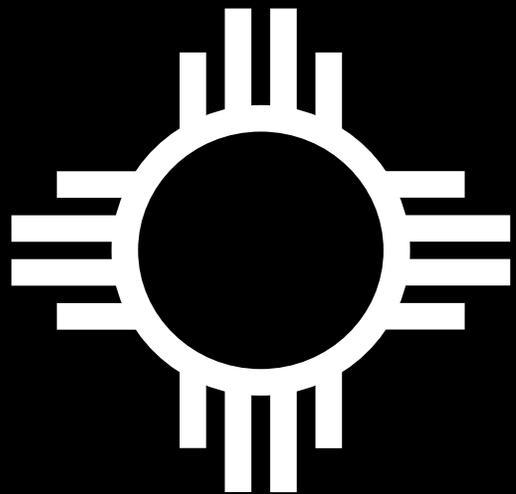


**NEW
MEXICO
REGISTER**

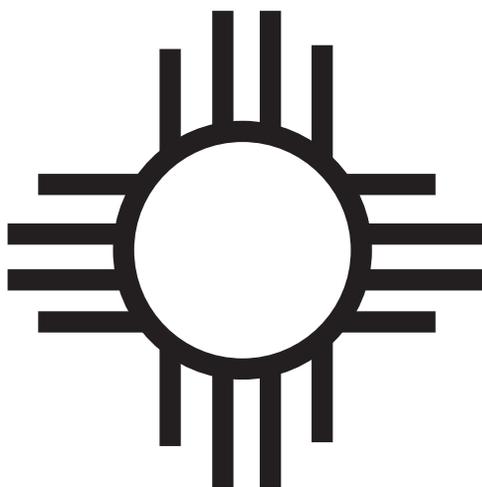


Volume XXVI
Issue Number 7
April 16, 2015

New Mexico Register

Volume XXVI, Issue 7

April 16, 2015



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

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2015

COPYRIGHT © 2015
BY
THE STATE OF NEW MEXICO

ALL RIGHTS RESERVED

New Mexico Register

Volume XXVI, Issue 7

April 16, 2015

Table of Contents

Notices of Rulemaking and Proposed Rules

Aging and Long-Term Services Department	
Notice of Proposed Rulemaking.....	311
Cultural Affairs, Department of	
State Library Division	
Rule Making Notice.....	311
Economic Development Department	
Notice of Proposed Rulemaking.....	311
Notice of Proposed Rulemaking.....	311
Human Services Department	
Medical Assistance Division	
Notice of Public Hearing.....	312
Mining Commission	
Notice of Public Meeting and Hearing of the New Mexico Mining Commission.....	312
Regulation and Licensing Department	
Occupational Therapy, Board of	
Legal Notice; Public Rule Hearing and Regular Board Meeting.....	312
Pharmacy, Board of	
Regular Board Meeting; Notice to the Public.....	313

Effective Date and Validity of Rule Filings

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

Adopted Rules

Human Services Department			
Income Support Division			
8.139.500 NMAC	A	Financial Eligibility - Need Determination.....	315
Human Services Department			
Medical Assistance Division			
8.200.520 NMAC	A/E	Income Standards.....	316
8.291.430 NMAC	A/E	Financial Responsibility Requirements.....	317
Regulation and Licensing Department			
Construction Industries Division			
14.8.2 NMAC	R	2009 New Mexico Plumbing Code.....	319
14.8.3 NMAC	R	2009 New Mexico Swimming Pool, Spa and Hot Tub Code.....	319
14.9.2 NMAC	R	2009 New Mexico Mechanical Code.....	319
14.9.6 NMAC	R	2009 New Mexico Solar Energy Code.....	319
14.8.2 NMAC	N	2012 New Mexico Plumbing Code.....	319
14.8.3 NMAC	N	2012 New Mexico Swimming Pool, Spa and Hot Tub Code.....	322
14.9.2 NMAC	N	2012 New Mexico Mechanical Code.....	324
14.9.6 NMAC	N	2012 New Mexico Solar Energy Code.....	327
Dental Health Care, Board of			
16.5.17 NMAC	A	Dentists and Dental Hygienists, Collaborative Practice.....	328
16.5.29 NMAC	A	Dental Hygienists, Practice.....	329
Funeral Services, Board of			
16.64.13 NMAC	N	Licensure for Military Service Members, Spouses and Veterans.....	329

Psychologist Examiners, Board of			
16.22.14 NMAC	N	Licensure for Military Service Members, Spouses and Veterans.....	330
16.22.1 NMAC	A	Psychologists and Psychologist Associates - General Provisions.....	331
16.22.9 NMAC	A	Continuing Professional Education Requirements.....	333
16.22.29 NMAC	A	Conditional Prescribing or Prescribing Psychologists: Continuing Professional Education and Certificate Renewal.....	335
Taxation and Revenue Department			
3.6.5 NMAC	A	Classification of Property.....	336

A=*Amended*, E=*Emergency*, N=*New*, R=*Repealed*, Rn=*Renumbered*

Other Material Related to Administrative Law

Human Services Department

Medical Assistance Division			
Withdrawal of notice published in NM Register XXV, No. 24.....			337
Withdrawal of notice published in NM Register XXVI, No. 6.....			337

The New Mexico Register

Published by
The Commission of Public Records
Administrative Law Division
1205 Camino Carlos Rey
Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00.

Subscription inquiries should be directed to: The Commission of Public Records,
Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507.
Telephone: (505) 476-7942; Fax: (505) 476-7910;
e-mail: staterules@state.nm.us.

The *New Mexico Register* is available free at <http://www.nmcpr.state.nm.us/nmregister>

Notices of Rulemaking and Proposed Rules

AGING AND LONG-TERM SERVICES DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

The Aging and Long-Term Services Department (“Department”) hereby gives notice that the Department will conduct a public hearing in Hearing Room 1, Second Floor, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, on Thursday, May 21, from 9:00 a.m. to 3:00 p.m. The purpose of the public hearing will be to obtain input on the proposed repeal and replacement of 9.2.1 NMAC (General Provisions), 9.2.2 NMAC (Federal and State Law), 9.2.3 NMAC (Eligibility for State Agency on Aging Services), 9.2.4 (Designation of Planning and Service Areas), 9.2.5 (Area Agency Designation), 9.2.6 (Area Agency on Aging Requirements), 9.2.7 (Withdrawal of Area Agency Designation), 9.2.8 (Adequate Proportion of Priority Services), 9.2.9 (Direct Services), 9.2.11 (Appeal/Hearing Procedures), 9.2.14 (State Funded Foster Grandparent Program), 9.2.15 (State Funded Senior Companion Program), 9.2.16 (State Funded Retired Senior Volunteer Program), 9.2.17 (Legal Assistance Services), 9.2.18 (Nutrition Services Standards), and 9.2.20 (Indirect Cost to Tribal Entities); as well as the repeal of 9.2.10 (Multipurpose Senior Centers Acquired, Constructed, Altered, or Renovated with Older Americans Act Title III Funds) and 9.2.12 (Corporate Eldercare).

Interested individuals may provide comments at the public hearing and/or submit written comments to Kate Dauber via email at Kate.Dauber@state.nm.us, fax at (505) 476-4750, or directed to Kate Dauber, Aging and Long-Term Services Department, P.O. Box 27118, Santa Fe, NM 87502. Written comments must be received no later than 5:00 p.m. on the date of the hearing. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed on the Department’s website (<http://www.nmaging.state.nm.us/>) under the “Documents” menu or obtained from Kate Dauber by calling (505) 476-4781 or emailing Kate.Dauber@state.nm.us.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Kate Dauber at (505) 476-4781 as

soon as possible. The Department requires at least ten days advance notice to provide special accommodations.

DEPARTMENT OF CULTURAL AFFAIRS STATE LIBRARY DIVISION

RULE MAKING NOTICE

On Monday, May 18, 2015, beginning at 9:00 a.m., in the Pinon Room, located at 1209 Camino Carlos, Santa Fe, NM 87507, the Department of Cultural Affairs’ New Mexico State Library Division will hold a public hearing on a proposed new rule that will outline a special grants program for public libraries. Members of the public may present their views orally during the meeting or by written submission to development@state.nm.us.

Obtain a copy of the proposed rule from the Library Development Services Bureau, New Mexico State Library, 1209 Camino Carlos Rey, Santa Fe, NM, or from the State Library’s website at www.nmstatelibrary.org.

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 the Development Services Bureau at 800-340-3890 least one week prior to the hearing or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the New Mexico State Library’s Development Services Bureau at 800-340-3890 if a summary or other type of accessible format is needed.

ECONOMIC DEVELOPMENT DEPARTMENT

Notice of Proposed Rulemaking

The Economic Development Department (“EDD or Department”) hereby gives notice that the Department will conduct a public hearing as indicated to obtain input on amending the following rule:

5.5.50 NMAC (Industrial Development Training Program).

The proposed rulemaking actions specific

to the Job Training Incentive Program may be obtained from Sara Haring at the contact below on April 16, 2015.

A public hearing regarding the rule will be held on Wednesday, May 20, 2015 at the CNM Workforce Training Center, 5600 Eagle Rock Ave., NE, Albuquerque, NM. The time for the hearing on the proposed rules is 9:00 AM MDT.

Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking relating to the Job Training Incentive Program to Sara Haring, JTIP Program Manager, New Mexico Economic Development Department, P.O. Box 20003 Santa Fe, New Mexico 87504-5003, or sara.haring@state.nm.us (505) 827-0249. Written comments must be received no later than 5:00 pm on Wednesday, May 13, 2015.

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

ECONOMIC DEVELOPMENT DEPARTMENT

Notice of Proposed Rulemaking

The Economic Development Department (“EDD or Department”) hereby gives notice that the Department will conduct a public hearing as indicated to obtain input on amending the following rules:

5.5.51 NMAC (Development Employment Funding for Film and Multimedia Production Companies).

5.5.52 NMAC (Development Pre-Employment Training for Film and Multimedia Production Companies).

The proposed rulemaking actions specific to the Job Training Incentive Program for Film and Multimedia Programs may be obtained from Rochelle Bussey at the contact below on April 16, 2015.

A public hearing regarding the rules will be held on Wednesday, May 15, 2015 at the New Mexico Film Office, 1100 S. St. Francis Drive, Santa Fe, NM 87505. The time for the hearing on the proposed rules is 9:00 AM MDT.

Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking relating to the Job Training Incentive Program for Film and Multimedia Programs to Rochelle Bussey, Sr. Manager of Operations and Workforce Development Programs, New Mexico Economic Development Department/Film Division, P.O. Box 20003 Santa Fe, New Mexico 87504-5003, or rochelle@nmfilm.com (505) 476-5604. Written comments must be received no later than 5:00 pm on Wednesday, May 13, 2015.

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

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing amendments to 8.200.530 Medicaid Eligibility-Income Standards of the New Mexico Administrative Code (NMAC) and 8.291.430 NMAC. 8.200.530 NMAC and 8.291.430 NMAC were issued as emergency rules on April 1, 2015 and are now open for public comment and a public hearing to receive testimony. The register and the proposed amendments will be available April 16, 2015, on the HSD website:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> or at:

<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 rule may be requested by contacting MAD at (505) 827-7743.

A public hearing to receive testimony on these proposed rules will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road Santa Fe, NM on May 15, 2015, 11 a.m. Mountain Daylight Time (MDT).

Interested parties may submit written comments directly 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 by calling (505) 827-1337. Electronic comments may be submitted to madrules@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 May 15, 2015, 5:00 p.m. MDT.

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.

MINING COMMISSION

NOTICE OF PUBLIC MEETING AND HEARING OF THE NEW MEXICO MINING COMMISSION

The New Mexico Mining Commission will hold a regular meeting and a public hearing at 9:00 AM, Monday, June 22, 2015, in Porter Hall on the 1st floor of the Wendell Chino Building, 1220 South Saint Francis Drive in Santa Fe, NM.

During the meeting, the Mining Commission will conduct a public hearing on a petition for rulemaking submitted by the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department on January 12, 2015 (Petition 15-01). Petition 15-01 requests amendments to Release of Financial Assurance, 19.10.12.1210 (A) (1) NMAC of the Mining Act Rules. Specifically, the proposed rule change would allow a permittee to request release of finance assurance more than one year.

At the conclusion of the hearing, the Mining Commission may deliberate and take action on the petition. The Mining Commission may also consider other items on its agenda or other issues that come before it.

The Commission's Guidelines for Rulemaking can be found at <http://www.emnrd.state.nm.us/MMD/NMMC/documents/guidelinesforrulemaking.pdf>. Any person intending to present technical testimony at the public hearing must submit a notice of intent that identifies the party and the name of the technical witness, summarizes the testimony, includes any recommended modifications to the regulatory proposal, and lists and describes all anticipated exhibits. Notices of intent to present technical testimony must be received by Jane Tabor, Clerk of the Mining Commission, C/O Mining and Minerals Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505 not later than 5:00 PM, Friday, June 5, 2015, and should reference the petition number and the date of the hearing. Any member of the public may testify at the hearing. No prior notification to the Clerk is required to present non-technical testimony at the hearing. Any person may submit a written statement at the hearing, or may file the written statement prior to the hearing to the address listed in this notice.

A copy of the petition with the proposed regulatory change can be obtained on the MMD website at <http://www.emnrd.state.nm.us/MMD/NMMC/MineCommProposedRuleChanges.html> or by contacting Jane Tabor at 476-3400. A copy of the draft agenda for the meeting/hearing will be available on the website 72 hours before the meeting or may be obtained by contacting Jane Tabor at 476-3400. If you need 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 Jane Tabor at 476-3400 at least 48 hours prior to the hearing.

REGULATION AND LICENSING DEPARTMENT BOARD OF OCCUPATIONAL THERAPY

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Board of Occupational Therapy Examiners will hold a Rule Hearing on Thursday, May 21, 2015. Following the Rule Hearing the New Mexico Board of Occupational Therapy will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Occupational Therapy Rule Hearing will begin at 11:00

a.m. and the Regular Meeting will convene following the rule hearing. The meetings will be held at the Regulation and Licensing Department, 5200 Oakland Ave. NE Suite A, 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, 16.15.3 NMAC: Supervision.

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, 2550 Cerrillos Road in Santa Fe, New Mexico 87505, or call (505) 476-4880 after. 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 by May 11, 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.

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) 476-4880 at least two weeks prior to the meeting or as soon as possible.

Teresa Ortega, Board Administrator
PO Box 25101- Santa Fe, New Mexico
87504

REGULATION AND LICENSING DEPARTMENT BOARD OF PHARMACY

REGULAR BOARD MEETING NOTICE TO THE PUBLIC

A regularly scheduled board meeting has been set for the days of April 16th & 17th, 2015. The purpose will be to conduct a disciplinary hearing and regular board meeting agenda items. The meeting will take place in the Board of Pharmacy Conference Room located at 5200 Oakland Ave., NE, Albuquerque, NM.

The New Mexico Board of Pharmacy has CANCELLED THE SPECIAL BOARD MEETING noticed for Thursday, March 26, 2015 at 9:00 a.m. The rescheduled date will be on April 16, 2015. The purpose

of that meeting date will be to conduct a disciplinary hearing.

Anyone who needs special accommodations for the board meeting should contact the board office at (505) 222-9830 or contact Debra Wilhite, Administrative Secretary, at (505) 222-9835 or fax (505) 222-9845, e-mail debra.wilhite@state.nm.us as soon as possible.

The agenda (tentative) will be available starting April 6, 2015 through the board's website: www.rld.state.nm.us/boards/pharmacy.aspx. To obtain copies of the agenda or any documents linked to the agenda, you may access the agenda for printing via the website listed above.

Interested persons wishing to comment regarding the hearings or any agenda items must submit documentation; via fax (505) 222-9845, mail or email to Ben Kesner, Ben.Kesner@state.nm.us or Debra Wilhite, debra.wilhite@state.nm.us no later than Friday, April 10, 2015, if in attendance must provide 12 copies of the documentation for distribution to board members.

*The board may go into executive session at any time to discuss licensee and/or personnel matters.

The board will address:

Disciplinary Hearing: 9:15 a.m. -
(*Bean & Associates will record hearing*)
*David Nunez RP4873
and Medicap Pharmacy PH1775 – Case No.
2013-009 and 2013-030

Rule Hearings:
16.19.6 NMAC
Pharmacies – New Section 28; Automated
Filling Systems
16.19.20 NMAC
Controlled Substances – Section 67;
Hydrocodone

Interested persons: If in attendance must provide 12 copies of the documentation for distribution to board members for presentation. (*Board staff is not required to make copies.*)

Published in the Albuquerque Journal
February 25, 2015.

End of Notices and Proposed Rules Section

This page intentionally left blank

Adopted Rules

HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

This is an amendment to 8.139.500 NMAC, Section 8, effective 04/16/2015.

8.139.500.8 BASIS OF ISSUANCE

A. Income standards: Determination of need in the food stamp program is based on federal guidelines. Participation in the program is limited to households whose income is determined to be a substantial limiting factor in permitting them to obtain a nutritious diet. The net and gross income eligibility standards are based on the federal income poverty levels established in the Community Services Block Grant Act [42 USC 9902(2)].

B. Gross income standards: The gross income eligibility standards for the 48 contiguous states, District of Columbia, Guam and the Virgin Islands is 130 percent (130%) of the federal income poverty levels for the 48 states and the District of Columbia. One hundred thirty percent (130%) of the annual income poverty guidelines is divided by 12 to determine monthly gross income standards, rounding the results upward as necessary. For households larger than eight, the increment in the federal income poverty guidelines is multiplied by 130%, divided by 12, and the results rounded upward if necessary.

C. Net income standards: The net income eligibility standards for the 48 contiguous states, District of Columbia, Guam and the Virgin Islands are the federal income poverty levels for the 48 contiguous states and the District of Columbia. The annual income poverty guidelines are divided by 12 to determine monthly net income eligibility standards, (results rounded upward if necessary). For households larger than eight, the increment in the federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

D. Yearly adjustment: Income eligibility limits are revised each October 1st to reflect the annual adjustment to the federal income poverty guidelines for the 48 contiguous states and the District of Columbia.

E. Issuance table: The issuance table lists applicable income guidelines used to determine food stamp (FS) eligibility based on household size. Some amounts are increased to meet the needs of certain categorically eligible households. Some of the net income amounts listed are higher than the income limits for some household sizes. Households not categorically eligible for FS benefits must have income below the appropriate gross income limit for household size.

Household Size	Maximum Gross Monthly Income Categorical Eligibility at 165% of Poverty	Maximum Gross Monthly Income At 130% of Poverty	Maximum Net Monthly Income At 100% of Poverty	Maximum SNAP Monthly Allotment
1	\$1,605	\$1,265	\$973	\$194
2	\$2,163	\$1,705	\$1,311	\$357
3	\$2,722	\$2,144	\$1,650	\$511
4	\$3,280	\$2,584	\$1,988	\$649
5	\$3,838	\$3,024	\$2,326	\$771
6	\$4,396	\$3,464	\$2,665	\$925
7	\$4,955	\$3,904	\$3,003	\$1,022
8	\$5,513	\$4,344	\$3,341	\$1,169
\$ Each Additional Member	+\$559	+\$440	+\$339	+\$146

F. Deductions and standards:

(1) Determination: Expense and standard deduction amounts are determined by federal guidelines and may be adjusted each year. Households eligible based on income and resource guidelines, and other relevant eligibility factors, are allowed certain deductions to determine countable income.

(2) Yearly adjustment: The expense and standard deductions may change each year. If federal guidelines mandate a change, it is effective each October 1st.

(3) Expense deductions and standards table:

Standard Deduction for Household Size of 1 through 3	\$155
Standard Deduction for Household of 4	\$165
Standard Deduction for Household Size of 5	\$193
Standard Deduction for Household Size of 6 or more	\$221
Earned Income Deduction (EID)	20%
Dependent Care Deduction	Actual Amount

Heating/Cooling Standard Utility Allowance (HCSUA)	[\$314] <u>\$319</u>
Limited Utility Allowance (LUA)	\$116
Telephone Standard (TS)	\$39
Excess Shelter Cost Deduction Limit for Non-Elderly/Disabled Households	\$490
Homeless Household Shelter Standard	\$143
Minimum Allotment for Eligible One and Two-Person Households	\$16

[02/1/95, 10/01/95, 02/29/96, 10/01/96, 3/15/97, 01/15/98, 11/15/98, 12/15/99, 01/01/01, 03/01/01; 8.139.500.8 NMAC - Rn, 8 NMAC 3.FSP.501, 05/15/2001; A, 10/01/2001; A, 10/01/2002, A, 09/01/2003; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A/E, 10/01/2006; A/E, 10/01/2007; A/E, 10/01/2008; A/E, 04/01/2009; A/E, 10/01/2009; A, 10/30/2009; A, 04/01/2010; A/E, 10/01/2010; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 04/16/2015]

**HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION**

This is an emergency amendment to 8.200.520 NMAC, Sections 11 and 15, effective April 1, 2015.

8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:

A. 100% federal poverty limits (FPL):

Size of budget group	FPL per month
1	[\$973*] <u>\$981*</u>
2	[\$1,311*] <u>\$1,328*</u>
3	[\$1,650] <u>\$1,675</u>
4	[\$1,988] <u>\$2,021</u>
5	[\$2,326] <u>\$2,368</u>
6	[\$2,665] <u>\$2,715</u>
7	[\$3,003] <u>\$3,061</u>
8	[\$3,341] <u>\$3,408</u>

Add [~~\$338~~] \$347 for each additional person in the budget group.

*Use only these two standards for the qualified medicare beneficiary (QMB) program.

B. 120% FPL: This income level is used only in the determination of the maximum income limit for specified low income medicare beneficiaries (SLIMB) applicants or eligible recipients.

Applicant or eligible recipient	Amount
1. Individual	At least [\$973] <u>\$981</u> per month but no more than [\$1,167] <u>\$1,177</u> per month.
2. Couple	At least [\$1,311] <u>\$1,328</u> per month but no more than [\$1,573] <u>\$1,593</u> per

month.

For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed.

C. 133% FPL:

Size of budget group	FPL per month
1	[\$1,294] <u>\$1,305</u>
2	[\$1,744] <u>\$1,766</u>
3	[\$2,194] <u>\$2,227</u>
4	[\$2,644] <u>\$2,688</u>
5	[\$3,094] <u>\$3,149</u>
6	[\$3,544] <u>\$3,610</u>
7	[\$3,994] <u>\$4,071</u>
8	[\$4,444] <u>\$4,532</u>

Add [~~\$450~~] 461 for each additional person in the budget group.

D. 135% FPL: This income level is used only in the determination of the maximum income limit for a qualified individual 1 (Q11) applicant or eligible recipient. For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed. The following income levels apply:

Applicant or eligible recipient	Amount
1. Individual	At least [\$1,294] <u>\$1,177</u> per month but no more than [\$1,313] <u>1,325</u> per month.
2. Couple	At least [\$1,744] <u>\$1,593</u> per month but no more than [\$1,770] <u>\$1,793</u> per

month.

E. 185% FPL:

Size of budget group	FPL per month
1	[\$1,800] <u>\$1,815</u>
2	[\$2,426] <u>\$2,456</u>
3	[\$3,051] <u>\$3,098</u>
4	[\$3,677] <u>\$3,739</u>
5	[\$4,303] <u>\$4,380</u>
6	[\$4,929] <u>\$5,022</u>

	7		[\$5,555]	<u>\$5,663</u>
	8		[\$6,181]	<u>\$6,304</u>
	Add [\$626] <u>641</u> for each additional person in the budget group.			
F.	200% FPL:			
	Size of budget group		FPL per month	
	1		[\$1,945]	<u>\$1,962</u>
	2		[\$2,622]	<u>\$2,655</u>
	3		[\$3,299]	<u>\$3,349</u>
	4		[\$3,975]	<u>\$4,042</u>
	5		[\$4,652]	<u>\$4,735</u>
	6		[\$5,329]	<u>\$5,429</u>
	7		[\$6,005]	<u>\$6,122</u>
	8		[\$6,682]	<u>\$6,815</u>
	Add [\$677] <u>693</u> for each additional person in the budget group.			
G.	235% FPL:			
	Size of budget group		FPL per month	
	1		[\$2,286]	<u>\$2,305</u>
	2		[\$3,081]	<u>\$3,120</u>
	3		[\$3,876]	<u>\$3,935</u>
	4		[\$4,671]	<u>\$4,749</u>
	5		[\$5,466]	<u>\$5,564</u>
	6		[\$6,261]	<u>\$6,379</u>
	7		[\$7,056]	<u>\$7,193</u>
	8		[\$7,851]	<u>\$8,008</u>
	Add [\$795] <u>815</u> for each additional person in the budget group.			
H.	250% FPL:			
	Size of budget group		FPL per month	
	1		[\$2,432]	<u>\$2,453</u>
	2		[\$3,278]	<u>\$3,319</u>
	3		[\$4,123]	<u>\$4,186</u>
	4		[\$4,969]	<u>\$5,053</u>
	5		[\$5,815]	<u>\$5,919</u>
	6		[\$6,661]	<u>\$6,786</u>
	7		[\$7,507]	<u>\$7,653</u>
	8		[\$8,353]	<u>\$8,519</u>
	Add [\$846] <u>866</u> for each additional person in the budget group.			

[8.200.520.11 NMAC - Rp, 8.200.520.11 NMAC, 1-1-14; A, 5-1-14; A/E, 4-1-15]

8.200.520.15 SUPPLEMENTAL SECURITY INCOME (SSI) LIVING ARRANGEMENTS:

A. Individual living in his or her own household who own or rent:

Payment amount: [~~\$721~~] \$733 Individual
 [~~\$1,082~~] \$1,100 Couple

B. Individual receiving support and maintenance payments: For an individual or couple living in his or her own household, but receiving support and maintenance from others (such as food, shelter or clothing), subtract the value of one third reduction (VTR).

Payment amount: [~~\$721 - \$240 = \$481~~] \$733 - \$244 = \$489 Individual
 [~~\$1,082 - \$361 = \$721~~] \$1,100 - \$367 = \$733 Couple

C. Individual or couple living household of another: For an individual or couple living in another person's household and not contributing his or her pro-rata share of household expenses, subtract the VTR.

Payment amount: [~~\$721 - \$240 = \$481~~] \$733 - \$244 = \$489 Individual
 [~~\$1,082 - \$361 = \$721~~] \$1,100 - \$367 = \$733 couple

D. Child living in home with his or her parent:

Payment amount: [~~\$721~~] \$733

E. Individual in institution:

Payment amount: \$30.00

[8.200.520.15 NMAC - Rp, 8.200.520.15 NMAC, 1-1-14; A/E, 4-1-15]

**HUMAN SERVICES DEPARTMENT
 MEDICAL ASSISTANCE DIVISION**

This is an emergency amendment to 8.291.430 NMAC, Section 10, effective April 1, 2015.

8.291.430.10 FEDERAL POVERTY LEVEL (FPL): This part contains the monthly federal poverty level table for use in determining monthly income standards for categories of eligibility outlined in 8.291.400.10 NMAC:

HOUSEHOLD SIZE	100%	133%	138%	190%	240%	250%	300%
1	[\$973] <u>\$981</u>	[\$1,294] <u>\$1,305</u>	[\$1,343] <u>\$1,354</u>	[\$1,848] <u>\$1,864</u>	[\$2,334] <u>\$2,354</u>	[\$2,432] <u>\$2,453</u>	[\$2,918] <u>\$2,943</u>
2	[\$1,311] <u>\$1,328</u>	[\$1,744] <u>\$1,766</u>	[\$1,809] <u>\$1,832</u>	[\$2,491] <u>\$2,523</u>	[\$3,146] <u>\$3,186</u>	[\$3,278] <u>\$3,319</u>	[\$3,933] <u>\$3,989</u>
3	[\$1,650] <u>\$1,675</u>	[\$2,194] <u>\$2,227</u>	[\$2,276] <u>\$2,311</u>	[\$3,134] <u>\$3,181</u>	[\$3,959] <u>\$4,019</u>	[\$4,123] <u>\$4,186</u>	[\$4,948] <u>\$5,023</u>
4	[\$1,988] <u>\$2,021</u>	[\$2,644] <u>\$2,688</u>	[\$2,743] <u>\$2,789</u>	[\$3,777] <u>\$3,840</u>	[\$4,770] <u>\$4,850</u>	[\$4,969] <u>\$5,053</u>	[\$5,963] <u>\$6,063</u>
5	[\$2,326] <u>\$2,368</u>	[\$3,094] <u>\$3,149</u>	[\$3,210] <u>\$3,268</u>	[\$4,420] <u>\$4,499</u>	[\$5,582] <u>\$5,682</u>	[\$5,815] <u>\$5,919</u>	[\$6,978] <u>\$7,103</u>
6	[\$2,665] <u>\$2,715</u>	[\$3,544] <u>\$3,610</u>	[\$3,677] <u>\$3,746</u>	[\$5,062] <u>\$5,157</u>	[\$6,395] <u>\$6,515</u>	[\$6,661] <u>\$6,786</u>	[\$7,993] <u>\$8,143</u>
7	[\$3,003] <u>\$3,061</u>	[\$3,994] <u>\$4,071</u>	[\$4,144] <u>\$4,224</u>	[\$5,705] <u>\$5,816</u>	[\$7,206] <u>\$7,346</u>	[\$7,507] <u>\$7,653</u>	[\$9,008] <u>\$9,183</u>
8	[\$3,341] <u>\$3,408</u>	[\$4,444] <u>\$4,532</u>	[\$4,611] <u>\$4,703</u>	[\$6,348] <u>\$6,475</u>	[\$8,018] <u>\$8,178</u>	[\$8,353] <u>\$8,519</u>	[\$10,023] <u>\$10,223</u>
+1	[\$338] <u>\$347</u>	[\$450] <u>\$461</u>	[\$467] <u>\$479</u>	[\$643] <u>\$659</u>	[\$812] <u>\$832</u>	[\$846] <u>\$866</u>	[\$1,015] <u>\$1,040</u>

[8.291.430.10 NMAC - Rp, 8.291.430.10 NMAC, 1-1-14; A, 5-1-14; A/E, 4-1-15]

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

14.8.2 NMAC, 2009 New Mexico Plumbing Code, (filed 5-29-13) repealed and replaced by 14.8.2 NMAC, 2012 New Mexico Plumbing Code, effective 05/01/2015.

14.8.3 NMAC, 2009 New Mexico Swimming Pool, Spa and Hot Tub Code, (filed 5-29-13) repealed and replaced by 14.8.3 NMAC, 2012 New Mexico Swimming Pool, Spa and Hot Tub Code, effective 05/01/2015.

14.9.2 NMAC, 2009 New Mexico Mechanical Code, (filed 5-29-13) repealed and replaced by 14.9.2 NMAC, 2012 New Mexico Mechanical Code, effective 05/01/2015.

14.9.6 NMAC, 2009 New Mexico Solar Energy Code, (filed 09-27-2011) repealed and replaced by 14.9.6 NMAC, 2012 New Mexico Solar Energy Code, effective 05/01/2015.

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND CONSTRUCTION CHAPTER 8 PLUMBING CODES PART 2 2012 NEW MEXICO PLUMBING CODE

14.8.2.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.8.2.1 NMAC - Rp, 14.8.2.1 NMAC, 05/01/15]

14.8.2.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after May 1, 2015, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
[14.8.2.2 NMAC - Rp, 14.8.2.2 NMAC, 05/01/15]

14.8.2.3 STATUTORY AUTHORITY: Section 60-13-9 and 60-13-44 NMSA 1978.
[14.8.2.3 NMAC - Rp, 14.8.2.3 NMAC, 05/01/15]

14.8.2.4 DURATION: Permanent.
[14.8.2.4 NMAC - Rp, 14.8.2.4 NMAC, 05/01/15]

14.8.2.5 EFFECTIVE DATE:

May 1, 2015, unless a later date is cited at the end of a section.

[14.8.2.5 NMAC - Rp, 14.8.2.5 NMAC, 05/01/15]

14.8.2.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for all plumbing, as defined in Construction Industries Licensing Act (CILA) Section 60-12-32, in New Mexico. [14.8.2.6 NMAC - Rp, 14.8.2.6 NMAC, 05/01/15]

14.8.2.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2012 Uniform Plumbing Code (UPC) as amended in 14.8.2.10 NMAC. [14.8.2.7 NMAC - Rp, 14.8.2.7 NMAC, 05/01/15]

14.8.2.8 ADOPTION OF THE 2012 UNIFORM PLUMBING CODE:

A. This rule adopts by reference the 2012 Uniform Plumbing Code and all appendices, as amended by this rule.

B. In this rule, the internal numbering of each provision corresponds with the numbering of the 2012 Uniform Plumbing Code.

C. This rule is to be applied in conjunction with 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code. [14.8.2.8 NMAC - Rp, 14.8.2.8 NMAC, 05/01/15]

14.8.2.9 CHAPTER 1 ADMINISTRATION:**A. 101.0 General.**

(1) 101.1 Title. Delete this section of the UPC and substitute: This code shall be known as the 2012 New Mexico Plumbing Code (NMPC).

(2) 101.2 Scope. Delete this section of the UPC and see 14.8.2.2 NMAC.

(3) 101.3 Purpose. Delete this section of the UPC except as provided in 14.8.2.6 NMAC.

(4) 101.4 Conflicts between codes. Delete this section of the UPC and see 14.5.1 NMAC.

(5) 101.5 Plans required. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(6) 101.7 Maintenance. Delete this section of the UPC.

(7) 101.8 Existing construction. Delete this section of the UPC.

(8) 101.10 Appendices. Delete this section of the UPC except in 14.8.2.30 NMAC.

B. 102.0 Organization and enforcement.

(1) 102.1 Authority having jurisdiction. Delete this section of the UPC.

(2) 102.2 Duties and powers of the authority having jurisdiction.

(a) 102.2.1 Right of entry. Delete this section of the UPC and see CILA Section 60-13-42.

(b) 102.2.2 Stop orders. Delete this section of the UPC and see 14.5.2 NMAC.

(c) 102.2.3 Authority to disconnect utilities in emergencies. Delete this section of the UPC and see CILA Section 60-13-42.

(d) 102.2.4 Authority to condemn. Delete this section of the UPC and see 14.5.1 NMAC.

(e) 102.2.5 Liability. Delete this section of the UPC and see CILA Section 60-13-26.

(3) 102.3 Board of appeals. 102.3.1 Limitations of authority.

(4) 102.4 Violations. Delete this section of the UPC and see CILA Section 60-13-1 to -59, and 14.5.3 NMAC.

(5) 102.5 Penalties. Delete this section of the UPC and see CILA Section 60-13-1 to -59, and 14.5.3 NMAC.

C. 103.0 Permits and Inspections.

(1) 103.1 Permits required. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(2) 103.2 Application for permit. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(3) 103.3 Permit issuance. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(4) 103.4 Fees. Delete this section of the UPC and see 14.5.5 NMAC.

(5) 103.5 Inspections. Delete this section except as provided in 14.5.3 NMAC.

(6) 103.6 Connection approval. Delete this section of the UPC and see 14.5.3 NMAC.

(7) 103.7 Unconstitutional. Delete this section of the UPC and see 14.5.1 NMAC.

(8) 103.8 Validity. Delete this section of the UPC and see 14.5.1 NMAC.

(9) Table 103.4 Plumbing permit fees. Delete plumbing permit fees, table 103.4, from the UPC.

[14.8.2.9 NMAC - Rp, 14.8.2.9 NMAC, 05/01/15]

14.8.2.10 CHAPTER 2 DEFINITIONS: See this chapter of the UPC except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the construction industries division (CID) and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listing agency. See this definition in the UPC and Section 60-13-44 of the CILA. [14.8.2.10 NMAC - Rp, 14.8.2.10 NMAC, 05/01/15]

14.8.2.11 CHAPTER 3 GENERAL REGULATIONS: See this chapter of the UPC except as provided below.

A. 301.2 Alternate materials and methods of construction equivalency. Delete this section of the UPC and see 14.5.1 NMAC.

B. 301.3 Flood hazard areas. See this section of the UPC.

C. 301.4 Alternative engineered design. See this section of the UPC except as provided below.

(1) 301.4.1 Permit application. Delete this section of the UPC and see 14.5.2 NMAC.

(2) 301.4.2 Technical data. See this section of the UPC.

(3) 301.4.3 Design documents. See this section of the UPC and 14.5.2 NMAC.

(4) 301.4.4 Design approval. Delete this section of the UPC and see 14.5.2 NMAC.

(5) 301.4.5 Design review. Delete this section of the UPC and see 14.5.2 NMAC.

(6) 301.4.6 Inspection and testing. Delete this section of the UPC and see 14.5.2 NMAC and 14.5.3 NMAC.

[14.8.2.11 NMAC - Rp, 14.8.2.11 NMAC, 05/01/15]

14.8.2.12 CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS: See this chapter of the UPC except as provided below.

A. 402.3.1 Nonwater urinals. See this section of the UPC and add the following to the end: Nonwater urinals shall be located on the downstream side of a frequently used water-using fixture.

B. 406.0 Prohibited fixtures.

(1) 406.1

Prohibited water closets. See this section of the UPC.

(2) 406.2

Prohibited urinals. See this section of the UPC.

(3) 406.3

Miscellaneous fixtures. See this section of the UPC and add the following: “Where a chemical-dry toilet is installed it shall have a water distribution line and sanitary drain line rough in to the chemical-dry toilet location, unless conditions prohibit the installation, in the event of a retrofit or failure.”

C. 415.0 Drinking fountains.

(1) 415.2

Where required. Delete this section of the UPC and see 14.7.2 NMAC.

D. 421.0 Fixtures and fixture fittings for persons with disabilities.

(1) 421.1

General. Delete this section of the UPC.

(2) 421.2

Limitation of hot water temperature for public lavatories. See this section of the UPC.

E. 422.0 Minimum number of required fixtures. See this section of the UPC except as provided below.

(1) 422.1

Fixture count. Delete this section of the UPC and see 14.7.2 NMAC.

(2) 422.2

Separate facilities. Delete this section of the UPC.

(3) 422.4

Toilet facilities serving employees and customers. Delete this section of the UPC and see 14.7.2 NMAC.

(4) 422.5

Toilet facilities for workers. Delete this section of the UPC.

F. Table 422.1 Minimum plumbing facilities. Delete this table of the UPC.

[14.8.2.12 NMAC - Rp, 14.8.2.12 NMAC, 05/01/15]

14.8.2.13 CHAPTER 5 WATER HEATERS: See this chapter of the UPC except as provided below.

A. 501.0 General. See this section of the UPC except delete the following sentence: “The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 501.1.”

B. 507.13 Installation in residential garages. At the end of the last sentence in Subsection (1) delete the following text: “unless listed as flammable vapor ignition resistant”.

C. 508.3 Access to equipment on roofs. 508.3.1 Access. See

this section of the UPC except after the words “in height” add the following: except those designated as R-3 occupancies.

D. 510.2.19 Chineys and vents. See this section of the UPC except delete the following language:

“Where vents extend outdoors above the roof more than 5 feet (1524 mm) higher than required by Table 509.6.2, and where vents terminate in accordance with Section 509.6.2(1), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered.”

[14.8.2.13 NMAC - Rp, 14.8.2.13 NMAC, 05/01/15]

14.8.2.14 [RESERVED]
[14.8.2.14 NMAC - Rp, 14.8.2.14 NMAC, 05/01/15]

14.8.2.15 CHAPTER 6 WATER SUPPLY AND DISTRIBUTION: See this chapter of the UPC.

[14.8.2.15 NMAC - Rp, 14.8.2.15 NMAC, 05/01/15]

14.8.2.16 CHAPTER 7 SANITARY DRAINAGE PART I - DRAINAGE SYSTEMS: See this chapter of the UPC except as provided below.

A. 704.0 Fixture connections (drainage). 704.3 Commercial dishwashing machines and sinks. Delete the text this section of the

UPC and substitute with the following: pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware washing machines, and other similar fixtures shall not be connected directly to the drainage system. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in chapter 2 of the UPC, and all wastes drained by them shall discharge through an airgap into an open floor sink or other approved type receptor that is properly connected to the drainage system. Food waste disposal units shall be connected directly to the drainage system. A floor drain shall be provided adjacent to the disposal unit, and the disposal unit shall be connected on the sewer side of the floor drain trap, provided that no other drainage line is connected between the floor drain waste connection and the disposal unit drain. The floor drain shall be trapped and vented as required in this code.

B. 712.1 Media. See this section of the UPC except add the following text to the end: When testing during weather conditions that could result in damage to piping, adequate provisions shall be made to protect such piping from freezing.

[14.8.2.16 NMAC - Rp, 14.8.2.16 NMAC, 05/01/15]

14.8.2.17 CHAPTER 7 SANITARY DRAINAGE PART II - BUILDING SEWERS: See this chapter of the UPC.
[14.8.2.17 NMAC - Rp, 14.8.2.17 NMAC, 05/01/15]

14.8.2.18 CHAPTER 8 INDIRECT WASTES: See this chapter of the UPC.
[14.8.2.18 NMAC - Rp, 14.8.2.18 NMAC, 05/01/15]

14.8.2.19 CHAPTER 9 VENTS: See this chapter of the UPC.
[14.8.2.19 NMAC - Rp, 14.8.2.19 NMAC, 05/01/15]

14.8.2.20 CHAPTER 10 TRAPS AND INTERCEPTORS: See this chapter of the UPC.
[14.8.2.20 NMAC - Rp, 14.8.2.20 NMAC, 05/01/15]

14.8.2.21 CHAPTER 11 STORM DRAINAGE: See this chapter of the UPC except as provided below.
1101.5 Subsoil drains. 1101.5.1 See this section of the UPC except after the words “Subsoil drains shall be provided” in the first sentence add the following text: “as required by the New Mexico Commercial Building Code (NMCBC), 14.7.2 NMAC”.
[14.8.2.21 NMAC - Rp, 14.8.2.21 NMAC, 05/01/15]

14.8.2.22 CHAPTER 12 FUEL PIPING: See this chapter of the UPC except as provided below.

A. 1208.5.2.3 Copper and brass. Delete this section of the UPC and substitute: Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1208.5.3.2 Copper and brass. Delete this section of the UPC and substitute: Copper and brass pipe shall not be used.

C. 1210.11.2 Emergency shutoff valves. See this section of the UPC except delete the following: “The emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction” and replace with the following text: For purposes of isolation and safety, an additional gas shut off shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system.

D. 1210.15 Electrical bonding and grounding. Delete this section of the UPC and see 14.10.4 NMAC the New Mexico Electrical Code (NMEC).

E. 1212.0 Liquefied petroleum gas facilities and piping.

Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, Liquefied Petroleum Gas Standards, and 70-5-1 to -23 NMSA 1978, liquefied and compressed gasses.

F. 1213.3 Test pressure.

See this section of the UPC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times them operating pressure of the system, but in no case shall it be tested at less than 3 psi.

[14.8.2.22 NMAC - Rp, 14.8.2.22 NMAC, 05/01/15]

14.8.2.23 CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS PART I - SPECIAL REQUIREMENTS FOR HEALTH CARE FACILITIES: [Reserved]

[14.8.2.23 NMAC - Rp, 14.8.2.23 NMAC, 05/01/15]

14.8.2.24 CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS PART II - MEDICAL GAS AND VACUUM SYSTEMS: See this chapter of the UPC except as provided below: **1319.3** Delete the text of this section of the UPC and replace with the following text: Shutoff valves shall be provided for the connection of future piping, and shall meet the following requirements:

- A.** be locked in a restricted area;
- B.** be locked, closed, and capped;
- C.** be identified in accordance with Section 1323.0 (NFPA 99:5.1.4.10).

[14.8.2.24 NMAC - Rp, 14.8.2.24 NMAC, 05/01/15]

14.8.2.25 CHAPTER 14 MANDATORY REFERENCED STANDARDS: See this chapter of the UPC and add the following referenced standard: ARCSA - American rain catchment systems association.

[14.8.2.25 NMAC - Rp, 14.8.2.25 NMAC, 05/01/15]

14.8.2.26 CHAPTER 15 FIRESTOP PROTECTION: See this chapter of the UPC.

[14.8.2.26 NMAC - Rp, 14.8.2.26 NMAC, 05/01/15]

14.8.2.27 CHAPTER 16 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS Delete this chapter of the UPC.

[14.8.2.27 NMAC - Rp, 14.8.2.27 NMAC, 05/01/15]

14.8.2.28 [RESERVED]

[14.8.2.28 NMAC - Rp, 14.8.2.28 NMAC, 05/01/15]

14.8.2.29 CHAPTER 17 NONPOTABLE RAINWATER CATCHMENT SYSTEMS Delete this chapter of the UPC.

[14.8.2.29 NMAC - N, 05/01/15]

14.8.2.30 APPENDICIES.

See this section of the UPC and add the following to Appendix C.1.3. Alternate Plumbing Systems: All alternate plumbing systems must be pre-approved in writing by the authority having jurisdiction. See this section of the UPC and add Chapter 16 Alternate Water Sources for Non Potable Applications.

[14.8.2.30 NMAC - Rp, 14.8.2.29 NMAC, 05/01/15]

HISTORY OF 14.8.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under:

- CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1-23-68.
- CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4-29-70.
- CIC MB 71-4, 1970 Plumbing Code of New Mexico, filed 6-8-71.
- CIC MB 74-9, 1973 Uniform Plumbing Code, filed 11-20-74.
- CIC 76-1, 1976 Uniform Plumbing Code, filed 5-4-76.
- CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4-24-80.
- MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11-4-82.
- MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10-1-85.
- MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12-15-88.
- MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92.
- CIC MB 68-3, 1966 New Mexico Gas Code, filed 1-23-68.
- CIC MB 70-7, 1970 Natural Gas Code of New Mexico, filed 4-29-70.
- CIC MB 71-3, 1970 Natural Gas Code of New Mexico, filed 6-8-71.
- CIC-74-8, 1973 Uniform Mechanical Code, filed 11-20-74.
- CIC 76-4, 1976 Uniform Mechanical Code, filed 11-24-76.
- CID MB 80-3, 1979 Uniform Mechanical Code, filed 4-23-80.
- MB-UMC-82-1, 1982 Uniform Mechanical Code, filed 11-4-82.
- MB-UMC-85-1, 1985 Uniform Mechanical Code, filed 10-1-85.
- MB-UMC-88-1, 1988 Uniform Mechanical Code, filed 12-15-88.

MB-UMC-91-1, 1991 Uniform Mechanical Code, filed 7-28-92.

CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2-26-77.

CID MB-80-6, 1979 Uniform Solar Energy Code, 4-24-80.

MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11-4-82.

MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12-23-85.

MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12-15-88.

MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7-28-92.

CIC-75-1, 1973 Uniform Swimming Pool Code, Section 1.7, 10-31-75.

CIC-76-3, 1976 Uniform Swimming Pool Code, 7-27-76.

CIC MB 80-4, 1979 Uniform Swimming Pool Code, filed 4-23-80.

MB-USPC-82-1, 1982 Uniform Swimming Pool Code, 11-4-82.

MB-USPS and HTC-85-1, 1985 Uniform Swimming Pool, Spa and Hot Tub Code, 12-23-85.

MB-USPS and HTC-88-1; 1988 Uniform Swimming Pool, Spa and Hot Tub Code, 12-15-88.

MB-USPS and HTC-91-1, 1991 Uniform Swimming Pool, Spa and Hot Tub Code, 7-28-92.

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, 7-7-92.

CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1-23-68.

CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4-29-70.

CIC MB 71-4, 1970 New Mexico Plumbing Code, filed 6-8-71.

CIC 74-9, 1973 Uniform Plumbing Code, filed 11-20-74.

CIC 76-1, 1976 Uniform Plumbing Code, filed 5-4-76.

CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4-24-80.

MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11-4-82.

MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10-1-85.

MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12-15-88.

MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92.

History of Repealed Material:

14.8.2 NMAC, 2003 New Mexico Plumbing Code (filed 5-27-04) repealed 1-7-04.

14.8.2 NMAC, 2006 New Mexico Plumbing Code (filed 8-16-07) repealed 1-28-11.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12-28-10) repealed 6-28-13.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 5-29-13) repealed 05/01/15.

Other History:

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, (filed 7-7-92), replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12-31-98.
 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10-30-98) and MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92 both replaced by 14.8.2 NMAC, 2003 New Mexico Plumbing Code, effective 7-1-04.
 14.8.2 NMAC, 2003 New Mexico Plumbing Code (filed 5-27-04) replaced by 14.8.2 NMAC, 2006 New Mexico Plumbing Code, effective 1-1-08.
 14.8.2 NMAC, 2006 New Mexico Plumbing Code (filed 8-16-07) replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 1-28-11.
 14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12-28-10) replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 6-28-13.
 14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 5-29-13) replaced by 14.8.2 NMAC, 2012 New Mexico Plumbing Code, effective 05/01/15.

**REGULATION AND LICENSING DEPARTMENT
 CONSTRUCTION INDUSTRIES DIVISION**

**TITLE 14 HOUSING AND CONSTRUCTION
 CHAPTER 8 PLUMBING CODES
 PART 3 2012 NEW MEXICO SWIMMING POOL, SPA AND HOT TUB CODE**

14.8.3.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department. [14.8.3.1 NMAC - Rp, 14.8.3.1 NMAC, 05/01/15]

14.8.3.2 SCOPE: This rule applies to all contracting work performed on swimming pools, spas, and hot tubs in New Mexico on or after May 1, 2015, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date. [14.8.3.2 NMAC - Rp, 14.8.3.2 NMAC, 05/01/15]

14.8.3.3 STATUTORY AUTHORITY: Section 60-13-9 NMSA 1978. [14.8.3.3 NMAC - Rp, 14.8.3.3 NMAC, 05/01/15]

14.8.3.4 DURATION: Permanent. [14.8.3.4 NMAC - Rp, 14.8.3.4 NMAC, 05/01/15]

14.8.3.5 EFFECTIVE DATE: May 1, 2015, unless a later date is cited at the end of a section. [14.8.3.5 NMAC - Rp, 14.8.3.5 NMAC, 05/01/15]

14.8.3.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for the construction of swimming pools, spas and hot tubs in New Mexico. [14.8.3.6 NMAC - Rp, 14.8.3.6 NMAC, 05/01/15]

14.8.3.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2012 Uniform Swimming Pool, Spa, and Hot Tub Code (USPSHTC) as amended by this part. [14.8.3.7 NMAC - Rp, 14.8.3.7 NMAC, 05/01/15]

14.8.3.8 ADOPTION OF THE 2012 UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE:

A. This rule adopts, by reference, the 2012 USPSHTC, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the USPSHTC. [14.8.3.8 NMAC - Rp, 14.8.3.8 NMAC, 05/01/15]

14.8.3.9 CHAPTER 1 ADMINISTRATION:

A. 101.0 General.
(1) 101.1 Title. Delete this section of the USPC and substitute: This code shall be known as the 2012 New Mexico Swimming Pool, Spa, and Hot Tub Code (NMSPSHTC).

(2) 101.2 Scope. Delete this section of the USPSHTC and see 14.8.3.2 NMAC.

(3) 101.3 Purpose. Delete this section of the USPSHTC substitute: The purpose of this code is to establish minimum standards for all swimming pools, spas and hot tub construction in New Mexico.

(4) 101.4 Unconstitutional. Delete this section of the USPSHTC and see 14.5.1 NMAC.

(5) 101.5 Validity. Delete this section of the USPSHTC and see 14.5.1 NMAC.

B. 102.0 Applicability.
(1) 102.1

Conflicts between codes. Delete this section of the USPSHTC and see 14.5.1 NMAC.

(2) 102.2 Existing installations. Delete this section of USPSTHC.

(3) 102.3 Maintenance. Delete this section of the USPSHTC.

C. 103.0 Duties and powers having jurisdiction

(1) 103.1 General. Delete this section of the USPSHTC and Construction Industries Licensing Act (CILA) Section 60-13-8.

(2) 103.2 Liability. Delete this section of the USPSTHC and see CILA Section 60-13-26.

(3) 103.3 Applications and permits. Delete this section of the USPSHTC and see 14.5.2 NMAC.

(4) 103.4 Right of entry. Delete this section of the USPSHTC and see CILA Section 60-13-42.

D. 104.0 Permits. Delete this section of the USPSHTC and see 14.5.2 NMAC.

E. 105.0 Inspections and testing. Delete this section of the USPSHTC and see CILA Section 60-13-1 to -59, and 14.5.3 NMAC.

F. 106.0 Violations and penalties. Delete this section of the USPSTHC and see CILA Section 60-14-1 to -59, and 14.5.3 NMAC.

G. 107.0 Board of appeals. [14.8.3.9 NMAC - Rp, 14.8.3.9 NMAC, 05/01/15]

14.8.3.10 CHAPTER 2 DEFINITIONS: See this chapter of the USPSHTC, except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the CID and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listing agency. See this definition in the UPC and Section 60-13-44 of the CILA.

C. 221.0 Shall. Delete this text of this definition and see Section 221.0 of the UPC.

[14.8.3.10 NMAC - Rp, 14.8.3.10 NMAC, 05/01/15]

14.8.3.11 CHAPTER 3 GENERAL REQUIREMENTS: See this chapter of the USPSHTC except as provided below. **302.6 Alternate materials and methods equivalency.** Delete this section and see 14.8.2.11 NMAC and 14.5.1.11 NMAC.

[14.8.3.11 NMAC - Rp, 14.8.3.11 NMAC, 05/01/15]

14.8.3.12 CHAPTER 4 DESIGN, MATERIALS, AND METHODS OF CONSTRUCTION: See this section of the USPSHTC except as provided below.

A. 403.3 Markings.

Delete this section of the USPSHTC.

B. 403.4 Maximum bather load. Delete this section of the USPSHTC.

C. 404.0 Wading pools.

See this section of the USPSHTC except as provided below.

(1) 404.1

General. Delete this section of the USPSHTC.

(2) 404.2 Gates.

Delete this section of the USPSHTC.

(3) 404.5

Markings. Delete this section of the USPSHTC.

D. 405.0 General. See this section of the USPSHTC except as provided below.

(1) 405.5

Maximum bather load. Delete this section of the USPSHTC.

(2) 405.9

Handholds. Delete this section of the USPSHTC.

(3) 405.10

Markings. Delete this section of the USPSHTC.

E. 406.0 General. Delete this section of the USPSHTC.

F. 407.0 Toilet facilities.

Delete this section of the USPSHTC and see NMAC 14.6.6.

G. 408.0 Access to fixtures.

Delete this section of the USPSHTC and see NMAC 14.6.6.

H. 416.0 Lighting

protection systems. Delete this section of the USPSHTC.

I. 417.0 Decks.

Delete this section of the USPSHTC.
[14.8.3.12 NMAC - N, 05/01/15]

14.8.3.13 CHAPTER 5 WATER QUALITY: See this section of the USPSHTC.
[14.8.3.13 NMAC - N, 05/01/15]

14.8.3.14 CHAPTER 6 EQUIPMENT: See this section of the USPSHTC except as provided below.

A. 603.0 Electrical systems. Delete this section of the USPSHTC and see 14.10.4 NMAC.

B. 606.0 Diving equipment. Delete this section of the USPSHTC.

C. 607.0 Slides. Delete this section of the USPSHTC.
[14.8.3.14 NMAC - N, 05/01/15]

14.8.3.15 CHAPTER 7 WATER HEATING EQUIPMENT AND VENTS: See this chapter of the USPSHTC except as provided as follows: **712.2.18 Chimneys and vents.**

See this section of the USPSHTC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524 mm) higher than required by Table 509.6.2, and where vents terminate in accordance with Section 509.6.2(1), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered."

[14.8.3.15 NMAC - Rp, 14.8.3.12 NMAC, 05/01/15]

14.8.3.16 CHAPTER 8 FUEL GAS PIPING: See this chapter of the USPSHTC except as provided below.

A. 809.5.2.3 Copper and brass. Delete this section of the USPSHTC and substitute: Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 809.5.3.2 Copper and brass. Delete this section of the USPSHTC and substitute: Copper and brass pipe shall not be used.

C. 810.12 Electrical bonding and grounding. Delete this section of the USPSHTC and see NMAC 14.10.4.

D. 810.13 Electrical circuits. Delete this section of the USPSHTC and see 14.10.4 NMAC.

E. 810.14 Electrical connections. Delete this section of the USPSHTC and see 14.10.4 NMAC.

F. 812.0 Liquefied petroleum gas facilities and piping. Delete this section of the USPSHTC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, liquefied petroleum gas standards, and 70-5-1 to -23 NMSA 1978, liquefied and compressed gasses.

G. 813.3 Test pressure. See this section of the USPSHTC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times them operating pressure of the system, but in no case shall it be tested at less than 3 psi.
[14.8.3.16 NMAC - Rp, 14.8.3.13 NMAC, 05/01/15]

14.8.3.17 CHAPTER 9 SAFETY: Delete this chapter of the USPSHTC.
[14.8.3.17 NMAC - N, 05/01/15]

14.8.3.18 CHAPTER 10 REFERENCED STANDARDS: See this

chapter of the USPSHTC.
[14.8.3.18 NMAC - N, 05/01/15]

14.8.3.19 APPENDICES: See this section of the USPSHTC except delete appendix A and appendix C.
[14.8.3.19 NMAC - Rp, 14.8.3.15 NMAC, 05/01/15]

HISTORY OF 14.8.3 NMAC:

History of Repealed Material:

14.8.3 NMAC, 2006 New Mexico Swimming Pool, Spa and Hot Tub Code (filed 10-27-08), repealed 11-1-2011.

14.8.3 NMAC, 2009 New Mexico Swimming Pool, Spa and Hot Tub Code (filed 09-27-11), repealed 6-28-2013.

14.8.3 NMAC, 2009 New Mexico Swimming Pool, Spa and Hot Tub Code (filed 05-29-13), repealed 5-1-15.

**REGULATION AND LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

TITLE 14 HOUSING AND CONSTRUCTION

CHAPTER 9 MECHANICAL CODES

PART 2 2012 NEW MEXICO MECHANICAL CODE

14.9.2.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.9.2.1 NMAC - Rp, 14.9.2.1 NMAC, 05/01/15]

14.9.2.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after May 1, 2015, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
[14.9.2.2 NMAC - Rp, 14.9.2.2 NMAC, 05/01/15]

14.9.2.3 STATUTORY AUTHORITY: Sections 60-13-9 and 60-13-44 NMSA 1978.
[14.9.2.3 NMAC - Rp, 14.9.2.3 NMAC, 05/01/15]

14.9.2.4 DURATION: Permanent.
[14.9.2.4 NMAC - Rp, 14.9.2.4 NMAC, 05/01/15]

14.9.2.5 EFFECTIVE DATE: May 1, 2015, unless a later date is cited at the end of a section.
[14.9.2.5 NMAC - Rp, 14.9.2.5 NMAC, 05/01/15]

14.9.2.6 OBJECTIVE:
The purpose of this rule is to establish minimum standards for the installation, repair, and replacement of mechanical systems including equipment, appliances, fixtures, fittings and appurtenances including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy related systems in New Mexico.
[14.9.2.6 NMAC - Rp, 14.9.2.6 NMAC, 05/01/15]

14.9.2.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and chapter 2 of the 2012 Uniform Mechanical Code (UMC) as amended in 14.9.2.10 NMAC.
[14.9.2.7 NMAC - Rp, 14.9.2.7 NMAC, 05/01/15]

14.9.2.8 ADOPTION OF THE 2012 UNIFORM MECHANICAL CODE:

A. This rule adopts by reference the 2012 UMC, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2012 UMC.

C. This rule is to be applied in conjunction with 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code.
[14.9.2.8 NMAC - Rp, 14.9.2.8 NMAC, 05/01/15]

14.9.2.9 CHAPTER 1 ADMINISTRATION:

A. Part 1 - General.
(1) 101.0 Title, scope, and general.

(a) 101.1 Title. Delete this section of the UMC and substitute: This code shall be known as 14.9.2 NMAC, the 2012 New Mexico Mechanical Code (NMMC).

(b) 101.2 Purpose. Delete this section of the UMC and see 14.9.2.6 NMAC.

(c) 101.3 Scope. Delete this section of the UMC and see 14.9.2.2 NMAC, and except as provided below.

(d) 101.3.1.1 Conflicts between codes. Delete this section of the UMC and see 14.5.1 NMAC.

(2) 103.0 Alternate materials and methods of construction. Delete this section of the UMC and see 14.5.1 NMAC.

B. Part II - Organization and enforcement.

(1) 106.0 Powers and duties of the authority having jurisdiction.

(a) 106.1 General. Delete this section of the UMC and see Construction Industries Licensing Act (CILA).

(b) 106.2 Deputies. Delete this section of the UMC and see CILA Sections 60-13-8 and 60-13-41 and Section 9-16-7 NMSA 1978.

(c) 106.3 Right of entry. Delete this section of the UMC and see CILA Section 60-13-42.

(d) 106.4 Stop orders. Delete this section of the UMC and see 14.5.2 NMAC.

(e) 106.5 Authority to disconnect utilities in emergencies. Delete this section of the UMC and see CILA Section 60-13-42.

(f) 106.6 Authority to condemn equipment. Delete this section of the UMC and see 14.5.1 NMAC.

(g) 106.7 Connection after order to disconnect. Delete this section of the UMC and see 14.5.1 NMAC.

(h) 106.8 Liability. Delete this section of the UMC and see CILA Section 60-13-26.

(i) 106.9 Cooperation of other officials and officers. Delete this section of the UMC.

(2) 107.0 Unsafe equipment. Delete this section of the UMC and see 14.5.1 NMAC.

(3) 108.0 Board of appeals. Delete this section of the UMC and see 14.5.1 NMAC.

(4) 109.0 Violations. Delete this section of the UMC and see CILA Section 60-13-1 to -59, and 14.5.3 NMAC, Inspections.

C. Part III - Permits and inspections.

(1) 110.0 Penalties.

(2) 111.0 Permits. Delete this section of the UMC and see 14.5.2 NMAC.

(3) 112.0 Application for permit. Delete this section of the UMC and see 14.5.2 NMAC.

(4) 113.0 Permit issuance. Delete this section of the UMC and see 14.5.2 NMAC.

(5) 114.0 Fees. Delete this section of the UMC and see 14.5.5 NMAC.

(6) 115.0 Inspections. Delete this section of the UMC and see 14.5.3 NMAC.

(7) 116.0 Connection approval. Delete this section of the UMC and see 14.5.2 NMAC.

(8) 117.0 Unconstitutional.

(9) 118.0 Validity.
(10) Table 114.1 Mechanical permit fees. Delete this table from the UMC and see 14.5.5 NMAC.
[14.9.2.9 NMAC - Rp, 14.9.2.9 NMAC, 05/01/15]

14.9.2.10 CHAPTER 2 DEFINITIONS: See this chapter of the UMC except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the CID and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listed and listing. See this definition in the UPC and add the following provision at the end of the definition: A manufacturer may select the independent certification organization of its choice to certify its products, provided that the certification organization has been accredited by the American national standards institute (ANSI), or another certification organization that CID has approved in writing.
[14.9.2.10 NMAC - Rp, 14.9.2.10 NMAC, 05/01/15]

14.9.2.11 CHAPTER 3 GENERAL REQUIREMENTS: See this chapter of the UMC except as provided below.

A. 304.2 Access to equipment and appliances on roofs.

304.2.1 Access from inside. See this section of the UMC except after the words "in height" add the following: except those designated as R-3 occupancies.

B. 305.0 Automatic control devices. See this section of the UMC and 14.7.6 NMAC.

C. 314.0 Heating and cooling air system. See this section of the UMC except as follows: **314.3 Prohibited source.** See this section of the UMC except delete the text of location (5) and replace with the following: a closet, bathroom, laundry room, toilet room or kitchen; and add the following to the end of section: (7) where it will pick up objectionable odors, fumes, or flammable vapors.

D. 317.1 Balancing. Delete this section of the UMC.
[14.9.2.11 NMAC - Rp, 14.9.2.11 NMAC, 05/01/15]

14.9.2.12 CHAPTER 4 VENTILATION SUPPLY: See this chapter of the UMC.
[14.9.2.12 NMAC - Rp, 14.9.2.12 NMAC, 05/01/15]

14.9.2.13 CHAPTER 5 EXHAUST SYSTEMS: See this chapter

of the UMC except as provided below.
511.3 Replacement air. See this section of the UMC except add the following: windows and doors shall not be used for the purpose of providing replacement air. The exhaust and replacement air systems shall be connected by an electrical interlocking switch. When using equipment that is not listed for make-up air, a device to sense continued air movement within the replacement air plenum shall be installed initiating a complete system shut-down if air-flow is interrupted.
 [14.9.2.13 NMAC - Rp, 14.9.2.13 NMAC, 05/01/15]

14.9.2.14 CHAPTER 6 DUCT SYSTEMS: See this chapter of the UMC except as follows.

A. 603.2 Metal Ducts.
 See this section of the UMC and add the following to the last sentence of the second paragraph, "and be installed so as to support the weight of the concrete during encasement."

B. 608.0 Automatic shutoffs: See this section of the UMC and add the following to the exception: (6) automatic shutoffs are not required on evaporative coolers that derive all of their air from outside the building.
 [14.9.2.14 NMAC - Rp, 14.9.2.14 NMAC, 05/01/15]

14.9.2.15 CHAPTER 7 COMBUSTION AIR: See this chapter of the UMC.
 [14.9.2.15 NMAC - Rp, 14.9.2.15 NMAC, 05/01/15]

14.9.2.16 CHAPTER 8 CHIMNEYS AND VENTS: See this chapter of the UMC except as follows:
803.1.11 Chimneys and vents. See this section of the UMC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524mm) higher than required by Table 509.6.2, and where vents terminate in accordance with Section 509.6.2(1), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered."
 [14.9.2.16 NMAC - Rp, 14.9.2.16 NMAC, 05/01/15]

14.9.2.17 CHAPTER 9 INSTALLATION OF SPECIFIC EQUIPMENT: See this chapter of the UMC except as provided below.

A. 907.2 Installation.
 See this section of the UMC except add the following: Installation of gas logs in solid fuel burning fireplaces. Approved gas logs may be installed in solid fuel burning fireplaces, provided.

(1) The gas log is installed in accordance with the manufacturer's installation instructions.

(2) If the fireplace is equipped with a damper, it shall be permanently blocked open by welding or cutting a hole of sufficient size to prevent spillage of combustion products into the room. On eight (8) inch and smaller flues, the damper shall be removed.

(3) The minimum flue passageway shall not be less than 1 square inch per 2000 Btu-h input.

(4) Gas logs shall be equipped with a pilot and listed safely shutoff valve.

(5) The use of flexible gas connections shall not be permitted within a firebox, unless it is part of the listed gas log assembly.

(6) Factory built fireplaces shall be approved for installation of gas logs and be provided with a means of installing the gas piping.

(7) All gas outlets located in a barbecue or fireplace shall be controlled by an approved separate valve located in the same room and outside the hearth, but not less than six (6) feet from such outlets.

B. 928.2 Location.
 See this section of the UMC except add the following to the end: unlisted wall furnaces shall be installed with clearances to combustible material of not less than eighteen (18) inches (460 mm).
 [14.9.2.17 NMAC - Rp, 14.9.2.17 NMAC, 05/01/15]

14.9.2.18 CHAPTER 10 STEAM AND HOT WATER BOILERS: See this chapter of the UMC.
 [14.9.2.18 NMAC - Rp, 14.9.2.18 NMAC, 05/01/15]

14.9.2.19 CHAPTER 11 REFRIGERATION: See this chapter of the UMC.
 [14.9.2.19 NMAC - Rp, 14.9.2.19 NMAC, 05/01/15]

14.9.2.20 CHAPTER 12 HYDRONICS: See this chapter of the UMC except as provided below.

A. 1201.3.9.2 Pressure test. See this section of the UMC except delete the first sentence and substitute: piping shall be tested with a hydrostatic pressure or an air test of not less than 1.5 times operating pressure.

B. 1201.4 PEX tubing.
 See this section of the UMC except add the following: tubing shall be manufactured with an approved oxygen diffusion barrier.
 [14.9.2.20 NMAC - Rp, 14.9.2.20 NMAC, 05/01/15]

14.9.2.21 CHAPTER 13 FUEL PIPING: See this chapter of the UMC except as provided below.

A. 1308.5.2.3 Copper and brass Copper and brass pipe shall not be used. Aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1311.10.2 Emergency shutoff valves. See this section of the UMC except delete the following: the emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction. See this section of the UMC except add the following to the end: For purposes of isolation and safety, an additional gas shut off shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system

C. 1311.14 Electrical bonding and grounding. Delete this section of the UMC and see 14.10.4 NMAC.

D. 1315.0 Liquefied petroleum gas facilities and piping. Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, liquefied petroleum gas standards, and 70-5-1 to -23 NMSA 1978, liquefied and compressed gasses.

E. 1316.9 Test pressure.
 See this section of the UMC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times them operating pressure of the system, but in no case shall it be tested at less than 3 psi.
 [14.9.2.21 NMAC - Rp, 14.9.2.21 NMAC, 05/01/15]

14.9.2.22 CHAPTER 14 PROCESS PIPING: See this chapter of the UMC.
 [14.9.2.22 NMAC - Rp, 14.9.2.22 NMAC, 05/01/15]

14.9.2.23 CHAPTER 15 SOLAR SYSTEMS: See this chapter of the UMC.
 [14.9.2.23 NMAC - Rp, 14.9.2.23 NMAC, 05/01/15]

14.9.2.24 CHAPTER 16 STATIONARY POWER PLANTS: See this chapter of the UMC.
 [14.9.2.24 NMAC - Rp, 14.9.2.24 NMAC, 05/01/15]

14.9.2.25 [RESERVED]
 [14.9.2.25 NMAC - Rp, 14.9.2.25 NMAC, 05/01/15]

14.9.2.26 [RESERVED]
 [14.9.2.26 NMAC - Rp, 14.9.2.26 NMAC, 05/01/15]

14.9.2.27 CHAPTER 17

STANDARDS: See this chapter of the UMC.

[14.9.2.27 NMAC - Rp, 14.9.2.27 NMAC, 05/01/15]

14.9.2.28 APPENDICIES:

See this section of the UMC except delete appendix A and appendix B.

[14.9.2.28 NMAC - Rp, 14.9.2.28 NMAC, 05/01/15]

HISTORY OF 14.9.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under:

CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1-23-68.

CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4-29-70.

CIC MB 71-4, 1970 Plumbing Code of New Mexico, filed 6-8-71.

CIC MB 74-9, 1973 Uniform Plumbing Code, filed 11-20-74.

CIC 76-1, 1976 Uniform Plumbing Code, filed 5-4-76.

CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4-24-80.

MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11-4-82.

MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10-1-85.

MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12-15-88.

MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92.

CIC MB 68-3, 1966 New Mexico Gas Code, filed 1-23-68.

CIC MB 70-7, 1970 Natural Gas Code of New Mexico, filed 4-29-70.

CIC MB 71-3, 1970 Natural Gas Code of New Mexico, filed 6-8-71.

CIC-74-8, 1973 Uniform Mechanical Code, filed 11-20-74.

CIC 76-4, 1976 Uniform Mechanical Code, filed 11-24-76.

CID MB 80-3, 1979 Uniform Mechanical Code, filed 4-23-80.

MB-UMC-82-1, 1982 Uniform Mechanical Code, filed 11-4-82.

MB-UMC-85-1, 1985 Uniform Mechanical Code, filed 10-1-85.

MB-UMC-88-1, 1988 Uniform Mechanical Code, filed 12-15-88.

MB-UMC-91-1, 1991 Uniform Mechanical Code, filed 7-28-92.

CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2-26-77.

CID MB-80-6, 1979 Uniform Solar Energy Code, 4-24-80.

MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11-4-82.

MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12-23-85.

MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12-15-88.

MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7-28-92.

CIC-75-1, 1973 Uniform Swimming Pool Code, Section 1.7, 10-31-75.

CIC-76-3, 1976 Uniform Swimming Pool Code, 7-27-76.

CIC MB 80-4, 1979 Uniform Swimming Pool Code, filed 4-23-80.

MB-USPC-82-1, 1982 Uniform Swimming Pool Code, 11-4-82.

MB-USPS and HTC-85-1, 1985 Uniform Swimming Pool, Spa and Hot Tub Code, 12-23-85.

MB-USPS and HTC-88-1; 1988 Uniform Swimming Pool, Spa and Hot Tub Code, 12-15-88.

MB-USPS and HTC-91-1, 1991 Uniform Swimming Pool, Spa and Hot Tub Code, 7-28-92.

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, 7-7-92.

History of Repealed Material: 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10-30-98), repealed 7-1-04.

14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5-27-04), repealed 1-7-04.

14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 08-16-07), repealed 1-28-11.

14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 12-28-10), repealed 8-1-11

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 06-15-11), repealed 6-28-13.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 05-29-13), repealed 05/01/15.

Other History:

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, (filed 7-7-92), replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12-31-98.

14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10-30-98) (that applicable portion) replaced by 14.9.2 NMAC, 2003 New Mexico Mechanical Code, effective 7-1-04.

14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5-27-04) replaced by 14.9.2 NMAC, 2006 New Mexico Mechanical Code, effective 1-1-08.

14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 08-16-07) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 1-28-11.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 12-28-10) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 8-1-11.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 06-15-11) replaced

by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 6-28-13.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 05-29-13) replaced by 14.9.2 NMAC, 2012 New Mexico Mechanical Code, effective 05-01-15.

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

**TITLE 14 HOUSING AND
CONSTRUCTION**

**CHAPTER 9 MECHANICAL
CODES**

**PART 6 2012 NEW MEXICO
SOLAR ENERGY CODE**

14.9.6.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department. [14.9.6.1 NMAC - Rp, 14.9.6.1 NMAC, 05/01/15]

14.9.6.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after May 1, 2015, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.

[14.9.6.2 NMAC - Rp, 14.9.6.2 NMAC, 05/01/15]

14.9.6.3 STATUTORY

AUTHORITY: Section 60-13-9 and 60-13-44 NMSA 1978.

[14.9.6.3 NMAC - Rp, 14.9.6.3 NMAC, 05/01/15]

14.9.6.4 DURATION:

Permanent.

[14.9.6.4 NMAC - Rp, 14.9.6.4 NMAC, 05/01/15]

14.9.6.5 EFFECTIVE DATE:

May 1, 2015, unless a later date is cited at the end of a section.

[14.9.6.5 NMAC - Rp, 14.9.6.5 NMAC, 05/01/15]

14.9.6.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for the construction of all solar energy systems in New Mexico.

[14.9.6.6 NMAC - Rp, 14.9.6.6 NMAC, 05/01/15]

14.9.6.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2012 Uniform Solar Energy Code (USEC) as amended in 14.9.6.10 NMAC.

[14.9.6.7 NMAC - Rp, 14.9.6.7 NMAC, 05/01/15]

14.9.6.8 ADOPTION OF THE 2012 UNIFORM SOLAR ENERGY CODE:

A. This rule adopts by reference the 2012 USEC and all appendices, as amended by this rule.

B. In this rule, the internal numbering of each provision corresponds with the numbering of the 2012 USEC.

C. This rule is to be applied in conjunction with all the other 2009 New Mexico building codes, including the New Mexico plumbing code (NMPC), the New Mexico mechanical code (NMMC) the New Mexico commercial building code (NMCBC), the New Mexico residential building code (NMRBC), and the 2014 New Mexico electrical code (NMEC).
[14.9.6.8 NMAC - Rp, 14.9.6.8 NMAC, 05/01/15]

14.9.6.9 CHAPTER 1 ADMINISTRATION:**A. 101.0 General.****(1) 101.1 Title.**

Delete this section of the USEC and substitute: This code shall be known as the 2009 New Mexico solar energy code (NMSEC).

(2) 101.2 Scope.

Delete this section of the USEC and see 14.9.6.2 NMAC.

(3) 101.3

Purpose. Delete this section of the USEC and substitute: The purpose of this code is to establish minimum standards for all solar energy systems construction in New Mexico.

(4) 101.4

Unconstitutional Delete this section of the USEC and see 14.5.1 NMAC.

(5) 101.5

Validity. Delete this section of the USEC and see 14.5.1 NMAC.

B. 102.0 Applicability.**(1) 102.1**

Conflicts between codes. Delete this section of the USEC and see 14.5.1 NMAC.

(2) 102.2

Existing installation. Delete this section of the USEC.

(3) 102.3

Maintenance. Delete this section of the USEC.

(4) 102.8

Appendices. All appendices in the USEC are specifically adopted except delete sections D2.2 and D2.3 from appendix D.

C. 103.0 Duties and powers of the authority having jurisdiction.

(1) 103.1

General.

(2) 103.2

Liability. Delete this section of the USEC and see the Construction Industries

Licensing Act (CILA) Section 60-13.26.

(3) 103.3

Applications and permits. Delete this section of the USEC and see 14.5.2 NMAC.

(4) 103.4 Right

of entry. Delete this section of the USEC and see CILA section 60-13-42.

D. 104.0 Permits.**(1) 104.1**

Permits required. Delete this section of the USEC and see 14.5.2 NMAC.

(2) 104.2

Exempt work. Delete this section of the USEC and see 14.5.2 NMAC.

(3) 104.3

Application for permit. Delete this section of the USEC and see 14.5.2 NMAC.

(4) 104.4 Permit

issuance. Delete this section of the USEC and see 14.5.2 NMAC.

(5) 104.5 Fees.

Delete this section of the USEC and see 14.5.5 NMAC.

E. 105.0 Inspections and

testing. Delete this section and table 104.5 of the USEC and see 14.5.3 NMAC, except for Subsection **103.5.6 reinspections**, see 14.5.5 NMAC.

F. 106.0 Violations and

Penalties. Delete this section of the USEC and see 14.5.3 NMAC.

G. 107.0 Board of

appeals.

[14.9.6.9 NMAC - Rp, 14.9.6.9 NMAC, 05/01/15]

14.9.6.10 CHAPTER 2

DEFINITIONS: See this chapter of the USEC, except as provided below.

A. 207.0 "E" - Existing

work. Delete the text of definition and see section 102.0 of the Uniform Mechanical Code (UMC).

B. 215.0 "M" -

Mechanical code. Delete the text of this definition and see section 14.5.1 NMAC.

C. 218.0 "P".**(1) Plenum.**

Delete the text of this definition and see the definition of this term in the UMC.

(2) Plumbing

code. Delete the text of this definition and see section 14.5.1 NMAC.

D. 220.0 "R" - Roughing

In. See this definition in the USEC except add "electrical control wiring" after "piping" in the definition.

E. 221.0 "S" - Swimming

pool code. Delete the text of this definition and see section 14.5.1 NMAC.

[14.9.6.10 NMAC - Rp, 14.9.6.10 NMAC, 05/01/15]

14.9.6.11 CHAPTER 3

GENERAL REGULATIONS: See this chapter of the USEC except as follows:

305.1 Dissimilar metals. See this section

of the USEC except delete "of open loop systems" in the last sentence.

[14.9.6.11 NMAC - Rp, 14.9.6.11 NMAC, 05/01/15]

14.9.6.12 CHAPTER 4

PIPING: See this chapter of the USEC

except as follows: **402.1.8 Freeze**

protection. See this section of the USEC

except delete the first sentence and substitute with the following: No solar thermal piping containing heat transfer fluid that is capable of freezing under normal conditions shall be installed or permitted outside of a building or in an exterior wall, unless, where necessary, adequate provisions is made to protect such pipe from freezing.

[14.9.6.12 NMAC - Rp, 14.9.6.12 NMAC, 05/01/15]

14.9.6.13 CHAPTER 5 JOINTS

AND CONNECTIONS: See this chapter of the USEC.

[14.9.6.13 NMAC - Rp, 14.9.6.13 NMAC, 05/01/15]

14.9.6.14 CHAPTER 6

THERMAL STORAGE: See this chapter of the USEC.

[14.9.6.14 NMAC - Rp, 14.9.6.14 NMAC, 05/01/15]

14.9.6.15 CHAPTER 7

COLLECTORS: See this chapter of the USEC.

[14.9.6.15 NMAC - Rp, 14.9.6.15 NMAC, 05/01/15]

14.9.6.16 CHAPTER 8

THERMAL INSULATION: See this chapter of the USEC.

[14.9.6.16 NMAC - Rp, 14.9.6.16 NMAC, 05/01/15]

14.9.6.17 CHAPTER 9

SOLAR THERMAL SYSTEMS FOR A SWIMMING POOL: See this chapter of the USEC.

[14.9.6.17 NMAC - N, 05/01/15]

14.9.6.18 CHAPTER 10

ELECTRICAL: Delete this chapter of the USEC and see 14.10.4 NMAC.

[14.9.6.18 NMAC - Rp, 14.9.6.18 NMAC, 05/01/15]

14.9.6.19 CHAPTER 11

PUMPS. See this chapter of the USEC.

[14.9.6.19 NMAC - N, 05/01/15]

14.9.6.20 CHAPTER 12

REFERENCED STANDARDS: See this chapter of the USEC.

[14.9.6.20 NMAC - N, 05/01/15]

14.9.6.21 APPENDICES: See

this chapter of the USEC, except delete appendix b and appendix c. [14.9.6.21 NMAC - Rp, 14.9.6.20 NMAC, 05/01/15]

HISTORY OF 14.9.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under:
CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2/26/77.
CID MB-80-6, 1979 Uniform Solar Energy Code, 4/24/80.
MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11/4/82.
MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12/23/85.
MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12/15/88.
MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7/28/92.

History of Repealed Material:

14.9.6 NMAC, Housing and Construction, Mechanical Codes, 2006 New Mexico Solar Energy Code (filed 01-24-2008) repealed 11-1-11.
14.9.6 NMAC, Housing and Construction, Mechanical Codes, 2009 New Mexico Solar Energy Code (filed 09-27-2011) repealed 05-1-15.

Other History:

MB-USEC-91-1, 1991 Uniform Solar Energy Code (filed 7/28/92) replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12/31/98.
14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10/30/98) replaced by 14.9.2 NMAC, 2003 New Mexico Mechanical Code, effective 7/1/04.
That applicable portion of 14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5/27/04) replaced by 14.9.6 NMAC, 2006 New Mexico Solar Energy Code, effective 2/24/08.
14.9.6 NMAC, Housing and Construction, Mechanical Codes, 2006 New Mexico Solar Energy Code (filed 1-24-2008) was replaced by 14.9.6 NMAC, Housing and Construction, Mechanical Codes, 2009 New Mexico Solar Energy Code, effective 11-1-11.
14.9.6 NMAC, Housing and Construction, Mechanical Codes, 2009 New Mexico Solar Energy Code (filed 09-27-2011) was replaced by 14.9.6 NMAC, Housing and Construction, Mechanical Codes, 2012 New Mexico Solar Energy Code, effective 05-01-15.

REGULATION AND LICENSING DEPARTMENT BOARD OF DENTAL HEALTH CARE

This is an amendment to 16.5.17 NMAC, Section 12, effective 04-16-15.

16.5.17.12 COLLABORATIVE DENTAL HYGIENE PRACTICE AND LIMITATIONS:

- A.** A dental hygienist in a collaborative practice may perform the procedures in a dental hygienist's scope of practice listed in 16.5.29 NMAC without general supervision while the hygienist is in a cooperative working relationship with a consulting dentist, pursuant to rules promulgated by the board and the committee.
- B.** A collaborative practice dental hygienist may have more than one consulting dentist.
- C.** A dentist shall have a consulting agreement with no more than three collaborative practice dental hygienists. The board may grant exception to this limitation for public health settings on a case-by-case basis.
- D.** The collaborative practice dental hygienist may own and manage a dental hygiene practice, or enter into a contractual arrangement, in any location or setting in New Mexico.
- E.** The committee, through the board, may take any disciplinary action allowed by the Uniform Licensing Act, against a dental hygienist certified in collaborative practice.
- F.** Collaborative dental hygienist can administer local anesthesia under general supervision as defined in 16.5.28.8 NMAC and 16.5.28.12 NMAC.
- G.** A collaborative dental hygienist may assess for pit and fissure sealants without a dentist's evaluation as provided in Subsection D of 16.5.29.8 NMAC.
- H.** A collaborative dental hygienists may prescribe, administer and dispense topically applied fluoride and topically applied antimicrobials as provided for in 16.5.29.11 NMAC.
- I.** Perform dental hygiene focused assessment.
- J.** A collaborative practice dental hygienist shall not:
 - (1)** administer local anesthesia except under the general supervision of a dentist; and only if certified to do so through the committee and ratified by the board;
 - (2)** administer a drug or medication, except those directly indicated as dental topical therapeutic or preventive agents; other therapeutic agents

may only be dispensed if the collaborative practice dental hygienist holds a class C clinic license; any drugs dispensed as a class C clinic (as designated and defined by the New Mexico board of pharmacy) shall be on the specific individual authorization of a dentist:

- (a)** all non-controlled substance medications requiring a prescription or order from the dentist may only be dispensed for immediate use in the collaborative practice dental hygienist office, and only on the specific order or protocol from the consulting dentist; a log of these dispensing shall be kept and a copy of this log shall be sent to the corresponding consulting dentist every six (6) months; collaborative practice dental hygienists may not dispense or administer any controlled substance;
- (b)** prescription drugs, which are kept in bulk at the collaborative practice dental hygienist's office, to be dispensed or used by the collaborative practice dental hygienist as in 16.5.17.12 NMAC, shall be purchased on an order or prescription by a consulting dentist;
- (3)** diagnose dental disease, but may advise the patient of suspected pathology and periodontal status;
- (4)** perform oral hygiene procedures on any patient identified as having a significant health risk from the procedures; unless the patients' current health history has been reviewed by the patient's dentist of record or the consulting dentist; or for patients who reside in residential or long term care facilities, the patient's dentist or physician;
- (5)** perform treatments requiring the diagnosis of a dentist without a prescription/order from the consulting dentist; such treatments include but are not limited to, root planing, sealant application in presence of cavitation, administration of therapeutic agents and other services defined in Section 61-5A-4(B) NMSA 1978 as within the scope of dental hygiene practice but which require a dentists diagnosis;
- (6)** modify the standard collaborative practice protocol without a prescription or order from the consulting dentist;
- (7)** take impressions for bleaching trays, deliver bleaching materials or provide systems of home bleaching, or provide instructions to patients on using bleaching materials unless it is authorized on a case by case basis by prescription from a consulting dentist;
- (8)** provide in office bleaching systems unless under indirect supervision of a consulting dentist.
- K.** Effective July 1, 2015 [a collaborative practice hygienist may own

and manage a dental practice providing:

(1) they possess a current NM dental hygiene license in good standing

(2) they register with the board as a non-dentist owner. No additional license or fee is required for this registration;

(3) they comply with all statutes and rules applying to non-dentist owners in 1978 NMSA, Sections 61-5A-5.1 NMSA and 16.5.9 NMAC.]

a collaborative practice hygienist who owns a dental practice shall register with the board as a non-dentist owner. No additional license or fee is required for this registration.

[2-14-00; 16.5.17.12 NMAC - Rn & A, 16 NMAC 5.17.12, 12-14-00; A, 06-14-01; A, 04-16-08; A, 07-19-10; A, 01-09-12; A, 01-15-15; A, 04-16-15]

REGULATION AND LICENSING DEPARTMENT BOARD OF DENTAL HEALTH CARE

This is an amendment to 16.5.29 NMAC, Section 8, effective 04-16-2015.

16.5.29.8 SCOPE OF PRACTICE: A dental hygienist may perform dental hygiene services as defined in NMSA 1978, Section 61-5A-4 B thru F of the act with the supervision defined. In addition, a licensed hygienist may:

A. prescribe, administer or dispense therapeutic agents as per the formulary as defined in Subsection C of 16.5.29.11 NMAC;

B. function as an expanded function dental auxiliary after passing the certifying exam and completing the apprenticeship accepted by the board;

C. function as a community dental health coordinator after completing a program certified by the board;

D. except in cases where a tooth exhibits cavitation of the enamel surface, assessing without a dentist's evaluation whether the application of pit and fissure sealants is indicated;

E. except in cases where a tooth exhibits cavitation of the enamel surface, applying pit and fissure sealants without mechanical alteration of the tooth;

F. administration of local anesthesia as defined in 16.5.28 NMAC; and

G. such other closely related services as permitted by the rules of the committee and the board.

H. Effective July 1, 2015
[dental hygienists may own and manage a

dental practice provided:

(1) they possess a current NM dental hygiene license in good standing;

(2) they register with the board as a non-dentist owner; no additional license or fee is required for this registration; and

(3) they comply with all statutes and rules applying to non-dentist owners in 1978, Sections 61-5A-5.1 NMSA and 16.5.9 NMAC.] a dental hygienist who owns a dental practice must register as a non-dentist owner. No additional license or fee is required for this registration.

[10-21-70, 5-31-95; 16.5.29.8 NMAC - Rn, 16 NMAC 5.29.8, 04-17-06; A, 01-09-12; A, 12-15-12; A, 01-04-14; A, 01-15-15; A, 04-16-2015]

REGULATION AND LICENSING DEPARTMENT BOARD OF FUNERAL SERVICES

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 64 FUNERAL HOMES AND DISPOSERS PART 13 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

16.64.13.1 ISSUING AGENCY: New Mexico Board of Funeral Services. [16.64.13.1 NMAC - N, 04/30/15]

16.64.13.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans. [16.64.13.2 NMAC - N, 04/30/15]

16.64.13.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Funeral Services Act, NMSA 1978. [16.64.13.3 NMAC - N, 04/30/15]

16.64.13.4 DURATION: Permanent. [16.64.13.4 NMAC - N, 04/30/15]

16.64.13.5 EFFECTIVE DATE: April 30, 2015, unless a later date is cited at the end of a section. [16.64.13.5 NMAC - N, 04/30/15]

16.64.13.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses and veterans. [16.64.13.6 NMAC - N, 04/30/15]

16.64.13.7 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 (2) years immediately preceding the date the person applied for an occupational or professional license pursuant to this section. [16.64.13.7 NMAC - N, 04/30/15]

16.64.13.8 APPLICATION REQUIREMENTS:

A. Applications for registration shall be completed on a form provided by the board.

B. The applicant shall provide:

(1) a completed application and corresponding fee pursuant to 16.64.2.8 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.

C. Electronic signatures will be acceptable for applications submitted pursuant to section 14-16-1 through section 14-16-19 NMSA 1978. [16.64.13.8 NMAC - N, 04/30/15]

16.64.13.9 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 16.64.3 NMAC, requirements for licensure and 16.64.7 NMAC, license renewal.

B. The licensee must submit the following documents at the time of renewal:

(1) A completed license renewal application.

(2) Verification of continuing education.

(3) The applicable renewal fee.

C. Original and renewed registrations shall be valid until June 30 unless renewed. [16.64.13.9 NMAC - N, 04/30/15]

HISTORY OF 16.64.13 NMAC:
[RESERVED]

REGULATION AND LICENSING DEPARTMENT BOARD OF PSYCHOLOGICAL EXAMINERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 22 PSYCHOLOGISTS AND PSYCHOLOGIST ASSOCIATES PART 14 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

16.22.14.1 ISSUING AGENCY: Regulation and Licensing Department Board of Psychologist Examiners. [16.22.14.1 NMAC - N, 04/30/15]

16.22.14.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans. [16.22.14.2 NMAC - N, 04/30/15]

16.22.14.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Professional Psychology Act, NMSA 1978. [16.22.14.3 NMAC - N, 04/30/15]

16.22.14.4 DURATION: Permanent. [16.22.14.4 NMAC - N, 04/30/15]

16.22.14.5 EFFECTIVE DATE: April 30, 2015, unless a later date is cited at the end of a section. [16.22.14.5 NMAC - N, 04/30/15]

16.22.14.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses and veterans. [16.22.14.6 NMAC - N, 04/30/15]

16.22.14.7 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. [16.22.14.7 NMAC - N, 04/30/15]

16.22.14.8 APPLICATION REQUIREMENTS:
A. Applications for registration shall be completed on a form provided by the department.
B. The information shall include:
(1) Completed application and fee.
(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.

C. Electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through Section 14-16-19 NMSA 1978. [16.22.14.8 NMAC - N, 04/30/15]

16.22.14.9 FEES:
A. The fee for application registration is three hundred dollars (\$300.00).
B. The fee for renewal of registration is six hundred dollars (\$600.00). [16.22.14.9 NMAC - N, 04/30/15]

16.22.14.10 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, Articles 2 through 34 NMSA 1978.
B. The licensee must submit the following documents at the time of renewal:

- (1)** official doctoral degree transcripts sent directly from the institution's office of the registrar;
- (2)** license verification from all jurisdictions in which the applicant is or has been granted a psychologist license;
- (3)** three (3) letters of reference dated within the last two (2) years and two (2) of the letters must be from a licensed practicing psychologist familiar with their clinical work, and can attest to their competency and moral character;
- (4)** verification of pre-doctoral internship and supervision as defined in 16.22.6 NMAC; and
- (5)** verification of passing the examination for professional practice in psychologist (EPPP) as defined in 16.22.7.8 NMAC.

C. Licensee must take and pass a jurisprudence examination with a score of seventy-five percent (75%).
D. Prior to the expiration of the license, all licensed psychologists shall apply for registration renewal and shall pay the renewal fee as set forth in 16.22.13 NMAC. [16.22.14.10 NMAC - N, 04/30/15]

HISTORY OF 16.22.14 NMAC:
[RESERVED]

REGULATION AND LICENSING DEPARTMENT BOARD OF PSYCHOLOGICAL EXAMINERS

Explanatory paragraph: This is an amendment to 16.22.1 NMAC, amending Section 7 and adding Section 13, effective 04/30/2015. In 16.22.1.7 NMAC, Paragraphs (1) through (26) of Subsection A and all of Subsection B were not published as there were no changes.

16.22.1.7 DEFINITIONS:
A. As used in these regulations, the following words and phrases have the following meanings, unless the context or intent clearly indicates a different meaning:

(27) "Electronic signatures" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(27) **(28)** "Electronic transmission" means the sending of information through the telephone lines, cable or internet, as in e-mail or facsimile (fax).

(28) **(29)** "Ethno-pharmacology" means the basic and clinical sciences of treatment of specific mental illness with ethnically or culturally appropriate drugs.

(29) **(30)** "Filed with the board" means hand delivered or postal mail received during normal business hours by the board office in Santa Fe, New Mexico.

(30) **(31)** "Geriatric" means all persons 65 years of age and over.

(31) **(32)** "Good cause" means the inability to comply because of illness, undue hardship, or extenuating circumstances that are not willful and are beyond the control of the person asserting good cause. The person

asserting good cause shall have the burden to demonstrate good cause.

~~[(32)]~~ (33)

“Governmental Conduct Act” 10-16-1 thru 10-16-18 NMSA 1978 is the statutory provision which sets forth standards of conduct and ethical principles for public service.

~~[(33)]~~ (34)

“Health care practitioner” means a licensed physician, osteopathic physician or nurse practitioner with independent, licensed prescribing privilege.

~~[(34)]~~ (35)

“Inactive status” means a procedure of the board to affirm that a licensee is not engaged in active practice.

~~[(35)]~~ (36)

“Initial application” means the initial application for licensure filed with the board by an applicant not previously or currently licensed in any jurisdiction.

~~[(36)]~~ (37)

“Inspection of Public Records Act”, 14-2-1 thru 14-2-12 NMSA 1978 is the statutory provision acknowledging the fundamental right of access to public records afforded citizens and media in a democracy, and governing the administration of that right.

~~[(37)]~~ (38)

“Licensed” means licensed or certified, registered, or any other term including temporary, provisional, emergency, unrestricted, active or inactive license or licensure, when such term identifies a person whose professional behavior is subject to regulation by the board by authority of the act.

~~[(38)]~~ (39)

“Licensee” means a psychologist licensed pursuant to the provisions of the act and board regulations.

~~[(39)]~~ (40)

“Licensee in good standing” means a licensed psychologist who is not the subject of a pending investigation, adjudicatory proceeding, or petition on appeal or review, or whose license is not restricted, suspended, or revoked in New Mexico or any other state or licensing jurisdiction.

~~[(40)]~~ (41)

“Medical supervision” means direct oversight of the psychologist trainee’s psychopharmacological practice by a qualified supervising physician approved by the board. Supervision may be on-site or off-site as specified in the rule.

~~[(41)]~~ (42)

“Medical supervisor” means a qualified supervising physician approved by the board.

~~[(42)]~~ (43)

“Member of the family” means a parent, spouse, child, stepchild, grandchild, grandparent, sibling, uncle, aunt, niece or nephew, or other relative by blood, marriage, or legal process with whom the

supervisor or physician supervisor has or has had a close familial relationship.

~~[(43)]~~ (44)

“Member of the household” means residing within the same dwelling unit, either continuously or intermittently, regardless of whether fee or rent is paid or received.

~~[(44)]~~ (45)

“National certification exam” means an examination that evaluates the psychopharmacological knowledge base of the applicant, is developed with the intention to administer it to psychologists seeking certificates or licenses to prescribe psychotropic medication in any state with prescriptive authority for psychologists, and meets standards acceptable to the board and the medical board.

~~[(45)]~~ (46)

“Nationwide 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 criminal justice agencies 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.”

~~[(46)]~~ (47)

“Nationwide criminal history screening” means a criminal history background investigation of an applicant for licensure by examination or endorsement 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.”

~~[(47)]~~ (48)

“New Mexico administrative code” or “NMAC”, Section 14-4-7.2 NMSA 1978 is the official compilation of current rules filed by state agencies in accordance with New Mexico statutes.

~~[(48)]~~ (49)

“New Mexico statutes annotated 1978 or NMSA 1978” is the official compilation of state laws.

~~[(49)]~~ (50)

“Non-licensed person” means a student, an applicant or postdoctoral person working under supervision in order to satisfy licensure requirements in psychology, and employees or staff of a licensed psychologist

~~[(50)]~~ (51)

“Open Meetings Act”, 10-15 NMSA 1978 is the statutory provision requiring that public business be conducted in full public view; providing guidelines governing both public and closed meetings, and regulating the notice, agenda and minutes of such meetings.

~~[(51)]~~ (52)

“Outdated test” means a test for which a revision has been available for three (3) or more years.

~~[(52)]~~ (53)

“Out-of-state psychologist” means a psychologist licensed in another state, a territorial possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or a Canadian province who is in good standing in his or her licensing jurisdiction(s).

~~[(53)]~~ (54)

“Patient” means a person who is treated, examined, assessed, or interviewed by a licensed psychologist or licensed psychologist associate or a non-licensed person working under supervision as provided in these regulations. In the case of minor patients or adult patients who are legally incompetent, the legal guardian shall represent the patient for decision-making purposes, except that the patient shall be directly consulted by the psychologist or psychologist associate for:

(a)

issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships;

(b)

issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship, and

(c)

all matters specifically designated to individuals in the Mental Health and Developmental Disabilities Code (MHDDC), Section 43-1-19 NMSA 1978, and the Children’s Code, Section 32A-1-1 thru 32A-1-20 NMSA 1978.

~~[(54)]~~ (55)

“Physician” means an allopathic or osteopathic physician.

~~[(55)]~~ (56)

“Practice of psychology” means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health, and further means the rendering of such psychological services to individuals, families or groups, regardless of whether payment is received for services rendered. The practice of psychology includes psychological testing or neuropsychological testing and the evaluation or assessment of personal

characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, psychopharmacotherapy, hypnosis, biofeedback, behavior analysis and therapy; diagnosis and treatment of any mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct and the psychological aspects of physical illness, accident, injury and disability, and psycho-educational evaluation, therapy, remediation and consultation.

[(56)] (57)

“Practicum” means a period of supervised clinical training and practice in which specific scientific and clinical techniques and diagnoses are learned.

[(57)] (58)

“Prescribing applicant” means a licensed psychologist who has made application to the board for a conditional prescribing or prescribing certificate.

[(58)] (59)

“Prescribing psychologist” means a licensed psychologist who holds a valid prescription certificate.

[(59)] (60)

“Prescription” means an order given individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, and bearing the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue. No person other than a practitioner shall prescribe or write a prescription.

[(60)] (61)

“Prescription certificate” means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to the act.

[(61)] (62)

“Primary treating health care practitioner” means the health care practitioner who is directly responsible for treating a specific illness or condition of a patient. The primary treating health care practitioner may be a primary care practitioner, or may be a medical specialist.

[(62)] (63)

“Professional relationship” means a mutually agreed-upon relationship between a psychologist and a patient(s) or client(s) for the purpose of the patient(s) or client(s) obtaining the psychologist’s professional services.

[(63)] (64)

“Professional service” means all actions of the psychologist in the context of a professional relationship with a client or patient.

[(64)] (65)

“Properly made application” means a completed form for a psychologist or psychologist associate license filed with the board that is complete in all particulars and appears on its face to satisfy all minimum age, educational, supervision, payment, and other requirements except examination requirements for licensure as required by the act and these regulations.

[(65)] (66)

“Psychologist” means a person who engages in the practice of psychology or holds himself or herself out to the public by any title or description of services representing himself or herself as a psychologist, which incorporates the words “psychological”, “psychologist”, “psychology”, or when a person describes himself or herself as above and, under such title or description offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology to persons for compensation or other personal gain.

[(66)] (67)

“Psychopharmacology” [aka RxP] means the basic and clinical science of drugs used to treat mental illnesses.

[(67)] (68)

“Psychopharmacotherapy” means the application of pharmacotherapeutics to psychological problems. A key principle is the assessment of a patient’s history that helps establish the appropriate role of drug therapy. Essential steps include evaluation, physical assessment, recognizing the disorder, adequate understanding of efficacy safety, pharmaco-kinetics, pharmaco-dynamics and application in the clinical setting.

[(68)] (69)

“Psychotropic medication” means a controlled substance or dangerous drug that may not be dispensed or administered without a prescription, whose indication for use has been approved by the federal food and drug administration for the treatment of mental disorders and is listed as a psychotherapeutic agent in drug facts and comparisons or in the American hospital formulary service.

[(69)] (70)

“Public Health Act”, 24-1-1 thru 24-1-30 NMSA 1978, governs the confidentiality of patient or client record.

[(70)] (71)

“Restricted license” means a psychologist who holds a temporary, provisional, emergency or inactive license.

[(71)] (72)

“Rule” means board regulations.

[(72)] (73)

“Socio-cultural” means aspects of mental illness related to social and cultural mores and traditions of varied social and cultural groups.

[(73)] (74)

“School” means a college or a university or other institution of higher education that is regionally accredited and that offers a full-time graduate course of study in psychology as defined by rule of the board or that is approved the American psychological association.

[(74)] (75)

“Sponsoring psychologist” means a licensed psychologist in New Mexico who agrees to provide adequate oversight of an out-of-state psychologist ordered by a court to perform an independent examination; the sponsoring psychologist remains responsible for the professional conduct of the out-of-state psychologist and the welfare of the patient or client.

[(75)] (76)

“State Rules Act”, Sections 14-4-1 thru 14-4-5 NMSA 1978, is the statutory provision that ensures that state agencies file with the state records center and archives all rules and regulations including amendments or repeals.

[(76)] (77)

“Statute” means a law that governs conduct within its scope. A bill passed by the legislature becomes a statute; and “statutory authority” means the boundaries of the board’s lawful responsibility as laid out by the statute that created it.

[(77)] (78)

“Substantial compliance” means sufficient compliance with the statutes or rules so as to carry out the intent for which the statutes or rules were adopted and in a manner that accomplishes the reasonable objectives of the statutes or rules.

[(78)] (79)

“Supervisee” means any person who functions under the authority of a licensed psychologist to provide psychological services as provided in the act or board regulations.

[(79)] (80)

“Supervisor” means a licensed psychologist who agrees to provide adequate supervision over a student, applicant, employee, staff, or other non-licensed person and who remains ultimately responsible for the professional conduct of the non-licensed person and the welfare of the patient.

[(80)] (81)

“Supervisory plan” means a written document signed by an applicant for psychology license or a conditional prescribing certificate and the supervisor of the applicant that describes the nature of the supervisory relationship including but not limited to the number of hours of supervision, population served, and credentials of supervisor, and is presented to the board for approval.

[(81)] (82)

“Uniform Licensing Act”, Section 61-1-1 thru 61-1-33 NMSA 1978 is the statutory

provision that governs the major duties of the board in areas of:

(a) procedures which must be followed to accord due process to applicants for licensure and to licensees if the board takes action against the licensee for acts of misconduct that would adversely affect public health, safety and welfare, and

(b) rule making procedures that the board shall follow in adopting valid regulations affecting psychologists and psychologist associates.

[~~(82)~~] (83)

“Unrestricted license” means a license in psychology with full privileges and responsibilities as described in these regulations but is renewed annually or biennially. It does not have a limitation of a provisional license, temporary license, emergency license or inactive license as described herein.

[~~(83)~~] (84)

“Year of supervised experience” means 1500 hours of psychological work conducted under supervision satisfactory to the board. The 1500 hours may be accumulated in one or two consecutive calendar years in the case of an internship, three consecutive years in the case of post-doctoral experience, or over the course of graduate training in the case of predoctoral experience.

[~~(84)~~] (85)

“Doctoral training program” means the program from which the applicant received his or her doctoral degree to fulfill the educational requirements for licensure (NMAC).

[16.22.1.7 NMAC - Rp, 16.22.1.7 NMAC, 11/15/06; A, 03/21/09; A, 09/16/10; A, 04/11/12; A, 04/30/15]

16.22.1.13 ELECTRONIC

SIGNATURES: The board will accept electronic signatures on all applications and renewals submitted for professional licensure.

[16.22.1.13 NMAC - N, 04/30/15]

REGULATION AND LICENSING DEPARTMENT BOARD OF PSYCHOLOGICAL EXAMINERS

This is an amendment to 16.22.9 NMAC, amending Sections 8 & 9 and adding Section 12, effective 04/30/2015.

16.22.9.8 REQUIRED HOURS: [CULTURAL COMPETENCE]

A. Purpose. The purpose of continuing professional education (CPE) requirements for psychologists is to ensure that licensees update and advance their skills such that the public shall benefit from the most current and effective standards of professional practice. To further the goal of public benefit, all psychologists are [encouraged] required to fulfill a portion of their [continuing professional education requirements] CPE in the areas of ethics [professional conduct, and treatment and evaluation of culturally diverse populations.] and cultural diversity as related to the profession of psychology.

B. Required hours. The board requires forty (40) hours of CPE for licensed psychologists and psychologist associates during every two (2) years [Credits in category I may be used to fulfill requirements in categories II and III. Credits in category II may be used to fulfill requirements in category III. The board may reject any credit applied for continuing education by a licensee if the licensee has either failed to demonstrate the validity of the continuing education experience to the standards of the board or falsified any information provided to the board regarding the continuing education credit sought. The required hours shall be as follows:

(1) Category I: a minimum of ten (10) hours and a maximum of forty (40) hours;

(2) Category II: a maximum of twenty-five (25) hours;

(3) Category III: a maximum of fifteen (15) hours;

(4) Category IV: a minimum of four (4) hours;

(5) Category V: a minimum of five (5) hours;

(6) it is acceptable for psychologists to obtain different combinations of hours in each category, even to the exclusion of categories II or III, provided that minimum and maximum requirements for the categories are met.

C. Cultural competence. Shall include attention to cultural diversity, as specifically noted in the title, description of objectives, or curriculum of the presentation, symposium, workshop, seminar, or course. The topic of the presentation, symposium, workshop, seminar, or course need not be on cultural competence; however one of the objectives or the description of topics covered must clearly indicate attention to cultural competence, as deemed satisfactory to the board.

(1) Newly licensed psychologists and psychologist associates with restricted and unrestricted licenses shall complete eight (8) CPE credit hours of cultural competence coursework

promulgated by the board one year from the date the license was issued specific to New Mexico cultural diversity.

(2) Psychologists and psychologist associates with restricted and unrestricted licenses shall complete four (4) CPE credit hours of clinical diversity coursework related to population served biennially at the time of license renewal. For conditional prescribing and unrestricted prescribing psychologists the board requires sixty (60) hours of CPE every two (2) years.

C. Program types. CPE credits are divided into two (2) categories depending on the design and approval process for the experience and on the monitoring of the psychologist. Psychologists must obtain at least fifteen (15) of their forty (40) hours every two (2) years in category I, which is the most stringent in terms of presentation standards and monitoring. Any additional hours to complete the forty (40) hour requirement may be from category I or category II.

(1) Cultural Diversity: a minimum of four (4) hours every two (2) years from either category must be in the area of cultural diversity as described in 16.22.9.9 NMAC. At least two (2) hours of cultural diversity CPE must be in the area of ethnic diversity.

(2) Ethics: a minimum of five (5) hours every two (2) years from either category must be in the area of ethics as described in 16.22.9.9 NMAC.

(3) Psychopharmacology or psychopharmacotherapy: for conditional prescribing or unrestricted prescribing psychologists, forty (40) hours every two (2) years out of the sixty (60) hour CPE requirement must be in the area of psychopharmacology or psychopharmacotherapy.

D. Criteria. The board accepts the criteria of the national professional organizations listed in 16.22.9.9 NMAC in accrediting continuing education hours. The following criteria adapted from *Standards and Criteria for Approval of Sponsors of Continuing Education for Psychologists* (American Psychological Association, 2009) shall apply to the board and to New Mexico accrediting organizations when approving continuing education requests.

(1) Sponsors must be prepared to demonstrate that information and programs presented are based on methodical, theoretical, research, or practice knowledge base. This requirement must be met by at least one (1) of the following:

(a) Program content has obtained credibility, as demonstrated by the involvement of the

broader psychological practice, education, and science communities in studying or applying the findings, procedures, practices, or theoretical concepts.

(b)

Program content has been supported using established research procedures and scientific scrutiny.

(c)

Program content has peer reviewed, published support beyond those publications and other types of communications devoted primarily to the promotion of the approach.

(d)

Program content is related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact psychology.

(2) Sponsors

must select instructors with expertise in the program content and who are competent to teach this program content at a level that builds upon a completed doctoral program in psychology.

(3) Sponsors are

required to ensure that instructors, during each CE presentation, include statements that describe the accuracy and utility of the materials presented, the basis of such statements, the limitations of the content being taught and the severe and the most common risks.

(4) Sponsors

must offer program content that builds upon the foundation of a completed doctoral program in psychology.

(5) Sponsors

must be prepared to demonstrate that content is relevant to psychological practice, education, or science.

(6) Sponsors

must clearly describe any commercial support for the CE program, presentation. Or instructor to program participants at the time the CE program begins. Any other relationship that could be reasonably construed as a conflict of interest also must be disclosed.

[16.22.9.8 NMAC - Rp, 16.22.9.9 NMAC, 09/16/10; A, 04/30/15]

16.22.9.9 CPE PROGRAM CATEGORIES:

A. Category I shall consist of formally designed programs presented in a group setting with monitored attendance. The following types of programs qualify as category I:

(1) Formally

organized workshops, seminars, grand rounds or classes aimed at the graduate or professional level which maintain an attendance roster and are approved by or under the auspices of an accredited institution of higher education offering graduate instruction.

(2) Workshops,

seminars, or classes which maintain an

attendance roster and are certified or recognized by [a national or international accrediting organization, including] one of the following organizations:

(a) the

American psychological association;

(b) the

American psychiatric association;

(c) the

American medical association;

(d)

the American association for marriage and family therapy;

(e) the

American counseling association;

(f) the

international congress of psychology;

(g) the

national association of social workers;

(h) the

New Mexico psychological association;

(i)

the national association of school psychologists; or

(j) the

New Mexico state board of psychologist examiners.

(3) Formal

graduate level college or university[~~level~~] courses relevant to scientific or professional psychological activities, including but not limited to neuropsychology, forensic psychology, development, language skills, statistics, and cultural [competence] knowledge, as deemed satisfactory to the board, [in mental health services, will be granted five (5) CPE credit hours for a one-semester credit course and ten (10) CPE credit hours for a three-semester credit course]. Five (5) CPE credits will be granted for each university semester credit listed for the course. Documentation may be provided by college transcript showing credit obtained or letter from the instructor documenting hours of attendance for audited courses.

(4) Participation

in the board will be granted hour-for-hour CPE credit up to twenty (20) hours. These hours satisfy the ethics CPE requirement.

(5) Achieving

advanced certification, diplomate status or specialization in a field of psychology or psychopharmacology may be granted up to fifteen (15) CPE credits if approved by one (1) of the organizations designated in Paragraph (2) of Subsection A of 16.22.9.9 NMAC using their own criteria or the criteria of Paragraph (2) of Subsection D of 16.22.9.8 NMAC.

(6) Online

education qualifies as category I if:

(a) it

meets the above criteria;

(b)

attendance is verified by the instructor's organization, e.g., electronically monitoring

when the learner is online;

(c) a

limit of eleven (11) CPE credits come from online coursework, that is that at least four (4) CPE credits be face-to-face interactions.

B. Category II shall consist

of high quality and relevant experiences outside the format of formal presentations and classes. The following types of programs qualify as category II:

(1) Non-

supervised independent study or home study programs, including online programs, conducted by accrediting agencies listed in Paragraph (2) of Subsection A of 16.22.9.9 NMSA will be granted hour-for-hour CPE credit.

(2) Symposia

or presentations [(except for poster sessions)] at annual conventions of national or regional professional organizations in psychology (for example, American psychological association, and Rocky Mountain psychological association) or a closely related discipline may be claimed for CPE credit. Four (4) hours may be claimed for the first time each scientific or professional presentation was made; two (2) hours may be claimed for a poster session.

(3) Publications

related to the practice of psychology: CPE hours may be claimed for each publication of an article in a professional journal or book chapter authored by the licensee according to author listing:

(a)

eight (8) hours for the first author;

(b) six

(6) hours for the second author;

(c) four

(4) hours for the third author; and

(d) two

(2) hours for any subsequent author.

(4) Books

related to the practice of psychology: [An authored] Authoring or editing a book may be claimed for fifteen (15) hours. [Editorships cannot be considered for CPE credit.]

(5) A presenter

providing continuing education [in psychology or in a related field in this or another state] or teacher of a graduate course that qualifies as a category I program may claim hour per hour credit up to eight (8) CPE credit hours [per year] for the first time the presentation is made [The presentation must be approved by one of the nine organizations listed in Paragraph (2) of Subsection A of 16.22.9.9 NMAC.

C. Category III shall

consist of the following types of programs:

(1) Attendance at symposia

or presentations (except for poster sessions) at annual conventions of national or regional professional organizations in psychology (for example, American

psychological association, Rocky Mountain psychological association) or a closely related discipline for which the licensee documents attendance, title of symposia and presentations, and presenters shall be granted hour-for-hour CPE credit.] or the course is taught. New material in an existing course or program may be claimed hour per hour up to eight (8) hours the first time it is presented.

~~(2)~~ **(6)** Participation in the New Mexico psychological association executive board, or formal offices or committees established by the board, the New Mexico psychological association, the American psychological association, or other professional organizations, if the tasks are clearly related to issues of ethics, professional standards, or practice-related skills shall be granted CPE credit of one (1) hour for every [three (3)] two (2) hours of participation [The licensee must document dates of participation and number of hours of each participation:] up to twenty (20) hours.

~~(D)~~ **C.** [Category IV] Cultural Diversity shall consist of the following types of programs: A course containing attention to cultural diversity, as specifically noted in the title, description of objectives, or curriculum of the presentation, symposium, workshop, seminar, or course. A course in cultural diversity focuses on increasing scientific understanding and training in regard to those aspects that pertain to but are not limited to culture, class, race/ethnicity, gender, sexual orientation, aging and disability. The aim of such courses is the promotion of culturally sensitive models for the delivery of psychological services. The topic of the presentation, symposium, workshop, seminar, or course need not be on cultural [competence] diversity; however one (1) of the objectives or the description of topics covered must clearly indicate attention to cultural [competence] diversity, as deemed satisfactory to the board. Four (4) hours of cultural diversity CPE from either category I or II are required for each two (2) year reporting period.

~~(E)~~ **D.** [Category V] Ethics shall consist of the following types of programs: A course containing attention to the ethics of practice related to psychology. The topic of the presentation, symposium, workshop, seminar, or course need be on ethics and the objectives or the description of topics covered must clearly indicate attention to ethics, as deemed satisfactory to the board. Five (5) hours of ethics CPE from either category I or II are required for each two (2) year period. [16.22.9.9 NMAC - Rp, 16.22.9.8 NMAC, 09/16/10; A, 04/30/15]

16.22.9.12 REQUIREMENTS FOR NEWLY LICENSED INDIVIDUALS:

A. No CPE requirements until first renewal. Individuals licensed for the first time in New Mexico as psychologists or psychologist associates shall renew their license for two (2) years at the first renewal period following the issuing of their license. They shall have no CPE requirement during this initial licensing period from issuance to renewal, but shall complete cultural awareness coursework prior to their first renewal.

B. Cultural awareness coursework. Newly licensed psychologists and psychologist associates with restricted and unrestricted licenses shall complete eight (8) hours of cultural awareness coursework approved by the board prior to their first license renewal. Cultural awareness coursework shall be courses designed to provide knowledge and awareness of the cultures of New Mexico. Course titles and descriptions must make clear a breadth of cultural awareness training and the specific content of New Mexico cultures. [16.22.9.12 NMAC - N, 04/30/15]

REGULATION AND LICENSING DEPARTMENT BOARD OF PSYCHOLOGICAL EXAMINERS

This is an amendment to 16.22.29 NMAC, amending Section 8, effective 04/30/2015.

16.22.29.8 REQUIREMENTS:

~~(A)~~ Conditional prescribing and prescribing psychologists shall complete CPE requirements as specified 16.22.9 NMAC.

~~(B)~~ A conditional prescribing or prescribing psychologist shall complete at least twenty (20) CPE hours in psychopharmacology or psychopharmacotherapy each year. A conditional prescribing or prescribing psychologist shall maintain a complete, accurate, and current record of additional CPE hours earned annually. This record shall include the date, title, sponsor, and program category of each program attended, the number of hours earned, and a certificate or other evidence of attendance or completion provided by the program sponsor. The record shall be available to the board upon request.

~~(C)~~ Psychopharmacology or psychopharmacotherapy CPE hours may be earned in any program category described in 16.22.9 NMAC, of these regulations. The additional CPE hours earned in

categories I and II may be used to fulfill the minimum/maximum number of hours for categories I and II required for license renewal, provided that the minimum/maximum requirements for each category are met as well as the aggregate minimum total number of hours.]

[16.22.29.8 NMAC - Rp, 16.22.29.8 NMAC, 11/15/06; A, 04/30/15]

TAXATION AND REVENUE DEPARTMENT

This is an amendment to 3.6.5 NMAC, Section 36, effective 4/16/15.

3.6.5.36 SPECIAL METHOD OF VALUATION - PROPERTY USED FOR THE GENERATION, TRANSMISSION OR DISTRIBUTION OF ELECTRICAL POWER OR ENERGY

A. ELECTRIC [POWER] PLANT - PROPERTY TO BE VALUED:

(1) Property to be valued as property "used for the generation, transmission or distribution of electrical power or energy" includes property which is used in the conduct of a public utility business and property that is "an electricity generating plant, whether or not owned by a public utility, if all or part of the electricity is generated for ultimate sale to the consuming public".

(2) For purposes of Subsection B of Section 7-36-29 NMSA 1978, "other justifiable factors" for solar energy technologies includes, but is not limited to, the amount of:

(a) federal investment tax credit received by the property owner of the electric plant for the purchase of solar energy technologies; and

(b) federal grants awarded to a property owner under the 1603 Treasury Program in lieu of the federal investment tax credit for solar energy technologies.

B. ELECTRIC [POWER] PLANT - DEPRECIATION:

(1) For calculating depreciation or related accumulated provision for depreciation, straight line depreciation over the useful life of the item of property, as determined by federal or state regulatory agencies having jurisdiction, shall be used.

(2) If the property does not fall under federal or state regulatory agency authority, the division establishes the useful life of the property in accordance with its class life under Section 167 of the Internal Revenue Code and regulations thereunder. The land portion of

the tangible property costs of the plant is the total actual costs of acquisition of the land as of January 1 of the tax year in which the property is valued.

C. ELECTRIC

[POWER] PLANT - CONSTRUCTION

WORK IN PROGRESS: "Construction work in progress" as that phrase is defined in Paragraph (3) of Subsection B of Section 7-36-29 NMSA 1978 is valued in accordance with the valuation method stated in Subsection D of Section 7-36-29 NMSA 1978. Those persons who maintain their records in accordance with a uniform system of accounts approved by state or federal regulatory agencies may use the amount entered on those accounts as construction work in progress as of December 31 of the preceding calendar year as the value of construction work in progress, provided that account is limited to work orders for "electric plant" as defined in Paragraph (2) of Subsection B of Section 7-36-29 NMSA 1978 and Section 3.6.5.36 NMAC.

D. ELECTRIC

[POWER] PLANT - GENERAL BUILDINGS AND IMPROVEMENTS - LAND:

(1) "General buildings and improvements" defined in Paragraph (2) of Subsection B of Section 7-36-29 NMSA 1978 are valued in accordance with the method stated in Section 7-36-15 NMSA 1978, and regulations thereunder.

(2) Land used in the conduct of a public utility business or which is a part of an electricity generating plant, whether or not owned by a public utility, if all or part of the electricity is generated for ultimate sale to the consuming public, is valued in accordance with the valuation methods stated in Section 7-36-15 NMSA 1978, and regulations thereunder.

[3/23/83, 12/29/94, 8/31/96; 3.6.5.36 NMAC - Rn & A, 3 NMAC 6.5.36, 4/30/01; A, 4/16/15]

End of Adopted Rules Section

Other Material Related to Administrative Law

**HUMAN SERVICES
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

The Human Services Department (the Department), Medical Assistance Division (MAD), is withdrawing its Notice of Rulemaking for amending 8.295.400.12 New Mexico Administrative Code (NMAC) published in New Mexico Register Volume XXV, Number 24, December 31, 2014. The Department anticipates re-promulgating 8.295.400.12 NMAC at a later date which is currently unspecified. The Department will issue a new Notice of Rulemaking at that time with specific information on how to provide public comments, including the opportunity to provide public testimony at the rule's hearing. Comments received during the previous public comment period were archived by the Department and are being reviewed for potential incorporation for the next rule promulgation.

**HUMAN SERVICES
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

The Human Services Department (the Department), Medical Assistance Division (MAD), is withdrawing its Notice of Rulemaking for amending 8.206.400 New Mexico Administrative Code (NMAC) published in New Mexico Register Volume XXVI, Number 6, March 31, 2015. The Department anticipates re-promulgating 8.206.400 NMAC at a later date which is currently unspecified. The Department will issue a new Notice of Rulemaking at that time with specific information on how to provide public comments, including the opportunity to provide public testimony at the rule's hearing. Comments received during the previous public comment period were archived by the Department and are being reviewed for potential incorporation for the next rule promulgation.

**End of Other Related Material
Section**

New Mexico Register
Submittal Deadlines and Publication Dates
Volume XXVI, Issues 1-24
2015

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

The New Mexico Register is available free online at <http://www.nmcpr.state.nm.us/nmregister>.
For further information, call 505-476-7942