

New Mexico Register

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

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Notices of Rulemaking and Proposed Rules

AGRICULTURE DEPARTMENT

NOTICE OF RULEMAKING HEARINGS

The New Mexico Department of Agriculture (NMDA) has scheduled rule hearings for:

Thursday, June 27, 2019 at 10 am
at Crowne Plaza Albuquerque, 1901
University Blvd. NE., Albuquerque,
NM 87102.

Friday, June 28, 2019 at 8:00am
at the New Mexico Department of
Agriculture, at 3190 S. Espina, Las
Cruces, NM, on the corner of Espina
and Gregg.

Formal hearings will be held to
receive public input on the newly
developed rule **21.20.3 NMAC –
Hemp Manufacturing Rule.**

Purpose:

To develop a rule to accompany
statutory language which allows
the department of agriculture to
administer the hemp manufacturing
program.

The 2018 farm bill removed hemp
from the federal controlled substances
act and provided a framework for the
growing of hemp. NMDA is currently
licensing hemp producers.

The department has worked closely
with producers and processors
who are seeking security in the
development of the extracting,
processing, and manufacturing
components of this new industry.

During the 2019 legislative session
HB 581 Hemp Manufacturing Act
was passed and signed into law.
The legislation grants the New
Mexico Department of Agriculture
and the New Mexico Environment
Department the regulatory authority
over manufacturers, processors, labs,
researchers, and plant breeders.

Rule Summary: To establish a rule
for the administration of the hemp
manufacturing act components of the
Hemp Manufacturing Act assigned to
the New Mexico Department of
Agriculture. The proposed rule
establishes licensure requirements for
laboratories, breeders, researchers,
fee caps, and inspection/sampling
requirements.

Legal Authority Authorizing the Rule:

Granted to the board of regents of
New Mexico State University under
the Industrial Hemp Manufacturing
Act, Chapter 76, Article 24, Section 1,
NMSA 1978 Compilation.

Interested individuals may provide
comments regarding the proposed
rulemaking actions at the rule hearing
and/or submit written comments via
email at comments@nmda.nmsu.edu.
Written comments must be received
no later than 5:00 p.m. on June 28,
2019. Individuals are encouraged to
submit written comments as soon as
possible. Persons offering written
comments at the meeting must have
two copies for the hearing officer.

The full text of the proposed rules is
available on the webpage at www.nmda.nmsu.edu and available at
the New Mexico Department of
Agriculture, located at 3190 S.
Espina, Las Cruces, NM 88003.

If you are an individual with a
disability who is in need of a reader,
amplifier, qualified sign language
interpreter, or any other form of
auxiliary aid or service to attend or
participate in the hearing or meeting,
please contact NMDA at (575) 646-
3702 at least one week prior to the
meeting or as soon as possible.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

NOTICE OF RULEMAKING AND PUBLIC RULE HEARING

The New Mexico Children, Youth
and Families Department hereby
gives notice as required under
Section 14-4-5.2 NMSA 1978 and
1.24.25.11 NMAC that it proposes to
adopt amendments to the following
rules regarding CHILD CARE
ASSISTANCE as authorized by
Section 9-2A-7 NMSA 1978:
8.15.2.7 NMAC – DEFINITIONS
8.15.2.9 NMAC – PRIORITIES FOR
ASSISTANCE
8.15.2.12 NMAC –
RECERTIFICATION
8.15.2.13 NMAC – CLIENT
RESPONSIBILITIES
8.15.2.15 NMAC – PROVIDER
REQUIREMENTS
8.15.2.17 NMAC – PAYMENT FOR
SERVICES

No technical scientific information
was consulted in drafting these
proposed rules.

Purpose of proposed rules: The
purpose of the rules is to amend
the eligibility levels for child care
assistance, to eliminate the waiting
list for child care assistance, to
provide an explanation of the co-
payment calculation and where to
find the co-payment schedule, to
comply with federal regulation to
pay for registration/educational fees
for children receiving child care
assistance benefits on behalf of client,
and to address the overlap of care
hours under payment for services.

Copies of the proposed rules may be
found at CYFD's website at <https://www.newmexicokids.org/> or may be
obtained from 1120 Paseo De Peralta,
Santa Fe, New Mexico, 30 days prior
to the Public Hearing.

Notice of public rule hearing: The
public rule hearing will held on
Monday, July 8, 2019 at 11:00 a.m. in

Apodaca Hall, 1120 Paseo de Peralta, Santa Fe, New Mexico 87502. The public hearing will be conducted in a fair and equitable manner by a CYFD agency representative or hearing officer and shall be recorded. Any interested member of the public may attend the hearing and will be provided a reasonable opportunity to offer public comment, either orally or in writing, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Debra Gonzales at debra.gonzales@state.nm.us. CYFD will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least ten calendar days before the scheduled hearing.

Notice of acceptance of written public comment: Written public comment, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public, may also be submitted via email to CYFD-ECS-PublicComment@state.nm.us with the subject line “8.15.2 NMAC Public Comment,” or via first class mail to, or by hand delivery to Kimberly Brown, Child Care Services Bureau, Children, Youth and Families Department, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160. The comment period ends at the conclusion of the public hearing on July 8, 2019.

AVISO DE CREACIÓN DE LEYES Y AUDIENCIA PARA REGLAS PÚBLICAS

El Departamento de Niños, Jóvenes y Familias de Nuevo México por este medio da aviso como se requiere en la Sección 14-4-5.2 NMSA 1978 y 1.24.25.11 de la Ley Estatal NMAC que propone adoptar enmiendas a las siguientes reglas relativas a ASISTENCIA DE CUIDADO

INFANTIL según lo autorizado por la sección 9-2A-7 NMSA 1978:

8.15.2.7 NMAC – DEFINICIONES

8.15.2.9 NMAC – PRIORIDADES PARA ASISTENCIA

8.15.2.12 NMAC – RE-CERTIFICACIÓN

8.15.2.13 NMAC – RESPONSABILIDADES DEL CLIENTE

8.15.2.15 NMAC – REQUISITOS DEL PROVEEDOR

8.15.2.17 NMAC – PAGOS POR SERVICIOS

No se consultó información científica técnica para redactar las reglas propuestas.

Propósito de las Leyes Propuestas:

El propósito de las reglas es enmendar los niveles de elegibilidad para la asistencia de cuidado infantil, para eliminar la lista de espera para la asistencia de cuidado infantil, para proporcionar una explicación del cálculo de copago y dónde encontrar el cronograma de copago, para cumplir con la regulación federal para pagar las cuotas de inscripción / educación para los niños que reciben beneficios de asistencia de cuidado de niños en nombre del cliente, y abordar la superposición de Horario de atención bajo pago por servicios.

Las copias de las reglas propuestas se pueden encontrar en el sitio web de CYFD: <https://www.newmexicokids.org/> o se pueden obtener en 1120 Paseo De Peralta, Santa Fe, New Mexico, 30 días antes de la Audiencia Pública.

Aviso de la Audiencia Pública: La audiencia de norma pública se llevará a cabo el lunes 8 de julio de 2019 a las 11:00 a.m. en Apodaca Hall, 1120 Paseo de Peralta, Santa Fe, Nuevo México 87502. La audiencia pública se llevará a cabo de manera justa y equitativa por un representante de la agencia de CYFD o el funcionario de audiencias y se registrar. Cualquier miembro del público interesado puede asistir a la audiencia y se le brindará una oportunidad razonable para ofrecer comentarios del público, ya

sea oralmente o por escrito, incluida la presentación de datos, opiniones o argumentos, sobre las reglas propuestas durante la audiencia. Las personas con discapacidades que necesiten cualquier forma de ayuda auxiliar para asistir o participar en la audiencia pública deben comunicarse con Debra Gonzales at debra.gonzales@state.nm.us. CYFD hará todos los esfuerzos posibles para satisfacer todas las solicitudes razonables, pero no puede garantizar la adaptación de una solicitud que no se reciba al menos diez días calendario antes de la audiencia programada.

Aviso de aceptación de comentario

público escrito: Los comentarios públicos escritos, incluyendo la presentación de datos, opiniones o argumentos sobre las reglas propuestas, de cualquier miembro del público interesado, también pueden enviarse por correo electrónico a: CYFD-ECS-PublicComment@state.nm.us, especificando Asunto: “8.15.2 NMAC Public Comment,” o por correo de primera clase o entrega en persona a: Kimberly Brown, Child Care Services Bureau, Children, Youth and Families Department, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160. El periodo de comentarios finaliza al concluir la audiencia pública el 8 de julio de 2019.

Proposed Rules/Reglas Propuestas

8.15.2.7

DEFINITIONS:

[FF: “Waiting list” means a list of families who have applied for child care services during a period of lack of funding.]

[GG:] FF. “Working” means employment of any type, including self-employment. For TANF recipients, this includes work experience or community service or any other activity that meets the TANF work activity requirements.

8.15.2.9 PRIORITIES FOR ASSISTANCE:

C. Priority one B: Child care assistance for income eligible families whose income is at or below one hundred percent of the federal poverty level, adjusted annually in accordance with federal guidelines. [~~If the number of eligible clients in this priority exceeds budget availability, the department may maintain a waiting list.~~] The department prioritizes child care services within priority one B for children with special needs, disabilities, homeless families, and for teen parents. [~~If budget availability permits, the department reserves the right to transfer priority one B families whose income exceeds one hundred percent of the federal poverty level but is at or below two hundred percent of the federal poverty level to the priority four category.~~]

F. Priority four: Child care assistance for families whose income is above one hundred percent of the federal poverty level but at or below ~~[two]~~ one hundred sixty percent of the federal poverty level, adjusted annually in accordance with federal guidelines. These families are certified for a 12 month block of time ~~[subject to the availability of funds and renewable subject to the availability of funds]~~ and will remain eligible at or below two hundred percent of the federal poverty level. Exceptions to the 12 month certification period are included in 8.15.2.11 NMAC. [~~The department reserves the right to expand the eligibility requirement up to two hundred percent of the federal poverty level based on budget availability. Families in any priority may be transferred to priority four if budget availability permits. If the number of eligible clients in this priority exceeds budget availability, the department may maintain a waiting list.~~] The department prioritizes child care services within priority four for children with special needs, disabilities, ~~[teen parents and homeless families]~~ homeless families, and for teen parents.

8.15.2.12

RECERTIFICATION: Clients must recertify for services at the end of their eligibility period by complying with all requirements of initial certification. Clients who recertify will qualify at or below two hundred percent of the federal poverty level. If recertification is not completed in a timely manner, the case may be closed on the last day of the month for which assistance is provided under the previous placement agreement. At time of recertification, clients must provide proof of income, or proof of school enrollment. Changes in income, household size, employment, training or educational status are noted in the client's record. Co-payment, if applicable, is re-determined at the time of recertification.

8.15.2.13 CLIENT

RESPONSIBILITIES: Clients must abide by the regulations set forth by the department and utilize child care assistance benefits only while they are working, attending school or participating in a training or educational program.

A. Co-payments:

Co-payments are paid by all clients receiving child care assistance benefits, except for CPS child care, at-risk child care, and qualified grandparents or legal guardians as defined in Paragraph (2) of Subsection C of 8.15.2.11 NMAC. ~~[Co-payments are based upon the size and income of the household.]~~ Co-payments are determined by income and household size. The co-payment schedule is published yearly at <https://cyfd.org/child-care-services>.

B. ~~[Co-payments for each additional child are determined at one half of the co-payment for the previous child.]~~ Co-payments described in Subsection A of 8.15.2.13 NMAC, are used for determining the base co-payment for the first eligible child. Base co-payments for each additional child are determined at one half of the co-payment for the previous child.

(1) The first child is identified as the child requiring the most hours of child care.

(2) Each

additional child will be ranked based on the most number of hours needed for child care to the least number of hours needed for child care.

C. ~~[Co-payments for children in part-time care are determined based upon the block of time that the child is in care.]~~ Each child's co-payment will be adjusted based on the units of services described in Subsection E of 8.15.2.17 NMAC, as follows:

(1) full time care will be based on one hundred percent of the base co-payment;

(2) part time 1 care will be based on seventy-five percent of the base co-payment;

(3) part time 2 care will be based on fifty percent of the base co-payment; and

(4) part time 3 care will be based on twenty-five percent of the base co-payment.

8.15.2.15 PROVIDER REQUIREMENTS:

D. Child care providers accept the rate the department pays for child care and are not allowed to charge families receiving child care assistance above the department rate for the hours listed on the placement agreement. Failure to comply with this requirement may result in sanctions or suspension of the child care assistance agreement.

(1) ~~[In situations where an incidental cost may occur such as field trips, special lunches or other similar situations, the child care provider is allowed to charge the child care assistance family the additional cost, provided the cost does not exceed that charged to private pay families.]~~ Providers are not allowed to charge clients a registration/educational fee for any child who is receiving child care assistance benefits as listed under 8.15.2 NMAC. The department shall pay a five dollar monthly, not to exceed sixty dollars per year, registration/educational fee per child in full time care, on behalf of

department clients under 8.15.2 NMAC. Adjustments to the five dollar registration/educational fee will be made based on units of care.

(2) [Providers may charge a registration/educational fee to a child care assistance family comparable to but not to exceed that charged to private pay families. The registration/educational fee shall be charged no more than once every six months and shall be limited to materials and supplies. If the department determines that the provider is charging fees that are unreasonable and pose an undue burden to child care assistance families, the department may suspend the child care assistance contract.] In situations where an incidental cost may occur such as field trips, special lunches or other similar situations, the child care provider is allowed to charge the child care assistance family the additional cost, provided the cost does not exceed that charged to private pay families.

(3) Child care providers are allowed to charge child care assistance families the applicable gross receipts tax for the sum of the child care assistance benefit and co-payment.

8.15.2.17 PAYMENT FOR SERVICES:

C. The department shall pay a five dollar monthly, not to exceed sixty dollars per year, registration/educational fee per child in full time care, on behalf of department clients under 8.15.2 NMAC. Adjustments to the five dollar registration/educational fee will be made based on units of care. The registration/educational fee will discontinue when a placement closes as a result of a client changing providers, a provider discontinuing services, a child care placement agreement expiring, or a provider's license being suspended or expiring.

[E.] D. The amount of the payment is based upon the age of the child and average number of hours per week needed per child during the certification period. The number of hours of care needed is determined with the parent at the time of certification and is reflected in the provider agreement. Providers are paid according to the units of service needed which are reflected in the child care agreement covering the certification period.

[D.] E. The department pays for care based upon the following units of service:

Full time	Part time 1	Part time 2 (only for split custody or in cases where a child may have two providers)	Part time 3
Care provided for an average of 30 or more hours per week per month	Care provided for an average of 8-29 hours per week per month	Care provided for an average of [6]8-19 hours per week per month	Care provided for an average of 7 or less hours per week per month
Pay at 100% of full time rate	Pay at 75 % of full time rate	Pay at 50 % of full time rate	Pay at 25% of full time rate

[E.] E. Hours of care shall be rounded to the nearest whole number.

[F.] G. Monthly reimbursement rates:

Licensed child care centers			
Infant	Toddler	Pre-school	School-age
\$720.64	\$589.55	\$490.61	\$436.27
Licensed group homes (capacity: 7-12)			
Infant	Toddler	Pre-school	School-age
\$586.07	\$487.11	\$427.13	\$422.74
Licensed family homes (capacity: 6 or less)			
Infant	Toddler	Pre-school	School-age
\$566.98	\$463.50	\$411.62	\$406.83
Registered homes and in-home child care			
Infant	Toddler	Pre-school	School-age
\$289.89	\$274.56	\$251.68	\$251.68

[G.] H. The department pays a differential rate according to the license or registration status of the provider, national accreditation status of the provider if applicable, and star level status of the provider if applicable.

[H-] I. Providers holding and maintaining CYFD approved national accreditation status will receive the differential rate listed in Subsection I. below, per child per month for full time care above the base rate for type of child care (licensed center, group home or family home) and age of child. All providers who maintain CYFD approved national accreditation status will be paid at the accredited rates for the appropriate age group and type of care. In order to continue at this accredited reimbursement rate, a provider holding national accreditation status must meet and maintain licensing standards and maintain national accreditation status without a lapse. If a provider holding national accreditation status fails to maintain these requirements, this will result in the provider reimbursement reverting to a lower level of reimbursement.

(1) Providers who receive national accreditation on or before December 31, 2014 from an accrediting body that is no longer approved by CYFD will no longer have national accreditation status, but will remain eligible to receive an additional \$150 per child per month for full time care above the base rate for type of child care (licensed center, group home or family home) and age of child until December 31, 2017.

(a) In order to continue at this reimbursement rate until December 31, 2017 a provider holding accreditation from accrediting bodies no longer approved by CYFD must maintain licensing standards and maintain accreditation without a lapse.

(b) If the provider fails to maintain their accreditation, the provider reimbursement will revert to the base reimbursement rate unless they have achieved a FOCUS star level or regain national accreditation status approved by CYFD.

(2) The licensee shall notify the licensing authority within 48 hours of any adverse action by the national accreditation body against the licensee's national accreditation status, including but not limited to expiration, suspension, termination, revocation, denial, nonrenewal, lapse or other action that could affect its national accreditation status. All providers are required to notify the department immediately when a change in accreditation status occurs.

[H-] J. The department will pay a differential rate per child per month for full time care above the base reimbursement rate to providers achieving higher Star levels by meeting FOCUS essential elements of quality as follows:

2+ Star FOCUS Child Care Centers, Licensed Family and Group Homes			
Infant	Toddler	Pre-school	School-age
\$88.00	\$88.00	\$88.00	\$88.00
3 Star FOCUS Child Care Centers, Licensed Family and Group Homes			
Infant	Toddler	Pre-school	School-age
\$100.00	\$100.00	\$100.00	\$100.00
4 Star FOCUS Licensed Family and Group Homes			
Infant	Toddler	Pre-school	School-age
\$180.00	\$180.00	\$180.00	\$180.00
5 Star FOCUS or CYFD approved national accreditation Licensed Family and Group Homes			
Infant	Toddler	Pre-school	School-age
\$250.00	\$250.00	\$250.00	\$250.00
4 Star FOCUS Child Care Centers			
Infant	Toddler	Pre-school	School-age
\$280.00	\$280.00	\$250.00	\$180.00
5 Star FOCUS or CYFD approved national accreditation Child Care Centers			
Infant	Toddler	Pre-school	School-age
\$550.00	\$550.00	\$350.00	\$250.00

[J-] K. In order to continue at the FOCUS reimbursement rates, a provider must meet and maintain the most recent FOCUS eligibility requirements and star level criteria. If the provider fails to meet the FOCUS eligibility requirements and star level criteria the provider reimbursement will revert to the FOCUS criteria level demonstrated.

[K-] L. Differential rates determined by achieving higher star levels determined by AIM HIGH essential elements of quality will be discontinued effective December 31, 2017. The department will pay a differential rate to providers achieving higher star levels determined by the AIM HIGH essential elements of quality until December 31, 2017 as follows: 3-Star at \$88.00 per month per child for full time care above the base reimbursement rate; 4-Star at \$122.50 per month per child for full time care above the base reimbursement rate, and 5-Star at \$150.00 per child per month for full time care above the base reimbursement rate. In order to continue at these reimbursement rates, a provider

must maintain and meet most recent AIM HIGH star criteria and basic licensing requirements. If the provider fails to meet the requirements, this will result in the provider reimbursement reverting to the base reimbursement rate.

[L:] M. The department pays a differential rate equivalent to five percent, ten percent or fifteen percent of the applicable full-time/part-time rate to providers who provide care during non-traditional hours. Non-traditional care will be paid according to the following charts:

	1-10 hrs/wk	11-20 hrs/wk	21 or more hrs/wk
After hours	5%	10%	15%

	1-10 hrs/wk	11-20 hrs/wk	21 or more hrs/wk
Weekend hours	5%	10%	15%

[M:] N. If a significant change occurs in the client's circumstances, (see Subsection G of 8.15.2.13 NMAC) the child care placement agreement may be modified and the rate of payment is adjusted. The department monitors attendance and reviews the placement at the end of the certification period when the child is re-certified.

[N:] O. The department may conduct provider or parent audits to assess that the approved service units are consistent with usage. Providers found to be defrauding the department are sanctioned. Providers must provide all relevant information requested by the department during an audit.

[O:] P. Payments are made to the provider for the period covered in the placement agreement or based on the availability of funds.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or Department) will hold a public rulemaking hearing on July 8, 2019. The hearing will begin at 9:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.7.5 NMAC, TEACHER LOAN REPAYMENT PROGRAM.**

Amendments:

5.7.5.2 NMAC, SCOPE
5.7.5.6 NMAC, OBJECTIVE
5.7.5.7 NMAC, DEFINITIONS
5.7.5.9 NMAC, TEACHER
ELIGIBILITY
5.7.5.10 NMAC, LOAN
REPAYMENT AWARD CRITERIA;
CONTRACT TERMS; PAYMENT
5.7.5.11 NMAC, CONTRACTS
AND ENFORCEMENT
5.7.5.12 NMAC, TEACHER LOAN
REPAYMENT FUND CREATED
AND METHOD OF PAYMENT
5.7.5.14 NMAC, REPORTS

Purpose:

The purpose of the proposed rule change is to define high need teacher positions for the Teacher Loan Repayment Program. The proposed rule change also modifies applicant eligibility criteria and contract provisions for approved participants. The proposed amendments are based upon changes that were made to the program through the enactment of H.B.275, 54th Leg., 1st Sess. (N.M. 2019). Based on H.B. 275, teachers are now required to have taught three years in New Mexico to be considered for funding. In addition, the maximum amount for the loan repayment awards and the maximum number of contracts allowable per participant have been set in Statute, award priorities have been revised and repayment provisions in the event a program participant does not complete a contract have been removed. References to "high-risk teaching positions" are changed throughout the rule to "high-need teaching position".

Summary of proposed changes:

The amendment to Section 5.7.5.2 NMAC is a non-substantive change to create consistency in language throughout the rule.

The amendment to Section 5.7.5.6 NMAC updates the term "high-risk"

teaching positions to "high-need" teaching positions.

The amendment to Section 5.7.5.7 NMAC changes the defined term "high-risk teacher need teacher positions" to "high-need teacher position" and updates the definition to include the new criteria for a high-need teacher position established by H.B. 275.

The amendment to Section 5.7.5.9 NMAC updates the term "high-risk" teaching positions to "high-need" teaching positions. The amendment also adds the provision that an applicant have taught for three years to be considered for the program pursuant to H.B. 275. Non-substantive grammatical changes are made.

Amendments to 5.7.5.10 NMAC clarify the award process to establish award preference to high-priority applicants. In addition, the amendment establishes preference in awards shall also be made to minorities pursuant to new criteria in H.B. 275. The amendment adds language defining how award amounts are to be determined and sets the maximum number of allowable contracts per participant. The maximum award amount per year is defined in rule and language

is added to clarify that awards are to be made annually upon certification the teacher has completed a full year of teaching. Additional contract provision are included based on conditions established by H.B. 275 including payments being made following a full year of satisfactory teaching. All provisions regarding repayment in the event a program participant does not complete a contract are removed.

The amendment to 5.7.5.11 NMAC removes language which described penalties for default on a program contract. The section is retitled for clarity.

Amendment to 5.7.5.12 removes language which referred to repayment of awards and interest as a result of a participant's defaulted contract being credited to the Teacher Loan Repayment Program fund. Additional language is included to clarify that money in the fund is subject to appropriation by the Legislature.

Amendments to 5.7.5.14 update the criteria to be reported by the Department pursuant to changes included in H.B. 275.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Events" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd.Info@state.nm.us or (505)476-8411.

A public hearing will be held from 9:00 a.m. until 10:00 a.m. at NMHED on July 8, 2019. Any person who is or may be affected by this proposed rule may appear and testify.

Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@state.nm.us. Written comments

must be received no later than 4:00 p.m. on June 28, 2019. Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8 NMSA 1978, Section 21-1-26 NMSA 1978, and Section 21-22H-1 through 21-22H-9 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 476-8411 or email HigherEd.Info@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or Department) will hold a public rulemaking hearing on July 8, 2019. The hearing will begin at 11:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.7.19 NMAC, REDUCED TUITION FOR SENIOR CITIZENS.**

Amendments:

5.7.19.3 NMAC, STATUTORY AUTHORITY
5.7.19.6 NMAC, OBJECTIVE
5.7.19.7 NMAC, DEFINITIONS

5.7.19.8 NMAC, ELIGIBILITY REQUIREMENTS

5.7.19.9 NMAC, ADMINISTRATION OF PROGRAM

Purpose:

The purpose of the proposed rule change is to increase the number of credit hours a senior citizen student who is a resident of New Mexico can take at the reduced tuition rate of five dollars per credit hour. Pursuant to H.B. 128, 54th Leg., 1st Sess. (N.M. 2019), the number of credit hours was increased from six to ten. The Department also proposes to remove a cap within rule that sets the maximum number of students allowed to register for non-credit courses under the provisions of the Senior Citizens Reduced Tuition Act (the Act).

Summary of proposed changes:

The amendment to Section 5.7.19.3 NMAC updates the statutory authority citation.

The amendments to Section 5.7.19.7 NMAC correct the reference to the Act and increase the maximum number of credit hours a participating student may take from six to ten per semester.

The amendment to Section 5.7.19.7 NMAC corrects the reference to the Act.

The amendment to Section 5.7.19.8 clarifies that a student must be a New Mexico resident according to the criteria in 5.7.18 NMAC. The amendments combine and modify several of the provisions within the Section for better clarity. Clarifying terms are added and grammatical changes are made.

The amendment to 5.7.19.9 NMAC proposes to remove the provision from the rule that limits the senior citizen student discount to a maximum of two students for each noncredit course.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at

NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the “Events” section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd. Info@state.nm.us or (505)476-8411.

A public hearing will be held from 11:00 a.m. until 11:30 a.m. at NMHED on July 8, 2019. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@state.nm.us. Written comments must be received no later than 4:00 p.m. on June 28, 2019.** Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Sections 21-21D-1 through 21-21D-5, NMSA 1978. Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 476-8411 or email HigherEd.Info@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education

Department (NMHED or Department) will hold a public rulemaking hearing on July 8, 2019. The hearing will begin at 12:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.7.20 NMAC, LEGISLATIVE LOTTERY SCHOLARSHIP PROGRAM.**

Amendments:

5.7.20.2 NMAC, SCOPE
5.7.20.6 NMAC, OBJECTIVE
5.7.20.7 NMAC, DEFINITIONS
5.7.20.8 NMAC, STUDENT ELIGIBILITY
5.7.20.9 NMAC, DURATION OF SCHOLARSHIP
5.7.20.10 NMAC, AMOUNT OF SCHOLARSHIP
5.7.20.11 NMAC, ADMINISTRATION OF THE LEGISLATIVE LOTTERY SCHOLARSHIP

Purpose:

The purpose of the proposed rule change is to include tribal colleges as eligible institutions for the Legislative Lottery Scholarship Program. The proposed rule change also modifies student eligibility criteria including provisions related to the federal Individuals with Disabilities Education Act, part-time enrollment, requirements and funding for students on a probationary status and requirements for students that have received a high school equivalency credential. Several of the proposed amendments are based upon changes that were made to the program through the enactment of S.B. 407, 54th Leg., 1st Sess. (N.M. 2019) and S.B. 179, 54th Leg., 1st Sess. (N.M. 2019). Pursuant to S.B. 407, tribal colleges (tribally, federally, or congressionally chartered post-secondary educational institutions with a physical campus in New Mexico and that are accredited by the Higher Learning Commission) are now qualifying institutions for the program. Pursuant to S.B. 179,

New Mexico residents that had to leave the state to receive an education pursuant to the federal Individuals with Disabilities Education Act and otherwise met the program qualifications shall be eligible for the program.

Summary of proposed changes:

The amendment to Section 5.7.20.2 NMAC adds tribal colleges to the scope of the rule pursuant to S.B. 407.

Amendments to Section 5.7.20.6 NMAC are made to reference tribal colleges. Pursuant to S.B. 179, the amendment also adds the provision that New Mexico residents that had to leave the state to receive an education pursuant to the federal Individuals with Disabilities Education Act and otherwise met the program qualifications shall be eligible for the program.

The amendment to Section 5.7.20.7 NMAC adds the defined term “Tribal college” and updates other defined terms to include the reference to Tribal college. The subsequent definition “Tuition scholarship” is renumbered to accommodate for the new definition. The definition of “Probation” is modified to capture a reference to a Paragraph the Department proposes to renumber. The definitions of “Program semesters” and “Qualified student” are modified to accommodate for new proposed provisions allowing part-time enrollment before the qualifying semester. The definition of “Qualified student” is also modified to clarify that a student must have received a high school equivalency credential that is “recognized by the State of New Mexico.”

The amendment to Section 5.7.20.8 clarifies that a student must have received a high school equivalency credential that is “recognized by the State of New Mexico” to be eligible to receive a scholarship. The amendment proposes to move Paragraph 6 and Paragraph 7 of Subsection A into a new Paragraph B. The purpose of the restructuring of

the section is to better distinguish the basic student eligibility requirements and other provisions which relate to eligibility. The amendment adds new provisions to allow for part-time enrollment during the 16 months after graduation or receipt of a high school equivalency credential recognized by the State of New Mexico.

Former Subsection B is renumbered to Subsection C and former Subsection C is renumbered to Section D.

The amendment to Subsection D removes the requirement that a student shall maintain enrollment and complete the probationary semester at the educational institution where eligibility was lost. The amendment to Subsection D provides that a student may receive scholarship funding while on probationary status. The Paragraphs in Subsection D are renumbered to accommodate for the changes.

Amendments to 5.7.20.9 NMAC are made to reference tribal colleges. Clarifying terms are also added to create consistency throughout the rule.

Amendments to 5.7.20.10 NMAC are made to reference tribal colleges.

Amendments to 5.7.20.11 NMAC are made to reference tribal colleges. A reference to a Paragraph in Section 8 of the rule is updated based on proposed renumbering of Paragraphs in Section 8.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Events" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd. Info@state.nm.us or (505)476-8411.

A public hearing will be held from 12:00 p.m. until 1:00 p.m. at NMHED on July 8, 2019. Any person

who is or may be affected by this proposed rule may appear and testify.

Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@state.nm.us. Written comments must be received no later than 4:00 p.m. on June 28, 2019. Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Sections 6-24-1 et seq. NMSA 1978 and Sections 21-21N-1 et seq. NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 476-8411 or email HigherEd.Info@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or Department) will hold a public rulemaking hearing on July 8, 2019. The hearing will begin at 11:30 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.7.23 NMAC, COLLEGE AFFORDABILITY GRANT.**

Amendments:

5.7.23.7 NMAC, DEFINITIONS
5.7.23.8 NMAC, STUDENT ELIGIBILITY
5.7.23.9 NMAC, AMOUNT OF GRANT
5.7.23.10 NMAC, ADMINISTRATION OF THE COLLEGE AFFORDABILITY GRANT

Purpose:

The purpose of the proposed rule change is to increase the program's maximum allowable grant award amount. Pursuant to H.B. 127, 54th Leg., 1st Sess. (N.M. 2019), the maximum allowable award amount for the grant has been increased from \$1,000 per semester to \$1,500 per semester. In addition, the distribution amount has been increased from \$2,000,000 to \$3,000,000.

Summary of proposed changes:

The amendment to Section 5.7.23.7 NMAC updates the definition of "Returning adult" to reference a high-school equivalency credential recognized by the State of New Mexico rather than a General Educational Development (GED) certificate.

The amendment to Section 5.7.23.8 NMAC removes the reference to the General Educational Development (GED) and replaces it with "high-school equivalency credential recognized by the State of New Mexico."

The amendment to Section 5.7.23.9 NMAC increases the maximum allowable award amount for the grant from \$1,000 per semester to \$1,500 per semester. Maximum amounts for summer grants, part-time awards and awards for students enrolled three quarters time are also modified based on the new maximum award amount.

The amendment to Section 5.7.23.10 increases the funds available for distribution from \$2,000,000 to \$3,000,000.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Events" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd. Info@state.nm.us or (505)476-8411.

A public hearing will be held from 11:30 a.m. until 12:00 p.m. at NMHED on July 8, 2019. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@state.nm.us. Written comments must be received no later than 4:00 p.m. on June 28, 2019.** Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Sections 21-21L-1 through 21-21L-8, NMSA 1978. Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 476-8411 or email HigherEd.Info@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or Department) will hold a public rulemaking hearing on July 8, 2019. The hearing will begin at 10:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed rulemaking adopting a new rule **5.7.34 NMAC TEACHER PREPARATION AFFORDABILITY SCHOLARSHIP PROGRAM.**

Purpose:

The Department proposes adoption of new rule 5.7.34 NMAC. The new proposed rule establishes regulations and procedures for the Teacher Preparation Affordability Scholarship Program created by H.B.275, 54th Leg., 1st Sess. (N.M. 2019). The purpose of the program is to encourage eligible New Mexico students to attend and complete an accredited public education Department approved teacher preparation program at a New Mexico public post-secondary educational institution or tribal college by providing a scholarship opportunity.

Summary of proposed rule:

The Department proposes to adopt a new rule which establishes regulations and procedures for the Teacher Preparation Affordability Scholarship Program. The proposed rule includes a section which details student eligibility and the procedure for selection of award recipients. The proposed rule also includes a section which establishes maximum award amounts and the maximum duration of the scholarship. In addition, the proposed rule provides procedures for administration of the program by New Mexico public post-secondary educational institutions or tribal colleges and procedures for

administration of the program by the Department. Lastly, the proposed rule provides criteria for termination of the scholarship.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Events" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd. Info@state.nm.us or (505)476-8411.

A public hearing will be held from 10:00 a.m. until 11:00 a.m. at NMHED on July 8, 2019. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@state.nm.us. Written comments must be received no later than 4:00 p.m. on June 28, 2019.** Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-1 et seq. NMSA 1978 and Chapter 193, Laws of 2019.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 476-8411 or email HigherEd.Info@state.nm.us ten (10) business days prior to the hearing.

**HUMAN SERVICES
DEPARTMENT
CHILD SUPPORT
ENFORCEMENT DIVISION**

**NOTICE OF PUBLIC RULE
HEARING**

The Human Services Department through the Child Support Enforcement Division (CSED), is proposing amendments to rules 8.50.111.12 NMAC, 8.50.130.13, NMAC. The Human Services Department is authorized to propose and adopt rules under the Public Assistance Act, Section 27-2-1 et seq. NMSA 1978 (1992 Repl.).

Changes in the rules are to revise child support program services offered, to state that contempt proceedings will remove language stating to enforce an existing order, to revise language to reflect will screen cases, provide court information regarding when non-custodial parent has an ability to pay or comply with the order; and to delete language the central registry sends the OCSE an update to report that the matter is being transferred to the initiating state for the purpose of conducting an administrative hearing.

The purpose of the proposed rules are to comply with federal child support regulations and to update internal procedures. The register for these proposed amendments to these rules will be available June 25, 2019 on the HSD web site at <http://www.hsd.state.nm.us/LookingForInformation/child-support-enforcement-division-registers.aspx>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting CSED at (505) 476-7186.

A public hearing to receive testimony on these proposed rules will be held at ASD/HSD Large Conference Room on the 1st floor, 1474 Rodeo Rd, Santa Fe, New Mexico on Wednesday, July 31, 2019, from 9:00 a.m. to 10:00 a.m., Mountain Daylight Time (MDT).

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact Kristin Abdill at 505-827-6201. The Department's TDD system may be accessed toll-free at 1-855-227-5485. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written comments which must be received by 5:00p.m. on the date of the hearing, July 31, 2019. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments received will be posted to the HSD website within three days of receipt. Comments can be found at: <http://www.hsd.state.nm.us/LookingForInformation/child-support-enforcement-division-registers.aspx>.

Please send comment to:

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

You may also send comments electronically to: Jennifer.Salazar-Va@state.nm.us.
Recorded comments may be left by calling: (505) 476-7186.

**NEW MEXICO BEEF
COUNCIL**

**NOTICE OF PROPOSED
RULEMAKING**

NOTICE IS HEREBY GIVEN that the New Mexico Beef Council will hold a public rulemaking hearing on June 27, 2019. The hearing will begin at 3:00 p.m. at the State Bar of New Mexico (5121 Masthead St. NE, Albuquerque, NM 87109)

in the Keleher Classroom. The purpose of the rulemaking hearing is to consider a rule to reestablish the New Mexico Beef Council's State Assessment (Council Assessment). The administrative record will be utilized by the Council in adopting a final rule.

Purpose:

The purpose of this proposed rule is to provide regulations for collection, refund and opt out of the New Mexico Beef Council State Assessment as defined in Section 77-2A-7.1 NMSA 1978. The proposed rule will be added to the New Mexico Administrative Code as: **21.35.7 NMAC – NM Beef Council State Assessment (Council Assessment) Collection Procedures.**

**Details for Obtaining a Copy,
Public Hearing and Comments:**

The proposed rules are available at New Mexico Beef Council, 1209 Mountain Road Place NE, Suite C, Albuquerque, NM 87110. The proposed rules are also posted on the NMBC website, NMBeef.com under the Rancher/Dairy Farmer Tab, State Assessment. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact StateAssessment@NMBeef.com or 1-505-841-9407.

A public hearing will be held at 3:00 p.m. at the State Bar of New Mexico (5121 Masthead St. NE, Albuquerque, NM 87109) in the Keleher Classroom. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMBC at 1209 Mountain Road Place NE, Suite C, Albuquerque, NM 87110 or StateAssessment@NMBeef.com. Written comments must be received no later than 5:00 p.m. on June 26, 2019.** Please note that any written comments received will become part of the rulemaking record. If submitting written comments by email please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will

also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 28-10-2 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 1-505-841-9407 or email StateAssessment@NMBeef.com at least ten (10) business days prior to the hearing.

REGULATION AND LICENSING DEPARTMENT PHARMACY, BOARD OF

NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene on June 27th & 28th, 2019 at 9:00 a.m. and continue until finished in the Board of Pharmacy Conference Room located at 5500 San Antonio Dr., NE, Albuquerque, NM 87109 for the purpose of conducting a regular board meeting.

The agenda is posted 72 hours prior to the scheduled meeting. You may view and download a copy of the agenda through the board's website: www.rld.state.nm.us/boards/pharmacy.aspx. All proposed language regarding rule hearings is linked on the Agenda; and posted under to the board's website under Hearing Notices at least 30 days prior.

Persons wishing to comment on proposed language regarding rule hearings may submit information and comment on the proposed rule. The information or comment may be submitted in an electronic or written format. Public comment is allowed up to and during the rule hearing. Individuals petitioning the board regarding requests/waivers must submit documentation for presentation; via fax (505) 222-9845, mail or email to the Executive Director, Cheranne McCracken,

Cheranne.McCracken@state.nm.us at least five days in advance of the scheduled meeting, if in attendance must also provide 12 copies of that documentation for distribution to board members and staff (Board staff is not required to make copies).

The board may go into Executive Session to discuss items pursuant to Section 10-15-1H (1), Section 10-15-1H (2), Section 10-15-1H (3) or Section 10-15-1H (7) of the Open Meeting Act. Agenda items may be executed at any time during the meeting to accommodate hearings.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Kristina Benavidez at 505-222-9878 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Kristina Benavidez, at 505-222-9878 or e-mail kristina.benavidez@state.nm.us if a summary or other type of accessible format is needed.

The Board will address:

All Board Matters:

Rule Hearings:

**16.19.5 NMAC – INTERNSHIP
TRAINING PROGRAM:**
Amendment to Section 7; amending prerequisite credit hours for pharmacist intern licensure from 30 semester hours to satisfactory completion of all first semester courses.

The purpose of this change is to update the licensure prerequisites for consistency with current college of pharmacy curriculum. The 30 semester hour requirement applied to the Bachelors of Science of Pharmacy (BSP) degree, which was replaced by the Doctor of Pharmacy (PharmD)

program around 2000. The PharmD program is two years longer than the BSP, and first year PharmD students have completed an extra year of training compared to first year BSP students. Pharmacist intern licensure after successful completion of the first semester in the PharmD program will allow for more patient care training, with a targeted outcome of better trained pharmacists, to benefit the health and safety of the public.

STATUTORY AUTHORITY:
Subsection B of Section 61-11-11 NMSA 1978.

16.19.12 NMAC- FEES: Amendment to Sections 1, 2, 3, 9, 13, 16, 17, 19 and 20: administrative updates, board contact information; statutory authority; decrease pharmacy technician registration fee; waiver of registration fees for military service members and spouses for change of duty location to NM; increase fee for nonresident pharmacies that dispense compounded sterile preparations into NM; clarification of fee application and intervals.

The purpose of this change is to update, and clarify each amended section. The waiver of fees for military service member and spouses for change of duty location is to minimize barriers to licensure and employment, while the increased fee for nonresident sterile compounding pharmacies is consistent with the additional work necessary to screen applications for licensure and renewal. The differentiation will further support compliance with operational standards, as in the case of a licensed nonresident pharmacy that intends to begin shipping sterile compounded preparations into NM.

STATUTORY AUTHORITY:
Sections 30-31-11, 30-31B-6, 61-11-12, 61-11-13, and 61-11-14 NMSA 1978

Disciplinary Hearings: note – the information below is tentative. Final hearing date and time for each case will be included in the agenda posted

to the board's website at least 72 hours before the meeting.
6/27/2019 @ 1:30 p.m. Andrew Ngo, PT 9564, IN 3543, pharmacist license examination applicant, Case 2017-044B
6/28/2019 @ 9:30 a.m. Kelly Kemper, RP 5290, Case 2018-061
6/28/2019 @ 1:00 p.m. Joel Villarreal, RP 6498, Case 2017-050
*Additional hearing, if scheduled, will be included in the agenda

Executive Director's Report:

Published in the NM Register May 28, 2019

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

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Adopted Rules

Effective Date and Validity of Rule Filings

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

AUDITOR, OFFICE OF THE STATE

Explanatory paragraph: This is an amendment to Paragraph (3) of Subsection B of 2.2.2.9 NMAC, and Subparagraph (f) of Paragraph (2) of Subsection A of 2.2.2.10 NMAC, effective 5/28/2019. These amendments remove references to the “vendor schedule”, “fund balance form”, and “GASBS 77 disclosure template” that were inadvertently not removed from 2.2.2 NMAC in the amendments published on 3/12/2019. These items were determined to no longer be required via the Office of the State Auditor’s 2019 public hearing, public participation, and public comments process. No other subparagraphs, paragraphs, subsections were published in Sections 9 and 10 as there were no other changes to 2.2.2 NMAC.

Paragraph (3) of Subsection B of 2.2.2.9 NMAC:

(3) IPAs are encouraged to deliver completed audit reports before the due date. The OSA shall review all audit reports submitted by the report due date before reviewing reports that are submitted after the report due date. Once the review of the report is completed pursuant to Subsection A of Section 2.2.2.13 NMAC, and any OSA comments have been addressed by the IPA, the OSA shall indicate to the IPA that the report is ready to print. After the OSA issues the “ok to print” communication for the audit report, the OSA shall authorize the IPA to submit the corrected report with the following items to the OSA within five business days; an electronic searchable version

of the audit report labeled “final”, in PDF format, an electronic excel version of the summary of findings report, ~~[an electronic excel version of the vendor schedule, an electronic excel version of the completed fund balance form, an electronic excel version of the GASBS 77 disclosure template, if applicable,]~~ an electronic excel version of the indigent care schedules for hospitals, if applicable, and an electronic excel version of the schedule of asset management costs for investing agencies, if applicable (all available at www.saonm.org). The OSA shall not release the report until the searchable electronic PDF version of the report and all required electronic excel schedules are received by the OSA.

[2.2.2.9 NMAC - Rp, 2 2.2.9 NMAC, 2/27/2018; A, 3/12/2019; A, 5/28/2019]

Subparagraph (f) of Paragraph (2) of Subsection A of 2.2.2.10 NMAC:

~~[(f) —~~

The agency shall prepare a schedule of vendors using the form and instructions available on www.saonm.org, for ~~procurements~~ exceeding sixty thousand dollars (\$60,000) ~~(excluding gross receipts tax) that occurred during the audited fiscal year.]~~

[2.2.2.10 NMAC - Rp, 2.2.2.10 NMAC, 2/27/2018; A, 3/12/2019; A, 5/28/2019]

HUMAN SERVICES DEPARTMENT CHILD SUPPORT ENFORCEMENT DIVISION

This is an amendment to 8.50.100 NMAC, Sections 9, effective 7/1/2019.

8.50.100.9 PROGRAM SERVICES:

A. There are six major program services in child support enforcement, of which one or more may be appropriate for a particular case:

- (1) non-custodial parent location;
- (2) establishment of paternity;
- (3) establishment of a support obligation (including medical support);
- (4) collection and distribution of support payments (including spousal and medical support);
- (5) enforcement of support obligation, (including medical and spousal support); and
- (6) review and adjustment of support obligation.

B. ~~[A non-IV-A applicant may, upon payment of a fee, request the non-custodial parent be located so he/she can pursue support individually. Requests for parent locate only are processed by the state parent locate unit and the applicant is informed of the results.~~

~~—C.]~~ Spousal support: The IV-D agency does not take any action to establish an order for spousal support. It remains the obligee’s responsibility to establish such an order. The responsibility of the IV-D agency is limited to enforcing existing spousal support orders. The IV-D agency may enforce spousal support when:

- (1) the payee has a previously established order for spousal support or the payee subsequently obtains an order for spousal support, and
- (2) the minor child and the payee are living in the same household, and

(3) the child support obligation established will be enforced by the IV-D agency; existing spousal support orders must be enforced even if the spousal support and child support are in separate orders.

~~[D.]~~ **C.** Parental kidnapping and child custody cases: Federal and state parent locate services may be used to locate parents involved in parental kidnapping and custody cases pursuant to 42 USC 663 and 45 CFR 303.15. Any information obtained through the state or federal parent locate service shall be treated as confidential and shall be used solely for the purpose for which it was obtained and shall be safeguarded. A fee may be charged to cover the costs of processing requests for information. A separate fee may be charged to cover costs of searching for a social security number before processing a request for location information.

~~[E.]~~ **D.** Mandatory and optional services: As a condition of eligibility, IV-A and IV-E applicants are mandated to receive full services, including medical support, and do not have the option to refuse any IV-D services. Medicaid only referrals that include an assignment of rights, including SSI referrals, are mandated to receive medical support services, but have the option of receiving full service. The custodial party must cooperate in establishing paternity and medical support. Non-IV-A, non-medicaid applicants may receive child support services, subject to service and the actual cost of fees.

[8.50.100.9 NMAC - Rp, 8.50.100.9 NMAC, 12/30/10; A, 7/1/2019]

HUMAN SERVICES DEPARTMENT CHILD SUPPORT ENFORCEMENT DIVISION

This is an amendment to 8.50.110 NMAC, Sections 8, effective 7/1/2019.

8.50.110.8 INCOME WITHHOLDING: State and federal

laws require the IV-D agency to seek to obtain an immediate income withholding in all Title IV-D cases.

A. The IV-D agency complies with ~~the Support Enforcement Act, Section 40-4A-1 et seq. NMSA 1978]~~ 45 CFR § 303.100 when it requests or initiates wage withholding.

B. Although the Support Enforcement Act provides for a good cause exemption to immediate wage withholding and a procedure to avoid immediate income withholding, the IV-D agency will not stipulate or agree to such provisions. The party requesting to avoid wage withholding bears the burden or proof on this issue with the court.

(1) The IV-D agency will comply with any valid court or administrative order that prohibits wage withholding.

(2) If an obligor receives an exemption to wage withholding and later accrues a delinquency, the IV-D agency, in its discretion, may pursue wage withholding from the appropriate judicial or administrative authority.

~~[C. — The department will take all actions necessary to institute income withholding upon the request of an obligor.]~~

[8.50.110.8 NMAC – Rp, 12/30/2010; A, 7/1/2019]

HUMAN SERVICES DEPARTMENT CHILD SUPPORT ENFORCEMENT DIVISION

This is an amendment to 8.50.112 NMAC, Sections 8 and adding 16, effective 7/1/2019.

8.50.112.8 PARENTAL RESPONSIBILITY ACT (LICENSE SUSPENSION): The IV-D agency submits a certified list of support obligors who are thirty (30) days or more delinquent on their monthly support obligation. The certified list is submitted to the appropriate boards, commissions, courts, or agencies responsible for issuing drivers, professional,

occupational, and recreational licenses as detailed in the Parental Responsibility Act NMSA 1978, Sect. 40-5A-1 et seq.

A. Automated referral process: The IV-D agency provides a certified list of all obligors who meet referral criteria to various licensing boards. The licensing boards report back to the IV-D agency the action the board has taken in connection with the Parental Responsibility Act. The IV-D automated system will refer cases that meet the following criteria:

(1) the obligor is delinquent ~~[thirty (30)]~~ 30 days or more in payment of court ordered support;

(2) a notice of potential submittal has been sent to the obligor's last address of record with the IV-D agency;

(3) there is no court order prohibiting the referral; and

(4) ~~[thirty (30)]~~ 30 calendar days have elapsed since the transmittal of the notice.

B. Administrative hearing by the licensing boards: If requested in writing by the hearing officer of the licensing board, the IV-D agency will make available a witness to testify on the IV-D agency's behalf at an administrative hearing that may be held in connection with the Parental Responsibility Act.

C. Settlement:

(1) In all cases, the IV-D agency must make every effort to obtain lump sum payments to satisfy all arrearages, including prior judgments, current delinquency, and accrued interest.

(2) If an obligor has had his or her license suspended in multiple cases, the issuance of a certificate of compliance for one case will not release the license suspension(s) for obligor's other case(s). The obligor will have to make satisfactory arrangements for each case in order to be eligible for license reinstatement.

D. Arrears only cases: In an arrears only case, the monthly payment must be calculated using

the current child support guidelines at NMSA 1978, Section 40-4-11.1, or a schedule that will fully pay the arrearages plus accumulated interest in ~~[seventy-two]~~ 72 months or less.

E. Withdrawal of referral: If the obligor does not meet the minimum criteria for referral at the time of the referral, the referral will be withdrawn, and a certificate of compliance will be issued with a request to waive the reinstatement of fees.

F. Responsibilities of the obligor: The ~~[obligor has the following responsibilities:~~

~~(1) The~~ obligor must supply a valid mailing address for the processing of the certificate of compliance ~~[to be mailed when complete.]~~ The obligor may elect to have the certificate of compliance sent to his/her attorney of record, but must also provide the IV-D agency with a current, valid mailing address and physical address for the obligor.

~~(2) The~~ obligor is entirely responsible for submitting the certificate(s) of compliance to all licensing agencies for the reinstatement of any and all licenses within thirty (30) days of date of the certificate of compliance is issued. Failure to comply with the licensing agency's requirements for license application approval or license reinstatement may result in the obligor's license(s) continued denial or suspension. The IV-D agency will not re-issue a certificate of compliance if the obligor fails to maintain compliance with all court orders for support.]

[8.50.112.8 NMAC - Rp, 12/30/10; A, 7/1/2019]

8.50.112.16

ADMINISTRATIVE OFFSET BY THE SECRETARY OF THE TREASURY:

A. Referral for administrative offset: federal administrative offset is utilized to pay support arrearages, including child support, medical support, and spousal support. Cases meeting specific criteria are referred to the U.S.

department of treasury's financial management service. When referring a case for administrative offset by the secretary of the treasury, the IV-D agency shall comply with the provision of 31 CFR § 285.1.

B. Notification of administrative offset:

(1) Written advance notice is sent to inform an obligor that the amount of his or her past due support will be referred to the secretary of the U.S. treasury for collection by administrative offset. The notice shall be sent to the obligor's last address of record with the IV-D agency. The IV-D agency shall inform the obligor:

(a) of the right to contest the department's determination that past due support is owed;

(b) of the right to contest the amount of the past due support;

(c) of the right to an administrative review; and

(d) of the procedures and time frame for requesting an administrative review.

C. Contesting referral for administrative offset: The obligor has 30 days from the date of notification of a referral for administrative offset to notify the IV-D agency that he or she contests the referral. The notification issued by the IV-D agency provides the address and telephone number to be contacted in order for the obligor to request a hearing to contest the referral.

(1) Upon receipt of an appeal request from the obligor, a notice is generated by the administrative law judge and sent to the obligor and the IV-D agency.

(2) The notice shall set forth the time and place of the administrative hearing. The hearing is conducted in accordance with 8.50.130 NMAC.

[8.50.112.16 NMAC - N, 7/1/2019]

HUMAN SERVICES DEPARTMENT CHILD SUPPORT ENFORCEMENT DIVISION

This is an amendment to 8.50.125 NMAC, Section 10 and 11, effective 7/1/2019.

8.50.125.10 COLLECTION OF FEES/RECOUPMENTS:

New Mexico is a cost recovery state, and other states' IV-D agencies have been notified of this fact. All fees charged to the custodial party are deducted from payments the IV-D agency distributes to the custodial party. The amount the IV-D agency deducts from each payment will not exceed ten percent of the total amount of the distribution. Once the percentage for the fee is deducted, the balance of the distribution is sent to the custodial party. Title IV-A, Title IV-E and medicaid-only (Title XIX) recipients are not charged any fees; federal regulations will not allow cost recovery on these cases.

A. Fee types and amounts:

(1) non-IV-D wage withholding payment processing only: \$25 (annually);

(2) non-IV-
[a] A full service IRS collection: applicable federal fee;

(3) paternity genetic testing: as charged by lab;

(4) non-IV-A/
IV-E case processing: actual cost;

(5) [parent
locate only: \$60

(6) filing fee: actual cost;

(7) [6] witness fee: actual cost;

(8) [7] service of process: actual cost;

(9) [8] expert witness fee: actual cost;

(10) [9] court costs: as assessed;

(11) [10] establishment of support obligation and paternity (if necessary): \$250;

(12) [11] modification: \$150;

~~[(13)] (12)~~

enforcement: \$250;

~~[(14)] (13)~~

tax intercept related: as determined by federal regulations;

~~[(15)] (14)~~

IRS tax intercept service: \$25;

~~[(16)] (15)~~

TRD tax intercept service: \$20;

~~(16)~~

administrative offset: applicable federal fee.

B. Refund of fees:

Fees are to be refunded only under the following conditions:

- (1) fees have been charged in error or overcharged;
- (2) the court orders a refund.

C. Fees are assessed to the custodial or non-custodial party requesting an action or service (i.e. establishment of paternity, modification or enforcement of support obligation) in a IV-D case in accordance with the fee schedule above.

D. Genetic testing fees: See 8.50.107.12 NMAC in addition to the fee schedule listed above.

E. Recoupment: The IV-D agency will recoup from the custodial party for any over-distribution of funds and for any funds collected from the non-custodial party that are returned for insufficient funds. If the recoupment is pursuant to an over-distribution of funds, the recoupment amount shall not exceed twenty-five percent of any future distribution to the custodial party until paid in full. If the recoupment is pursuant to insufficient funds received from the non-custodial party's payment, the recoupment amount shall be one hundred percent [~~(100%)~~] of any future distribution to the custodial party until paid in full. [8.50.125.10 NMAC - Rp, 12/30/2010; A, 7/1/2019]

8.50.125.11 DISTRIBUTION OF COLLECTIONS (EXCEPT FOR FEDERAL INCOME TAX REFUND OFFSETS): Specific terms used in this section are derived from 42 USC 657 and 45 CFR 300 through 303.

A. In accordance with federal regulations, for purposes of distribution in a IV-D case, amounts collected, except for amounts collected through federal income tax refund offset, must be distributed as follows:

(1) current support (monthly payment ordered for current support);

(2) past due support (monthly payment on judgment);

(3) current support arrears;

(4) past due support arrears;

(5) in each of the categories above, the payment is prioritized in the following order: child support, medical support, spousal support; any payment that is insufficient to meet the entire obligation will be applied in the order stated above.

B. The requirement to apply collections first to satisfy the current support obligation is critical in all IV-D cases to ensure that payment records are consistent in interstate cases, regardless of whether the amount applied to current support is paid to the family (as in a former assistance case) or retained by the state to recover unreimbursed assistance in a current assistance case.

C. Current assistance cases: The state will (not exceeding the cumulative amount of unreimbursed assistance paid to the family):

(1) pay to the federal government the federal share of the entire amount collected;

(2) retain the state share of the amount collected; and

(3) reduce the cumulative amount of unreimbursed assistance by the total amount collected and disbursed under Paragraphs (1) and (2) of this section, and distribute collections exceeding the cumulative amount of unreimbursed assistance to the family.

D. Federal statute does not specify the order in which collections are applied to satisfy

assigned arrearages in current assistance cases. The state of New Mexico has selected the following option:

(1) collections will be first applied to temporarily assigned arrearages; and

(2) additional collections will be applied to permanently assigned arrearages.

E. Pass through payment: At the discretion of the New Mexico legislature, the IV-D agency may disburse a maximum amount determined on a monthly basis (refer to disregard for child support payments in 8.102.520.9 NMAC for maximum amount), to the IV-A service recipient from collections on current support. Under no circumstances is a current or former IV-A recipient entitled to receive said amount as part of the arrearages owed to him or her. The disbursement to the custodial party, up to the maximum amount, shall only be made if the recipient is currently receiving TANF and the IV-D agency collects a payment from the non-custodial party. If the non-custodial party pays less than the maximum amount allowed to pass through, the custodial party shall only receive the amount of the payment collected. Neither the IV-D agency nor the IV-A agency will pay the difference to the custodial party between the maximum pass through amount and the amount paid by the non-custodial party. If the custodial party has more than one IV-D case, he or she will only receive the lower of the amount of the maximum disregard or the current monthly collection received on all cases. A pass through payment is in addition to, not in lieu of, the monthly TANF payment.

F. Former assistance cases: For collections made prior to October 1, 1998 (other than through federal income tax refund offset), the state shall:

(1) first, distribute the amount collected to satisfy the current monthly support obligation and pay that amount to the family;

(2) second, distribute any amount above the current monthly support obligation

to arrearages owed to the family or assigned to the state; the federal statute does not specify the order in which collections are applied to satisfy arrearages; the state must have procedures that specify the order in which assigned arrearages will be satisfied; if the state distributes any amount to assigned arrearages, the state must pay to the federal government the federal share of the amount so collected; the state must retain the state share of the amount so collected, with one exception; the state may retain or pay to the family the state share of collections applied to arrearages that accrued while the family was receiving assistance after October 1, 1996.

G. For collections made on or after October 1, 1998, or earlier at state option (other than collections through federal income tax refund offset), the state shall:

(1) distribute the amount collected to satisfy the current monthly support obligation and pay that amount to the family;

(2) distribute any amount above the current monthly support obligation to satisfy never-assigned arrearages and pay that amount to the family;

(3) distribute any amount above amounts distributed in Paragraphs (1) and (2) of this section to satisfy unassigned pre-assistance arrearages and conditionally-assigned arrearages and pay that amount to the family;

(4) distribute any amount above amounts distributed in Paragraphs (1), (2) and (3) of this section to satisfy permanently-assigned arrearages; the state must pay the federal government the federal share of the amount so collected; the state must retain the state share of the amount so collected with one exception; the state may retain or pay to the family the state share of collections applied to arrearages that accrued while the family was receiving assistance after October 1, 1996;

(5) reduce the cumulative amount of unreimbursed assistance by the total amount

distributed under [(4)] four, distribute collections exceeding the cumulative amount of unreimbursed assistance to satisfy unassigned during-assistance arrearages and pay those amounts to the family.

H. Never-assistance cases: All support collections in never-assistance cases must be paid (less any applicable fees) to the family.

I. [No collections] Collected funds will be [sent to third parties, attorneys, or agents, except in cases where there is a court order directing the support payment(s) to a person or entity other than the custodial party.] distributed to the resident parent, legal guardian, caretaker relative having custody of or responsibility for the child or children, judicially-appointed conservator with a legal and fiduciary duty to the custodial parent and the child, or alternate caretaker designated in a record by the custodial parent. An alternate caretaker is a nonrelative caretaker who is designated in a record by the custodial parent to take care of the children for a temporary time period.

J. When the non-custodial parent has multiple cases with the IV-D agency, payments received from the non-custodial parent through wage withholding shall be distributed among all active cases on a pro-rata basis determined by the total amount of all monthly support obligations. Payments received through administrative enforcement mechanisms shall be distributed among multiple cases on a pro-rata split based on the total amount of arrearages owed at the time of the referral for administrative enforcement, except for reinstatement of license(s). Payments received for the reinstatement of licenses will be applied to the specific case(s) rather than split among multiple cases. Any other direct payments made by the non-custodial parent will be divided among all active cases involving the non-custodial parent.

[8.50.125.12 NMAC - Rp, 12/30/2010; A, 7/1/2019]

HUMAN SERVICES DEPARTMENT CHILD SUPPORT ENFORCEMENT DIVISION

This is an amendment to 8.50.130 NMAC, Section 8 and 10, effective 7/1/2019.

8.50.130.8

ADMINISTRATIVE HEARINGS:

The Title IV-D agency will provide for administrative hearings for:

A. an obligor requesting a review pertaining to income withholding, an adverse administrative order, or referral for federal tax intercept, referral for state tax intercept, referral for passport denial, referral for administrative offset, lien on lottery winnings, lien on gaming winnings, or referral for the FIDM program;

B. any IV-A recipient or former IV-A recipient who believes he or she is entitled to receive part or all of a support payment that was received by the Title IV-D agency but not disbursed to the recipient;

C. an obligor's spouse who requests the refund of more [that] than one-half of a state tax intercept; and

D. an owner as defined in 8.50.132.7 NMAC who is claiming an interest in undistributed collections.
[8.50.130.8 NMAC – Rp, 12/30/2010; A, 7/1/2019]

8.50.130.10 NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION:

A. Notices to obligor of referral to tax-offset program: The IV-D agency sends written notice to inform an obligor that the amount of his or her past-due support will be referred for a tax refund offset. One or more of the following notices is sent:

(1) FMS pre-offset notice (obligor);

(2) taxation and revenue department pre-offset notice (obligor);

(3) taxation and revenue department pre-offset notice (injured spouse);

(4) IRS notice of offset; and
(5) taxation and revenue department final distribution notice.

B. Notice to obligor of FIDM freeze order: The Title IV-D agency will mail a copy of the freeze order to the obligor at the last known address on file with the IV-D agency. The freeze order will inform the aggrieved party of the right to appeal the order by mailing a request for appeal within 15 calendar days by certified mail to the address indicated on the form provided by the IV-D agency.

C. Notice to obligor of administrative lien on lottery and gaming winnings: The Title IV-D agency will mail a copy of the notice of administrative lien to the obligor at the last known address on file with the IV-D agency.

D. Notice to obligor for passport referral: Notice regarding the referral for passport denial is included in the FMS offset notice and is sent to the obligor at the last known address on file with the IV-D agency.

E. Notice to owner of an undistributed collection: The Title IV-D agency will mail a copy of the notice of undistributed collection to the owner at the last known address on file with the IV-D agency.

F. Notice to obligor for administrative offset referral: Notice regarding the referral for administrative offset is included in the FMS offset notice and is sent to the obligor at the last known address on file with the IV-D agency.
[8.50.130.10 NMAC – RP, 12/30/2010; A, 7/1/2019]

REGULATION AND LICENSING DEPARTMENT OPTOMETRY, BOARD OF

This is an amendment to 16.16.4 NMAC, Section 10. The previous Sections 10 through 12 have been renumbered as Sections 11 through 13, effective 5/29/2019.

16.16.4.10 EXPEDITED LICENSURE: Doctors of

Optometry with current licenses in good standing in jurisdictions within the United States with licensing standards equal to or greater than New Mexico as determined by the board of optometry shall be eligible for expedited licensure. Criterion for this licensure shall include payment of the licensure fee, completing the proper application forms, and passing the New Mexico jurisprudence examination within one year of licensure. Any applicant for this expedited licensure procedure who has had a license suspended or revoked in another jurisdiction within the United States and its territories shall not be eligible for expedited licensure.

[16.16.4.10 NMAC - N, 5/29/2019]

REGULATION AND LICENSING DEPARTMENT OPTOMETRY, BOARD OF

This is an amendment to 16.16.11 NMAC, Section 13, effective 5/29/2019.

16.16.11.13 APPLICATION FOR REACTIVATION OF LICENSE: The licensee whose license is expired due to non-renewal, and who wishes to reactivate the license to active and current status, must apply for, and receive, approval by the board for reactivation of the license. The application for reactivation must be made on a reactivation form received from the board office, and must be accompanied by the following items:

A. proof of completion of a minimum of 22 hours of board-approved continuing education (see 16.16.13 NMAC) taken for each year the license was expired due to non-renewal, 22 of which must have been taken in the immediate preceding year;

B. verification directly from at least one of the applicant's other licensing jurisdiction(s) certifying that the licensee has been in active practice there during the time the license was in expired status due to non-renewal in New Mexico,

unless the New Mexico license has only been in expired status for less than a year, in which case verification of licensure from another licensing jurisdiction is not necessary;

C. verification directly from the applicant's other licensing jurisdiction(s), as to the status of the license with respect to disciplinary actions if the New Mexico license is in expired status for more than a year, and provided that the licensee is licensed in other jurisdiction(s);

D. a reactivation fee in an amount totaling the renewal fees for each year the license was in expired status due to non-renewal; and

E. a one-time penalty fee in an amount totaling the penalty fees [for each year the license was in expired status due to non-renewal] in 16.16.2.14 NMAC.

[10/14/1995, 10/15/1997; 16.16.11.13 NMAC - Rn, 16 NMAC 16.11.13, 3/15/2001; A, 3/15/2004; A, 03/22/2008; A, 7/6/2012; A, 5/29/2019]

REGULATION AND LICENSING DEPARTMENT OPTOMETRY, BOARD OF

This is an amendment to 16.16.13 NMAC, Section 8, effective 05-29-2019.

16.16.13.8 CONTINUING EDUCATION REQUIREMENTS:

A minimum of 22 clock-hours of optometry related, board approved continuing education or postgraduate programs, are required for license renewal each year beginning July 1, as detailed below.

A. The continuing education shall be submitted as follows:

(1) at least 10 of the 22 hours of continuing education must be in a board approved program in clinical or ocular therapeutic pharmacology; and
(2) at least one of the 22 hours of continuing education must be in a board approved course in pain management

or related topic pursuant to ~~[16.16.25.11]~~ 16.16.15.11 NMAC. This requirement shall begin with the 2015 renewal period beginning July 2, 2014.

B. For optometrists on inactive status, a minimum of 10 hours of continuing education in a board approved program in clinical or ocular therapeutic pharmacology is required.

C. The continuing education must have been taken within the preceding renewal period (i.e. July 2 of one year through June 30 of the next).

D. The board may audit any licensee's continuing education documentation for the current licensing year and the two previous years.

E. A licensee who receives a notice of audit shall submit to the board office on or before July 1, unless otherwise specified, evidence of continuing education hours for the requested period.

F. A license will be placed on expired status if the licensee fails to meet the continuing education requirements for renewal by the expiration date stated in this rule.

G. Reactivation of license expired due to non-renewal for failure to meet the continuing education requirement. The licensee may apply for license reactivation in the same manner as provided in Part 11 of 16.16 NMAC. The continuing education and fees will be calculated based on the number of years the license was expired due to non-renewal for failure to meet the continuing education requirement.

H. Newly licensed optometrists who graduated from optometry school within the same year of licensure may submit the completed curriculum of their last year of optometry school to meet their continuing education requirement the first year of renewal. [11-17-73; 2-6-87; 10-14-95; 10-15-97; 2-15-99; 16.16.13.8 NMAC - Rn, 16 NMAC 16.13.8, 03-15-2001; A, 03-15-2004; A 03-22-2008; A, 07-06-2012; A, 04-24-2014; A, 03-02-2016; A, 05-29-2019]

REGULATION AND LICENSING DEPARTMENT PHARMACY, BOARD OF

This is an amendment to 16.19.7 NMAC, Sections 1, 3, 7, 9, 11 and 16, effective June 9, 2019.

16.19.7.1 ISSUING

AGENCY: Regulation and Licensing Department - Board of Pharmacy [~~1650 University Blvd, NE, Ste. 400B, Albuquerque, NM 87102 (505) 841-9102~~].

[8/16/1999; 16.19.7.1 NMAC - Rn, 16 NMAC 19.7.1, 3/30/2002; A, 6/9/2019]

16.19.7.3 STATUTORY

AUTHORITY: [~~Section 61-11-6A, (6)~~] Paragraph (6) of Subsection (A) of Section 61-11-6 NMSA 1978 requires that the Board of Pharmacy provide for the licensing of hospital pharmacies and the drug rooms of hospitals and the inspection of their facilities and activities.

[8/16/1999; 16.19.7.3 NMAC - Rn, 16 NMAC 19.7.3, 3/30/2002; A, 6/9/2019]

16.19.7.7 DEFINITIONS:

A. "Automated Medication Management System" means automated devices that compound, measure, count, or package and deliver a specified quantity of dosage units for a designated drug product and which collects, controls and maintains all transaction information.

B. "Bar-Code" means a graphic composed of [~~parallel~~] variously patterned bars and spaces [~~of various widths~~] or other geometric patterns intended for use in the detection and automatic processing of item identities or other intelligence by electro-optical means.

C. "Dispensing" as defined in [~~the NMSA, Section 61-11-2(f)~~] Subsection (I) of Section 61-11-2 NMSA 1978, and pursuant to [~~61-11-21(c)~~] Subsection (C) of Section 61-11-21 NMSA 1978 dispensing is limited to a registered pharmacist.

D. "Electronic Signature" means a unique security

code or other identifier which specifically identifies the person entering information to a data processing system.

E. "Facility" means a hospital or other inpatient institution which has a pharmacy within the premises.

F. "Formulary" means a list of drugs approved for use in a facility by its medical staff through the Pharmacy and Therapeutics Committee or its equivalent.

G. "Hard Copy" means a paper-based record keeping system that is readable without the use of a special device, i.e., computer, microfiche reader, etc.

H. "Hospital" means any place offering in-patient skilled nursing, overnight care on a 24 hour basis for diagnosing, treating and providing medical or surgical care for patients.

I. "Hospital-based Skilled Nursing Facility" means a long-term care facility or unit thereof that is an integral and subordinate part of the hospital, is operated with other departments of the hospital under common governance and professional supervision such that the skilled nursing facility and the hospital are subject to the bylaws and operating decisions of common governing board, is fully integrated with all other services of the hospital, is owned, operated and managed by the hospital and is physically located within said hospital.

J. "In-house Clinic" means a clinic located in a hospital which has a pharmacy within the premises. The clinic is a facility where one or more licensed practitioners diagnose and treat patients, and where drugs are stored, dispensed, distributed or administered for the diagnosis and treatment of the facility's patients; provided that this definition shall not include the privately owned practice of any licensed practitioner or group of licensed practitioners exempt under Section 61-11-22 NMSA 1978 of the Pharmacy Act.

K. “Integrated Healthcare System” means an integrated network of healthcare services provided by a single corporation or system. Systems offer comprehensive care which may include, acute, urgent care, long term or home health.

L. “Medication Profile” means a record and drug listing for each patient based on available information, containing but not limited to, patient name, patient age, sex, patient weight, current diagnosis, allergies or sensitivities, and current therapy.

M. “Medication-use Measurement Program” means a program that entails measuring, assessing, and improving the prescribing or ordering; preparation and dispensing; administration; and monitoring of medications.

N. “Parenteral Products” means any preparation administered by injection through one or more layers of skin tissue.

O. “Pharmacist-in-Charge” means a pharmacist employed by the facility on either a part-time or full-time basis as the activity of service requires and as outlined in 16.19.6.9 NMAC.

P. “Pharmacy and Therapeutics Committee” means an advisory committee of the medical staff of the facility recommending policy regarding evaluation, selection, and therapeutics of drugs.

Q. “Policy and Procedures Manual” shall outline the scope of services for safe delivery of quality pharmaceutical care for all patients.
[8/16/1999; 16.19.7.7 NMAC - Rn, 16 NMAC 19.7.7, 3/30/2002; A, 6/9/2019]

16.19.7.9 FACILITIES:

A. The hospital pharmacy shall be enclosed and locked if a pharmacist is not present in the facility. Adequate security systems shall be maintained and be consistent with the security plan of the facility.

B. The pharmacist-in-charge shall control access to the

pharmacy and develop an emergency access procedure that may include the following situations or conditions:

(1) The hospital administrator or designee may possess a key to the pharmacy for emergency access.

(2) For the purposes of withdrawing limited doses of a drug for administration in emergencies when the pharmacy is closed, if the drugs are not available in floor or emergency drug supplies, the following is applicable:

(a) Only one designated licensed nurse per shift may remove drugs from the pharmacy. The quantity of drugs shall not exceed the quantity needed to last until the pharmacist is in the facility:

(b) A record shall be made at the time of withdrawal by the authorized person removing the drugs. The record shall contain the following:

(i) name of patient;

(ii) name of drug, strength, and dosage form;

(iii) dose prescribed;

(iv) quantity taken;

(v) time and date; and

(vi) signature (first initial and last name or full signature) or electronic signature of person making the withdrawal.

(c) The original or direct copy of the medication order may substitute for such record, providing the medication order meets all of the requirements of [16.19.7.9.B(2)(b) NMAC] Subparagraph (b) of Paragraph (2) of Subsection (B) of 16.19.7.9 NMAC (record).

(d) The nurse withdrawing the drug shall place upon the record of withdrawal an example of the medication removed.

(e) An electronic record of the withdrawal is required when the nurse is withdrawing more than a 72 hour supply.

(f) The pharmacist shall verify the withdrawal after a reasonable interval, but in no event may such interval exceed 72 hours from time of withdrawal. Verification may be accomplished electronically from a remote site, if approved by the board.

(g) A drug regimen review, pursuant to a new medication order, will be conducted by a pharmacist either on-site or by electronic transmission within 24 hours of the new order.

(h) Another duly registered pharmacy may supply medications pursuant to a patient specific medication order provided:

(i) supplying pharmacy is licensed in this state;

(ii) supplying pharmacist is licensed in this state;

(iii) all pharmacy preparations of sterile products (including total parenteral nutrition and chemotherapy) shall be performed in accordance with board of pharmacy [16.19.6.11] 16.19.36 NMAC.

(3) The pharmacist-in-charge or designated pharmacist, intern or technician may prepackage drugs for emergency withdrawal.

C. A pharmacist shall be “on call” during all absences from the facility.

D. A hospital pharmacy shall have within the institutional facility it services sufficient floor space allocated to ensure that pharmaceutical services are provided in an environment which allows for the proper compounding, dispensing and storage of medications. The minimum required pharmacy floor space excluding office area is:

(Continued Above Right)

Average daily census including skilled beds	Specialty designation	1-25	26-50	51-100	101-200	201-500	>500
Minimum Square Feet	Adequate	Adequate	280	500	750	1000	1500
Min. [Sq.-Ft.] <u>square feet</u> for Sterile Prep Area (in addition to above)	100	100	100	100	100	100	100

A hospital may petition the board for a variance to the required minimum square footage. The license application shall include an average daily inpatient census for the last year.

E. Specialty Designation:

(1) Adequate square footage will be decided by the board at the time of licensure. The yearly license application will be accompanied by photos and a drawing of the pharmacy area. The board may ask for more detailed information to make a determination.

(2) A hospital must petition the board for a specialty designation. The board may consider, but is not limited to the following:

- (a) size of facility;
- (b) type of patient population; or
- (c) number and types of drugs stored and dispensed from the pharmacy.

F. Hospitals having licensed outpatient pharmacies shall comply with retail pharmacy 16.19.6.10 NMAC.

G. The hospital pharmacy shall have the necessary equipment for the safe and appropriate storage, compounding, packaging, labeling, dispensing and preparation of drugs and parenteral products depending on the scope of pharmaceutical services provided.

(1) Refrigerator.

(2) Sink with hot and cold water.

H. Only one registered or certified pharmacy technician may be present in the pharmacy when the pharmacist is not in the facility, only to perform clerical tasks. A written log shall be maintained of technician activities while alone in the pharmacy [8/16/1999; 16.19.7.1 NMAC – Rn,

16 NMAC 19.7.1, 3/30/2002; A, 6/9/2019]

16.19.7.11 DRUG DISTRIBUTION AND CONTROL:

A. In hospitals where there is not a pharmacy, pre-labeled, prepackaged medications shall be stored in and distributed from a drug storage area or automated medication management system, which is under the supervision of a pharmacist.

B. The pharmacist-in-charge shall have the responsibility for the procurement and storage of all drugs.

C. All medications, with the exception of those for emergency use, shall be issued for inpatients use pursuant to the review of the physician's order or direct copy thereof, prior to dispensing. If the pharmacy is closed when the order is written, the pharmacist shall review the order within 24 hours.

D. A medication profile for all inpatients and outpatients shall be maintained and used. The medication profile shall serve as the distribution record for inpatient medications. Dangerous drug distribution records, for inpatient use, must include the following information:

- (1) the patient's name and room (or bed) number;
- (2) the name, strength, quantity and dosage form of the drug distributed;
- (3) the name of the technician filling the drug order and pharmacist responsible for checking the technician's work; or
- (4) the name of the pharmacist or pharmacist intern filling the drug order;
- (5) the date filled; and

(6) the date and amount of unwanted/ unused drug returned to the pharmacy stock;

(7) records for schedule II controlled substances must be kept separate; and

(8) schedule III-V must be kept separate or if stored with non-controlled records, readily retrievable.

E. Floor stock dangerous drug distribution records must include the following:

(1) name, strength, dosage form, and quantity of the drug distributed;

(2) date of filling;

(3) a name of technician filling the drug order and the supervising pharmacist; or

(4) the name of the pharmacist or pharmacist intern filling the drug order;

(5) the destination location of the drug in the hospital; and

(6) the date and quantity of unwanted/ unused drug returned to the pharmacy's stock;

(7) schedule II controlled substance records must be kept separate from all other records; and

(8) schedule IV controlled substance records must either be kept separate from other non-controlled substances records or are readily retrievable.

F. Dangerous drug distribution records, inpatient and floor stock, and medication profiles may be stored electronically if such system is capable of producing a printout of all the required information and the information is retrievable within 72 hours upon demand. The pharmacist stating that it is a true and accurate record must certify the printout. Hospitals

utilizing automated drug distribution must comply with Subsection M of 16.19.7.11 NMAC in lieu of the above. Hospital pharmacies are subject to all applicable state and federal record keeping requirements when a prescription from a licensed practitioner is filled.

G. A distribution system for controlled substances shall be maintained including perpetual inventory of all schedule II controlled substances. All schedule II controlled substances that are stored in the pharmacy will be kept in a locked storage area in the pharmacy.

H. Drug storage and preparation areas within the facility shall be the responsibility of the pharmacist-in-charge. All areas shall be inspected on a monthly basis and documented by a pharmacist, intern or technician.

I. All pharmacy preparations of sterile products shall be performed in accordance with the sterile products regulations, [16.19-6-H] 16.19.36 NMAC.

J. Floor stock drugs, including those issued from automated medication management systems, shall be limited to drugs for emergency use and routinely used items as listed in the pharmacy policy and procedure manual and approved by the pharmacy and therapeutics committee. Floor stock drugs shall be supplied in individual doses unless the bulk container cannot be individualized. Dangerous drug floor stock must be reviewed by the pharmacist or pharmacist intern on a routine basis to insure appropriate use.

K. Where such committees exist, the pharmacist-in-charge or designated pharmacist shall be a voting member of the pharmacy and therapeutics committee or its equivalent.

L. Medications dispensed in the emergency room will be dispensed only by a licensed pharmacist, a licensed pharmacist intern or a licensed practitioner and shall comply with the following:

(1) a record shall be kept of all medications

dispensed from the emergency room of a hospital; the record shall include:

- (a) the date the drug was dispensed;
- (b) name and address of the patient;
- (c) name of the prescribing physician;
- (d) the name of the drug;
- (e) the strength of the drug;
- (f) the quantity of drug dispensed;
- (g) initials of the person recording the information if not a physician;
- (2) a separate record shall be kept for schedule II controlled substances;
- (3) the following will be recorded in the patient's medical chart:
 - (a) the name of the drug(s) prescribed;
 - (b) the strength of the drug;
 - (c) the quantity of the drug dispensed;
 - (4) when medications are prescribed by the physician and dispensed to the patient in the emergency room of the hospital the dispensing label shall contain the following information:
 - (a) the name of the patient;
 - (b) the name of the prescribing physician;
 - (c) name of the drug;
 - (d) strength of the drug;
 - (e) quantity of the drug;
 - (f) name and address of the hospital;
 - (g) date the drug is dispensed;
 - (h) directions for use;
 - (i) expiration date of medication.

M. Automated Pharmacy Systems.

(1) General Statement: Automated devices for storage and distribution of floor stock

or patient profile drugs or both, shall be limited to licensed health care facilities and shall comply with all the following provisions. Written policies and procedures, approved by the appropriate health care facility committee, shall be in place to ensure safety, accuracy, security, and patient confidentiality. Personnel allowed access to an automated dispensing device shall have a confidential access code that records the identity and electronic signature of the person accessing the device.

(2) Security/Access: The control of access to the automated device must be controlled by the pharmacist-in-charge. Proper identification and access control, including electronic passwords or other coded identification, must be limited and authorized by the pharmacist-in-charge. The pharmacist-in-charge must be able to stop or change access at any time. The pharmacist-in-charge must maintain a current and retrievable list of all persons who have access and the limits of that access. Review of user access reports shall be conducted at least quarterly as established by policy and procedures to ensure that persons who are no longer employed at the facility do not have access to the system.

(3) Records: The records kept by the automated drug delivery system must comply with all state, federal, and board requirements. Records must be maintained by the pharmacy and be readily retrievable. Records may be retained in hard copy or an alternative data retention system may be used where current technology allows.

(4) Automated Drug Distribution: An automated medication management system shall be under the control of the pharmacist-in-charge. If used for storage and dispensing of doses scheduled for administration, there shall be a procedure by which orders for a drug are reviewed and approved by the pharmacist before the drug may be withdrawn from the automated dispensing device. There shall be written procedures for downtime in

the event of system malfunction or otherwise inoperable. A downtime log shall be maintained and include:	(d)	the name of the patient for whom the drug was ordered;	licensed pharmacy/pharmacist to provide pharmaceuticals and/or other pharmacist services under the following conditions:
(a)	(e)	the name or identification code (electronic signature) of the person making the transaction;	(1) the
date of transaction;	(f)	the name of the attending, admitting or prescribing practitioner; and	contract pharmacy is licensed by the board of pharmacy;
(b)	(g)	the identity of the device accessed.	(2) the
patient;	(7) Delivery	Records: A delivery record shall be generated on demand for all drugs filled into an automated dispensing device which shall include:	pharmacist providing the services by the contracted pharmacy shall be licensed as a pharmacist in this state;
(c)	(a)	date;	(3) the
drug/dose;	(b)	drug name;	contract is incorporated into the pharmacy's policy and procedure manual and complies with the requirements of 16.19.7 NMAC;
(d)	(c)	dosage form	(4) the
quantity of transaction;	(e)	strength;	contracted pharmacy/pharmacist must have complete access to the patient's profile in order to perform a drug regimen review;
(e)	(f)	quantity;	(5) the
nurse signature;	(g)	identity of device; and	contracted pharmacy/pharmacist must have access to the licensed practitioners of the hospital;
(f)	(8) Filling:	There shall be policies and procedures in place, utilizing either manual, bar coding or other electronic processing means of item identities as current technology allows, to ensure pharmacist verification of accuracy in the filling and refilling of the automated device. A delivery record of medications filled into an automated pharmacy system shall be maintained and shall include identification of the person filling the device.	(6) records
beginning count;	(9) Labeling/	Packaging: Drugs filled into automated dispensing devices shall be in manufacturers' sealed, original packaging or in repackaged containers in compliance with the requirements of the board regulations relating to packaging and labeling.	of all pharmaceuticals transferred from the contracted pharmacy to the hospital pharmacy comply with the requirements;
(g)	N. Outsourcing of	Pharmaceutical Services: A hospital pharmacy may contract or enter into an agreement with another	(7)
ending count;			documentation of the services provided by the contracted pharmacy/pharmacist.
(h)			[8/16/1999; 16.19.7.11 NMAC - Rn, 16 NMAC 19.7.11, 3/30/2002; A, 1/31/2007; A, 6/9/2019]
wasted amount;			16.19.7.16 [APPLICATION OF REGULATION: Pharmacies licensed by the board prior to adoption of this regulation shall comply with the facility floor space standards defined in "Subsection D of Section 9" by December 31, 2002. When these pharmacies change ownership, remodel the pharmacy or relocate the pharmacy after the effective date of this regulation, "Subsection D of Section 9" shall apply. All other portions of this regulation apply on the effective date.] [RESERVED]
(i)			[8/16/1999; 16.19.7.16 NMAC - Rn, 16 NMAC 19.7.16, 3/30/2002; 16.19.7.16 NMAC - Repealed, 6/9/2019]
witness signature, if needed; and			
(j)			
prescriber (for controlled substances only).			
(5) Quality Assurance: The pharmacist-in-charge shall be responsible for developing and implementing a quality assurance program which monitors total system performance. Quality monitors shall include:			
(a)			
the proper loading/refilling of the device, including proof of delivery;			
(b)			
the proper removal, return or waste of drugs;			
(c)			
processes for recording, resolution, and reporting of discrepancies; and			
(d)			
processes for conducting periodic audits to assure compliance with policies and procedures.			
(6) Records:			
Transaction records: At the time of any event involving the contents of the automated device, the device shall automatically produce on demand, a written or electronic record showing:			
(a)			
the date and time of transaction;			
(b)			
the type of transaction;			
(c)			
the name, strength, and quantity of medication;			

**16.19.7.17 INPATIENT
HOSPITAL PHARMACY
LIMITED DISPENSING,
HOSPITALIZATION
DISCHARGE:**

A. In order to improve continuity of care by avoiding temporary disruption in a patient's prescribed medication regimen upon discharge from hospitalization, and to decrease medication waste (as in the case of a partially used multidose container, such as an inhaler), dispensing by a pharmacist in a hospital pharmacy not otherwise licensed as a retail pharmacy may occur under the conditions of this section.

B. A prescription or order is issued by a licensed practitioner of the hospital to be dispensed to the patient upon discharge. If not specified in the prescription or order, the pharmacist is responsible for obtaining and documenting any additional information needed for dispensing, including directions for use and quantity. The prescription or order may not be refilled, or transferred.

C. Naloxone for rescue use may be dispensed to the patient upon discharge pursuant to standing order, in accordance with Section 24-23-1 NMSA 1978.

D. The medication is not a controlled substance.

E. The dispensing label shall include all information as required in Paragraph (4) of Subsection (L) of 16.19.7.11 NMAC, and any other information required by state or federal law.

F. Responsibilities of pharmacist and pharmacist intern shall be fulfilled in accordance with 16.19.4.16 NMAC.

(1) Patient counseling shall be in person, whenever practicable, or by telephone.

(2) If the pharmacist is absent at the time of patient discharge, the patient shall be provided written information when appropriate on side effects, interactions, and precautions concerning the drug or device

provided. Written information may be printed or electronic, consistent with patient preference.

(3) The pharmacy phone number shall be made available to patients for consultation.

G. When the drug or device is not dispensed directly to the patient or patient's agent upon discharge, the pharmacist shall require the patient or patient's agent to sign a drug receipt record listing those prescriptions received from the pharmacy.

H. Records will be readily retrievable and available for inspection for three years unless longer retention is otherwise required by board regulation; including the prescription or order, dispensing and receipt records. If records are maintained electronically, the computer shall be capable of producing a printout of prescription or order information within a 72 hour period on demand, with certification by the pharmacist stating it is a true and accurate record. Requested printouts include: patient specific; practitioner specific; drug specific; or date specific reports. The printout shall include:

(1) the prescription number, if applicable;

(2) the prescriber's name and license classification;

(3) full name and address of patient;

(4) date of issuance of prescription or order and the date filled;

(5) name, strength, dosage form, quantity dispensed;

(6) identification of the dispensing pharmacist; computer-generated pharmacist initials are considered to be the pharmacist of record unless overridden manually by a different pharmacist who will be the pharmacist of record.

[16.19.7.17 NMAC - N, 6/9/2019]

End of Adopted Rules

Other Material Related to Administrative Law

**GOVERNOR,
OFFICE OF THE****NOTICE OF FILING**

Pursuant to Sections 19-2-2 and 14-4-9, NMSA 1978, the Office of the Governor announces the delivery and filing of Senate Joint Resolution 3, as filed with the Office of the Secretary of State on April 1, 2019 ("JR 3") and filed with the offices of the County Clerks of Bernalillo, Rio Arriba and Sandoval respectively, with the state records administrator, in conformance with the State Records Act.

JR 3 grants concurrent legislative jurisdiction to the United States over certain units, Petroglyph national monument and Valles Caldera national preserve, of the national park system in New Mexico.

**End of Other Material
Related to Administrative
Law**

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Issue	Submittal Deadline	Publication Date
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Issue 2	January 17	January 29
Issue 3	January 31	February 12
Issue 4	February 14	February 26
Issue 5	February 28	March 12
Issue 6	March 14	March 26
Issue 7	March 28	April 9
Issue 8	April 11	April 23
Issue 9	April 25	May 14
Issue 10	May 16	May 28
Issue 11	May 30	June 11
Issue 12	June 13	June 25
Issue 13	July 5	July 16
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Issue 15	August 1	August 13
Issue 16	August 15	August 27
Issue 17	August 29	September 10
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Issue 19	September 26	October 15
Issue 20	October 17	October 29
Issue 21	October 31	November 12
Issue 22	November 14	November 26
Issue 23	December 5	December 17
Issue 24	December 19	December 31

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

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