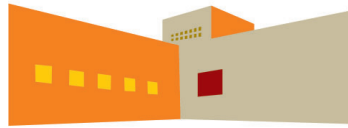


NEW MEXICO



## Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

# New Mexico Register

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

**Cumulative Index, Volume XXXV, Issues 1 - 10**

**NEW  
MEXICO  
REGISTER**

Cumulative Index, Volume XXXV,  
Issues 1 - 10

# Notices of Rulemaking and Proposed Rules

<u>Summary</u>	<u>Issue</u>	<u>Page</u>
<b>AUDITOR, OFFICE OF THE STATE</b>		
Notice of Proposed Rulemaking and Public Hearing	3	94
Amended Notice of Proposed Rulemaking and Public Hearing	8	500
<b>ECONOMIC DEVELOPMENT DEPARTMENT</b>		
Notice of Proposed Rulemaking	6	389
<b>EDUCATIONAL RETIREMENT BOARD</b>		
Notice of Proposed Rulemaking	8	541
<b>ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT</b>		
<b>Energy Conservation and Management Division</b>		
Notice of Public Hearing and Rulemaking	7	400
Notice of Termination of Public Hearing	10	640
Notice of Public Hearing and Rulemaking	10	640
<b>State Parks Division</b>		
Notice of Proposed Rulemaking	4	318
Notice of Termination of Public Hearing	5	334
<b>Youth Conservation Corps Commission</b>		
Notice of Proposed Rulemaking	5	334
<b>ENVIRONMENT DEPARTMENT</b>		
New Mexico Environment Improvement Board Notice of Scheduled Public Hearing to Consider Proposed Amendments to 20.3.4.404 NMAC, 20.3.4.455 NMAC, 20.3.5.15 NMAC, 20.3.12.13 NMAC, and 20.3.15.1519 NMAC of The Radiation Protection Regulations EIB 23-59	1	1
New Mexico Environment Improvement Board Notice of Scheduled Public Hearing to Consider Proposed Amendments to 20.3.16 NMAC of The Radiation Protection Regulations EIB 23-59	1	2
Notice of Public Hearing for the New Mexico Environment Department's Proposed Water Reuse Regulations, Ground and Surface Water Protection - Supplemental Requirements for Water Resue (20.6.8 NMAC)	5	335
New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider Proposed Repeal and Replacement of 20.2.71 NMAC and 20.2.75 NMAC	8	542
Junta De Mejora Ambiental De Nuevo Mexico Aviso De Audiencia Para La Elaboracion De Normas Para Considerar La Propuseta De Derogacion Y Reemplazo De 20.2.71 NMAC Y 20.2.75 NMAC	8	542
<b>GAME AND FISH DEPARTMENT</b>		
State Game Commission Meeting and Rule Making Notice	2	44
State Game Commission Meeting and Rule Making Notice	2	44
Cancellation Notice of Public Hearing	2	45
<b>GAMING CONTROL BOARD</b>		
Notice of Proposed Rulemaking	4	319
Notice of Proposed Rulemaking	9	564

## **HIGHER EDUCATION DEPARTMENT**

Notice of Termination of Proposed Rulemaking 4 324

## **HEALTH, DEPARTMENT OF**

Notice of Public Hearing 1 4

## **HIGHER EDUCATION DEPARTMENT**

Notice of Proposed Rulemaking (5.7.20 NMAC) 9 565

Notice of Proposed Rulemaking (5.7.31 NMAC) 9 565

Notice of Proposed Rulemaking (5.7.36 NMAC) 9 566

Notice of Proposed Rulemaking (5.7.37 NMAC) 9 567

## **HUMAN SERVICES DEPARTMENT**

Notice of Public Hearing (DOH to HSD repeal and replace) 9 568

Notice of Public Hearing (HSD amendments) 9 570

Notice of Public Hearing (HSD repeal and replace) 9 575

Notice of Public Hearing (HSD repeals) 9 579

### **Income Support Division**

Notice of Public Comment 1 5

Notice of Public Hearing 5 337

### **Medical Assistance Division**

Notice of Public Hearing 5 338

Notice of Public Hearing 7 400

Notice of Public Hearing 7 401

Notice of Public Hearing 8 545

## **INFORMATION TECHNOLOGY, DEPARTMENT OF**

### **Connect New Mexico Council**

Notice of Proposed Rulemaking 1 6

## **LIVESTOCK BOARD**

Notice of Proposed Rulemaking 9 580

## **NURSING, BOARD OF**

Notice of Proposed Rulemaking 1 6

## **NEW MEXICO FINANCE AUTHORITY**

Notice of Proposed Rulemaking 2 74

Notice of Proposed Rulemaking and Public Hearings 10 641

## **PUBLIC EDUCATION DEPARTMENT**

Notice of Proposed Rulemaking 8 546

Notice of Proposed Rulemaking 9 581

## **PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

Notice of Proposed Rulemaking 7 402

## **PUBLIC REGULATION COMMISSION**

Notice of Proposed Rulemaking, Docket No. 23-00188-UT 5 339

## **RACING COMMISSION**

Notice of Public Rules Hearing and Meeting 7 403

## **REGULATION AND LICENSING DEPARTMENT**

### **Counseling and Therapy Practice Board**

Notice of Public Rule Hearing and Board Meeting 9 581

### **Home Inspectors Board**

Notice of Public Rule Hearing and Board Meeting 3 126

### **Pharmacy, Board of**

Notice of Regular Board Meeting and Rule Hearing 5 340

### **Real Estate Appraisers Board**

Notice of Public Rule Hearing and Board Meeting 1 8

### **Speech-Language Pathology and Hearing Aid Dispensing Practices Board**

Notice of Public Rule Hearing and Board Meeting 10 646

## **SUPERINTENDENT OF INSURANCE, OFFICE OF**

Notice of Proposed Rulemaking 6 389

Notice of Proposed Rulemaking 6 390

Notice of Proposed Rulemaking 7 403

## **TAXATION AND REVENUE DEPARTMENT**

Notice of Proposed Rulemaking 8 547

Notice of Proposed Rulemaking 10 647

## **TRANSPORTATION, DEPARTMENT OF**

Notice of Proposed Rulemaking (17.4.2 NMAC) 1 14

Notice of Proposed Rulemaking (18.1.2 NMAC) 1 15

Notice of Proposed Rulemaking (18.3.5 NMAC) 4 319

Notice of Proposed Rulemaking (18.3.8 NMAC) 4 320

Notice of Proposed Rulemaking (18.3.15 NMAC) 4 321

Notice of Proposed Rulemaking (18.3.10 thru 18.3.14 NMAC) 4 322

Notice of Proposed Rulemaking (18.3.1 thru 18.3.9 NMAC) 4 322

Notice of Proposed Rulemaking (18.9.1 NMAC) 4 323

Notice of Proposed Rulemaking 7 404

Notice of Proposed Rulemaking 7 405

Corrected Notice of Proposed Rulemaking (18.7.1 NMAC) 9 582

Corrected Notice of Proposed Rulemaking (18.14.2 NMAC) 9 583

## **WORKFORCE SOLUTIONS, DEPARTMENT OF**

Notice of Rulemaking and Public Hearing 8 547

# Adopted Rules

<b>Rule Number</b>	<b>Action</b>	<b>Rule Name</b>	<b>Issue</b>	<b>Page</b>
<b>ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD</b>				
20.11.72 NMAC	N	Health Environment Equity Impacts	1	17
<b>ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT</b>				
<b>Forestry Division</b>				
3.13.20 NMAC*	A	Land Conservation Incentives Tax Credit *joint rule issued with Tax & Rev Department	2	46
<b>ENVIRONMENT DEPARTMENT</b>				
20.3.16 NMAC	R	Fees for Licensure of Radioactive Materials	7	410
20.3.16 NMAC	N	Fees for Licensure of Radioactive Materials	7	410
20.3.4 NMAC	A	Medical Use of Radionuclides	7	417
20.3.5 NMAC	A	Radioactive Safety Requirements for Industrial Radiographic Operations	7	419
20.3.12 NMAC	A	Licenses and Radiation Safety Requirements for Well Logging	7	420
20.3.15 NMAC	A	Licenses and Radiation Safety Requirements for Irradiators	7	420
<b>FINANCE AND ADMINISTRATION, DEPARTMENT OF</b>				
2.42.2 NMAC	R	Regulations Governing the Per Diem and Mileage Act	1	18
2.42.2 NMAC	N	Regulations Governing the Per Diem and Mileage Act	1	18
<b>GAME AND FISH, DEPARTMENT OF</b>				
19.36.3 NMAC	R	Hunter Training Act	6	393
19.36.3 NMAC	N	Hunter Training Act	6	393
19.31.3 NMAC	A	Hunting and Fishing Licenses and Application	6	394
<b>GAMING CONTROL BOARD</b>				
15.1.5 NMAC	A	Application for Licensure Under the Gaming Control Act	10	650
15.1.10 NMAC	A	Conduct of Gaming Activity Under the Gaming Control Act	10	651
<b>HEALTH, DEPARTMENT OF</b>				
7.30.13 NMAC	A	Crisis Triage Centers	2	58
16.11.2 NMAC	R	Certified Nurse - Midwives	9	586
16.11.2 NMAC	N/E	Certified Nurse - Midwives	9	586
<b>HIGHER EDUCATION DEPARTMENT</b>				
5.7.18 NMAC	A	Residency for Tuition Purposes	4	326
5.7.34 NMAC	A	Teacher Preparation Affordability Scholarship Program	4	327
5.7.37 NMAC	A	New Mexico Opportunity Scholarship Program	4	327

## **HUMAN SERVICES DEPARTMENT**

### **Income Support Division**

8.102.500 NMAC	A	Eligibility Policy - General Information	4	328
8.106.500 NMAC	A	Eligibility Policy - General Information	4	329
8.139.502 NMAC	A	State Food Stamp Supplement	4	330
8.314.5 NMAC	A	Developmental Disabilities home and Community-Based Services Waiver	5	343

### **Medical Assistance Division**

8.200.510 NMAC	A/E	General Recipient Policies, Resource Standards	7	420
8.200.520 NMAC	A/E	General Recipient Rules, Income Standards	7	423
8.291.430 NMAC	A/E	Affordable Care, Financial Responsibility Requirements	7	428

## **INFORMATION TECHNOLOGY, DEPARTMENT OF**

### **Connect New Mexico Council**

1.12.21 NMAC	A	Grant Program Rules	7	408
--------------	---	---------------------	---	-----

## **MEDICAL BOARD**

16.10.2 NMAC	A	Physicians: Licensure Requirements	5	363
--------------	---	------------------------------------	---	-----

## **NURSING, BOARD OF**

16.12.9 NMAC	R	Management of Chronic Pain With Controlled Substances	10	653
16.12.9 NMAC	N	Management of Chronic Pain With Controlled Substances	10	653
16.12.14 NMAC	N	Nursing Practice in Aesthetic Healthcare Facilities	10	657
16.12.1 NMAC	A	General Provisions	10	660
16.12.2 NMAC	A	Nurse Licensure	10	667
16.12.3 NMAC	A	Nursing Educational Programs	10	687
16.12.4 NMAC	A	Hemodialysis Technicians	10	693

## **PUBLIC EDUCATION DEPARTMENT**

6.41.4 NMAC	A	Standard for Providing Transportation for Eligible Students	1	24
6.19.4 NMAC	N	Accreditation Procedures	5	367
6.10.5 NMAC	R	School Calendar Requirements	6	395
6.30.12 NMAC	R	K - 5 Plus Schools	6	396
6.30.16 NMAC	R	Extended Learning Time Program	6	395
6.81.2 NMAC	R	Requirements for Nonpublic Schools and for Public Education Department Accreditation	6	396
6.10.5 NMAC	N	School Instructional Time Requirements	6	396

## **PUBLIC EMPLOYEES RETIREMENT ASSOCIATION**

2.80.200 NMAC	A	Organization and Operation of the Public Employees Retirement Board	3	142
---------------	---	---	---	-----

## **PUBLIC REGULATION COMMISSION**

17.11.10 NMAC	R	State Rural Universal Service Fund	5	372
17.11.10 NMAC	N	State Rural Universal Service Fund	5	372

## **PUBLIC SAFETY, DEPARTMENT OF**

10.2.4 NMAC	A/E	SLaw Enforcement Retention Fund Reporting, Monitoring and Administration	10	698
-------------	-----	--	----	-----

## **RACING COMMISSION**

15.2.1 NMAC	A	Horse Racing - General Provisions	7	429
15.2.2 NMAC	A	Associations	7	446
15.2.3 NMAC	A	Flat Racing Officials	7	452
15.2.4 NMAC	A	Types of Races	7	460
15.2.5 NMAC	A	Horse Race - Rules of the Race	7	462
15.2.6 NMAC	A	Veterinary Practices, Equine Health, Medication and Trainer Responsibility	7	471
16.47.1 NMAC	A	Horse Racing Licenses - General Provisions	7	488

## **REGULATION AND LICENSING DEPARTMENT**

### **Athletic Commission**

15.6.21 NMAC	N	Bare Knuckle Modified	2	67
15.6.5 NMAC	A	Requirements to Safeguard Health	2	73
15.6.8 NMAC	A	Conduct of Boxing Contests	2	74
15.6.11 NMAC	A	Special Requirements for Wrestling	2	75
15.6.20 NMAC	A	Mixed Martial Arts Contest and Exhibitions	2	76

### **Cannabis Control Division**

16.8.2 NMAC	A	Licensing and Operational Requirements for Cannabis Establishments	9	597
16.8.11 NMAC	A	Fees	9	614

### **Construction Industries Division**

14.7.6 NMAC	R	2018 New Mexico Residential Energy Conservation Code	2	77
14.7.9 NMAC	R	2018 New Mexico Commercial Energy Conservation Code	2	77
14.7.6 NMAC	N	2021 New Mexico Residential Energy Conservation Code	2	77
14.7.9 NMAC	N	2021 New Mexico Commercial Energy Conservation Code	2	83

### **Home Inspectors Board**

16.66.1 NMAC	A	General Provisions	8	550
16.66.2 NMAC	A	Fees	8	554
16.66.3 NMAC	A	Applications and Licenses	8	554
16.66.4 NMAC	A	License Renewals and Reactivation	8	558
16.66.5 NMAC	A	Continuing Education	8	559
16.66.6 NMAC	A	Disciplinary Proceeding	8	559

### **Pharmacy, Board of**

16.19.1 NMAC	A	General Provisions	9	615
16.19.2 NMAC	A	Examinations	9	615
16.19.3 NMAC	A	Reciprocity	9	617
16.19.4 NMAC	A	Pharmacist	9	619
16.19.5 NMAC	A	Pharmacies	9	633
16.19.11 NMAC	A	Nursing Home Drug Control	9	635
16.19.12 NMAC	A	Fees	9	635

### **Real Estate Appraisers Board**

16.62.6 NMAC	A	Examinations	5	386
16.62.7 NMAC	A	Issuance/Renewal of Apprentice Registration/ Licenses/Certificates	5	386
16.62.8 NMAC	A	Educational Programs/Continuing Education	5	386



## **SUPERINTENDENT OF INSURANCE, OFFICE OF**

13.10.34 NMAC	A	Standards for Accident-Only, Specified Disease, Hospital Indemnity, Disability Income, Supplemental, and Non-Subject Worker Excepted Benefits	1	39
13.8.7 NMAC	N/E	2021 Notification Requirement of Discontinuation of Insurance Product	2	90
13.14.5 NMAC	A/E	Commitments	3	145
13.14.7 NMAC	A/E	Loan, Leasehold Loan, and Construction Loan Policies	3	146
13.14.17 NMAC	A/E	Insurer's Statistical Report	3	147
13.14.18 NMAC	A/E	Forms	3	148
13.2.12 NMAC	N/E	Health Care Consolidation Oversight	9	635

## **TAXATION AND REVENUE, DEPARTMENT OF**

3.13.20 NMAC*	A	Land Conservation Incentives Tax Credit *joint rule issued with EMNRD	2	46
---------------	---	--	---	----

# Other Material Related to Administrative Law

<u>Summary</u>	<u>Issue</u>	<u>Page</u>
<b>HEALTH, DEPARTMENT OF</b>		
Notice of Minor, Nonsubstantive Correction	4	332
<b>HUMAN SERVICES DEPARTMENT</b>		
<b>Child Support Enforcement Division</b>		
Notice of Minor, Nonsubstantive Correction	4	332
<b>Income Support Division</b>		
Notice of Minor, Nonsubstantive Correction	2	92
<b>RACING COMMISSION</b>		
Notice of Minor, Nonsubstantive Correction	8	562
<b>REGULATION AND LICENSING DEPARTMENT</b>		
<b>Athletic Commission</b>		
Notice of Minor, Nonsubstantive Correction	2	92
<b>Home Inspectors Board</b>		
Notice of Minor, Nonsubstantive Correction	8	562
<b>Pharmacy, Board of</b>		
Notice of Minor, Nonsubstantive Correction	4	332
<b>SUPERINTENDENT OF INSURANCE, OFFICE OF</b>		
Notice of Minor, Nonsubstantive Correction	2	92