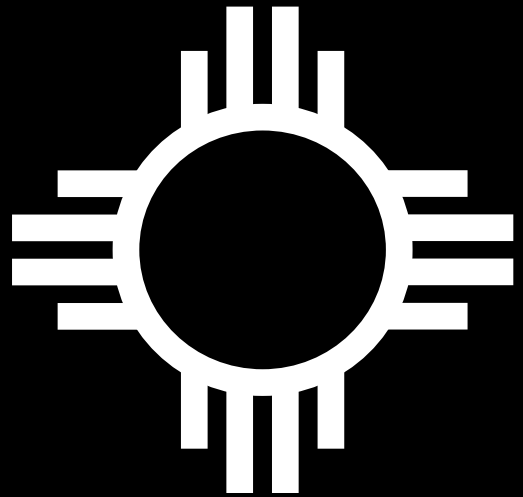


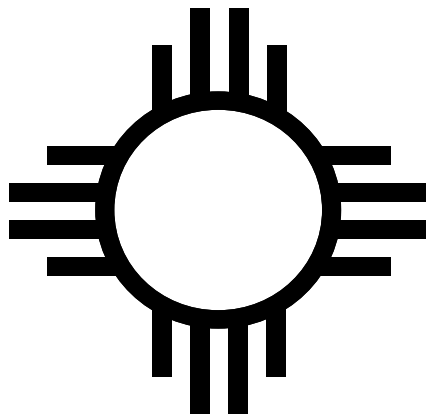
**NEW
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REGISTER**



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Issue Number 1
January 15, 2015

New Mexico Register

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

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New Mexico Register

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January 15, 2015

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Notices of Rulemaking and Proposed Rules

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The Human Services Department will hold a public hearing to consider the proposed TANF State Plan for January 1, 2015 – December 31, 2016. The hearing will be held from 9:00 – 10:00 am on March 2, 2015. The hearing will be held at the Income Support Division Conference room, 2009 S. Pacheco St., Santa Fe, NM. The conference room is located in Room 120 on the lower level.

The Human Services Department is required by Federal Law to file a State Plan that describes how the Department will administer the State's TANF-funded cash assistance program. The State Plan must be submitted every two years to the United States Department of Health and Human Services (DHHS), Administration for Children and Families (ACF). The Department is required to offer a 45 – day comment period for the TANF State Plan prior to submittal.

The Human Services Register Vol. 37 No 59 outlining the regulations is available on the Human Services Department website at <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>

Individuals wishing to testify or requesting a copy of the TANF State Plan should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, NM 87505-2348, or by calling 505-827-7274.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-7701 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

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

Brent Earnest, Secretary Designate

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

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

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend New Mexico Administrative Code (NMAC) rules: 8.206.400 Medicaid Eligibility; 8.291.410 Affordable Care General Recipient Requirements; 8.291.430 Affordable Care Financial Responsibility; 8.293.500 NMAC Pregnant Women Income and Resource Standard; and 8.295.400 NMAC Children Under 19 Recipient Requirements. The register for the proposed amendments to these rules will be available January 15, 2015, on the HSD website: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD at (505) 476-6875. The Department is taking this opportunity to amend the rules for consistency of standard word usage which does not alter the manner in which eligibility is determined. **Specific proposed changes:**

8.206.400 NMAC Section 9 – the proposed amendment clarifies that Medical Assistance Programs (MAP) eligibility for this category is limited only to former New Mexico foster care recipients and does not include former foster care recipients from other states.

8.291.410 NMAC Section 18 – the proposed amendment implements a 90-day reconsideration period for recipients whose MAP eligibility closes due to failure to recertify or provide requested verification. The amended language allows for recipients to provide the requested verification or renewal form to have eligibility reinstated back to the closure month without requiring a new application.

8.291.430 NMAC

Section 14 – the proposed amendment will remove “*by another taxpayer outside of the household*” to provide clarification of the exceptions for an individual who is a tax dependent.

Section 15 – the proposed amendment provides clarification that federal deductions will only be utilized when it makes a difference whether an applicant may or may not qualify for a

specific MAP category of eligibility.
8.293.500 NMAC Section 13 – the proposed amendment will allow an income disregard for an applicant whose countable income is at or above the income standard applying for the Affordable Care Act (ACA) MAP category of eligibility for pregnant women.

8.295.400 NMAC Section 12 – the proposed new language addresses the requirement that an applicant or recertifying recipient 18 years of age who is applying for (ACA) MAP category of Children's Medicaid eligibility must meet school attendance requirements.

The Department proposes to implement these rules effective March 16, 2015. A **public hearing** to receive testimony on these proposed rules will be held in the **Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on February 16, 2015, 11:30 a.m.** Mountain Standard Time (MST).

Interested parties may submit written comments directly to: Brent Earnest, Secretary Designate, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 476-6875. Electronic comments may be submitted to KathyA.Wheeler@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. **All comments must be received no later than February 16, 2015, 5:00 p.m. 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 toll free at 1-888-997-2583 and ask for extension 6-6875. In Santa Fe call 827-7743. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the 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.

NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing to amend a rule that is part of the New Mexico Administrative Code (NMAC): 8.314.6 *Mi Via Home and Community-Based Services*. The register for the proposed amendment to this rule will be available January 15, 2015, on the HSD website: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have Internet access, a copy of the proposed rule may be requested by contacting MAD at (505) 476-6875.

Specifically, the Department proposes to amend the rule as follows:

Throughout the rule:

- Adds language that clarifies an eligible recipient’s Mi Via Employer of Record (EOR) roles, responsibilities and qualifications to ensure the EOR meets the MAD provider qualifications and understands the limits of his or her role.
- Adds language to ensure that services are delivered in the least restrictive environments and that the use of restraints, restrictive interventions or seclusions is not allowed in any Mi Via service.
- Adds language that providers and practitioners render services within their respective practice board’s scope of practice or within their licensing agency’s requirements.

Section 7

- **Subsection B** - aligns the term ‘authorized representative’ with MAD’s current definition utilized in all other NMAC MAD rules.
- **Subsection L** – aligns the term ‘legally responsible individual’ with MAD’s current definition utilized in all other NMAC MAD rules.
- **Subsection O** - defines the term ‘personal representative’ with MAD’s current definition utilized in other NMAC MAD rules.

Section 11: The Department’s proposed changes to this section will help to strengthen the caliber and accountability of Mi Via providers and update waiver service names.

- **Subsection A** - replacing ‘homemaker/*companion* workers’ with ‘homemaker/*direct support* workers in order to be in line with the waiver service names included

in the Mi Via 1915(c) waiver as approved by CMS.

- **Subsection B Paragraph (1)** – adding the requirement for providers to pass a nationwide caregiver criminal history screening prior to the initial hire and every three years after initial hire. The additional language aligns the rule with the Mi Via 1915(c) waiver as approved by CMS.
- **Subsection B Paragraph (2)** – adding new language to vendor qualifications and requirements. The additional language provides increased accountability from a vendor to a Mi Via eligible recipient and aligns the rule with the Mi Via 1915(c) waiver as approved by CMS.
- **Subsection B Paragraph (5) (c)** - strengthening language prohibiting a provider from soliciting an eligible recipient in any manner concerning his or her Mi Via services and benefits. The additional requirement will provide a level of protection to Mi Via eligible recipients from unethical business practices and ensure unbiased freedom of choice of providers.
- **Subsection E Paragraph (3)** - removing “*customized*” in-home living supports to “*in-home living supports*” to be in line with the service name included in the Mi Via 1915(c) waiver as approved by CMS.
- **Subsection F Paragraph (1)(a-b) and (2)**– adding requirements that job developer providers have experience or knowledge of the Department of Health/ Developmental Disabilities Services Division resources, have substantial knowledge of the Americans with Disabilities Act, be at least of a specific age and have other job experience requirements. These updates to the qualifications reflect the need for job developers to have knowledge and resources specific to the Mi Via population.

Section 13

- **Eligibility Requirements for Recipient Enrollment in Mi Via**-removing Subsection A through C of the rule and inserting reference to 8.290.400 NMAC *Recipient Policies* for home and community-based services waiver eligibility requirements. The NMAC Medical Assistance Programs (MAP) recipient

eligibility rule contains the exact language that is being proposed to be deleted from this rule. No changes have been made to the eligibility criteria for Mi Via services. The Department’s attempt is to reduce the number of rules amended by not duplicating language in multiple rules and confining the language to one rule with references where to find that rule in other rules.

Section 15

- **Subsection C Critical incident management responsibilities and reporting requirements. Paragraph (3)** - adding (a) new responsible reporting individuals and renaming state agencies with current titles, and (b) the term “*suspicious injury*.” The additional language clarifies the process for critical incident management reporting and aligns the rule with the Mi Via 1915(c) waiver as approved by CMS.
- **Subsection C Paragraph (4) Conflict of Interest**- clarifies an eligible recipient’s Consultant/ Consultant Agency’s roles, responsibilities and qualifications to ensure the Consultant/ Consultant Agency meets the MAD provider qualifications, and understands the limits of his or her role, does not solicit an eligible recipient nor engage in activities where he or she may have a conflict of interest to the eligible recipient.
- **Subsection E Paragraph (2) Home health aide services** – adding language specifically stating a home health aide must meet new supervision requirements. In addition, new language requiring the registered nurse supervision of the home health aides at least once every 60 calendar days in the eligible recipient’s home. The additional language affords an eligible recipient increased professional supervision over his or her home health aide’s services and aligns the rule with the Mi Via 1915(c) waiver as approved by CMS.
- **Subsection E Paragraph (3) Assisted Living** -removes references to Mi Via assisted living services and providers throughout the rule. The Department proposes to end this service based upon non-utilization by the developmental disabilities and medically fragile populations during the past three waiver

years. This change will also bring the waiver into alignment with CMS' final rule to maximize opportunities for an individual to have access to the benefits of community living and to receive services in the most integrated settings and aligns the rule with the Mi Via 1915(c) waiver as approved by CMS.

- **Subsection E Paragraph (4) In home living supports** – clarification that In Home Living Supports must be provided in the home or apartment owned or leased by the eligible recipient or in the eligible recipient's home, but excludes homes or apartments owned by agency providers. The additional language will strengthen the service requirement to safeguard participant's freedom of choice when receiving this Mi Via service.
- **Subsection F Paragraph (2) Employment Supports** – providing additional detail into the function of employment supports, job development, job coaching, and related employment supports. The additional language will strengthen the service requirement to afford an eligible recipient a higher degree of professional support in entering the workforce and aligns the rule with the Mi Via 1915(c) waiver as approved by CMS.
- **Subsection F Paragraph (3) Customized Community Supports** – (a) renaming this service to *Customized Community Group Supports* in order to be in line with the waiver service names included in the Mi Via 1915(c) waiver as approved by CMS, and (b) proposing new language to have services provided in an integrated setting to support access to the eligible recipient's greater community. The Department is responding to CMS final regulations that require Mi Via services be rendered in integrated community settings whenever possible.
- **Subsection G Paragraph (1) Health and Wellness (d) Behavior support consultation** - adding "positive behavior support plan" to treatment plan development; and to (v) requiring the least restrictive environment and to prohibit of any form of restraints or seclusion of a Mi Via eligible recipient while services are rendered. The Department

is responding to CMS final regulations that require Mi Via services be rendered in the least restrictive environment without the use of seclusion and restraints.

- **Subsection G Paragraph (2) Specialized Therapies (e) Hippotherapy** – clarification that hippotherapy must be performed by a Regulation and Licensing Department (RLD) licensed physical therapist, occupational therapist, or speech therapist. The additional language serves to bring the service in line with the providers' practice board's scope of practice or within their licensing agency's requirements.
- **Subsection H Paragraph (5) Environmental Modifications (f)** – reducing the available allocation from \$7,000 to \$5,000 every five years to bring the rule in line with the Mi Via 1915(c) waiver as approved by CMS. The spending limit brings equity to the environmental modifications allocations among the Mi Via Waiver, the Developmental Disabilities Waiver, and the MAD Centennial Care Managed Care Self-Directed Community Benefit. HSD proposes to include any MAD reimbursed environmental modification the eligible recipient received from the previous five years into the five-year allocation limitations of \$5,000. A review of the utilization patterns for this service show that the proposed amount of \$5,000 is reasonable to meet the needs of Mi Via eligible recipients.
- **Subsection W** – including laptops or any electronic tablets to keep current with technological advances. HSD proposes to apply the three year replacement limit to eligible recipients transferring into Mi Via. This ensures equitable spending for these types of goods among all MAD programs that cover this benefit.

Section 17

- **Subsection F Modifications to the annual budget**- this section has been reformatted and edited in order to delete repetitive and lengthy language in order to clarify for recipients the requirements for modifications to the annual budget.

Section 21

- **Continuation of Benefits Pursuant to Timely Appeal** – adding language to bring rule into alignment with 8.352.2 NMAC

HSD administrative hearing rights and responsibilities.

Section 22

- **Grievance/Complaint System:** removing of subsections A through D which describe the grievance and complaint process that only applies to consultant providers. Language in this section now affords participants and/or participant's families a primary contact to file complaints regarding any component of the program.

A public hearing to receive testimony on this proposed rule will be held in **Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on February 16, 2015, 10:00 a.m.** Mountain Standard Time (MST).

Interested parties may submit written comments directly to: Brent Earnest, Secretary Designate, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 476-6875. Electronic comments may be submitted to KathyA.Wheeler@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than February 16, 2015, 5:00 p.m. 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 toll free at 1-888-997-2583 and ask for extension 7-7743. In Santa Fe call 827-7743. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the 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.

**NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION**

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing to amend a rule that is part of the New Mexico Administrative Code (NMAC):8.321.2 *Behavioral Health Specialized Services* specifically Section 10 Applied Behavior Analysis (ABA). The register for the proposed amendment to this rule will be available January 15, 2015 on the HSD website: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have Internet access, a copy of the proposed rule may be requested by contacting MAD at (505) 476-6875.

The Department finalized Section 10 of 8.321.2 NMAC January 1, 2014, with the minimum of detail as it developed the service. The Department has completed a lengthy study and discussion of ABA services and is now promulgating amendments to this section of the rule. Throughout this section of the rule, the Department refers to ABA billing instructions. The Department proposing to include more detailed information in the rule while continuing to have other information contained in the ABA billing instructions as appropriate. The Department will post for public comment the proposed amendments and the ABA billing instructions.

A public hearing to receive testimony on this proposed rule will be held in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on February 16, 2015, 1:30 p.m. Mountain Standard Time (MST).

Interested parties may submit written comments directly to: Brent Earnest, Secretary Designate, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 476-6875. Electronic comments may be submitted to KathyA.Wheeler@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than February 16, 2015, 5:00 p.m. 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 toll free at 1-888-997-2583 and ask for extension 6-6875. In Santa Fe call 476-6875. The Department's TDD system may be accessed toll-free at 1-800-

659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the 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.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
NUTRITION BOARD**

Notice is hereby given that the New Mexico Nutrition and Dietetic Practice Board will hold a Rule Hearing beginning at 1:00 p.m. on Friday, February 27, 2015. Following the Rule Hearing the New Mexico Nutrition and Dietetic Practice Board will convene a regular meeting to adopt the rules and take care of regular business. The meeting will be held at the New Mexico Gaming Control Board, 4900 Alameda Blvd NE, Board Conference Room, Albuquerque, NM 87113.

The purpose of the rule hearing is to consider adoption of proposed amendments and additions to the following Board Rules and Regulations in 16.14.1 NMAC General Provisions and 16.14.12 NMAC Licensure for Military Service Members, Spouses and Veterans.

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at the Toney Anaya Building located at the West Capitol Complex, PO Box 25101 Santa Fe, NM 87505, (505) 476-4622, send an email to nutritiondieteticsbd@state.nm.us.

In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comments regarding the proposed rules must present them to the Board Office in writing no later than February 12, 2015. Persons wishing to present their comments at the hearing will need (10) copies of any comments or proposed changes for distribution to the Board and staff.

Portions of the meeting may be closed to the public while the Board is in Executive Session to discuss licensing matters pursuant to Section 10-15-1.H of the Open Meetings Act.

A copy of the agenda will be available at least 72 hours prior to the meetings and may

be obtained at the Board office located on the 2nd Floor of the Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM, by calling the Board office at (505) 476-4622, by visiting the Board's website, or by e-mail: nutritiondieteticsbd@state.nm.us.

If you are an individual with a disability who is in need of a reader, amplifier, qualified interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Board office at the address indicated above at least one week prior to the meeting or as soon as possible.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
PROFESSIONAL SURVEYORS**

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors will hold a Rule Hearing on Friday, February 20, 2015. Following the Rule Hearing the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors Rule Hearing will begin at 10:00 a.m. and the Regular Board Meeting will convene following the rule hearing. The meeting will be held at the Department of Transportation, District 3, 7500 Pan American, Albuquerque, NM, 87199, in the Auditorium Room.

The purpose of the rule hearing is to consider adoption of proposed amendments, to the following Board Rules and Regulations in 16.39.1 General Provisions, 16.39.2 Professional Development, 16.39.3 Engineering, Fees, 16.39.4 Incidental Practice, 16.39.5 Surveying, 16.39.6 Licensure for Military Service Members, Spouses and Veterans, 16.39.7 Miscellaneous, 16.39.8 Code of Professional Conduct.

You can contact the board office at the Toney Anaya Building located at 2550 Cerrillos Road in Santa Fe, New Mexico 87505, call (505) 476-4565 or (505) 476-4656 or copies of the proposed rules are

available on the BLPEPS board's website: www.sblpes.state.nm.us. In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comment regarding the proposed rules must present them to the Board office in writing no later than February 9, 2015. Persons wishing to present their comments at the hearing will need fifteen (15) copies of any comments or proposed changes for distribution to the Board and staff.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing or meeting, but you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please call the Board office at (505) 476-4565 or (505) 476-4656 at least two weeks prior to the meeting or as soon as possible.

**End of Notices and Proposed
Rules Section**

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Adopted Rules

NEW MEXICO DEPARTMENT OF HEALTH

This is an amendment to 7.27.2 NMAC, adding Section 16, effective 02/15/2015.

7.27.2.16 CRIMINAL HISTORY SCREENING:

A. Authority; use of criminal history information: The emergency medical services (EMS) bureau is authorized to obtain the criminal history records of applicants and licensees, and to exchange fingerprint data directly with the federal bureau of investigation, department of public safety (DPS) and any other law enforcement agency or organization. The EMS bureau shall require fingerprinting of applicants and licensees for the purposes of this section. Information regarding felonies and misdemeanors involving moral turpitude may form the basis of a denial, suspension or revocation of licensure, and other disciplinary action.

B. Procedure for applicants and licensees:

(1) If an applicant or licensee otherwise meets the application and eligibility requirements, then the bureau shall require the applicant or licensee to submit a request to the federal bureau of investigation, DPS or a DPS designated vendor for a current criminal history screening through the national crime information center ("NCIC"). The applicant or licensee shall undergo the criminal history screening when first applying for either initial or renewal licensure after the effective date of this rule, and every four years thereafter.

(2) The department shall provide applicants and licensees with the department's originating agency identification (ORI) number for the purposes of criminal history screening.

(3) An applicant or licensee shall provide to DPS or a DPS designated vendor a criminal background screening request, fingerprints, and supporting documentation including an authorization for release of information to the department in accordance with the procedures of DPS or the DPS designated vendor.

(4) DPS or the DPS designated vendor will review state records and also transmit the fingerprints to the federal bureau of investigation for a national screening. The results of the screening will be made available to the department for review.

(5) Applicants and licensees shall bear any costs associated

with ordering or conducting criminal history screening. Fees are determined by and payable to DPS or a DPS designated vendor. Fees cannot be waived by the department.

(6) The EMS bureau may, within its discretion, waive the criminal history screening requirements of this section for an applicant or licensee who has submitted to an equivalent criminal history screening through DPS or through the DPS designated vendor within the previous nine months and was found to have no criminal convictions.

(7) The EMS bureau shall comply with applicable confidentiality requirements of the DPS and the federal bureau of investigation regarding the handling and dissemination of criminal history information.

C. EMS bureau review of criminal history screening information:

(1) The EMS bureau shall conduct a review of applicants and licensees with an associated history of felonies or misdemeanors involving moral turpitude. The bureau may require the submission of additional information in writing from the applicant or licensee in order to determine whether to pursue disciplinary action. Such information may include (but not be limited to) evidence of acquittal or dismissal, information concerning conviction of a lesser included crime, or evidence of rehabilitation.

(2) The Criminal Offender Employment Act, Section 28-2-1 *et seq.*, NMSA 1978 shall govern any consideration of criminal records required or permitted by this section. In accordance with Section 28-2-4 NMSA 1978 of that act, the following provisions shall apply:

(a) **For convictions directly relating to the EMS profession or practice:** If an applicant or licensee has been convicted of a felony or misdemeanor involving moral turpitude, and if that conviction relates directly to the profession or the practice of emergency medical services, the department may deny, suspend, or revoke licensure, or take other disciplinary action, on the basis of the conviction(s). The burden of proof shall rest with the applicant or licensee to prove that he or she has been sufficiently rehabilitated.

(b) **For convictions not directly relating to the EMS profession or practice:** If an applicant or licensee has been convicted of a felony or misdemeanor involving moral turpitude, and if that conviction does not relate directly to the profession or the practice of emergency medical services,

the department may deny, suspend, or revoke licensure, or take other disciplinary action, if the person so convicted has not been sufficiently rehabilitated to warrant the public trust. For purposes of this provision: the burden of proof shall rest with the department to demonstrate non-rehabilitation; and there shall be a rebuttable presumption of sufficient rehabilitation if the applicant or licensee has completed probation or parole supervision, or a period of at least three years has lapsed after final discharge or release from any term of imprisonment without subsequent conviction.

(3) Factors that may be considered by the EMS bureau in determining whether to pursue disciplinary action against a licensee or applicant on the basis of the individual's criminal history may include, but shall not be limited to:

(a) the total number of convictions;

(b) the time elapsed since the most recent conviction;

(c) the circumstances and severity of the crime(s), including whether drugs or violence were involved;

(d) activities evidencing rehabilitation, including but not limited to completion of probation and completion of drug or alcohol rehabilitation programs;

(e) any false or misleading statements made by the applicant or licensee in an application or other materials; and

(f) evidence concerning whether an applicant or licensee poses a risk of harm to the health and safety of patients or the public.

(4) An applicant or licensee whose license is denied, suspended, or revoked, or who is otherwise made the subject of a contemplated disciplinary action based on information obtained in a criminal history background screening, shall be entitled to review the information obtained pursuant to this section and to appeal the decision pursuant to the Uniform Licensing Act, Section 61-1-1 *et seq.*, NMSA 1978, in accordance with department rules.

[7.27.2.16 NMAC - N, 2/15/15]

**NEW MEXICO
COMMISSION OF PUBLIC
RECORDS**

**TITLE 1 GENERAL
GOVERNMENT ADMINISTRATION
CHAPTER 13 PUBLIC RECORDS
PART 9 NEW MEXICO
HISTORICAL RECORDS ADVISORY
BOARD**

1.13.9.1 ISSUING AGENCY:
State Commission of Public Records
[1.13.9.1 NMAC - N, 01/12/2015]

1.13.9.2 SCOPE: New Mexico
Historical Records Advisory Board
[1.13.9.2 NMAC - N, 01/12/2015]

**1.13.9.3 STATUTORY
AUTHORITY:** Section 14-3-14 NMSA
1978 authorizes the state commission of
public records, upon recommendation of
the state records administrator, to appoint
advisory groups to more effectively obtain
the best professional thinking regarding any
particular group or type of records. 36 CFR
Part 1206 requires each state to appoint a
state historical records advisory board to
be eligible to receive national historical
publications and records commission grants.
[1.13.9.3 NMAC - N, 01/12/2015]

1.13.9.4 DURATION:
Permanent.
[1.13.9.4 NMAC - N, 01/12/2015]

1.13.9.5 EFFECTIVE DATE:
January 12, 2015, unless a later date is cited
at the end of a section.
[1.13.9.5 NMAC - N, 01/12/2015]

1.13.9.6 OBJECTIVE: To
establish a process for the state commission
of public records to appoint members to a
state historical records advisory board.
[1.13.9.6 NMAC - N, 01/12/2015]

1.13.9.7 DEFINITIONS:
A. **“Administrator”** refer
to Public Records Act, Section 14-3-2(A)
NMSA 1978.
B. **“Agency”** refer to
Public Records Act, Section 14-3-2(B)
NMSA 1978.
C. **“Archives”** refer to
1.13.10.7 NMAC.
D. **“Archives and
historical services division”** refer to
1.13.10.7 NMAC.
E. **“Commission”** refer
to Public Records Act, Section 14-3-2(C)
NMSA 1978.
F. **“Coordinator”** means
the state coordinator for the New Mexico
Historical Records Advisory Board.

G. **“Public record”** refer
to Public Records Act, Section 14-3-2(G)
NMSA 1978.

H. **“Records center”** refer
to Public Records Act, Section 14-3-2(H)
NMSA 1978.

I. **“Records management
division”** refer to 1.13.10.7 NMAC.
[1.13.9.7 NMAC - N, 01/12/2015]

**1.13.9.8 ABBREVIATIONS
AND ACRONYMS:**

A. **“CFR”** stands for code
of federal regulations.

B. **“NHPRC”** stands for
national historical publications & records
commission.

C. **“NMAC”** stands for
New Mexico administrative code.

D. **“NMHRAB”** stands
for New Mexico historical records advisory
board.

E. **“NMSA”** stands for
New Mexico statutes annotated.

F. **“USC”** stands for
United States code.
[1.13.9.8 NMAC - N, 01/12/2015]

**1.13.9.9 NEW MEXICO
HISTORICAL RECORDS ADVISORY
BOARD RESPONSIBILITIES:**

A. The NMHRAB
is an advisory group appointed by the
commission for the purpose of coordinating
state and local historical records projects
within the state.

B. The commission may
receive NHPRC grants to support the work
of the NMHRAB; to operate statewide
historical records services; and to make
sub-grants to eligible organizations within
the state in support of historical records
activities.

C. The NMHRAB shall
develop, revise and submit to the NHPRC
an annual state plan including priorities for
state historical records projects.

D. The NMHRAB shall
review and comment on applications for
NHPRC records projects grants submitted
from New Mexico, according to the
manual of suggested practices issued by the
NHPRC.

E. The NMHRAB should
meet at least twice a year and at such
other times as it deems necessary and as
necessary funding permits.

F. A member failing to
attend two consecutive regular and properly
notices meeting of the NMHRAB without
reasonable excuse may be removed from
the board at the next commission meeting.

G. A majority of the
NMHRAB currently serving constitutes a
quorum.

H. With the exception of
an immediate resignation or removal by

the commission, NMHRAB members will
continue to serve until a successor has been
appointed by the commission.

I. The NMHRAB may
recommend the adoption, amendment or
repeal of rules related to the administration
of the NMHRAB to the commission for
rulemaking action.

J. Members of
the NMHRAB shall serve without
compensation other than actual expenses
of attending meetings of the NMHRAB
or while in performance of their official
duties in connection with the business of the
NMHRAB.

[1.13.9.9 NMAC - N, 01/12/2015]

**1.13.9.10 NMHRAB
COORDINATOR RESPONSIBILITIES:**

A. The coordinator is
responsible for the NHPRC state program.

B. The state records
administrator shall serve as the coordinator.

C. The coordinator shall
report the NMHRAB appointment process,
membership and recommendations to the
NHPRC at least on an annual basis.

D. The coordinator shall
serve as the chair of the NMHRAB.

E. The coordinator
shall appoint a deputy state coordinator
to assist in carrying out the duties and
responsibilities of the coordinator and
to serve as an acting coordinator at
the coordinator’s direction or upon the
coordinator’s absence, resignation or
inability to serve.

F. The coordinator will
provide for the timely orientation and
training of new members to the NMHRAB.
Training should include orientation to all
statutes, rules, policies and procedures of
the NMHRAB.

G. The coordinator may
recommend the adoption, amendment or
repeal of rules relating to the administration
of the NMHRAB to the commission for
rulemaking action.

[1.13.9.10 NMAC - N, 01/12/2015]

**1.13.9.11 NMHRAB
APPOINTMENT AND COMPOSITION:**

A. The NMHRAB shall
consist of six members appointed by the
commission and the coordinator.

B. Members appointed
by the commission will serve three-year
terms; provided that at the time of initial
appointment, the commission may appoint
members to abbreviated terms to allow
staggering of subsequent appointments.
Vacancies will be filled in the manner of the
original appointment.

C. A majority of
the NMHRAB members should
have recognizable experience in the
administration of records, manuscripts or

archives.

D. The NMHRAB should be as broadly representative as possible of the public and private archives, records offices, and research institutions and organizations of New Mexico.

E. The coordinator will solicit recommendations for membership from the current NMHRAB and submit NMHRAB approved recommendations to the commission.

F. The commission's decision with reference to appointments will be entered on its minutes and the coordinator will then notify the appointed member(s) regarding the date of appointment and term of appointment. [1.13.9.11 NMAC - N, 01/12/2015]

**HISTORY OF 1.13.9 NMAC:
[RESERVED]**

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
BOARD OF CHIROPRACTIC
EXAMINERS**

16 NMAC 4.11, Chiropractic Practitioners - Forfeiture Of License, (filed 10-17-1997) repealed and replaced by 16.4.11 NMAC Chiropractic Practitioners - Forfeiture Of License, effective 1/30/2015.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
BOARD OF CHIROPRACTIC
EXAMINERS**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 4 CHIROPRACTIC
PRACTITIONERS
PART 11 FORFEITURE OF
LICENSE**

16.4.11.1 ISSUING AGENCY: New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504. [16.4.11.1 NMAC - Rp, 16 NMAC 4.11.1, 1/30/15]

16.4.11.2 SCOPE: All licensed chiropractic physicians. [16.4.11.2 NMAC - Rp, 16 NMAC 4.11.2, 1/30/15]

16.4.11.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance

with the Chiropractic Physician Practice Act, Section 61-4-14 NMSA 1978. [16.4.11.3 NMAC - Rp, 16 NMAC 4.11.3, 1/30/15]

16.4.11.4 DURATION: Permanent. [16.4.11.4 NMAC - Rp, 16 NMAC 4.11.4, 1/30/15]

16.4.11.5 EFFECTIVE DATE: January 30, 2015, unless a later date is cited at the end of a section. [16.4.11.5 NMAC - Rp, 16 NMAC 4.11.5, 1/30/15]

16.4.11.6 OBJECTIVE: To establish forfeiture procedures. [16.4.11.6 NMAC - Rp, 16 NMAC 4.11.6, 1/30/15]

16.4.11.7 DEFINITIONS: Refer to 16.4.1 NMAC. [16.4.11.7 NMAC - Rp, 16 NMAC 4.11.7, 1/30/15]

16.4.11.8 DATE OF FORFEITURE: The board will send a notice of forfeiture by July 31st of each year as set forth in Subsection B of 16.4.9.8 NMAC. If the application for renewal, including required information about continuing education and the annual and late fees, or request for inactive status is not received by September 1st of each year, the license shall be canceled and the licensee shall forfeit the right to practice chiropractic in the state of New Mexico. By the order of the board the forfeiture shall not be considered a disciplinary action against the licensee. [16.4.11.8 NMAC - Rp, 16 NMAC 4.11.8, 1/30/15]

HISTORY OF 16.4.11 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Rule 18-95, License Renewal Procedures, filed 2/20/95.

History of Repealed Material: 16 NMAC 4.11, Chiropractic Practitioners - Forfeiture Of License, filed 10-17-1997, repealed 1/30/2015.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
BOARD OF CHIROPRACTIC
EXAMINERS**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 4 CHIROPRACTIC
PRACTITIONERS
PART 23 LICENSURE FOR
MILITARY SERVICE MEMBERS,
SPOUSES AND VETERANS**

16.4.23.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department. [16.4.23.1 NMAC - N, 1/30/15]

16.4.23.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans. [16.4.23.2 NMAC; N, 1/30/15]

16.4.23.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physicians Act, Section 61-4-5 NMSA 1978. [16.4.23.3 NMAC; N, 1/30/15]

16.4.23.4 DURATION: Permanent. [16.4.23.4 NMAC; N, 1/30/15]

16.4.23.5 EFFECTIVE DATE: January 30, 2015 unless a later date is cited at the end of a section. [16.4.23.5 NMAC; N, 1/30/15]

16.4.23.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses and veterans pursuant to Chapter 61, Articles 4 through 17 NMSA 1978. [16.4.23.6 NMAC; N, 1/30/15]

16.4.23.7 DEFINITIONS:
A. Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

B. Recent veteran: means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

C. Spouse: means any partner of a "military service member"

or "recent veteran" who has been legally recognized by any state or country. [16.4.23.7 NMAC; N, 1/30/15]

16.4.23.8 APPLICATION REQUIREMENTS:

A. In accordance with the section of the Uniform Licensing Act entitled "Expedited Licensure Military service members, spouses of military service members and Veterans" the board shall expedite the issuance of a license to practice chiropractic in New Mexico doctors who provide evidence of meeting the following minimal requirements. Applications for registration shall be completed on a form provided by the board.

B. The information shall include:
(1) Completed application and fee pursuant to 16.4.23 NMAC.

(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Article 4, NMSA 1978.

(3) Proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status. [16.4.23.8 NMAC; N, 1/30/15]

16.4.23.9 FEES: Applicant must complete the application for Expedited Licensure, pay a non-refundable fee of \$350.00, and pay a licensing fee of \$350.00 once the applicant is accepted for licensure. [16.4.23.9 NMAC; N, 1/30/15]

16.4.23.10 RENEWAL REQUIREMENTS:

A. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and for the renewal of a license pursuant to Chapter 61, Article 4, NMSA 1978.

B. A license issued pursuant to this section shall be required to meet the provisions stated in 16.4.9 NMAC for the renewal of the granted license. [16.4.23.10 NMAC; N, 1/30/15]

HISTORY OF 16.4.23 NMAC:
[RESERVED]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT BOARD OF CHIROPRACTIC EXAMINERS

This is an amendment to 16.4.2 NMAC, Section 8, effective 01-30-2015.

[16.4.2.8 TEMPORARY LICENSURE:

A. In accordance with Section 61-4-8 of the New Mexico Chiropractic Physicians Practice Act, the board or its designee may issue a license without examination to a chiropractor who meets the following conditions:

(1) is a graduate of a council on chiropractic education accredited or board accepted equivalent chiropractic college;

(2) has a license in good standing in another state or jurisdiction and has no disciplinary actions taken against or pending against any chiropractic license the doctor held or holds;

(3) will be only treating individuals; no temporary license will be required, however, for instructors at board approved educational programs which meet the board's criteria for relicensure credit; and

(4) meets all other applicable requirements of New Mexico statutes pertaining to the practice of chiropractic and all other applicable provisions of the board's rules.

B. A temporary license to practice chiropractic issued by the board is subject to the following restrictions:

(1) valid for only 12 continuous days total during the 12 month period immediately following its effective date;

(2) the temporary license cannot be used to practice chiropractic for any other purposes than herein specified; locum tenens work for chiropractors practicing in the state is prohibited under this license; and

(3) the applicant must be covered by a professional malpractice insurance policy (minimal coverage \$1,000,000/\$3,000,000) and provide the board with evidence of current coverage before practicing under the temporary license.

C. Prior to engaging in practice under the temporary license, the applicant must inform the board in writing of:

(1) the event(s) to be participated in;

(2) sponsoring organization(s) (name, address, phone);

(3) event date(s);

(4) event

location(s); and

(5) compliance with Paragraph (3) of Subsection B of 16.4.2.8 NMAC above.

D. There is a nonrefundable application fee (cashier's check or money order made payable to the chiropractic board) for a temporary license:

E. The board may modify the time restriction of a temporary license or revoke the license at its discretion.]

[RESERVED]

[3/22/95, 11/16/97; 16.4.2.8 NMAC - Rn & A, 16 NMAC 4.2.8, 3/15/06; A, 8/20/12; A, 1/30/15]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT BOARD OF CHIROPRACTIC EXAMINERS

This is an amendment to 16.4.3 NMAC, Section 8, effective 01-30-2015.

16.4.3.8 APPLICATION FOR LICENSURE:

A. The board shall recognize successful completion of all parts of the examination conducted by the national board of chiropractic examiners. If the applicant has not completed all IV parts and physiotherapy of the national board of examiner then the New Mexico chiropractic board shall examine each applicant in the act of chiropractic adjusting, procedures and methods as shall reveal the applicants qualifications. The board may waive the requirements for the board administered examination and request proof of satisfactory completion of any missing exam conducted by the national board of chiropractic examiners at the time of the applicants graduation from chiropractic college. The applicant must also complete the state jurisprudence exam with a score of at least 75%. No application for licensure under the Chiropractic Physician Practice Act, Sections 61-4-1 through 61-4-17 NMSA 1978, shall be deemed complete until the board's administrator certifies that the application contains all of the following:

(1) a completed application form;

(2) a nonrefundable application fee of \$350.00 payable by cashier's check or money order;

(3) letter size, copy of original chiropractic diploma;

(4) 2" x 2" photograph attached to the application;

(5) transcript from the national board of chiropractic examiners (parts I, II, III, IV and

physiotherapy exam), demonstration a passing score;

(6) all transcripts must be sent directly from each agency to the New Mexico board;

(7) verification of licensure and good standing in any state where the applicant holds a current or inactive license must be sent directly from a state licensing agency to the New Mexico board;

(8) the applicant has had no disciplinary action imposed, or criminal convictions, applicant agrees to a national practitioners databank, a federation of chiropractic licensing boards background check, and will sign a criminal record releases.

B. ~~[All applications- deemed completed by the board's administrator shall be referred to the board for final consideration.] All applications deemed completed by the board's administer shall be forwarded to the board's licensing committee with all the supporting information related to the applications. After review of the applications and supporting information the committee shall submit their recommendations to the board for consideration.~~

C. No applicant shall be reviewed for approval until the application is complete.

D. If an applicant does not meet the minimal requirements as set forth above, applicant may, at the discretion of the board, be required to take and pass part I, II, III, IV, physiotherapy exam, other NBCE specialty examination or the special purpose examination (SPEC) of the national boards, or any combination thereof.

E. The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources. [2/27/87, 5/26/89, 9/5/91, 2/12/93, 11/16/97, 10/31/98, 1/29/99; 16.4.3.8 NMAC - Rn & A, 16 NMAC 4.3.8, 1/15/2005; A, 3/15/06; A, 8/30/06; A, 8/9/08; A, 11/13/2011; A, 1/30/15]

**NEW MEXICO
REGULATION AND
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EXAMINERS**

This is an amendment to 16.4.4 NMAC, Section 8, effective 1-30-2015.

16.4.4.8 LICENSURE:

A. In accordance with Section 61-4-8 NMSA 1978, of the New Mexico Chiropractic Physician Practice Act, the board may, at its discretion,

issue licenses to practice chiropractic in New Mexico to doctors who provide evidence of meeting the following minimal requirements:

(1) is of good moral character and has maintained an active practice for at least seven of the last ten years prior to the filing of the application as a doctor of chiropractic in another state, territory, country or foreign jurisdiction whose licensure requirements are equal to or exceed those of New Mexico; and

(a) has a doctor of chiropractic diploma from a council on chiropractic education accredited or board accepted equivalent chiropractic college;

(b) for those who have served in the military services of the United States for two years or more within one year prior to application, two of the seven out of 10 years of active practice required can be substituted for and;

(c) is an applicant showing evidence of having passed all examinations conducted by the NBCE that were in effect at the time of graduation from chiropractic college;

(2) has had no disciplinary action imposed, nor criminal convictions entered against any chiropractic license the applicant held or holds; applicant agrees to a national practitioners databank and a federation of chiropractic licensing boards background check;

(3) can attest that the applicant has never been found guilty of any action which, had it been committed in New Mexico, would be grounds for disciplinary action against the license;

(4) provides national board transcripts that have been sent directly from each agency to the board.

B. Applicant must complete application for licensure without examination, pay nonrefundable application fee of \$350.00, pay a licensing fee of ~~[\$300.00]~~ \$350.00 once applicant is accepted for licensure, and should meet all other applicable requirements of New Mexico statutes pertaining to the practice of chiropractic and all other applicable provisions of the board's rules. The applicant will be required to completed the jurisprudence exam with a score of at least 75 percent.

C. If an applicant does not meet the minimal requirements of 61-4-8.B NMSA 1978, applicant may at the discretion of the board, be required to take and pass part I, II, III or IV, or physiologic therapeutics or the special purpose examination (SPEC) of the national boards or request to be placed on the agenda at the next scheduled board meeting.

D. Upon receipt of a

completed application, including all required documentation as set forth in Subsection A of 16.4.3.8 NMAC and fees, as stated in Subsection B of 16.4.4.8 NMAC the board administrator or the delegate of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may formally accept the approval of the application at the next scheduled meeting.

E. The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources. [3/22/95, 11/16/97; 10/31/98; 16.4.4.8 NMAC - Rn & A, 16 NMAC 4.4.8, 1/15/2005; A, 3/15/06; A, 8/30/06; A, 8/9/08; A, 11/13/11; A, 8/20/12; A, 1/30/15]

**NEW MEXICO
REGULATION AND
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EXAMINERS**

This is an amendment to 16.4.10 NMAC, Section 10, effective 1-30-2015.

16.4.8.10 GUIDELINES: The board shall use the following as guidelines for disciplinary action.

A. "Gross incompetence" or "gross negligence" means, but shall not be limited to, a significant departure from the prevailing standard of care in treating patients.

B. "Unprofessional conduct" means, but is not limited to because of enumeration:

(1) performing, or holding oneself out as able to perform, professional services beyond the scope of one's license and field or fields of competence as established by education, experience, training, or any combination thereof; this includes, but is not limited to, the use of any instrument or device in a manner that is not in accordance with the customary standards and practices of the chiropractic profession;

(2) representing to a patient that a manifestly incurable condition or sickness, disease or injury can be cured;

(3) willfully or negligently divulging a professional confidence;

(4) failure to release to a patient copies of that patients' records and x-rays;

(5) failure to seek consultation whenever the welfare of the

patient would be safeguarded or advanced by consultation with individuals having special skills, knowledge, and experience; (6) failure of a chiropractor to comply with and following advertising guidelines as set in 16.4.1.12 NMAC;

(7) failure to use appropriate infection control techniques and sterilization procedures;

(8) deliberate and willful failure to reveal, at the request of the board, the incompetent, dishonest, or corrupt practices of another chiropractor licensed or applying for licensure by the board;

(9) accept rebates, or split fees or commissions from any source associated with the service rendered to a patient;

(10) intentionally engaging in sexual contact with a patient other than his spouse during the doctor-patient relationship;

(11) the use of a false, fraudulent or deceptive statement in any document connected with the practice of chiropractics;

(12) ~~employing abusive fraudulent billing practices;~~

~~(13)~~ fraud, deceit or misrepresentation in any renewal or reinstatement application;

~~(14)~~ (13) violation of any order of the board, including any probation order;

~~(15)~~ (14) failure to adequately supervise, as provided by board regulation, a chiropractic assistant or technician who renders care as a chiropractic assistant under 16.4.19 NMAC of these rules;

~~(16)~~ (15) cheating on an examination for licensure; ~~(17)~~ (16) is habitually intemperate or is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render him unfit to practice chiropractic;

~~(18)~~ (17) is guilty of failing to comply with any of the provisions of the Chiropractic Physician Practice Act (Chapter 61, Article 4 NMSA 1978) or rules and regulations promulgated by the board and filed in accordance with the State Rules Act (Chapter 14, Article 4 NMSA 1978);

~~(19)~~ (18) has been declared mentally incompetent by regularly constituted authorities or is manifestly incapacitated to practice chiropractic;

~~(20)~~ (19) has incurred a prior suspension or revocation in another state where the suspension or revocation of a license to practice chiropractics was based upon acts by the

licensee similar to acts described in this section and by board rules;

~~(21)~~ (20) failure to report to the board within 90 days any adverse action taken after due process has been afforded to the licensee by:

(a) another licensing jurisdiction;

(b) any health care entity, not involving disputes over fees;

(c) any governmental agency, not involving disputes overseas;

(d) any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

~~(22)~~ (21) failure to furnish the board, its investigators or representatives with information requested by the board;

~~(23)~~ (22) abandonment of patients;

~~(24)~~ (23) providing a false, materially incomplete, factually unsupported opinion or opinions which are not congruent with current teachings and standards of care as taught in CCE accredited chiropractic colleges in a peer review, records review, independent medical examination, or chiropractic examination.

[16.4.8.10 NMAC - N, 3/15/06; A, 3/31/09; A, 8/20/12; A, 1/30/15]

**NEW MEXICO
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EXAMINERS**

**This is an amendment to 16.4.9 NMAC,
Section 8, effective 1-30-2015.**

**16.4.9.8 LICENSE RENEWAL
PROCEDURES:**

A. In accordance with Section 61-4-13 and Section 61-4-14 NMSA 1978, of the New Mexico Chiropractic Physician Practice Act, the board of chiropractic examiners establishes the following procedures for license renewal.

(1) Renewal notice. On or before June 1st of each year, the chiropractic board shall mail to the last address on file with the board a renewal notice to each person licensed to practice chiropractic in New Mexico.

(2) Renewal. The license shall expire at midnight on June 30th of each year. The board ~~shall~~ may renew the license upon receipt from the licensee, the nonrefundable license

renewal fee, along with a properly filled out original form with signature, and copies of continuing education certificate plus any applicable nonrefundable penalty fees.

(3) Renewal deadline. Each licensee shall submit the nonrefundable license renewal fee and properly completed application to the board postmarked ~~no later than June 30th~~ on or before July 1 of the year for which the nonrefundable license renewal fee is requested.

(4) Penalty fees. A licensee shall submit to the board, in addition to the nonrefundable license renewal fee, a nonrefundable penalty fee as set forth in Paragraph (3) of Subsection A of 16.4.1.13 NMAC.

(5) Impairment fee. In addition to the license renewal fee, each chiropractor subject to renewal will be assessed an amount not to exceed \$60.00 per renewal period.

(6) The board during each renewal cycle will complete a random audit of continuing education hours. The board may select by accepted RLD random computer process, up to 10% of the renewing applicants. Individuals selected must submit proof of all continuing education for that cycle. The records indicated in 16.4.10.8 NMAC are acceptable forms of documentation continuing education records must be maintained for three years following the renewal cycle and in which they are earned and they may be obtain by the board at any time.

B. Notice. By July 31st of each year, the board shall send, by certified mail, to the address on file with the board, a forfeiture notice to each licensee who has not made the application for license renewal. The notice shall state that:

(1) the licensee has failed to make application for renewal;

(2) the amount of renewal and late fees;

(3) the information required about continuing education hours which must be submitted to renew the license;

(4) the licensee may voluntarily retire the license or the licensee may apply for ~~an inactive license~~ a permissive temporary cancellation, by notifying the board in writing;

(5) any person whose license has been placed on inactive status over one year but less than two may apply to reactivate licensure status at any time. Documentation required must include: (a) reactivation application;

(b) reactivation application fee of \$200;

(c) evidence of meeting all CE requirements (for current year);

(6) failure to respond to the notice by the date specified, which date must be at least 31 days after the forfeiture notice is sent by the board, either by submitting the renewal application and applicable fees, or the information required about continuing education hours, or by notifying the board that the licensee has voluntarily retired the license, or has applied for [~~inactive status~~] permissive temporary cancellation, shall result in forfeiture of the license to practice chiropractic in New Mexico upon order of the board;

(7) the board may select by accepted RLD random computer processes, up to 10% of the renewal applicants which may be submitted for background findings review. [3/22/95, 11/16/97, 10/31/98; 16.4.9.8 NMAC - Rn & A, 16 NMAC 4.9.8, 1/15/05; A, 3/15/06; A, 11/13/11; A, 8/20/12; A, 1/30/15]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
BOARD OF CHIROPRACTIC
EXAMINERS**

This is an amendment to 16.4.15 NMAC, Section 7, 8, 10 and 12, effective 1-30-2015.

16.4.15.7 DEFINITIONS:

A. "Chiropractic" means the science, art and philosophy of things natural, the science of locating and removing interference with the transmissions or expression of nerve forces in the human body by the correction of misalignments or subluxations of the articulations and adjacent structures, more especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health for treatment of human disease primarily by, but not limited to, adjustment and manipulation of the human structure. It shall include, but not be limited to, the prescription and administration of all natural agents in all forms to assist in the healing act, such as food, water, heat, light, cold, electricity, mechanical appliances, herbs, nutritional supplements, homeopathic remedies and any necessary diagnostic procedure, excluding invasive procedures, except as provided by the board by rule and regulation. It shall exclude operative surgery and prescription or use of controlled or dangerous drugs, except as provided by the board by rule and regulation.

B. "Certified advanced practice chiropractic physician" means

advanced practice chiropractor who shall have prescriptive authority for therapeutic and diagnostic purposes as authorized by statute and stated by the board in 16.4.15.11 NMAC.

C. "Chiropractic physician" includes doctor of chiropractic, chiropractor, doctor of chiropractic [~~medicine~~], and chiropractic physician and means a person who practices chiropractic as defined in the Chiropractic Physician Practice Act. Chiropractors are physicians that attempt to improve the quality of life, relieve pain and suffering and promote health and wellness with evidence-based and patient centered care as taught in their chiropractic educational institutions. The chiropractic profession, through its institutions, professional associations, continuing educational providers and requirements teaches its health care professionals to use natural treatments, therapeutic interventions and patient education to promote health and wellness when indicated by the evidence and with other interventions as taught within chiropractic educational institutions and providers of approved continuing education instruction when necessary to safely treat individuals with disease, deformity, disability and neuromusculoskeletal maladies.

D. "Nationally recognized credentialing agency" means agency that has been recognized by the board and may be updated annually. Any educational institution allowed to provide clinical and didactic programs credited toward advanced practice certification must have concurrent approval from the New Mexico medical board and the New Mexico board of chiropractic examiners.

E. "Chiropractic formulary" shall mean those substances that have been approved for use by the chiropractor registered in advanced practice by the chiropractic board and as by statute with consensus between the New Mexico medical board and New Mexico board of pharmacy.

[16.4.15.7 NMAC - N, 3/31/2009; A, 7/23/2010; A, 1/30/15]

16.4.15.8 ADVANCED PRACTICE REGISTRATION

GENERAL PROVISIONS: Advanced practice registration is authorized by 61-4-9.1(C) NMSA of the act and defined in 61-4-9.2 NMSA 1978 and allows the use of approved substances through injection for therapeutic purposes.

A. A chiropractic physician shall have the prescriptive authority to administer through injection and prescribe the compounding of substances that are authorized in the advanced practice formulary. Those with active registration

are allowed prescription authority that is limited to the current formulary as agreed on by the New Mexico board of chiropractic examiners and as by statute, by the New Mexico board of pharmacy and the New Mexico medical board. The New Mexico board of chiropractic examiners shall maintain a registry of all chiropractic physicians who are registered in advanced practice and shall notify the New Mexico board of pharmacy of all such current registered licensees no later than September 1st of each licensing period.

B. Chiropractic physicians applying for registry shall submit to the board:

(1) documentation that the doctor has successfully completed a competency examination administered by a nationally recognized credentialing agency or after December 31, 2012 successfully completed a graduate degree in a chiropractic clinical practice specialty;

(2) documentation that the chiropractic physician has successfully completed 90 clinical and didactic hours of education provided by an institution approved by the New Mexico medical board and the New Mexico board of chiropractic examiners;

(3) an application provided by the board for registry of the advanced practice certification.

C. A chiropractic physician without advanced practice certification may administer, dispense and prescribe any natural substance that is to be used in an oral or topical manner so long as that substance is not considered a dangerous drug.

D. The board shall annually renew the registration of a doctor of chiropractic [~~medicine~~] in good standing who is registered in advanced practice if the licensee has completed all continuing education required by 16.4.10 NMAC.

E. All advanced practice registrations shall automatically terminate when licensure as a doctor of chiropractic [~~medicine~~]:

(1) is placed [~~on inactive status~~] permissive temporary cancellation as stated in Paragraph (2) of Subsection A of 16.4.12.8 NMAC; or

(2) expires as stated in 16.4.13.8 NMAC; or

(3) is suspended, revoked or terminated for any reason as stated in 16.4.13.8 NMAC;

(4) is not renewed prior to the annual renewal date (July 1).

F. An advanced practice registration that is revoked or terminated shall not be reinstated. The chiropractic physician must reapply for expanded

practice certification as a new applicant.

G. All advanced practice registrations that were automatically terminated due to inactive status, expiration or suspension as stated in 16.4.13.8 NMAC shall be automatically reinstated when licensure as a chiropractic physician is reinstated, provided that:

- (1) all fees required by 16.4.1.13 NMAC have been paid; and
- (2) all continuing education requirements stated in Subsection C of 16.4.15.10 NMAC have been completed; and
- (3) any other reinstatement provisions, required by board rule, have been completed.

H. Each year the board may review the advanced practice formularies for necessary amendments. When new substances are added to a formulary, appropriate education in the use of the new substances may be approved and required by the board for chiropractic physician applying for registration or as continuing education for renewal of the applicable advanced practice registration. All amendments to the formulary shall be made following consensus of the NM board of medicine, NM pharmacy board and the NM board of chiropractic examiners.

I. A chiropractic physician certified for advanced practice under 16.4.15.11 NMAC that includes the use of controlled substances shall register with the federal DEA (drug enforcement agency) prior to obtaining, prescribing, administering, compounding the controlled substance.

J. A chiropractic physician registered in advanced practice, when prescribing, shall use prescription pads printed with his or her name, address, telephone number, license number and his or her advanced practice certification. If a chiropractic physician is using a prescription pad printed with the names of more than one chiropractic physician the above information for each chiropractic physician shall be on the pad and the pad shall have a separate signature line for each chiropractic physician. Each specific prescription shall indicate the name of the chiropractic physician for that prescription and shall be signed by the prescribing chiropractic physician.
[16.4.15.8 NMAC - N, 3/31/2009; A, 7/23/2010; A, 1/30/15]

16.4.15.10 FEES, RENEWAL AND CONTINUING EDUCATION:

A. A fee of \$100 shall accompany the initial application. When that application is approved a fee of \$100 shall be submitted for registry of the advanced practice certification.

B. A fee of \$100 shall be assessed for all renewal applications, in addition to the standard fee for renewal of the chiropractic license.

C. Chiropractic physicians seeking renewal of advanced practice certification registration shall have completed 10 hours of continuing education, in addition to the required number of CE hours for the general chiropractic licensure, from an approved institution as stated in 16.4.15.8 NMAC or approved by submission to the board for CE credited as stated in 16.4.15.8 NMAC. The education should include pharmacology, toxicology, medication administration or pharmacognosy appropriate to the current formulary and procedures authorized to be ~~[performed]~~ performed by the advanced practice chiropractic certification.

[16.4.15.10 NMAC - N, 3/31/2009; A, 1/30/15]

16.4.15.12 ~~CHIROPRACTIC FORMULARY ADDITIONAL EDUCATION REQUIREMENTS:~~

~~A. A certified advanced practice chiropractic physician shall be required to furnish proof of board approved education upon request of the board for any item in the formulary that stipulates board approved education additional to the certified advanced practice chiropractic physician education requirements as listed in statute.~~

~~B. A certified advanced practice chiropractic physician shall be authorized to administer vitamins and/or minerals by IV administration only upon proof of completion of a board approved program in IV therapy of not not less than 25 hours.~~

~~C. A certified advanced practice chiropractic physician shall be authorized to administer dextrose, phenol, autologous blood, and platelet rich plasma via injection only upon proof of completion of a board approved program in prolotherapy or its equivalent of not less than 50 hours.] **[RESERVED]**~~

[16.4.15.12 NMAC - N, 11/13/11; Repealed, 1/30/15]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT

BOARD OF CHIROPRACTIC EXAMINERS

This is an amendment to 16.4.18 NMAC, Section 8, effective 1-30-2015.

16.4.18.8 DIAGNOSTIC PROCEDURES:

A. Chiropractic physicians being primary care providers are authorized to perform diagnostic procedures specified in this regulation, on the general population ranging from pediatrics through geriatrics, which shall include the authority to perform and take.

- (1) Medical case history.
- (2) Physical examination of all body systems including, but not limited to:
 - (a) skin, hair, nails, head, eyes, ears, nose, throat and teeth;
 - (b) cardio-vascular and respiratory system, including auscultation;
 - (c) thorax and abdomen, including breast and rectal examination, when clinically appropriate;
 - (d) genito-urinary and reproductive system, to include vaginal and prostate examination, when clinically appropriate;
 - (e) musculo-skeletal system;
 - (f) neurological system.

B. ~~[Authority to order diagnostic procedures. Chiropractic physicians are authorized to order any diagnostic procedure reasonably necessary to clinically correlate a physical examination to a diagnostic impression; which shall include, but not be limited to laboratory procedures involving the collection of human fluids, such as saliva, blood, urine, vaginal and seminal fluids, hair, feces and special imaging, such as x-ray, CT scan, MRI, nuclear scans, ultrasonography, thermography, B.E.A.M., EEG, EKG, ECG and surface or needle-EMG.] Authority to order diagnostic procedures. Chiropractic physicians are authorized to order any diagnostic procedure reasonably necessary to clinically correlate a physical examination to a diagnostic impression, which shall include, but not be limited to:~~

- ~~(1) laboratory procedures involving the collection of human fluids such as saliva, blood, urine, vaginal and seminal fluids, hair, feces;~~
- ~~(2) EEG,EKG,ECG and surface or needle EMG;~~
- ~~(3) imaging procedures such as xray, CT scan, MRI, nuclear scans, PET scans, SPECT, ultrasonography, thermography or other pertinent diagnostic studies.~~

C. Authority to perform diagnostic procedures.

(1) Chiropractic physicians are required to perform appropriate diagnostic procedures reasonably necessary to clinically correlate a physical examination to a diagnostic impression, (excluding surgical procedures and invasive procedures not herein specified), including but not limited to the collection and testing of human fluids, such as saliva, blood, urine, vaginal and seminal fluids, hair, feces, and conventional radiography.

(2) Chiropractic physicians who are trained in a course of doctoral or post-doctoral studies certified with an accredited institution recognized by the board are authorized to perform diagnostic procedures, including but not limited to MRI, CT, nuclear scans, ultrasonography; thermography, B.E.A.M., EEG, EKG, ECG and surface or needle EMG.
[5/4/94, 11/16/97; 16.4.18.8 NMAC - Rn & A, 16 NMAC 4.18.8, 1/15/2005; A, 4/10/06; A, 1/30/15]

**NEW MEXICO REGULATION AND LICENSING DEPARTMENT
BOARD OF CHIROPRACTIC EXAMINERS**

This is an amendment to 16.4.22 NMAC, Section 8, effective 1-30-2015.

16.4.22.8 ADMINISTRATIVE FEES:

A. In accordance with Subsection F of Section 61-4-7 and Subsection B of Section 61-4-13 of the New Mexico Chiropractic Physicians Practice Act, NMSA 1978, the board of chiropractic examiners establishes the following nonrefundable fees:

- (1) fees:
 - (a) application fee \$350;
 - (b) initial license fee with or without examination \$350;
 - ~~(c)~~ temporary licensure \$50;
 - ~~(d)~~ (c) reinstatement of license \$125 (in addition to back renewal and penalty fees for each year, not to exceed two years);
 - ~~(e)~~ (d) reactivation application fee \$200;
 - ~~(f)~~ (e) application fee for advanced practice certification \$100;
- (2) annual renewal fees:
 - (a) active \$300;
 - (b) inactive \$100;
 - (c) advanced practice certification \$100;
 - (d) impairment fee of \$25 in addition to the license renewal fee, each chiropractor subject to renewal will be assessed an amount not to exceed \$60 per renewal period;
- (3) penalty for late renewal \$100 (per month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed \$1000);
- (4) continuing education fee individual course \$50;
- (5) continuing education fee yearly for approved institution \$500;
- (6) miscellaneous fees listed below will be approved annually by the board and made available by the board office upon request:
 - (a) photocopying \$0.25;
 - (b) written license verifications \$25;
 - (c) list of licensees \$75;
 - (d) duplicate licenses \$25;
 - (e) duplicate renewal certificate \$25;
 - (f) copies of statutes, rules and regulations are free online at board web site.

B. The board shall annually designate that proportion of renewal fees which shall be used for the exclusive purposes of investigating and funding hearings regarding complaints against chiropractic physicians.
[16.4.22.8 NMAC - Rn & A, 16.4.1.13 NMAC, 8/20/12; A, 1/30/15]

**NEW MEXICO TAXATION
AND REVENUE
DEPARTMENT**

**TITLE 3 TAXATION
CHAPTER 2 GROSS RECEIPTS
TAXES
PART 103 EXEMPTION -
COMPENSATING TAX - CERTAIN
ORGANIZATIONS**

3.2.103.1 ISSUING AGENCY:
Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630.
[3.2.103.1 NMAC - N, 1/15/15]

3.2.103.2 SCOPE: This part applies to each person engaging in business in New Mexico.
[3.2.103.2 NMAC - N, 1/15/15]

3.2.103.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978.
[3.2.103.3 NMAC - N, 1/15/15]

3.2.103.4 DURATION:
Permanent.
[3.2.103.4 NMAC - N, 1/15/15]

3.2.103.5 EFFECTIVE DATE:
January 15, 2015, unless a later date is cited at the end of a section.

[3.2.103.5 NMAC - N, 1/15/15]

3.2.103.6 OBJECTIVE:
The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Gross Receipts and Compensating Tax Act.
[3.2.103.6 NMAC - N, 1/15/15]

3.2.103.7 DEFINITIONS:
[Reserved]
[3.2.103.7 NMAC - N, 1/15/15]

3.2.103.8 SINGLE MEMBER LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS A 501(c)(3) ORGANIZATION:
A. A single member

limited liability company (llc) whose sole member is a 501(c)(3) organization will be treated like a 501(c)(3) organization and receive the same treatment for purposes of Section 7-9-15 NMSA 1978 so long as the llc is recognized by the internal revenue service as a disregarded entity for federal income tax purposes.

B. An llc described in Subsection A above that uses the property in the conduct of an unrelated trade or business as defined in Section 513 of the Internal Revenue Code of 1986, as amended or renumbered, is not exempt pursuant to Section 7-9-15 NMSA 1978.

[3.2.103.8 NMAC - N, 1/15/15]

HISTORY OF 3.2.103 NMAC:
[RESERVED]

**NEW MEXICO TAXATION
AND REVENUE
DEPARTMENT**

This is an amendment to 3.2.117 NMAC, adding Section 11, effective 1/15/15.

**3.2.117.11 SINGLE MEMBER
LIMITED LIABILITY COMPANY
WHOSE SOLE MEMBER IS A 501(c)(3)
ORGANIZATION:**

A. A single member limited liability company (llc) whose sole member is a 501(c)(3) organization will be treated like a 501(c)(3) organization and receive the same treatment for purposes of Section 7-9-29 NMSA 1978 so long as the llc is recognized by the internal revenue service as a disregarded entity for federal income tax purposes.

B. Any receipts of an llc described in Subsection A above that are derived from an unrelated trade or business as defined in Section 513 of the Internal Revenue Code of 1986, as amended or renumbered, are not exempt from gross receipts tax under Subsection A of Section 7-9-29 NMSA 1978.

[3.2.117.11 NMAC - N, 1/15/15]

**NEW MEXICO TAXATION
AND REVENUE
DEPARTMENT**

This is an amendment to 3.2.218 NMAC, adding Section 14, effective 1/15/2015.

**3.2.218.14 SINGLE MEMBER
LIMITED LIABILITY COMPANY
WHOSE SOLE MEMBER IS A 501(c)(3)
ORGANIZATION:**

A. A single member limited liability company (llc) whose sole member is a 501(c)(3) organization will be

treated like a 501(c)(3) organization and receive the same treatment for purposes of Section 7-9-60 NMSA 1978 so long as the llc is recognized by the internal revenue service as a disregarded entity for federal income tax purposes.

B. Receipts from the sale of tangible personal property to an llc described in Subsection A above when the property is employed in the conduct of an unrelated trade or business as defined in Section 513 of the Internal Revenue Code of 1986, as amended or renumbered, are not deductible pursuant to Subsection A of Section 7-9-60 NMSA 1978. If the llc, or its 501(c)(3) single member, delivering the ntcc employs the tangible personal property in the conduct of an unrelated trade or business, the compensating tax is due.

[3.2.218.14 NMAC - N, 1/15/15]

End of Adopted Rules Section

Other Material Related to Administrative Law

**NEW MEXICO HUMAN
SERVICES DEPARTMENT
INCOME SUPPORT DIVISION****PUBLIC NOTICE**

The United States Department of Health and Human Services requires the New Mexico Human Services Department meet certain Temporary Assistance for Needy Families (TANF) work participation requirements. To assist in meeting these requirements, federal regulations (45 CFR 261.40) allow New Mexico to deduct the number of percentage points when the average monthly number of families receiving assistance in the preceding fiscal year is less than the average monthly number of families that received assistance in fiscal year 2005. This is termed the TANF Caseload Reduction Credit.

The estimated changes and corresponding methodologies are reported in the proposed TANF Caseload Reduction Credit Report which is available on the Human Services Department website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>. If you do not have Internet access, a copy of the proposed report may be requested by contacting the Income Support Division's Work and Family Support Bureau (WFSB) at 505-827-7733. If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-7701 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

The comment period will begin January 15, 2015 and ends on February 16, 2015 at 5:00 pm. Please submit written comments to:

Socorro Salazar,
Work and Family Support Bureau
Income Support Division
Human Services Department
P.O. Box 2348 Pollon Plaza
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to:
Socorro.Salazar@state.nm.us.

**End of Other Related Material
Section**

New Mexico Register
Submittal Deadlines and Publication Dates
Volume XXVI
2015

Volume XXVI	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 30
Issue Number 3	February 2	February 13
Issue Number 4	February 16	February 27
Issue Number 5	March 2	March 16
Issue Number 6	March 17	March 31
Issue Number 7	April 1	April 16
Issue Number 8	April 17	April 30
Issue Number 9	May 1	May 14
Issue Number 10	May 15	May 29
Issue Number 11	June 1	June 16
Issue Number 12	June 17	June 30
Issue Number 13	July 1	July 15
Issue Number 14	July 16	July 30
Issue Number 15	July 31	August 14
Issue Number 16	August 17	August 28
Issue Number 17	August 31	September 15
Issue Number 18	September 16	September 29
Issue Number 19	September 30	October 15
Issue Number 20	October 16	October 29
Issue Number 21	October 30	November 16
Issue Number 22	November 17	November 30
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

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For further information, call 505-476-7875.