

NEW MEXICO 
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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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January 15, 2016

Table of Contents

Notices of Rulemaking and Proposed Rules

Children, Youth and Families Department	
Notice of Public Hearing.....	1
Public Records, Commission of	
Notice of Regular Meeting and Rule Hearing.....	1
Regulation and Licensing Department	
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board	
Public Rule Hearing and Regular Board Meeting.....	1

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

Environmental Improvement Board		
20.2.36 NMAC	R	Petroleum Refinery - Sulfur.....3
20.2.77 NMAC	A	New Source Performance Standards.....3
20.2.78 NMAC	A	Emission Standards for Hazardous Air Pollutants.....3
20.2.82 NMAC	A	Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants.....4
Human Services Department		
Medical Assistance Division		
8.200.510 NMAC	A/E	Resource Standards.....4
8.200.520 NMAC	A/E	Income Standards.....5
Public Regulation Commission		
18.14.2 NMAC	A	Railroad Safety.....8
Regulation and Licensing Department		
Body Art Practitioners		
16.36 NMAC	R	Repeal of 16.36 NMAC.....10
16.36.1 NMAC	N	Body Artists and Operators - General Provisions.....10
16.36.2 NMAC	N	Licensure Requirements.....11
16.36.3 NMAC	N	Requirements for Establishments.....17
16.36.4 NMAC	N	Enforcement, Complaints and Disciplinary Action.....18
16.36.5 NMAC	N	Standards of Practice.....19
16.36.6 NMAC	N	Fees.....22

Notices of Rulemaking and Proposed Rules

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

Notice of Public Hearing

Protective Services Division (PSD) of the Children, Youth and Families Department (CYFD) will hold a public hearing in Santa Fe on Monday, February 8, 2016, from 10:00 a.m. to 12:00 p.m. at the PERA Building, 1120 Paseo de Peralta, Room 227, to take public comments regarding the proposed changes to 8.8.4 NMAC, Administrative Appeals and 8.10.6 NMAC, In-Home Services Policies. Written comments are provided the same weight as comments received during the public hearings.

The policy changes may also be reviewed between 8:00 a.m. to 5:00 p.m. at the PSD Director's office, Room 254, in the PERA building in Santa Fe. Copies of the policy changes may be purchased for the cost of copying. Contact Sarah Dinces, CYFD-PSD at (505) 629-5460 or Brenda Manus, CYFD-PSD at (505) 681-2472. Documents also can be available in different formats to accommodate a particular disability upon request by calling (505) 827-8400.

The PERA building is accessible to people with disabilities. If assistance is required to attend the hearing, please call (505) 827-8400 to arrange accommodation.

COMMISSION OF PUBLIC RECORDS

Notice of Regular Meeting and Rule Hearing

The New Mexico State Commission of Public Records ("Commission") has scheduled a regular meeting and rule hearing for Tuesday, February 23, 2016, at 9:30 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1205 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Carmen Noble at (505) 476-7902 by February 12, 2016. Public documents, including the agenda and minutes, can be provided in various accessible formats.

At the hearing the Commission will take oral and written comments related to the rulemaking actions listed below and during the meeting consider approving these rulemaking actions.

Interested individuals may submit written comments regarding the proposed rulemaking actions via e-mail at Carmen.Noble@state.nm.us. Written comments must be received no later than 5:00 p.m. on February 9, 2016 for inclusion in the Commission packet. The submission of written comments as soon as possible is encouraged.

Persons offering written comments at the hearing must have seven (7) copies for the Commission to review.

Copies of the proposed rules are available on the Commission website (www.nmcpr.state.nm.us) and at the office of the State Records Administrator located in the Santa Fe State Records Center and Archives at 1205 Camino Carlos Rey, Santa Fe, NM.

A copy of the agenda for the combined meeting and rule hearing is also available on the Commission website and at the office of the State Records Administrator located in the Santa Fe State Records Center and Archives at 1205 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting.

Repeal

1.13.6 NMAC New Mexico Historical Records Scholarship Program Guidelines

1.13.8 NMAC New Mexico Office of the State Historian Service Learning Student Internship Program

Amend

1.21.2 NMAC Retention and Disposition of Public Records

1.13.4 NMAC Records Management Requirements for Electronic Messaging

REGULATION AND LICENSING DEPARTMENT SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD

Public Rule Hearing and Regular Board Meeting

The New Mexico Speech-Language, Pathology, Audiology & Hearing Aid Dispensing Practices Board ("Board") will hold a public rule hearing on Friday, February 19, 2016, at the New Mexico Commission for the Blind, 2200 Yale Blvd. SE, Albuquerque, New Mexico. The rule hearing will begin at 10:00 a.m. followed by the regular scheduled Board Meeting in which the Board will adopt the rules and discuss items on the agenda.

The purpose of the rule hearing is to consider adoption of proposed amendments and additions to the following Board Rules and Regulations in 16.26 NMAC: Part 1 General Provisions and Part 2 Licensure Requirements.

The Board's proposed rules will be available by January 15, 2016, on the Board's website at: http://www.rld.state.nm.us/boards/Speech_Language_Pathology_Audiology_and_Hearing_Aid_Dispensing_Practices.aspx. Individuals requesting copies of proposed rules may also contact the Board Office at the Toney Anaya Building, 2550 Cerrillos Road, P.O. Box 25101, Santa Fe, New Mexico 87504, or by calling (505) 476-4622. A copy of the agenda for the regular board meeting will be available at least seventy-two (72) hours prior to the meeting and will be posted on the board's website. The agenda may also be obtained by contacting the Board Office.

In order for the Board Members to review public comments in their meeting packets prior to the meeting, individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received no later than January 29, 2016, by 5:00 P.M. Individuals wishing to present their comments at the hearing need to provide ten (10) copies of any comments or proposed changes for distribution to the Board and staff.

Persons with a disability who need 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 may contact the Board Office at (505) 476-4622 at least ten (10) days in advance notice to provide requested alternative formats and special accommodations.

**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.

ENVIRONMENTAL IMPROVEMENT BOARD

The Environmental Improvement Board approved, at its 12/18/2015 hearing, to repeal its rule 20.2.36 NMAC, Petroleum Refinery - Sulfur (filed 10/16/2002), effective 2/15/2016.

ENVIRONMENTAL IMPROVEMENT BOARD

This is an amendment to 20.2.77 NMAC, Sections 2, 9, 10 & 11, effective 1/29/2016.

20.2.77.2 SCOPE: Any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60, as amended through [September 23, 2013] September 15, 2015.
[06/16/95, 11/19/97, 09/08/99; 20.2.77.2 NMAC - Rn, 20 NMAC 2.77.101 & A, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16]

20.2.77.9 ADOPTION OF 40 CFR PART 60: Except as otherwise provided, the new source performance standards as promulgated by the United States environmental protection agency, 40 CFR Part 60, as amended in the Federal Register through [September 23, 2013] September 15, 2015 are hereby incorporated into this part (20.2.77 NMAC).
[06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.77.9 NMAC - Rn, 20 NMAC 2.77.107 & A, 06/02/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16]

20.2.77.10 MODIFICATIONS AND EXCEPTIONS: The following modifications or exceptions are made to the incorporated federal standards:
A. Amend 40 CFR Part 60, Section 60.2, Definitions, as follows: For the purposes of delegation of authority which the administrator of the United States environmental protection

agency may, [in his] at the administrator's discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary of the department or [his] the secretary's authorized representative.

B. Exclude 40 CFR - Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters.

C. The federal standards of performance incorporated by this regulation shall not be subject to NMSA 1978, Section 74-2-8 (Variances).

D. [Exclude 40 CFR Part 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units.]
Exclude 40 CFR Part 60, Subpart QQQQ - Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.

[06/16/95; 20.2.77.10 NMAC - Rn, 20 NMAC 2.77.108 06/23/00; A, 06/15/07; A, 1/29/16]

20.2.77.11 DOCUMENTS: Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau [-1301 Siler Road, Building B, Santa Fe NM, 87507].

[06/16/95; 20.2.77.11 NMAC - Rn, 20 NMAC 2.77.109 06/23/00; A, 08/17/09; A, 1/29/16]

[As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe NM, 87505]

ENVIRONMENTAL IMPROVEMENT BOARD

This is an amendment to 20.2.78 NMAC, Sections 2, 9, 10 & 11, effective 1/29/2016.

20.2.78.2 SCOPE: All sources emitting hazardous air pollutants which are subject to the requirements of 40 CFR Part 61, as amended through [December 31, 2010] September 15, 2015.
[06/16/95, 11/19/97, 09/08/99; 20.2.78.2 NMAC - Rn 20 NMAC 2.78.101 & A,

06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16]

20.2.78.9 ADOPTION OF 40 CFR PART 61: Except as otherwise provided, the national emission standards for hazardous air pollutants as promulgated by the United States environmental protection agency, 40 CFR Part 61, as amended in the Federal Register through [December 31, 2010] September 15, 2015 are hereby incorporated into this part (20.2.78 NMAC).

[06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.78.9 NMAC - Rn 20 NMAC 2.78.107 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16]

20.2.78.10 MODIFICATIONS AND EXCEPTIONS: The following modifications or exceptions are made to the incorporated federal standards:

A. amend 40 CFR Part 61, Section 61.02, Definitions, as follows: For the purposes of delegation of authority which the administrator of the United States environmental protection agency may, [in his] at the administrator's discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary or [his] the secretary's authorized representative.

B. exclude 40 CFR Part 61, Subparts B (National Emission Standards for Radon Emissions from Underground Uranium Mines), H (National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities), I (National Emission Standards for Radionuclide Emissions from Facilities Licensed by the NRC and Federal Facilities not covered by Subpart H), K (National Emission Standard for Radionuclide Emissions from Elemental Phosphorus Plants), Q (National Emission Standards for Radon Emissions from Department of Energy Facilities), R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks), T (National Emission Standards for Radon Emissions from the Disposal of Uranium

Mill Tailings), and W (National Emission Standards for Radon Emissions from Operating Mill Tailings).

C. the federal emission standards incorporated by this regulation shall not be subject to NMSA 1978, Section 74-2-8 (Variances). [06/16/95; 20.2.78.9 NMAC - Rn, 20 NMAC 2.78.108 06/23/00; A, 1/29/16]

20.2.78.11 DOCUMENTS:

Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau [~~1301 Siler Road, Building B, Santa Fe NM, 87507~~]. [06/16/95; 20.2.78.11 NMAC - Rn, 20 NMAC 2.78.109 06/23/00; A, 08/17/09; A, 1/29/16] [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe NM, 87505]

ENVIRONMENTAL IMPROVEMENT BOARD

This is an amendment to 20.2.82 NMAC, Sections 2, 6, 8, 10 & 11, effective 1/29/16.

20.2.82.2 SCOPE: All sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63, as amended through [~~August 29, 2013~~] September 15, 2015. [Rn, 20 NMAC 2.82.2, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.2 NMAC - Rn, 20 NMAC 2.82.101 & A, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16]

20.2.82.6 OBJECTIVE:

The objective of this part is to adopt or establish state authority to implement emission standards for hazardous air pollutants for the source categories in New Mexico subject to federal standards. The [~~US EPA~~] United States environmental protection agency requires New Mexico to adopt such standards in order to implement requirements in Section 112 of the Clean Air Act. [Rn, 20 NMAC 2.82.6, 08/14/98; A, 08/14/98; 20.2.82.6 NMAC - Rn, 20 NMAC 2.82.105, 06/23/00; A, 1/29/16]

20.2.82.8 ADOPTION OF

40 CFR PART 63: Except as otherwise provided in Section 20.2.82.10 NMAC (below), the national emission standards for hazardous air pollutants for source categories as promulgated by the [~~US~~

EPA] United States environmental protection agency, 40 CFR Part 63, as amended in the Federal Register through [~~August 29, 2013~~] September 15, 2015 are hereby incorporated into this part (20.2.82 NMAC).

[Rn, 20 NMAC 2.82.7, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.8 NMAC - Rn, 20 NMAC 2.82.106 & A, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16]

20.2.82.10 MODIFICATIONS

AND EXCEPTIONS: The following modifications or exceptions are made to the incorporated federal standards:

A. general provisions: amend 40 CFR Part 63, Subpart A - General Provisions, Section 63.2, Definitions, as follows: For the purposes of delegation of authority which the administrator of the [~~US EPA~~] United States environmental protection agency may, [~~in his or her~~] at the administrator's discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary or [~~his/her~~] the secretary's authorized representative.

B. variances: the federal emission standards incorporated by this part shall not be subject to NMSA 1978, Section 74-2-8 (Variances).

C. constructed and reconstructed major sources: the effective date for incorporation of 40 CFR 63.40 - 63.44 of Subpart B under 20.2.82.8 NMAC shall be June 29, 1999. [Rn, 20 NMAC 2.82.8, 08/14/98; A, 08/14/98; 20.2.82.10 NMAC - Rn, 20 NMAC 2.82.109, 06/23/00; A, 1/29/16]

20.2.82.11 DOCUMENTS:

Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau [~~1301 Siler Road, Building B, Santa Fe NM, 87507~~]. [08/14/98; 20.2.82.11 NMAC - Rn, 20 NMAC 2.82.110 06/23/00; A, 08/17/09; A, 1/29/16] [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe NM, 87505]

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an emergency amendment to 8.200.510 NMAC, Sections 11, 13 & 15, effective January 1, 2016.

8.200.510.11 COMMUNITY SPOUSE RESOURCE ALLOWANCE (CSRA):

The CSRA standard varies based on when the applicant or recipient become institutionalized for a continuous period. The CSRA remains constant even if it was calculated prior to submission of a formal MAP application. If institutionalization began:

A. Between September 30, 1989 and December 31, 1989, the state maximum CSRA is \$30,000 and the federal maximum CSRA is \$60,000.

B. On or after January 1, 1990, the state minimum is \$31,290 and the federal maximum CSRA is \$62,580.

C. On or after January 1, 1991, the state minimum is \$31,290 and the federal maximum CSRA is \$66,480.

D. On or before January 1, 1992, the state minimum is \$31,290 and the federal maximum CSRA is \$68,700.

E. On or after January 1, 1993, the state minimum is \$31,290 and the federal maximum CSRA is \$70,740.

F. On or after January 1, 1994, the state minimum is \$31,290 and the federal maximum CSRA is \$72,660.

G. On or after January 1, 1995, the state minimum is \$31,290 and the federal maximum CSRA is \$74,820.

H. On or after January 1, 1996, the state minimum is \$31,290 and the federal maximum CSRA is \$76,740.

I. On or after January 1, 1997, the state minimum is \$31,290 and the federal maximum CSRA is \$79,020.

J. On or after January 1, 1998, the state minimum is \$31,290 and the federal maximum CSRA is \$80,760.

K. On or after January 1, 1999, the state minimum is \$31,290 and the federal maximum CSRA is \$81,960.

L. On or after January 1, 2000, the state minimum is \$31,290 and the federal maximum CSRA is \$84,120.

M. On or after January 1, 2001, the state minimum is \$31,290 and the federal maximum CSRA is \$87,000.

N. On or after January 1, 2002, the state minimum is \$31,290 and the federal maximum CSRA is \$89,280.

O. On or after January 1, 2003, the state minimum is \$31,290 and the federal maximum CSRA is \$90,660.

P. On or after January 1, 2004, the state minimum is \$31,290 and the federal maximum CSRA is \$92,760.

Q. On or after January 1, 2005, the state minimum is \$31,290 and the federal maximum CSRA is \$95,100.

R. On or after January 1, 2006, the state minimum is \$31,290 and the federal maximum CSRA is \$99,540.

S. On or after January 1, 2007, the state minimum is \$31,290 and the federal maximum CSRA is \$101,640.

T. On or after January 1, 2008, the state minimum is \$31,290 and the federal maximum CSRA is \$104,400.

U. On or after January 1, 2009, the state minimum is \$31,290 and the federal maximum CSRA is \$109,560.

V. On or after January 1, 2010, the state minimum is \$31,290 and the federal maximum CSRA remains \$109,560.

W. On or after January 1, 2011, the state minimum is \$31,290 and the federal maximum CSRA remains \$109,560.

X. On or after January 1, 2012, the state minimum is \$31,290 and the federal maximum CSRA is \$113,640.

Y. On or after January 1, 2013, the state minimum is \$31,290 and the federal maximum CSRA is \$115,920.

Z. On or after January 1, 2014, the state minimum is \$31,290 and the federal maximum CSRA is \$117,240.

AA. On or after January 1, 2015, the state minimum is \$31,290 and the federal maximum CSRA is \$119,220.

BB. On or after January 1, 2016, the state minimum is \$31,290 and the federal maximum CSRA is \$119,220. [8.200.510.11 NMAC - Rp, 8.200.510.11 NMAC, 07-01-15; A/E, 01-01-16]

8.200.510.13 AVERAGE MONTHLY COST OF NURSING FACILITIES FOR PRIVATE PATIENTS USED IN TRANSFER OF ASSET PROVISIONS: Costs of care are based on the date of application registration.

DATE	AVERAGE COST PER MONTH
A. July 1, 1988 - Dec. 31, 1989	\$ 1,726 per month
B. Jan. 1, 1990 - Dec. 31, 1991	\$ 2,004 per month
C. Jan. 1, 1992 - Dec. 31, 1992	\$ 2,217 per month
D. Effective July 1, 1993, for application register on or after Jan. 1, 1993	\$ 2,377 per month
E. Jan. 1, 1994 - Dec. 31, 1994	\$2,513 per month
F. Jan. 1, 1995 - Dec. 31, 1995	\$2,592 per month
G. Jan. 1, 1996 - Dec. 31, 1996	\$2,738 per month
H. Jan. 1, 1997 - Dec. 31, 1997	\$2,889 per month
I. Jan. 1, 1998 - Dec 31, 1998	\$3,119 per month
J. Jan. 1, 1999 - Dec. 31, 1999	\$3,429 per month

K. Jan. 1, 2000 - Dec. 31, 2000	\$3,494 per month
L. Jan. 1, 2001 - Dec. 31, 2001	\$3,550 per month
M. Jan. 1, 2002 - Dec. 31, 2002	\$3,643 per month
N. Jan. 1, 2003 - Dec. 31, 2003	\$4,188 per month
O. Jan. 1, 2004 - Dec. 31, 2004	\$3,899 per month
P. Jan. 1, 2005 - Dec. 31, 2005	\$4,277 per month
Q. Jan. 1, 2006 - Dec. 31, 2006	\$4,541 per month
R. Jan. 1, 2007 - Dec. 31, 2007	\$4,551 per month
S. Jan. 1, 2008 - Dec. 31, 2008	\$4,821 per month
T. Jan. 1, 2009 - Dec. 31, 2009	\$5,037 per month
U. Jan. 1, 2010 - Dec. 31, 2010	\$5,269 per month
V. Jan. 1, 2011 - Dec. 31, 2011	\$5,774 per month
W. Jan. 1, 2012 - Dec. 31, 2012	\$6,015 per month
X. Jan. 1, 2013 - Dec. 31, 2013	\$6,291 per month
Y. Jan. 1, 2014 - Dec. 31, 2014	\$6,229 per month
Z. Jan. 1, 2015 - Dec. 31, 2015	\$6,659 per month.
AA. Jan. 1, 2016	\$7,786 per month.

[8.200.510.13 NMAC - Rp, 8.200.510.13 NMAC, 07-01-15; A/E, 01-01-16]

8.200.510.15 EXCESS HOME EQUITY AMOUNT FOR LONG-TERM CARE SERVICES:

A. Jan. 2016	\$828,000.
B. Jan. 2015	\$828,000.
[B:] C. Jan. 2014	\$814,000.
[C:] D. Jan. 2013	\$802,000.
[D:] E. Jan. 2012	\$786,000.
[E:] F. Jan. 2011	\$758,000.
[F:] G. Jan. 2010	\$750,000.

[8.200.510.15 NMAC - Rp, 8.200.510.15 NMAC, 07-01-15; A/E, 01-01-16]

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an emergency amendment to 8.200.520 NMAC, Sections 12, 13 & 20, effective January 1, 2016.

8.200.520.12 COST OF LIVING ADJUSTMENT (COLA) DISREGARD COMPUTATION: The countable social security benefit without the COLA is calculated using the COLA increase table

as follows:

A. divide the current gross social security benefit by the COLA increase in the most current year; the result is the social security benefit before the COLA increase;

B. divide the result from Subsection A above by the COLA increase from the previous period or year; the result is the social security benefit before the increase for that period or year; and

C. repeat Subsection B above for each year, through the year that the applicant or eligible recipient received both social security benefits and supplemental security income (SSI); the final result is the countable social security benefit.

Continued On Following Page

COLA Increase and disregard table			
	Period and year ^F	COLA increase	= benefit before
1	<u>2016 Jan - Dec</u>	<u>0</u>	<u>Jan 16</u>
<u>2</u>	2015 Jan - Dec	1.017	Jan 15
[<u>2</u>] <u>3</u>	2014 Jan - Dec	1.015	Jan 14
[<u>3</u>] <u>4</u>	2013 Jan - Dec	1.017	Jan 13
[<u>4</u>] <u>5</u>	2012 Jan - Dec	1.037	Jan 12
[<u>5</u>] <u>6</u>	2011 Jan - Dec	0	Jan 11
[<u>6</u>] <u>7</u>	2010 Jan - Dec	1	Jan 10
[<u>7</u>] <u>8</u>	2009 Jan - Dec	1	Jan 09
[<u>8</u>] <u>9</u>	2008 Jan - Dec	1.058	Jan 08
[<u>9</u>] <u>10</u>	2007 Jan - Dec	1.023	Jan 07
[<u>10</u>] <u>11</u>	2006 Jan - Dec	1.033	Jan 06
[<u>11</u>] <u>12</u>	2005 Jan - Dec	1.041	Jan 05
[<u>12</u>] <u>13</u>	2004 Jan - Dec	1.027	Jan 04
[<u>13</u>] <u>14</u>	2003 Jan - Dec	1.021	Jan 03
[<u>14</u>] <u>15</u>	2002 Jan - Dec	1.014	Jan 02
[<u>15</u>] <u>16</u>	2001 Jan - Dec	1.026	Jan 01
[<u>16</u>] <u>17</u>	2000 Jan - Dec	1.035	Jan 00
[<u>17</u>] <u>18</u>	1999 Jan - Dec	1.025	Jan 99
[<u>18</u>] <u>19</u>	1998 Jan - Dec	1.013	Jan 98
[<u>19</u>] <u>20</u>	1997 Jan - Dec	1.021	Jan 97
[<u>20</u>] <u>21</u>	1996 Jan - Dec	1.029	Jan 96
[<u>21</u>] <u>22</u>	1995 Jan - Dec	1.026	Jan 95
[<u>22</u>] <u>23</u>	1994 Jan - Dec	1.028	Jan 94
[<u>23</u>] <u>24</u>	1993 Jan - Dec	1.026	Jan 93
[<u>24</u>] <u>25</u>	1992 Jan - Dec	1.03	Jan 92
[<u>25</u>] <u>26</u>	1991 Jan - Dec	1.037	Jan 91
[<u>26</u>] <u>27</u>	1990 Jan - Dec	1.054	Jan 90
[<u>27</u>] <u>28</u>	1989 Jan - Dec	1.047	Jan 89
[<u>28</u>] <u>29</u>	1988 Jan - Dec	1.04	Jan 88
[<u>29</u>] <u>30</u>	1987 Jan - Dec	1.042	Jan 87
[<u>30</u>] <u>31</u>	1986 Jan - Dec	1.013	Jan 86
[<u>31</u>] <u>32</u>	1985 Jan - Dec	1.031	Jan 85
[<u>32</u>] <u>33</u>	1984 Jan - Dec	1.035	Jan 84
[<u>33</u>] <u>34</u>	1982 Jul - 1983 Dec	1.035	Jul 82
[<u>34</u>] <u>35</u>	1981 Jul - 1982 Jun	1.074	Jul 81
[<u>35</u>] <u>36</u>	1980 Jul - 1981 Jun	1.112	Jul 80
[<u>36</u>] <u>37</u>	1979 Jul - 1980 Jun	1.143	Jul 79
[<u>37</u>] <u>38</u>	1978 Jul - 1979 Jun	1.099	Jul 78
[<u>38</u>] <u>39</u>	1977 Jul - 1978 Jun	1.065	Jul 77
[<u>39</u>] <u>40</u>	1977 Apr - 1977 Jun	1.059	Apr 77

8.200.520.13 FEDERAL BENEFIT RATES (FBR) AND VALUE OF ONE-THIRD REDUCTION (VTR):

Year	Individual	Institution	Individual	Couple	Institution	Couple
	FBR	FBR	VTR	FBR	FBR	VTR
1/89 to 1/90	\$368	\$30	\$122.66	\$553	\$60	\$184.33
1/90 to 1/91	\$386	\$30	\$128.66	\$579	\$60	\$193.00
1/91 to 1/92	\$407	\$30	\$135.66	\$610	\$60	\$203.33
1/92 to 1/93	\$422	\$30	\$140.66	\$633	\$60	\$211.00
1/93 to 1/94	\$434	\$30	\$144.66	\$652	\$60	\$217.33
1/94 to 1/95	\$446	\$30	\$148.66	\$669	\$60	\$223.00
1/95 to 1/96	\$458	\$30	\$152.66	\$687	\$60	\$229.00
1/96 to 1/97	\$470	\$30	\$156.66	\$705	\$60	\$235.00
1/97 to 1/98	\$484	\$30	\$161.33	\$726	\$60	\$242.00
1/98 to 1/99	\$494	\$30	\$164.66	\$741	\$60	\$247.00
1/99 to 1/00	\$500	\$30	\$166.66	\$751	\$60	\$250.33
1/00 to 1/01	\$512	\$30	\$170.66	\$769	\$60	\$256.33
1/01 to 1/02	\$530	\$30	\$176.66	\$796	\$60	\$265.33
1/02 to 1/03	\$545	\$30	\$181.66	\$817	\$60	\$272.33
1/03 to 1/04	\$552	\$30	\$184.00	\$829	\$60	\$276.33
1/04 to 1/05	\$564	\$30	\$188	\$846	\$60	\$282.00
1/05 to 1/06	\$579	\$30	\$193	\$869	\$60	\$289.66
1/06 to 1/07	\$603	\$30	\$201	\$904	\$60	\$301.33
1/07 to 1/08	\$623	\$30	\$207.66	\$934	\$60	\$311.33
1/08 to 1/09	\$637	\$30	\$212.33	\$956	\$60	\$318.66
1/09 to 1/10	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/10 to 1/11	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/11 to 1/12	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/12 to 1/13	\$698	\$30	\$232.66	\$1,048	\$60	\$349.33
1/13 to 1/14	\$710	\$30	\$237	\$1,066	\$60	\$355
1/14 to 1/15	\$721	\$30	\$240	\$1082	\$60	\$361
1/15 to 12/15	\$733	\$30	\$244	\$1,100	\$60	\$367
<u>1/16 to 12/16</u>	<u>\$733</u>	<u>\$30</u>	<u>\$244</u>	<u>\$1,100</u>	<u>\$60</u>	<u>\$367</u>

A. Ineligible child deeming allocation is \$350.00.

B. Part B premium is [~~\$104.90~~] \$121.80 per month.

C. VTR (value of one third reduction) is used when an individual or a couple lives in the household of another and receives food and shelter from the household or when the individual or the couple is living on his or her own household but receiving support and maintenance from others.

D. The SSI resource standard is \$2000 for an individual and \$3000 for a couple.

[8.200.520.13 NMAC - Rp, 8.200.520.13 NMAC, 8-28-15; A/E, 1-1-16]

8.200.520.20 COVERED QUARTER INCOME STANDARD:

Date	Calendar Quarter Amount
Jan. 2016 - Dec. 2016	\$1,260 per calendar quarter
Jan. 2015 - Dec. 2015	\$1,220 per calendar quarter
Jan. 2014 - Dec. 2014	\$1,200 per calendar quarter
Jan. 2013 - Dec. 2013	\$1,160 per calendar quarter
Jan. 2012 - Dec. 2012	\$1,130 per calendar quarter
Jan. 2011 - Dec. 2011	\$1,120 per calendar quarter
Jan. 2010 - Dec. 2010	\$1,120 per calendar quarter
Jan. 2009 - Dec. 2009	\$1,090 per calendar quarter

Jan. 2008 - Dec. 2008	\$1,050 per calendar quarter
Jan. 2007 - Dec. 2007	\$1,000 per calendar quarter
Jan. 2006 - Dec. 2006	\$970 per calendar quarter
Jan. 2005 - Dec. 2005	\$920 per calendar quarter
Jan. 2004 - Dec. 2004	\$900 per calendar quarter
Jan. 2003 - Dec. 2003	\$890 per calendar quarter
Jan. 2002 - Dec. 2002	\$870 per calendar quarter

[8.200.520.20 NMAC - Rp, 8.200.520.20 NMAC, 8-28-15; A/E, 1-1-16]

PUBLIC REGULATION COMMISSION

This is an amendment to 18.14.2 NMAC, Sections 2, 6, 7, 9, 11 through 18, effective 1/15/16.

18.14.2.2 SCOPE: [This rule applies to all railroads operating in New Mexico] Except as provided herein, this rule applies to all railroad companies and other common carriers, as provided in Paragraph (3) of Subsection A of Section 63-7-1.1 NMSA 1978 and to all rail safety activities as to which the commission has been delegated authority pursuant to federal railroad safety laws together with regulations promulgated and orders issued under those federal laws.
[18.14.2.2 NMAC - N, 9/30/11; A, 1/15/16]

18.14.2.6 OBJECTIVE: The purpose of this rule is to establish safety requirements for [railroads] railroad companies and other common carriers operating in New Mexico and to establish basic procedures for use when public grade crossings are sought to be opened or closed.
[18.14.2.6 NMAC - N, 9/30/11; A, 1/15/16]

18.14.2.7 DEFINITIONS: In addition to the definitions set out in 49 CFR Parts 200 to 268 and in the American railway engineering and maintenance-of-way association (AREMA) clearances manual, as used in this rule: [commission means the New Mexico public regulation commission.]

A. Commission means the New Mexico public regulation commission.

B. Private grade crossing means any railroad crossing of a roadway which is not a public grade crossing, including any at-grade crossing where the highway, road or street is privately owned.

C. Public grade crossing means a location within the

state, other than a location where one or more railroad tracks cross one or more railroad tracks at-grade, where a public highway, public road, or public street, including any associated public sidewalks and public pathways, crosses one or more railroad tracks at-grade. The term includes a crossing only if any public authorities maintain the roadway on all sides of the crossing.

[18.14.2.7 NMAC - N, 9/30/11; A, 6/14/13; A, 1/15/16]

18.14.2.9 ADOPTION OF MINIMUM SAFETY REQUIREMENTS BY REFERENCE: The commission adopts by reference as part of this rule, and a railroad company shall comply with the safety requirements set forth in:

A. Code of federal regulations. 49 CFR parts 200 to 268; and 23 CFR Part 655, Subpart F.

B. AREMA clearances manual. Call new construction commenced on or after September 30, 2011 shall comply with Chapter 28, clearances, of the manual for railway engineering published by the American railway engineering and maintenance-of-way association (AREMA); copies may be obtained from AREMA, 10003 Derekwood Lane, Lanham, Maryland 20706.

[18.14.2.9 NMAC - N, 9/30/11; A, 6/14/13; A, 1/15/16]

18.14.2.11 GOVERNMENTAL AGREEMENTS: The director of transportation division, with the express approval of the commission, may enter into any agreement with another governmental entity, such as the New Mexico department of transportation, in order to cooperatively enhance railroad safety, promote compliance with the federal railroad safety laws, and implement the benefits of the national railroad safety program.

[18.14.2.11 NMAC - Rp, SCC-85-7, Rule 1, 9/30/11; A, 6/14/13; 18.14.2.11 NMAC - N, 1/15/16]

~~[18.14.2.11]~~ 18.14.2.12 OPENING AND CLOSING OF PUBLIC GRADE CROSSINGS:

A. [Railroads] Railroad companies are subject to the construction and maintenance requirements set forth in (NMSA 1978, Section 63-3-36) Section 63-3-36 NMSA 1978.

B. Exclusion of property owned by New Mexico department of transportation: The New Mexico department of transportation, and not the New Mexico public regulation commission, shall determine whether to open or close a crossing on a railroad property owned by the New Mexico department of transportation or on a state highway that crosses a railroad.

~~[B.]~~ **C.** Subject to the exclusion set out in Subsection B of 18.14.2.12 NMAC, a [Any] person who believes that an additional public grade crossing is necessary and in the public interest may petition the commission for a determination regarding the need for such a crossing. The transportation division director shall promptly notice the pending petition for public comment, and the commission shall, as soon as practicable consistent with due process, hold a hearing, whereupon it may issue an order prohibiting or permitting the additional public grade crossing.

~~[C.]~~ **D.** Subject to the exclusion set out in Subsection B of 18.14.2.12 NMAC, a [Any] person who believes that an existing public grade crossing is unnecessary or not in the public interest may petition the commission for a determination regarding the need for such a public grade crossing. The transportation division director shall promptly notice the pending petition for public comment, and the commission shall, as soon as practicable consistent with due process, hold a hearing, whereupon it may issue an order requiring that the existing public grade crossing be closed, kept open, or modified as needed to conform with current applicable safety standards.

~~[D.]~~ **E.** Subject to the

exclusion set out in Subsection B of 18.14.2.12 NMAC, a [Any] railroad company contemplating the closure of an existing public grade crossing of a public highway, city, town or village street at grade, must notify the transportation division director at least [sixty] 60 days prior to any actual closure of such public grade crossing. The transportation division director shall promptly notice the pending closure for public comment, and the commission shall, as soon as practicable consistent with due process, hold a hearing, whereupon it may issue an order prohibiting or permitting the closure.

~~[E:]~~ **F.** Railroad United States department of transportation (USDOT) identifiers shall be posted at each existing railroad crossing in New Mexico. [18.14.2.12 NMAC - Rp, SCC-85-7, Rule 1, 9/30/11; A, 6/14/13; Rn & A, 18.14.2.11 NMAC 1/15/16]

~~[18.14.2.12]~~ **18.14.2.13 REPORTS OF ACCIDENTS AND INCIDENTS:**

A. Whenever a railroad company is required by 49 CFR 225.9 to report an accident/incident promptly by telephone to the federal railroad administration, the railroad shall promptly-report the same accident/incident information by telephone to the transportation division of the public regulation commission at (505) 827-4310.

B. A railroad company must immediately report by telephone to the New Mexico state police at (505) 827-9126 and to the New Mexico environment department at (505) 827-9239 or (505) 827-1557 as well as to local law enforcement authorities and tribal police whenever it learns of the occurrence of an accident/incident involving a railroad car carrying hazardous material as provided in 49 CFR 172. Each report must state:

- (1) the name of the railroad;
- (2) the name, title, and telephone number of the person making the report;
- (3) the time, date, and location of the accident/incident;
- (4) the circumstances of the accident/incident;
- (5) the number of fatalities and injuries involved, if any; and
- (6) the specific hazardous commodity, if any, involved in the accident/incident.

C. A railroad company shall furnish to the transportation division of the public regulation commission a copy of each monthly accident/incident

report it files with the federal railroad administration pursuant to 49 CFR 225. The report shall be filed with the transportation division at the same time it is filed with the federal railroad administration.

D. Persons affected by railroad crossing safety issues may follow the commission's informal complaint procedures by contacting the commission's consumer relations division. In addition, they may follow the commission's formal complaint procedures as set forth at 1.2.2 NMAC.

E. The furnishing of any report required under Subsections A, B, and C of this section is not intended to constitute a waiver of any evidentiary privilege as to such report provided for by federal or state law.

F. The commission will not exercise any authority with respect to the opening or closing of private grade crossing.

[18.14.2.13 NMAC - Rp, SCC-85-7, Rule 3, 9/30/11; A, 6/14/13; Rn & A, 18.14.2.12 NMAC 1/15/2016]

~~[18.14.2.13]~~ **18.14.2.14 MAPS AND PROFILES:** A railroad company shall file with the commission the first January 15 after this rule takes effect a map showing all showing all lines and grade crossings and a list of all grade crossings the railroad has in New Mexico, and on or before January 15 of each year a map showing any changes to its lines and grade crossings in New Mexico since the previous filing and a list of changes to its grade crossings in New Mexico since the previous filing. The furnishing of this information may be accomplished electronically, through the provision of appropriate access to the national highway-rail crossing inventory, obtainable from the federal railroad administration.

[18.14.2.14 NMAC - Rp, SCC 85-7, Rule 7, 9/30/11; A, 6/14/13; Rn & A, 18.14.2.13 NMAC 1/15/16]

18.14.2.15 NON-APPLICABILITY: This rule shall not apply to government owned railroad operations or government owned railroad property. Notwithstanding this provision, railroad companies and other common carriers operating on government owned railroad property or government owned railroad right of way are subject to the provisions of this rule.

[18.14.2.15 NMAC - N, 1/15/16]

~~[18.14.2.14]~~ **18.14.2.16 WAIVER OF OR VARIANCE FROM RULE REQUIREMENTS:**

A. The commission may, in its discretion, waive or vary any state-imposed requirement of these rules whenever the commission finds that such waiver or variance would be in the public interest.

B. A railroad company that cannot meet one or more of the state-imposed requirements of these rules may petition the commission for a waiver or variance. The petition shall be in writing and shall include:

- (1) a list of those state-imposed requirements which the railroad company wishes to have waived or varied;
- (2) an explanation and description of the specific conditions which prevent the requirement from being met; and
- (3) a statement of steps already taken and to be taken, with projected time limits for each step, in attempting to meet the requirements.

C. The commission may order a hearing on the merits of the petition.

D. A railroad company shall be required to comply with requirements it has petitioned to have waived or varied until the commission has issued an order on the merits of the petition, unless the commission or its designee grants an interim waiver of or variance from one of more of the requirements that are the subject of the petition.

E. No waiver or variance of any state-imposed requirement of these rules granted by the commission is transferable.

[18.14.2.16 NMAC - N, 9/30/11; Rn & A, 18.14.2.14 NMAC 1/15/16]

~~[18.14.2.15]~~ **18.14.2.17 RULES OF PROCEDURE:**

In all hearings before the commission involving railroad companies, the commission shall follow the public regulation commission rules of procedure as codified at 1.2.2.7 NMAC, et seq., except that a specific provision in this rule shall control over a conflicting general provision in the rules of procedure.

[18.14.2.17 NMAC - N, 9/30/11; Rn, 18.14.2.15 NMAC 1/15/16]

~~[18.14.2.16]~~ **18.14.2.18 FILING OF DOCUMENTS:**

A. Address for filing pleadings.

(1) By mail.

Pleadings to be filed by mail must be sent to public regulation commission, records management bureau, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

(2) In person.

Pleadings to be filed in person must be delivered to public regulation commission, records management bureau, 1120 Paseo de Peralta, at the corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico.

(3) By

facsimile. Pleadings filed by facsimile must be sent to (505) 476-0324.

(4) By

electronic mail. Call the records management bureau at 505-827-4526 for the correct email address for filing pleadings by electronic mail.

B. Address for filing all other documents.

(1) By mail.

Documents other than pleadings to be filed by mail must be sent to public regulation commission, transportation division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

(2) In person.

Documents to be filed in person must be delivered to the public regulation commission, transportation division, 1120 Paseo de Peralta, at the corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico.

(3) By

facsimile. Documents filed by facsimile must be sent to (505) 827-4417.

(4) By

electronic mail. Call the chief of the transportation division investigations bureau at 505-827-4393 for the correct email address for filing documents by electronic mail.

C. Photocopies of forms permitted. The commission will accept filings made on photocopies of commission forms, provided the copies are legible.

D. Filing by facsimile.

Persons filing documents by facsimile should also file the original with the commission either by mail or in person. The document will be deemed filed on the date of receipt of either the facsimile or the original, whichever occurs first. The commission will accept filing by facsimile of the following documents:

- (1)** change of address reports;
 - (2)** reports of fatal accidents;
 - (3)** complaints;
- and

(4) other

documents the commission, in its discretion, or its designee permits. [18.14.2.18 NMAC - N, 9/30/11; Rn, 18.14.2.16 NMAC 1/15/16]

REGULATION AND LICENSING DEPARTMENT BODY ART PRACTITIONERS

The Board of Body Art Practitioners, at its meeting on 12-14-2015 repealed the following rules: 16.36.1 NMAC, 16.36.2 NMAC, 16.36.3 NMAC, 16.36.4 NMAC, 16.36.5 NMAC and 16.36.6 NMAC and replaced them with the following rules: 16.36.1 NMAC, 16.36.2 NMAC, 16.36.3 NMAC, 16.36.4 NMAC, 16.36.5 NMAC and 16.36.6 NMAC, effective 02/04/2016.

REGULATION AND LICENSING DEPARTMENT BODY ART PRACTITIONERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 36 BODY ARTISTS AND OPERATORS PART 1 GENERAL PROVISIONS

16.36.1.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Body Art Practitioners. [16.36.1.1 NMAC - Rp, 16.36.1.1 NMAC, 02/04/2016]

16.36.1.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators. [16.36.1.2 NMAC - Rp, 16.36.1.2 NMAC, 02/04/2016]

16.36.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-3, 61-17B-5, 61-17B-7 and 61-17B-13. [16.36.1.3 NMAC - Rp, 16.36.1.3 NMAC, 02/04/2016]

16.36.1.4 DURATION: Permanent [16.36.1.4 NMAC - Rp, 16.36.1.4 NMAC, 02/04/2016]

16.36.1.5 EFFECTIVE DATE: February 4, 2016, unless a later date is cited at the end of a section. [16.36.1.5 NMAC - Rp, 16.36.1.5 NMAC, 02/04/2016]

16.36.1.6 OBJECTIVE: To define terms relevant to body art, custody and alteration of licenses, license posted, exemptions and municipalities. [16.36.1.6 NMAC - Rp, 16.36.1.6 NMAC, 02/04/2016]

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

A. **“Aftercare”** means written instructions given to the client, specific to the body piercing or tattooing procedure(s) rendered, on caring for the body piercing or tattoo and surrounding area.

B. **“Antiseptic”** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

C. **“Autoclave”** means a piece of medical equipment that employs the steam under pressure method of sterilization.

D. **“Board”** means the board of body art practitioners.

E. **“Body art”** means tattooing, body piercing or scarification but does not include practices that are considered medical procedures by the New Mexico medical board.

F. **“Body art establishment”** means a fixed or mobile place where body art is administered on the premises.

G. **“Body artist”** means a person who administers body piercing, tattooing or scarification.

H. **“Body piercing”** means to cut, stab or penetrate the skin to create a permanent hole or opening.

I. **“Equipment”** means machinery used in connection with the operation of a body art establishment, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and other apparatuses and appurtenances.

J. **“Instruments used for body art”** means hand pieces, needles, needle bars and other items that may come into contact with a person’s body during the administration of body art.

K. **“Operator”** means the owner in charge of a body art establishment.

L. **“Scarification”** means cutting into the skin with a sharp instrument or branding the skin with a heated instrument to produce a permanent mark or design on the skin.

M. **“Sharps”** means

any sterilized object that is used for the purpose of penetrating the skin or mucosa, including needles, scalpel blades and razor blades.

N. **“Single use”** means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

O. **“Sterilization”** means destruction of all forms of microbiotic life, including spores.

P. **“Tattooing”** means the practice of depositing pigment, which is either permanent, semipermanent or temporary, into the epidermis using needles by someone other than a state-licensed physician or a person under the supervision of a state-licensed physician and includes permanent cosmetics, dermography, micropigmentation, permanent color technology and micropigment implantation.
[16.36.1.7 NMAC - Rp, 16.36.1.7 NMAC, 02/04/2016]

16.36.1.8 CUSTODY AND ALTERATION OF LICENSES:

A. Licenses issued by the board are at all times the property of the board, and may remain in the custody of the licensee only as long as the licensee complies with the act and board rules.

B. Licenses shall not be altered in any way.

C. Inspectors or board designees may retrieve any license which is suspended, revoked, expired, or left by a licensee who is no longer employed at an establishment.

D. A current body art apprenticeship, practitioner or operator license is not transferable from one person to another.
[16.36.1.8 NMAC - Rp, 16.36.1.8 NMAC, 02/04/2016]

16.36.1.9 LICENSES POSTED:

A. All licenses, except identification licenses, issued by the board shall be posted where clearly visible to the public at all times.

B. Licensees must attach a recent passport size colored photograph to the board issued license and sign the license where indicated.

C. All licensees, who have been placed on probation, will be issued a license, which states the licensee

is on disciplinary probation. The license shall be posted where clearly visible to the public at all times.

D. Licensees must present a driver’s license or other identification when requested by the public, the board or its authorized representative.
[16.36.1.9 NMAC - Rp, 16.36.1.9 NMAC, 02/04/2016]

16.36.1.10 EXEMPTIONS:

A. A person who pierces only the outer perimeter of the ear, not including any cartilage, using a pre-sterilized encapsulated single use stud ear piercing system, implementing appropriate procedures, is exempt from the requirements of the Body Art Safe Practices Act (61-17B-1 NMSA 1978).

B. A member of a federally recognized tribe, band, nation or pueblo who performs scarification rituals for religious purposes is exempt from the requirements of the Body Art Safe Practices Act.

C. Operators and body artists engaged in the body art business before the effective date of the Body Art Safe Practices Act shall have 180 days from May 16, 2008 to comply with license requirements.
[16.36.1.10 NMAC - Rp, 16.36.1.10 NMAC, 02/04/2016]

16.36.1.11 MUNICIPALITIES:

The Body Art Safe Practices Act (61-17B-1 NMSA 1978) provides minimum standards for safe body art practices. A municipality may by ordinance provide more stringent standards.
[16.36.1.11 NMAC - Rp, 16.36.1.11 NMAC, 02/04/2016]

HISTORY OF 16.36.1 NMAC: [RESERVED]

REGULATION AND LICENSING DEPARTMENT BODY ART PRACTITIONERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 36 BODY ARTISTS AND OPERATORS PART 2 LICENSURE REQUIREMENTS

16.36.2.1 ISSUING AGENCY:

Regulation and Licensing Department, Board of Body Art Practitioners.
[16.36.2.1 NMAC - Rp, 16.36.2.1 NMAC, 02/04/2016]

16.36.2.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.2.2 NMAC - Rp, 16.36.2.2 NMAC, 02/04/2016]

16.36.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5.
[16.36.2.3 NMAC - Rp, 16.36.2.3 NMAC, 02/04/2016]

16.36.2.4 DURATION: Permanent
[16.36.2.4 NMAC - Rp, 16.36.2.4 NMAC, 02/04/2016]

16.36.2.5 EFFECTIVE DATE: February 4, 2016, unless a later date is cited at the end of a section.

[16.36.2.5 NMAC - Rp, 16.36.2.5 NMAC, 02/04/2016]

16.36.2.6 OBJECTIVE: To outline the application process, training and examination requirements and the renewal procedures.
[16.36.2.6 NMAC - Rp, 16.36.2.6 NMAC, 02/04/2016]

16.36.2.7 DEFINITIONS: [RESERVED]

16.36.2.8 APPLICATION FOR BODY ART TATTOO OR PIERCING-SCARIFICATION APPRENTICE LICENSE:

A. Application forms:
(1) Application for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose.

(2) Applications for licensure must include:

- (a) a completed and signed application;
- (b) applicant name;
- (c) proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver’s license, state issued identification card, or baptismal certificate);
- (d) mailing address;
- (e) business address;
- (f) phone number;
- (g) place of employment as a practitioner;
- (h)

proof of completion of tattoo or piercing-scarification training program as set forth below;

(i)

an apprentice sponsorship form which must be signed by a body art practitioner licensed in the kind of body art the applicant is seeking an apprenticeship license;

(j)

non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

B. Photographs:

Applicants for original licensure shall attach a recent passport size, color photograph, front-view of face.

C. Prior to licensure

the applicant shall take and pass a board approved jurisprudence examination. The applicant must pass the jurisprudence exam with a minimum score of seventy-five percent or higher.

[16.36.2.8 NMAC - Rp, 16.36.2.8 NMAC, 02/04/2016]

16.36.2.9 APPLICATION FOR BODY ART TATTOO OR PIERCING-SCARIFICATION PRACTITIONER LICENSE:

A. Application forms:

(1) Application

for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose.

(2) Applications

for licensure must include:

(a) a

completed and signed application;

(b)

name;

(c)

proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(d)

mailing address;

(e)

business address;

(f)

phone number;

(g)

place of employment as a practitioner;

(h)

proof of completion of tattoo, piercing, or scarification training program and examination as set forth below;

(i)

verification of completion of tattoo or piercing-scarification apprenticeship or

experience as set forth below;

(j)

non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

B. Photographs:

Applicants for original licensure shall attach a recent passport size, color photograph, front-view of face.

C. Prior to licensure

the applicant shall take and pass a board approved jurisprudence examination. The applicant must pass the jurisprudence exam with a minimum score of seventy-five percent or higher. If the applicant took and passed the jurisprudence exam to obtain an apprentice license within the prior two years the exam results will transfer to the application for a practitioner license.

[16.36.2.9 NMAC - Rp, 16.36.2.9 NMAC, 02/04/2016]

16.36.2.10 APPLICATION FOR PERMANENT COSMETIC PROFESSIONAL:

A. Application forms:

(1) Application

for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose.

(2) Applications

for licensure must include:

(a) a

completed and signed application;

(b)

name;

(c)

proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(d)

mailing address;

(e)

business address;

(f)

phone number;

(g)

place of employment as a practitioner;

(h)

proof of completion of permanent cosmetic training program and examination as set forth below;

(i)

non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

B. Photographs:

Applicants for original licensure shall attach a recent passport size, color photograph, front-view of face.

C. Prior to licensure

the applicant shall take and pass a board approved jurisprudence examination. The applicant must pass the jurisprudence exam with a minimum score of seventy-five percent or higher.

[16.36.2.10 NMAC - Rp, 16.36.2.10 NMAC, 02/04/2016]

16.36.2.11 APPLICATION FOR BODY ART OPERATOR ESTABLISHMENT LICENSE:

A. Any establishment

licensed by the board must be under the immediate supervision of a board licensed practitioner while licensed activity is being practiced therein.

B. The supervising

licensee(s) must be licensed by the board in each aspect of the licensed activity being practiced in the establishment during the time licensee is in charge (e.g. tattoo, piercing, permanent cosmetics or scarification).

C. Application forms:

(1) Application

for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose.

(2) Applications

for licensure must include:

(a) a

completed and signed application;

(b)

name of the body art establishment;

(c)

name of the operator of the establishment;

(d)

proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(e)

mailing address;

(f)

physical business address;

(g)

business phone number;

(h)

name(s) of the body art supervising practitioner(s) working at the establishment;

(i)

non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

[16.36.2.11 NMAC - Rp, 16.36.2.11 NMAC, 02/04/2016]

16.36.2.12

PROOF OF

CURRENT IMMUNIZATIONS:

Proof shall be provided upon request of the board or board representative that apprentice, practitioner, and permanent cosmetic practitioner licensee has either completed or declined, on a form provided by the board, the hepatitis B vaccination series. For those who decline the hepatitis B vaccination series, an information brochure developed by the New Mexico department of health will be provided which explains the risks of hepatitis B and C.

[16.36.2.12 NMAC - Rp, 16.36.2.12 NMAC, 02/04/2016]

16.36.2.13 PROOF OF COMPLETION OF TRAINING PROGRAM:

Proof shall be provided with the original application that the applicant has, at a minimum, completed the following training prior to making application for a license as a body artist apprentice, body artist practitioner, permanent cosmetic professional or body art operator. Such training must include:

A. Blood borne pathogens (disease) training that meets OSHA standards and center for disease control recommendations; an examination is required as a condition of training completion:

(1) the training must be completed within 12 months prior to application and include, at a minimum, the following:

(a) a copy and explanation of the OSHA blood borne pathogen standard;

(b) an explanation of the epidemiology and symptoms of blood borne diseases;

(c) an explanation of the modes of transmission of blood borne pathogens;

(d) an explanation of an exposure control plan and the means by which the employee can obtain a copy of the written plan;

(e) an explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(f) an explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(g) information on the types, proper use, location, removal, handling, decontamination and disposal of personal

protective equipment;

(h) an explanation of the basis for selection of personal protective equipment;

(i) information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(j) information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(k) an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that must be made available;

(l) information on the post-exposure evaluation and follow-up that an employer is required to provide for the employee following an exposure incident;

(m) an explanation of the signs and labels or color coding required by OSHA (occupational safety and health administration) standards; and

(n) an opportunity for interactive questions and answers with the person conducting the training session;

(2) the training may be obtained through any of the following:

(a) nationally accredited organization;

(b) local government sponsored;

(c) hospital sponsored;

(d) college sponsored;

(e) OSHA sponsored;

(f) red cross; or

(g) board approved;

B. Current certification in first aid and cardiopulmonary resuscitation (CPR); the training may be obtained through any of the following:

(1) nationally accredited organization;

(2) local government sponsored;

(3) hospital sponsored;

(4) college sponsored;

(5) OSHA (occupational safety and health administration) sponsored;

(6) red cross; or

(7) board

approved;

C. An applicant for a tattoo or body piercing-scarification apprenticeship shall file an apprentice agreement notarized by all parties that applicant shall complete the board required training requirements.

[16.36.2.13 NMAC - Rp, 16.36.2.13 NMAC, 02/04/2016]

16.36.2.14 TATTOO OR BODY PIERCING-SCARIFICATION APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS:

A. An applicant for original tattoo or piercing-scarification practitioner license shall provide proof, acceptable to the board or its designee, that applicant has completed a 1500 hour apprenticeship program under the direct supervision of a licensed practitioner with instruction and experience in the kind of body art for which the applicant seeks a body art practitioner license.

B. Proof of completing 1500 hour apprentice program shall include:

(1) verification of completion of apprenticeship program on form provided by the board;

(2) a minimum of 10 original photographs of healed tattoos or piercings-scarifications which the artisan has personally performed and a minimum of three signed testimonials from previous clients.

C. Body piercing apprenticeship curriculum:

(1) Orientation-200 hours:

(a) state laws and regulations;

(b) tax and business license requirements;

(c) OSHA bloodborne pathogens standard;

(d) the establishment's exposure control plan;

(e) MSDS sheets;

(f) paperwork and business documentation;

(g) HIPAA (Health Insurance Portability and Accountability Act of 1996 privacy rule);

(h) environment/appropriate studio set-up;

(i) professional image;

appropriate communication with clients;	(j)	of disinfecting solutions;		room set-up and break-down;	
ethics and legalities:	(k)	sterilization/appropriate use and maintenance of autoclave sterilizers.	(q)	skin preparation;	(d)
minors;	(i)	piercing theory - 100 hours:	(3) Body	client relations/relaxation techniques;	(e)
drugs and alcohol;	(ii)	jewelry;	(a)	pain management;	(f)
medical conditions/risk assessment;	(iii)	standards and certifications;	(b)	piercing techniques;	(g)
personal boundaries;	(iv)	certified materials for new piercings;	(c)	dealing with mistakes;	(h)
dealing with emergencies:	(l)	other appropriate materials for new piercings;	(d)	in order to be approved, curriculum for body piercing technician training shall include, at a minimum, 50 practical operations observed by the apprentice, 50 practical operations in which the apprentice participated, and 50 practical operations performed by the apprentice under supervision, but without assistance; the 50 unsupervised completed procedures shall consist of at least five completed procedures in each of the following areas:	(i)
blood spills;	(i)	jewelry materials for healed piercings;	(e)	ears;	(ii)
fainting;	(ii)	jewelry to avoid;	(f)	nose;	(iii)
bleeding;	(iii)	quality jewelry (things to look for);	(g)	tongue;	(iv)
needlesticks;	(iv)	jewelry styles;	(h)	nipple;	(v)
other exposures.	(v)	cleaning, sterilization and storage of jewelry;	(i)	navel;	(vi)
disinfection theory and practical - 200 hours:	(2) Sterilization,	anatomy;	(j)	eyebrow;	(vii)
microbiology;	(a)	understanding of skin;	(k)	lip/labret;	(j)
definitions;	(b)	parts and functions of skin;	(l)	curriculum should include the following for each procedure:	(i)
microorganisms of the skin;	(c)	oral/facial anatomy as it pertains to piercing;	(m)	related anatomy;	(ii)
factors that influence the survival and growth of microorganisms;	(d)	body anatomy as it pertains to piercing;	(n)	appropriate placement;	(iii)
breaking the chain of infection;	(e)	determining the appropriateness of a piercing;	(o)	skin preparation;	(iv)
infection control;	(f)	equipment;	(p)	implement selection and use;	(v)
handwashing;	(g)	disposable supplies;	(q)	techniques;	(vi)
types of soaps and hand sanitizers;	(h)	needles;	(r)	healing and aftercare.	
use of gloves and other personal protective equipment;	(i)	sharps disposal;	(s)	D. Tattoo apprenticeship curriculum:	
how to recognize, prevent and remedy cross-contamination;	(j)	reusable equipment;	(t)	(1) Orientation-	
immunizations;	(k)	storage;	(u)	200 hours:	
cleaning, disinfection and sterilization;	(l)	aftercare;	(v)	state laws and regulations;	(a)
sterile chart;	(m)	piercing guns (theory only).	(w)	tax and business license requirements;	(b)
cleaning/appropriate procedures;	(n)	piercing observation/practical - 1000 hours:	(4) Body	OSHA bloodborne pathogens standard;	(c)
implement pre-cleaning before sterilization/appropriate use of cleaning solutions and ultrasonic cleaners;	(o)	proper use of safety procedures outlined in theory training;	(a)	the establishment's exposure control plan;	(d)
disinfection/appropriate use and disposal	(p)	aseptic technique;	(b)		(e)
			(c)		

MSDS sheets;	(f)	sterile chart;	(n)	spring gauges and maintenance;	(x)
paperwork and business documentation;	(g)	cleaning/appropriate procedures;	(o)	the difference between long stroke/short stroke technique;	(y)
HIPAA (Health Insurance Portability and Accountability Act of 1996 privacy rule);	(h)	implement pre-cleaning before sterilization/appropriate use of cleaning solutions and ultrasonic cleaners;	(p)	tattoo machine schematics, electronics and constructions;	(z)
environment/appropriate studio set-up;	(i)	disinfection/appropriate use and disposal of disinfecting solutions;	(q)	tuning and adjustment of machines;	(aa)
professional image;	(j)	sterilization/appropriate use and maintenance of autoclave sterilizers.	(3) Tattooing	understanding current/voltage and reciprocation response;	(bb)
appropriate communication with clients;	(k)	theory - 100 hours;	(a)	needle-making safety and construction;	(cc)
ethics and legalities;	(i)	artistic development;	(b)	aftercare.	(4) Tattooing
minors;	(ii)	drawing for clients;	(c)	observation/practical - 1000 hours;	(a)
drugs and alcohol;	(iii)	stencil making and application;	(d)	proper use of safety procedures outlined in theory training;	(b)
medical conditions/risk assessment;	(iv)	color theory/understanding the color wheel;	(e)	aseptic technique;	(c)
personal boundaries;	(1)	line quality and proportion;	(f)	room set-up and break-down;	(d)
dealing with emergencies:	(i)	shading and coloring technique;	(g)	skin preparation;	(e)
blood spills;	(ii)	pigments and color mixing;	(h)	client relations/relaxation techniques;	(f)
fainting;	(iii)	portfolio construction and maintenance;	(i)	pain management;	(g)
bleeding;	(iv)	anatomy;	(j)	tattooing techniques;	(h)
needlesticks;	(v)	understanding of skin;	(k)	line quality and solid color techniques;	(i)
other exposures.	(2) Sterilization,	parts and functions of skin;	(l)	pigment and implementation selection and use;	(j)
disinfection theory and practical - 200 hours:	(a)	determining the appropriateness of a tattoo placement;	(m)	needle depth and machine/hand speed coordination;	(k)
microbiology;	(b)	equipment;	(n)	dealing with mistakes;	(l)
definitions;	(c)	disposable supplies;	(o)	bandaging techniques.	
microorganisms of the skin;	(d)	needles;	(p)	E. Applicants engaged in the tattoo or body piercing-scarification business before May 16, 2008 may submit notarized letters of employment from past employers or employment records as substitution for an apprenticeship to prove completion of at least 1500 hours of actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner license.	
factors that influence the survival and growth of microorganisms;	(e)	sharps disposal;	(q)	F. An applicant for licensure by reciprocity must meet all the requirements of the act and applicable rules. A body artist licensed in another jurisdiction must submit a verification of licensure from jurisdiction verifying that the artist holds a current license and is in good standing.	
breaking the chain of infection;	(f)	reusable equipment;	(r)	G. An applicant for a	
infection control;	(g)	storage;	(s)		
handwashing;	(h)	tattoo equipment maintenance;	(t)		
types of soaps and hand sanitizers;	(i)	understanding the electromagnetic tattoo machine and its history;	(u)		
use of gloves and other personal protective equipment;	(j)	liner/shader set-up;	(v)		
how to recognize, prevent and remedy cross-contamination;	(k)	quality and conductivity of metals used in tattoo machines;	(w)		
immunizations;	(l)				
cleaning, disinfection and sterilization;	(m)				

body art tattoo, piercing-scarification practitioner license shall take the tattoo or body piercing-scarification exam approved by the board with a passing score approved by the board. A candidate who does not meet this score can retest up to two times. A candidate who does not pass the written examination must wait at least seven days before retesting. Any candidate who does not meet the minimum passing score after three attempts shall be required to enroll or re-enroll in an apprentice program.
[16.36.2.14 NMAC - Rp, 16.36.2.14 NMAC, 02/04/2016]

16.36.2.15 APPRENTICE SPONSOR:

A. Upon filling an application with the board a licensee may be approved to sponsor a tattoo or body piercing-scarification apprentice if the licensee:

- (1) holds a New Mexico tattoo or body piercing-scarification license;
- (2) provides documentation of legally practicing tattoo or body piercing-scarification for at least five years without any board sanctioned disciplinary action; and
- (3) provides a curriculum as required in 16.36.2.14 NMAC to the board for approval.

B. It shall constitute a violation of the rules, within the meaning of the act, for a school to engage in failure to transmit apprentice documents in a timely fashion to the board.
[16.36.2.15 NMAC - Rp, 16.36.2.15 NMAC, 02/04/2016]

16.36.2.16 PERMANENT COSMETIC TRAINING AND EXAMINATION REQUIREMENTS:

A. The permanent cosmetic professional applicant shall have completed a 100 hour training program approved by the board, and shall perform under the direct supervision of a board approved practitioner a minimum of 40 hours and shall include the following requirements:

- (1) Microbiology:
 - (a) microorganisms, viruses, bacteria, fungi;
 - (b) transmission cycle of infectious diseases; and
 - (c) characteristics of antimicrobial agents.
- (2) Immunization:
 - (a)

types of immunizations; and

- (b) general preventative measures to protect the apprentice and client.
- (3) Sanitation and disinfection:
 - (a) definition of terms;
 - (b) use of steam sterilization equipment and techniques;
 - (c) use of chemical agents, antiseptics, disinfectants, and fumigants;
 - (d) use of sanitation equipment;
 - (e) preservice sanitation procedure; and
 - (f) post-service sanitation procedure.
- (4) Safety:
 - (a) proper needle handling and disposal;
 - (b) how to avoid overexposure to chemicals;
 - (c) use of material safety data sheets;
 - (d) blood spill procedures;
 - (e) equipment and instrument storage.
- (5) Blood borne pathogen standards.
 - (a) OSHA blood borne pathogen standards;
 - (b) control plan for blood borne pathogens;
 - (c) exposure control plan;
 - (d) overview of compliance requirements; and
 - (e) disorders and when not to service a client.
- (6) Professional standards:
 - (a) client preparation;
 - (b) record keeping;
 - (c) client health history;
 - (d) consent and disclosure forms;
 - (e) sanitation and safety precautions;
 - (f) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy rule) standards;
 - (g) implement selection and use;
 - (h) proper use of equipment;
 - (i)

material selection and use;

- (j) needles.
 - (7) Anatomy:
 - (a) understanding of skin; and
 - (b) parts and functions of skin.
 - (8) New Mexico laws and regulations.
 - B. A minimum of five of each of the following procedures:
 - (1) eye brow simulation;
 - (2) lip liner;
 - (3) lip color;
 - (4) eye liner/eyelash enhancer.
 - C. Client records shall be maintained by the practitioner applicant to verify that the minimum requirements for the procedures were completed.
 - D. The practitioner applicant shall submit a minimum of one photograph whereby the professional has personally performed one complete procedure for each of the following areas:
 - (1) eye brow simulation;
 - (2) lip liner;
 - (3) lip color;
 - (4) eye liner/eyelash enhancer.
 - E. A practitioner performing areola restoration shall have completed a training program approved by the board.
 - F. An applicant for a permanent cosmetic professional license shall take an exam approved by the board with a passing minimum score approved by the board.
[16.36.2.16 NMAC - Rp, 16.36.2.16 NMAC, 02/04/2016]

16.36.2.17 LICENSE RENEWAL:

A. The body artist and operator shall renew the license annually.

B. Timely renewal of license(s) is the full and complete responsibility of the LICENSEE. Failure to renew the license by the expiration date will result in a late fee.

C. Renewal application shall include the following information:

- (1) proof of completion of blood borne pathogens training within the prior 12 months; and
- (2) current CPR and first aid certification.

D. The board will issue renewal licenses within 15 working days

of receipt of the renewal application and applicable fee.

E. An applicant whose license has expired for one year but less than five years shall submit a reinstatement application, payment of reinstatement fee; proof of completion of blood borne pathogens training within the prior 12 months, current CPR and first aid certification and take and pass a board approved jurisprudence examination with a minimum score of seventy-five percent or higher.

F. An applicant whose license has expired for more than five years shall re-enter an approved training program and complete a 40 hour theory curriculum, take the tattoo or body piercing-scarification exam approved by the board with a passing minimum score approved by the board and take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.

[16.36.2.17 NMAC - Rp, 16.36.2.17 NMAC, 02/04/2016]

16.36.2.18 SPECIAL EVENT, MOBILE BODY ART AND GUEST LICENSE REQUIREMENTS:

A. Any licensee desiring to sponsor a special event that will not be conducted at a licensed establishment must first obtain approval from the board office. The purpose of prior approval is to ensure professional integrity and that sanitation and safety requirements are met. An application on the form provided by the board office must be submitted at least 10 days prior to the event. Approval for the special events may be made administratively.

B. All provisions of these regulations shall apply with the following exceptions.

(1) Hand wash facilities shall be easily accessible to each procedure area and designated for use by artists only. Hand wash facilities or temporary hand wash facilities shall consist of antibacterial liquid soap, single-use paper towels, and adequate supply of potable water dispensed through a continuous flow spout. Wastewater shall be collected and disposed of in a sanitary manner.

(2) Body artists may bring pre-sterilized instruments or instruments that have been sterilized at another location with documentation showing a negative spore test result within the previous 30 days. On site sterilization units may be used and shall comply with 16.36.5 NMAC.

(3) After the

last procedure is completed, all procedure areas shall be cleaned and disinfected.

C. A guest licensee is a body artist who is licensed in another jurisdiction or meets the requirements of licensure in New Mexico and shall practice 30 days or less in New Mexico. Registration is required before any person may act as a guest licensee. An applicant for registration as a guest licensee must:

(1) hold current licensure as a body artist in another jurisdiction or have the education or experience relating to the applicable type of New Mexico license requested; and
(2) be under the sponsorship of a New Mexico licensed body artist.

D. To be registered as a guest licensee the following must be submitted to the board:

(1) verification of sponsorship by a licensed body artist;
(2) a complete application;
(3) registration fee; and
(4) verification of licensure in another jurisdiction.

E. Applicants not licensed in another jurisdiction must provide documentation of education and experience relating to the applicable type of New Mexico license requested.

F. Guest body art registration will expire 30 days from the date of issuance. A guest license shall not extend beyond 30 days unless the licensee petitions the board and provides documentation that licensee has not worked 30 days in New Mexico. A guest license shall be granted only once within a 12 month period.

[16.36.2.18 NMAC - Rp, 16.36.2.18 NMAC, 02/04/2016]

HISTORY OF 16.36.2 NMAC:
[RESERVED]

**REGULATION AND LICENSING DEPARTMENT
BODY ART PRACTITIONERS**

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 3 REQUIREMENTS FOR ESTABLISHMENTS**

16.36.3.1 ISSUING AGENCY:
Regulation and Licensing Department,
Board of Body Art Practitioners.

[16.36.3.1 NMAC - Rp, 16.36.3.1 NMAC, 02/04/2016]

16.36.3.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.3.2 NMAC - Rp, 16.36.3.2 NMAC, 02/04/2016]

16.36.3.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5.
[16.36.3.3 NMAC - Rp, 16.36.3.3 NMAC, 02/04/2016]

16.36.3.4 DURATION:
Permanent
[16.36.3.4 NMAC - Rp, 16.36.3.4 NMAC, 02/04/2016]

16.36.3.5 EFFECTIVE DATE:
February 4, 2016, unless a later date is cited at the end of a section.
[16.36.3.5 NMAC - Rp, 16.36.3.5 NMAC, 02/04/2016]

16.36.3.6 OBJECTIVE:
To outline the requirements for all establishments.
[16.36.3.6 NMAC - Rp, 16.36.3.6 NMAC, 02/04/2016]

16.36.3.7 DEFINITIONS:
[RESERVED]

16.36.3.8 REQUIREMENTS FOR ESTABLISHMENT:
A. All walls and floors of a body art establishment shall be washable and in good repair. Walls and floors shall be maintained in a clean condition. All surfaces, including client chairs and benches shall be of such construction as to be easily cleaned and sanitized after each client procedure. All body art establishments shall be completely separated by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

B. Insects, vermin and rodents shall not be present in any part of the body art establishment, its appurtenances or appertaining premises.

C. There shall be a minimum of 40 square feet of floor space for each procedure room. Each body art establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple procedure rooms shall be separated by

wipe able dividers, curtains or partitions.

D. The body art establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles three feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

E. No animals of any kind shall be allowed in a procedure room except service animals used by persons with limitations. Small animals confined to a cage or aquariums are allowed only outside a procedure room.

F. A separate, readily accessible, hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid antimicrobial soap and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

G. At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. Receptacles in the operator area shall either have a foot operated lid or a lid that can and shall remain open during body art procedures to prevent hand contact with the receptacle during a procedure. All refuse containers shall be cleanable and kept clean.

H. All instruments and supplies shall be stored in clean dry covered containers.

I. If reusable cloth items, including but not limited to lap-cloths, are used, they shall be mechanically washed after each client procedure. Reusable cloth items shall be mechanically washed with detergent and dried. The cloth items shall be stored in a clean dry environment.

J. The following information shall be kept on file on the premises of a body art establishment and available for inspection by the board:

(1) the full names of all employees in the establishment and their exact duties;

(2) the board-issued license with identification photograph;

(3) the body art establishment name and hours of operation;

(4) the name and address of the body art establishment owner;

(5) a complete description of all body art performed;

(6) maintenance of a material safety data sheet (MSDS) file containing pertinent information regarding products ; and

(7) a copy of the Body Art Safe Practices Act and current rules.

K. An operator shall notify the board in writing not less than 30 days before changing the location of a body art establishment. The notice shall include the street address of the new location.
[16.36.3.8 NMAC - Rp, 16.36.3.8 NMAC, 02/04/2016]

HISTORY OF 16.36.3 NMAC:
[RESERVED]

REGULATION AND LICENSING DEPARTMENT BODY ART PRACTITIONERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 36 BODY ARTISTS AND OPERATORS PART 4 ENFORCEMENT, COMPLAINTS AND DISCIPLINARY ACTION

16.36.4.1 ISSUING AGENCY:
Regulation and Licensing Department,
Board of Body Art Practitioners.
[16.36.4.1 NMAC - Rp, 16.36.4.1 NMAC,
02/04/2016]

16.36.4.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.4.2 NMAC - Rp, 16.36.4.2 NMAC,
02/04/2016]

16.36.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5, 61-17B-9, 61-17B-10, 61-17B-11.
[16.36.4.3 NMAC - Rp, 16.36.4.3 NMAC,
02/04/2016]

16.36.4.4 DURATION:
Permanent
[16.36.4.4 NMAC - Rp, 16.36.4.4 NMAC,
02/04/2016]

16.36.4.5 EFFECTIVE DATE:
February 4, 2016, unless a later date is

cited at the end of a section.

[16.36.4.5 NMAC - Rp, 16.36.4.5 NMAC,
02/04/2016]

16.36.4.6 OBJECTIVE:
To inform licensees of the complaint procedures, enforcement and disciplinary actions.
[16.36.4.6 NMAC - Rp, 16.36.4.6 NMAC,
02/04/2016]

16.36.4.7 DEFINITIONS:
[RESERVED]

16.36.4.8 ENFORCEMENT, COMPLAINTS AND DISCIPLINARY ACTION:
A. A member of the board, its employees or agents may enter and inspect a school, enterprise or establishment at any time during regular business hours for the purpose of determining compliance with the Body Art Safe Practices Act.

B. It shall be unlawful for any artist to perform body piercing or tattoo procedures outside of a licensed body piercing or tattooing establishment.

C. It shall constitute a violation of the Body Art Safe Practices Act when a licensee:

(1) attempts by means of any threat, force, intimidation or violence to deter, interfere with or prevent any inspector or board designee from performing any official duty of the department or board;

(2) willfully resists, delays or obstructs an inspector or board designee in the performance of his/her official duty;

(3) fails to comply with the lawful command of an inspector or board designee in the discharge of his/her official duty; or

(4) fails to cooperate in investigations, proceedings, and requirements of this code.

D. The board, or its designee, will consider a formal complaint filed against a licensee or an establishment provided the complaint is on the proper form, signed and notarized.

E. When a complaint is received on the proper form, the board, or its designee, will write to the licensee the complaint is against and request a response within 15 days of receipt of such request.

F. The response will be reviewed by a committee designated by the board chairman.

G. If the committee's recommendation is that the complaint be taken before the board, the complaint

will be reviewed at the next regularly scheduled board meeting. The board shall:

(1) take no further action; or

(2) issue a notice of contemplated action (NCA) under the Uniform Licensing Act; or

(3) assess an administrative penalty subject to appropriate procedural requirements and safeguards.

H. Any hearing held pursuant to the complaint shall conform with the provisions of the Uniform Licensing Act and the Body Art Safe Practices Act.

I. The board may fine, deny, revoke, suspend, stipulate, or otherwise limit a license if the board determines the licensee is guilty of violating any of the provisions of the act, the Uniform Licensing Act, or these rules.

J. Subject to legally required procedural safeguards, any person who violates any provisions of the act or any rule adopted by the board may incur, in addition to any other penalty provided by law, a civil penalty in an amount of less than one hundred fifty dollars (\$150) for each violation. The board will serve on the licensee official notice of any such fine that the board proposes to assess. Failure to pay a fine, once properly assessed, may result in an additional fine and revocation of license or other disciplinary action. The penalties to be assessed are as follows:

(1) Failure to comply with operator requirements:

(a) first offense: one hundred dollars (\$100);

(b) second offense: one hundred fifty dollars (\$150);

(c) third and subsequent offenses: the board shall take steps to impose a further fine up to the limit of one hundred fifty dollars (\$150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(2) Failure to comply with sanitation and safety requirements:

(a) first offense: one hundred dollars (\$100);

(b) second offense: one hundred fifty dollars (\$150);

(c) third and subsequent offenses: the board shall take steps to impose a further fine up to the limit of one hundred fifty dollars (\$150) or to take other disciplinary action as permitted by the act or the New Mexico

Uniform Licensing Act.

(3) Failure to post required licenses:

(a) first offense: fifty dollars (\$50);

(b) second offense: one hundred fifty dollars (\$150);

(c) third and subsequent offenses: the board shall take steps to impose a further fine up to the limit of one hundred fifty dollars (\$150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(4) Working on an expired or invalid license:

(a) first offense: fifty dollars (\$50);

(b) second offense: one hundred fifty dollars (\$150);

(c) third and subsequent offenses: the board shall take steps to impose a further fine up to the limit of one hundred fifty dollars (\$150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(5) Performing services for compensation in an unlicensed establishment:

(a) first offense: one hundred dollars (\$100);

(b) second offense: one hundred fifty dollars (\$150);

(c) third and subsequent offenses: the board shall take steps to impose a further fine up to the limit of one hundred fifty dollars (\$150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(6) Any violation of the Body Art Safe Practices Act or rules:

(a) first offense: one hundred dollars (\$100);

(b) second offense: one hundred fifty dollars (\$150);

(c) third and subsequent offenses: the board shall take steps to impose a further fine up to the limit of one hundred fifty dollars (\$150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

K. The board may suspend a license immediately without prior notice to the holder of the license if it determines, after inspection, that conditions within a body art establishment present a substantial danger of illness,

serious physical harm or death to customers who might patronize a body art establishment. A suspension action taken pursuant to this section is effective when communicated to the operator or body artist. Suspension action taken pursuant to this section shall not continue beyond the time that the conditions causing the suspension cease to exist, as determined by a board inspection at the request of the operator or body artist. A license holder may request an administrative hearing, as provided by Section 5 (61-17B-5 NMSA 1978) of the Body Art Safe Practices Act, if the board does not lift an immediate suspension within 10 days.

[16.36.4.8 NMAC - Rp, 16.36.4.8 NMAC, 02/04/2016]

HISTORY OF 16.36.4 NMAC:
[RESERVED]

REGULATION AND LICENSING DEPARTMENT
BODY ART PRACTITIONERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 5 STANDARDS OF PRACTICE

16.36.5.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Body Art Practitioners.
[16.36.5.1 NMAC - Rp, 16.36.5.1 NMAC, 02/04/2016]

16.36.5.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.5.2 NMAC - Rp, 16.36.5.2 NMAC, 02/04/2016]

16.36.5.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-8.
[16.36.5.3 NMAC - Rp, 16.36.5.3 NMAC, 02/04/2016]

16.36.5.4 DURATION: Permanent
[16.36.5.4 NMAC - Rp, 16.36.5.4 NMAC, 02/04/2016]

16.36.5.5 EFFECTIVE DATE: February 4, 2016, unless a later date is cited at the end of a section.
[16.36.5.5 NMAC - Rp, 16.36.5.5 NMAC, 02/04/2016]

16.36.5.6 OBJECTIVE:
To provide minimum licensure with minimum practice of standards.
[16.36.5.6 NMAC - Rp, 16.36.5.6 NMAC, 02/04/2016]

16.36.5.7 DEFINITIONS:
[RESERVED]

16.36.5.8 STANDARDS OF PRACTICE AND PROFESSIONAL STANDARDS: Practitioners are required to comply with the following minimum standards.

A. A practitioner shall perform all body art procedures in accordance with universal precautions set forth by occupational safety and health administration and the United States centers for disease control.

B. Smoking, eating, or drinking by anyone is prohibited in the procedure room while body art preparation, procedure and clean-up is being performed.

C. A practitioner shall refuse service to any person who, in the opinion of a reasonable objective observer, may be under the influence of alcohol or drugs.

D. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art, the licensee must thoroughly wash their hands in hot running water with liquid antimicrobial soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

E. The skin of the licensee shall be free of rash or infection. No licensee affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

F. In performing body art procedures, a practitioner shall wear disposable single-use gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection D before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for

hand washing procedures as part of a good personal hygiene program.

G. If, while performing body art, the licensee's glove is pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person, the procedures in Subsections D and E above shall be repeated immediately. Any item or instrument used for body art which is contaminated during the procedure shall be discarded and replaced immediately with new sanitary items or instrument before the procedure resumes.

H. Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the international "biohazard" symbol. It must then be disposed of by an approved medical waste facility pursuant to federal and state regulations including but not limited to 29 CFR 1910.1030 and New Mexico solid waste management regulations promulgated by the New Mexico environment department. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed 90 days. Establishment shall maintain records of waste removal.

I. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its content. The applicator or gauze shall be used once and then discarded.

J. It is the responsibility of the operator of the body art establishment to be in possession of the most current regulations and aftercare instructions.

K. Jewelry inserted into a newly pierced area must be made surgical implant-grade stainless steel that is ASTM F138 compliant; solid 14k or 18k white or yellow gold, niobium (Nb), titanium (Ti6A4V ELI) that is ASTM F136 compliant, platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
[16.36.5.8 NMAC - Rp, 16.36.5.8 NMAC,

02/04/2016]

16.36.5.9 STERILE PROCEDURES AND SANITATION:

A. All non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an antimicrobial soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the body art establishment and which will be operated in accordance with the manufacturer's instructions.

B. All facilities that reprocess reusable instruments shall have an equipment cleaning room that is physically separated from the work stations. Facilities that use all disposable equipment shall be exempt from this requirement.

C. After cleaning, all non-disposable instruments used for body art shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one year. Paper peel-packs must be dated with an expiration date not to exceed one year. Sterile equipment may not be used after the expiration date without first repackaging and reesterilizing.

D. All non-disposable instruments used for body art shall be sterilized in an autoclave at the body art establishment. Off-site sterilization is prohibited. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the board.

E. Each holder of a license to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. These test records shall be retained by the operator for a period of three years and provided to the board upon request.

F. After sterilization, the instrument used for body art, tattooing or body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

G. All instruments used for body art, tattooing or body piercing

shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art, the operator shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.

H. All inks, dyes, pigments and sharps shall be specifically manufactured for performing body art procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of the dye to be used for the tattoo shall be transferred from the bottle and placed into sterile, single use paper cups or plastic caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

I. For body piercing and tattooing establishments primarily utilizing a Statim autoclave, reusable items shall be sterilized in an autoclave in a bulk load without sterilization pouches, previous to sterilization in the Statim autoclave, for the body piercing or tattoo procedure. Reusable instruments and single use items sterilized in a Statim autoclave cassette must be used immediately after opening the Statim autoclave cassette. The items contained in the Statim autoclave cassette shall be used for one client only and shall include use of an integrater strip.

[16.36.5.9 NMAC - Rp, 16.36.5.9 NMAC, 02/04/2016]

16.36.5.10 REQUIREMENTS FOR SINGLE USE ITEMS:

A. All sharps shall be sterilized prior to use and stored in paper peel-packs.

B. Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers. Piercing needles are strictly single use.

C. All body art stencils shall be single use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner which prevents contamination of the original container and its contents. The gauze shall be used only once and then discarded.

[16.36.5.10 NMAC - Rp, 16.36.5.10 NMAC, 02/04/2016]

16.36.5.11 CLIENT CARE AND RECORDS REQUIREMENTS:

A. Prior to performing

a body art procedure on a client, the practitioner shall:

(1) inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:

- (a) history of diabetes;
- (b) history of hemophilia (bleeding);
- (c) history of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
- (d) history of allergies or adverse reactions to pigment, dyes, or other sensitivities;
- (e) history of epilepsy, seizures, fainting, or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood or interfere with blood clotting; and
- (g) any other conditions such as hepatitis or HIV.

(2) require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection J of 16.36.5.8 NMAC.

B. Preparation and care of a client's skin area must comply with the following:

(1) Any skin area or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

(2) Before a body art procedure is performed, the immediate skin area and the areas of the skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-use blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single

use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with the OSHA blood borne pathogens standard.

C. The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include:

- (1) client's name;
- (2) date of birth;
- (3) address;
- (4) the date of the procedure;
- (5) the name of licensee who performed the procedure(s);
- (6) the type of procedure performed and its location on the client's body;
- (7) the signature of the client and, if the client is a minor, written proof of parental or legal guardian presence and consent;
- (8) specific ink color(s) applied, and, when available, the manufacturer, catalogue identification number or supplier invoice of each color used.

D. For jewelry, a record of the manufacturer, catalogue identification number or supplier invoice shall be maintained.

E. All records described in this paragraph shall be retained for a minimum of three years and provided to the board upon request. Records destroyed after three years shall be destroyed by shredding or appropriate destruction methods.

F. The licensee shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:

- (1) on proper cleansing of the area which received the body art;
- (2) to consult a health care provider for:
 - (a) unexpected redness, tenderness or swelling at the site of the body art procedure;
 - (b) any rash;
 - (c) unexpected drainage at or from the site of the body art procedure; or
 - (d) a fever within 24 hours of the body art procedure; and
 - (3) the address, and phone number of the establishment;

a copy shall be provided to the client; a model set of aftercare instructions shall be made available by the board.
[16.36.5.11 NMAC - Rp, 16.36.5.11 NMAC, 02/04/2016]

**HISTORY OF 16.36.5 NMAC
[RESERVED]**

**REGULATION AND
LICENSING DEPARTMENT
BODY ART PRACTITIONERS**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS
AND OPERATORS
PART 6 FEES**

16.36.6.1 ISSUING AGENCY:
Regulation and Licensing Department,
Board of Body Art Practitioners.
[16.36.6.1 NMAC - Rp, 16.36.6.1 NMAC,
02/04/2016]

16.36.6.2 SCOPE: Any person
licensed to practice body art tattoo,
piercing, scarification and all operators.
[16.36.6.2 NMAC - Rp, 16.36.6.2 NMAC,
02/04/2016]

**16.36.6.3 STATUTORY
AUTHORITY:** These rules are
promulgated pursuant to the Body Art
Safe Practices Act, Section 61-17B-5.
[16.36.6.3 NMAC - Rp, 16.36.6.3 NMAC,
02/04/2016]

16.36.6.4 DURATION:
Permanent
[16.36.6.4 NMAC - Rp, 16.36.6.4 NMAC,
02/04/2016]

16.36.6.5 EFFECTIVE DATE:
February 4, 2016, unless a later date is
cited at the end of a section.
[16.36.6.5 NMAC - Rp, 16.36.6.5 NMAC,
02/04/2016]

16.36.6.6 OBJECTIVE:
To outline fees for examinations,
applications, renewal, late penalty fee,
duplicate license and administrative fees
[16.36.6.6 NMAC - Rp, 16.36.6.6 NMAC,
02/04/2016]

**16.36.6.7 DEFINITIONS:
[RESERVED]**

16.36.6.8 FEES: All fees
are payable to the board and are non-
refundable. Fees are as follows:

- A. establishment license
(original) \$300;
- B. establishment license
(renewal) \$300;
- C. apprentice sponsor
application \$50;
- D. apprentice sponsor
license (original/renewal) \$100;
- E. apprentice license
(original and renewal) \$50;
- F. practitioner license
per specialty (original) \$100;
- G. practitioner license
per specialty (renewal) \$100;
- H. permanent cosmetic
license (original) \$100;
- I. permanent cosmetic
license (renewal) \$100;
- J. administrative fee
(electronic list) \$100;
- K. duplicate licenses
\$25;
- L. late fee \$35.

[16.36.6.8 NMAC - Rp, 16.36.6.8 NMAC,
02/04/2016]

**HISTORY OF 16.36.6 NMAC:
[RESERVED]**

End of Adopted Rules

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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
Issue 21	November 1	November 15
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