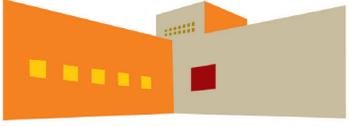


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New Mexico Register

The official publication for all official notices of rulemaking
and filing of proposed, adopted and emergency rules.

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New Mexico Register

Volume XXVII, Issue 8

April 30, 2016

Table of Contents

Notices of Rulemaking and Proposed Rules

Game and Fish, Department of

State Game Commission Meeting and Rule Making Notice.....321

Human Services Department

Medical Assistance Division

Notice of Public Hearing to Receive Testimony on the Proposed Rule 8.290.500 NMAC.....321

Notice of Public Hearing to Receive Testimony on the Proposed Rule 8.308.7 NMAC.....321

Notice of Public Hearing to Receive Testimony on the Proposed Rule 8.311.2 NMAC.....322

Notice of Public Hearing to Receive Testimony on the Proposed Rules 8.312.2 and 8.312.3 NMAC.....322

Public Regulation Commission

Notice of Proposed Rulemaking.....323

State Land Office

Notice of Public Hearing To Consider Proposed Amendments To
State Land Office Rules 19.2 NMAC.....323

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

Public Education Department

6.61.8 NMAC N Licensure in Early Childhood Education, Birth - Grade Three.....325

6.63.8 NMAC A Licensure in Athletic Coaching, 7-12.....329

6.63.12 NMAC A School Business Official Licensure.....330

Regulation and Licensing Department

Private Investigations Advisory Board

16.48.5 NMAC A Fees.....330

Veterinary Medicine, Board of

16.25.2 NMAC A Examination and Licensure - Veterinarians.....331

16.25.3 NMAC A Professional Conduct.....331

16.25.6 NMAC A Veterinary Technicians.....333

16.25.9 NMAC A Minimum Standards.....333

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Notices of Rulemaking and Proposed Rules

GAME AND FISH, DEPARTMENT OF

State Game Commission Meeting and Rule Making Notice

On **Thursday, May 12, 2016**, beginning at 9:00 a.m., at the **Murray Hotel Ballroom**, located at **200 W. Broadway Street, Silver City, NM**, the State Game Commission will meet in public session to hear and consider action as appropriate on the following: Animal Protection of New Mexico, The Humane Society of the United States, Request for Stay of Rule 19.31.11 NMAC "Cougar Rule", Revocations, Reserving Two Elk Licenses for Non-Profit Wish Granting Organization, Final Amendments to Rule on Gaining Access Into Nature (GAIN) 19.34.3 NMAC, Final Migratory Bird Rule for 2016-2017 Hunting Seasons 19.31.6 NMAC, Proposed Amendment to the Bighorn Sheep Rule 19.31.17 NMAC, Update on the State Land Easement Agreement, Draft Rule Presentation on the Review of the Commission's Appeal Process, Final Rule Presentation of new Volunteer Rule 19.30.15, Request to Dispose of Vehicles and Other Assets, Fiscal Year 2018 Initiation of Budget Development, Update on Gila Trout Management, Renewal of Federal Aviation Administration's Lease on Tres Piedras Wildlife Management Area, Closed Executive Session, Transfer 1/8 Acre Foot of Water Right to United States Forest Service for Development of Well in Willow Creek Area, and Update on Development of Shooting Ranges in New Mexico.

Copies of proposed rule changes and the agenda can be obtained 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.

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

Notice of Public Hearing to Receive Testimony on the Proposed Rule 8.290.500 NMAC

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing to amend the following rule that is part of the New Mexico Administrative Code (NMAC): 8.290.500 NMAC, *Income and Resource Standards*. The Department's intent is to correct citations found within sections 8.290.500.15 through 8.290.500.22. The register for these proposed amendments to this rule will be available April 30, 2016 on the HSD web site at <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 rules may be requested by contacting MAD in Santa Fe at (505) 827-6252.

A public hearing to receive testimony on this proposed rule will be held in the South Park Conference Room, Toney Anaya Building, 2055 South Pacheco St, Santa Fe, New Mexico on May 31, 2016 at 9 a.m., Mountain Daylight Time (MDT).

Interested parties may submit written comments directly to:

Human Services Department
Office of the Secretary
ATT: 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 5:00 p.m. MDT,

May 31, 2016.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at (505) 827-6252. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling (505) 827-3184. The Department requests at least ten (10) 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.

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

Notice of Public Hearing to Receive Testimony on the Proposed Rule 8.308.7 NMAC

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing to amend the 8.308.7 *Managed Care Programs Enrollment and Disenrollment*, New Mexico Administrative Code (NMAC). The proposed register and the proposed amendment to this rule will be available April 30, 2016 on the HSD web site at <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 register and rule may be requested by contacting MAD at in Santa Fe at (505) 827-6252.

Specifically, the proposed amendment is to Section 9 Subsection C: *Auto Assignment*. Currently, when an eligible recipient, who is enrolled in a Medicaid Managed Care Organization (MCO), loses his or her eligibility and later regains eligibility, he or she is re-enrolled to his or her previous MCO if there are two months or less between the dates of termination to re-enrollment.

HSD is proposing to extend this time

period from *two months to six months* in an effort to enhance continuation and coordination of care for the eligible recipient.

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 2, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe on May 31, 2016 at 11 a.m. Mountain Daylight Time (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 in Santa Fe at (505) 827-6252. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling (505) 827-3184. The Department requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

Interested persons may address written comments to:

Human Services Department
Office of the Secretary
ATTN: Medical Assistance
Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on May 31, 2016. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

Copies of all comments will be made available by 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.

**HUMAN SERVICES
DEPARTMENT**
MEDICAL ASSISTANCE DIVISION

**Notice of Public Hearing to Receive
Testimony on the Proposed Rule 8.311.2
NMAC**

The Human Services Department (the Department), Medical Assistance Division

(MAD), is proposing to amend the following rule that is part of the New Mexico Administrative Code (NMAC): 8.311.2 Hospital Services. The register for the proposed amendments to this rule will be available April 30, 2016 on the HSD website at <http://www.hsd.state.nm.us/LookingForInformation/register.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 in Santa Fe at (505) 827-6252. The Department proposes an effective date of July 1, 2016.

The proposed amendments are to 8.311.2 Section 8: *Mission Statement* and 8.311.2 Section 14 Subsection K: *Reimbursement for Inpatient Services*. The mission statement is being removed and the rule is being changed to clarify that budget availability may be considered when establishing reimbursement rates for Inpatient Hospital Services.

A public hearing to receive testimony on proposed rule 8.312.2 NMAC will be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on June 2, 2016 at 9 a.m., Mountain Daylight Time (MDT).

Interested parties may submit written comments directly to:

Human Services Department
Office of the Secretary
ATT: 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 5:00 p.m. MDT, June 2, 2016.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at (505) 827-6252. The Department'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 ten (10) 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.

**HUMAN SERVICES
DEPARTMENT**
MEDICAL ASSISTANCE DIVISION

**Notice of Public Hearing to Receive
Testimony on the Proposed Rules
8.312.2 and 8.312.3 NMAC**

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing to amend the following rules that are part of the New Mexico Administrative Code (NMAC): 8.312.2 Nursing Facilities and 8.312.3 Cost Related Reimbursement of Nursing Facilities. The register for the proposed amendments to these rules will be available April 30, 2016 on the HSD website at <http://www.hsd.state.nm.us/LookingForInformation/register.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 register and rules may be requested by contacting MAD in Santa Fe at (505) 827-6252. The Department proposes an effective date of July 1, 2016.

A public hearing to receive testimony on proposed rule 8.312.2 and 8.312.3 NMAC will be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on June 2, 2016 at 10 a.m., Mountain Daylight Time (MDT).

Interested parties may submit written comments directly to:

Human Services Department
Office of the Secretary
ATT: 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 5:00 p.m. MDT, June 2, 2016.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at (505) 827-6252. The Department'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 ten (10) 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.

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING

The New Mexico Public Regulation Commission (NMPRC or Commission) gives notice of its proposed adoption of amendment to Rule 18.3.2 NMAC and to 18.3.12 NMAC pertaining to towing services regulated by the Commission pursuant to the Motor Carrier Act, NMSA 1978, Sections 65-2A-1 to -41 (amended 2013). Copies of the Order Initiating Proposed Rulemaking containing additional information and filing instructions may be downloaded from the Proposed Rulemaking section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 15-00123-TRP or by calling the Commission's Records Management Bureau at (505) 827-6968.

Written Initial Comments and written Response Comments shall be filed by the deadlines below with the Commission's Records Management Bureau at P.O. Box 1269, Santa Fe, NM 87504- 1269 or by hand delivery to the NMPRC Records Management Bureau at 1120 Paseo de Peralta, Room 406, Santa Fe, NM 87501 as follows: Written Initial Comments not later than May 31, 2016 and written Response Comments not later than June 15, 2016. Comments shall refer to Case No. 15-000123-TRP.

A public hearing will be held on June 22, 2016, beginning at 1:30 p.m. at the offices of the Commission located in the 4th Floor Hearing Room of the old PERA

Building, at 1120 Paseo de Peralta, in Santa Fe. The purpose of the hearing is to **receive oral comments**. Because commenters are afforded the opportunity to submit written comments and written responses to the Commission, **any individual who wants to provide oral comments shall be limited to five minutes to express those comments, subject to the Commission's discretion**. The Commission may also determine that a spokesperson be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony **or other evidence will be taken at the hearing as this is a rulemaking proceeding**.

The record of this case will close thirty days after the public hearing held on June 22, 2016.

Interested persons should contact the Commission to confirm the date, time, and place of this public hearing because hearings are occasionally rescheduled. If you are an individual with a disability and you require assistance or an auxiliary aid (such as a sign language interpreter) to participate in any aspect of this process, please contact Ms. Kathleen Segura at (505) 827-4501 at least 48 hours prior to the commencement of the hearing.

Statutory Authority: New Mexico Constitution, Article XI, Sec. 2; NMSA 1978, §8-8-4(B)(10); the Motor Carrier Act, NMSA 1978, §§ 65-2A-1 to -41 (amended 2013).

STATE LAND OFFICE

Notice of Public Hearing To Consider Proposed Amendments To State Land Office Rules 19.2 NMAC

The New Mexico State Land Office ("SLO") will hold a public hearing on Wednesday June 1, 2016, at 9:00 a.m., and continuing thereafter as necessary, in the Executive Conference Room, 310 Old Santa Fe Trail, Santa Fe, New Mexico. Any change to the location or time will be posted with a final agenda on the SLO webpage (<http://www.nmstatelands.org>) at least 72 hours prior to the date and time specified above.

The purpose of the hearing is to consider proposed amendments to SLO rules (19.2 NMAC) that would eliminate specific fees

from the rules and reference a schedule of fees posted on the SLO website. In addition, amendments proposed to 19.2.100 NMAC would conform the rule to the relevant statutory language regarding the monthly oil and gas lease sale. Other changes to 19.2.100 NMAC would remove outdated royalty reporting forms and filing instructions from the rules.

In addition, the following part is proposed for repeal and replacement: Relating to State Land Trusts Advisory Board, 19.2.18 NMAC. These proposed rules would conform the rules to statutes relating to the State Land Trusts Advisory Board.

The proposed rule changes and the proposed schedule of fees are available on the SLO website (<http://nmstatelands.org>) and at the SLO building located at 310 Old Santa Fe Trail, Santa Fe, New Mexico. To request a hard copy, contact Stephanie LeMaster at (505) 827-5761 or slemaster@slo.state.nm.us.

Written comments may be submitted by mail to: Stephanie LeMaster, New Mexico State Land Office, Attention: Rulemaking Comments, P.O. Box 1148, Santa Fe, New Mexico 87504-1148, or by email to slemaster@slo.state.nm.us. Written comments will be accepted until noon on May 31, 2016.

If you are an individual with a disability and you require assistance or an auxiliary aid (such as a sign language interpreter) to participate in any aspect of this process, please contact Selena Romero by May 15, 2016 at (505) 827-5790 or sromero@slo.state.nm.us.

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.

PUBLIC EDUCATION DEPARTMENT

**TITLE 6 PRIMARY AND
SECONDARY EDUCATION
CHAPTER 61 SCHOOL
PERSONNEL - SPECIFIC
LICENSURE REQUIREMENTS FOR
INSTRUCTORS
PART 8 LICENSURE IN
EARLY CHILDHOOD EDUCATION,
BIRTH - GRADE THREE**

6.61.8.1 ISSUING AGENCY:
Public Education Department (PED).
[6.61.8.1 NMAC - Rp, 6.61.8.1 NMAC,
04-30-16]

6.61.8.2 SCOPE: All persons
seeking licensure in early childhood
education, birth - grade three.
[6.61.8.2 NMAC - Rp, 6.61.8.2 NMAC,
04-30-16]

**6.61.8.3 STATUTORY
AUTHORITY:** Sections 22-2-1, 22-2-2
and 22-10A-6, NMSA 1978.
[6.61.8.3 NMAC - Rp, 6.61.8.3 NMAC,
04-30-16]

6.61.8.4 DURATION:
Permanent.
[6.61.8.4 NMAC - Rp, 6.61.8.4 NMAC,
04-30-16]

6.61.8.5 EFFECTIVE DATE:
April 30, 2016, unless a later date is cited
at the end of a section.
[6.61.8.5 NMAC - Rp, 6.61.8.5 NMAC,
04-30-16]

6.61.8.6 OBJECTIVE: This
rule establishes licensure requirements for
those seeking to work in early childhood
education, that is, with children from birth
to grade three whether they are developing
either typically or atypically.
[6.61.8.6 NMAC - Rp, 6.61.8.6 NMAC,
04-30-16]

6.61.8.7 DEFINITIONS:
A. "Adaptive living
skills" means the development in several
skill areas such as: 1) living skills: eating,
dressing, and toileting; 2) independence/

safety skills: crossing the street properly
and avoiding dangerous situations such
as hot stoves and hot water; and 3)
environmental adaptation skills: adapting
behavior as a function of the limitations
or demands of the particular environment,
such as being quiet in a library or hospital
and walking, not running, inside school
hallways. Adaptive behavior means the
effectiveness or degree with which the
child meets the standards of personal
independence and social responsibility
expected of comparable age and cultural
groups.

B. "Alternative means
of communication" means other forms of
communication, particularly non-vocal;
such as the use of sign language with and
without speech; communication boards;
or other technological aides such as
computers and speech output devices.

C. "Anti bias" means
actively confronting, transcending, and
eliminating personal and institutional
barriers based on race, sex, or ability.

D. "At risk" means the
following as it applies to children birth
through age two: A biological or medical
risk is the presence of early medical
conditions which are known to produce
developmental delays in some children.
An environmental risk is the presence of
physical, social, or economic factors in
the environment which pose a substantial
threat to development as indicated by
a discrepancy between chronological
age, after correction for prematurity, and
developmental age in two or more areas
of development as documented by the
evaluation process. A determination of
environmental risk shall be made by an
interagency team and shall not be based
upon behavior related to cultural or
language differences.

E. "Individual education
program" (IEP) means a plan that
describes the delivery of services to a
child with a disability, age three - 21. The
plan serves as a communication vehicle
between parents and school personnel
and enables them, as equal participants,
to decide jointly what the child's needs
are, what services will be provided to
meet those needs, what the anticipated
outcomes may be, and how the child's
progress towards meeting the projected
outcomes will be evaluated.

F. "Individualized
family service plan" (IFSP) means a plan
that describes the delivery of services to
a child with a developmental delay or
at risk for a developmental delay, birth
through two years of age, and the child's
family. Components of the plan include
a statement describing the child's level of
functioning in developmental areas; major
outcomes including criteria, procedures,
and timelines to determine the degree of
progress and revision of the plan; specific
services needed to achieve outcomes,
other services needed by the child and
family, name of service coordinator, a
transition plan, and an optional statement
of family concerns, priorities and
resources.

G. "Integrated
curriculum" means an approach to
curriculum that recognizes that content
areas in instruction are naturally
interrelated, as they are in real life
experiences. In the resulting integrated
curriculum, learning is regarded as a
process rather than a collection of facts.
Learning about math, science, social
studies, health, and other content areas
are all connected through meaningful
activities.

H. "Intervention
strategies" means various techniques
utilized in teaching a child a particular
skill such as physical or verbal prompts
and cues, visual aids, modeling, imitation,
repetition, task analysis, environmental
or stimulus prompts and cues. These
strategies are attempts to facilitate
learning when the presentation of
information or the arrangement of an
environment is insufficient in assisting
the developmental learning process.
The proper design of intervention
strategies requires careful observation,
individualization and data keeping. The
goal of this approach is to systematically
fade the particular technique utilized as
the child demonstrates abilities to practice,
initiate, and generalize the skill.

I. "Variations across
cultures/cultural diversity" means the
curriculum, environment, and learning
materials are reflective of distinct
groups that may differ from one another
physically, socially, and culturally.

J. "A highly qualified beginning early childhood teacher", under this rule, means a teacher who is fully qualified for teaching children from birth through grade three, who is new to the profession, who has pursued a standard route to licensure, and who:

(1) meets the requirements for early childhood B-three licensure in Subsections A or B of 6.61.8.8 NMAC; and

(2) has no licensure requirements waived on an emergency or temporary basis, or for any other reason; and

(3) has passed all applicable teacher testing requirements for licensure in 6.60.5.8 NMAC. [6.61.8.7 NMAC - Rp, 6.61.8.7 NMAC, 04-30-16]

6.61.8.8 REQUIREMENTS:

All persons who perform instructional services in early childhood education (i.e., birth - grade three) in public schools or in state-supported schools, must hold a valid standard license in early childhood development issued by the PED. A candidate who applies for licensure in early childhood education on or after July 1, 2015 must meet the requirements for either birth - pre-K as stated in 6.61.11 NMAC, or pre-K-grade three as stated in 6.61.12 NMAC:

A. Persons seeking licensure in early childhood education pursuant to the provisions of this rule shall meet the following requirements:

(1) possess a bachelor's degree from a regionally accredited college or university and including, for those students first entering a college or university beginning in the fall of 1986, the following:

(a) 12 semester hours in English;

(b) 12 semester hours in history including American history and western civilization;

(c) nine semester hours in mathematics;

(d) six semester hours in government, economics, or sociology;

(e) 12 semester hours in science, including biology, chemistry, physics, geology, zoology, or botany;

(f) six semester hours in fine arts; and

(2) earn credits from a regionally accredited college or university which include: 36-42 semester hours of professional education in an early childhood education program approved

by the PED, including completion of the PED's approved early childhood education competencies; and

(3) earn 18 to 30 semester hours of practicum and supervised field experiences beginning in the first 18 semester hours of instruction in professional early childhood education to include a mandatory student teaching component in early childhood education for one of the following age ranges: B-three, three-five, or five-eight with children who are developing either typically or atypically; and

(a) 150 contact hours of practicum or supervised field experience at a developmental stage(s) other than the stage selected for student teaching set forth in Paragraph (3) above; or

(b) evidence of three years of documented, verified, satisfactory work experiences with at least two of the age ranges set forth in Paragraph (3) of Subsection A of 6.61.8.8 NMAC above at a center accredited by the national academy of early childhood programs, a postsecondary laboratory early care and education setting, or an early childhood program accredited by the PED; and

(4) in addition to the requirements specified in Paragraphs (1), (3) and (5) of Subsection A of 6.61.8.8 NMAC, six hours in the teaching of reading for those who have first entered any college or university on or after August 1, 2001 regardless of when they graduate or earn their degree; and

(5) pass all required portions of the New Mexico teacher assessment (NMTA) or any successor teacher examination adopted by the PED; and

(6) if new to the profession after June 30, 2006, or hired after the first day of school of the 2002-2003 school year and assigned to work in a title I targeted assistance program or a title I school-wide, satisfies the requirements of a highly qualified beginning early childhood teacher.

B. Possess valid certificate issued by the national board for professional teaching standards for the appropriate grade level and type.

[6.61.8.8 NMAC - Rp, 6.61.8.8 NMAC, 04-30-16]

6.61.8.9 IMPLEMENTATION:

All persons holding a current license in early childhood, birth - grade three prior to July 1, 2015 may advance or renew that license by meeting requirements stated in 6.60.6 NMAC. All persons whose

license in early childhood, birth - grade three expired on or after June 30, 2015 must apply as an initial applicant and meet requirements stated in 6.61.11 NMAC, or 6.61.12 NMAC.

[6.61.8.9 NMAC - Rp, 6.61.8.9 NMAC, 04-30-16]

6.61.8.10 REFERENCED MATERIAL: COMPETENCIES FOR EARLY CHILDHOOD EDUCATION:

A. Child growth, development and learning: Foundations for all learning are established during early childhood. Biological-physical, social, cultural, emotional, cognitive, and language domains are inherently intertwined in growth and development. Early childhood professionals must understand this process of development and the adult's role in supporting each child's growth, development, and learning.

(1) Incorporate understanding of developmental stages, processes, and theories of growth, development, and learning into developmentally appropriate practice.

(2) Demonstrate knowledge of the interaction between maturation and environmental factors that influence physical, social, emotional, cognitive, and cultural domains in the healthy development of each child.

(3) Demonstrate knowledge of the significance of individual differences in development and learning. Demonstrate knowledge of how certain differences may be associated with rate of development and developmental patterns associated with developmental delays and specific disabilities.

(4) Demonstrate knowledge of the similarities between children who are developing typically and those with special needs.

(5) Provide a variety of activities that facilitate development of the whole child in the following areas: physical/motor, social/emotional, language/cognitive, and adaptive/living skills.

(6) Apply knowledge of cultural and linguistic diversity and the significance of socio-cultural and political contexts for development and learning and recognize that children are best understood in the contexts of family, culture and society.

(7) Demonstrate knowledge of the many functions that language serves in the cognitive, social, and emotional aspects of development in the formative years.

(8) Demonstrate knowledge of the developmental sequence

of language and literacy, including the influence of culture and home factors.

(9) Demonstrate knowledge of how children acquire and use verbal, non-verbal, and alternative means of communication.

(10) Demonstrate knowledge of the relationship among emotions, behaviors, and communication skills to assist children in identifying and expressing their feelings in appropriate ways.

(11) Use appropriate guidance to support the development of self-regulatory capacities in young children.

B. Health, safety and nutrition: Early childhood professionals promote physical and mental health and appropriate nutrition and provide an emotionally and physically safe environment for young children in partnership with their families. Sound health, safety, and nutritional practices provide the foundation for development and learning. Good nutrition is appropriate and important to the total development of young children and their families. Meals and snacks encourage good nutrition and eating habits. A safe environment prevents and reduces injuries for young children who are only beginning to recognize dangerous situations.

(1) Recognize and respond to each child's physical health, intellectual and emotional well being, and nutritional and safety needs.

(2) Appropriately plan, maintain, and facilitate the use of the indoor and outdoor learning environments to promote each child's physical and emotional well-being.

(3) Use appropriate health appraisal and management procedures and makes referrals when necessary.

(4) Recognize signs of emotional distress, child abuse, and neglect in young children and use procedures appropriate to the situation, such as initiating discussions with families, referring to appropriate professionals, and, in cases of suspected abuse or neglect, reporting to designated authorities.

(5) Establish an environment that provides opportunities and reinforcement for children's practice of healthy behaviors that promote appropriate nutrition and physical and psychological well being.

(6) Provide a consistent daily schedule for rest/sleep, as developmentally appropriate.

(7) Implement health care and educational activities for children and families based on health and nutritional information that is responsive to diverse cultures.

(8) Assist young children and their families, as individually appropriate, in developing decision-making and interpersonal skills that enable them to make healthy choices and establish health-promoting behaviors.

C. Family and community collaboration: Early childhood professionals are committed to family-centered practices. They maintain an open, friendly, and cooperative relationship with each child's family, encouraging family involvement, and supporting the child's relationship with his or her family. The diverse cultures and languages representative of families in New Mexico's communities are honored.

(1) Seek and maintain a collaborative relationship with parents, guardians, families, community agencies, and other professionals to meet the needs each child.

(2) Create and maintain a safe and welcoming environment for families and community members.

(3) Establish frequent contact with parents and guardians through a variety of communication strategies, including communication in the home language of each child to provide ongoing, relevant information to families about child growth, development, and learning.

(4) Demonstrate knowledge of and respect for variations across cultures, in terms of family strengths, expectations, values, and child-rearing practices.

(5) Demonstrate understanding of the complexity and dynamics of family systems.

(6) Demonstrate understanding of the effects of family stress on the behavior of children and other family members.

(7) Demonstrate the ability to incorporate the families' desires/goals for their children into classroom and intervention strategies.

(8) Develop partnerships with family members to promote early literacy in the home.

(9) Involve families and community members in contributing to the learning environment.

(10) Establish partnerships with community members in promoting literacy.

(11) Demonstrate

ability to communicate to families the program's policies, procedures, and those procedural safeguards that are mandated by state and federal regulations.

D. Developmentally appropriate content: Early childhood professionals demonstrate knowledge of child development and learning, as well as content knowledge, both in terms of academic disciplines and interdisciplinary integration. Their approach to curriculum content emerges from multiple sources, such as play and exploration, and is appropriate for the ages and developmental levels of the children with whom they work. Content includes, but is not limited to, the arts, literacy, mathematics, physical education, health, social studies, science, and technology. Children's initial experiences with these content areas form the foundation for later understanding and success.

(1) Demonstrate knowledge of relevant content for young children and developmentally appropriate ways of integrating content into teaching and learning experiences for children from birth through age eight.

(2) Demonstrate the integration of knowledge of how young children develop and learn with knowledge of the concepts, inquiry tools, and structure of content areas appropriate for different developmental levels.

(3) Demonstrate knowledge of what is important in each content area, why it is of value, and how it links with earlier and later understandings within and across areas.

(4) Demonstrate knowledge of the reading and writing components of literacy at each developmental level.

(5) Develop, implement, and evaluate an integrated curriculum that focuses on children's development and interests, using their language, home experiences and cultural values.

(6) Adapt content to meet the needs of each child, including the development of individualized family service plans (IFSP) and individualized education plans (IEP) for children with special needs through the team process with families and other team members.

(7) Provides and uses anti-bias materials/literature and experiences in all content areas of the curriculum.

E. Learning environment and curriculum implementation: Teaching and learning with young children is a complex process embedded

in relationships. These teaching and learning relationships provide the scaffold for jointly constructing meanings about self, others, and the world. Early childhood professionals use their child development knowledge, their knowledge of developmentally appropriate practices, and their content knowledge to design, implement, and evaluate experiences that promote optimal development and learning for all children from birth through age eight. In addition, their use of observations is grounded in a thorough understanding of children's families, cultures, and communities. Early childhood professionals encourage young children's problem solving, critical thinking, and academic and social competence within a supportive and challenging learning environment. These challenging teaching and learning experiences build children's confidence in themselves as competent learners.

(1) Demonstrate knowledge of varying program models and learning environments that meet the individual needs of all young children, including those with special needs.

(2) Create environments that encourage active involvement, initiative, responsibility, and a growing sense of autonomy through the selection and use of materials and equipment that are suitable to individual learning, developmental levels, special needs, and the language and cultures in New Mexico.

(3) Demonstrate knowledge and skill in the use of developmentally appropriate guidance techniques and strategies that provide opportunities to assist children in developing positive thoughts and feelings about themselves and others through cooperative interaction with peers and adults.

(4) Create and manage learning environments that provide individual and cooperative opportunities for children to construct their own knowledge through various strategies that include decision-making, problem-solving, and inquiry experiences.

(5) Demonstrate understanding that each child's creative expression is unique and can be encouraged through diverse ways, including creative play.

(6) Plan blocks of interrupted time for children to persist at self-chosen activities, both indoors and out.

(7) Demonstrate understanding of the influence of the physical setting, schedule, routines,

and transitions on children and use these experiences to promote children's development and learning.

(8) Use and explain the rationale for developmentally appropriate methods that include play, small group projects, open-ended questioning, group discussion, problem solving, cooperative learning, and inquiry experiences to help young children develop intellectual curiosity, solve problems, and make decisions.

(9) Create and manage a literacy-rich environment that is responsive to each child's unique path of development.

(10) Use a variety of language strategies during adult-child and child-child interactions and facilitate dialogue of expressive language and thought.

(11) Demonstrate a variety of developmentally appropriate instructional strategies that facilitate the development of literacy skills.

(12) Demonstrate knowledge of developmentally appropriate uses of technology, including assistive technology.

(13) Demonstrate the ability to work collaboratively with educational assistants, volunteers, and others to individualize the curriculum and to meet program goals.

(14) Demonstrate effective written and oral communication skills when working with children, families, and early care, education, and family support professionals.

F. Assessment of children and evaluation of programs: Early childhood professionals must develop knowledge of diverse assessment approaches, including observational skills. They use appropriate on-going documentation and report information to families and professionals. Appropriate early childhood assessment is responsive to cultural and linguistic differences. It includes information from multiple sources, e.g., observations, checklists, interviews, and both formal and informal standardized measures in diverse settings for making educational decisions about children. The assessment data gathered from multiple sources that has a major impact on children should be made by a team of family members, teachers, and other professionals. In addition, early childhood professionals engage in systematic, on-going evaluation of their programs.

(1) Demonstrate knowledge of assessment and evaluation practices that are valid and appropriate.

(2) Demonstrate knowledge of maintaining appropriate records of children's development and behavior that safeguard confidentiality and privacy.

(3) Demonstrate knowledge of the educator's role as a participating member of the assessment process as described and mandated by state and federal regulations for Individual family service plans (IFSP) and individual education plans (IEP).

(4) Demonstrate understanding of the influences of environmental factors, cultural/linguistic differences, and diverse ways of learning on assessment outcomes.

(5) Involve the family and, as appropriate, other team members in assessing the child's development, strengths, and needs in order to set goals for the child.

(6) Share assessment results as appropriate with families in clear, supportive ways.

(7) Involve all stakeholders in program evaluations.

(8) Demonstrate knowledge of a variety of techniques and procedures to evaluate and modify program goals for young children and their families.

(9) Develop and use formative and summative program evaluation to ensure comprehensive quality of the total environment for children, families, and the community.

(10) Use both self and collaborative evaluations as part of ongoing program evaluations.

G. Professionalism: Professionalism is built upon individual integrity, responsibility, and ethical practices that demonstrate a profound respect for all children and their families. Early childhood professionals embrace a multicultural perspective that is responsive to individuals in culturally diverse communities in New Mexico. Professionals make decisions based upon knowledge of early childhood theories and practices that recognize diversity of ability, developmental level, and family characteristics. Early childhood professionals advocate for excellence in early childhood programs and participate in one-going professional development to enhance their knowledge and skills.

(1) Consistently adheres to professional codes of ethics and conduct.

(2) Demonstrate knowledge of federal, state, and local regulations regarding programs and services for children birth through eight

years of age.

(3) Demonstrate understanding of conditions of children, families, and professionals; current issues and trends; legal issues; and legislation and other public policies affecting children, families, and programs for young children and the early childhood profession.

(4) Articulate a personal philosophy of appropriate early care and education that responds to practices that support inclusion and cultural and linguistic diversity through actions and attitudes.

(5) Demonstrate critical reflection of one's own professional and educational practices from community, state, national, and global perspectives.

(6) Demonstrate understanding of the early childhood profession, its multiple, historical, philosophical and social foundations, and how these foundations influence current thought and practice.

(7) Demonstrate a commitment to advocacy for excellence in programs and services for young children and their families.

(8) Demonstrate knowledge of other professions that provide related services for young children and their families.

(9) Participate in professional organizations and in on-going professional development to enhance knowledge and skills in working with young children and adults.

(10) Demonstrate knowledge of basic principles of administration, organization, and operation of early childhood programs, including supervision of staff and volunteers.

[6.61.8.10 NMAC - Rp, 6.61.8.10 NMAC, 04-30-16]

HISTORY OF 6.61.8 NMAC:

PRE-NMAC HISTORY: The material in this part was derived from that previously filed with the State Records Center and Archives under:

SBE Regulation No. 63-1 New Mexico Certification Regulations Kindergarten Plan I Five Year Kindergarten Certificate, and Plan II Four Year Provisional Elementary Certificate with a Kindergarten Endorsement, filed August 28, 1978; SBE Regulation No. 78-11 Certification Requirements for Five Year Kindergarten Certificate, filed September 6, 1978; SBE Regulation No. 78-11.1 Certification Requirements for Five Year Kindergarten Certificate, filed

October 20, 1978; SBE Regulation No. 78-11.1 Amendment No. 1 Certificate for Requirement for Five Year Kindergarten Certificate, filed December 8, 1978; SBE Regulation No. 86-5 Supersession of Regulations Pertaining to Kindergarten Licensure and Endorsement And Provision for Continuation of Certain Licenses Granted Pursuant to Said Regulations, filed July 28, 1986; SBE Regulation No. 93-17, Licensure in Early Childhood Education Birth - Grade 3, filed July 20, 1993; SBE Regulation No. 93-17 Amendment 1 Licensure in Early Childhood Education Birth - Grade 3, filed April 3, 1995.

History of Repealed Material:

6.61.8 NMAC, Licensure in Early Childhood Education, Birth - Grade 3, amendment and renumber filed 3/16/2001 - Duration expired 6/30/2014.

PUBLIC EDUCATION DEPARTMENT

This is an amendment to 6.63.8 NMAC, amending Section 8 and repealing Section 13, effective April 30, 2016.

6.63.8.8 REQUIREMENTS:

All persons who perform athletic coaching, [7] ~~seven~~-12 services in public schools or in those special state-supported schools within state agencies, must hold valid, standard licensure in athletic coaching issued by the public education department (PED).

A. Persons seeking entry level 1 licensure in athletic coaching pursuant to the provisions of this regulation shall meet the following requirements:

(1) possess a high school diploma or equivalency; [and]

(2) complete the New Mexico activities association's coaches' training program to include state competencies based on the competencies of the national standards for sports coaches (NASPE); and

(3) provide verification of completion of first aid/sport first aid/athletic training as approved by the New Mexico activities association (NMAA).

B. Persons seeking level 2 licensure in athletic coaching shall meet the following requirements:

(1) possess a valid standard level 1 athletic coaching license with at least three [(3)] years athletic coaching experience at level 1; [and]

(2) submit verification by the superintendent of the local school district or governing authority of the private school that the coach has satisfactorily demonstrated the coaches' competencies of the PED; and

(3) provide verification of completion of first aid/sport first aid/athletic training as approved by the New Mexico activities association (NMAA).

C. [Beginning July 1, 2006,] Persons seeking level 3 advanced licensure in athletic coaching shall meet the following requirements:

(1) possess a valid level 2 athletic coaching license with at least three [(3)] years athletic coaching experience at level 2; [and]

(2) submit verification by the superintendent of the local school district or governing authority of the private school that the coach has satisfactorily demonstrated the coaches' competencies of the PED [and either (3), or (4), or (5) and (6) and (7)];

(3) possess a New Mexico teaching license with an endorsement in physical education or hold an undergraduate/graduate minor in coaching consisting of at least 24 semester hours of post-secondary coursework at a regionally accredited college or university or complete an advanced coaching principles course approved by the PED;

(4) [hold an undergraduate/graduate minor in coaching consisting of at least 24 semester hours of post-secondary coursework at a regionally accredited college or university; or

(5) complete an advanced coaching principles course approved by the PED; and

(6) provide verification of completion of first aid/sport first aid/athletic training as approved by the New Mexico activities association (NMAA); and

[(7)] (5) provide verification of completion of cardio pulmonary resuscitation (CPR) training, including training in the use of the automated external defibrillator (AED), as approved by the New Mexico activities association (NMAA).

[06-15-98; 6.63.8.8 NMAC - Rn, 6 NMAC 4.2.3.14.8 & A, 03-31-01; A, 03-15-06; A, 06-30-06; A, 04-30-16]

6.63.8.13 SAVINGS-

CLAUSE: Persons possessing level 2 athletic coaching licenses on June 30, 2006, who do not meet the requirements of Subsection B of 6.63.8.9 NMAC, but who meet all other requirements for level

3 licensure may apply to the PED for a level 3 license provided they do so by June 30, 2007;] **[RESERVED]** [06-15-98; 6.63.8.13 NMAC - Rn, 6 NMAC 4.2.3.14.13, 03-31-01; 6.63.8.13 NMAC - N, 03-15-06; Repealed, 04-30-16]

PUBLIC EDUCATION DEPARTMENT

This is an amendment to 6.63.12 NMAC, amending Section 8 and repealing Section 12, effective April 30, 2016.

6.63.12.8 REQUIREMENTS FOR RECEIVING THIS LICENSE:

A. Any person serving or seeking to serve as the school business official of a local school district, including charter schools, and any person seeking to serve in a local school district, including charter schools, in the capacity of a business manager, or any district official charged with the direct management of the business of a school district, excluding the superintendent, or a supervisor or director or manager of accounting or bookkeeping shall be required to hold this license. A person seeking this license shall have earned or completed one or more of the following:

- (1) a current certified public accountant certificate; or
- (2) a bachelor's, master's, or doctorate degree in accounting, business, or a related field with at least [twenty-four] 24 semester hours in accounting or business coursework from a regionally accredited or department approved college or university; or
- (3) an associate's degree in accounting or a related field from a regionally accredited or department approved college or university including at least [twenty-four] 24 semester hours in accounting or business courses from a regionally accredited or approved college or university plus at least three [(3)] years of verifiable, employment experience as a school business official; or
- (4) a high school diploma or high school equivalency credential and at least five years of verifiable employment experience working under the supervision of a licensed school business official and 40 hours of licensure credit for school business official license continuing education.

B. In addition to satisfying the requirements contained

in Subsection A of Section 8 of this rule, a person receiving an initial school business license shall be issued a one-year conditional license that shall convert automatically to a three-year level 1 license provided that during this first year the person satisfactorily completes a training program approved by the PED.

C. A business manager of a school district with a membership in excess of [~~three thousand~~] 3,000 students must hold or be eligible to hold a level 2 school business official license. [6.63.12.8 NMAC - N, 01-01-03; A, 05-28-04; A, 10-31-07; A, 04-30-16]

6.63.12.12 SAVINGS-CLAUSE:

A. Upon the effective date of this rule, individuals who have been employed in any local district(s) for at least (3) three school years as a school business official, may receive a level 2 license provided they obtain verification from a superintendent of a school district in which the individual has been employed, that they have satisfied the competencies contained in this rule.

B. Anyone employed as a school business official in a local district who, at the effective date of this rule, does not qualify for a level 2 license under this section, shall be required to obtain a school business license pursuant to the other provisions of this rule]

[RESERVED] [6.63.12.12 NMAC - N, 01-01-03; A, 10-31-07; Repealed, 04-30-16]

REGULATION AND LICENSING DEPARTMENT PRIVATE INVESTIGATIONS ADVISORY BOARD

This is an amendment to 16.48.5 NMAC, Section 8, effective 05/12/2016.

16.48.5.8 FEE SCHEDULE:

A. All fees payable to the board are non-refundable.

- B. Application fees:
- (1) private investigator \$100.00
 - (2) private investigation company \$100.00
 - (3) private investigations manager \$100.00
 - (4) private investigations employee \$25.00
 - (5) private patrol operator \$100.00

- (6) private patrol company \$100.00
- (7) private patrol operations manager \$100.00
- (8) polygraph examiner \$100.00

C. Registration or registration renewal fees:

- (1) security guard level one \$50.00
- (2) security guard level two \$50.00
- (3) security guard level three \$75.00
- (4) [late fee on registration renewals \$100.00] private investigations employee \$50.00

D. Initial license or license renewal fees:

- (1) private investigator \$300.00
- (2) private investigations manager \$200.00
- (3) [private investigations employee \$200.00]
- (4) private patrol operator \$300.00
- (5) private patrol operations manager \$200.00
- (6) polygraph examiner \$400.00
- (7) late fee on license renewals \$100.00
- (4) private patrol operator \$300.00
- (5) private patrol operations manager \$200.00
- (6) polygraph examiner \$400.00
- (6) late fee on license renewals \$100.00

E. Other fees applying to private investigators, private patrol operators and polygraph examiners:

- (1) special event permit \$100.00
- (2) private patrol branch office certificate \$100.00
- (3) inspection of public records request: regulation and licensing department standard rate
- (4) examination \$100.00

F. Background fees shall be the amount established by the department of public safety for the processing of criminal history background checks. [16.48.5.8 NMAC - Re-pr & A, 16.48.5.8 NMAC, 09/24/08; A, 05/01/10; A, 05/12/16]

VETERINARY MEDICINE, BOARD OF

This is an amendment to 16.25.2 NMAC, Sections 16 and 19, effective 05-08-2016.

16.25.2.16 NATIONAL EXAMINATION SCORES: The board accepts, as sufficient to meet state requirements, the minimum passing grade for the national examination for veterinarians. This applies whether the applicant has taken the national board examination (NBE) [~~and clinical competency test (CCT)~~] or the North American veterinary licensing examination (NAVLE). In accordance with the national board of veterinary medical examiners (NBVME), candidates shall not be approved to take the North American veterinary licensing examination (NAVLE) more than five times and shall not be allowed to sit for the examination at a date that is later than five years after the initial attempt. Each of the final two attempts must be at least one year from the previous attempt.
[16.25.2.16 NMAC - Rp, 16.25.2.17 NMAC, 01-17-2014; A, 05-08-2016]

16.25.2.19 EXAMINATION AND LICENSURE FEES: The list of all fees relating to examination, licensure and permit fees is as follows and is posted at the board's web site: www.nmbvm.org.

A. State jurisprudence examination.

(1) bi-annual board set dates, January and May - \$300;

(2) applicant selected date - \$500; and

(3) licensure by endorsement - \$500.

B. License and permit fees.

(1) initial license fee is prorated from date of license issue to last day of licensee's birth month;

(2) annual DVM license renewal - \$200; [~~and~~]

(3) 60-day temporary permit - \$250;

(4) inactive status - \$100. Annual continuing education requirement must be fulfilled and reported; and

(5) license reactivation - \$150 along with completed application for reactivation and verification of required annual 15.00 continuing education hours while license in inactive status.

C. Late renewal penalties.

(1) postal

postmarked no later than 30 days past expiration date - \$100; or

(2) postal postmarked more than 30 days after expiration date - \$100 plus \$10 per day not to exceed \$3000.

[F-] D. The board may waive payment of a renewal fee and annual continuing education requirement of a licensee while on active duty with the armed services of the United States. Renewal fee and continuing education requirement will be waived for the duration of licensee's overseas deployment or a declared national emergency. Requests for waivers will be addressed to the executive director of the board of veterinary medicine.

[16.25.2.19 NMAC - Rp, 16.25.2.20 NMAC, 01-17-2014; A, 05-08-2016]

VETERINARY MEDICINE, BOARD OF

This is an amendment to 16.25.3 NMAC, Section 8, effective 05-08-2016.

16.25.3.8 CONDUCT: All professionals licensed by the board of veterinary medicine are subject to the Veterinary Practice Act and rules promulgated by the board.

A. Violations of the Veterinary Practice Act or rules promulgated by the board are subject to the complaint process as governed by the Uniform Licensing Act. Failure to comply with a board request for records or information pertinent to a complaint investigation will be considered a violation of this rule.

B. Complaints are reviewed by the board on a case by case basis to determine if disciplinary action is necessary. Unprofessional conduct by a licensee in a complaint determined by the board includes but is not limited to noncompliance with terms of a settlement agreement entered into with the board by a licensee to resolve a complaint.

C. A licensee shall not represent conflicting interests except by express consent of all concerned subsequent to a full disclosure of the facts.

D. It is the right of any licensee, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful services.

E. A licensee shall expose, without fear or favor, before the proper tribunal or the New Mexico board of veterinary medicine, corrupt or dishonest conduct in the profession.

F. A veterinarian must

decide what professional employment will be accepted and what course of treatment will be followed once employed. The responsibility for advising questionable or unusual treatment rests upon the veterinarian. If a licensee is asked to perform a treatment that is questionable or unusual, the licensee must use his own professional judgment about whether he will perform this treatment.

G. No licensee shall render any service or advice contrary to the law. A veterinarian must also observe and advise clients to observe applicable laws and regulations.

H. A licensee shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust; or the deception or betrayal of the public.

I. In the formation of partnerships, professional associations or any other association for the practice of veterinary medicine, no person shall be held out as a practitioner of veterinary medicine or as a veterinary technician unless licensed to practice in this state. In selection and use of a firm name, no false or misleading name shall be used.

J. The professional services of a veterinarian shall not be controlled or exploited by any lay, personal or corporate agency which intervenes between the client and the veterinarian. A veterinarian's responsibilities and qualifications are individual. A veterinarian's responsibilities for medical judgments shall be directly to the client or authorized agent.

K. Each veterinarian shall display at the business location, in full view of the public, his original license certificate signed by the board along with the current year renewal license. If licensee is providing veterinary services in a relief capacity, the current year renewal license must be easily accessible.

L. Veterinarians shall exercise the same degree of care, skill and diligence in treating patients as are ordinarily used in the same or similar circumstances by reasonably prudent members of the veterinary medical profession in good standing in the state of New Mexico.

M. A licensed veterinarian shall not use or display any unearned certificate, college degree, or title.

N. A licensed veterinarian shall not promote, aid, or abet any illegal or unethical act on the part of any veterinarian or in the practice of veterinary medicine by an unlicensed

person except as permitted by the Veterinary Practice Act.

O. A licensed veterinarian in this state shall not issue a certificate of health for an animal unless aware by way of actual inspection and appropriate tests, that said animal meets the requirements for the issuance of such certificate.

P. A licensed veterinarian shall not guarantee a cure. A licensed veterinarian must avoid bold and confident assurances to clients especially where employment may depend upon such assurances.

Q. A licensed veterinarian shall treat all animals entrusted by clients in keeping with the professional standard of humane treatment and care.

R. A licensed veterinarian shall conduct the practice of veterinary medicine on the highest plane of honesty, integrity and fair dealing with clients in time and services rendered, and in the amount charged for service, facilities, appliances and drugs.

S. A licensed veterinarian shall not violate the confidential relationship with his client.

T. The reporting of cruelty or illegal action is not a violation of confidentiality.

U. A licensed veterinarian or veterinary technician shall not use or participate in the use of any form of representation, advertising or solicitation which contains false, deceptive or misleading statement(s) or claim(s). False, deceptive or misleading statements or claims are those which:

(1) advertise or represent that a service or product is free, or similar language, coupled with any required service or product for which a fee is charged;

(2) contains a prediction of future success or guarantee that satisfaction or cure will result from the performance of a professional service;

(3) refer to secret methods of treatment or special services;

(4) concern illegal transactions;

(5) imply that a licensed veterinarian is a specialist unless the veterinarian is a diplomate [~~or AVMA board certified in the following specialties:~~] of an AVMA board certified specialty. [A list of specialties includes but is not limited to, the following:

- (a) _____
- (b) _____

- beef-cattle; _____ (e) _____
- canine and feline; _____ (e) _____
- dairy; _____ (f) _____
- dermatology; _____ (g) _____
- emergency and critical care; _____ (h) _____
- equine; _____ (i) _____
- exotic companion mammal; _____ (j) _____
- feline; _____ (k) _____
- food animal; _____ (l) _____
- internal medicine; _____ (m) _____
- laboratory animal medicine; _____ (n) _____
- ophthalmology; _____ (o) _____
- reptile and amphibian; _____ (p) _____
- surgery; _____ (q) _____
- swine health management; _____ (r) _____
- veterinary preventive medicine; _____ (s) _____
- zoology;] _____

(6) [~~imply that a licensed veterinarian is certified in the following complementary, alternative or integrative therapies including but not limited to:~~] imply that a licensed veterinarian is certified unless he is certified in a nationally recognized specialty whose certification process has been evaluated and approved by the board. The following complementary, alternative or integrative therapies may be considered, but are not limited to:

- (a) acupuncture;
- (b) acuthrapy;
- (c) acupressure;
- (d) homeopathy;
- (e) manual or manipulative therapy i.e, therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy;
- (f) massage;
- (g) naturopathy;
- (h) physical rehabilitation;
- (i) _____

nutraceutical therapy; _____ (j) _____

phytotherapy. _____ (7) are intended or are likely to create an inflated or unjustified expectation; _____ (8) contains an expressed or implied material misrepresentation of the fact; _____ (9) fail to state any material fact necessary to make the statement or claim not misleading in the circumstances under which it is made; _____ (10) would result in the violation of any law or regulation or a contractual or other obligation of any person with whom the licensed veterinarian seeks to communicate; _____ (11) contain a representation or implication that is likely to cause an ordinary prudent layperson to misunderstand or be deceived, or fail to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;

(12) relate to professional fees other than: _____ (a) the fixed fee charged for a specific professional service provided that the description of such service would not be deceptive and that the statement indicates whether additional fees may be required in individual cases; or

(b) the range of fees for specifically described professional services provided there is reasonable disclosure of all relevant and variable considerations affecting the fees, so that the statement would not be misunderstood or be deceptive including without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

V. A licensed veterinarian or veterinary technician shall not use or display any college degree, certificate or title granted by any institution not approved by the New Mexico board of veterinary medicine.

W. A licensed veterinarian shall not use present or past position(s) or office(s) of trust deliberately to create any individual professional advantage, or to coerce or deceive the public.

X. All licensed professionals are subject to the Veterinary Practice Act and rules promulgated by the board.

Y. Violations of the Veterinary Practice Act or rules promulgated by the board are subject to

the complaint process as governed by the Uniform Licensing Act.

Z. The licensee is required to abide by all statutes and rules of any board, commission, and agency including county or city ordinances governing any aspect of the practice of veterinary medicine.

AA. Dishonesty in the practice of veterinary medicine is prohibited.

BB. Habitual or excessive use of intoxicants or drugs is prohibited.

CC. The use of any controlled or legend drug or substance on any animal for the purpose of illegally influencing the outcome of a competitive event is prohibited.

DD. Failure to maintain required radiological records 20.3.1.108 NMAC or controlled substance logs and medical records is prohibited.

EE. Failure to report as required by law or making a false report of any contagious or infectious disease is prohibited.

FF. Unfair or deceptive practices in the conduct of the profession are prohibited.

GG. Violation of the Veterinary Practice Act or of any rule adopted by the board is prohibited. See Uniform Licensing Act.

HH. Failure of a licensed veterinarian or facility to refer a client, upon the client's request, to another licensed veterinarian is prohibited. [16.25.3.8 NMAC - Rp, 16.25.3.8 NMAC, 01-17-2014; A, 05-08-2016]

**VETERINARY MEDICINE,
BOARD OF**

This is an amendment to 16.25.6 NMAC, Section 10, effective 05-08-2016.

16.25.6.10 RENEWAL OF LICENSE: A list of all fees relating to renewal of a registered veterinary technician license is listed at Subsection D of 16.25.6.10 NMAC and at the board's web site: www.nmbvm.org.

A. A veterinary technician's license expires and is due for renewal each year on the last day of December. If a registered veterinary technician's license lapses and is not renewed within five years, they must reapply, retake and pass the examination before they can obtain licensure, NMSA 1978, Section 61-14-12.

B. A registered veterinary technician license is lapsed if the license

renewal is not postal postmarked on or before the December 31 expiration date.

C. Registered veterinary technicians shall display at the business location, in full view of the public, the current year license renewal certificate.

D. License fees:
(1) initial license fee is prorated from date of license issue to last day of December;

(2) annual renewal fee - \$75; [and]
(3) inactive status - \$37.50. Annual continuing education requirement must be fulfilled and reported;

(4) license reactivation - \$50 along with completed application for reactivation and verification of required annual 8.00 continuing education hours while license in inactive status; and

[({3}) (5) late renewal penalties:

(a) postal postmarked no later than 30 days after December 31 expiration date - \$25; or

(b) postal postmarked more than 30 days after December 31 expiration date - \$25 plus \$5 per day not to exceed \$300.

E. Continuing education.

(1) Each registered veterinary technician licensed to practice in New Mexico must certify that he has completed at least eight hours of approved continuing education during the preceding year. The hours will be derived from seminars, short courses, or scientific programs approved by RACE, AVMA, NAVTA, or sponsored by a veterinary medical association, veterinary organization, university, or by the board. There will be no exemptions for age or retirement.

(2) A waiver of delinquent hours may be granted by the board if a request is made in writing. The hours must be made up in the next calendar year and is in addition to the current year annual CE requirement.

(3) Continuing education hours will be accumulated on an annual basis from January through December.

(4) A maximum of eight credit hours may be accrued as excess and carried forward to the subsequent licensing year.

(5) A form to be completed by the registered veterinary technician at the time of annual renewal will be provided by the board of veterinary medicine.

(6) The burden of proving the validity of the reported hours lies solely with the registered veterinary technician.

(7) A new licensee must comply with the continuing education requirement beginning the next full licensure year after graduation.

(8) In general, CE must be in the form of contact hours. Credit for non-contact forms of instruction including online training or articles in printed periodicals is accepted, if the instruction:

(a) is designed for veterinary technicians; and
(b)

non-contact hours do not comprise more than half of the annual requirement of eight CE hours.

[16.25.6.10 NMAC - Rp, 16.25.6.10 NMAC, 01-17-2014; A, 05-08-2016]

**VETERINARY MEDICINE,
BOARD OF**

This is an amendment to 16.25.9 NMAC, Sections 8 and 18, effective 05-08-2016.

16.25.9.8 GENERAL STANDARDS:

A. The delivery of veterinary care shall be provided in a competent and humane manner.

B. Veterinary medicine shall be performed in a manner compatible with current veterinary medical practice.

C. A valid veterinarian-client-patient relationship (VCPR) must be established when delivering veterinary care. See VCPR as defined by the New Mexico Veterinary Practice Act 61-14-2-J (1), (2), (3), and (4).

(1) A VCPR cannot be established by telephonic, computer, internet or other electronic communications; however, a New Mexico-licensed veterinarian may provide or arrange for consulting services for their clients using the described electronic communication methods.

(2) The veterinarian writing a veterinary food directive (VFD) order for premises in New Mexico must be a New Mexico-licensed veterinarian and present on the premises within the six (6) months preceding the issuance of the order. All elements of the federal rules to issue a VFD order must be met and the issuing veterinarian must provide supporting documentation of the visit to the premises including medical records within fourteen

(14) days of a request from the board to provide such documentation.

[E:] D. The board of veterinary medicine shall require periodic inspections of all veterinary facilities to monitor compliance with these standards.

(1) Standards depend upon the nature, scope, and limitations of the practice as defined by the practice manager and approved by the board. However, in no case shall standards of cleanliness, hygiene, and sanitation be violated.

(2) Inspections shall be conducted by the facility inspector designated by the board.

(3) Facilities are subject to inspection at any time during the facility's normal hours of business. [16.25.9.8 NMAC - Rp 16.25.9.8 NMAC, 01-17-2014; A, 05-08-2016]

16.25.9.18 SURGICAL SERVICES:

A. Aseptic surgery means a procedure that is performed under sterile conditions.

(1) Sterile surgery shall be defined as procedures in which aseptic technique is practiced in patient preparation, instrumentation and surgical attire.

(2) Clean surgery means the performance of a surgical operation for the treatment of a condition and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.

B. The surgeon is responsible for the surgical case until it is completed and there is adequate recovery of the patient from anesthesia.

C. Surgery room.
(1) A room shall be designated for aseptic procedures only, in which no other uses are permitted;
(2) The room shall be well lighted and have available an operational viewing device for reviewing radiographs;

(3) The floors, tabletops, and countertops of the surgery room shall be of a material suitable for disinfection and cleaning and shall be cleaned and disinfected regularly;

(4) Storage in the surgery room is limited to surgically related items only; and

(5) Nothing in this section shall preclude the performance of emergency aseptic surgical procedures in another room when the room designated for that purpose is occupied.

D. Instruments and

equipment.

(1) Instruments and equipment shall be:

(a) adequate for the type of surgical service provided; and

(b) sterilized by a method acceptable for the type of surgery for which they shall be used.

(2) In any sterile surgical procedure, a separate sterile pack and gloves shall be used for each animal;

(3) All instruments, packs and equipment that have been sterilized shall have an indicator that reacts to and verifies sterilization within one year; and

(4) Suture material shall not be used beyond the manufacturer's expiration date.

E. Surgical attire.

(1) Each member of the surgical team shall wear an appropriate sanitary cap and sanitary mask which covers his hair, mouth, nose and any facial hair, except for eyebrows and eyelashes;

(2) All members of the surgical team who will be handling sterile instruments or touching the surgical site shall wear sterilized surgical gowns with long sleeves and sterilized gloves;

(3) Ancillary personnel in the surgery room shall wear clean clothing;

(4) Ancillary personnel in immediate proximity to the sterile field shall wear sanitary cap and mask; and

(5) When performing "clean surgery", the instruments used to perform such surgery shall have been properly sterilized or disinfected and the surgeon and ancillary personnel shall wear clean clothing as appropriate.

F. Anesthesia.

(1) General anesthesia is a condition caused by the administration of a drug or combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus.

(2) Administration of appropriate and humane methods of anesthesia, analgesia and sedation to minimize pain and distress during any procedures and shall comply with the following standards:

(a) with the exception of feral or dangerous animals, every animal shall be given

a physical examination within two weeks prior to the administration of an anesthetic;

(b) the animal under general anesthesia shall be under continuous observation until, at minimum, the swallowing reflex has returned and shall not be released to the client until the animal demonstrates a righting reflex. This shall not preclude direct transfer of an animal under anesthesia to a suitable facility for referred observation;

(c) provide a method of respiratory monitoring that may include observation of the animal's chest movement or observing the rebreathing bag or respirometer;

(d) provide a method of cardiac monitoring that may include the use of stethoscope or electrocardiographic monitor;

(e) clean endotracheal tubes of assorted sizes shall be readily available;

(f) oxygen equipment shall be available at all times;

(g) anesthetic equipment will be maintained in proper working condition; and

(h) effective means shall be provided for exhausting waste gasses from hospital areas in which inhalation anesthesia is used.

[~~_____ G. _____ A surgical log shall be maintained that includes the following information:~~

~~_____ (1) _____ date of procedure;~~

~~_____ (2) _____ client identification;~~

~~_____ (3) _____ patient identification;~~

~~_____ (4) _____ type or name of procedure;~~

~~_____ (5) _____ pre-anesthetic or sedative used;~~

~~_____ (6) _____ anesthetic or induction agent used;~~

~~_____ (7) _____ anesthesia maintenance agent used; and~~

~~_____ (8) _____ duration of procedure.]~~

[16.25.9.18 NMAC - Rp 16.25.9.18 NMAC, 01-17-2014; A, 05-08-2016]

**END OF ADOPTED
RULES**

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