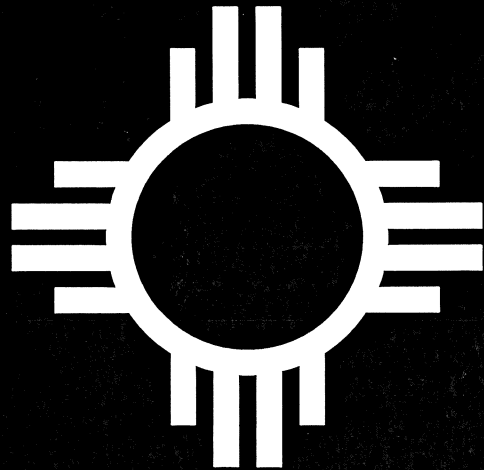


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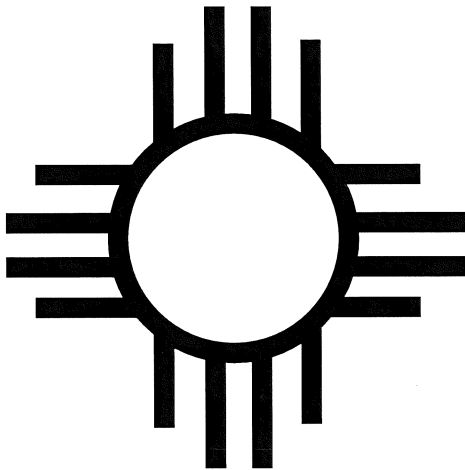


Volume XXVI
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New Mexico Register

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April 30, 2015



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

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Administrative Law Division
Santa Fe, New Mexico
2015

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New Mexico Register

Volume XXVI, Number 8

April 30, 2015

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Notices of Rulemaking and Proposed Rules

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

Notice of Public Hearing

The Human Services Department (the Department) through the Medical Assistance Division is proposing to repeal and replace 8.320.6 NMAC School-Based Services for MAP Eligible Recipients Under Twenty-One Years of Age. The Department is taking this action instead of amending sections due to the number of changes to standardize language, update terminology, and to bring sections of the rule under one section for structural organization. A significant change to the proposed rule is new language that will change the current payment methodology to a cost reporting methodology that includes interim payments, a quarterly random moment time study, and annual cost settlement report. HSD is proposing to change the current payment methodology to the Centers for Medicare and Medicaid Services (CMS) "CMS preferred" cost reporting methodology that ensures MAD school-based service providers are reimbursed the actual costs of providing IEP or IFSP-related direct medical services. The register and rule for these proposed amendments to this will be available April 30, 2015 on the HSD web site at <http://www.hsd.state.nm.us/LookingForInformation/register.aspx> or at: <http://www.hsd.state.nm.us/public-notice-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD at (505) 827-7743.

A public hearing to receive testimony on this proposed rule will be held in the Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on June 1, 2015 at 10 a.m. Mountain Daytime Time (MDT).

Interested persons may address written comments to:
Human Services Department
Office of the Secretary
ATTN: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at 505 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us Written mail,

electronic mail and recorded comments must be received no later than June 1, 2015, 5 p.m. MDT. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD toll free at 1-888-997-2583 and ask for extension 7-7743. In Santa Fe call 827-7743. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

PUBLIC REGULATION COMMISSION

Notice of Proposed Rulemaking

**BEFORE THE NEW MEXICO PUBLIC
REGULATION COMMISSION
IN THE MATTER OF THE
AMENDMENTS TO THE
COMMISSION'S RAILROAD AND
RAILROAD SAFETY
Case No. 14-00365-TR-RR
RULES AS CURRENTLY CODIFIED
AT 18.14.2 NMAC**

SECOND AMENDED NOTICE OF PROPOSED RULEMAKING

The Public Regulation Commission ("NMPRC" or "Commission") gives notice of its proposed amendments to its Railroad and Railroad Safety Rules, as currently codified at 18.14.2 of the New Mexico Administrative Code (NMAC). Copies of the Order Establishing Rulemaking (issued December 2014) and the Second Order Amending Procedural Schedule (issued April 2015) containing additional information and filing instructions may be downloaded from the Proposed Rulemaking section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 14-00365-TR-RR or by calling the Commission's Records Management Bureau at (505) 827-6968.

Written Initial Comments and written

Response Comments shall be filed by the deadlines below with the NMPRC's Record's Management Bureau at P.O. Box 1269, Santa Fe, NM 87504-1269 or by hand delivery to the NMPRC Records Management Bureau at 1120 Paseo de Peralta, Room 406, Santa Fe, NM 87501 as follows: written Initial Comments not later than **May 13, 2015** and written Response Comments not later than **May 27, 2015**. Comments shall refer to Case No. 14-00365-TR-RR.

A public hearing will be held on June 3, 2015 beginning at 1:30 PM at the offices of the Commission located in the 4th Floor Hearing Room of the old PERA Building, at 1120 Paseo de Peralta, in Santa Fe. The purpose of the hearing is to receive oral comments and to clarify or supplement the written comments. The Commission may limit the time for each comment.

The record of this case will close on **June 17, 2015**.

Interested persons should contact the Commission to confirm the date, time, and place of this public hearing because hearings are occasionally rescheduled. Any person with a disability requiring special assistance in order to participate in the hearing should contact Ms. Cecilia Rios at (505) 827-4501 or Ms. Irma Corral at (505) 827-6947 at least 48 hours prior to the commencement of the hearing. Statutory authority: NMSA 1978, §§ 8-8-4, 8-8-11, 63-3-36, and 63-7-1.1.

REGULATION AND LICENSING DEPARTMENT ATHLETIC TRAINERS PRACTICE BOARD

LEGAL NOTICE

The New Mexico Athletic Trainers Practice Board will hold a Rule Hearing on Monday, June 15, 2015, and following the Rule Hearing the Board will convene a regular board meeting to adopt the rules and take care of regular business. The New Mexico Athletic Trainers Practice Board Rule Hearing will begin at 1:00 P.M. and the Regular Board Meeting will convene immediately following the Rule Hearing. The meeting will be held at the Toney Anaya Building, Hearing Room 1, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The purpose of the Rule Hearing is to consider adoption of proposed amendments and additions to the following Board Rules

and Regulations in New Part 16.3.11
NMAC – Licensure for Military Service
Members, Spouses and Veterans.

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at the Toney Anaya Building located at 2550 Cerrillos Road in Santa Fe, New Mexico, 87505, or call (505) 476-4622 after May 15, 2015. In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comments regarding the proposed rules must present them to the Board Office in writing by close of business day on June 1, 2015. Persons wishing to present their comments at the Rule Hearing will need (10) copies of any comments or proposed changes for distribution to the Board and staff.

A copy of the agenda will be available at least 72 hours prior to the meeting and may be obtained at the Board office located on the 2nd Floor of the Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM, or by calling the Board office at (505) 476-4622 and will also be posted on our website at www.rfd.state.nm.us Athletic Trainers Practice Board, under Members and Meetings.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing or meeting, but you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please call the Board office at (505) 476-4622 at least two weeks prior to the meeting or as soon as possible.

**End of Notices and Proposed
Rules Section**

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 by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." Section 14-4-5 NMSA 1978.

FINANCE AUTHORITY WATER TRUST BOARD

This is an amendment to 19.25.10 NMAC, Sections 8, 9 and 12, effective April 30, 2015.

19.25.10.8 ELIGIBILITY: PRIORITIZATION OF WATER PROJECTS: The board will develop and consider a variety of factors in reviewing and evaluating water project proposals to determine which qualifying water projects to recommend ~~[to the authority for funding]~~ as qualifying water projects for appropriation by the state legislature. The board shall give priority to projects that have urgent needs, that have been identified for implementation of a completed regional water plan that is accepted by the interstate stream commission and that have matching contributions from federal or local sources as provided for in Section 72-4A-5 NMSA 1978. Pursuant to Section 72-4A-5.1 NMSA 1978, the board, in conformance with the state water plan and pursuant to the provisions of the Water Project Finance Act, shall prioritize the planning and financing of water projects required to implement the plan. The board shall identify opportunities to leverage federal and other funding. The board shall establish policies for prioritization of water projects.
[19.25.10.8 NMAC - Rp, 19.25.10.8 NMAC, 7/31/08; A, 12/30/13; A, 4/30/15]

19.25.10.9 WATER PROJECT PROPOSAL, PROCEDURES AND APPROVAL PROCESS:

A. The ~~[board and the]~~ authority will administer an outreach program to notify qualifying entities that water project proposals are being accepted to identify water projects for review by the project review committee and the board for recommendation for funding to the state legislature as qualifying water projects.

B. The authority will provide forms and guidelines for water project proposals and financial applications.

C. The authority staff will forward all completed water project proposals from qualified applicants for qualified water projects to the project review committee. The project review committee will consider the water project and may confer with outside parties,

including any local interdisciplinary teams familiar with the water project, as necessary to obtain more information on the feasibility, merit, and cost of the water project. The project review committee will make a recommendation to the board on each water project proposal.

D. Upon the recommendation of the project review committee, the board will ~~[compile]~~ evaluate the qualifying water projects for recommendation to the legislature.

E. After completion of the review process by the project review committee and the board and receipt of a favorable recommendation on the water project proposal, the water project will be recommended by the board for approval by the state legislature, which recommendation and approval are required by Sections 72-4A-5 and 72-4A-9 NMSA 1978.

F. No later than January of each year, the board will ~~[present]~~ recommend to the legislature a list of projects recommended for funding. After the legislature authorizes qualifying water projects, the project review committee will review evaluations of financial applications and water project proposals prepared by staff and recommend to the board a ~~[prioritized]~~ final list of projects to be authorized by the board for funding by the authority. The authority will provide financial assistance for qualifying projects as authorized by the legislature under policies jointly established by the board and authority.

[19.25.10.9 NMAC - Rp, 19.25.10.9 NMAC, 7/31/08; A, 12/30/13; A, 4/30/15]

19.25.10.12 QUALIFYING WATER PROJECT FINANCING: The authority may ~~[recommend structured]~~ provide financial assistance packages that include loans, grants and any other type of assistance authorized by the authority. The structure, terms and conditions of the financial assistance will be determined by the authority ~~[and approved by the board]~~. Financial assistance for qualifying water projects may be pooled, at the sole discretion of the authority, under policies jointly established by the board and authority.

[19.25.10.12 NMAC - Rp, 19.25.10.12 NMAC, 7/31/08; A, 4/30/15]

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.291.410 NMAC, Sections 6, 9-21, effective May 1, 2015.

8.291.410.6 OBJECTIVE: The objective of this rule is to provide eligibility guidelines when determining eligibility for the medical assistance division (MAD) ~~[medicaid program]~~ medical assistance programs (MAP) and other health care programs it administers. Processes for establishing and maintaining this category of eligibility are found in the affordable care general provision chapter located at 8.291.400 NMAC through 8.291.430 NMAC.

[8.291.410.6 NMAC - Rp, 8.291.410.6 NMAC, 1-1-14; A, 5-1-15]

8.291.410.9 GENERAL RECIPIENT REQUIREMENTS: To be eligible for ~~[medical assistance programs]~~ MAP, applicants or recipients must meet specific requirements as outlined in this part.

[8.291.410.9 NMAC - Rp, 8.291.410.9 NMAC, 1-1-14; A, 5-1-15]

8.291.410.10 ENUMERATION: The social security administration (SSA) is responsible for the assigning of social security numbers (SSN), a process called enumeration. HSD uses the SSN as a unique identifier for the ~~[individual]~~ applicant or recipient and to verify income and resources where applicable.

A. Applicant or recipients: Except as noted in Subsection B below, it is mandatory for ~~[medicaid]~~ MAP applicants or recipients to report their SSNs if they are requesting assistance. If an applicant or recipient does not have a valid SSN, he or she must apply for one. Applications for an SSN are available at any SSA or HSD income support division (ISD) office. Proof of the SSN application must be provided to ISD.

B. Non-applicants/recipients: Reporting an SSN is voluntary for individuals who are not seeking ~~[medicaid]~~ MAP enrollment for themselves.

C. The agency must not delay or deny services to an otherwise eligible [individual] applicant or recipient pending issuance or verification of [the individual's] his or her SSN by SSA.

D. This requirement does not apply and the state will give [a] an identification number to an [individual] applicant or recipient who is not eligible to receive an SSN if [the individual] he or she does not have an SSN and is lawfully residing for a valid non-work reason or refuses to obtain an SSN because of well-established religious objections. [8.291.410.10 NMAC - Rp, 8.291.410.10 NMAC, 1-1-14; A, 5-1-15]

8.291.410.11 AGE: The age of the applicant recipient is verified to determine if he or she is under or over the specified age limit.

A. Age of child: ~~[Verification of the age, including through self-attestation, of children is mandatory for medical assistance for children programs.]~~ Verification of age, including self-attestation of an applicant or recipient under 21 years of age is mandatory for MAP enrollment.

B. Age of adults: Age of adult member(s) an applicant or recipient 21 years of age or older is verified if questionable.

C. Documents that can be used to verify age can be found in 8.100.130 NMAC. [8.291.410.11 NMAC - Rp, 8.291.410.11 NMAC, 1-1-14; A, 5-1-15]

8.291.410.12 RELATIONSHIP: Verification of relationship is mandatory, see 8.291.410.20 NMAC

A. Documents that can be used to verify relationship can be found at 8.100.130 NMAC.

B. The documentary evidence must contain the names of related individuals in question.

(1) If the relative is other than a parent, the relationship must be traced if questionable.

(2) In situations in which both parents are living in the home and the father's paternity has not been established by operation of law or determined through court order, it will be necessary to establish the relationship of the [child] applicant or recipient under 21 years of age to the father by completion of the HSD child support enforcement division (CSED) acknowledgment of paternity packet.

(3) If the child is living with a relative, it will be necessary to establish the relationship of the absent parents. A CSED acknowledgement of paternity will be an acceptable means of establishing relationship.

C. The following relatives are within the fifth degree of relationship:

- (1) father (biological or adoptive);
- (2) mother (biological or adoptive);
- (3) grandfather, great grandfather, great great grandfather, great great great grandfather;
- (4) grandmother, great grandmother, great great grandmother, great great great grandmother;
- (5) spouse of child's parent (stepparent);
- (6) spouse of child's grandparent, great grandparent, great great grandparent, great great great grandparent (step grandparent);
- (7) brother, half-brother, brother-in-law, step-brother;
- (8) sister, half-sister, sister-in-law, step-sister;
- (9) uncle of the whole or half blood, uncle-in-law, great uncle, great great uncle;
- (10) aunt of the whole or half blood, aunt-in-law, great aunt, great great aunt;
- (11) first cousin and spouse of first cousin;
- (12) son or daughter of first cousin (first cousin once removed);
- (13) son or daughter of great aunt or great uncle (first cousin once removed) and spouse; or
- (14) nephew or niece and spouses.

D. Effect of divorce or death on relationship: A relationship based upon marriage, such as the "in-law" or "step" relationships, continues to exist following the dissolution of the marriage by divorce or death. [8.291.410.12 NMAC - Rp, 8.291.410.12 NMAC, 1-1-14; A, 5-1-15]

8.291.410.13 IDENTITY: Verification of identity for the applicant is mandatory at application if questionable.

A. The following may be used as proof of identity, provided that such document has a photograph or identifying information including, but not limited to, name, age, gender, race, height, weight, eye color, or address:

- (1) driver's license that includes a photograph and issued by a state or outlying possession of the U.S; if the driver's license does not contain a photograph, identifying information on the driver's license shall be included such as name, date of birth, sex, height, color of eyes, and address;
- (2) voter's registration card;
- (3) United States

(U.S.) military card or draft record; (4) identification card issued by the federal, state, or local government agencies or entities; if the identification card does not contain a photograph, identifying information on the identification card must be included such as name, date of birth, sex, height, color of eyes, and address;

(5) military dependent's identification card;

(6) native American tribal documents;

(7) U.S. coast guard mariner card;

(8) for [children] an applicant under age 19, a clinic, doctor, hospital, or school record, including preschool or day care records;

(9) two documents containing consistent information that corroborates an applicant's identity; such documents include, but are not limited to, employer identification cards, high school and college diplomas (including high school equivalency diplomas), marriage certificates, divorce decrees, and property deeds or titles;

(10) finding of identity from a federal or state government agency; or

(11) a finding of identity from a federal agency or another state agency, including but not limited to a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity.

B. For [individuals] an applicant under the age of 18 who [are] is unable to produce a document listed above, the following are acceptable to establish identity only:

- (1) school record or report card;
- (2) clinic, doctor or hospital record; or
- (3) day care or nursery school record.

C. If an [individual] applicant under the age of 18 is unable to produce one of the identity documents listed, then the individual must provide one of the following:

- (1) the [minor's] minor applicant's parent or legal guardian completes on Form I-9 Section 1-"employee information and verification" and in the space for the [minor's] minor applicant's signature, the parent or legal guardian writes the words "minor under age 18";
- (2) the [minor's] minor applicant's parent or legal guardian completes on Form I-9 the "preparer/ translator certification";
- (3) the employer or the recruiter or referrer for a fee writes

in Section 2-“employer review and verification” under List B, in the space after the words “document identification#,” the words “minor under the age 18”; or

(4) [individuals] an applicant with handicaps who [are] is unable to produce one of the identity documents listed in the standalone or secondary tier documentation, and who are being placed into employment by a nonprofit organization, association or as part of a rehabilitation program, may follow the procedures for establishing identity provided in this section for minors under the age of 18, substituting where appropriate, the term “special placement” for “minor under age 18,” and permitting in addition to a parent or legal guardian, a representative of the nonprofit organization, association or rehabilitation program placing the [individual] applicant into a position of employment, to fill out and sign in the appropriate section on the Form I-9; for purposes of this section, the term “individual with handicaps” means any [person] applicant who:

(a) has a physical or [mental] behavioral health impairment which substantially limits one or more of [a person’s] his or her major life activities;

(b) has a record of such impairment; or

(c) is regarded as having such impairment.
[8.291.410.13 NMAC - Rp, 8.291.410.13 NMAC, 1-1-14; A, 5-1-15]

8.291.410.14 CITIZENSHIP/ ALIEN STATUS: To [be eligible for Medicaid] meet MAP requirements for eligibility, an [individual] applicant or recipient must be a citizen of the [United States] U.S. or meet the alien/immigrant eligibility criteria in 8.200.410 NMAC. Verification of citizenship and alien status is mandatory at initial determination of [Medicaid] MAP eligibility. The applicant or recipient is required to submit documentary evidence as verification. Documentation will be verified by using a two tiered process:

A. Tier one: Standalone evidence of citizenship can be verified using the following:

- (1) a U.S. passport issued by the U.S. department of state (without regard to any expiration date as long as the passport or card was issued without limitation);
- (2) a certificate of naturalization;
- (3) a certificate of U.S. citizenship;
- (4) a valid state-issued driver’s license if the state issuing the license requires proof of U.S.

citizenship, or obtains and verifies a social security number from the applicant who is a citizen before issuing such license;

(5) documentation issued by a federally recognized Indian tribe, as published in the federal register by the bureau of Indian affairs within the U.S. department of the interior and including tribes located in the state that has an international border, which:

(a) identifies the federally recognized tribe that issued the document;

(b) identifies the [individual] applicant or recipient by name; and

(c) confirms the [individual’s] applicant’s membership, enrollment, or affiliation with the tribe;

(6) documents include, but are not limited to:

(a) a tribal enrollment card;

(b) a certificate of degree of Indian blood;

(c) a tribal census document; and

(d) documents on tribal letterhead, issued under the signature of the appropriate tribal official, that meet the requirements of documentary evidence issued by a federally recognized Indian tribe, as published by the bureau of Indian affairs within the U.S. department of the interior, and including tribes located in a state that has an international border, which identifies the federally recognized Indian tribe that issued the document, identifies the [individual] applicant or recipient by name, and confirms the [individual’s] applicant membership, enrollment, or affiliation with the tribe.

B. Tier two: Documents must accompany an identity document that includes a photograph or other identifying information such as name, age, sex, face, height, color of eyes, date of birth and address.

(1) A driver’s license or identification card containing a photograph, issued by a state or an outlying possession of the [United States] U.S. If the driver’s license or identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address.

(2) School identification card with a photograph.

(3) Voter’s registration card.

(4) U.S. military card or draft record.

(5) Identification card issued by federal, state, or local

government agencies or entities; if the identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address.

(6) Military dependent’s identification card.

(7) Native American tribal documents.

(8) [United States] U.S. coast guard merchant mariner card.

C. Evidence of citizenship: If an applicant does not provide documentary evidence from the list of primary documents, the following must be accepted as satisfactory evidence to establish citizenship if also accompanied by a document list in 8.291.410 NMAC.

(1) A U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the Virgin Islands of the U.S. (if born on or after January 13, 1941), American Samoa, Swain’s Island, or the Commonwealth of the Northern Mariana Islands (CNMI) (after November 4, 1986 (CNMI local time.)) The birth record document may be issued by the state, commonwealth, territory, or local jurisdiction. If the document shows the [individual] applicant was born in Puerto Rico, the Virgin Islands of the U.S., or the CNMI before these areas became part of the U.S., the [individual] applicant may be a collectively naturalized citizen.

(2) A certification of report of birth, issued to U.S. citizens who were born outside the U.S.

(3) A report of birth abroad of a U.S. citizen.

(4) A certification of birth.

(5) A U.S. citizen I.D. card.

(6) A Northern Mariana’s identification card, issued to a collectively naturalized citizen, who was born in the CNMI before November 4, 1986.

(7) A final adoption decree showing the [child’s] applicant’s name and U.S. place of birth, or if an adoption is not final, a statement from a state-approved adoption agency that shows the [child’s] applicant’s name and U.S. place of birth.

(8) Evidence of U.S. civil service employment before June 1, 1976.

(9) U.S. military record showing a U.S. place of birth.

(10) A data match with the systematic alien verification for entitlements (SAVE) or any other process established by the U.S. department

of homeland security to verify that an [individual] applicant is a citizen.

(11)

Documentation that [a child] an applicant meets the requirements of Section 101 of the Child Citizenship Act of 2000 (8 U.S.C. 1431).

(12) Medical

records, including but not limited to hospital, clinic, or doctor records or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth.

(13) Life, health,

or other insurance record that indicates a U.S. place of birth.

(14) Official

religious record recorded in the U.S. showing that the birth occurred in the U.S.

(15) School

records, including pre-school, head start, and daycare, showing the [child's] applicant's name and U.S. place of birth.

(16) Federal or

state census record showing U.S. citizenship or a U.S. place of birth.

(17) If the

applicant does not have one of the documents listed in the stand alone or second tier sections, he or she must submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, and that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

D. Exemptions: The

following [individuals] applicants are exempt from providing documentation of citizenship and identity:

(1) [individuals]

applicants receiving supplemental security income benefits under Title XVI of the Social Security Act;

(2) [individuals]

applicants entitled to or enrolled in any part of medicare;

(3) [individuals]

applicants receiving social security disability insurance benefits under Section 223 of the Social Security Act or monthly benefits under Section 202 of the act, based on the [individual's] applicant's disability, as defined in Section 223(d) of the act;

(4) [individuals]

applicants who are in foster care and who are assisted under Title IV-B of the Social Security Act; or

(5) [individuals]

applicants who are recipients of foster care maintenance or adoption assistance payment under Title IV-E of the act. [8.291.410.14 NMAC - Rp, 8.291.410.14 NMAC, 1-1-14; A, 5-1-15]

8.291.410.15 RESIDENCE: To [be eligible for medicare] meet MAP

requirements for eligibility, applicants or recipients must be living in New Mexico on the date of application or final determination of eligibility and have demonstrated an intention to remain in the state.

A. Establishing residence:

Residence in New Mexico is established by living in the state and carrying out the types of activities associated with day-to-day living, such as occupying a home, enrolling child(ren) in school, getting a state driver's license, or renting a post office box. An applicant or recipient who is homeless is considered to have met the residence requirements if he or she intends to remain in the state.

B. Recipients receiving

benefits out-of-state: Applicants or recipients who receive financial or medical assistance in another state which makes residence in that state a condition of eligibility are considered residents of that state until the ISD office receives verification from the other state agency indicating that it has been notified by an applicant or recipient of the abandonment of residence in that state.

C. [Individuals] Applicants

or recipients court ordered into full or partial responsibility of the state children youth and families department (CYFD): When CYFD places [a child] an applicant or recipient in a new state of residence, the new state of residence is responsible for the provision of medicare; however, New Mexico must provide limited coverage for services that are part of the New Mexico [medicare] MAD benefit package and not available in the new state of residence.

D. Abandonment:

Residence is not abandoned by temporary absences. Temporary absences occur when applicants or recipients leave New Mexico for specific purposes with time-limited goals. An [individual] applicant or recipient may be temporarily absent from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined [the individual] he or she is a resident there for the purposes of [medicare] MAP enrollment. Residence is considered abandoned when the applicant or recipient leaves New Mexico for any of the following reasons:

(1) intends to

establish residence in another state;

(2) for no specific

purpose with no clear intention of returning;

(3) applies for

financial, food or medical assistance in another state which makes residence in that state a condition of eligibility; or

(4) for more

than 30 calendar days, without notifying HSD of his or her departure or intention of returning.

E. Dispute in residency:

If there is a dispute in state residency, the [individual] applicant or recipient may be considered a resident in the state in which [the individual] he or she is physically located.

[8.291.410.15 NMAC - Rp, 8.291.410.15 NMAC, 1-1-14; A, 7-1-14; A, 5-1-15]

8.291.410.16 NON-CONCURRENT RECEIPT OF ASSISTANCE: A

[medicare] MAP applicant or recipient receiving medicare in another state is not eligible for [medicare] MAP enrollment in accordance with 8.200.410 NMAC.

[8.291.410.16 NMAC - Rp, 8.291.410.16 NMAC, 1-1-14; A, 5-1-15]

8.291.410.17 APPLICATIONS FOR OTHER BENEFITS: As a condition

of eligibility, a [medicare] MAP applicant or recipient must take all necessary steps to obtain any benefits [they are] he or she is entitled to in accordance with 8.200.410 NMAC.

[8.291.410.17 NMAC - Rp, 8.291.410.17 NMAC, 1-1-14; A, 5-1-15]

8.291.410.18 PROCESSING APPLICATIONS:

A. Applicants or recipients

may submit applications to a county office in person, through an authorized representative or personal representative by mail or electronically.

(1) Requesting

application forms: Applicants or recipients may request an application form by mail or by telephone. In either case, the ISD staff must mail the requested form to the applicant within 24 hours of a working day.

(2) Application:

An applicant has the right to file an application as long as the application contains the applicant's name, address and the signature of a responsible [adult] individual household member 18 years of age and older or an authorized representative if one is designated.

B. Interviews: In-person

interviews are not required as part of the application or re-certification process for a determination of eligibility.

(1) Applications

will be processed in accordance with time standards and procedures set forth in federal regulations governing [the medical assistance programs] MAP categories of eligibility.

(2) Single

interview: If a face to face or a telephonic interview is requested, a single interview will be held with an applicant who applies jointly for all benefits HSD administers.

(3) Application

processing: As a result of differences in all HSD's benefit application processing

procedures and timeliness standards, eligibility for [medical benefits] MAP enrollment may be determined prior to eligibility determination for other benefits that HSD administers.

(4) Application is denied: If a [medicaid] MAP application is denied, a new application for other assistance programs is not required if other assistance programs were requested.

(5) Responsibility in application or recertification process: The burden of proving eligibility for [medicaid] MAP enrollment is on the applicant or recipient if [the department] HSD is unable to verify required information. An [individual] applicant or recipient has the primary responsibility for providing required information and documents and for taking the action necessary to establish eligibility.

(a) An applicant or recipient's failure to provide documentation or to take required action results in a decision that eligibility does not exist.

(b) An applicant or recipient must give [the department] HSD permission to contact other individuals, agencies, or sources of information which are necessary to establish eligibility.

C. Redetermination/recertification: A complete review of all conditions of eligibility which are subject to change are conducted by ISD no later than 12 months from the month of approval or redetermination and is separate from any months of presumptive or retroactive eligibility.

(1) Administrative renewal: [90] 120 calendar days prior to expiration, HSD will utilize information from the recipient's account and other electronic verification sources available to the agency to verify financial eligibility [and will proceed with the re-determination or re-certification process]. HSD will re-determine eligibility without requiring additional information whenever possible from the recipient and will send notice to the recipient of his or her eligibility and its basis.

(2) If an administrative renewal cannot be completed for any reason, 45 days prior to redetermination or recertification HSD will mail a pre-populated [application] recertification form with the recipient's previously reported information.

(3) [An eligible] recipient's failure to provide necessary verification may result in [medicaid] MAP ineligibility. The recertifying [eligible] recipient is responsible for providing verification of eligibility if administrative renewal cannot be completed.

(4)

Reconsideration period: HSD will reconsider, in a timely manner, the eligibility of a recipient whose case is closed for failure to respond to the recertification requirements, if the recipient subsequently submits the recertification form within 90 calendar days after closure, without requiring a new application. If the recipient provides all required documentation or information necessary to determine eligibility within the 90 calendar day period, eligibility shall be re-established back to closure date if determined eligible for MAP enrollment.

D. An applicant or a [recertifying eligible] recipient must give HSD permission to contact other individuals, agencies, or electronic sources for information which is necessary to establish initial and continued eligibility. [8.291.410.18 NMAC - Rp, 8.291.410.18 NMAC, 1-1-14; A, 5-1-15]

8.291.410.19 VERIFICATION METHODS: Verification will be obtained through various methods. Not all methods will necessarily be used in each case. This section details the specific types of methods to be used in establishing the applicant or recipient's eligibility.

A. Prior case data not subject to change: Verification of an eligibility factor not subject to change, which previously has been verified and accepted, will not be subject to re-verification. The caseworker shall not ask an applicant or recipient for verification of any eligibility factors which have previously been established through documents in HSD's possession and are not subject to change. Such factors include U.S. citizenship, birth date, relationship and enumeration.

B. Electronic data: Every applicant or recipient shall be informed that the information provided is subject to verification through state, federal and contracted data systems. The caseworker shall not require further verification of such information unless it is disputed by the applicant or recipient, or the information is otherwise questionable as defined in 8.100.130 NMAC.

C. Self-attestation is the information that [a client] an applicant or recipient reports on an application and is certifying as true and correct to the best of their knowledge.

D. Documentary evidence is the primary source of verification for information not established in prior case information or electronic source data. Obtaining necessary verification through documentary evidence readily available to the applicant or recipient shall always be explored before collateral contacts or

sworn statements are used. Documentary evidence consists of a written confirmation of a household's circumstances. Acceptable verification is not limited to any single type of document. The types of documents which may be accepted as verification are specified under the sections pertaining to verification methods later in this chapter. The caseworker shall provide applicants or recipients with receipts for verification documents provided subsequent to the interview.

E. Collateral contact is defined at 8.100.130 NMAC.

F. Sworn statement is defined at 8.100.130 NMAC. [8.291.410.19 NMAC - Rp, 8.291.410.19 NMAC, 1-1-14; A, 5-1-15]

8.291.410.20 VERIFICATION STANDARDS: Below is a list of standards HSD will utilize to determine eligibility for [medicaid] MAP categories defined at 8.291.400.10 NMAC. If verification cannot be confirmed utilizing the various methods described in each section of this rule, HSD may request additional information. If information is provided and becomes questionable as defined at 8.100.130 NMAC, then additional documentation must be provided as described by 8.100.130 NMAC.

A. Income: Verification of income is mandatory for ACA related [medicaid programs] MAP and HSD will utilize electronic sources and documents provided by the applicant or recipient to verify [an applicant or recipient's] his or her income. Examples of acceptable documentation can be found at 8.100.130 NMAC.

B. Residency: Self attestation is an acceptable form of verification of residency.

C. Age: Self attestation is an acceptable form of verification of age.

D. Enumeration: HSD will utilize electronic sources to verify an applicant or recipient's enumeration.

E. Citizenship: HSD will utilize electronic sources to verify an applicant or recipient's citizenship.

F. Immigration status: HSD will utilize electronic sources to verify an applicant or recipient's immigration status.

G. Relationship: Self attestation is an acceptable form of verification of relationship.

H. Receipt of other benefits: HSD will utilize electronic sources to verify an applicant or recipient's receipt of other benefits.

[8.291.410.20 NMAC - Rp, 8.291.410.20 NMAC, 1-1-14; A, 5-1-15]

8.291.410.21 TIMEFRAME

FOR DISPOSITION: An applicant or recipient is given a timeframe to provide necessary verification in order for ISD to process an application within the [timeframe] timeframe set forth in this section. This requirement pertains to requests for verification for initial applications as well as for verification for ongoing eligibility. ISD shall make an eligibility decision within three [work] working days of the receipt of all necessary verification.

A. The application disposition deadline for [medical assistance programs] MAP is 45 days from the date of application.

(1) Day one: the date of application is the first day.

(2) No later than day 44, or by the preceding work day if day 44 falls on a weekend or holiday:

(a) if verification provided establishes eligibility or ineligibility; or

(b) if the day following day 44 is not a work day, then decision must be made earlier than day 44 to allow for mailing on or before the deadline.

(3) No later than day 45 by the next work day if day 45 falls on a weekend or holiday, if needed verification is not provided until day 42 - 44.

(4) Day 45 by the next work day if day 45 falls on a weekend or holiday, if needed verification is provided on day 45, or is not provided.

(5) After day 45:
(a) When an applicant or recipient requests one or more 10-calendar day extensions of time to provide needed verification. An applicant or recipient is entitled to receive up to three 10- calendar day extensions of time upon request.

(b) The eligibility decision must be made as soon as possible and within three [work] working days of receipt of all necessary verification.

B. Tracking the application processing time limit: The application processing time limit begins on the day the signed application is received in the ISD county office.

C. Delayed determination: If an eligibility determination is not made within the required application processing time limit, the applicant or recipient shall be notified in writing of the reason for the delay and that the applicant or recipient has the right to request a [fair] HSD administrative hearing regarding ISD's failure to act within the time limit.

D. Extensions of time: Up to three [ten] 10-calendar day extensions for providing verification shall be granted

at the applicant or recipient's request. The extension begins at the end of the application processing time period or at the end of the previous extension.

E. Lack of verification: If verification needed to determine eligibility is not provided and no extension of time is requested, the application will be denied on the 45th day after the application date or by the next work day if 45th day falls on weekend or holiday.

[8.291.410.21 NMAC - Rp, 8.291.410.21 NMAC, 1-1-14; A, 5-1-15]

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.293.500 NMAC, Sections 10 and 13, effective May 1, 2015.

8.293.500.10 INCOME STANDARD:

A. Financial eligibility: An [individual's] applicant's financial eligibility is based on the rules in this chapter and 8.291.430 NMAC.

B. Income test: In order to become eligible for pregnant women medicaid, the total countable income of the budget group must be less than the income standard for pregnant woman eligibility found in 8.291.430 NMAC.

[8.293.500.10 NMAC - Rp, 8.293.500.10 NMAC, 1-1-14; A, 7-1-14; A, 5-1-15]

8.293.500.13 DISREGARDS: [~~An income disregard according to 8.291.430 NMAC will be given only to individuals whose countable modified adjusted gross income (MAGI) exceeds the fixed dollar amount for the size of the budget group.~~] An income disregard according to 8.291.430 NMAC will be given only to an applicant whose countable modified adjusted gross income (MAGI) income is at or above the income standard for a pregnant for the size of the budget group.

[8.293.500.13 NMAC - Rp, 8.293.500.13 NMAC, 1-1-14; A, 7-1-14; A, 5-1-15]

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.295.400 NMAC, Sections 9-11, effective May 1, 2015.

8.295.400.9 WHO CAN BE A RECIPIENT: To be eligible, [a-child] an applicant must meet specific [eligibility] medical assistance programs (MAP)

requirements:

A. an individual under 19 years of age; and

B. an individual who meets Affordable Care Act (ACA) eligibility requirements pursuant to 8.291.400 through 2.291.430 NMAC.

[8.295.400.9 NMAC - Rp, 8.295.400.9 NMAC, 1-1-14; A, 5-1-15]

8.295.400.10 BASIS FOR DEFINING THE ASSISTANCE UNIT AND BUDGET GROUP:

To be considered in a child assistance unit, an individual must apply and be determined eligible. Individuals living with the [child] applicant who meet criteria in 8.291.430 NMAC are included in the budget group. [8.295.400.10 NMAC - Rp, 8.295.400.10 NMAC, 1-1-14; A, 5-1-15]

8.295.400.11 CHILDRENS HEALTH INSURANCE PROGRAM (CHIP):

A. A budget group that includes [a-child] the applicant and has countable income between the following federal income poverty limits (FPL) is considered to be eligible for the CHIP:

(1) if the [child] applicant in the assistance unit is under the age of six and the assistance unit and budget group's countable income is between 240 and 300 percent of FPL for the countable household size; or

(2) if the assistance unit consists of [a-child] the applicant age six or over and the assistance unit's and budget group's countable income is between 190 and 240 percent of FPL for the countable household size.

B. In order to be eligible for CHIP, the [child] applicant in the assistance unit cannot have other qualified health plan (QHP) coverage. Individuals who have voluntarily dropped a QHP will be eligible for inclusion in the assistance unit in the month the individual no longer has a QHP.

[8.295.400.11 NMAC - Rp, 8.295.400.11 NMAC, 1-1-14; A, 5-1-15]

**HUMAN SERVICES
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

This is an amendment to 8.321.2 NMAC, Section 10, effective 05/01/2015.

8.321.2.10 APPLIED BEHAVIOR ANALYSIS: [MAD pays for medically necessary, empirically supported, applied behavior analysis (ABA) for MAP eligible recipients under 21 years of age who have a well-documented medical diagnosis of autism spectrum disorder (ASD), and for MAP eligible recipients under three years of age who has a well-documented risk for the development of ASD. ABA is provided to a MAP eligible recipient by MAD as part of a three-stage comprehensive approach to assessment and treatment which stipulates that ABA be provided in conjunction with other medically necessary services (e.g., occupational therapy, speech language therapy, medication management, etc.). Following a referral to an approved autism assessment provider (AAP) to confirm the presence of, or risk for, ASD (stage one), a behavior analytic assessment is conducted and a behavior analytic treatment plan is developed, as appropriate for the selected service model (stage two). Then, behavior analytic services are rendered by an approved behavior analytic provider in accordance with the MAP eligible recipient's treatment plan (stage three). See MAD billing instructions for detailed and specific requirements for this service. A MAD provider must completely comply with all NMAC rules and billing instructions to be eligible for reimbursement of this service.] MAD pays for medically necessary, empirically supported, applied behavior analysis (ABA) services for eligible recipients 12 months up to 21 years of age who have a well-documented medical diagnosis of autism spectrum disorder (ASD), and for eligible recipients 12 months up to three years of age who have well-documented risk for the development of ASD. ABA services are provided to an eligible recipient as part of a three-stage comprehensive approach consisting of evaluation, assessment, and treatment which stipulates that ABA services be provided in coordination with other medically necessary services (e.g., family infant toddler program (FIT) services, occupational therapy, speech language therapy, medication management, etc.). Following a referral to an approved autism evaluation provider (AEP) to confirm the presence of, or risk for, ASD, utilizing a comprehensive diagnostic evaluation, and the production of an

integrated service plan (ISP) (stage 1), a behavior analytic assessment is conducted and a behavior analytic treatment plan is developed as appropriate for the selected service model (stage 2). ABA services are then rendered by an approved ABA provider (AP) in accordance with the treatment plan (stage 3). A HSD MCO must provide intensive care coordination of services for members authorized for ABA services. See the ABA billing instructions for detailed information for eligible providers and practitioners, service requirements, prior authorizations, and reimbursement for ABA stages 1 through 3. In this section of this rule, members of a MCO are included in the term eligible recipients.

A. Eligible providers:
ABA services are rendered by a number of providers and practitioners: an AEP; a behavior analyst (BA), a behavior technician (BT) through an AP; and an ABA specialty care provider. Each ABA provider and practitioner has corresponding enrollment requirements and renders unique services according to his or her provider type and specialty. As an example, a practitioner may be eligible to render services as an AEP, BA or an ABA specialty care provider when the specific ABA billing requirements are met. A BT may only render BT services. A BA may render BT services or possibly ABA specialty care services.

(1) Stage 1 AEP:
Completes the comprehensive diagnostic evaluation and develops the ISP for an eligible recipient who has been referred through the MAD approved screening process and the AEP has professional reason to believe the eligible recipient may be diagnosed with ASD. An AEP must:

(a)
be a licensed, doctoral-level clinical psychologist or a physician who is board-certified or board-eligible in developmental behavioral pediatrics, pediatric neurology, or child psychiatry;

(b)
have experience in or knowledge of the medically necessary use of ABA and other empirically supported intervention techniques;

(c) be qualified to conduct and document both a comprehensive diagnostic evaluation and a targeted evaluation for the purposes of developing an ISP;

(d)
have advanced training and clinical experience in the diagnosis and treatment of ASD and related neurodevelopment disorders, including knowledge about typical and atypical child development and experience with variability within the ASD population;

(e)
have advanced training in differential diagnosis of ASD from other developmental, psychiatric, and medical disorders;

(f)
sign an attestation form affirming that all provider criteria, as outlined above have been and will continue to be met.

(2) Stage 2 BA practitioner: May render ABA stage 2-behavior analytic assessment, service model determination and treatment plan development and stage 3 services-implementation of ABA treatment plan. There are three possible avenues through which a stage 2 practitioner may qualify for BA provider enrollment:

(a)
Certified BA, BA without certification, and interim ABA provider/supervisor-time limited;

(b)
Documented certification in behavior analysis by the behavior analyst certification board BACB® holds a professional credential issued by a licensing or certification board whose rules, regulations, and standards explicitly stipulate that the provision of ABA services is within the scope of the profession's practice (e.g., BACB®, board of psychologist examiners of the New Mexico regulation and licensing department (RLD);

(c)
provide evidence that the provision of ABA services is within the scope of the practitioner's competence by providing documentation of certification as by the BACB®.

(3) Stage 2 psychologist with documented education and experience in behavior analysis without BACB® certification: holds a professional credential issued by RLD whose rules, regulations, and standards explicitly stipulate that the provision of ABA services is within the scope of the profession's practice. Provides documentation of training in behavior analysis comparable to that required to be eligible to take an examination for BCBA® or BCBA-D® certification, to include all of the following education, supervised experiential training, and continuing education requirements:

(a)
possession of a minimum of a master's degree from an accredited university that was conferred in behavior analysis, education, or psychology, or conferred in a degree program in which the candidate completed a BACB® approved course sequence;

(b)
completion of graduate level instruction in the following behavior analytic content

areas (b)(i) through (b)(x):

(i) ethical and professional conduct (at least 45 classroom hours);

(ii) concepts and principles of behavior analysis (at least 45 classroom hours);

(iii) measurement (at least 25 classroom hours);

(iv) experimental design (at least 20 classroom hours);

(v) identification of the problem and assessment (at least 30 classroom hours);

(vi) fundamental elements of behavior change and specific behavior change procedures (at least 45 classroom hours);

(vii) intervention and behavior change considerations (at least 10 classroom hours);

(viii) behavior change systems (at least 10 classroom hours);

(ix) implementation, management, and supervision (at least 10 classroom hours);

(x) discretionary coursework (at least 30 classroom hours);

(c) supervised experience in the design and delivery of ABA services through supervised independent field work (non-university based) of at least 1500 hours, practicum experience (university based) of at least 1000 hours, or intensive practicum experience (university based) of at least 750 hours, supervised in accordance with the BACB®'s requirements for supervised experience; a significant portion (at least one third) of the supervised experience must have been accrued with an ASD or closely related population (e.g., Fragile X, Intellectual Disability);

(d) completion of at least 32 hours of continuing education in behavior analysis per two years.

(4) **Stage 2 interim ABA provider/supervisor - (time-limited):** Up to and including December 31, 2015, ABA services may be delivered and supervised by a clinician who has the minimum qualifications listed below; however, the provider may not refer to him/herself as a "behavior analyst" as this title is reserved for those meeting the criteria above. Rather, the provider, approved on a temporary basis only, may refer to him/herself as an "interim ABA supervisor" or "interim ABA practitioner." The AP must provide documentation of all of the following:

(a) a master's degree in a behavioral health

or therapeutic discipline that allows for the provider to be a recognized behavioral health independently licensed provider;

(b) New Mexico licensure, as appropriate for degree and discipline;

(c) clinical experience and supervised training in the evidence-based treatment of children with ASD, specifically ABA;

(d) experience in supervising direct support personnel in the delivery and evaluation of ABA services.

(5) **Stage 3 behavioral technician:** A BT, under supervision of a BA, may implement Stage 3 ABA treatment plan interventions/services. MAD recognizes two types of BTs:

(a) **Documented credentialing in behavior analysis:** on or following January 1, 2015, provide written attestation, and when appropriate provide formal records, documenting that the BT meets the following requirements:

(i) be at least 18 years of age;

(ii) possess a minimum of a high school diploma or equivalent;

(iii) successfully complete a criminal background registry check;

(iv) complete a minimum of four hours of training in ASD (prior to the BT billing for ABA services) including, but not limited to, training about prevalence, etiology, core symptoms, characteristics, and learning differences;

(v) complete 40 hours of training in ABA that meets the requirements for Registered Behavioral Technician® (RBT®) by the BACB®;

(vi) at least 20 hours of RBT training (in addition) to the four hours of ASD training) must occur prior to the AP billing for BT services; the other 20 hours of RBT training must be accrued, and RBT® certification from the BABC must be secured, no more than 90 calendar days following the first submission of billing for BT services.

(b) **Documented training in behavior analysis, without RBT® credential - (time-limited):** the BT may render services for up to six months while working towards his or her certification as a RBT® when the AP provides written attestation that the BT meets the following requirements:

(i) be at least 18 years of age;

(ii)

possess a minimum of a high school diploma or equivalent;

(iii) successfully complete a criminal background registry check;

(iv) complete a minimum of four hours of training in ASD including, but not limited to, training about prevalence, etiology, core symptoms, characteristics, and learning differences prior to the AP billing for BT services;

(v) complete 40 hours of training (provided by a BA as defined above) with at least 20 hours of training occurring prior to the AP billing for the BT's services, and the other 20 hours accrued no more than 90 calendar days following first submission of billing for the BT's services.

(6) **Stage 3 ABA specialty care provider:** Until eligibility requirements for ABA specialty care providers are developed, which will allow others to apply for delivery of ABA specialty care. The center for development and disability at the university of New Mexico, which serves as the state's university center for excellence in developmental disabilities (UCEDD), will function as the ABA specialty care provider for this service. As a mission of the UCEDD, training and technical assistance will be offered, in coordination with direct service delivery, to increase the capacity of APs to serve eligible recipients with significant needs. Through the provision of training and technical assistance, which is an identified mission of the state's UCEDD, it is hoped that the capacity of APs to support eligible recipients with significant needs will be increased, and that reliance on ABA specialty care will ultimately be minimized.

B. Eligible recipients: MAD has established a level of care (LOC) (see ABA billing instructions for details) for an eligible recipient to receive ABA services that must be met in addition one of the two categories of eligibility below:

(1) **At-risk for ASD:** an eligible recipient may be considered 'at-risk' for ASD and therefore eligible for time-limited ABA services, if he or she does not meet full criteria for ASD per the latest version of the diagnostic and statistical manual of mental disorders (DSM) or international classification of diseases (ICD); ABA services are time limited; see ABA billing instructions for detailed time limits; the eligible recipient must meet all four criteria to meet the at-risk for ABA eligibility criteria:

(a) is between 12 and 36 months of age;

(b) presents with developmental differences and delays as measured by standardized

assessments:

(c) demonstrates some characteristics of the disorder (e.g., impairment in social communication and early indicators for the development of restricted and repetitive behavior);

(d) presents with at least one genetic risk factor (e.g., genetic risk due to having an older sibling with a well-documented ASD diagnosis; eligible recipient has a diagnosis of Fragile X syndrome).

(2) **Diagnosed with ASD:** an eligible recipient 12 months up to 21 years of age who has a documented medical diagnosis of ASD according to the latest version of the diagnostic and statistical manual of mental disorders (DSM) or the international classification of diseases (ICD) is eligible for ABA services with no time limits if he or she presents a comprehensive diagnostic evaluation completed by either a MAD enrolled AEP or a practitioner meeting MAD's ABA billing instructions of an AEP when the eligible recipient's ISP states ABA services are medically necessary; prior authorizations are set at periodic intervals.

C. Covered services - stage 1: For an eligible recipient 12 months up to 21 years of age who is suspected of having ASD, stage 1 involves (a) screening, and if the results are positive, (b) referral to an AEP for diagnostic evaluation, ISP development, and the determination of medical necessity for ABA. For an eligible recipient who has an existing ASD diagnosis, as provided in accordance with the ABA billing instructions, stage 1 does not require diagnostic re-evaluation, but does require development of an ISP and the determination of medical necessity for ABA. Stage 1 entails that the AEP:

(1) ensures a screening and the referral is completed prior to the AEP's services; for a detailed description of the requirements of screening and referral requirements refer to the ABA billing instructions;

(2) completes a comprehensive diagnostic evaluation once prior approval is received; the full requirements of a comprehensive diagnostic evaluation are detailed in the ABA billing instructions;

(3) conducts a targeted evaluation when the AEP determines a full comprehensive diagnostic evaluation is not appropriate, see the ABA billing instructions for details on when a targeted evaluation is appropriate;

(4) develops and issues the eligible recipient's evaluation report and ISP following the ABA billing instructions;

(5) develops

and issues the eligible recipient's targeted evaluation report and ISP following the ABA billing instructions;

(6) develops and issues the eligible recipient's updated ISP following the ABA billing instructions.

D. Covered services - stage 2 BA: For all eligible recipients, stage 2 involves the prior authorization process for behavior analytic assessment, ABA service model determination, and treatment plan development. Once the AP has received a prior authorization for the assessment and treatment plan development, as outlined below, the family, eligible recipient (as appropriate for age and developmental level), and the AP's supervising BA works collaboratively to make a final determination regarding the clinically appropriate ABA service model, with consultative input from the AEP as needed. Then a behavior analytic assessment addressing needs associated with both skill acquisition and behavior reduction is conducted, and an individualized ABA treatment plan, as appropriate for the ABA service model, is developed by the supervising BA.

(1) **Essential practice elements:** The BA is ultimately responsible for ensuring that all essential practice elements are apparent throughout service delivery as required in the ABA billing instructions.

(2) **Service model determination:** ABA treatment may vary in terms of intensity and duration, the complexity and range of treatment goals, and the extent of direct treatment provided. Many variables, including the number of behavioral targets, specific aspects of those behaviors, and the eligible recipient's response to treatment help determine which model is most appropriate. Although existing on a continuum, these models can be generally categorized as focused ABA or comprehensive ABA, both of which are MAD covered ABA stage 3 services. The ABA billing instructions provide the BA with details on each of these requirements. The BA is responsible for completing all of the following services:

(a) the eligible recipient's assessment;

(b) selection and measurement of goals;

(c) treatment plan formulation and documentation.

(3) **Clinical management and case supervision:** In order to achieve the desired, medically necessary outcome, all cases require clinical management, and if a BT is tasked with implementing the treatment plan, the BT requires frequent, ongoing case supervision from the BA. Provision

of both clinical management and case supervision allows for the individualization of treatment plans, careful and detailed collection and analysis of data, and timely modifications to treatment protocols, all of which are essential to ensuring treatment effectiveness. As such, MAD not only reimburses for, but requires both clinical management and case supervision. See the ABA billing instructions for detailed description of the requirements for rendering clinical management and case supervision.

E. ABA specialty care services: While it is customary for MAD to limit rendering of a benefit to one provider to the same date of service and same time of service, MAD recognizes that there may be cases where the needs of the eligible recipient exceed the expertise of the AP and the logistical or practical ability of the AP to fully support the eligible recipient. In such cases, MAD allows the BA through his or her AP to refer the eligible recipient to a MAD approved, and as appropriate, a MCO contracted ABA specialty care provider.

F. Prior authorizations - general information:

(1) An eligible recipient's utilization review contractor (UR) must extend authorizations every six months including approving new requests for ABA services if the AEP's ISP or update indicates the medical necessity for the continuation of services and the corresponding treatment plan updates specify how these services will be delivered (e.g., service model, allocation of hours, etc.). During the 36-month service authorization period for focused ABA, services may or may not be continuously rendered depending on medical need, availability of service providers, and other factors. Prior authorization must be secured every six months until the end of the 36-month service authorization period. At each six month authorization point, the eligible recipient's UR will assess, with input from the family and AP, whether or not changes are needed in the eligible recipient's ISP, as developed by the AEP. If so, the UR will facilitate contact with the AEP to modify the plan. Additionally, the family or AP may request ISP modifications prior to the MCO's six-month authorization point if immediate changes are warranted to preserve the health and wellbeing of the eligible recipient. See the ABA billing instructions for detailed description of prior authorization requirements.

(2) To secure prior authorization, the BA through the AP must submit the prior authorization request, specifically noting:

(a) the prior authorization request must be submitted with the comprehensive

diagnostic evaluation report and ISP from the AEP (developed in stage 1) along with the ABA treatment plan (developed in stage 2 by the AP);

(b)

the requested treatment model (focused or comprehensive), maximum hours of service requested per week;

(c)

the number of hours of case supervision requested per week, if more than two hours of supervision per 10 hours of intervention is requested; see the ABA billing instructions for detailed requirements for case supervision;

(d) the

number of hours of clinical management requested per week, if more than two hours of clinical management per 10 hours of intervention is requested; see ABA billing instructions for detailed requirements for case supervision;

(e)

the need for collaboration with an ABA specialty care provider, if such a need has been identified through initial assessment and treatment planning; after services have begun, the AP may refer the eligible recipient to a ABA specialty care provider who may then request prior authorization to render ABA specialty care stage 2 assessment and stage 3 ABA services; see the ABA billing instructions for detailed requirements to access ABA specialty care services.

(3) The request

must document hours allocated to other services (e.g., early intervention through FIT) that are in the eligible recipient's ISP in order for the eligible recipient's UR to determine if the requested intensity (i.e., hours per week) is feasible and appropriate.

(4) When an

eligible recipient's behavior exceeds the expertise of the AP and logistical or practical ability of the AP to fully support him or her, MAD allows the AP to refer the eligible recipient to his or her UR for prior authorization to allow an ABA specialty care provider to intervene. The UR will approve a prior authorization to the ABA specialty care provider to complete a targeted assessment and provide the primary AP with, or to implement itself, individualized interventions to address the behavioral concerns for which the referral is based on medical documentation.

(5) Services may

continue until the eligible recipient ages out of eligibility for comprehensive ABA services as described in the ABA billing instructions.

G. Noncovered services:

(1) The

eligible recipient's comprehensive or targeted diagnostic evaluation or the ISP and treatment plan updates recommend

placement in a higher, more intensive, or more restrictive level of care and no longer recommends ABA services.

(2) The eligible

recipient is in a residential facility that either specializes in or has as part of its treatment modalities MAD ABA services. The facility should render ABA services as detailed in the ABA billing instructions, such as they would general outpatient services of individual, family and group therapy.

(a)

The eligible recipient's UR may authorize time limited ABA services while he or she remains in the facility for transition when ABA services are approved to be rendered upon his or her discharge from the facility to a community ABA provider.

(b)

Specifically for an eligible recipient who meets admission criteria for ABA services and who is in a treatment foster care placement, he or she is not considered to be in a residential facility and may receive full ABA services.

(3) The

referral for the comprehensive diagnostic evaluation did not utilize a MAD ABA specific screening tool as the basis of the referral. The eligible recipient's family or the referring agency must provide a MAD recognized positive screening result to an AEP. At that time, the AEP may request a prior authorization to complete a MAD ABA comprehensive diagnostic evaluation.

(4) The eligible

recipient has reached the maximum age range for ABA services.

(5) Activities

that are not designed to accomplish the objectives delineated in covered services and that are not included in the treatment plan.

(6) Activities

that are not based on the principles and application of behavior analysis.

(7) Activities that

take place in school settings and have the potential to supplant educational services.

(8) Activities that

are better described as another therapeutic service (e.g., speech language therapy, occupational therapy, physical therapy, counseling, etc.), even if the provider has expertise in the provision of ABA.

(9) Activities

which are better characterized as staff training or certification/licensure supervision requirements, rather than ABA case supervision.

H. Reimbursement

stage 1 - AEP comprehensive diagnostic evaluation and ISP: MAD supports reimbursement for a comprehensive diagnostic evaluation and development of an ISP from an AEP through three situations

listed in Subsection C of 8.321.2.10 NMAC. See the ABA billing instructions for a detailed description of specific requirements in order to be reimbursed for AEP services.

I. Reimbursement stage

2 and 3 ABA prior authorization: If the AEP prescribes ABA services as part of the eligible recipient's ISP, and the AP received prior approval from the eligible recipient's UR, the AP may bill from stage 2 and 3 services following the ABA billing instructions.

[8.321.2.10 NMAC - N, 1-1-14; A, 5-1-15]

PUBLIC EDUCATION DEPARTMENT

This is an amendment to 6.29.3 NMAC, Sections 3 and 8 and adding new Sections 9 through 25, effective 4-30-2015. In 6.29.3.8 NMAC, Subsection B through J were not published as there were no changes.

6.29.3.3 STATUTORY

AUTHORITY:

A. Section 22-2-2 NMSA 1978 grants the authority and responsibility for the assessment and evaluation of public schools, state-supported educational institutions and educational programs conducted in state institutions other than New Mexico military institute.

B. Section 22-2-2 NMSA 1978 directs the department to set graduation expectations and hold schools accountable. Section 22-2C-3 NMSA 1978 requires the department to adopt academic content and career technical performance standards and to measure the performance of public schools in New Mexico. [6.29.3.3 NMAC - N, 6-30-2009; A, 4-30-2015]

6.29.3.8 CONTENT STANDARDS WITH BENCHMARKS AND PERFORMANCE STANDARDS FOR CAREER AND TECHNICAL EDUCATION, GRADES 7-12:

A. Strand 1: Academic foundations.

(1) Content standard 1: Students will achieve the academic knowledge and skills required to pursue the full range of career and postsecondary education opportunities common to all career clusters. Students will:

(a) grades 7-12 benchmark 1: complete required training, education and certification to prepare for employment in a particular career field; grades 7-12 performance

<p>standards:</p> <p>(i) identify training, education and certification requirements for one’s occupational choice;</p> <p>(ii) participate in [career-related] <u>career and technical-related</u> training or degree programs;</p> <p>(iii) prepare for certification tests to qualify for licensure or certification in a chosen occupational area;</p> <p>(b) grades 7-12 benchmark 2: demonstrate knowledge and skills in language arts required to pursue the full range of postsecondary education and career opportunities; grades 7-12 performance standards:</p> <p>(i) model behaviors that demonstrate active listening;</p> <p>(ii) adapt language for audience, purpose and situation (i.e., choice of diction, structure, style);</p> <p>(iii) organize oral and written information;</p> <p>(iv) compose well-organized copy for a variety of written documents such as: agendas, speeches and audio-visual presentations, bibliographies, drafts, forms/documents, notes, oral presentations, reports and explanations of technical terminology;</p> <p>(v) edit copy to create well-organized written documents such as: agendas, speeches and audio-visual presentations, bibliographies, drafts, forms/documents, notes, oral presentations, reports and explanations of technical terminology;</p> <p>(vi) demonstrate key elements of oral and written information such as: cause/effect, comparisons/contrasts, conclusions, context, purpose, charts/tables/graphs, evaluation/critiques, mood, persuasive text, sequence, summaries and technical subject matter;</p> <p>(vii) evaluate oral and written information for: accuracy, adequacy/sufficiency, appropriateness, clarity, conclusions/solutions, fact/opinion, propaganda, relevance, validity and relationship of ideas;</p> <p>(viii) identify assumptions, purposes, outcomes/solutions and propaganda techniques in oral and written information;</p> <p>(ix) predict potential outcomes or solutions based on oral and written information regarding trends;</p> <p>(x) present formal and informal speeches including: discussion, information requests,</p>	<p>interpretation and persuasive arguments;</p> <p>(c) grades 7-12 benchmark 3: demonstrate knowledge and skills of mathematics required to pursue the full range of postsecondary education and career opportunities; grades 7-12 performance standards:</p> <p>(i) identify whole numbers, decimals and fractions;</p> <p>(ii) demonstrate knowledge of arithmetic operations such as: addition, subtraction, multiplication and division;</p> <p>(iii) demonstrate use of relational expressions such as: equal to, not equal, greater than, less than, etc.;</p> <p>(iv) apply data and measurements to solve problems;</p> <p>(v) analyze mathematical problem statements for missing or irrelevant data;</p> <p>(vi) construct charts/tables/graphs from functions and data;</p> <p>(vii) analyze data when interpreting operational documents;</p> <p>(d) grades 7-12 benchmark 4: demonstrate knowledge and skills of science required to pursue the full range of postsecondary and career education opportunities; grades 7-12 performance standards:</p> <p>(i) evaluate scientific constructs including: conclusions, conflicting data, controls, data, inferences, limitations, questions, sources of error and variables;</p> <p>(ii) apply scientific methods in qualitative and quantitative analysis, data gathering, direct and indirect observation, predictions and problem identification.</p> <p>(2) Content standard 2: Students will develop specific language arts, math and science skills required to pursue pathway opportunities within a career cluster. Students will:</p> <p>(a) grades 7-12 benchmark 1: demonstrate knowledge and skills of language arts specific to a career pathway opportunity; grades 7-12 performance standards:</p> <p>(i) identify types of oral and written opportunities within a selected career cluster;</p> <p>(ii) comprehend key elements of oral and written information relevant to a selected career pathway;</p> <p>(iii) create oral and written representations of</p>	<p>communications appropriate to a selected pathway;</p> <p>(b) grades 7-12 benchmark 2: demonstrate knowledge and skills of mathematics specific to a career pathway opportunity; grades 7-12 performance standards:</p> <p>(i) demonstrate knowledge of arithmetic operations needed to succeed within a selected career pathway;</p> <p>(ii) analyze and summarize data appropriate to a selected pathway;</p> <p>(iii) construct charts/tables/graphs from functions and data needed to advance a selected career pathway;</p> <p>(c) grades 7-12 benchmark 3: demonstrate knowledge and skills of science specific to a career; grades 7-12 performance standards:</p> <p>(i) apply appropriate scientific methods in qualitative and quantitative analysis, data gathering, direct and indirect observation, predictions and problem identification;</p> <p>(ii) understand how scientific discoveries and technological advancements are continually evaluated, validated, revised or rejected in relation to a selected career pathway.</p> <p>***</p> <p>[6.29.3.8 NMAC - Rp, 6.30.2.21 NMAC, 6-30-2009; A, 4-30-2015]</p> <p><u>6.29.3.9 AGRICULTURE, FOOD AND NATURAL RESOURCES CAREER CLUSTER (AG) COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:</u></p> <p><u>A. All pathways in the AG career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the AG career cluster are the ability to:</u></p> <p><u>(1) analyze how issues, trends, technologies and public policies impact systems;</u></p> <p><u>(2) evaluate the nature and scope of the cluster and the role agriculture, food and natural resources (AFNR) play in society and the economy;</u></p> <p><u>(3) examine and summarize importance of health, safety and environmental management systems in AFNR organizations;</u></p> <p><u>(4) demonstrate stewardship of natural resources in AFNR activities;</u></p> <p><u>(5) describe career opportunities and means to achieve those opportunities in each of the pathways;</u></p>
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and

(6) analyze the interaction among AFNR systems in the production, processing and management of food, fiber and fuel and sustainable use of natural resources.

B. Agribusiness systems career pathway (AG-BIZ). Students will:

(1) apply management planning principles in AFNR business enterprises;

(2) use record keeping to accomplish AFNR business objectives, manage budgets and comply with laws and regulations;

(3) manage cash budgets, credit budgets and credit for an AFNR business using generally accepted accounting principles;

(4) develop a business plan for an AFNR enterprise or business unit; and

(5) use sales and marketing principles common to agribusiness systems to accomplish AFNR business objectives.

C. Animal systems career pathway (AG-ANI). Students will:

(1) analyze historic and current trends impacting the animal systems industry;

(2) use best practice protocols for husbandry and welfare based upon animal behaviors;

(3) design and provide proper animal nutrition given desired outcomes for performance, development, reproduction and economic production;

(4) apply principles of animal reproduction given desired outcomes for performance, development or economic production;

(5) evaluate environmental factors affecting animal performance and implement procedures for enhancing performance and animal health;

(6) classify, evaluate and select animals based on anatomical and physiological characteristics; and

(7) apply principles of effective animal health care.

D. Environmental service systems career pathway (AG-ENV). Students will:

(1) use analytic procedures and instruments to manage environmental systems activities;

(2) evaluate the impact of public policies and regulations on environmental services facility operations;

(3) develop proposed solutions to environmental issues, problems and applications using scientific principles of meteorology, soil science, hydrology, microbiology, chemistry and ecology;

(4) demonstrate the operation of environmental service systems (e.g., pollution control, water treatment, wastewater treatment, solid waste management and energy conservation); and

(5) use tools, equipment, machinery and technology common to tasks in environmental system services.

E. Food products and processing systems career pathway (AG-FD). Students will:

(1) develop and implement procedures to ensure safety, sanitation and quality in food product and processing facilities;

(2) apply principles of nutrition, biology, microbiology, chemistry and human behavior to development of food products;

(3) select and process food products for storage, distribution and consumption; and

(4) explain the scope of the food industry and the historical and current developments of food products and processing.

F. Natural resources systems career pathway (AG-NR). Students will:

(1) plan and conduct natural resource management activities that apply logical, reasoned and scientifically based solutions to natural resource issues and goals;

(2) analyze interrelationships between natural resources and humans needed to manage natural resource systems;

(3) develop plans to ensure responsible and sustainable production and processing of natural resources; and

(4) demonstrate responsible management procedures and techniques to protect or maintain natural resources.

G. Plant systems career pathway (AG-PL). Students will:

(1) develop and implement a crop management plan for a given production goal that accounts for environmental factors;

(2) apply the principles of classification, plant anatomy and plant physiology to plant production and management;

(3) propagate, culture and harvest plants and plant products based on current industry standards; and

(4) apply principles of design in plant systems to enhance an environment (e.g., floral, forest, landscape and farm).

H. Power, structural and technical systems career pathway (AG-

PST). Students will:

(1) apply physical science principles and engineering applications related to mechanical equipment, structures and biological systems to solve problems and improve performance in AFNR power, structural and technical systems;

(2) operate and maintain mechanical equipment related to AFNR power, structural and technical systems;

(3) service and repair mechanical equipment and power systems used in AFNR power, structural and technical systems;

(4) plan, build and maintain AFNR structures; and

(5) use control, monitoring, geospatial and other technologies in AFNR power, structural and technical systems.

[6.29.3.9 NMAC - N, 4-30-2015]

6.29.3.10 ARCHITECTURE AND CONSTRUCTION CAREER CLUSTER (AC) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the AC career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the AC career cluster are the ability to:

(1) use vocabulary, symbols and formulas commonly used in design and construction;

(2) use architecture and construction skills to create and manage a project;

(3) comply with regulations and applicable codes to establish and manage a legal and safe workplace and jobsite;

(4) evaluate the nature and scope of the AC cluster and the role architecture and construction play in society and the economy;

(5) describe the roles and responsibilities among trades and professions, including labor/management relationships;

(6) read, interpret and use technical drawings, documents and specifications to plan a project; and

(7) describe career opportunities and means to achieve those opportunities in each of the AC pathways.

B. Construction career pathway (AC-CST). Students will:

(1) describe contractual relationships with all parties involved in the building process to ensure successful build of a project;

(2) describe the approval procedures to ensure effective flow of information in the construction process;

(3) implement testing and inspection procedures to ensure successful completion of a construction project;

(4) apply scheduling practices to ensure the successful completion of a construction project;

(5) apply practices and procedures required to maintain jobsite safety;

(6) manage relationships with internal and external parties to successfully complete construction projects;

(7) compare and contrast the building systems and components for a given project;

(8) demonstrate the construction crafts required for each phase of a given project; and

(9) safely use and maintain appropriate tools, machinery, equipment and resources to accomplish construction project goals.

C. Design and pre-construction career pathway (AC-DES). Students will:

(1) justify design solutions through the use of research documentation and analysis of data;

(2) use effective communication skills and strategies (listening, speaking, reading, writing and graphic communications) to work with clients and colleagues;

(3) describe the requirements of the integral systems that impact the design of buildings and structures;

(4) apply building codes, laws and rules in the design and construction of projects;

(5) identify the diversity of needs, values and social patterns in project design, including accessibility standards, to appropriately meet client needs;

(6) apply the techniques and skills of modern drafting, design, engineering and construction to projects;

(7) employ appropriate representational media to communicate concepts and design; and

(8) apply standards, applications and restrictions pertaining to the selection and use of construction materials, components and assemblies for project design.

D. Maintenance and operations career pathway (AC-MO). Students will:

(1) recognize and

employ universal construction signs and symbols to function safely in the workplace;

(2) use troubleshooting procedures when solving a maintenance problem to maintain buildings and structures;

(3) apply construction skills when repairing, restoring, or renovating existing structures;

(4) determine work required to repair or renovate an existing building or structure;

(5) plan and practice preventative maintenance activities to service existing structures; and

(6) maintain and inspect building systems to achieve safe and efficient operation of facilities.

[6.29.3.10 NMAC - N, 4-30-2015]

6.29.3.11 ARTS, AUDIO-VISUAL TECH AND COMMUNICATIONS CAREER CLUSTER (AR) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the AR career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the AR career cluster are the ability to:

(1) analyze the interdependence of the technical and artistic elements of various careers within the AR cluster;

(2) analyze the importance of health, safety and environmental management systems, policies and procedures common in arts, audio-video technology and communications activities and facilities;

(3) analyze the lifestyle implications and physical demands required in the arts, audio-visual technology and communications workplace;

(4) analyze the legal and ethical responsibilities required in the arts, audio/visual technology and communications workplace;

(5) describe the career opportunities and means to achieve those opportunities in each of the AR pathways; and

(6) evaluate technological advancements and tools that are essential to occupations within the AR cluster.

B. A-V technology and film career pathway (AR-AV). Students will:

(1) describe the history, terminology, occupations and value of audio, video and film technology;

(2) demonstrate the use of basic tools and equipment used in

audio, video and film production;

(3) demonstrate technical support skills for audio, video and film productions; and

(4) design an audio, video or film production.

C. Journalism and broadcasting career pathway (AR-JB). Students will:

(1) describe the diversity and variety of functions within the journalism and broadcasting career pathway;

(2) demonstrate writing processes used in journalism and broadcasting media;

(3) plan and deliver a media production (e.g., broadcast, video, web, mobile); and

(4) demonstrate technical support related to media production (e.g., broadcast, video, web, mobile).

D. Performing arts career pathway (AR-PRF). Students will:

(1) describe the scope of the AR-PRF pathway and the roles of various individuals and business principles;

(2) demonstrate the fundamental elements, techniques, principles and processes for various dance styles and traditions in the pathway;

(3) perform a varied repertoire of focal or instrumental music representing diverse styles, cultures and historical period;

(4) demonstrate knowledge of music theory;

(5) explain key issues affecting the creation of characters, acting skills and individual roles;

(6) create stage, film, television, or electronic media scripts in a variety of traditional and current formats;

(7) describe how technology and technical support enhances productions; and

(8) analyze all facets of stage and production management.

E. Printing technology career pathway (AR-PRT). Students will:

(1) manage the printing process including customer service and sales, scheduling, production and quality control;

(2) demonstrate the production of various print, multimedia, or digital media products; and

(3) perform finishing and distribution operations related to the printing process.

F. Telecommunications career pathway (AR-TEL). Students will:

(1) demonstrate the use of industry-specific terminology.

tools and test equipment;

(2) demonstrate telecommunication installation techniques using appropriate tools, materials, schematics diagrams, blueprints and industry specific codes and regulations;

(3) demonstrate decision-making, problem-solving techniques and communication skills when providing services for customers; and
(4) demonstrate the installation, repair and delivery of network systems.

G. Visual arts career pathway (AR-VIS). Students will:

(1) describe the history and evolution of the visual arts and its role in and impact on society;

(2) analyze how the application of visual arts elements and principles of design communicate and express ideas; and

(3) analyze and create two and three-dimensional art forms using various media.

[6.29.3.11 NMAC - N, 4-30-2015]

6.29.3.12 BUSINESS MANAGEMENT AND ADMINISTRATION CAREER CLUSTER (BM) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the BM career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the BM career cluster are the ability to:

(1) use mathematical concepts, skills and problem solving to obtain necessary information for decision-making in business;

(2) describe laws, rules and regulations as they apply to effective business operations;

(3) explore, develop and apply strategies for ensuring a successful business career;

(4) identify, demonstrate and implement solutions in managing effective business customer relationships;

(5) implement systems, strategies and techniques used to manage information in a business; and

(6) implement, monitor and evaluate business processes to ensure efficiency and quality results.

B. Administrative support career pathway (BM-ADM). Students will:

(1) plan, staff, lead and organize human resources to enhance employee productivity and satisfaction;

(2) access,

evaluate and disseminate information for business decision making; and

(3) plan, monitor and manage day-to-day business activities.

C. Business information management career pathway (BM-BIM). Students will:

(1) describe and follow laws and regulations affecting business operations and transactions;

(2) plan, monitor, manage and maintain the use of financial resources to ensure a business's financial wellbeing;

(3) access, evaluate and disseminate information for business decision making;

(4) plan, monitor and manage day-to-day business activities to sustain continued business functioning; and

(5) plan, organize and manage an organization/department to achieve business goals.

D. General management career pathway (BM-MGT). Students will:

(1) describe and follow laws and regulations affecting business operations and transactions;

(2) access, evaluate and disseminate information for business decision making;

(3) apply economic concepts fundamental to global business operations;

(4) employ and manage techniques, strategies and systems to enhance business relationships;

(5) plan, monitor, manage and maintain the use of financial resources to ensure a business's financial wellbeing;

(6) plan, monitor and manage day-to-day business activities to sustain continued business functioning;

(7) plan, organize and manage an organization/department to achieve business goals; and

(8) create strategic plans used to manage business growth, profit and goals.

E. Human resources management career pathway (BM-HR). Students will:

(1) describe and follow laws and regulations affecting human resource operations;

(2) access, evaluate and disseminate information for human resources management decision making;

(3) motivate and supervise personnel to achieve completion of projects and business goals;

(4) plan, monitor and manage the use of financial and human resources to ensure a business's financial wellbeing;

(5) plan, staff,

lead and organize human resources to enhance productivity and satisfaction;

(6) plan,

monitor and manage day-to-day business activities to foster a healthy and safe work environment; and

(7) plan, organize and implement compensation, benefits, health and safety programs.

F. Operations management career pathway (BM-OP). Students will:

(1) describe and follow laws and regulations affecting business operations and transactions;

(2) develop and maintain positive customer relationships;

(3) apply inventory tracking systems to facilitate operational controls; and

(4) plan, monitor and manage day-to-day business activities to maintain and improve operational functions.

[6.29.3.12 NMAC - N, 4-30-2015]

6.29.3.13 EDUCATION AND CAREER TRAINING CAREER CLUSTER (ED) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the ED career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the ED career cluster are the ability to:

(1) apply communication skills with students, parents and other groups to enhance learning and a commitment to learning;

(2) demonstrate effective oral, written and multimedia communication in multiple formats and contexts;

(3) use critical thinking to process educational communications, perspectives, policies or procedures;

(4) evaluate and manage risks to safety, health and the environment in education and training settings;

(5) demonstrate group collaboration skills to enhance professional education and training practice;

(6) analyze ethical and legal policies of professional education and training practice;

(7) explain legal rights that apply to individuals and practitioners within education and training settings;

(8) demonstrate ethical and legal behavior within and outside of education and training settings;

(9) describe state-specific professional development requirements to maintain employment and to advance in an education and training career;

(10) apply organizational skills and logic to enhance professional education and training practice; and

(11) demonstrate group management skills that enhance professional education and training practice.

B. Administration and administrative support career pathway (ED-ADM). Students will:

(1) use research-based practices to develop, communicate and enlist support for a vision of success for all learners;

(2) identify behaviors necessary for developing and sustaining a positive learning culture;

(3) create instructional programs to meet the learning organization's objectives;

(4) identify instructional practices that meet the learning organization's objectives;

(5) model leadership skills for personnel in order to improve the performance of the learning organization;

(6) identify operations to meet the learning organization's objectives;

(7) plan strategically to meet the learning organization's objectives;

(8) apply internal and external resources to meet the learning organization's objectives and learner needs; and

(9) describe advocacy strategies to promote the learning organization's needs.

C. Professional support services career pathway (ED-PS). Students will:

(1) identify strategies, techniques and tools used to determine the needs of diverse learners;

(2) implement methods to enhance learner success;

(3) identify resources and support services to meet learners' needs; and

(4) identify resources and support services available in the learning organization to enhance the learning environment.

D. Training career pathway (ED-TT). Students will:

(1) use foundational knowledge of subject matter to plan and prepare effective instruction and design courses or programs;

(2) employ knowledge of learning and developmental theory to describe individual learners;

(3) use content knowledge and skills of instruction to develop standards-based goals and assessments;

(4) identify materials and resources needed to support instructional plans;

(5) establish a positive climate to promote learning;

(6) identify motivational, social and psychological practices that guide personal conduct;

(7) demonstrate organizational and relationship building skills used to manage instructional activities and related procedures;

(8) demonstrate flexibility and adaptability in instructional planning;

(9) use assessment and evaluation tools and data to advance learner achievement and adjust instructional plans;

(10) evaluate teaching and training performance indicators to determine and improve effectiveness of instructional practices and professional development; and

(11) implement strategies to maintain relationships with others to increase support for the organization.

[6.29.3.13 NMAC - N, 4-30-2015]

6.29.3.14 FINANCE CAREER CLUSTER (FN) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the FN career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the FN career cluster are the ability to:

(1) use mathematical concepts, skills and problem solving to obtain necessary information for decision making in the finance industry;

(2) use tools, strategies and systems to plan, monitor, manage and maintain the use of financial resources;

(3) plan, staff, lead and organize human resources in finance to enhance employee productivity and job satisfaction;

(4) determine effective tools, techniques and systems to communicate and deliver value to finance customers;

(5) create and maintain positive, ongoing relationships with finance customers;

(6) plan, monitor and manage day-to-day activities to ensure effective and efficient finance operations;

(7) implement safety, health and environmental controls to ensure a safe and productive finance work workplace;

(8) describe and follow laws, regulations and ethical standards that affect finance operations and transactions;

(9) plan, manage and maintain the use of financial resources to protect solvency;

(10) plan, organize and manage a finance organization or department;

(11) plan, monitor and manage day-to-day activities required to sustain continued business functioning;

(12) access, evaluate and disseminate financial information to enhance financial decision-making processes;

(13) manage a financial product or service mix in order to respond to market opportunities; and

(14) employ financial risk-management strategies and techniques used to minimize business loss.

B. Accounting career pathway (FN-ACT). Students will:

(1) describe and follow laws and regulations to manage accounting operations and transactions;

(2) use accounting tools, strategies and systems to plan, monitor, manage and maintain the use of financial resources;

(3) process, evaluate and disseminate financial information to assist business decision making; and

(4) use career-planning concepts, tools and strategies to explore, obtain or develop an accounting career.

C. Banking services career pathway (FN-BNK). Students will:

(1) describe and follow laws and regulations to manage business operations and transactions in the banking services industry;

(2) create and maintain positive, ongoing relationships with banking customers;

(3) manage the use of financial resources to enhance banking performance;

(4) demonstrate the use of banking technology and equipment;

(5) plan, monitor and manage the day-to-day activities within a banking organization to ensure secure operations;

(6) use career-planning concepts, tools and strategies to explore, obtain or develop a career in banking services; and

(7) determine client needs and wants and respond through planned, personalized communication to guide purchase decisions and enhance future business opportunities in banking services.

D. Business finance career pathway (FN-BFN). Students will:

(1) describe and follow laws and regulations to manage business operations and transactions in corporate finance;

(2) manage the use of financial resources to ensure business stability;

(3) use career-planning concepts, tools and strategies to explore, obtain or develop in a corporate finance career; and

(4) employ risk-management strategies and techniques in corporate finance to minimize business loss.

E. Insurance career pathway (FN-INS). Students will:

(1) describe and follow laws and regulations to manage business operations and transactions in the insurance industry;

(2) plan, monitor and manage day-to-day insurance organization activities;

(3) use career-planning concepts, tools and strategies to explore, obtain or develop a career in insurance;

(4) demonstrate underwriting techniques and strategies to evaluate the risk posed by potential insurance clients; and

(5) determine client needs and wants and respond through planned, personalized communication to guide purchase decisions and enhance future insurance business opportunities.

F. Securities and investments career pathway (FN-SEC). Students will:

(1) describe and follow laws and regulations to manage business operations and transactions in the securities and investments industry;

(2) manage the use of financial resources to perform key duties in the securities and investments industry;

(3) plan, monitor and manage day-to-day securities and investments operations;

(4) use career-planning concepts, tools and strategies to explore, obtain or develop in a securities and investments career; and

(5) determine

client needs and wants and respond through planned, personalized communication to guide purchase decisions and enhance future securities and investments opportunities.

[6.29.3.14 NMAC - N, 4-30-2015]

6.29.3.15 GOVERNMENT AND PUBLIC ADMINISTRATION CAREER CLUSTER (GV) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the GV career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the GV career cluster are the ability to:

(1) explain the purpose and functions of government and public administration and the application of democratic principles in the process of governmental and administrative policymaking;

(2) analyze the systemic relationships of government and public administration agencies;

(3) describe health, safety and environmental management systems, as well as policies and procedures in government and public administration agencies;

(4) describe the implementation of plans and policies to respond to public health, safety and environmental needs in government and public administration agencies;

(5) describe career opportunities and the means to achieve those opportunities in each of the GV career pathways; and explain the administration of human, financial, material and information resources in government and public administration agencies.

B. Foreign service career pathway (GV-FOR). Students will:

(1) apply the knowledge acquired from history, law, geography, science, language studies, social sciences (including economic and political science), business, foreign policy and culture to perform diplomatic functions;

(2) describe the laws, customs and current administrative practices of the United States and host countries used to manage administrative, social and policy matters;

(3) describe the application of United States and host country laws, regulations, policies and procedures used to manage consular administrative matters; and

(4) describe the application of host country laws, customs and effective administrative practices used to manage the conduct of diplomatic operations.

C. Governance career pathway (GV-GOV). Students will:

(1) employ research skills to gather and document factual information, analyze data and interpret statistics applicable to matters of public policy;

(2) develop and articulate reasoned, persuasive arguments to support public policy options or positions;

(3) select and apply appropriate political processes to gain consensus for the resolution of differing opinions and positions; and

(4) advocate to gain support for new laws, regulations, ordinances, programs or procedures; alternatively, advocate to gain support to reform or revoke existing laws, regulations, ordinances, programs or procedures.

D. National security career pathway (GV-SEC). Students will:

(1) instruct persons who will perform tasks relating to national homeland security;

(2) describe the appropriate duties, responsibilities and authority of a national security agency's personnel at all levels;

(3) describe the leadership characteristics necessary to ensure compliance with rules of engagement and applicable ethical standards;

(4) collect and analyze information from within and outside the United States to assess threats and opportunities regarding national security; and

(5) develop strategies to defend against and respond to the effects of chemical, biological, radiological, nuclear (CBRN) or other emergent events.

E. Planning career pathway (GV-PLN). Students will:

(1) explain the planning process used to support the development and implementation of new and updated plans, programs and regulations for government and public administration agencies;

(2) develop a comprehensive and focused strategic planning process for government and public administration agencies to manage change; and

(3) formulate plans and policies that meet the social, economic and physical needs of the public.

F. Public management and administration career pathway (GV-MGT). Students will:

(1) describe the organization of government or public administration department or agency;

(2) design strategies to maximize the potential of a government or public administration department or agency to meet its vision, mission and goals;

(3) use fiscal management skills to manage budget and allocation processes to ensure that resources are applied in a manner consistent with the department or agency's vision, mission and goals;

(4) facilitate the flow of ideas and information to keep the department or agency and its constituency informed of policies and operations;

(5) create plans that use department or agency expertise to help elected officials and others identify, implement and achieve common goals and objectives;

(6) use analysis, planning and fiscal services to fund department or agency priorities;

(7) describe ethical and fiscally responsible procurement systems and procedures used to meet department or agency needs;

(8) prepare procurement requirements, procedures and solicitations for bids or proposals;

(9) evaluate bids and proposals consistent with the requirements of the procurement process;

(10) describe the oversight of awarded contracts to ensure the ethical and optimal use of public funds;

(11) describe laws and policies that are used to protect or disclose information; and

(12) develop strategies that encourage a creative and innovative environment in a government or public administration department or agency.

G. Regulation career pathway (GV-REG). Students will describe enforcement of compliance with legal requirements and regulatory standards.

H. Revenue and taxation career pathway (GV-REV). Students will:

(1) examine evidence and ensure revenue compliance by interpreting applicable laws, applying appropriate investigative principles and following relevant procedures;

(2) acquire, analyze and disseminate information to facilitate clear and accurate communication with revenue and taxation stakeholders; and

(3) design, develop, operate and review data analysis systems and procedures to minimize and eliminate revenue-related financial problems.

[6.29.3.15 NMAC - N, 4-30-2015]

6.29.3.16 HEALTH SCIENCES CAREER CLUSTER (HL) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the HL career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the HL career cluster are the ability to:

(1) determine academic subject matter, in addition to high school graduation requirements, necessary for pursuing a health science career;

(2) explain the healthcare worker's role within their department, their organization and the overall healthcare system;

(3) identify existing and potential hazards to clients, co-workers, visitors and self in the healthcare workplace;

(4) evaluate the roles and responsibilities of individual members as part of the healthcare team and explain their role in promoting the delivery of quality health care;

(5) analyze the legal and ethical responsibilities, limitations and implications of actions within the healthcare workplace; and

(6) evaluate accepted ethical practices with respect to cultural, social and ethnic differences within the healthcare workplace.

B. Biotechnology research and development career pathway (HL-BRD). Students will:

(1) summarize the goals of biotechnology research and development within legal and ethical protocols;

(2) apply the fundamentals of biochemistry, cell biology, genetics, mathematical concepts, microbiology, molecular biology, organic chemistry and statistics to conduct effective biotechnology research and development of products;

(3) demonstrate basic knowledge of recombinant deoxyribonucleic acid (DNA), genetic engineering, bioprocessing, monoclonal antibody production, nanotechnology, bioinformatics, genomics, proteomics and transcript omics to conduct biotechnology research and development;

(4) demonstrate the principles of solution preparation, sterile techniques, contamination control and measurement and calibration of instruments used in biotechnology research;

(5) determine processes for product design and production and how that work contributes to an understanding of the biotechnology product

development process; and

(6) summarize and explain the larger ethical, moral and legal issues related to biotechnology research, product development and use in society.

C. Diagnostics career pathway (HL-DIA). Students will:

(1) communicate information within a healthcare environment and convey key diagnostic information to healthcare workers and patients in an accurate and timely manner;

(2) assess and report patient's/client's health status in order to monitor and document patient progress;

(3) demonstrate the principles of body mechanics for positioning, transferring and transporting of patients/clients and perform them without injury to the patient/client or self;

(4) explain procedures and goals to the patient/client accurately and effectively, using strategies to respond to questions and concerns; and

(5) select and interpret diagnostic procedures.

D. Health informatics career pathway (HL-HI). Students will:

(1) communicate health information accurately and within legal and regulatory guidelines, upholding the strictest standards of confidentiality;

(2) describe the content and diverse uses of health information; and

(3) demonstrate the use of systems used to capture, retrieve and maintain confidential health information from internal and external sources.

E. Support services career pathway (HL-SUP). Students will:

(1) describe, differentiate and safely perform the responsibilities of healthcare support services roles;

(2) demonstrate work practices that maintain a clean and healthy healthcare facility to reduce or eliminate pathogenic organisms;

(3) follow established internal and external guidelines in order to provide high-quality, effective support services in the healthcare facility;

(4) maximize available resources for proper care and use of healthcare equipment and materials; and

(5) implement healthcare facility standards in order to maintain high-quality healthcare facilities.

F. Therapeutic services career pathway (HL-THR). Students will:

(1) use communication strategies to answer patient/client questions and concerns on planned procedures and goals;

(2) communicate patient/client information among healthcare team members to facilitate a team approach to patient care;

(3) use processes for assessing, monitoring and reporting patient/client health status to the treatment team within protocol and scope of practice; and

(4) evaluate patient/client needs, strengths and problems in order to determine if treatment goals are being met.

[6.29.3.16 NMAC - N, 4-30-2015]

6.29.3.17 HOSPITALITY AND TOURISM CAREER CLUSTER (HT) FOR COMMON CORE FOR CAREER AND TECHNICAL EDUCATION;

A. All pathways in the HT career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the HT career cluster are the ability to:

(1) describe the key components of marketing and promoting hospitality and tourism products and services;

(2) evaluate the nature and scope of the HT cluster and the role of hospitality and tourism in society and the economy;

(3) demonstrate hospitality and tourism customer service skills that meet customers' needs;

(4) describe employee rights and responsibilities and employers' obligations concerning occupational health and safety in the hospitality and tourism workplace;

(5) identify potential, real and perceived hazards and emergency situations and determine the appropriate safety and security measures in the hospitality and tourism workplace; and

(6) describe career opportunities and means to attain those opportunities in each of the HT pathways.

B. Lodging career pathway (HT-LOD). Students will:

(1) use various communication technologies to accomplish work tasks in lodging facilities;

(2) explain the role and importance of housekeeping operations to lodging facility;

(3) allocate staff positions to meet the needs of various lodging departments;

(4) describe the role and responsibilities of lodging managers;

(5) compare the advantages and disadvantages of independently owned and chain-affiliated

lodging facilities;

(6) analyze the departmental interrelationships of a lodging facility;

(7) explain various check-in and check-out procedures used in the lodging industry;

(8) understand reservation procedures used in the lodging industry;

(9) explain how room access policies and procedures ensure guest safety and minimize risks to the lodging facility;

(10) explain how cash control procedures are used in the lodging industry;

(11) explain how guests and property are protected to minimize losses or liabilities in the lodging facility; and

(12) explain the basic legal issues in lodging management.

C. Recreation, amusements and attractions career pathway (HT-REC). Students will:

(1) describe career opportunities in the HT-REC pathway;

(2) explain admission and traffic control procedures used to manage and control individuals, groups and vehicles in recreation, amusement and attraction venues;

(3) determine the maintenance and technology needs for various recreation, amusement and attraction venues;

(4) describe safety and security issues unique to the HT-REC pathway;

(5) compile a resource base to manage emergency situations in recreation, amusement and attraction venues;

(6) identify safety and security issues for recreation, amusement and attraction venues that might require customer education;

(7) compare different ticket sales options to maximize revenue for recreation, amusement and attraction venues;

(8) describe the types of information and directions a guest would need at a recreation, amusement and attraction entry point;

(9) develop marketing strategies for recreation, amusement and attractions venues;

(10) analyze the merchandising, program and product potential for different recreation, amusement and attraction venues; and

(11) compare and contrast various types of recreation, amusement and attraction venues.

D. Restaurants and food-beverage services career pathway (HT-RFB). Students will:

(1) describe ethical and legal responsibilities in food and beverage service facilities;

(2) demonstrate safety and sanitation procedures in food and beverage service facilities;

(3) use information from cultural and geographical studies to guide customer service decisions in food and beverage service facilities;

(4) demonstrate leadership qualities and collaboration with others;

(5) research costs, pricing, market demands and marketing strategies to manage profitability in food and beverage service facilities;

(6) explain the benefits of the use of computerized systems to manage food service operations and guest service;

(7) use technical resources for food services and beverage operations to update or enhance present practice;

(8) implement standard operating procedures related to food and beverage production and guest service;

(9) describe career opportunities and qualifications in the restaurant and food service industry; and

(10) apply listening, reading, writing and speaking skills to enhance operations and customer service in food and beverage service facilities.

E. Travel and tourism career pathway (HT-TT). Students will:

(1) apply information about time zones, seasons and domestic and international maps to create or enhance travel;

(2) apply unit and time conversion skills to develop travel schedules and compute cost, distance and time (including travel time) factors;

(3) analyze cultural diversity factors to enhance travel planning;

(4) assess the potential (real and perceived) hazards related to multiple environments and recommend appropriate safety, health and security measures for travelers;

(5) develop a safety and security plan containing proactive and reactive solutions to manage emergency situations for travelers and staff;

(6) use common travel and tourism terminology used to communicate within the industry;

(7) customize travel with diverse transportation, lodging,

cruise and food options;

(8) compare and contrast services and products from related industries to understand and evaluate how they impact the delivery of travel and tourism products and services to customers;

(9) identify the community elements necessary to maintain cooperative tourism development efforts;

(10) develop a travel product that matches customer needs, wants and expectations;

(11) design promotional packages to effectively market travel and tourism; and

(12) select the most effective communication technique and media venue to convey travel marketing information to a target audience.

[6.29.3.17 NMAC - N, 4-30-2015]

6.29.3.18 HUMAN SERVICES CAREER CLUSTER (HU) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the HU career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the HU career cluster are the ability to:

(1) evaluate principles of planning, development, implementation and evaluation to accomplish long-range goals in the human services;

(2) evaluate the role of the family, community and human services in society and the economy;

(3) use effective communication with human services clients and their families;

(4) demonstrate ethical and legal conduct in human services settings;

(5) evaluate career opportunities in each of the HU pathways; and

(6) explain how human development principles enhance the wellbeing of individuals and families.

B. Consumer services career pathway (HU-CSM). Students will:

(1) summarize necessary credentials, licensures or state-specific requirements to prepare for a career in consumer services;

(2) communicate product or equipment features that meet the needs of clients and consumers;

(3) make consumer services recommendations meeting the needs of clients or customers;

(4) analyze financial/economic situations when making recommendations about consumer services;

(5) use standard business processes or procedures to create consumer service information and facilitate client interactions;

(6) use a variety of methods to educate audiences about consumer services;

(7) demonstrate knowledge of ethical and legal responsibilities associated with providing consumer services; and

(8) apply business procedures and use equipment and facilities to produce satisfying client outcomes.

C. Counseling and mental health services career pathway (HU-CMH). Students will:

(1) use clear written, spoken and nonverbal messages when communicating with clients about mental health services and the counseling process;

(2) use functional and specialized assessments to evaluate needs and solutions for counseling and mental health;

(3) evaluate client motivation, strengths and weaknesses to develop a client treatment program;

(4) demonstrate knowledge of an operational mental health or counseling program that meets organizational goals;

(5) demonstrate the ethical and legal responsibilities of counseling and mental health services; and

(6) choose appropriate counseling and therapy techniques to serve identified needs.

D. Early childhood development and services career pathway (HU-EC). Students will:

(1) demonstrate communication techniques with children to facilitate ongoing development and enhance learning;

(2) communicate effectively with fellow staff members to facilitate child development activities;

(3) maintain working knowledge of child development licensing and certification organizations to keep abreast of current procedures and changes;

(4) create and maintain relationships between staff and parents/family members to encourage involvement and facilitate child development and learning;

(5) evaluate safety and sanitation procedures associated with the early childhood education environment to assure compliance and prevent potential hazards;

(6) adhere to ethical and legal responsibilities, laws and

regulations to protect children and families;

(7) apply principles of child growth and development, including social, emotional, physical and cognitive milestones, to provide comprehensive program offerings; and

(8) evaluate curriculum for inclusiveness of children with special needs.

E. Family and community services career pathway (HU-FAM). Students will:

(1) use formal and informal assessment practices to create and evaluate a prevention or treatment plan;

(2) identify community resources to provide family and community services;

(3) communicate effectively to gain support from the client's family and other support groups;

(4) comply with laws and procedures that govern abuse, neglect, confidentiality and other health and safety situations; and

(5) evaluate crisis prevention, intervention and resolution techniques to formulate emergency plans.

F. Personal care services career pathway (HU-PC). Students will:

(1) analyze basic principles of biology, chemistry and human anatomy for safe and effective utilization and selection of personal care products and services;

(2) evaluate an individualized personal care plan that reflects client preferences, needs and interests for a course of treatment/action;

(3) use data and information to maintain electronic records of client services and make recommendations for personal care services;

(4) demonstrate policies and procedures to achieve a safe and healthy environment for personal care services;

(5) develop organizational policies, procedures and regulations that establish personal care organization priorities, accomplish the mission and provide high-quality service to a diverse set of clients and families;

(6) identify personal care business opportunities enhanced by community involvement, self-improvement and current trends; and

(7) apply methods of obtaining feedback to understand expectations and promote high-quality personal care services standards.

[6.29.3.18 NMAC - N, 4-30-2015]

6.29.3.19 INFORMATION TECHNOLOGY CAREER CLUSTER (IT) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the IT career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the IT (information technology) career cluster are the ability to:

(1) demonstrate effective professional communication skills and practices that enable positive customer relationships;

(2) use product or service design processes and guidelines to produce a IT product or service;

(3) demonstrate the use of cross-functional teams in achieving IT project goals;

(4) demonstrate positive cyber citizenry by applying industry accepted ethical practices and behaviors;

(5) explain the implications of IT on business development;

(6) describe trends in emerging and evolving computer technologies and their influence on IT practices;

(7) perform standard computer backup and restore procedures to protect IT information;

(8) recognize and analyze potential IT security threats to develop and maintain security requirements;

(9) describe quality assurance practices and methods employed in producing and providing quality IT products and services;

(10) describe the use of computer forensics to prevent and solve IT crimes and security breaches;

(11) demonstrate knowledge of the hardware components associated with information systems; and
(12) compare key functions and applications of software and determine maintenance strategies for computer systems.

B. Information support and services career pathway (IT-SUP). Students will:

(1) provide technology support to maintain service;

(2) manage operating systems and software applications, including maintenance of upgrades, patches and service packs;

(3) apply appropriate troubleshooting techniques in resolving computer hardware, software and configuration problems;

(4) perform installation, configuration and maintenance of operating systems;

(5) demonstrate the use of networking concepts to develop a network;

(6) evaluate the effectiveness of an information system;

(7) employ system installation and maintenance skills to setup and maintain an information system;

(8) employ system administration and control skills to monitor the performance of an information system;

(9) employ technical writing and documentation skills in support of an information system; and

(10) apply quality assurance processes to maximize information system operation.

C. Network systems career pathway (IT-NET). Students will:

(1) analyze customer or organizational network system needs and requirements;

(2) analyze wired and wireless network systems to determine if they meet specifications (e.g., institute of electrical and electronics engineers (IEEE), power, security);

(3) design a network system using technologies, tools and standards;

(4) perform network system installation and configuration; and

(5) perform network administration, monitoring and support to maintain a network system.

D. Programming and software development career pathway (IT-PRG). Students will:

(1) analyze customer software needs and requirements;

(2) demonstrate the use of industry standard strategies and project planning to meet customer specifications;

(3) analyze system and software requirements to ensure maximum operating efficiency;

(4) demonstrate the effective use of software development tools to develop software applications;

(5) apply an appropriate software development process to design a software application;

(6) program a computer application using the appropriate programming language;

(7) demonstrate software testing procedures to ensure quality products;

(8) perform quality assurance tasks as part of the software development cycle;

(9) perform software maintenance and customer support functions; and

(10) design, create and maintain a database.

E. Web and digital communications career pathway (IT-WD). Students will:

(1) analyze customer requirements to design and develop a web or digital communication product;

(2) apply the design and development process to produce user-focused web and digital communications solutions;

(3) write product specifications that define the scope of work aligned to customer requirements;

(4) demonstrate the effective use of tools for digital communication production, development and project management;

(5) develop, administer and maintain web applications;

(6) design, create and publish a digital communication product based on customer needs;

(7) evaluate the functionality of a digital communication product using industry accepted techniques and metrics;

(8) implement quality assurance processes to deliver quality digital communication products and services;

(9) perform maintenance and customer support functions for digital communication products; and

(10) comply with intellectual property laws, copyright laws and ethical practices when creating web/digital communications.

[6.29.3.19 NMAC - N, 4-30-2015]

6.29.3.20 LAW, PUBLIC SAFETY, CORRECTIONS AND SECURITY CAREER CLUSTER (LW) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the LW career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the LW career cluster are the ability to:

(1) analyze the nature and scope of the LW and the role law, public safety, corrections and security play in society and the economy;

(2) formulate ideas, proposals and solutions to ensure effective and efficient delivery of law, public safety, corrections or security services;

(3) assess and implement measures to maintain safe and healthy working conditions in a law, public

safety, corrections or security environment:

(4) conduct law, public safety, corrections and security work tasks in accordance with employee and employer rights, obligations and responsibilities, including occupational safety and health requirements;

(5) analyze the various laws, ordinances, regulations and organizational rules that apply to careers in law, public safety, corrections and security; and

(6) describe various career opportunities and means to those opportunities in each of the LW pathway.

B. Correction services career pathway (LW-COR). Students will:

(1) evaluate the correctional environment for signs of potential problems or danger;

(2) demonstrate leadership roles, responsibilities and collaboration in correctional environments;

(3) analyze the impact of federal, state and local laws on correctional facilities;

(4) describe the various roles and impacts of forensics and computer forensics in the resolution of crime in the correctional environment;

(5) describe the legal, regulatory and organizational guidelines governing the correction services;

(6) compare and contrast different career fields in the correction services;

(7) demonstrate effective communication skills (e.g., writing, speaking, active listening and nonverbal communication) in the correctional environment;

(8) analyze the techniques used to manage crisis situations and resolve conflicts in correctional environments;

(9) demonstrate the protocols regarding the reduction or elimination of sexual harassment or abuse in the correctional environment;

(10) analyze situations that require the use of force, including deadly force, to determine when varying degrees of force should be used in correctional facilities;

(11) analyze the impact of the fourth, fifth, sixth and fourteenth amendments in the correction services environment;

(12) apply the ethical and legal responsibilities of correctional staff to various situations in the correction services environment; and

(13) describe the knowledge and technical skills needed to carry out the day-to-day operations at a

correctional facility.

C. Emergency and fire management services career pathway (LW-EFM). Students will:

(1) demonstrate effective communication skills (e.g., writing, speaking, listening and nonverbal communication) while utilizing communications equipment and platforms common to emergency and fire management services;

(2) manage an incident scene as the first responder using emergency response skills;

(3) use up-to-date technology equipment and applications to facilitate the management of emergency and fire management situations;

(4) demonstrate an understanding of the objectives and a commitment to the mission of emergency and fire management services;

(5) execute safety procedures and protocols associated with local, state and federal regulations;

(6) develop an organizational professional growth plan including the development of team building and leadership skills within the emergency and fire management environment;

(7) describe the legal, regulatory and organizational guidelines governing emergency and fire management services;

(8) compare and contrast the different career fields in fire and emergency management services;

(9) execute protocols for handling emergency situations that range from minor medical and fire emergencies to area-wide incidents;

(10) demonstrate the use and various applications of the equipment commonly used in emergency and fire management services;

(11) implement an appropriate incident command system to effectively manage an incident scene;

(12) use common codes and icons to properly handle and transport potentially hazardous substances in fire and medical emergency scenes;

(13) implement public relations plans to enhance public awareness and safety in fire and emergency situations;

(14) describe the elements and issues involved in using the preparedness and response systems available to manage large-scale disasters; and

(15) analyze the key functions and techniques of critical infrastructure protection in cases of terrorism or natural disasters.

D. Law enforcement services career pathway (LW-ENF).

Students will:

(1) demonstrate effective communication skills (e.g., writing, speaking, listening and nonverbal communication) required in law enforcement;

(2) demonstrate proficiency in the operation of communication equipment used in an emergency telecommunications center;

(3) use anger and conflict management strategies to resolve problems in law enforcement settings;

(4) model behaviors that exhibit integrity and commitment to a code of conduct and ethics for law enforcement professionals;

(5) analyze the impact of federal, state and local laws on law enforcement procedures;

(6) execute established procedures to avoid the violation of the rights guaranteed by the fourth, fifth, sixth and fourteenth amendments;

(7) manage crime and loss prevention programs in collaboration with the community;

(8) explain the appropriate techniques for managing crisis situations in order to maintain public safety;

(9) evaluate for the signs of domestic violence, child abuse and neglect;

(10) demonstrate the routine day-to-day tasks conducted by various law enforcement agencies;

(11) describe law enforcement protocols and procedures designed to handle incidents related to homeland security, terrorism and other disaster situations;

(12) demonstrate the procedures to properly protect, document and process the crime scene and all related evidence;

(13) demonstrate procedures to assist individuals requiring special assistance from law enforcement personnel; and

(14) describe the behavioral symptoms of drug use and the inherent dangers associated with handling dangerous drugs.

E. Legal services career pathway (LW-LEG). Students will:

(1) demonstrate effective communication skills (writing, speaking, listening and nonverbal communication) in the legal services environment;

(2) interpret nonverbal communication cues in order to discern facts from fabrication;

(3) produce written legal materials using writing strategies applicable to the legal services

environment;

(4) apply information technology tools to perform daily tasks assigned to legal services professionals;

(5) analyze the role forensics plays in preventing and solving crimes;

(6) use legal terminology to communicate within the legal services community;

(7) compare and contrast different career fields in the legal services;

(8) analyze the influence of the three branches of the United States government (judicial, legislative and executive) on the legal services; and

(9) analyze the impact of the fourth, fifth, sixth and fourteenth amendments on the provision of legal services.

F. Security and protective services career pathway (LW-SEC).
Students will:

(1) demonstrate effective communications skills (e.g., writing, speaking, listening and nonverbal communication) when communicating security-related directives, technical concepts and other information;

(2) use conflict resolution skills to resolve conflicts among individuals;

(3) compare and contrast the roles, responsibilities, tools and techniques of the criminal justice and security fields;

(4) describe the legal, regulatory and organizational guidelines governing the security and protective services;

(5) analyze the impact of federal, state and local laws on the security and protective services field;

(6) apply ethical and legal responsibilities of security and protective services personnel to various situations in the security and protective services field;

(7) analyze the impact of the fourth, fifth, sixth and fourteenth amendments on the security and protective services;

(8) compare and contrast the different career fields in the security and protective services;

(9) evaluate the application and relevance of crime prevention concepts and security assessments to security and protective services functions;

(10) explain the application of risk management principles to the protection of assets in various settings;

(11) describe the importance of utilizing good public relations techniques and building relationships in security and crisis situations;

(12) describe the role of security systems in an overall security strategy;

(13) explain the duties of security and protective services personnel in terrorism, homeland security and disaster preparedness;

(14) apply basic management principles for the effective supervision and management of a security force or an organization's security program;

(15) perform the roles and responsibilities of a security officer, including basic incident response;

(16) compare types and techniques of security approaches within the public and private sectors;

(17) demonstrate the concepts and techniques used to ensure the security of information-based and intangible assets; and

(18) summarize the importance and roles of intelligence analysis in crime prevention and homeland security.

[6.29.3.20 NMAC - N, 4-30-2015]

6.29.3.21 MANUFACTURING CAREER CLUSTER (MN) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the MN career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the MN career cluster are the ability to:

(1) evaluate the nature and scope of the MN cluster and the role of manufacturing in society and in the economy;

(2) analyze and summarize how manufacturing businesses improve performance;

(3) comply with federal, state and local regulations to ensure worker safety and health and environmental work practices;

(4) describe career opportunities and means to achieve those opportunities in each of the MN pathways;

(5) describe government policies and industry standards that apply to manufacturing; and

(6) demonstrate workplace knowledge and skills common to manufacturing.

B. Health, safety and environmental assurance career pathway (MN-HSE). Students will:

(1) demonstrate the safe use of manufacturing equipment;

(2) develop safety plans for production processes that meet health, safety and environmental standards;

(3) demonstrate a safety inspection process to assure a healthy and safe manufacturing environment;

(4) evaluate a system of health, safety or environmental programs, projects, policies or procedures to determine compliance;

(5) evaluate continuous improvement protocols and techniques in health, safety or environmental practices;

(6) conduct job safety and health analysis for manufacturing jobs, equipment and processes; and

(7) develop the components of a training program based on environmental health and safety regulations.

C. Logistics and inventory control career pathway (MN-LOG).
Students will:

(1) demonstrate positive customer service skills in regard to logistics and inventory control issues;

(2) demonstrate proper handling of products and materials in a manufacturing facility;

(3) develop a safety inspection process to assure a healthy and safe manufacturing facility; and

(4) manage inventory using logistics and control processes and procedures.

D. Maintenance, installation and repair career pathway (MN-MIR). Students will:

(1) demonstrate maintenance skills and proficient operation of equipment to maximize manufacturing performance;

(2) demonstrate the safe use of manufacturing equipment to ensure a safe and healthy environment;

(3) diagnose equipment problems and effectively repair manufacturing equipment;

(4) investigate and employ techniques to maximize manufacturing equipment performance;

(5) implement a preventative maintenance schedule to maintain manufacturing equipment, tools and workstations; and

(6) implement an effective, predictive and preventive manufacturing equipment maintenance program.

E. Manufacturing production process development career pathway (MN-PPD). Students will:

(1) produce quality products that meet manufacturing standards and exceed customer satisfaction;

(2) research, design and implement alternative manufacturing processes to manage production of new or improved products;
 (3) monitor, promote and maintain a safe and productive workplace using techniques and solutions that ensure safe production of products;
 (4) implement continuous improvement processes in order to maintain quality within manufacturing production; and
 (5) develop procedures to create products that meet customer needs.

F. Production career pathway (MN-PRO). Students will:
 (1) diagnose production process problems and take corrective action to meet production quality standards;
 (2) manage safe and healthy production working conditions and environmental risks;
 (3) make continuous improvement recommendations based on results of production process audits and inspections;
 (4) coordinate work teams when producing products to enhance production process and performance; and
 (5) demonstrate the safe use of manufacturing equipment.

G. Quality assurance career pathway (MN-QA). Students will:
 (1) evaluate production operations for product and process quality;
 (2) recommend and implement continuous improvement in manufacturing processes;
 (3) coordinate work teams to create a product that meets quality assurance standards;
 (4) employ project management processes using data and tools to deliver quality, value-added products;
 (5) perform safety inspections and training to ensure a safe and healthy workplace;
 (6) implement continuous improvement processes to maintain quality products; and
 (7) identify inspection processes that ensure products meet quality specifications.

[6.29.3.21 NMAC - N, 4-30-2015]

6.29.3.22 MARKETING CAREER CLUSTER (MK) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the MK career cluster should align to business and

industry certifications where available and appropriate. Student abilities common to pathways in the MK career cluster are the ability to:

(1) describe the impact of economics, economics systems and entrepreneurship on marketing;
 (2) implement marketing research to obtain and evaluate information for the creation of a marketing plan;
 (3) plan, monitor, manage and maintain the use of financial resources for marketing activities;
 (4) plan, monitor and manage the day-to-day activities required for continued marketing business operations;

(5) describe career opportunities and the means to achieve those opportunities in each of the MK pathways;
 (6) select, monitor and manage sales and distribution channels;
 (7) determine and adjust prices to maximize return while maintaining customer perception of value;
 (8) obtain, develop, maintain and improve a product or service mix in response to market opportunities;
 (9) communicate information about products, services, images or ideas to achieve a desired outcome; and
 (10) use marketing strategies and processes to determine and meet client needs and wants.

B. Marketing communications career pathway (MK-COM). Students will:
 (1) apply techniques and strategies to convey ideas and information through marketing communications;
 (2) plan, manage and monitor day-to-day activities of marketing communications operations;
 (3) access, evaluate and disseminate information to enhance marketing decision-making processes;
 (4) obtain, develop, maintain and improve a marketing communications product or service mix to respond to market opportunities; and
 (5) communicate information about products, services, images or ideas to achieve a desired outcome.

C. Marketing management career pathway (MK-MGT). Students will:
 (1) plan, organize and lead marketing staff to achieve business goals;
 (2) plan,

manage and monitor day-to-day marketing management operations;

(3) plan, manage and organize to meet the requirements of the marketing plan;

(4) access, evaluate and disseminate information to aid in making marketing management decisions;

(5) determine and adjust prices to maximize return and meet customers' perceptions of value;

(6) obtain, develop, maintain and improve a product or service mix in response to market opportunities; and

(7) communicate information about products, services, images or ideas.

D. Marketing research career pathway (MK-RES). Students will:
 (1) plan, organize and manage day-to-day marketing research activities;

(2) design and conduct research activities to facilitate marketing business decisions; and

(3) use information systems and tools to make marketing research decisions.

E. Merchandising career pathway (MK-MER). Students will:
 (1) plan, organize and lead merchandising staff to enhance selling and merchandising skills;
 (2) plan, manage and monitor day-to-day merchandising activities;

(3) move, store, locate or transfer ownership of retail goods and services;

(4) access, evaluate and disseminate marketing information to facilitate merchandising decisions and activities;

(5) determine and adjust prices to maximize return and meet customers' perceptions of value;

(6) obtain, develop, maintain and improve a product or service mix to respond to market opportunities;

(7) communicate information about retail products, services, images or ideas; and

(8) create and manage merchandising activities that provide for client needs and wants.

F. Professional sales career pathway (MK-SAL). Students will:
 (1) access,

evaluate and disseminate sales information;
 (2) apply sales techniques to meet client needs and wants; and

(3) plan, organize and lead sales staff to enhance sales goals.
 [6.29.3.22 NMAC - N, 4-30-2015]

6.29.3.23 SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS CAREER CLUSTER (ST) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the ST career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the ST career cluster are the ability to:

(1) apply engineering skills in a project that requires project management, process control and quality assurance;

(2) use technology to acquire, manipulate, analyze and report data;

(3) describe and follow safety, health and environmental standards related to science, technology, engineering and mathematics (STEM) workplaces;

(4) understand the nature and scope of the ST career cluster and the role of STEM in society and the economy;

(5) demonstrate an understanding of the breadth of career opportunities and means to those opportunities in each of the ST career pathways; and

(6) demonstrate technical skills needed in a chosen STEM field.

B. Engineering and technology career pathway (ST-ET). Students will:

(1) use STEM concepts and processes to solve problems involving design or production;

(2) display and communicate STEM information;

(3) apply processes and concepts for the use of technological tools in STEM;

(4) apply the elements of the design process;

(5) apply the knowledge learned in STEM to solve problems; and

(6) apply the knowledge learned in the study of STEM to provide solutions to human and societal problems in an ethical and legal manner.

C. Science and mathematics career pathway (ST-SM). Students will:

(1) apply science and mathematics to provide results, answers and algorithms for engineering and technological activities;

(2) apply science and mathematics concepts to the development of plans, processes and projects that address real world problems;

(3) analyze the impact that science and mathematics has on society; and

(4) apply critical thinking skills to review information, explain statistical analysis and to translate, interpret and summarize research and statistical data.

[6.29.3.23 NMAC- N, 4-30-2015]

6.29.3.24 TRANSPORTATION, DISTRIBUTION AND LOGISTICS CAREER CLUSTER (TD) FOR COMMON CAREER TECHNICAL CORE FOR CAREER AND TECHNICAL EDUCATION:

A. All pathways in the TD career cluster should align to business and industry certifications where available and appropriate. Student abilities common to pathways in the TD career cluster are the ability to:

(1) describe the nature and scope of the TD cluster and the role of transportation, distribution and logistics in society and the economy;

(2) describe the application and use of new and emerging advanced techniques to provide solutions for transportation, distribution and logistics problems;

(3) describe the key operational activities required of successful transportation, distribution and logistics facilities;

(4) identify governmental policies and procedures for TD facilities;

(5) describe transportation, distribution and logistics employee rights and responsibilities and employers' obligations concerning occupational safety and health; and

(6) describe career opportunities and means to achieve those opportunities in each of the TD career pathways.

B. Facility and mobile equipment maintenance career pathway (TD-MTN). Students will:

(1) develop preventative maintenance plans and systems to keep facility and mobile equipment inventory in operation; and

(2) design ways to improve facility and equipment system performance.

C. Health, safety and environmental management career pathway (TD-HSE). Students will:

(1) describe the health, safety and environmental rules and regulations in transportation, distribution and logistics workplaces; and

(2) develop solutions to improve performance of health, safety and environmental management services.

D. Logistics planning and management services career pathway (TD-LOG). Students will:

(1) develop solutions to provide and manage logistics services for the company and customers; and

(2) analyze and improve performance of logistics systems to provide logistics planning and management services.

E. Sales and service career pathway (TD-SAL). Students will:

(1) analyze the ongoing performance of transportation, logistics and distribution-related sales and service operations; and

(2) demonstrate the use of sales and ongoing service of products and services that are transportation-related to promote development of existing and future clients and customers.

F. Transportation operations career pathway (TD-OPS). Students will:

(1) develop and evaluate transportation plans to move people or goods to meet customer requirements;

(2) analyze performance of transportation operations in order to improve quality and service levels and increase efficiency; and

(3) comply with policies, laws and regulations in order to maintain safety, security and health and mitigate the economic and environmental risk of transportation operations.

G. Transportation systems and infrastructure planning, management and regulation career pathway (TD-SYS). Students will:

(1) develop plans to maintain or improve the transportation infrastructure;

(2) assess, plan and manage the implementation of transportation services; and

(3) describe ways to improve the system utilization, flow, safety and environmental performance of transportation systems.

H. Warehousing and distribution center operations career pathway (TD-WAR). Students will:

(1) demonstrate efficient and effective warehouse and distribution center operations;

(2) describe ways to improve the performance of warehouse and distribution operations; and

(3) analyze compliance with company policies and government laws and regulations in warehouse and distribution operations.

[6.29.3.24 NMAC- N, 4-30-2015]

6.29.3.25 CAREER-READY PRACTICES. The following indicate that a person is career-ready:

A. Acting as a responsible and contributing citizen and employee.

B. A career-ready individual:

(1) understands the obligations and responsibilities of being a member of a community, and demonstrates this understanding every day through interactions with others; career-ready individuals are conscious of the impact of their decisions on others and the environment around them; they think about the near-term and long-term consequences of their actions and seek to act in ways that contribute to the betterment of their teams, families, community and workplace; they are reliable and consistent in going beyond the minimum expectation and in participating in activities that serve the greater good;

(2) applies appropriate academic and technical skills; career-ready individuals readily access and use the knowledge and skills acquired through experience and education to be more productive; career-ready persons make connections between abstract concepts with real-world applications and they make correct insights about when it is appropriate to apply the use of an academic skill in a workplace situation;

(3) attends to personal health and financial well-being; career-ready individuals understand the relationship between personal health, workplace performance and personal well-being; career-ready persons act on that understanding to regularly practice healthy diet, exercise and mental health activities; career-ready persons also take regular action to contribute to their personal financial well-being, understanding that personal financial security provides the peace of mind required to contribute more fully to their own career success;

(4) communicates clearly, effectively and reasonably; career-ready individuals communicate thoughts, ideas and action plans with clarity, whether using written, verbal or visual methods; career-ready persons communicate in the workplace with clarity and purpose to make maximum use of their own and others' time; they are excellent writers; they master conventions, word choice and organization and use effective tone and presentation skills to articulate ideas; they are skilled at interacting with others; they are active listeners and speak clearly and with purpose; career-ready persons think about the audience for their communication and prepare accordingly to ensure the desired outcome;

(5) considers the environmental, social and economic impact of their decisions; career-ready individuals understand the interrelated nature of their actions and regularly make decisions that have a positive impact on or mitigate negative impact on other people, organizations and the environment; they are aware of and use new technologies, understandings, procedures, materials and regulations affecting the nature of their work as it relates to the impact on the social condition, the environment and profitability of the organization;

(6) demonstrates creativity and innovation; career-ready individuals regularly think of ideas that solve problems in new and different ways, and contributing those ideas in a useful and productive manner to improve their organization; career-ready persons can consider unconventional ideas and suggestions as solutions to issues, tasks or problems, and they discern which ideas and suggestions will add greatest value; they seek new methods, practices and ideas from a variety of sources and seek to apply those ideas to their own workplace; they take action on their ideas and understand how to bring innovation to an organization;

(7) employs valid and reliable research strategies; career-ready individuals are discerning in accepting and using new information to make decisions, change practices or inform strategies; career-ready persons use a reliable research process to search for new information; they evaluate the validity of sources when considering the use and adoption of external information or practices; they use an informed process to test new ideas, information and practices in their workplace situation;

(8) uses critical thinking to make sense of problems and persevering in solving them; career-ready individuals readily recognize problems in the workplace, understand the nature of the problem and devise effective plans to solve the problem; they thoughtfully investigate the root cause of the problem prior to introducing solutions; they carefully consider the options to solve the problem; once a solution is agreed upon, they follow through to ensure the problem is solved whether through their own actions or the actions of others;

(9) models integrity, ethical leadership and effective management; career-ready individuals act consistently in ways that align to personal and community-held ideals and principles while employing strategies to positively influence others in the workplace; career-ready persons have a clear understanding of integrity and act on this understanding in every decision; they use a variety of

means to positively impact the direction and actions of a team or organization, and they apply insights into human behavior to change others' actions, attitudes or beliefs; they recognize the near-term and long-term effects that management's actions and attitudes can have on productivity, morale and organizational culture;

(10) plans education and career path alignment to personal goals; career-ready individuals take personal ownership of their own educational and career goals, and regularly acting on a plan to attain these goals; career-ready persons understand their own career interests, preferences, goals and requirements; they have perspective regarding the pathways available to them and the time, effort, experience and other requirements to pursue each, including a path of entrepreneurship; they recognize the value of each step in the educational and experiential process, and they recognize that nearly all career paths require ongoing education and experience; they seek counselors, mentors and other experts to assist in the planning and execution of career and personal goals;

(11) uses technology to enhance productivity; career-ready individuals find and maximize the productive value of existing and new technology to accomplish workplace tasks and solve workplace problems; career-ready persons are flexible and adaptive in acquiring and using new technology; they are proficient with ubiquitous technology applications; they understand the inherent risks - personal and organizational - of technology applications, and they take actions to prevent or mitigate these risks;

(12) works productively in teams while using cultural or global competence; career-ready individuals contribute positively to every team, formally or informally; career-ready persons apply an awareness of cultural differences to avoid barriers to productive and positive interaction; they find ways to increase the engagement and contribution of all team members; they plan and facilitate effective team meetings.

[6.29.3.25 NMAC - N, 4-30-2015]

RACING COMMISSION

Explanatory paragraph: This is an amendment to 15.2.1 NMAC, Section 9, effective May 1, 2015. In 15.2.1.9 NMAC, Subsection A, Paragraphs (1) through (8) and (10) of Subsection B and Paragraphs (1) through (19) and (21) and (22) of Subsection C were not published as there were no changes.

15.2.1.9 DUE PROCESS AND DISCIPLINARY ACTION:

B. PROCEEDINGS BEFORE THE STEWARDS:

**(9) Appeals.
(a)**

A person who has been aggrieved by a ruling of the stewards may appeal to the commission. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal the ruling.

(b)

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.

The commission may fine a license holder in the amount up to \$2,500 after considering an appeal if based on the evidence the appeal is frivolous, unreasonable or unnecessary or determined to be an abuse of process or malicious.

(c) (d)

An appeal must be in writing on a form prescribed by the commission. The appeal must include the name, address, telephone number and signature of the person making the appeal; and a statement of the basis for the appeal.

(d) (e)

On notification by the commission that an appeal has been filed, the stewards shall forward to the commission the record of the proceeding on which the appeal is based, and a statement of the reasons for their rulings.

(e) (f)

If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, the person shall pay the

fine in accordance with these rules.

C. PROCEEDINGS BY THE COMMISSION:

(20)

Administrative penalties.

(a) If

the commission determines that a person regulated under the act has violated the act or a rule or order adopted under the act in a manner that constitutes a ground for disciplinary action under the act, the commission may assess an administrative penalty against that person as provided by this section.

(b)

The commission delegates to the agency director the authority to prepare and issue preliminary reports pursuant to the act. If, after examination of a possible violation and the facts relating to that possible violation, the agency director determines that a violation has occurred, the agency director shall issue a preliminary report that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed and the amount to be assessed. The amount of the penalty may not exceed \$1,000 for each violation. Each day/occurrence that a violation continues may be considered a separate violation. In determining the amount of the penalty, the agency director shall consider the seriousness of the violation.

(c) If

the commission finds based on the evidence that an appeal is frivolous, unreasonable or unnecessary or determined to be an abuse of process or malicious, the license holder may be fined in the amount up to \$2,500.

(d)

Not later than the 10th day after the date on which the agency director issues the preliminary report, the agency director shall provide a copy of the report to the person charged with the violation, together with a statement of the right of the person to a hearing relating to the alleged violation and the amount of the penalty. If possible, the agency director shall hand deliver the preliminary report. If hand delivery is not possible, the agency director shall mail the preliminary report to the person's last known address, as found in the commission's files, by regular mail and by certified mail, return receipt requested.

(e)

Not later than the 20th day after the date on which the agency director delivers or sends the preliminary report, the person charged may make a written request for a hearing or may remit the amount of the

administrative penalty to the commission. Failure to request a hearing or to remit the amount of the administrative penalty within the period prescribed by this subsection results in a waiver of a right to a hearing on the administrative penalty. If the person charged requests a hearing, the hearing shall be conducted in the same manner as other hearings conducted by the commission.

(f)

If it is determined after the hearing that the person has committed the alleged violation, the commission shall give written notice to the person of the findings established by the hearing and the amount of the penalty and shall enter an order requiring the person to pay the penalty.

(g)

Not later than the 30th day after the date on which the above notice is received, the person charged shall pay the administrative penalty in full or exercise the right to appeal to the appropriate court either the amount of the penalty or the fact of the violation. If a person exercises a right of appeal either as to the amount of the penalty or the fact of the violation, the amount of the penalty is not required to be paid until the 30th day after the date on which all appeals have been exhausted and the commission's decision has been upheld.

[15.2.1.9 NMAC - Rp, 15 NMAC 2.1.9, 03/15/2001; A, 03/31/2003; A, 05/30/2003; A, 06/15/2004; A, 06/30/2009; A, 09/15/2009; A, 12/1/2010; A, 05/01/2013; A, 01/01/2014; A, 03/16/2015; A, 05/01/2015]

RACING COMMISSION

Explanatory paragraph: This is an amendment to 15.2.3 NMAC, Section 8, effective May 1, 2015. In 15.2.3.8 NMAC, Subsections A, B, and Subsections D through P and Paragraphs (1) through (3) and (5) through (9) of Subsection C were not published as there were no changes.

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:

C. Racing secretary.

**(4) Conditions.
(a)**

The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted

in the racing secretary's office.

(b)

For the purpose of establishing conditions, winnings shall be considered to include all monies won up to the time of the start of a race.

(c)

Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(d) A

minimum of [~~two (2) races, one for quarter horses and one for thoroughbreds~~] three (3) races restricted to registered New Mexico bred horses shall be offered daily in the condition book excluding trials.

[15.2.3.8 NMAC - Rp, 15 NMAC 2.3.8, 04/13/2001; A, 11/15/2001; A, 08/30/2007; A, 06/15/2009; A, 06/30/2009; A, 12/01/2010; A, 05/01/2015]

End of Adopted Rules Section

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Issue 8	April 17	April 30
Issue 9	May 1	May 14
Issue 10	May 15	May 29
Issue 11	June 1	June 16
Issue 12	June 17	June 30
Issue 13	July 1	July 15
Issue 14	July 16	July 30
Issue 15	July 31	August 14
Issue 16	August 17	August 28
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Issue 18	September 16	September 29
Issue 19	September 30	October 15
Issue 20	October 16	October 29
Issue 21	October 30	November 16
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Issue 23	December 1	December 15
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