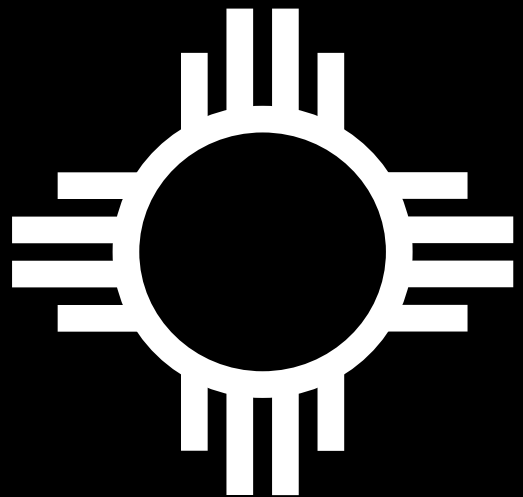


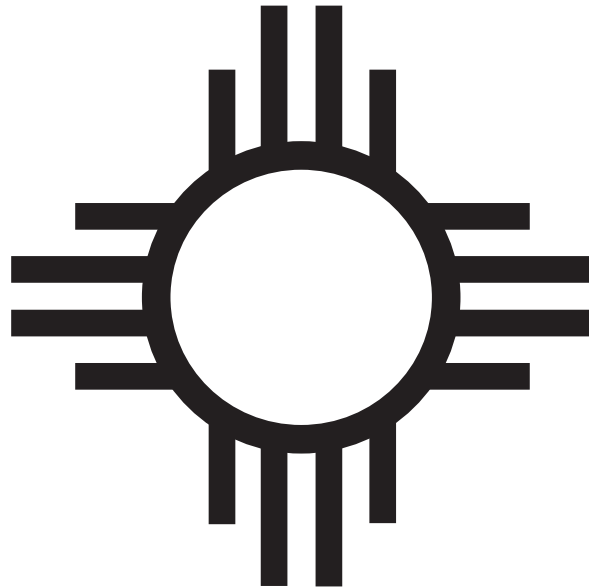
**NEW
MEXICO
REGISTER**



Volume XXVI
Issue Number 21
November 16, 2015

New Mexico Register

**Volume XXVI, Issue 21
November 16, 2015**



The official publication for all notices of rulemaking
and filing 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 21

November 16, 2015

Table of Contents

Notices of Rulemaking and Proposed Rules

Human Services Department

Medical Assistance Division

Notice of Public Hearing.....921

Regulation and Licensing Department

Osteopathic Medical Examiners, Board of

Public Rule Hearing and Regular Board Meeting.....921

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

Human Services Department

Medical Assistance Division

8.291.430 NMAC R Financial Responsibility Requirements.....923

8.291.430 NMAC N Financial Responsibility Requirements.....923

Water Quality Control Commission

20.27.5 NMAC R Wastewater Facility Construction Loans.....926

20.27.5 NMAC N Wastewater Facility Construction Loans (*synopsis*).....926

Other Material Related to Administrative Law

Human Services Department

Income Support Division

Notice of Public Comment.....928

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

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

Notice of Public Hearing

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing a new service: 8.310.10 Health Homes CareLink NM to the New Mexico Administrative Code (NMAC). This register and the proposed rule are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and 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 register and rule may be requested by contacting MAD outside of Santa Fe at 505-888-997-2583 extension 7-6252 or 505-827-6252.

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing new services: 8.310.10 Health Home Services (CareLink NM) to be included as part of the New Mexico Administrative Code (NMAC). CareLink NM services to an eligible recipient are to enhance the integration and the coordination of primary, acute, behavioral health, and long-term services and supports. The CareLink NM provider agency assists an eligible recipient by engaging him or her in comprehensive needs assessments which are then utilized to develop his or her integrated service plan and individual treatment plans; increasing his or her access to health education and promotion activities; monitoring the eligible recipient's treatment outcomes and utilization of resources; coordinating appointments with the eligible recipient's primary care and specialty practitioners; sharing information among his or her physical and behavioral practitioners to reduce the duplication of services; actively managing the eligible recipient's transitions between services; and participating as appropriate in the development of the eligible recipient's hospital discharge.

Section 10 Eligible Providers and Practitioners:

HSD proposes to allow a provider agency who has been certified to render Comprehensive Community Support

Services (CCSS) to apply for a CareLink NM designation. The provider agency must complete a readiness assessment and be approved by the CareLink NM Steering Committee.

HSD proposes to initially limit CareLink NM to provider agencies based in either San Juan or Curry counties which provide CCSS to members of those counties. The rationale to limit provider enrollment at this time is to work through the organizational and implementation challenges of launching a new service. HSD anticipates expansion to other counties and/or tribal nations of CareLink NM services as the program develops.

Section 12 Identified Population:

HSD proposes to provide CareLink NM services to two of the most vulnerable populations: eligible recipients meeting the criteria for serious mental illness (SMI) or severe emotional disturbance (SED). These populations historically utilize hospital emergency departments as well as public institutions to have their physical and behavioral health care needs addressed on a short-term basis.

Section 13 Covered Services:

CareLink NM will cover services in five categories:

- A. Comprehensive care management.
- B. Care coordination and health promotion.
- C. Comprehensive transitional care.
- D. Individual eligible recipient and family support services.
- E. Referrals for the eligible recipient to community and social support services.

Section 14 Noncovered Services:

A. CareLink NM services rendered during an eligible recipient's stay in an acute care or freestanding psychiatric hospital and a residential treatment facility (not to include foster care and treatment foster care placements), except when part of the eligible recipient's transition plan, are not covered services.

B. Services which duplicate other MAD services, including care coordination activities that the Managed Care Organization has not delegated to the provider agency, are not covered services.

A public hearing to receive testimony on this proposed rule will be held in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico December 16, 2015 from 10 a.m. to 12 p.m., Mountain Standard Time (MST).

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD toll-free at 1-888-997-2583 and ask for extension 7-6252. In Santa Fe call 827-6252. 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 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. Interested persons may address written comments to: Human Services Department Office of the Secretary ATTN: Medical Assistance Division Public Comments P.O. Box 2348 Santa Fe, New Mexico 87504-2348 Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MST on December 16, 2015. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

REGULATION AND LICENSING DEPARTMENT OSTEOPATHIC MEDICAL EXAMINERS, BOARD OF

Public Rule Hearing and Regular Board Meeting

The New Mexico Board of Osteopathic Medical Examiners will hold a Rule Hearing on Friday, December 18, 2015. Following the Rule Hearing the New Mexico Board of Osteopathic Medical Examiners will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Osteopathic Medical Examiners Rule Hearing will begin at 10:00 a.m. and the Regular Meeting will convene following the rule hearing. The meetings will be held in the Rio Grande Room at the

Regulation and Licensing Department,
Toney Anaya Building located at the, 2550
Cerrillos Road in Santa Fe, New Mexico.

The purpose of the rule hearing is to
consider adopting a new part to the Board
Rules in 16.17 NMAC. The New Part is
16.17.9 NMAC: Physicians Supervising
Pharmacist Clinicians.

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, or call (505)476-
4622 after November 18, 2015 or from
the Board's website: <http://www.rld.state.nm.us/boards/> . In order for the Board
members to review the comments in their
meeting packets prior to the meeting,
persons wishing to make comments
regarding the proposed rules must present
them to the Board Office in writing no
later than December 3, 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)
476-4622 at least two weeks prior to the
meeting or as soon as possible.

Gabriella Romero, Administrator
PO Box 25101, Santa Fe, NM 87505

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

Adopted Rules

Effective Date and Validity of Rule Filings

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

**HUMAN SERVICES
DEPARTMENT**

MEDICAL ASSISTANCE DIVISION

The Human Services Department approved, at its 09/14/2015 hearing, to repeal its rule 8.291.430 NMAC, Financial Responsibility Requirements (filed 12/17/2013) and replace it with 8.291.430 NMAC, Financial Responsibility Requirements, effective 11/16/2015.

**HUMAN SERVICES
DEPARTMENT**

MEDICAL ASSISTANCE DIVISION

**TITLE 8 SOCIAL SERVICES
CHAPTER 291 MEDICAID
ELIGIBILITY - AFFORDABLE CARE
PART 430 FINANCIAL
RESPONSIBILITY REQUIREMENTS**

8.291.430.1 ISSUING AGENCY:
New Mexico Human Services Department (HSD).
[8.291.430.1 NMAC - Rp, 8.291.430.1 NMAC, 11-16-15]

8.291.430.2 SCOPE: The rule applies to the general public.
[8.291.430.2 NMAC - Rp, 8.291.430.2 NMAC, 11-16-15]

8.291.430.3 STATUTORY AUTHORITY: The New Mexico medicaid program and other health care programs are administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by state statute. See Section 27-1-12 NMSA et seq.
[8.291.430.3 NMAC - Rp, 8.291.430.3 NMAC, 11-16-15]

8.291.430.4 DURATION:
Permanent.
[8.291.430.4 NMAC - Rp, 8.291.430.4 NMAC, 11-16-15]

8.291.430.5 EFFECTIVE DATE:
November 16, 2015, unless a later date is cited at the end of a section.

[8.291.430.5 NMAC - Rp, 8.291.430.5 NMAC, 11-16-15]

8.291.430.6 OBJECTIVE: The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs. Processes for establishing and maintaining a medical assistance programs (MAP) category of the affordable care eligibility are detailed in the 8.291.400 through 8.291.430 NMAC.
[8.291.430.6 NMAC - Rp, 8.291.430.6 NMAC, 11-16-15]

8.291.430.7 DEFINITIONS:
Refer to 8.291.400 NMAC for detailed descriptions.
[8.291.430.7 NMAC - Rp, 8.291.430.7 NMAC, 11-16-15]

8.291.430.8 MISSION: To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.
[8.291.430.8 NMAC - Rp, 8.291.430.8 NMAC, 11-16-15]

8.291.430.9 GENERAL NEED DETERMINATION: To be eligible for a MAP category of eligibility, an applicant or a recipient must meet specific income standards.
[8.291.430.9 NMAC - Rp, 8.291.430.9 NMAC, 11-16-15]

Continued On Next Page

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 MAP categories of eligibility outlined in 8.291.400.10 NMAC:

HOUSEHOLD SIZE	100%	133%	138%	190%	240%	250%	300%
1	\$981	\$1,305	\$1,354	\$1,864	\$2,354	\$2,453	\$2,943
2	\$1,328	\$1,766	\$1,832	\$2,523	\$3,186	\$3,319	\$3,989
3	\$1,675	\$2,227	\$2,311	\$3,181	\$4,019	\$4,186	\$5,023
4	\$2,021	\$2,688	\$2,789	\$3,840	\$4,850	\$5,053	\$6,063
5	\$2,368	\$3,149	\$3,268	\$4,499	\$5,682	\$5,919	\$7,103
6	\$2,715	\$3,610	\$3,746	\$5,157	\$6,515	\$6,786	\$8,143
7	\$3,061	\$4,071	\$4,224	\$5,816	\$7,346	\$7,653	\$9,183
8	\$3,408	\$4,532	\$4,703	\$6,475	\$8,178	\$8,519	\$10,223
+1	\$347	\$461	\$479	\$659	\$832	\$866	\$1,040

[8.291.430.10 NMAC - Rp, 8.291.430.10 NMAC, 11-16-15]

8.291.430.11 INCOME STANDARD FOR PREGNANT WOMEN AND PARENT CARETAKER ELIGIBILITY: This part contains the MAP category of pregnant women and parent caretaker eligibility’s fixed monthly standard for an applicant or recipient:

HOUSEHOLD SIZE	MONTHLY INCOME LIMIT
1	\$451
2	\$608
3	\$765
4	\$923
5	\$1,080
6	\$1,238
7	\$1,395
8	\$1,553
+1	\$158

[8.291.430.11 NMAC - Rp, 8.291.430.11 NMAC, 11-16-15]

8.291.430.12 INCOME DISREGARD: A disregard of five percent of 100 percent of the current FPL, according to the applicant’s or recipient’s budget group size, will be given according to the Affordable Care Act (ACA) related category of eligibility. This income disregard will be subtracted from the countable income.
[8.291.430.12 NMAC - Rp, 8.291.430.12 NMAC, 11-16-15]

8.291.430.13 LIVING ARRANGEMENT: All individuals listed on the MAP application are evaluated according to their living arrangement to determine if they can be included in an assistance group or budget group.

- A.** Extended living in the home: An individual physically absent from the home is a member of the assistance unit or budget group. Extended living in the home includes:
- (1) attending college or boarding school;
 - (2) receiving

- treatment in a title XIX MAD enrolled facility (including institutionalized when meeting a nursing facility (NF) level of care (LOC) and intermediate care facilities for the mentally retarded (ICF-MRs);
- (3) emergency absences: an applicant or recipient absent from the home due to an emergency, who is expected to return to the household, continues to be a member of the household;
- (4) foster care placements: a minor applicant or minor recipient removed from the home by a child protective services agency (tribal, bureau of Indian affairs, or children, youth and families department) will be considered to be living in the home until the adjudicatory hearing; if the adjudicatory hearing results in custody being granted to some other entity, the minor applicant or minor recipient will be removed from the assistance unit and budget group;
- (5) inmate of a public institution:

- see 8.200.410.15 NMAC for the definition of a public institution and an inmate of a public institution;
- (b) an inmate of a public institution is included in the household with other mandatory household members if he or she is expected to file a tax return or be claimed as a tax dependent; see 8.291.430.14 NMAC;
- (c) an inmate of a public institution is not included in the household if he or she neither files a tax return nor is claimed as a tax dependent which requires that mandatory household members be living together; see 8.291.430.14 NMAC.
- B.** Extended living in the home also includes:
 - (1) residential treatment centers;
 - (2) group homes; and
 - (3) free-standing psychiatric hospitals.
- C.** Living in the home with a parent caretaker: To be included

in the assistance unit, a minor applicant or minor recipient must be living, or considered to be living, in the home of:

(1) a biological or adoptive or step parent (there is a presumption that a child born to a married woman is the child of the husband); or

(2) a specified relative who:

(a) is related within the fifth degree of relationship by blood, marriage or adoption, as determined by New Mexico statute Chapter 45 - Uniform Probate Code; a relationship based upon marriage, such as "in-law" or "step" relationships, continues to exist following the dissolution of the marriage by divorce or death; and

(b) assumes responsibility for the day-to-day care and control of the minor applicant or minor recipient; the determination of whether an individual functions as the specified relative shall be made by the specified relative unless other information known to the worker clearly indicates otherwise;

(3) a minor applicant or minor recipient considered to be living in the home: a minor applicant or minor recipient is considered to be part of the assistance unit and budget group as evidenced by the minor applicant's or minor recipient's customary physical presence in the home; if a he or she is living in more than one household, the following applies:

(a) the custodial parent is the parent with whom the minor applicant or minor recipient lives the greater number of nights; or

(b) if the minor applicant or minor recipient spends equal amounts of time with each household, the minor applicant or minor recipient shall be considered to be living in the household of the parent with the higher modified adjusted gross income (MAGI).

D. For individuals for whom the state must complete a determination of income either based on MAGI or for MAGI-excepted groups:

(1) MAD recognizes same-sex couples as spouses, if they are legally married under the laws of the state, territory, or foreign jurisdiction in which the marriage was celebrated; and

(2) for an applicant or recipient whose MAP category of eligibility is based on the eligibility for any other HSD benefit

program and for which income is not used in the eligibility determination, the applicant's or recipient's marital status will not be used in making the eligibility determination; the applicant's or recipient's MAP category of eligibility will continue to be based on the determination of eligibility of the other HSD applicable benefits.

[8.291.430.13 NMAC - Rp, 8.291.430.13 NMAC, 11-16-15]

8.291.430.14 BASIS FOR DEFINING THE ASSISTANCE UNIT AND BUDGET GROUPS:

At the time of a MAP application, an applicant or recipient and ISD shall identify everyone who is to be considered for inclusion in an assistance unit and budget group. The composition of the assistance unit and budget group is based on the following factors:

A. Assistance group: the assistance unit includes an applicant or recipient who applies and who is determined to meet a MAP category of eligibility found in 8.291.430.10 NMAC.

B. Budget group: the budget group consists of the following types and will be established on an individual basis:

(1) tax filers and dependents: households that submit a MAP application where an applicant or a recipient intends to file for federal taxes or will be claimed as a dependent on federal income taxes for the current year:

(a) the budget group will consist of applicants or recipients who are listed on the MAP application as the taxpayer and tax dependents;

(b) if there are multiple taxpayers listed on a single MAP application, the budget group(s) will be established based on who the taxpayer intends to claim as a dependent (including the taxpayer); only the taxpayer and his or her child and tax dependent (dependent) listed on the MAP application will be considered as part of the budget group;

(c) in the case of an applicant or recipient married couple living together, each spouse will be included in the household of the other spouse, regardless of whether they expect to file a joint tax return, a separate tax return or whether one spouse expects to be claimed as a tax dependent by the other spouse;

(d) exceptions to tax filer rules: the following applicants or recipients will be treated as

non-filers:

(i) an applicant or a recipient other than a spouse or a biological, adopted, or step child who expect to be claimed as a tax dependent by another taxpayer outside of the household;

(ii) an applicant or a recipient under 19 who expect to be claimed by one parent as a tax dependent and are living with both parents but whose parents do not expect to file a joint tax return; and

(iii) an applicant or a recipient under 19 who expect to be claimed as a tax dependent by a non-custodial parent.

(2) individuals who neither file a tax return nor are claimed as a tax dependent: in the case of applicants or recipients who do not expect to file a federal tax return and do not expect to be claimed as a tax dependent for the taxable year in which a MAP category of eligibility is being made, or meet an exception to tax filer requirements in Paragraph (1) of Subsection B of 8.291.430.14 NMAC, the budget group consists of the applicant or recipient and, if living with the applicant or recipient:

(a) the applicant's or recipient's spouse;

(b) the applicant's and recipient's natural, adopted and step children under the age of 19; and

(c) in the case of applicants or recipients under the age of 19, the applicant's or recipient's natural, adopted and step parents and natural, adoptive and step siblings under the age of 19.

(3) households may submit a MAP application that includes both filer and non-filers as defined in Subsections A and B of 8.291.430.14 NMAC; the budget group(s) will be organized using the filer and non-filer concepts, and eligibility will be established on an individual basis.

[8.291.430.14 NMAC - Rp, 8.291.430.14 NMAC, 11-16-15]

8.291.430.15 INCOME STANDARDS: Verification of income, both earned and unearned, is mandatory for all MAP categories of ACA related eligibility. Verification methods can be found at 8.291.410 NMAC.

A. All income will be calculated as defined by Section 36B of the Federal Tax Code to produce a MAGI. This amount is compared to the FPL for the appropriate MAP category of

eligibility and household size.

B. MAGI is calculated using the methodologies defined in Section 36B(d)(2)(B) of the Federal Tax Code, with the following exceptions:

(1) an amount received as a lump sum is counted as income only in the month received;

(2) scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income;

(3) the following American Indian or Alaska native exceptions are excluded from income:

(a) distributions from Alaska native corporations and settlement trusts;

(b) distributions from any property held in trust, subject to federal restrictions, located within the most recent boundaries of a prior federal reservation, or otherwise under the supervision of the secretary of the interior;

(c) distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resource extraction and harvest from;

(i) rights of ownership or possession in any lands described in Subsection B of 8.291.430.15 NMAC; or

(ii) federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources;

(d) distributions resulting from real property ownership interests related to natural resources and improvements;

(i) located on or near a reservation or within the most recent boundaries of a prior federal reservation; or

(ii) resulting from the exercise of federally-protected rights relating to such real property ownership interests.

(e) payments resulting from ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom; and

(f) student financial assistance provided under the bureau of Indian affairs education programs.

C. Certain income

of children and tax dependents: The following are not included in household income:

(1) The MAGI-based income of an applicant or recipient who is included in the household of his or her natural, adopted, or step parent and who is not expected to be required to file a tax return under Section 6012(a) (1) of the Internal Revenue Code for the taxable year in which a MAP category of eligibility is being determined, is not included in household income whether or not the applicant or recipient files a tax return.

(2) The MAGI-based income of an applicant's or recipient's dependent who is not expected to be required to file a tax return under Section 6012(a)(1) of the Internal Revenue Code for the taxable year in which a MAP category of eligibility is being determined is not included in the household income of the taxpayer whether or not such dependent files a tax return. [8.291.430.15 NMAC - Rp, 8.291.430.15 NMAC, 11-16-15

8.291.430.16 RESOURCE

STANDARDS: Resources as defined in 8.100.130 NMAC are not a factor of eligibility for a MAP category of ACA eligibility. [8.291.430.16 NMAC - Rp, 8.291.430.16 NMAC, 11-16-15]

HISTORY OF 8.291.430 NMAC:

History of Repealed Material: 8.291.430 NMAC, Financial Responsibility Requirements, filed 9/17/2013 - Duration expired 12/31/2013. 8.291.430 NMAC, Financial Responsibility Requirements, filed 12/17/2013 - Repealed effective 11/16/2015.

WATER QUALITY CONTROL COMMISSION

The Water Quality Control Commission approved, at its 10/13/2015 hearing, to repeal its rule 20.7.5 NMAC, Wastewater Facility Construction Loans (filed 6/16/2000) and replace it with 20.7.5 NMAC, Wastewater Facility Construction Loans, effective 12/16/2015.

WATER QUALITY CONTROL COMMISSION

SYNOPSIS

20.7.5 NMAC, Wastewater Facility Construction Loans

1. Subject matter: 20.7.5 NMAC, Wastewater Facility Construction Loans. This is a repeal and replace of 20.7.5 NMAC, Wastewater Facility Construction Loans, updating the rule from NMAC 1 to NMAC 2, and specifically amending language in Sections 7 and 14. 20.7.5 NMAC establishes a program to provide financial assistance to local authorities for the acquisition, construction or modification of wastewater facilities pursuant to the Wastewater Facility Construction Loan Act. It further establishes the eligibility requirements for financial assistance, the application procedures for placement on the project priority list, the list of eligible and ineligible financial assistance items and administration of the loan program by the New Mexico Environment Department. The change to Section 7 adds mutual domestic water consumer associations as defined by the Sanitary Projects Act to the list of local authorities eligible for funding, and the change to Section 14 extends the loan repayment period from no later than 20 years to no later than 30 years. The changes to this rule were developed by the Construction Programs Bureau of the New Mexico Environment Department and approved by the New Mexico Water Quality Control Commission.

2. Persons affected: The persons affected are the local authorities defined as eligible to apply for loans through this program: municipalities, counties, water and sanitation districts or any similar districts, recognized Indian tribes, mutual domestic water consumers associations as defined by the Sanitary Projects Act, or other issuing agencies created pursuant to a joint powers agreement acting on behalf of any entities listed above.

3. Interests of persons affected: Interests include the eligibility and requirements for funding under the Wastewater Constructions Loan Act as well as the repayment requirements pursuant to the established program. Both changes potentially expand the pool of eligible applicants for funding.

4. Geographical applicability: Geographical applicability is to eligible

entities established within the state of New Mexico.

5. Commercially published materials incorporated: None.

6. Telephone number and address of issuing agency: 1190 St. Francis Drive, Ste. S-2102, Santa Fe, New Mexico 87505. Telephone number: (505) 827-2425.

7. Effective date of this rule: December 16, 2015

Certification

As counsel for the New Mexico Environment Department, I certify that this synopsis provides adequate notice of the content of 20.7.5 NMAC, Wastewater Facility Construction Loans.

\ Chris Atencio \
New Mexico Environment Department
Legal Representative

\ 10/30/2015 \
Date

End of Adopted Rules

Other Material Related to Administrative Law

**HUMAN SERVICES
DEPARTMENT
INCOME SUPPORT DIVISION**

Notice of Public Comment

The United States Department of Health and Human Services requires the New Mexico Human Services Department meet certain Temporary Assistance for Needy Families (TANF) work participation requirements. To assist in meeting these requirements, federal regulations (45 CFR 261.40) allow New Mexico to decrease its work participation rate percentage by the number of percentage points that the FY 2015 caseload fell in comparison to the FY 2005 caseload. This is termed the TANF Caseload Reduction Credit. Total Federal and Maintenance of Effort (MOE) expenditures are subject to change due to fluctuations during year end budget close out and increase in MOE funding.

The estimated changes and corresponding methodologies are reported in the proposed TANF Caseload Reduction Credit Report which is available on the Human Services Department website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>. If you do not have Internet access, a copy of the proposed report may be requested by contacting the Income Support Division's Work and Family Support Bureau (WFSB) at (505) 827-7227. If you are a person with a disability and you require this information in an alternative format, please contact the American Disabilities Act Coordinator, at (505) 827-7701 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats.

The comment period will begin at 8:00 a.m. on November 16, 2015 and end at 5:00 p.m. on December 15, 2015. Individuals wishing to comment on the TANF Caseload Reduction Credit Report should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, New Mexico, 87505-2348, or by calling (505) 827-7227.

Interested persons may address written or recorded comments to:

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

Interested persons may also address comments via electronic mail to: HSD-isdrules@state.nm.us.

End of Other Material Related to Administrative Law

New Mexico Register
Submittal Deadlines and Publication Dates
Volume XXVI, Issues 21-24, 2015 and
Volume XXVII, Issues 1-20, 2016

Volume XXVI	Submittal Deadline	Publication Date
Issue 21	October 30	November 16
Issue 22	December 1	November 30
Issue 23	November 17	December 15
Issue 24	December 16	December 30
Volume XXVII	Submittal Deadline	Publication Date
Issue 1	January 4	January 15
Issue 2	January 19	January 29
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
Issue 20	October 17	October 31

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