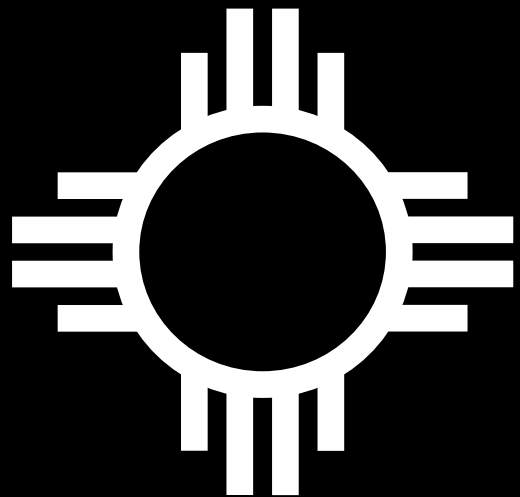


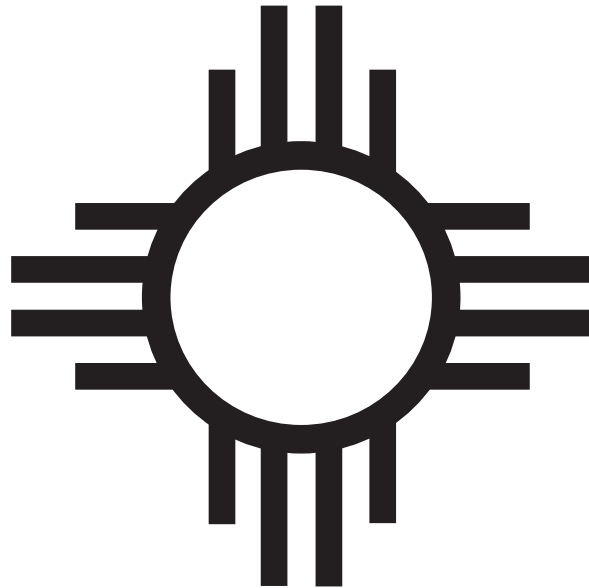
**NEW
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REGISTER**



Volume XXVI
Issue Number 20
October 29, 2015

New Mexico Register

**Volume XXVI, Issue 20
October 29, 2015**



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

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Administrative Law Division
Santa Fe, New Mexico
2015

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New Mexico Register

Volume XXVI, Issue 20

October 29, 2015

Table of Contents

Notices of Rulemaking and Proposed Rules

Finance and Administration, Department of	
Notice of Proposed Rulemaking.....	916
Human Services Department	
Income Support Division	
Notice of Public Hearing.....	916
Public Education Department	
Notice of Proposed Rulemaking.....	916
Public School Capital Outlay Council	
Notice of Proposed Rulemaking and Public Hearing.....	917
Regulation and Licensing Department	
Body Art Practitioners, Board of	
Public Rule Hearing and Regular Board Meeting.....	917
State Game Commission	
Commission Meeting and Rule Making Notice.....	917

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

Human Services Department	
Medical Assistance Division	
8.200.410 NMAC	
A	
General Recipient Requirements.....	920

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Notices of Rulemaking and Proposed Rules

DEPARTMENT OF FINANCE AND ADMINISTRATION

Notice of Proposed Rulemaking

The Department of Finance and Administration is in the process of introducing a new rule: *Approval of Refunding Bonds* (2.61.8 NMAC). Copies of the proposed new rule are available in room 180, Bataan Memorial Building, Santa Fe, NM and on the Department of Finance and Administration website, http://nmdfa.state.nm.us/Office_of_the_Secretary_2.aspx. The Department will consider adopting the proposed new rule at a public hearing on December 7, 2015, which will take place at 1:00 p.m. in the Old Senate Chambers, also known as the "Red Room," on the second floor of the Bataan Memorial Building, 407 Galisteo Street, Santa Fe, NM 87501. Please mail or deliver written comments on the proposed new rule to: Stephanie Schardin Clarke, Deputy Cabinet Secretary, Department of Finance and Administration, 180 Bataan Memorial Building, 407 Galisteo Street, Santa Fe, NM 87501, or by email at Stephanie.Schardin@state.nm.us by November 30, 2015.

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 public hearing, please contact Ms. Clarke at least one week prior to the public hearing or as soon as possible. Public documents can be provided in various accessible formats. Please contact Ms. Clarke at 505-827-3930 or Stephanie.Schardin@state.nm.us if a summary or other type of accessible format is needed.

HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

Notice of Public Hearing

The New Mexico Human Services Department (HSD) will hold a public hearing to allow comment on the proposed amendment of the Supplemental Nutrition Assistance Program (SNAP) regulations. The hearing will be held on Monday,

December 7, 2015 from 1:30 p.m. to 4:00 p.m., at the Department of Health (DOH) Harold Runnels Building Auditorium, 1190 St. Francis Drive, Santa Fe, NM.

The Department is amending rules issued with Human Services Register (HSR) Vol. 38 No. 26 regulations to the Supplemental Nutrition Assistance Program (SNAP), Employment and Training (E&T) Program. The Department is amending 8.139.410.12 and 8.139.410.14 New Mexico Administrative Code (NMAC) for public input. The following is a summary of the proposed amendments:

- Defining the populations in the E&T Program.
- Providing further clarification of effective dates of mandatory E&T participants not subject to three month time limit.
- Clarifying how a participant registers for work.
- Clarification of mandatory E&T Program participation, waivers, exemptions.
- Amendment of examples of Good Cause.
- Amending sections within the rule clarifying responsibilities of both the Department and the participant.
- Providing clarification in regards to E&T components and activity requirements.
- Amending subsections of 8.139.410.12 and 14 NMAC that were not part of the initial proposal of HSR Vol. 38 No. 13. Revising sections of the rule by referring to Code of Federal Regulations 7.273.7 and 273.24 for clarity and alignment with Federal rules and regulations that administer the E&T Program located at http://www.ecfr.gov/cgi-bin/text-idx?SID=f7a89add9d1e5f5ef4cf5e257c440c6c&mc=true&tpl=/ecfrbrowse/Title07/7cfr273_main_02.tpl.

The Human Services Register outlining the amendments is available on the HSD's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>. The corresponding state Plan can be found at <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>. Individuals wishing to testify or to request a copy of the proposed regulation should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, New Mexico 87504-2348, or by calling 505-827-7250.

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

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 4:00 pm on the date of the hearing, December 7, 2015. Please send comments to:

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

You may send comments electronically to: HSD-isdrules@state.nm.us

PUBLIC EDUCATION DEPARTMENT

Notice of Proposed Rulemaking

The Public Education Department ("Department") hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, on Tuesday, December 1, 2015 from 1:00 p.m. to 3:00 p.m. The purpose of the public hearing will be to obtain input on the following proposed rulemaking:

6.61.8 NMAC LICENSURE IN
EARLY CHILDHOOD EDUCATION,
BIRTH - GRADE 3

Replace rule (Replaces 6.61.8 NMAC
which expired on 06/30/14)

6.63.8 NMAC LICENSURE IN
ATHLETIC COACHING, 7-12
Amend rule

6.63.12 NMAC SCHOOL BUSINESS
OFFICIAL LICENSURE
Amend rule

Interested individuals may provide comments at the public hearing and/or submit written comments to Seana Flanagan, Assistant Director, Educator Quality Division, via email at rule.

feedback@state.nm.us, fax (505) 827-4148, or directed to Seana Flanagan, Assistant Director, Educator Quality Division, Jerry Apodaca Public Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501. 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://ped.state.nm.us/>) under the “Public Notices” link, or obtained from Ms. Flanagan at (505) 827-6503.

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 Ms. Flanagan at (505) 827-6503 as soon as possible. The NMPED requires at least ten (10) days advance notice to provide requested special accommodations.

**PUBLIC SCHOOL
CAPITAL OUTLAY
COUNCIL**

**Notice of Proposed Rulemaking and
Public Hearing**

The Public School Capital Outlay Council (“Council”) is scheduled to consider the following rulemaking actions: 6.27.3 (APPLICATION AND GRANT ASSISTANCE PROCEDURES AND REQUIREMENTS RELATING TO PREVENTIVE MAINTENANCE PLANS) – Amend Rule.

There will be a public hearing regarding the proposed amendments on Friday, November 6, 2015 from 9:00am-11:00am at the University of New Mexico, Science and Technology Park Auditorium, 800 Bradbury SE, Albuquerque, New Mexico. The proposed rules are posted on the Public School Facilities Authority’s website at www.nmpsfa.org and have been disseminated to public school districts, charter schools, and other interested parties. Copies may also be obtained by contacting Casandra Cano, Public School Facilities Authority, 1312 Basehart SE, Suite 200, Albuquerque, NM, 87106 ((505) 843-6272); ccano@nmpsfa.org. Written comments regarding the proposed rulemaking should be submitted to Ms. Cano at the addresses

shown above. Comments may also be telefaxed to Ms. Cano at (505) 843-9681. Written comments must be submitted no later than 5:00 p.m. on Thursday, November 5, 2015; however, submission of written comments as soon as possible is encouraged.

The Council will act on the proposed rules at its December 14, 2015 meeting. Notice of any changes regarding the date, time, and location of the Public School Capital Outlay Council meeting will be provided in accordance with the Council’s open meetings policy. The agenda will be electronically mailed to public school districts and charter schools.

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 Casandra Cano at (505) 843-6272 by October 30, 2015. Public documents, including the agenda and minutes, can be provided in various accessible forms.

**REGULATION
AND LICENSING
DEPARTMENT
BOARD OF BODY ART
PRACTITIONERS**

**Public Rule Hearing and Regular
Board Meeting**

Notice is hereby given that the New Mexico Board of Body Art Practitioners will hold a Rule Hearing on Monday, December 14, 2015. Following the Rule Hearing the New Mexico Board of Body Art Practitioners convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Body Art Practitioners Rule Hearing will begin at 8:00 a.m. and the Regular Board Meeting will convene following the rule hearing. The meetings will be held at the Regulation and Licensing Department, 5500 San Antonio Drive NE, Albuquerque, NM 87109.

The purpose of the rule hearing is to consider adoption of proposed amendments, to the following Board Rules and Regulations in 16.36.1 NMAC - General Provisions, 16.36.2 NMAC - Licensure Requirements, 16.36.3 NMAC - Requirements for Establishments, 16.36.4 NMAC - Enforcement, Complaints and Disciplinary Action, 16.36.5 NMAC

- Standard of Practice, 16.36.6 NMAC - Fees.

You can contact the Board Office at the Toney Anaya Building located at 2550 Cerrillos Road in Santa Fe, New Mexico 87505, call (505) 476-4622 or email nmbody.art@state.nm.us to obtain copies of the proposed rules. In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comment regarding the proposed rules must present them to the Board Office in writing **no later than November 27, 2015**. Persons wishing to present their comments at the hearing will need seven (7) 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) 476-4622 at least two weeks prior to the meeting or as soon as possible.

**STATE GAME
COMMISSION**

**Commission Meeting and Rule Making
Notice**

On Thursday, November 19, 2015, beginning at 9:00 a.m., at the New Mexico Military Institute Pearson Auditorium, located at 101 West College Boulevard, Roswell, NM, the State Game Commission will meet in public session to hear and consider action as appropriate on the following: Turner Endangered Species Fund Appeals of the Denial of Applications to Import and Possess Mexican Gray Wolves, Renewal Request from Vermejo Ranch to Import and Possess Black Footed Ferrets, Proposed State Land Easement Agreement 2016 Season, Revocations, Request to Recognize Sportsmen for Fish and Wildlife New Mexico as a Qualified Non-profit to Receive or Submit Youth Recipients for Donated Licenses or Permits, Final Proposed Adoption of Amendments to the Oryx and Pronghorn Rules Regarding Hunt Date Conflicts on White Sands Missile Range (19.31.15 NMAC and 19.31.12 NMAC), Final Proposed Amendments to the Fisheries Rule (19.31.4 NMAC) for Designation of Special Trout Waters on the Valles

Caldera National Preserve, Special Hunt Draw Deadlines for the 2016-2017 Season, Gaining Access into Nature (GAIN) Proposed Rule Revision (19.34.3 NMAC), Proposed Amendments to the Aquatic Invasive Species Rule (19.30.14 NMAC), Bosque Bird Dog Farm Shooting Preserve Application, Hunter Education Update, Bluewater Lake Management Strategy Update, Commission Approval of the State Wildlife Action Plan (SWAP), Proposed Amendments to Hunting and Fishing License Application Rule (19.31.3 NMAC), and Closed Executive Session.

Obtain a copy of the agenda from the Office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504, or from the Department's website. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

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 or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

**End of Notices of
Rulemaking and
Proposed Rules**

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Adopted Rules

Effective Date and Validity of Rule Filings

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

**HUMAN SERVICES
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

This is an amendment to 8.200.410, Section 15, effective 11/1/2015.

8.200.410.15 INMATE IN A PUBLIC INSTITUTION:

A. [An applicant or a recipient who is an inmate of a public institution is not medicaid or medical assistance program eligible. A public institution is an institution which is the responsibility of a governmental unit of which a governmental unit exercises administrative control:

B. Public institutions include jails, prisons, detention centers, diagnostic holding centers, the New Mexico boys and girls schools, "wilderness camps", or halfway houses and reintegration centers which are not certified to furnish medical care:

C. An individual is not considered to be an inmate of an institution if he or she is placed in a detention center for a temporary period pending other arrangements appropriate to his or her needs. For purposes of medicaid eligibility, an individual who is placed in a detention center is considered temporarily absent from the home, up to the 60th day or once adjudicated, whichever first occurs.] A public institution is a:

- (1) state and private correctional facility;
- (2) county and privately operated jail;
- (3) department of health behavioral health facility forensic unit;
- (4) detention facility operated under the authority of CYFD; or
- (5) facility that is operated under the authority of CYFD that provides for the care and rehabilitation of an individual who is under 18 years of age and who has committed an act that would be designated as a crime under the law if

committed by an individual who is 18 years of age or older.

B. An inmate is a person incarcerated in a public institution listed in Subsection A of 8.200.410.15 NMAC for 30 or more days.

C. An inmate who is incarcerated in a public institution is not eligible for MAP services. The only exception are those services provided to an inmate while he or she is an inpatient in a medical facility outside the public institution for 24 hours or longer.

D. Incarceration in a public institution is not a basis for denying or terminating a MAP category of eligibility. During the time of incarceration an inmate may apply or recertify for a MAP category of eligibility. [8.200.410.15 NMAC - Rp, 8.200.410.15 NMAC, 1-1-14; A, 11-1-15]

End of Adopted Rules

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Volume XXVII, Issues 1-19, 2016

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Issue 3	February 1	February 12
Issue 4	February 15	February 29
Issue 5	March 1	March 15
Issue 6	March 16	March 31
Issue 7	April 1	April 15
Issue 8	April 18	April 30
Issue 9	May 2	May 13
Issue 10	May 16	May 31
Issue 11	June 1	June 15
Issue 12	June 16	June 30
Issue 13	July 1	July 15
Issue 14	July 18	July 29
Issue 15	August 1	August 15
Issue 16	August 16	August 31
Issue 17	September 1	September 15
Issue 18	September 16	September 30
Issue 19	October 3	October 14

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