation or sharing of certified chief procurement officer duties. The sharing of a certified chief procurement officer through mutual execution of a memorandum of agreement by the state agency (agencies) or local public body(bodies) is allowed. A state agency or local public body wanting to delegate or share a certified chief procurement officer with another state agency or local public body shall: provide to the state purchasing agent for such sharing arrangement, information identifying the state agency or local public body central purchasing office, the name of the state agency or local public body shared certified chief procurement officer and the intergovernmental agreement supporting the

arrangement.

J. Revocation or suspension of certification.

(1) The state purchasing agent may suspend or revoke certified chief procurement officer certification in whole or in part, based on any action or conduct deemed improper of a certified chief procurement officer, including but not limited to severity or frequency of procurement violations, non-compliance with the Governmental Conduct Act (Sections 10-16-1 through 10-16-18 NMSA 1978), lack of verification that the chief procurement officer has successfully completed the certification or recertification program established by the state purchasing agent; lack of verification of current employment by the reporting state agency or local public body and not employed as an independent contractor; lack of verification that the person has not been convicted of a felony and behavior unbecoming of a chief procurement officer with a record of performance that establishes competency.

(2) Due process procedures shall be initiated by the state purchasing agent after reasonable notice to the certified chief procurement officer involved as follows in this section. The state purchasing agent or his designee shall cause written notice of the proposed revocation or suspension of certification (the Action) to be sent by certified mail, return receipt requested, to the certified chief procurement officer involved. The notice shall contain the following statements:

(a)
the Action contemplated is for revocation or suspension of certified chief procurement officer certification;

(b)
the reasons for the Action, which shall include a summary of the certified chief procurement officer's conduct or performance/nonperformance of his duties to which the Action relates;

(c)
the Action is brought pursuant to the

provisions contained in Section 13-1-95.2 NMSA 1978 and the regulations promulgated thereunder:

(d)

sufficient facts exist, unless rebutted, to support the proposed revocation or suspension of certification and that the state purchasing agent shall proceed to suspend or revoke certified chief procurement officer certification in whole or in part unless the certified chief procurement officer requests, in writing, a hearing within 15 consecutive calendar days from the day the certified chief procurement officer receives the notice of the proposed Action;

(e)

the address where the certified chief procurement officer's request for hearing shall be sent, and the name of the person to whom the request shall be sent; and

(f)

that if the certified chief procurement officer fails to deliver a written request for a hearing to the person designated within the 15 days required in Subparagraph (d) of this Section, a final determination shall be made by the state purchasing agent;

(g)

upon receipt of a timely request for hearing, the state purchasing agent will appoint a neutral hearing officer and any such hearing officer so appointed will conduct the hearing and recommend a final decision to the state purchasing agent. If no hearing officer can be appointed in timely fashion, the state purchasing agent shall then act as the hearing officer.

(3)

If a hearing is requested, the hearing officer shall send written notice to the certified chief procurement officer of the time and the place of the hearing.

(4)

Hearings, and any subsequent appeals, shall conform to the standards, requirements, and process set forth for protests under the procurement code, Sections 13-1-28 thru 13-1-199 NMSA 1978, and be as informal as may be reasonable and appropriate under the circumstances. However, in no event shall the hearing officer be required to adhere to formal rules

of evidence or procedure. The weight to be attached to evidence presented in any particular form will be within the discretion of the hearing officer. Stipulations of fact agreed upon by the participants may be regarded and used as evidence at the hearing. The participants may stipulate the testimony that would be given by a witness as if the witness were present. The hearing officer may require evidence in addition to that offered by the participants. The state purchasing agent shall issue a written determination regarding revocation or suspension of certification following the hearing.

K. Reinstatement of certification.

(1) The state purchasing agent may reinstate the certified chief procurement officer certification:

(a) in whole or in part;

(b) temporarily or permanently; or

(c) may limit the scope of duties as the state purchasing agent deems appropriate.

(2) The state purchasing agent may require successful completion of recertification or proof of eligibility as a pre-condition for reinstatement. This may include successful completion of the certification program or recertification program.

(3) The state purchasing agent reserves the right to adopt additional remedies into the program as deemed appropriate.

L. Coordination by the state purchasing agent. The state purchasing agent may coordinate with the department of finance and administration regarding the reporting of decisions and actions under this section for state agencies, and with the local government division of the department of finance and administration for local public bodies.

M. Policies from the state purchasing agent. The state purchasing agent reserves the right to implement further policies to give full effect to the certified chief

procurement officer statutes and this rule as required and necessary.

N. Limitations.

Nothing in these rules shall be deemed to be a limit on the authority of the state purchasing agent to enact the purpose of these rules, nor a limit on other legal liability of certified chief procurement officer for their action or conduct.

[1.4.1.94 NMAC - N, 08/30/2013; A, 01/16/2018]

MEDICAL BOARD

The New Mexico Medical Board approved, at its 12/15/2017 hearing, to repeal its rule 16.10.15 NMAC, Medicine and Surgery Practitioners, Physician Assistants: Licensure and Practice Requirements (filed 1/30/2015) and replace it with 16.10.15 NMAC, Medicine and Surgery Practitioners, Physician Assistants: Licensure and Practice Requirements, adopted on 1/4/2018 and effective 1/16/2018.

MEDICAL BOARD

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS PART 15 PHYSICIAN ASSISTANTS: LICENSURE AND PRACTICE REQUIREMENTS

16.10.15.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board.
[16.10.15.1 NMAC - Rp, 16.10.15.1 NMAC, 1/16/2018]

16.10.15.2 SCOPE: This part applies to physician assistants and their supervising physicians.

[16.10.15.2 NMAC - Rp, 16.10.15.2 NMAC, 1/16/2018]

16.10.15.3 STATUTORY

AUTHORITY: This part is adopted pursuant to the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.

[16.10.15.3 NMAC - Rp, 16.10.15.3 NMAC, 1/16/2018]

16.10.15.4 DURATION:

Permanent.

[16.10.15.4 NMAC - Rp, 16.10.15.4, 1/16/2018]

16.10.15.5 EFFECTIVE

DATE: January 16, 2018, unless a later date is cited at the end of a section.

[16.10.15.5 NMAC - Rp, 16.10.15.5 NMAC, 1/16/2018]

16.10.15.6 OBJECTIVE:

This part regulates the licensing and practice of physician assistants and their supervision by or collaboration with licensed physicians.

[16.10.15.6 NMAC - Rp, 16.10.15.6 NMAC, 1/16/2018]

16.10.15.7 DEFINITIONS:

A. "AAPA" means American academy of physician assistants.

B. "Interim license" means permission issued by the board that allows a physician assistant to practice for one year pending completion of all licensing requirements.

C. "Effective supervision" means the exercise of physician oversight, control, and direction of services rendered by a physician assistant. Elements of effective supervision include:

(1) on-going availability of direct communication, either face-to-face or by electronic means;

(2) active, ongoing review of the physician assistants services, as appropriate, for quality assurance and professional support;

(3) a predetermined plan for emergency situations; and

(4) identification of other supervising physicians, as appropriate to the practice setting.

D. "Lapsed" means a license that has not been renewed by March 1 of the expiration year and

has been suspended for non-renewal. A license that has lapsed is not valid for practice in New Mexico.

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

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

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

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

G. "Criminal history record" means information concerning a person's arrests, indictments, or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by state or federal criminal justice agencies or their political subdivisions and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states or their political subdivisions.

H. "Criminal history screening" means a criminal history background investigation of an applicant for licensure by examination or endorsement, or a licensee applying for licensure renewal, through the use of fingerprints reviewed by the department of public safety and

submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

I. "NCCPA" means national commission on certification of physician assistants.

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

K. "Direct communication" means communication between the supervising physician and physician assistant, in person, telephonically, by email or other electronic means.

L. "Scope of practice" means:

(1) For a supervised physician assistant, means duties and limitations of duties placed upon them by their supervising physician and the board and includes the limitations implied by the field of practice of the supervising physician; and

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

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

N. "Suspended for non-renewal" means a license that has not been renewed by May 31 of

the expiration year, and is lapsed, which is a non-disciplinary action.

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

P. “Recent veteran” means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applies for a physician assistant license pursuant to section 16.10.15.17 NMAC. The veteran shall submit a copy of form DD214, or its equivalent, as part of the application process. [16.10.15.7 NMAC - Rp, 16.10.15.7 NMAC, 1/16/2018]

**16.10.15.8
QUALIFICATIONS FOR
LICENSURE AS A PHYSICIAN
ASSISTANT UNDER
SUPERVISION:**

A. graduation from a program for physician assistants accredited by the committee on allied health education and accreditation (CAHEA) of the American medical association, the accreditation review committee on education for the physician assistant (ARC-PA) or its successor agency, or passed the physician assistant national certifying examination administered by NCCPA prior to 1986 and has proof of continuous practice with an unrestricted license as a physician assistant in another state for four years prior to application;

B. current NCCPA certification or certification by another certifying agency approved by the board;

C. supervising physician per 16.10.15.11;

D. good moral and professional character; and

E. any other proof of competency as may be requested by the board.

[16.10.15.8 NMAC - Rp, 16.10.15.8 NMAC, 1/16/2018]

**16.10.15.9 LICENSURE
PROCESS FOR A PHYSICIAN
ASSISTANT UNDER**

SUPERVISION: Each applicant for a license as a physician assistant under supervision shall submit the required fees and following documentation.

A. A completed application for which the applicant has supplied all information and correspondence requested by the board on forms and in a manner acceptable to the board. Applications are valid for one year from the date of receipt.

B. Two letters of recommendation from physicians licensed to practice medicine in the United States or physician assistant program directors, or the director’s designee, who have personal knowledge of the applicant’s moral character and competence to practice.

C. Verification of licensure in all states where the applicant holds or has held a license to practice as a physician assistant, or other health care profession. Verification must be sent directly to the board from the other state board(s).

D. Verification of all work experience in the last two years, if applicable, provided directly to the board.

E. All applicants may be scheduled for a personal interview before the board or the board’s designee for an interview and must present original documents, as the board requires. The initial license will be issued following completion of any required interview, or approval by a member or agent of the board.

F. The initial license is valid until March 1 of the year following expiration of certification by NCCPA or other certifying agency approved by the board.

G. License by endorsement from New Mexico board of osteopathic examiners. Applicants who are currently licensed in good standing by the New Mexico board of osteopathic examiners may be licensed by endorsement upon receipt of a verification of licensure

directly from the New Mexico board of osteopathic examiners and a supervising physician form signed by the medical doctor who will serve as supervising physician.

H. All applicants for initial licensure as a physician assistant are subject to a state and national criminal history screening at their expense.

(1)

Applications for licensure will not be processed until receipt of the background check requirements verification.

(2)

Applications will be processed pending the completion of the nationwide criminal background screening and may be granted while the screening is still pending.

(3) If the

criminal background screening reveals a criminal arrest or charge, the applicant/licensee will be notified to submit copies of legal documents and other related information to the board. Failure to report a criminal arrest or charge is a violation of the Medical Practice Act.

[16.10.15.9 NMAC - Rp, 16.10.15.9 NMAC, 1/16/2018]

**16.10.15.10 APPROVAL OF
SUPERVISING PHYSICIANS:**

A. Pursuant to Section 61-6-10 NMSA 1978, a physician may supervise as many physician assistants as the physician can effectively supervise and communicate within the circumstances of their particular practice setting.

B. All supervising physicians shall submit written notice of intent to supervise a physician assistant on forms prescribed by the board.

C. Within 30 days after an employer terminates the employment of a physician assistant, the supervising physician or the physician assistant shall submit a written notice to the board providing the date of termination and reason for termination.

D. A physician assistant who is employed by the

United States government and who works on land or in facilities owned or operated by the United States government or a physician assistant who is a member of the reserve components of the United States and on official orders or performing official duties as outlined in the appropriate regulation of that branch may be licensed in New Mexico with proof that their supervising physician holds an active medical license in another state.

[16.10.15.10 NMAC - Rp,
16.10.15.11 NMAC, 1/16/2018]

16.10.15.11 SUPERVISION OF A PHYSICIAN ASSISTANT:

Supervision of a physician assistant must be rendered by a licensed supervising physician.

A. Responsibility of supervising physician.

(1) Provide direction to the physician assistant to specify what medical services should be provided. This may be done through a written utilization plan or by other direct communications.

(2) Provide a means for immediate communication between the physician assistant and the supervising physician.

(3) Comply with the quality assurance requirements specified in Subsection B of 16.10.15.11 NMAC.

B. Quality assurance requirements. A quality assurance program for review of medical services provided by the physician assistant must be in place.

[16.10.15.11 NMAC - Rp,
16.10.15.12 NMAC, 1/16/2018]

16.10.15.12 QUALIFICATIONS FOR COLLABORATIVE PHYSICIAN ASSISTANT LICENSURE:

A. graduation from a program for physician assistants accredited by the committee on allied health education and accreditation (CAHEA) of the American medical association, the accreditation review committee on education for the physician assistant (ARC-PA) or its successor agency, or passed

the physician assistant national certifying examination administered by NCCPA prior to 1986 and has proof of continuous practice with an unrestricted license as a physician assistant in another state for four years prior to application;

B. current NCCPA certification or certification by another certifying agency approved by the board;

C. practice primary care as defined in Subsection J of 16.10.15.7 NMAC;

D. completed three years of clinical practice as a physician assistant with supervision by a licensed physician;

E. maintain a policy of malpractice liability insurance;

F. good moral and professional character; and

G. any other proof of competency as may be requested by the board.

[16.10.15.12 NMAC - N, 1/16/2018]

16.10.15.13 LICENSURE PROCESS FOR A COLLABORATIVE PHYSICIAN ASSISTANT:

Each applicant for a collaborative physician assistant license shall submit the required fees and following documentation.

A. A completed application for which the applicant has supplied all information and correspondence requested by the board on forms and in a manner acceptable to the board. Applications are valid for one year from the date of receipt.

B. Two letters of recommendation from physicians licensed to practice medicine in the United States or physician assistant program directors, or the director's designee, who have personal knowledge of the applicant's moral character and competence to practice.

C. Verification of licensure in all states where the applicant holds or has held a license to practice as a physician assistant, or other health care profession.

D. Verification of three years of clinical practice as a

physician assistant.

E. Verification of current malpractice liability insurance.

F. All applicants may be scheduled for a personal interview before the board or the board's designee for an interview and must present original documents, as the board requires.

G. The initial license is valid until March 1 of the year following expiration of NCCPA or other certifying agency approved by the board.

H. License by endorsement from New Mexico board of osteopathic examiners. Applicants who are currently licensed in good standing by the New Mexico board of osteopathic examiners may be licensed by endorsement upon receipt of a verification of licensure directly from the New Mexico board of osteopathic examiners; verification of three years of clinical practice as a physician assistant, and verification of current malpractice liability insurance as well as meet other listed requirements.

I. All applicants for initial licensure as a physician assistant are subject to a state and national criminal history screening at their expense.

(1) Applications for initial licensure will not be processed until receipt of the background check requirements verification.

(2) Applications for initial licensure will be processed pending the completion of the nationwide criminal background screening and may be granted while the screening is still pending.

(3) If the criminal background screening reveals a criminal arrest or charge, the applicant/licensee will be notified to submit copies of legal documents and other related information to the board. Failure to report a criminal arrest or charge is a violation of the Medical Practice Act.

[16.10.15.13 NMAC - N, 1/16/2018]

16.10.15.14 COLLABORATIVE AND SUPERVISED STATUS:

A. A physician assistant may request a change from supervised to collaborative status by submitting verification of at least three years of clinical practice supervised by a licensed physician and provide proof of current malpractice liability insurance. This change will allow the physician assistant to work as a collaborative or supervised physician assistant.

B. A physician assistant may request a change from collaborative to supervised status by submitting a supervising physician form to the board.
[16.10.15.14 NMAC - N, 1/16/2018]

16.10.15.15 INTERIM AND TRAINING PERMITS:

A. Interim permits are issued to qualified applicants who have completed the application process and complied with all other licensure requirements except certification by the NCCPA or other certifying agency approved by the board.

(1) Physician assistants not currently certified by NCCPA or other certifying agency approved by the board, have a one-time grace period of one year from the date of graduation from a program approved by ARC-PA or its successor agency to become certified.

(2) Interim permits expire at the end of the one year grace period. Upon expiration of the interim permit the physician assistant may no longer practice, but may reapply upon certification by NCCPA or other certifying agency approved by the board.

B. Training permits may be issued to qualified applicants, regardless of certification status by NCCPA or other certifying agency approved by the board, who have completed the application process and who have not been actively and continuously in clinical practice for the two years prior to application and who are required by the board to undertake appropriate retraining prior to licensure or reinstatement. A

training permit shall be valid for one year and may not be renewed.
[16.10.15.15 NMAC - Rp, 16.10.15.10 NMAC, 1/16/2018]

16.10.15.16 SCOPE OF PRACTICE:

A. Unless otherwise provided by law, physician assistants may provide medical services within the scope of the physician assistants' education and experience.

B. A physician assistant may assist a designated supervising physician or collaborating physician in an inpatient or surgical health care institution within the institution's bylaws or policies including act as a first surgical assistant in the performance of surgery, when permitted by the institution's bylaws or regulations.
[16.10.15.16 NMAC - Rp, 16.10.15.13 NMAC, 1/16/2018]

16.10.15.17 PRACTICE LIMITATIONS: Practice limitations are determined by the supervising physician's or specialty and practice setting in addition to the physician assistant's education and training.
[16.10.15.17 NMAC - Rp, 16.10.15.14 NMAC, 1/16/2018]

16.10.15.18 LICENSE EXPIRATION, RENEWAL, CHANGE OF STATUS:

A. Physician assistant licenses expire on March 1 of the year following expiration of certification by NCCPA or other certifying agency approved by the board. To avoid additional penalty fees, a completed renewal application, accompanied by the required fees, proof of current certification of NCCPA or other certifying agency approved by the board, and other documentation must be submitted through the online renewal system, post-marked or hand-delivered on or before March 1 of the expiration year. A New Mexico physician assistant license that has not been renewed by March 1 of the renewal year will remain temporarily active with respect to medical practice until June 1 of the renewal year at which time, the board shall suspend

the license for non-renewal and the status shall be changed to lapsed.

B. The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to assure the board has accurate address information and to make a timely request for the renewal application if one has not been received prior to license expiration.

C. Renewal applications postmarked or hand-delivered after March 1 but prior to April 15 must be accompanied by the completed renewal application, proof of current certification of NCCPA or other certifying agency approved by the board, the renewal fee and late fee indicated in 16.10.9.9 NMAC.

D. Renewal applications postmarked or hand-delivered on or after April 16 but prior to May 30 must be accompanied by the completed renewal application, proof of current certification of NCCPA or other certifying agency approved by the board, the renewal fee and late fee indicated in 16.10.9.9 NMAC.

E. A physician assistant who has not passed the NCCPA recertification exam or been recertified by another certifying agency approved by the board, prior to the date of license expiration may apply to the board for an emergency deferral of the requirement. A designee of the board may grant deferrals of up to one year.

(1) A physician assistant who is granted an emergency deferral shall pay the renewal fee and additional late fee indicated in 16.10.9.9 NMAC.

(2) The license of a physician assistant who is granted an emergency deferral shall expire two years after the original renewal date, regardless of the duration of the emergency deferral.

F. The board shall suspend for non-renewal and change the status to lapsed on June 1 of the renewal year, the license of any physician assistant who has failed within 90 days after the license

renewal date to renew their license, or to change the license status, or to pay all required fees, or to comply with the boards certification requirements, or to provide required documentation, or to request an emergency deferral.

G. At the time of license renewal a physician assistant may request a status change.

(1) A license that is placed on inactive status requires payment of a fee as defined in 16.10.9.9 NMAC. A license in inactive status is not valid for practice in New Mexico but may be reinstated in accordance with the provisions of 16.10.15.16 NMAC.

(2) On request, a license may be placed on retired status. There is no charge for this change in status. A retired license is not valid for practice in New Mexico and such license may not subsequently be reinstated. A physician assistant with a retired license who chooses to reinstate the license must re-apply as a new applicant.

(3) A physician assistant who does not wish to renew the active license in New Mexico and will voluntarily allow the license to lapse may inform the board of the wish not to renew. A voluntarily lapsed license is not valid for practice in New Mexico but may be reinstated in accordance with the provisions of 16.10.15.17 NMAC.

H. Reinstatement within two years. An inactive, lapsed, voluntarily lapsed or suspended license may be placed on active status upon completion of a renewal application in which the applicant has supplied all required fees and proof of current certification by NCCPA or other certifying agency approved by the board.

I. Reinstatement after two years. An inactive, lapsed, voluntarily lapsed or suspended license may be placed on active status upon completion of a reinstatement application for which the applicant has supplied all required fees, information and correspondence requested by the board on forms and in a manner acceptable to the

board. Applicants may be required to personally appear before the board or the board's designee for an interview.

J. Reinstatement applications will be subject to a one-time nationwide and statewide criminal history screening.

(1) Reinstatement applications will be processed pending the completion of the statewide criminal history screening and may be granted while the screening still pending.

(2) If the nationwide or statewide criminal background screening reveals a felony or a violation of the Medical Practice Act, the licensee will be notified to submit copies of legal documents and other related information to the board which will make the determination if the applicant is eligible for licensure or if disciplinary action will be taken.

K. Additional continuing medical education requirements. The specific continuing medical education requirements set forth at 16.10.15 NMAC shall be satisfied for license renewal. Proof of satisfaction of these requirements shall be submitted directly to the board.

[16.10.15.18 NMAC - Rp, 16.10.15.16 NMAC, 1/16/2018]

16.10.15.19 EXPEDITED MEDICAL LICENSURE FOR MILITARY AND SPOUSES LICENSED IN ANOTHER JURISDICTION.

If a military service member, the spouse of a military service member, or a recent veteran submits an application for a physician assistant license and is a qualified applicant pursuant to this part, the board shall expedite the processing of such application and issue the appropriate license as soon as practicable. Any qualified applicant seeking expedited consideration pursuant to this section shall submit a copy of form DD214 or its equivalent with their application.

[16.10.15.19 NMAC - Rp, 16.10.15.17 NMAC, 1/16/2018]

16.10.15.20 EXEMPTION FROM LICENSURE:

A. A physician assistant student enrolled in a physician assistant or surgeon assistant educational program accredited by the committee on allied health education and accreditation or by its successor shall be exempt from licensure while functioning as a physician assistant student.

B. A physician assistant employed by the United States government and who works on land or in facilities owned or operated by the United States government or a physician assistant who is a member of the reserve components of the United States and on official orders or performing official duties as outlined in the appropriate regulation of that branch.

[16.10.15.20 NMAC - Rp, 16.10.15.15 NMAC, 1/16/2018]

HISTORY of 16.10.15 NMAC:

Pre-NMAC history: Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

NMBME Rule 79-14, Rules and Regulations Governing the Issuance of Certificates of Qualification of Physicians' Assistants, 9/19/79.

NMBME Rule 79-15, Rules and Regulations Pertaining to Physicians' Assistants, 9/19/79.

NMBME Rule 79-15, Rules and Regulations Pertaining to Physicians' Assistants, 10/4/79.

NMBME Rule 79-15, Amendment No. 1, 1/21/81.

Rule 86-2, Physician Assistants - Approval of Supervising Physicians, 2/5/86.

Rule 89-PA1, Physician Assistant-Definitions, 6/16/89.

Rule 89-PA2, Physician Assistants - Qualifications of Physician Assistants, 6/16/89.

Rule 89-PA3, Physician Assistant - Registration, 6/16/89.

Rule 89-PA4, Physician Assistants - Approval of Supervising Physicians, 6/16/89.

Rule 89-PA5, Physician Assistant - Relationship of Physician Assistants to Designated Supervising Physicians, 6/16/89.

Rule 89-PA6, Physician Assistants -
Scope of Practice, 6/16/89.

Rule 89-PA9, Physician Assistants -
Physician Assistant Students, 6/16/89.

Rule 92-PA6, Physician Assistants -
Scope of Practice, 1/14/92.

PA Rule 3, Physician Assistant -
Registration, 10/27/94.

PA Rule 5, Physician Assistant -
Relationship of Physician Assistants
to Designated Supervising Physicians,
10/27/94.

NMAC History:

16 NMAC 10.15, Qualifications and
Licensure for Physician Assistants,
3/5/97.

16 NMAC 10.15, Qualifications and
Licensure for Physician Assistants,
6/16/98.

History of the Repealed Material:

16 NMAC 10.15, Qualifications and
Licensure for Physician Assistant -
Repealed, 7/15/01.

16.10.15 NMAC, Physician
Assistants: Licensure and Practice
Requirements - Repealed, 1/30/2015.

16.10.15 NMAC, Physician
Assistants: Licensure and Practice
Requirements, filed 1/7/2015 -
Repealed, 1/16/2018.

NMAC History:

16.10.15 NMAC, Physician
Assistants: Licensure and Practice
Requirements (filed 1/7/2015)
was replaced by 16.10.15 NMAC,
Physician Assistants: Licensure and
Practice Requirements, effective
1/16/2018.

End of Adopted Rules

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