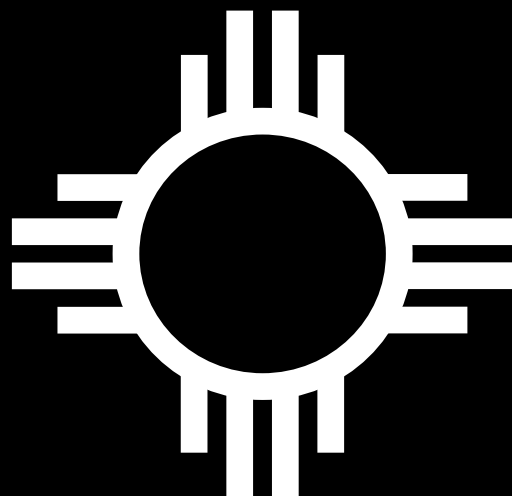


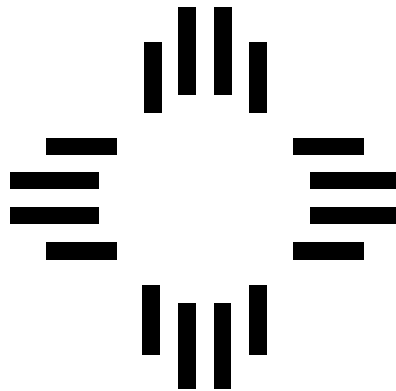
**NEW
MEXICO
REGISTER**



Volume XV
Issue Number 19
October 14, 2004

New Mexico Register

Volume XV, Issue Number 19
October 14, 2004



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

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New Mexico Register

Volume XV, Number 19

October 14, 2004

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Notices of Rulemaking and Proposed Rules

ALBUQUERQUE / BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

NOTICE OF HEARING AND REGULAR MEETING

On November 10, 2004, at 5:15 PM, the Albuquerque-Bernalillo County Air Quality Control Board (Board) will hold a combined public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM. The hearing will address:

* Proposal to amend 20.11.63 NMAC, New Source Performance Standards For Stationary Sources, by incorporating by reference new and modified New Source Performance Standards published in 40 CFR 60, *New Source Performance Standards* (NSPS) through July 1, 2004. In addition, it is proposed that 40 CFR 60 Subpart W *Standards of Performance for Municipal Solid Waste Landfills* and 40 CFR 60 Subpart Cc *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* be excluded from local enforcement. If the exclusions are adopted, the U. S. Environmental Protection Agency (EPA) will administer and enforce Subparts WWW and Cc.

* Proposal to amend 20.11.64 NMAC, Emission Standards For Hazardous Air Pollutants For Stationary Sources, by incorporating by reference new and modified standards published in 40 CFR 61, *National Emission Standards For Hazardous Air Pollutants* (NESHAP), and 40 CFR 63, *National Emission Standards For Hazardous Air Pollutants By Source Category* (NESHAP by Source Category) through July 1, 2004. In addition, it is proposed that 40 CFR 61, Subpart H, *National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities* be excluded from local enforcement. If the exclusion is adopted, the EPA will administer and enforce Subpart H. Proposed amendments also include general language clarifications and improved explanations regarding the role of the Director of the Environmental Health Department (Department) in relation to implementation of regulatory provisions and a correction of a prior typographical

error regarding exclusion of radionuclide delegation.

The Department routinely updates these regulations to incorporate federal requirements so the appropriate applicable requirements can be incorporated in new source and operating permits. In addition, it is proposed that the EPA delegate to the Department the authority to locally administer and enforce the above standards in Albuquerque and Bernalillo County. Local delegation authorizes the Department to require local air pollution sources to comply with these standards.

Following the combined hearing, the Board will hold its regular monthly meeting during which the Board is expected to consider adopting the proposed revisions to 20.11.63 NMAC, New Source Performance Standards for Stationary Sources, and proposed revisions to 20.11.64 NMAC, Emission Standards For Hazardous Air Pollutants For Stationary Sources.

The Air Quality Control Board is the federally-delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Board to administer and enforce the Clean Air Act and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and regulations.

Hearings and meetings of the Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6.

Anyone intending to present technical testimony is asked to submit a written notice of intent before 5:00 pm on Wednesday November 3, 2004 to: Attn: November Hearing Record, Mr. Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person in Room 3023, 400 Marquette Avenue NW. The notice of intent shall identify the name, address, and affiliation of the person.

In addition, written comments to be incorporated into the public record should be received at the above P.O. Box, or

Environmental Health Department office, before 5:00 pm on November 3, 2004. The comments shall include the name, address and affiliation of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name, address and affiliation information. Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Mr. Neal Butt electronically at nbutt@cabq.gov or by phone (505) 768-2660.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER REPEAL OF 7 NMAC 18.1, RECOMPILED ON 10/31/01 AS 7.18.2 NMAC, "PUBLIC SWIMMING POOLS AND PUBLIC BATHS" AND ADDITION OF FOUR NEW PARTS GOVERNING PUBLIC SWIMMING POOL, SPA, AND BATH GENERAL PROVISIONS, DESIGN AND CONSTRUCTION, OPERATION AND MAINTENANCE, AND FEES AT 7.18.2 THROUGH 7.18.5 NMAC.

The New Mexico Environmental Improvement Board (Board) will hold a public hearing on January 4, 2005 at 9:30 a.m. at the New Mexico State Library, Yucca Room #2022, 1205 Camino Carlos Rey, Santa Fe, New Mexico. The purpose of the hearing is to consider addition of four new Parts governing public swimming pool, spa, and bath general provisions, design and construction, operation and maintenance, and fees, at 7.18.2 through 7.18.5 NMAC. The New Mexico Environment Department is the proponent of these regulations. The Department is also requesting that the current public swimming pool regulation be repealed, 7 NMAC 18.1, recompiled on 10/31/01 as 7.18.2 NMAC, "PUBLIC SWIMMING POOLS AND PUBLIC

BATHS”.

The new Parts will add provisions to the public swimming pool regulations that will provide greater health and safety for the public. The new Parts are entitled “7.18.2 PUBLIC SWIMMING POOLS, SPAS AND BATHS: GENERAL PROVISIONS; 7.18.3 PUBLIC SWIMMING POOLS, SPAS AND BATHS: DESIGN AND CONSTRUCTION; 7.18.4 PUBLIC SWIMMING POOLS, SPAS AND BATHS: MAINTENANCE AND OPERATION REQUIREMENTS; and 7.18.5 PUBLIC SWIMMING POOLS, SPAS AND BATHS: FEES.”

Please note formatting and minor technical changes in the regulations may occur. In addition, the Board may make other amendments as necessary to accomplish the purpose of providing public health and safety in response to public comments submitted to the Board and evidence presented at the hearing.

The proposed regulations may be reviewed during regular business hours at the office of the Environmental Improvement Board, Harold Runnels Building, 1190 St. Francis Drive, Room N-2153 Santa Fe, NM, 87505. Copies of the new regulations may be obtained by contacting Sally Worthington at (505) 827-2002 or by email at sally_worthington@nmenv.state.nm.us. Please refer to Docket No. EIB 04-12. The proposed regulations can also be found on the New Mexico Environment Department website at <http://www.nmenv.state.nm.us>. Written comments regarding the new regulations may be addressed to Ms. Worthington at the above address, and should reference docket number EIB 04-12.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures) Environmental Improvement Board, the Environmental Improvement Act, NMSA 1978, Section 74-1-9, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file such statement prior to the close of the hearing.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- identify the person or entity for whom the

witness(es) will testify;

- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;

- summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;

- list and describe, or attach, each exhibit anticipated to be offered by that person at the hearing; and

- attach the text of any recommended modifications to the proposed changes.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board not later than 5:00 pm on December 22, 2004, and should reference the name of the regulation, the date of the hearing, and docket number EIB 04-12. Notices of intent to present technical testimony should be submitted to:

Sally Worthington
Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room N-2153
Santa Fe, NM 87502

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact Sally Worthington by December 29, 2004. Ms. Worthington can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, Room N-2153, P.O. Box 26110, Santa Fe, NM 87502, (505) 827-2002. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Board may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

NEW MEXICO STATE FAIR COMMISSION

NOTICE OF PUBLIC RULEMAKING HEARING

Notice is hereby given that the New Mexico State Fair Commission will hold a public rule-making hearing on Monday, November 15, 2004, beginning at 1:30 p.m. at the African-American Pavilion, New

Mexico State Fairgrounds, 300 San Pedro NE, Albuquerque, NM. The purpose of the meeting is to receive comments on proposed repeals and replacements to the following regulations: *4.3.1 NMAC - General Provisions* (this regulation informs exhibitors, concessionaires and the general public of the rules, guidelines and disciplinary actions, if any, applicable to the New Mexico State Fair); *4.3.2 NMAC - Due Process and Disciplinary Action - Residue Avoidance Program* (this regulation provides junior exhibitors with guidelines for entering and exhibiting in the New Mexico State Fair); *4.3.3 NMAC - Due Process and Disciplinary Action - Junior Division General Requirements* (this regulation provides junior exhibitors with guidelines for entering and exhibiting in the New Mexico State Fair); *4.3.4 NMAC - Participant Requirements - Fine Arts, Hispanic Arts, Photography, Native American Arts* (this regulation provides guidelines for artists and photographers for entering work in the New Mexico State Fair); *4.3.5 NMAC - Participant Requirements - State Fair Parade* (this regulation provides guidelines for parade exhibitors and participants in the grand entry at the rodeo); *4.3.6 NMAC - Due Process and Disciplinary Action - Horse Division Requirements* (this regulation provides guidelines for horse exhibitors at the New Mexico State Fair); *4.3.7 - Due Process and Disciplinary Action - Livestock Division* (this regulation provides guidelines for livestock exhibitors at the New Mexico State Fair); *4.3.8 NMAC - Participant Requirements - Agriculture and Floriculture Division* (this regulation provides guidelines for entering agriculture and floriculture projects in the New Mexico State Fair); *4.3.9 NMAC - Participant Requirements - Home Arts and Creative Arts Division* (this regulation provides guidelines for home and creative arts exhibitors in the New Mexico State Fair); *4.3.10 NMAC - Participant Requirements - Concessions and Commercial Exhibits* (this regulation provides guidelines for concessionaires and commercial exhibitors at the New Mexico State Fair); *SF-79-1, Premium Book; SF-79-2, 1979* (this regulation is replaced by *4.3.1 NMAC, General Provisions*); *Conditions and Stakes* (this regulation is replaced by the *4.3.1 NMAC, General Provisions*); *SF-80-1, Regulation 78-1, A Regulation Defining Technical and Professional Service* (this regulation is replaced in *4.3.1 NMAC, General Provisions*); *SF 82-1, Deadly Weapons Prohibited* (this regulation is replaced in *4.3.1 NMAC, General Provisions*); *SF-82-2, Alcoholic Beverage* (this regulation is replaced in *4.3.1 NMAC, General Provisions*). The above-proposed repeals and replacements may be reviewed, or a copy obtained, during regular business

hours at the New Mexico State Fair Administrative Offices, 300 San Pedro, NE, Albuquerque, NM, 87198. Please address inquiries to Roberta Simoni. Any person who is or who may be affected by these proposed rules may appear and testify at the hearing. Those requesting to testify or submit written comments should contact Ms. Simoni, preferably via e-mail, at rsimoni@exponm.com, or via phone at 505-265-1791, or via mail at the New Mexico State Fair Commission, P.O. Box 8546, Albuquerque, NM 87198, on or before *Friday, November 5, 2004 at 12:00 noon*. Persons who need special accommodations (such as sign language interpreter, reader or amplifier) to attend or participate should contact Ms. Simoni by *Friday, November 5, 2004 at 12:00 noon*.

**NEW MEXICO
GENERAL SERVICES
DEPARTMENT
TRANSPORTATION SERVICES
DIVISION**

**NEW MEXICO
GENERAL SERVICES
DEPARTMENT
NOTICE OF RULEMAKING
AND PUBLIC HEARING**

The Transportation Services Department ("TSD"), a division of the General Services Department ("GSD") of the State of New Mexico will hold a public hearing at 9:00 a.m. on November 16, 2004, in the State Purchasing Bid Room, 1st Floor at the Joseph Montoya Building, 1100 St. Francis Dr., Santa Fe, New Mexico to discuss repealing for the purpose of renumbering and amendments to the following rules: **1.5.3 NMAC**, Administration and Use of State Vehicles, **1.5.4 NMAC**, Purchase of Petroleum Products With State of New Mexico Credit Cards, and **1.5.5 NMAC**, Aviation Services Bureau Aircraft Use Regulations.

Copies of the proposed amendments are available upon request to Elizabeth K. Korsmo, Senior Litigation Attorney, RMD, New Mexico General Services Department, 715 Alta Vista, Santa Fe, New Mexico 87502, or by calling (505) 827-0574.

The hearing will be held before a hearing officer appointed by GSD. All interested parties may attend the hearing and present their views orally or submit written comments prior to the hearing. Written comments should be directed to Elizabeth K. Korsmo, Senior Litigation Attorney,

New Mexico General Services Department, P.O. Box 26110, Santa Fe, New Mexico 87502.

If you are an individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, please contact Margie Vigil at (505) 827-0492.

**NEW MEXICO
COMMISSION ON HIGHER EDUCATION**

**NOTICE OF PROPOSED
RULEMAKING**

The New Mexico Commission on Higher Education ("Commission") will convene on Thursday, October 21, 2004. Final actions on the proposed rulemaking will be taken at the regular meeting of the Commission on Friday, October 22, 2004, which will be held in Los Lunas, New Mexico at the University of New Mexico Valencia Branch, Student Community Center. Information regarding the location of the meetings, the addition or change of meeting days, and the agenda for the meeting, will be available at least twenty-four hours prior to the meeting from the Commission staff at 505-476-6500. The Commission may consider the following items of rulemaking at the meeting:

Rule Number	Rule Name	Proposed Action
5.7.18 NMAC	POST SECONDARY EDUCATION, TUITION AND FINANCIAL AID, RESIDENCY FOR TUITION PURPOSES	Amend rule

A public hearing on the proposed rulemaking will be held on Thursday, October 21, 2004, in Los Lunas, New Mexico, at a time and place to be determined at least ten days before. Please contact the Commission at 505-476-6500 for additional information.

Copies of the proposed rule changes may be obtained from the Commission. Written comments concerning the rules should be submitted to Kathy Cantrell, Deputy Director for Finance and Administration, 1068 Cerrillos Road, Santa Fe, NM 87505, by facsimile at (505) 476-6511, or via electronic mail at kcantrell@che.state.nm.us. Comments will be accepted until 5 p.m. on October 19, 2004; however, submission of written comments as soon as possible is encouraged.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting, please contact the Commission at (505) 476-6500 at least one week prior to the meeting, or as soon as possible.

Comments, questions, or requests for copies of the Agenda should be directed to the Commission on Higher Education, 1068 Cerrillos Road, Santa Fe, NM 87505, Tel. 505-476-6500

**NEW MEXICO
MANUFACTURED
HOUSING COMMITTEE**

LEGAL NOTICE

PUBLIC HEARING NOTICE

The Manufactured Housing Committee has scheduled a Public Hearing for the purpose of Rulemaking, at 9:00 a.m., November 22, 2004, at the Regulation and Licensing Department, 2550 Cerrillos Rd, Santa Fe, New Mexico.

The public is invited to attend and comment on the Division's proposed Rules and

Regulation (rules), specifically, New Mexico Administrative Code, Sections 14.12.2. The Committee will receive recommendations and written comments on all Sections of 14.12.2 NMAC. Written recommendations, including draft language should be addressed to the Manufactured Housing Committee at the address listed below. These recommendations must be submitted no later than November 3, 2004, to be considered for inclusion in the proposed rule. Written and oral comments will be received on the proposed rule at the Public Hearing. Immediately following the Public Hearing, the State of New Mexico Manufactured Housing Committee will hold its Bimonthly Committee Meeting, and the adoption of the proposed rule changes

will be on the agenda for that meeting. At the meeting, the Committee will vote to approve or disapprove the recommended rule changes. The meeting will be held pursuant to the Open Meetings Act.

Copies of the AGENDA may be obtained by making a written or faxed request to the Manufactured Housing Division (MHD), 2550 Cerrillos Rd, P.O. Box 25101, Santa Fe, New Mexico 87504, Phone: (505) 476-4770 or Fax: (505) 476-4702.

Pursuant to the Americans with Disabilities Act, participants with special needs should contact the Manufactured Housing Division no later than November 3, 2004.

John Alejandro Sr., Director
Manufactured Housing Division
PO Box 25101- Santa Fe, New Mexico 87504

NEW MEXICO MEDICAL BOARD

NEW MEXICO MEDICAL BOARD

Notice

The New Mexico Medical Board will convene a regular Board Meeting on Thursday, November 18, 2004 at 8:00 a.m. and Friday, November 19, 2004 at 8:00 a.m. in the Conference Room, 2055 S. Pacheco, Building 400, Santa Fe, New Mexico. A Public Rule Hearing will be held on Thursday, November 18, 2004 at 1:30 p.m. The Board will reconvene after the Hearing to take action on the proposed rules. The Board may enter into Executive Session during the meeting to discuss licensing or limited personnel issues.

The purpose of the Rule Hearing is to consider amending 16.10.2 NMAC (Physicians: Licensure Requirement), 16.10.4 NMAC (Continuing Medical Education), 16.10.5 NMAC (Disciplinary Power of the Board), 16.10.7 NMAC (License Expiration, Renewal, and Reinstatement), and 16.10.9 NMAC (Fees). These changes will amend the initial licensing process, change license expiration policy, delete the requirement for payment of costs in disciplinary cases, add language related to online renewals, increase specific fees, and make other minor editing changes.

A final agenda for the board meeting will be available at the board office on November 17, 2004. Persons desiring to present their views on the proposed amendments may appear in person at said time and place or may submit written comments no later than 5:00 p.m., November 12, 2004, to the board office, 2055 S. Pacheco, Building 400, Santa Fe, NM, 87505. Copies of the proposed rules are available on request from

the Board office at the address listed above, by phone (505) 476-7220, or on the Internet at www.nmmb@state.nm.us.

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 in order to attend or participate in the hearing or meeting, please contact the Lynnelle Tipton, Administrative Assistant at 2055 S. Pacheco, Building 400, Santa Fe, NM at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Executive Director if a summary or other type of accessible format is needed.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

The Public Education Department (“Department”) hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Department of Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico, 87501-2786, on Monday, November 15, 2004 from 1:00 p.m. to 4 p.m. regarding the following proposed rulemaking actions:

Rule Number	Rule Name	Proposed Action
6.10.8 NMAC (Proposed NMAC Number)	PUBLIC SCHOOL ADMINISTRATION – PROCEDURAL REQUIREMENTS: COMPULSORY SCHOOL ATTENDANCE (Proposed rule name)	Adopt new rule
6.19.5 NMAC (Proposed NMAC Number)	PUBLIC SCHOOL ACCOUNTABILITY: STUDENT IDENTIFICATION SYSTEM AND ACCOUNTABILITY: DATA SYSTEM SECURITY MEASURES (Proposed rule name)	Adopt new rule
6.30.6 NMAC (Proposed NMAC No.)	EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS: SUSPENSION OF AUTHORITY OF A LOCAL SCHOOL BOARD, SUPERINTENDENT OR PRINCIPAL (Proposed rule name)	Adopt new rule
6.30.2 NMAC	EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS: STANDARDS FOR EXCELLENCE	Amend rule by repealing paragraph (6) of subsection J of Section 10
6.30.7 NMAC (Proposed NMAC No.)	EDUCATIONAL STANDARDS –: GENERAL REQUIREMENTS: DUAL CREDIT (Proposed rule name)	Adopt new rule

Proposed new rule 6.10.8 NMAC (PUBLIC SCHOOL ADMINISTRATION – PROCEDURAL REQUIREMENTS: COMPULSORY SCHOOL ATTENDANCE) will set forth the definitions and establish the requirements for the implementation of the provisions of the Compulsory School Attendance Law. Proposed new rule 6.19.5 NMAC (PUBLIC SCHOOL ACCOUNTABILITY: STUDENT IDENTIFICATION SYSTEM AND ACCOUNTABILITY: DATA SYSTEM SECURITY MEASURES) establishes security measures to be adhered to in the implementation of the system designed to address the requirement that the Public Education Department issue a state identification number for each public school student for use in the Accountability Data System. Proposed new rule 6.30.6 NMAC (EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS: SUSPENSION OF AUTHORITY OF A LOCAL SCHOOL BOARD, SUPERINTENDENT OR PRINCIPAL) will implement Section 22-2-14 NMSA 1978 as amended by Laws 2004, Chapter 27. Proposed new rule 6.30.7 NMAC (EDUCATIONAL STANDARDS – VOCATIONAL EDUCATION: DUAL ENROLLMENT) will establish requirements relating to the program that allows high school students to enroll in college courses prior to high school

graduation. The proposed amendment to 6.30.2.10 NMAC will repeal paragraph (6) of subsection J relating to concurrent enrollment.

Interested individuals may testify at the public hearing or submit written comments to Willie R. Brown, General Counsel, Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (wbrown@ped.state.nm.us) or telefaxed to (505) 827-6681. Written comments must be received no later than 5 p.m. on the date of the hearing. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed on the Department's website (<http://sde.state.nm.us/>) or obtained from Ms. Mary Jimenez, Administrative Assistant, Office of General Counsel, Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 at (505) 827-6641.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting are asked to contact Ms. Jimenez as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**NEW MEXICO
DEPARTMENT OF
PUBLIC SAFETY
TRAINING AND RECRUITING
DIVISION
Law Enforcement Academy**

**NOTICE
NM LAW ENFORCEMENT
ACADEMY BOARD MEETING AND
PUBLIC HEARING**

The New Mexico Law Enforcement Academy Board will hold a Work Session on Friday, November 12, 2004 at 10:00 a.m., at the Roger A. Hoisington APD Training Academy located at 5412 Second St., Albuquerque, New Mexico, Classroom A. In conjunction with the Work Session the New Mexico Law Enforcement Academy will hold its next regular scheduled Board Meeting at 1:30 p.m. which will include a Public Hearing regarding the following rules:

10.29.9.8 NMAC Police Officer Minimum Standards of Training

10.29.1.7 NMAC Definitions

Also, for Board Approval:

Conceal/Carry firearms qualifications course (for compliance with HR218 conceal carry federal legislation)

Law Enforcement Safe Pursuit Act.

Copies of proposed plans, standards, requirements, or rules may be obtained by calling (505) 827-9210. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Inspector Ted Branch, (505) 827-9249, as soon as possible. Public documents can be provided in various accessible formats. Please contact Inspector Ted Branch or Susan Patterson if additional information is needed.

**End of Notices and
Proposed Rules Section**

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Adopted Rules

NEW MEXICO DEPARTMENT OF AGRICULTURE

**TITLE 21 AGRICULTURE
AND RANCHING
CHAPTER 17 PEST, DISEASE,
AND WEED CONTROL
PART 34 APPLE MAGGOT
EMERGENCY INTERIOR QUARANTINE**

21.17.34.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture.
[21.17.34.1 NMAC - N, 9/24/2004]

21.17.34.2 SCOPE: Part 34 of Chapter 17 applies to any person(s) displaying, selling or processing regulated articles within a quarantine area or transporting regulated articles out of a quarantine area.
[21.17.34.2 NMAC - N, 9/24/2004]

**21.17.34.3 S T A T U T O R Y
AUTHORITY:** Granted to the board of regents of New Mexico state university under the Pest Control Act, Chapter 76, Article 6, Sections 1 through 9, NMSA 1978 Compilation.
[21.17.34.3 NMAC - N, 9/24/2004]

21.17.34.4 DURATION: Ninety days.
[21.17.34.4 NMAC - N, 9/24/2004]

21.17.34.5 EFFECTIVE DATE: September 24, 2004.
[21.17.34.5 NMAC - N, 9/24/2004]

21.17.34.6 OBJECTIVE: The objective of Part 34 of Chapter 17 is to prevent further spread of apple maggot to New Mexico counties not known to be infested.
[21.17.34.6 NMAC - N, 9/24/2004]

21.17.34.7 DEFINITIONS:
A. "Apple maggot" synonyms to include: apple fruit fly, *Rhagoletis pomonella*, *R pomonella* and nomenclature that refers to any development stage of apple maggot.

B. "Board" the board of regents of New Mexico state university or any officer or employee to whom authority to act in their stead has been or hereafter may be delegated.

C. "Certificate" is a document issued or authorized by the department indicating that a regulated article is not infested with a pest.

D. "Department" means the New Mexico department of agriculture.

E. "Developmental stage" includes adult, pupae, larvae, or egg.

F. "External inspection" visual inspection of the exterior of regulated fruit.

G. "Infested" reasonable expectation that regulated articles may harbor any developmental stage of apple maggot. All regulated articles originating within a quarantine area will be considered infested, unless accompanied by a certificate.

H. "Interior inspection" visual inspection of the interior of regulated fruit.

I. "Lot" a defined quantity or population of regulated articles with a common identity, i.e., box(s), shipment, orchard.

J. "Regulated fruit" synonyms may include regulated article. Fruit capable of harboring any live development stage of apple maggot.

K. "Retail" sales of regulated fruit that are primarily sold to individual consumers in which quantities are typically in amounts of one bushel or less. Examples include persons selling or displaying at farmers' markets or roadside vendors.

L. "Signs" visual indicators found on the surface of regulated articles (i.e. fruit) that may indicate the presence of apple maggot infestations. Examples include, but not limited to, fruit discoloration, necrosis, soft areas, longitudinal discolorations, or a bumpy appearance or feel.

M. "Wholesale" sales of regulated fruit that are sold primarily to retailers in which quantities are typically in amounts of one or more bushels.
[21.17.34.7 NMAC - N, 9/24/2004]

**21.17.34.8 APPLE MAGGOT
INTERIOR QUARANTINE:** Apple maggot is not known to be a widespread pest of apples and other fruit in New Mexico. In order to prevent further spread of apple maggot in New Mexico, the board of regents hereby orders and declares that regulated articles shall not be displayed or sold within the quarantined areas or allowed to be transported out of areas under quarantine, except under restrictions herein described.
[21.17.34.8 NMAC - N, 9/24/2004]

**21.17.34.9 Q U A R A N T I N E
AREAS:** Quarantined areas will be defined areas of the state in which the department has determined to contain established populations of apple maggot. Designated as quarantine areas are Los Alamos, Rio

Arriba, and Santa Fe counties.
[21.17.34.9 NMAC - N, 9/24/2004]

21.17.34.10 REGULATED ARTICLES: Any live developmental stage of apple maggot. Plant tissue originating or repackaged within the quarantined areas and capable of harboring any live developmental stage of apple maggot. Examples of regulated articles include the fruit of apple, crab apple, cherry, pear, and plum.
[21.17.34.10 NMAC - N, 9/24/2004]

21.17.34.11 RESTRICTIONS: A certificate must accompany all regulated fruit that is displayed or sold within the quarantine area or will be transported out of the quarantine area. Following inspection, a certificate may be issued either directly by the department or under a compliance agreement for regulated fruit that complies with one or more of the following appropriate certification restrictions.

A. Regulated fruit sold at the retail level: Following inspection, regulated fruit that complies with both 1 and 2 or 3 alone of this subsection will be considered apple maggot free and entitled to a certificate.

(1) All individual regulated fruit was determined to be free of external signs that may be indicative of apple maggot infestation.

(2) Based on internal inspections, no apple maggots were detected in 0.5% (i.e. 1 out of 200 apples) of regulated fruit.

(3) All regulated fruit was subjected to treatment as detailed in subsection "Certification by treatment."

B. Regulated fruit sold at the wholesale level: Following inspection, specific lots of regulated fruit that comply with both 1 and 2 or 3 alone of this subsection will be considered apple maggot free and entitled to a certificate.

(1) Based on external inspections of a representative sample, no regulated fruit exhibited signs indicative of apple maggot infestation. A sample size will be based on one apple per box.

(2) Based on internal inspections, no apple maggots were detected in a representative sample consisting of 0.2% of the total regulated fruit. A minimum of five apples per lot will be inspected internally for apple maggot.

(3) All regulated fruit was subjected to treatment as detailed in subsection "Certification by treatment."

C. Repackaged articles not originating within a quarantine area: Persons processing or repackaging regulated fruit not originating within quarantined areas must maintain documentation

addressing the origin of those articles. Documentation must contain the name and telephone number of the person who sold the regulated fruit and the location of the growing area.

D. Certification by treatment: Regulated articles intended for retail or wholesale will be issued a certificate by a representative of the department following completion of one of two officially supervised cold storage treatments.

(1) Infested fruit will be subjected to a minimum of 90 days in cold storage. The temperature of regulated fruit will be maintained at forty (40) degrees fahrenheit or less.

(2) Infestation fruit lots will be subjected to a minimum of 40 days in cold storage. Temperature of regulated fruit lots will be maintained at thirty-two (32) degrees fahrenheit or less.

[21.17.34.11 NMAC - N, 9/24/2004]

21.17.34.12 EXEMPTIONS:

A. Regulated fruit processed (juice, sauce, jam, etc.) within the quarantined areas in a manner that will destroy apple maggot.

B. The director may authorize additional specific exemptions.

[21.17.34.12 NMAC - N, 9/24/2004]

21.17.34.13 DISPOSITION OF VIOLATIONS: Failure to comply with the requirements as stated above shall be a violation of this rule and subject to penalties as provided under Chapter 76, Article 6, Section 9, NMSA 1978.

[21.17.34.13 NMAC - N, 9/24/2004]

21.17.34.14 LIABILITY DISCLAIMER:

The board disclaims liability for any costs incident to inspection or compliance with the provisions of this rule.

[21.17.34.14 NMAC - N, 9/24/2004]

HISTORY OF 21.17.34 NMAC:
[RESERVED]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

This is an amendment to 19.31.5 NMAC, Section 19, effective October 14, 2004.

19.31.5.19 REQUIREMENTS AND PERMITS FOR VALENCIA COUNTY PHEASANT HUNT:

A. Pheasant hunting in Valencia county will be open by permit only. The Valencia county pheasant hunt is scheduled for one day in December with the date to be determined. Up to 25 permits will be available on the north hunt area. Up to 25 permits will be available on the south

hunt area.

B. Refer to the Hunting and Fishing License Application Rule (19.31.3 NMAC, Section 11-Restrictions) for criteria qualifying for this hunt license.

C. Applications for the PHE-0-004 north hunt area and PHE-0-005 south hunt area draw permits shall be submitted on the appropriate application form.

~~[Applications for the private land Valencia county pheasant hunt (PHE-0-006) will be unlimited and must be obtained from the landowner.]~~ A six-dollar application fee shall be required by each applicant. The deadline date for application shall be the second Saturday in September. All applications must be mailed to the Santa Fe office. Applications that have been mailed and postmarked but not delivered by the deadline date will be accepted by the Santa Fe office up to 5 working days after that deadline.

D. No more than four persons may apply per application.

E. Applications for permits may be returned to the sender if such applications are not on the proper form or do not supply adequate information.

F. It shall be unlawful to submit more than one application for a permit for the Valencia county pheasant hunts. If any permits remain after the original deadline, the director may authorize a new deadline. A person who is not awarded a permit for which he applied may submit a new application for a permit if such permits remain available.

G. If applications for permits exceed the number of available permits, as herein established, the available permits shall be allotted by means of a random public drawing in the Santa Fe office of the department of game and fish.

H. Youth hunters participating in this hunt must be accompanied by an adult.

I. Landowners in ~~the~~ Valencia county ~~[pheasant hunt areas]~~ will maintain the ability to hunt and allow hunters on their private property ~~[with the purchase of an over the counter license less the \$6 dollar application fee]~~. Landowners will be required to provide proof of ownership and sufficient acreage to accommodate a safe hunt at the northwest (Albuquerque) area office prior to the hunt date, ~~[at which time]~~ **Once sufficient proof has been established**, the landowner will be issued unlimited application forms to distribute to hunters they choose. ~~[This will be a draw hunt with unlimited private land permits in Valencia county only]~~. **All applications must be obtained from the landowner. Applications for the private land Valencia county pheasant hunt (PHE-0-006) will be unlimited, must be obtained from the landowner and submitted only**

to the northwest (Albuquerque) area office. A six-dollar application fee shall be required by each applicant.

[19.31.5.19 NMAC - N, 8-29-2004; A, 10-14-2004]

**NEW MEXICO BOARD OF
OSTEOPATHIC MEDICAL
EXAMINERS**

Rule 1, Qualifications for Licensure (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 2, Application for Licensure (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 3, Licensure By Examination (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 4, Licensure By Endorsement (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 5, Temporary License (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 6, Reinstatement Of License (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 7, Annual Renewal Of Certificate (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 8, Revocation Or Refusal Of License (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 9, Change Of Address (filed December 7, 1988) is hereby repealed, effective October 29, 2004.

Rule 11, Continuing Medical Education (filed September 22, 1989) is hereby repealed, effective October 29, 2004.

Rule 12, Osteopathic Fees (filed September 22, 1989) is hereby repealed, effective October 29, 2004.

**NEW MEXICO BOARD OF
OSTEOPATHIC MEDICAL
EXAMINERS**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 17 OSTEOPATHIC
MEDICINE AND SURGERY PRACTITIONERS
PART 1 GENERAL PROVISIONS**

16.17.1.1 ISSUING AGENCY: Regulation and Licensing Department - NM Board of Osteopathic Medical Examiners. [16.17.1.1 NMAC - N, 10-29-2004]

16.17.1.2 SCOPE: All licensed osteopathic physicians. [16.17.1.2 NMAC - N, 10-29-2004]

16.17.1.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-23 NMSA 1978 [16.17.1.3 NMAC - N, 10-29-2004]

16.17.1.4 DURATION: Permanent. [16.17.1.4 NMAC - N, 10-29-2004]

16.17.1.5 EFFECTIVE DATE: October 29, 2004, unless a later date is cited at the end of a section. [16.17.1.5 NMAC - N, 10-29-2004]

16.17.1.6 OBJECTIVE: To establish qualifications for licensure, change of address, and administrative fees. [16.17.1.6 NMAC - N, 10-29-2004]

16.17.1.7 DEFINITIONS: "AOA" means the American osteopathic association. [16.17.1.7 NMAC - N, 10-29-2004]

16.17.1.8 QUALIFICATIONS FOR LICENSURE: All applicants for licensure as a physician of osteopathic medicine:

- A. shall be a graduate of an AOA approved medical school of osteopathic medicine and surgery;
 - B. shall have completed one year AOA accredited internship program;
 - C. shall be of the age of majority;
 - D. shall be of good moral character;
 - E. shall not have been convicted of a felony;
 - F. shall not have committed or been engaged in any of the activities listed in Section 61-10-15 NMSA 1978;
 - G. shall submit an application and examination fee as determined by the board.
- [16.17.1.8 NMAC - Rp, Rule 1, 10-29-2004]

16.17.1.9 CHANGE OF ADDRESS: All physicians and physician assistants who change either their office or home address must notify the board of the

change within thirty (30) days. [16.17.1.9 NMAC - Rp, Rule 9, 10-29-2004]

16.17.1.10 OSTEOPATHIC FEES

A. Licensure Fees:

- (1) Application for licensure \$400.00
- (2) Interim license (temporary) \$100.00
- (3) Reinstatement of license \$500.00
- (4) Renewal \$200.00
- (5) Late renewal monthly penalty \$100.00

B. Miscellaneous fees:

Miscellaneous fees listed below shall be approved annually by the board and may be obtained from the board office.

- (1) Written license verifications
- (2) List of licensees
- (3) Duplicate original license
- (4) Duplicate renewal certificate
- (5) Photocopying for records held in the board office
- (6) Statutes, rules and regulations

[16.17.1.10 NMAC - Rp, Rule 12, 10-29-2004]

HISTORY OF 16.17.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives under:

BOSE 69-1, Practice Guide For Osteopathic Physicians and Surgeons in New Mexico, filed 06-05-69;
Rule 1, Qualifications For Licensure, filed 12-07-88;
Rule 9, Change of Address, filed 12-07-88;
Rule 12, Osteopathic Fees, filed 09-22-89.

History of Repealed Material: Rule 1, Qualifications For Licensure (filed 12-07-88); Rule 9, Change of Address (filed 12-07-88); Rule 12, Osteopathic Fees (filed 09-22-89) all repealed 10-29-2004.

Other History:

Rule 1, Qualifications for Licensure (filed 12-07-1988); Rule 9, Change of Address (filed 12-07-1988); and Rule 12, Osteopathic Fees (filed 9-22-1989) all replaced by 16.17.1 NMAC, General Provisions, effective 10-29-2004.

NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 17 OSTEOPATHIC MEDICINE AND SURGERY PRACTI-

TIONERS

PART 2 APPLICATION FOR LICENSURE

16.17.2.1 ISSUING AGENCY: Regulation and Licensing Department - NM Board of Osteopathic Medical Examiners. [16.17.2.1 NMAC - N, 10-29-2004]

16.17.2.2 SCOPE: This part applies all osteopathic physicians applying for licensure. [16.17.2.2 NMAC - N, 10-29-2004]

16.17.2.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-23 NMSA 1978. [16.17.2.3 NMAC - N, 10-29-2004]

16.17.2.4 DURATION: Permanent. [16.17.2.4 NMAC - N, 10-29-2004]

16.17.2.5 EFFECTIVE DATE: October 29, 2004, unless a later date is cited at the end of a section. [16.17.2.5 NMAC - N, 10-29-2004]

16.17.2.6 OBJECTIVE: To establish the procedures and outline the documents and information necessary to complete the application process for licensure. [16.17.2.6 NMAC - N, 10-29-2004]

16.17.2.7 DEFINITIONS:

- A. "FLEX" means federation licensing examination.
 - B. "NBOE" means national board osteopathic examination.
 - C. "COMLEX" means composite osteopathic medical licensing examination.
 - D. "USMLE" means United States medical licensing examination.
- [16.17.2.7 NMAC - N, 10-29-2004]

16.17.2.8 APPLICATION FOR LICENSURE:

A. Application: All persons seeking licensure shall submit application on forms provided by the board. All application forms must be verified under oath and shall contain but shall not be limited to the following information and documents:

- (1) full legal name;
- (2) present mailing address;
- (3) date and place of birth;
- (4) date and location of all baccalaureate and post-baccalaureate training,

professional training, medical training, degrees obtained, and field(s) of study;

(5) certification of dean of osteopathic school with school seal affixed;

(6) certification of one year of post-graduate training;

(7) two letters of reference from two physicians who have known the applicant in a professional and personal capacity for at least one year;

(8) a photograph taken within the preceding six months attached to the application;

(9) notarized copy of medical diploma;

(10) notarized copy of internship certificate;

(11) clearance from other state boards where licensed stating that license has not been subject to disciplinary action;

(12) clearance from the American osteopathic association, the federation of state medical boards of the United States;

(13) NBOE, FLEX, COMLEX or USMLE scores sent directly to the board.

B. Interview: Any applicant for licensure with prior, current, or pending disciplinary action must appear before the board at its next regular scheduled board meeting after the applicant has met all other application requirements.

[16.17.2.8 NMAC - Rp, Rule 2, 10-29-2004]

HISTORY OF 16.17.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives: BOSE 69-1, Practice Guide for Osteopathic Physicians and Surgeons in New Mexico, filed 06-05-1969.

Rule 2, Application for Licensure, filed 12-07-1988.

History of Repealed Material: Rule 2, Application for Licensure (filed 12-07-1988) repealed 10-29-2004.

Other History:

Rule 2, Application for Licensure (filed 12-07-1988) replaced by 16.17.2 NMAC, Application for Licensure, effective 10-29-2004.

NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 17 OSTEOPATHIC MEDICINE AND SURGERY PRACTITIONERS PART 3 EXAMINATION, ENDORSEMENT AND TEMPORARY LICENSE REQUIREMENTS

16.17.3.1 ISSUING AGENCY: Regulation and Licensing Department - NM Board of Osteopathic Medical Examiners. [16.17.3.1 NMAC - N, 10-29-2004]

16.17.3.2 SCOPE: This part applies to applicants for licensure. [16.17.3.2 NMAC - N, 10-29-2004]

16.17.3.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-23 NMSA 1978 [16.17.3.3 NMAC - N, 10-29-2004]

16.17.3.4 DURATION: Permanent. [16.17.3.4 NMAC - N, 10-29-2004]

16.17.3.5 EFFECTIVE DATE: October 29, 2004, unless a later date is cited at the end of a section. [16.17.3.5 NMAC - N, 10-29-2004]

16.17.3.6 OBJECTIVE: To establish requirements to obtain a temporary license and for licensure by examination and endorsement. [16.17.3.6 NMAC - N, 10-29-2004]

16.17.3.7 DEFINITIONS:

A. "FLEX" means federation licensing examination.

B. "NBOE" means national board osteopathic examination.

C. "COMLEX" means composite osteopathic medical licensing examination.

D. "USMLE" means United States medical licensing examination. [16.17.3.7 NMAC - N, 10-29-2004]

16.17.3.8 EXAMINATION: In determining the fitness of an applicant for licensure by examination, the board adopts the following examinations: FLEX (federation of state medical boards of the United States) or the NBOE (national board of examiners of osteopathic physicians and surgeons) or COMLEX (composite osteopathic medical licensing examination) or the USLME (United States medical licensing examination.) Each applicant must register with the national board of osteopathic medical examiners or the federation of state licensing boards to take the exam at the most convenient testing site available. The board will not administer any of the aforementioned exams.

A. FLEX

(1) Each applicant must earn a passing score of 75% or higher on each of

the two components of the exam. The board will not accept overall or average scores. The board will accept passing component scores obtained at a single administration or at separate administrations of the exam.

(2) If an applicant fails either component of the FLEX examination he must repeat only the component failed. Upon failing one or both components, the applicant may repeat the component failed at the next administration of the exam. If the applicant fails a second examination, he must wait one year before taking the examination for a third time. If the applicant fails a third time, the applicant must acquire one additional year of AOA approved postgraduate training before being examined a fourth time.

(3) Both components of the FLEX examination must be passed within seven years of taking the initial examination.

B. NBOE - Each applicant must earn a passing score of 75% or higher on each of the three components of the examination.

C. COMLEX - Each applicant must earn a minimum total passing score or higher on each level of this examination.

D. USMLE - Each applicant must earn a minimum total passing score or higher on each level of this examination. [16.17.3.8 NMAC - Rp, Rule 3, 10-29-2004]

16.17.3.9 LICENSURE BY ENDORSEMENT: Applicants for licensure by endorsement shall meet all requirements as set forth in Section 61-10-12 NMSA 1978. Additionally, the state of the applicants primary license shall have requirements equal to or greater than the requirements of licensure in New Mexico. [16.17.3.9 NMAC - Rp, Rule 4, 10-29-2004]

16.17.3.10 TEMPORARY LICENSE: The board will approve permanent licenses during regular meetings only. In the interim between regular meetings, the board may issue a temporary license to applicants who have complied with all application requirements. Temporary licenses shall only be valid until the next regular board meeting. [16.17.3.10 NMAC - Rp, Rule 5, 10-29-2004]

HISTORY OF 16.17.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives: BOSE 69-1, Practice Guide for Osteopathic Physicians and Surgeons in New Mexico, filed 6-5-1969.

Rule 3, Licensure by Examination, filed 12-7-1988.
 Rule 4, Licensure by Endorsement, filed 12-7-1988.
 Rule 5, Temporary License, filed 12-7-1988.

History of Repealed Material: Rule 3, Licensure by Examination (filed 12-7-1988); Rule 4, Licensure by Endorsement, (filed 12-7-1988); Rule 5, Temporary License, (filed 12-7-1988) repealed 10-29-2004.

Other History:

Rule 3, Licensure by Examination (filed 12-7-1988); Rule 4, Licensure by Endorsement, (filed 12-7-1988); and Rule 5, Temporary License (filed 12-7-1988); all replaced by 16.17.3 NMAC, Examination, Endorsement and Temporary License Requirements, effective 10-29-2004.

**NEW MEXICO BOARD OF
 OSTEOPATHIC MEDICAL
 EXAMINERS**

**TITLE 16 OCCUPATIONAL
 AND PROFESSIONAL LICENSING
 CHAPTER 17 OSTEOPATHIC
 MEDICINE AND SURGERY PRACTITIONERS
 PART 4 RENEWAL AND
 CONTINUING EDUCATION
 REQUIREMENTS**

16.17.4.1 ISSUING AGENCY: Regulation and Licensing Department - NM Board of Osteopathic Medical Examiners. [16.17.4.1 NMAC - N, 10-29-2004]

16.17.4.2 SCOPE: All Licensed Osteopathic Physicians. [16.17.4.2 NMAC - N, 10-29-2004]

16.17.4.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-23 NMSA 1978. [16.17.4.3 NMAC - N, 10-29-2004]

16.17.4.4 DURATION: Permanent. [16.17.4.4 NMAC - N, 10-29-2004]

16.17.4.5 EFFECTIVE DATE: October 29, 2004, unless a later date is cited at the end of a section. [16.17.4.5 NMAC - N, 10-29-2004]

16.17.4.6 OBJECTIVE: To establish renewal procedures and continuing education requirements for licensees to

renew their license. [16.17.4.6 NMAC - N, 10-29-2004]

16.17.4.7 DEFINITIONS:

- A. "CME" means continuing medical education.
- B. "AOA" means the American osteopathic association.
- C. "AMA" means the American medical association.
- D. "SPEX" means special purpose examination. [16.17.4.7 NMAC - N, 10-29-2004]

16.17.4.8 ANNUAL RENEWAL OF LICENSE:

- A. On or before July 1 of each year, all physicians must submit an application for renewal form provided by the board. Physicians who fail to renew their certificates as of July 1 will be subject to suspension of their license.
- B. As a condition of annual renewal, physicians must submit proof of completion of continuing education.
- C. Physicians must submit a renewal fee. [16.17.4.8 NMAC - Rp, Rule 7, 10-29-2004]

16.17.4.9 CME HOURS REQUIRED:

The New Mexico board of osteopathic medical examiners will require seventy-five (75) hours of continuing education every three years in required education, category I. These may be distributed over the three year period, or they may all be obtained in one year. The board accepts one (1) credit hour for every clock hour of participation in a CME activity. [16.17.4.9 NMAC - Rp, Rule 11, 10-29-2004]

16.17.4.10 ACCEPTABLE AS CME:

- A. The board will also accept active membership in the American osteopathic association.
- B. Certification or re-certification by a specialty board during the three year cycle.
- C. Passage of the SPEX with a score of seventy-five (75), during the three year cycle. [16.17.4.10 NMAC - N, 10-29-2004]

16.17.4.11 CME ALLOWED COURSES AND PROVIDERS:

A. AOA or AMA and NM CATEGORY 1. Clinical courses approved for AOA or AMA category 1-A, 1- B are approved for New Mexico category 1. Clinical courses certified by the New Mexico osteopathic association and the New Mexico medical society continuing education committee as meeting the criteria for AOA/AMA category 1, but certified as

New Mexico category 1 specific, are acceptable for credit.

B. POST GRADUATE EDUCATION. Internship, residency or fellowship: forty (40) credit hours per year during service in post graduate educational programs approved by AOA or AMA.

C. ADVANCED DEGREES. Education for an advanced degree in a medical field or medically related field: 40 credit hours are allowed for each full academic year of study.

D. SELF ASSESSMENT TESTS. Self assessment tests given by medical associations and other educational institutions approved by the board will be accepted for credit if the test is scored by an institution approved by the board. A total of not more than thirty-five (35) hours will be granted for self assessment tests completed during a three year period.

E. TEACHING. One (1) credit hour is allowed for each clock hour of teaching of medical students or physicians in an approved medical school or approved internship or residency program or in institutions or programs approved by the board.

F. PHYSICIAN PRECEPTOR. Physicians, approved by an accredited medical school to act as preceptors for students, will be granted a maximum of thirty (30) hours credit during a three year period.

G. PAPERS OR PUBLICATIONS. Ten (10) hours may be claimed for each scientific paper or publication. A paper must be presented to a recognized international, national, regional or state medical society or other organization whose membership is primarily composed of physicians. A publication must appear in a regularly recognized medical or medically related scientific journal. Scientific material used in the paper or publication may be credited only once. No more than thirty (30) hours may be claimed in a three year period.

H. CARDIO-PULMONARY RESUSCITATION. Credit may be claimed during each three-year reporting period for successful completion of ACLS (advanced cardiac life support), PALS (pediatric advanced life support), ATLS (advanced trauma life support) and NALS (neonatal advanced life support) courses. [16.17.4.11 NMAC - Rp, Rule 11, 10-29-2004]

16.17.4.12 VERIFICATION OF CME:

Each physician renewing a license shall attest that they have obtained the required hours of CME on the renewal form. The board will select renewal applications for audit to verify completion of acceptable CME. Audit requests will be included with the renewal notice and those

selected physicians will be asked to submit proof of compliance with the continuing education requirements. The board may audit CME records at any time. CME records must be maintained for one year following the renewal cycle in which they are earned.

[16.17.4.12 NMAC - N, 10-29-2004]

16.17.4.13 EMERGENCY DEFERRAL: A physician unable to fulfill the CME requirements prior to the date of license expiration may apply to the board for an emergency deferral of the requirements. A designee of the board may grant deferrals of up to ninety (90) days.

A. In case of illness or other documented circumstances, the board may grant an additional extension of time in which the necessary credits may be earned. The request must be made in writing at the time of renewal and approved by the board.

B. A licensee practicing or residing outside the United States shall not be required to fulfill the CME requirements for the period of the absence. The board must be notified prior to license expiration that the licensee will be outside the US, including the period of the absence. Upon return to the US, the licensee shall complete the CME required for the years of practice within the US during the renewal cycle, or apply for an emergency deferral.

[16.17.4.13 NMAC - N, 10-29-2004]

HISTORY OF 16.17.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives: BOSE 69-1, Practice Guide for Osteopathic Physicians and Surgeons in New Mexico, filed 06-05-69; BOSE 72-1, Regulations for Continuing Medical Education of the New Mexico State Board of Osteopathic Examination and Registration, filed 06-27-72; Rule 7, Annual Renewal of Certificate, filed 12-07-88; Rule 11, Continuing Medical Education, filed 09-22-89.

History of Repealed Material: Rule 7, Annual Renewal of Certificate (filed 12-07-88) and Rule 11, Continuing Medical Education (filed 09-22-89) were both repealed 10-29-2004.

Other History:

Rule 7, Annual Renewal of Certificate (filed 12-07-88) and Rule 11, Continuing Medical Education (filed 09-22-89) replaced by 16.17.4NMAC, Renewal and Continuing Education Requirements, effective 10-29-2004.

NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING

CHAPTER 17 OSTEOPATHIC MEDICINE AND SURGERY PRACTI- TIONERS

PART 6 REVOCATION OR REFUSAL OF LICENSURE

16.17.6.1 ISSUING AGENCY: Regulation and Licensing Department - NM Board of Osteopathic Medical Examiners.
[16.17.6.1 NMAC - N, 10-29-2004]

16.17.6.2 SCOPE: All licensed osteopathic physicians.
[16.17.6.2 NMAC - N, 10-29-2004]

**16.17.6.3 STATUTORY
AUTHORITY:** These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-23 NMSA 1978.
[16.17.6.3 NMAC - N, 10-29-2004]

16.17.6.4 DURATION: Permanent.
[16.17.6.4 NMAC - N, 10-29-2004]

16.17.6.5 EFFECTIVE DATE: October 29, 2004, unless a later date is cited at the end of a section.
[16.17.6.5 NMAC - N, 10-29-2004]

16.17.6.6 OBJECTIVE: To establish causes for revoking, refusing, or suspending a license to practice osteopathic medicine in New Mexico.
[16.17.6.6 NMAC - N, 10-29-2004]

16.17.6.7 DEFINITIONS: [RESERVED]

16.17.6.8 REVOCATION OR REFUSAL OF LICENSE:

A. Causes for refusal or revocation of license. The board may either refuse to issue or may suspend or revoke any license for any one or more of the following causes, whether committed in the state of New Mexico or elsewhere:

(1) conviction of a felony, as evidenced by a certified copy of the record of the court issuing conviction;

(2) obtaining or attempting to obtain a license by fraudulent misrepresentation, or practicing in the profession by fraudulent misrepresentation;

(3) gross malpractice which means gross and flagrantly improper treat-

ment of a patient, or such culpable neglect of a patient as to indicate a willful act or injury to the patient; gross malpractice also means such incompetence on the part of the practitioner as to render him unfit to hold himself out to the public as a licensed osteopathic physician and surgeon; gross malpractice shall also consist of performing, aiding, or abetting the performance of any act or operation upon or on behalf of a patient expressly forbidden by state and federal penal laws, such as criminal operations, dispensing and prescribing of narcotics;

(4) advertising, practicing, or attempting to practice under a name other than one's own;

(5) habitual or excessive use or abuse of drugs or alcohol;

(6) immoral, dishonorable or unprofessional conduct.

B. Dishonorable and unprofessional conduct shall include but shall not be limited to the following:

(1) willful violation of the code of ethics of the American osteopathic association;

(2) aiding unlicensed persons to practice medicine and surgery in the state of New Mexico;

(3) violation of the law pertaining to dangerous drugs, narcotics, or intoxicating liquors;

(4) the commission of any act involving moral turpitude; moral turpitude includes any act contrary to justice, honesty, modesty or good morals;

(5) incompetency to act as an osteopathic physician and surgeon; failure to possess and or exercise the requisite degree of skill, learning, and care commonly possessed by osteopathic physicians and surgeons in the state of New Mexico or the rendering of treatment to patients in a manner contrary to accepted rules;

(6) the performance of any act or omission which tends to degrade or place the physician and the osteopathic profession in bad public repute where the act or omission is contrary to the professional standards which an osteopathic physician and surgeon assumes;

(7) the unlawful use of the name "doctor of medicine" or its initials or emblems, either orally or otherwise;

(8) willful failure to comply with regulations of the department of health or the regulations of this board;

(9) continuing to practice while knowingly having an infectious or contagious disease;

(10) the failure to clearly designate the school of medicine by which a physician is licensed to practice on all professional stationery, signs, prescription blanks, telephone and business directories, certificates, and papers of any kind which pertain to his practice as an osteopathic

physician and surgeon.

[16.17.6.8 NMAC - Rp, Rule 8, 10-29-2004]

HISTORY OF 16.17.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives: BOSE 69-1, Practice Guide for Osteopathic Physicians and Surgeons in New Mexico, filed 06-05-69.
Rule 8, Revocation or Refusal of License, filed 12-07-88.

History of Repealed Material: Rule 8, Revocation or Refusal of License (filed 12-07-88) repealed 10-29-2004.

Other History:

Rule 8, Revocation or Refusal of License (filed 12-07-88) replaced by 16.17.6 NMAC, Revocation or Refusal of License, effective 10-29-2004.

NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 17 OSTEOPATHIC MEDICINE AND SURGERY PRACTITIONERS PART 7 REINSTATEMENT

16.17.7.1 ISSUING AGENCY: Regulation and Licensing Department - NM Board of Osteopathic Medical Examiners.
[16.17.7.1 NMAC - N, 10-29-2004]

16.17.7.2 SCOPE: All licensed osteopathic physicians.
[16.17.7.2 NMAC - N, 10-29-2004]

16.17.7.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-23 NMSA 1978
[16.17.7.3 NMAC - N, 10-29-2004]

16.17.7.4 DURATION: Permanent
[16.17.7.4 NMAC - N, 10-29-2004]

16.17.7.5 EFFECTIVE DATE: October 29, 2004, unless a later date is cited at the end of a section.
[16.17.7.5 NMAC - N, 10-29-2004]

16.17.7.6 OBJECTIVE: To establish reinstate requirements for physicians who have allowed their license to lapse.

[16.17.7.6 NMAC - N, 10-29-2004]

16.17.7.7 DEFINITIONS: "SPEX" means special purpose examination administered by the federation of state licensing boards.

[16.17.7.7 NMAC - N, 10-29-2004]

16.17.7.8 REINSTATEMENT OF LICENSE:

A. Lapsed license: An applicant whose license has lapsed for failure to renew his license may apply for reinstatement of his license. An applicant who has allowed his license to lapse for a period greater than three years may not apply for reinstatement. Such an individual must re-apply for a license. All applications for reinstatement shall be accompanied by the following:

(1) proof of completion of 75 board approved continuing education hours obtained in the preceding three years; in the event an applicant has not completed the requisite number of continuing education hours, the board may require that the applicant successfully pass the SPEX examination or complete a course designated by the board;

(2) a chronology of medical activities during the entire period the license has been in a lapsed status. In the event an applicant has not actively engaged in the practice of medicine in New Mexico during the period of lapse, the board in its discretion may require the applicant to successfully pass the SPEX examination or complete a course designated by the board;

(3) three letters of recommendation from osteopathic physicians who have known the applicant professionally and personally for one year; all letters of recommendation must be mailed directly to the board from the recommending physician;

(4) a list of hospitals and their addresses where the applicant has worked during the five years immediately preceding application for reinstatement;

(5) a 3" x 5" photograph taken within the preceding year;

(6) payment of reinstatement fee and current renewal fee.

B. Disciplinary action:

(1) An applicant whose license has been suspended or revoked pursuant to Section 61-10-15 NMSA 1978 may request reinstatement of his license. All requests must be in writing and must be accompanied by all required information. Additionally, the applicant must appear before the board and must demonstrate that he has been sufficiently rehabilitated from the offense that gave rise to his suspension or probation that he may engage in the practice of medicine as required by the Osteopathic Physician Practice Act, Sections 61-10-1 through 61-10-22 NMSA

1978.

(2) The board may require that the applicant successfully pass the SPEX examination or complete a course designated by the board.

[16.17.7.8 NMAC - Rp, Rule 6, 10-29-2004]

HISTORY OF 16.17.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives: BOSE 69-1, Practice Guide for Osteopathic Physicians and Surgeons in New Mexico, filed 06-05-69.

Rule 6, Reinstatement of License, filed 12-07-88.

History of Repealed Material: Rule 6, Reinstatement of License (filed 12-07-1988) repealed 10-29-2004.

Other History:

Rule 6, Reinstatement of License (filed 12-07-1988) replaced by 16.17.7 NMAC,

NEW MEXICO PHYSICAL THERAPY BOARD

16.20.3 NMAC, Issuance of Licenses, filed on 8/14/2000 and its amendment filed 1/15/2004 are hereby repealed and replaced by 16.20.3 NMAC, Issuance of Licenses, effective 11/1/04.

NEW MEXICO PHYSICAL THERAPY BOARD

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 20 PHYSICAL THERAPISTS PART 3 ISSUANCE OF LICENSES

16.20.3.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[16.20.3.1 NMAC - Rp, 16.20.3.1 NMAC, 11-01-04]

16.20.3.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[16.20.3.2 NMAC - Rp, 16.20.3.2 NMAC, 11-01-04]

16.20.3.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[16.20.3.3 NMAC - Rp, 16.20.3.3 NMAC, 11-01-04]

16.20.3.4 DURATION: Permanent.
[16.20.3.4 NMAC - Rp, 16.20.3.4 NMAC,

11-01-04]

16.20.3.5 EFFECTIVE DATE: November 1, 2004, unless a later date is cited at the end of a section.
[16.20.3.5 NMAC - Rp, 16.20.3.5 NMAC, 11-01-04]

16.20.3.6 OBJECTIVE: The objective of Part 3 of Chapter 20 is to establish regulations for applicants applying for a license to practice as a physical therapist or physical therapist assistant.
[16.20.3.6 NMAC - Rp, 16.20.3.6 NMAC, 11-01-04]

16.20.3.7 DEFINITIONS:
[RESERVED]
[16.20.3.7 NMAC - Rp, 16.20.3.7 NMAC, 11-01-04]

16.20.3.8 ISSUANCE OF LICENSES: Full licensure may be issued by the board upon satisfaction of the following requirements.

A. All items on the application form have been answered.

B. The application form is notarized.

C. A photograph taken within one (1) year prior to filing of an application has been furnished printed on photo quality paper.

D. The application fee has been paid in full.

E. The board has documentation of graduation from an accredited educational program, evidenced by:

(1) official transcripts from colleges and/or universities; or

(2) notarized copy of a physical therapy certificate of diploma from a program approved by the commission on accreditation in physical therapy education (CAPTE); or

(3) a certificate of proficiency or a statement of official transcript that the curriculum has been completed as required in the Act, Section 61-12-10, signed by the director of the program or the registrar of the school, in lieu of certificate of diploma;
(a) for applicants that graduated after January 1, 2002, documentation of graduation with a post-baccalaureate degree in physical therapy from an educational program accredited by CAPTE;

(b) for applicants that graduated prior to January 1, 2002, documentation of graduation with a baccalaureate degree in physical therapy or a certificate in physical therapy from an educational program accredited by CAPTE.

F. For foreign-educated applicants, an applicant must meet all requirements in, 16.20.9 NMAC, Education Criteria for Foreign-Educated Applicants.

G. Successful completion

of the national physical therapy licensure examination (NPTE) and the jurisprudence exam (as specified in 16.20.2.8 NMAC). If the applicant has previously taken the NPTE, the resulting scores shall be sent directly to the board from the testing contractor. Scores will not be accepted from individuals, other state boards, or organizations.

H. For applicants who have not practiced since his or her graduation from a physical therapy education program, or who have not practiced as a physical therapist or physical therapist assistant for a period of more than three (3) consecutive years, full licensure requires the following documentation.

(1) A completed application form as required by this section.

(2) Twenty (20) continuing education contact hours for each year the applicant was not practicing as a physical therapist or physical therapist assistant (coursework to be pre-approved by the board).

(3) The board may require the applicant to provide or demonstrate additional evidence of his or her competency to practice (e.g. passage of the national exam, APTA courses, university sponsored courses, supervision or mentorship).

I. Questions of felony convictions or professional misconduct have to be satisfactorily resolved.

J. A licensee requesting a name change must submit proof of name change, the original license, and a duplicate license fee.

[16.20.3.8 NMAC - Rp, 16.20.3.8 NMAC, 11-01-04]

16.20.3.9 REINSTATEMENT OF LICENSURE:

A. Reinstatement of a New Mexico physical therapist or physical therapist assistant license that has lapsed for less than one year requires the following data.

(1) Completion of the renewal form.

(2) Payment of the late fee.

(3) Payment of the renewal fee.

(4) Proof of the required continuing education contact hours.

B. Reinstatement of a physical therapist or physical therapist assistant license that has lapsed in New Mexico for more than one (1) year, where there is evidence of continued practice with an unrestricted license in another state the following is required.

(1) Completion of the reinstatement application.

(2) Payment of the reinstatement fee.

(3) Payment of the current year renewal fee.

(4) Proof of twenty (20) continuing education hours for each year of the

lapsed New Mexico license.

(5) Verification of all current, valid unrestricted licenses from other U.S. jurisdictions. Verifications may be received by the board via regular mail, electronic mail, or facsimile. Verifications must be signed and dated by an official of the agency licensing the applicant and include the following data.

(a) Name and address of the applicant.

(b) License number and date of issuance.

(c) Current status of the license.

(d) Expiration date of the license.

(e) A statement of whether the applicant was denied a license by the agency.

(f) A statement of whether any disciplinary action is pending or has been taken against the applicant.

(g) Receipt of verification of employment.

[16.20.3.9 NMAC - Rp, 16.20.3. NMAC, 11-01-04]

16.20.3.10 LICENSURE BY ENDORSEMENT:

A. A license may be issued to a physical therapist or physical therapist assistant who provides verification of all licenses from other U.S. jurisdictions in lieu of original test scores, and meets all the requirements in 16.20.3.8 NMAC. Verifications may be received by the board via regular mail, electronic mail, or facsimile. Verifications must be signed and dated by an official of the agency licensing the applicant and include the following data:

(1) name and address of the applicant;

(2) license number and date of issuance;

(3) current status of the license;

(4) expiration date of the license;

(5) national examination scores received directly from the reporting jurisdiction;

(6) a statement of whether the applicant was denied a license by the agency;

(7) a statement of whether any disciplinary action is pending or has been taken against the applicant.

B. A license may be issued to a foreign-educated physical therapist who has a valid unrestricted license from another U.S. jurisdiction provided that the applicant meets all of the requirements in 16.20.3.8 NMAC and 16.20.9 NMAC.

[16.20.3.10 NMAC - Rp, 16.20.3.10 NMAC, 11-01-04]

NEW MEXICO PHYSICAL THERAPY BOARD

This is an amendment to 16.20.5.8 NMAC, effective 11-01-04.

16.20.5.8 SCHEDULE OF FEES: The following fees shall be nonrefundable.

A. Application for ~~Permanent~~ Full Licensure:

(1) physical therapist: ~~[\$100.00]~~ \$110.00

(2) physical therapist assistant: \$100.00

B. Request for Temporary License: \$25.00; revised temporary license: \$10.00

C. Jurisprudence Exam: \$10.00; applicants who fail to pass this exam will need to pay the fee for each subsequent exam taken.

D. National Physical Therapy Examination:

(1) contact the board for the current fees set by the testing contractor for both physical therapists and physical therapist assistants

(2) board administrative fee for NPTE: \$25.00

E. Annual Renewal:

(1) physical therapist: ~~[\$60.00]~~ \$70.00

(2) physical therapist assistant: ~~[\$40.00]~~ \$50.00

F. Penalty for Late Renewal: ~~[\$50.00]~~

(1) physical therapist: \$70.00

(2) physical therapist assistant: \$50.00

G. Reinstatement Fee: ~~[\$50.00]~~

(1) physical therapist: \$70.00

(2) physical therapist assistant: \$50.00

H. Duplicate License: \$25.00; a duplicate license may be requested in the event of loss of the original license or name change [~~due to divorce, marriage, etc.~~].

I. Mailing List: \$100.00

J. Mailing Labels: \$150.00

K. Verification of Licensure ~~for~~ by Endorsement: ~~[\$15.00]~~ \$20.00

L. Continuing Education Approval for Course Provider: \$25.00

M. Copy Charge[s] for Public Records (per page): \$1.00

N. Returned Check Charge (per check): \$20.00

NEW MEXICO PHYSICAL THERAPY BOARD

This is an amendment to 16.20.8.8 NMAC, effective 11-01-04.

16.20.8.8 CONTINUING EDUCATION AND RENEWAL REQUIREMENTS:

A. Every licensed physical therapist and physical therapist assistant shall earn twenty (20) continuing education contact hours per year during each year of licensure. The first year during which 20 (twenty) contact hours must be earned is the year beginning on ~~June 1~~ February 1 following license issuance and ending on the following ~~May 31~~ January 31. Continuing education contact hours shall be prorated during the first year of licensure according to the month licensed as follows:

(1) ~~July~~ March: 18 contact hours

(2) ~~August~~ April: 17 contact hours

(3) ~~September~~ May: 15 contact hours

(4) ~~October~~ June: 13 contact hours

(5) ~~November~~ July: 12 contact hours

(6) ~~December~~ August: 10 contact hours

(7) ~~January~~ September: 8 contact hours

(8) ~~February~~ October: 6 contact hours

(9) ~~March~~ November: 5 contact hours

(10) ~~April~~ December: 3 contact hours

B. Anyone licensed during the month of ~~May~~ January will be issued a license through ~~June 1~~ February 1 of the following year.

C. No license will be renewed in the absence of satisfactory evidence that the required continuing education contact hours as required by this section have been earned. Continuing education contact hours are required to be submitted with the renewal each year. The continuing education course completion certificates should **NOT** be sent to the board unless an audit notice as provided in this section is received.

D. The board office will mail a renewal application to each licensee at least 30 days prior to the expiration date of the license.

E. Each licensee is responsible for submitting the required renewal fee and continuing education by the expiration date whether or not a renewal application is received by the licensee.

F. All license renewals

postmarked after ~~June 1st~~ February 1 will be subject to a late fee. (Refer to Part 6, Schedule of Fees.)

G. The board shall audit a percentage of renewal applications each year to verify the continuing education requirement. The licensee should maintain a file that includes the continuing education course documentation up to three (3) years.

(1) If a NOTICE OF AUDIT letter is received with the annual renewal form, evidence of continuing education hours earned during the renewal year must be submitted to the board as requested and as required in the Physical Therapy Act and by this rule.

(2) If the licensee is NOT AUDITED, all documentation of attendance and agendas should be retained by the licensee for a minimum of three (3) years immediately preceding the current renewal.

(3) The board reserves the right to audit continuing education attendance certificates whenever there is reasonable doubt the courses submitted, dates, or hours may be incorrect.

H. The board will allow a maximum of twenty (20) continuing education contact hours to be carried over into the next licensing year.

I. Credit will be given for programs attended between the renewal due date [~~(May 15th)~~] (January 15) and the license expiration date [~~(June 1st)~~] (February 1) providing that the program was not submitted for credit for the prior year.

J. Licensees serving in the armed forces reserve or national guard.

(1) The license of a physical therapist or physical therapist assistant who do not earn the required continuing education contact hours as provided in this section due to his or her call to active duty in the armed forces reserves or the New Mexico national guard, will not lapse for failure to earn continuing education hours.

(2) A physical therapist or physical therapist assistant who was or is called to active duty in the armed forces reserves or New Mexico national guard are required to provide official documentation that the licensee is a member of the armed forces reserves or the national guard and was or is being called to active duty.

(3) Upon the physical therapist or physical therapist assistant's return to civilian status, the licensee shall pay the license renewal fee and resume earning continuing education contact hours prorated according to the licensee's months of service as required to maintain his or her licensure as a physical therapist or physical therapist assistant.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

This is an amendment to 6.2.4 NMAC, Sections 1, 2, 3, 6 and 8 through 15, effective 10-14-04. The part name is also amended.

PART 4 THE [NEW MEXICO TEACHER ASSESSMENT AND] ALTERNATIVE LICENSURE REVIEW [PANELS] PANEL

6.2.4.1 ISSUING AGENCY: [~~State Board of Education~~] Public Education Department
[12-31-98, 7-30-99; 6.2.4.1 NMAC - Rn, 6 NMAC 4.2.2.4.1, 10-13-00; A, 10-14-04]

6.2.4.2 SCOPE: [~~Chapter 2, Part 4 creates a New Mexico teacher assessment review panel, hereinafter called the review panel, whose purpose shall be to review individual applications for waiver of the requirements set forth in 6.60.5 NMAC, Competencies for Licensure, and make recommendation(s) to the state superintendent of public instruction regarding initial licensure. For individuals seeking portfolio review by the New Mexico teacher assessment review panel, this rule shall apply only to those individuals who have timely requested a portfolio review by October 1, 2000.~~] This rule [also] governs the issuance of an alternative license by means of a portfolio assessment, which is only available to those individuals who have passed all sections of the current [~~state board~~] public education department-required New Mexico teacher test. In order to accomplish such a review, the rule creates an alternative licensure review panel.

[12-31-98; 6.2.4.2 NMAC - Rn, 6 NMAC 4.2.2.4.2 & A, 10-13-00; A, 10-14-04]

6.2.4.3 STATUTORY AUTHORITY: [~~Sections 22-2-1 and 22-2-2, 22-10-3.5 and 22-10-3.6, NMSA 1978.~~] Sections 22-2-1, 22-2-2, 22-10A-5, 22-10A-8 and 22-10A-31 NMSA 1978

[12-31-98; 6.2.4.3 NMAC - Rn, 6 NMAC 4.2.2.4.3 & A, 10-13-00; A, 10-14-04]

6.2.4.6 OBJECTIVE: [~~This regulation creates a teacher assessment review panel whose purpose shall be to review individual applications for waiver of the requirements set forth in 6.60.5 NMAC, Competencies for Licensure, and make recommendation(s) to the state superintendent of public instruction regarding initial licensure. For any individuals seeking portfolio review by the New Mexico teacher assessment review panel who have timely requested a portfolio review by October 1, 2000, it~~

is the objective of the state board to, effective July 1, 2001, repeal and totally do away with all portions of this rule that permits a person to seek waiver of the requirements set forth in 6.60.5 NMAC, Competency Testing for Licensure, regarding initial licensure. Any individual who has taken all portions of the state board authorized teacher test and was permitted to teach during the 1999/2000 school year under authority of a 1 year substandard license that was granted because he/she failed one or more portions of that test, shall be eligible to apply for a portfolio review by the teacher assessment review panel. After October 1, 2000, no one will be permitted to seek portfolio review by means of the teacher assessment review panel. Additionally, this] This rule creates an alternative licensure review panel whose purpose is to assess the demonstration of competencies for entry level teachers that correspond to the license being sought by those individuals seeking that license by alternative licensure. This review panel would facilitate the [state superintendent of public instruction] secretary of education in making final determinations on approving or disapproving the issuance of an alternative license.
[12-31-98; 6.2.4.6 NMAC - Rn, 6 NMAC 4.2.2.4.6 & A, 10-13-00; A, 10-14-04]

6.2.4.8 [ORGANIZATION:

A. ~~Composition of the review panel: The review panel shall consist of nine (9) voting members appointed by the SBE, according to the following classifications:~~

(1) ~~The core group (permanent members): The core group members will be present to hear each case and will provide the review panel with continuity and consistency. Core group membership shall include:~~

(a) ~~two (2) licensed school administrators directly involved with staff evaluation, such as principals, assistant principals;~~

(b) ~~two (2) college or university faculty members directly involved with supervision and evaluation of student teachers;~~

(c) ~~one (1) licensed secondary teacher; and~~

(d) ~~one (1) licensed elementary teacher.~~

(2) ~~The subset group (ad hoc members): Subset group members shall include:~~

(a) ~~three (3) licensed teachers.~~

(b) ~~the professional standards commission (PSC) shall maintain a roster of persons available to serve on the subset group. The director of professional licensure shall randomly select the teachers to review each application and will assure representation among elementary and second-~~

~~ary teachers.~~

(3) ~~Non voting member: The PSC shall designate from among its membership one (1) non voting member who will serve as a liaison between the PSC and the review panel and will be a process observer.~~

(4) ~~Alternates: Alternates shall be selected in each of the above categories in the event that a member is unable to complete his/her term.~~

B. ~~Selection of review panel members:~~

(1) ~~Prospective review panel members shall submit to the PSC a portfolio that contains the following:~~

(a) ~~a resume;~~

(b) ~~a letter of support from his/her employer; and~~

(c) ~~letter(s) of recommendation.~~

(2) ~~The portfolio may contain the following:~~

(a) ~~documentation of special citations, awards, recognitions; and/or~~

(b) ~~documentation of membership in professional or scholarly organizations; and/or~~

(c) ~~other information deemed appropriate by the applicant.~~

(3) ~~The PSC shall screen and evaluate applications for membership and make recommendation to the SBE.~~

(4) ~~The SBE may appoint or remove any member or dissolve the review panel through official action.~~

C. ~~Terms:~~

(1) ~~Members of the review panel core group shall be appointed to a three-year term, provided however, that for purposes of the formation of the initial review panel, the members will draw for staggered terms as follows: two (2) members shall serve a one (1) year term; two (2) members shall serve a two (2) year term; and two (2) members shall serve a three (3) year term.~~

(2) ~~Terms shall begin on July 1 of the calendar year in which the appointment is made.~~

(3) ~~In the event that a member is no longer employed in the classification to which he/she was appointed, that member may serve the remainder of the current term upon approval of the SBE. If a member of the leaves the state, or resigns from the review panel, the alternate shall serve the remainder of the term. No member shall serve more than two full consecutive terms.~~

D. ~~Officers:~~

(1) ~~A chairperson and vice chairperson shall be elected from among members of the core group for one year by a simple majority vote at the first meeting of the calendar year.~~

(2) ~~The non voting members shall be excluded from serving as chairperson or vice chairperson.~~

~~(3) The chairperson cannot serve more than two consecutive terms.] [RESERVED] [12-31-98; 6.2.4.8 NMAC - Rn, 6 NMAC 4.2.2.4.8, 10-13-00; Repealed 10-14-04]~~

6.2.4.9 [MEETINGS:

A. Time and frequency:

~~(1) The review panel shall meet at the call of the chairperson after consultation with the director of professional licensure. For the first year, meetings shall be scheduled at a minimum of three (3) consecutive business days each quarter. At the conclusion of the first year, an annual calendar will be established based on the number of applications to be reviewed.~~

~~(2) Notification of meetings will be given as soon as possible, but at least thirty days prior to the day of the meeting.~~

B. Rules and procedures:

~~Meetings of the review panel shall be governed by the following rules:~~

~~(1) The chairperson or vice chairperson shall preside at all meetings. In their absence, a temporary presiding officer shall be selected by the membership.~~

~~(2) No review panel member shall participate in the review of an applicant in which he or she has a direct personal or pecuniary interest not common to other members of the review panel.~~

~~(3) A candidate appearing before the review panel has the right to one (1) peremptory challenge of a review panel member.~~

~~(4) Seven (7) voting members shall constitute a quorum of the review panel and shall be present to review each case.] [RESERVED]~~

~~[12-31-98; 6.2.4.9 NMAC - Rn, 6 NMAC 4.2.2.4.9, 10-13-00; Repealed 10-14-04]~~

6.2.4.10 [CANDIDATES TO APPEAR BEFORE THE REVIEW PANEL:

A. Application for review:

~~(1) Individuals requesting an exemption from passing the state board required New Mexico teacher test based on their inability to pass the examination must submit a written request to the state superintendent of public instruction for a review before the review panel.~~

~~(2) Upon approval by the state superintendent, the candidate will have three (3) months to prepare a portfolio and submit it to the director of professional licensure. The portfolio must be received by the director at least ten (10) working days prior to the meeting of the review panel. The portfolio must be sent by certified mail.~~

~~(3) If the portfolio is not presented in the allotted time, the matter will not be considered by the review panel; and the candidate will be notified. The state super-~~

~~intendent of public instruction may consider extensions for good cause shown.~~

B. Request and preparation:

~~(1) Request for review: An individual will be eligible for a review by the review panel based on the presence of the following:~~

~~(a) a letter to the state superintendent of public instruction requesting a review before the review panel;~~

~~(b) the letter of approval from the state superintendent upon verification from the director of professional licensure of the SDE attesting to the individual's compliance with all licensure regulations except for passage of the state board required New Mexico teacher test; and~~

~~(c) a set of state board required New Mexico teacher test scores which are not more than five (5) years old at the time of the request;~~

~~(2) Preparation of the portfolio: The complete portfolio submitted to the director of professional licensure shall contain the following:~~

~~(a) a letter of recommendation from the sponsoring agent;~~

~~(b) official college or university transcripts;~~

~~(c) references and recommendations to include both academic and employment references;~~

~~(d) most recent supervisor's evaluation if applicant is employed in the teaching profession at the time of submission of the portfolio; and~~

~~(e) videotaped lesson and/or observation report(s);~~

~~(f) a resume.~~

C. Sponsorship of candidates:

~~(1) Individuals employed in a New Mexico public or private school district must be sponsored by their superintendent or private school official.~~

~~(2) Individuals not employed by a New Mexico school district or New Mexico private school or unable to secure sponsorship by their employers may come before the review panel on their own sponsorship or solicit sponsorship from their preparing college or university.~~

~~(3) The sponsoring agents may assist candidates in the preparation of the portfolio.~~

D. Evaluation by the review panel: For each application pursuant to this regulation, the review panel shall consider the following:

~~(1) data gathered through the meeting with the applicant at the review; and~~

~~(2) the review of the portfolio.~~

E. Review panel recommendations: The review panel recommendations with regard to the candidate's licen-

sure may include:

~~(1) a permanent waiver of the state board required New Mexico teacher test; or~~

~~(2) no waiver of the state board required New Mexico teacher test.] [RESERVED]~~

~~[12-31-98; 6.2.4.10 NMAC - Rn, 6 NMAC 4.2.2.4.10 & A, 10-13-00; Repealed 10-14-04]~~

6.2.4.11 [RECOMMENDATION(S) TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:

A. After each meeting, the review panel chairperson together with the director of professional licensure will prepare a written or oral report and present it to the state superintendent along with a recommendation(s) regarding initial licensure for the candidates.

B. The state superintendent shall make the final decision with regard to the candidate's licensure and shall inform the review panel and the applicant of the final decision through the director of professional licensure.] [RESERVED]

~~[12-31-98; 6.2.4.11 NMAC - Rn, 6 NMAC 4.2.2.4.11, 10-13-00; Repealed 10-14-04]~~

6.2.4.12 [OFFICIAL COMMUNICATION WITH THE REVIEW PANEL:

The professional licensure unit shall serve as the staff office of the review panel. All communications to the review panel shall be addressed to: The New Mexico Teacher Assessment Review Panel; C/O Director of Professional Licensure, State Department of Education, Education Building, Santa Fe, NM 87501 2786. The director of the professional licensure unit shall acknowledge each communicate, noting the date and place of the next meeting of the review panel.] [RESERVED]

~~[12-31-98; 6.2.4.12 NMAC - Rn, 6 NMAC 4.2.2.4.12, 10-13-00; Repealed 10-14-04]~~

6.2.4.13 [ALTERNATIVE LICENSURE REVIEW PANELS] ORGANIZATION:

A. Composition of the alternative licensure review panel: The alternative licensure review panel ("ALRP") shall consist of five (5) voting members appointed by the [state board of education ("SBE")] secretary of education ("the secretary"):

(1) The core group (permanent members): The core group members will be present to hear each case and will provide the ALRP with continuity and consistency. Core group membership shall include:

- (a) one (1) licensed school administrator directly involved with staff evaluation, such as principals, assistant principals;
- (b) one (1) college or university

faculty member directly involved with supervision and evaluation of student teachers;

(c) three (3) licensed elementary or secondary school teachers.

(2) Alternates: Alternates shall be selected in each of the above categories and maintained on a list for use if a member is absent or unable to complete his/her term. Alternates shall have full voting rights. There is no limit to the number of alternates selected to the alternates list.

B. Selection of ALRP members and alternates: Prospective ALRP members, including alternates, shall submit an application packet to the director, professional licensure unit of the ~~[SDE, who shall forward the packet to the SBE]~~ public education department (PED).

(1) The application packet shall contain:

- (a) a letter of interest,
- (b) a resume,
- (c) a letter of support from his/her employer, and
- (d) letter(s) of recommendation.

(2) The application packet may contain:

- (a) documentation of special citations, awards, recognition; and/or
- (b) documentation of membership in professional or scholarly organizations; and/or

(c) other information considered relevant by the applicant.

(3) The director shall screen and evaluate applications for membership, including alternates, and make recommendations to the ~~[SBE]~~ secretary.

(4) The ~~[SBE]~~ secretary may appoint or remove any ALRP member, including alternates, or dissolve the entire ALRP by official action. Newly appointed members, including alternates, shall undergo a block of training/orientation prior to reviewing any portfolios.

C. Terms: Members of the ALRP core group shall be appointed by the ~~[SBE]~~ secretary to a three year term, provided however, that for purposes of the formation of the initial ALRP, the members will draw for staggered terms as follows: three (3) members shall serve a two (2) year term; and two (2) member shall serve a one (1) year term.

(1) Terms shall begin on July 1 of the calendar year in which each appointment of an ALRP member is made.

(2) In the event a member is no longer employed in the classification to which he/she was appointed, that member may serve the remainder of the current term upon approval of the ~~[SBE]~~ secretary. If a member of the ALRP permanently moves from the state or resigns from the ALRP, an alternate may be appointed to serve the remainder of that member's term. No mem-

ber shall serve more than two full consecutive terms.

D. Officers: A chair and vice-chair shall be elected from among members of the core group for one year by a simple majority vote at the first meeting of the calendar year. Unless a core group member resigns or is removed from the ALRP, alternates shall be excluded from serving as chair or vice-chair.

E. Meetings: The ALRP shall meet at the call of the chair after consultation with ~~[the director of professional licensure]~~ secretary or his/her designee. Provided there is funding, meetings shall be convened at a minimum of three (3) times per calendar year. They may be convened more frequently if practicable. Notification to members shall be made at least thirty days prior to the meeting.

F. Procedures at meetings: Meetings of the ALRP shall follow these procedures:

(1) The chair or vice-chair shall preside at all meetings. In the presiding officer's absence, a temporary presiding officer shall be selected by the membership.

(2) No ALRP member, including alternates, shall participate in the portfolio review of any applicant where the member knows or learns of the existence of a conflict of interest in connection with a candidate (e.g., is related to the applicant, is in a business relationship with the applicant whether directly or through agents, has a personal stake in the outcome of the candidate's case, is the supervisor/employer of the applicant, or has personal bias or prejudice concerning the applicant).

(3) Any review panel member who knows or learns of a conflict as set forth in Paragraph (2) of Subsection F of Section 6.2.4.13 NMAC shall immediately disqualify him/her-self from serving on the panel as to that applicant.

(4) An applicant appearing before the ALRP may challenge any member for cause. Any challenge by the applicant shall be made in writing to the chair of the panel who will cause the challenge to be discussed and voted on by the panel. Any person being challenged shall not be permitted to vote on whether that person should be disqualified. If the chair is the person being challenged, then the vice chair or another panel member shall cause the challenge to be discussed and voted on by the panel. If the remaining panel members cannot unanimously agree on what action to take, they shall confer with the director of the professional licensure unit ("PLU") who shall determine the action to be taken.

(5) Three (3) members shall constitute a quorum of the ALRP and shall be present to review each portfolio. An applicant may waive the quorum requirement.

[6.2.4.13 NMAC - N, 10-13-00; A, 10-14-

04]

6.2.4.14 GENERAL CONSIDERATIONS FOR PERSONS SEEKING REVIEW

A. Application for a portfolio review: All applicants for alternative licensure must establish a licensure file with the ~~[PLU]~~ professional licensure bureau (PLB) by:

(1) submitting a completed licensure application;

(2) clearing a criminal history background check (via FBI fingerprint cards);

(3) paying the appropriate licensure application and background check fees; and

(4) submitting official transcripts from all educational institutions attended.

B. Letter to the director: Individuals seeking alternative licensure by means of a portfolio review, must submit a letter to the ~~[director of the PLU]~~ director, requesting alternative licensure through a portfolio review. Under no circumstance shall an individual request a portfolio review unless that person has passed all sections of the current ~~[state board]~~ PED-required New Mexico teacher test.

C. Notification to the applicant: The ~~[director of professional licensure]~~ director shall notify all qualified applicants of their scheduled ALRP interview date. Detailed portfolio preparation and submission information shall be included with the director's notification. Any applicant who submits a letter requesting a portfolio review but has not passed all sections of the current ~~[state board]~~ PED-required New Mexico teacher test will be so notified and will not be granted a portfolio review at this time.

D. Preparation of the portfolio: An individual seeking portfolio review must prepare six (6) completed, collated photocopies of their portfolio, each containing:

(1) photocopies of original official college or university transcripts;

(2) three or more references and/or recommendations to include employment and/or academic sources;

(3) a typed/word-processed résumé;

(4) a completed statement of experience on a form maintained by the ~~[professional licensure unit]~~ PED;

(5) (*optional) a recent performance evaluation; *there are no adverse consequences for applicants who do not submit optional materials;

(6) (*optional) a VHS-format videotape consisting of two 15-minute instruction sessions; *there are no adverse consequences for applicants who do not submit optional materials.

E. Evaluation by the review panel: The ALRP has up to one (1) hour to review an applicant's portfolio including the optional video if submitted, and up to one (1) hour to interview each applicant. Interview of the applicant shall immediately follow review of the portfolio/video.

F. ALRP recommendations: After deliberating about an applicant's satisfaction of the SBE's competencies, the ALRP shall vote and render a written majority recommendation.

(1) The ALRP shall either recommend approval or disapproval of the alternative licensure sought.

(2) After each applicant interview, the chair of the ALRP shall deliver the panel's written recommendations to the ~~director of professional licensure, who shall then deliver them to the state superintendent of public instruction~~ PLB director.

(3) ~~The state superintendent~~ PLB director shall make the final decision with regard to the applicant's licensure and shall inform the ALRP and the applicant of that final decision. ~~through the director of professional licensure. The decision of the state superintendent is final and not subject to SDE or SBE review, reversal or reconsideration.~~ Any decision by the PLB director to deny issuance of a license on the basis of an applicant's performance before the ALRP, shall be rendered in accordance with the procedures provided in the Uniform Licensing Act. [61-1-1 to 61-1-31 NMSA 1978].

[6.2.4.14 NMAC - N, 10-13-00; A, 10-14-04]

6.2.4.15 OFFICIAL COMMUNICATION WITH THE ALRP:

The ~~PLU~~ secretary shall designate PED staff to serve as ~~the staff office of~~ support for the ALRP. All communications to the ALRP shall be addressed to: Alternative Licensure Review Panel, c/o ~~Director of the~~ Professional Licensure Bureau, ~~State Department of Education~~ Public Education Department, Education Building, Santa Fe, NM 87501-2786. The ~~director of the PLU~~ staff of PLU professional licensure shall acknowledge each communiqué, noting the date and place of the next meeting of the ALRP. Persons may also communicate with the ALRP electronically by use of the e-mail address indicated in the ~~PLU's~~ public education department's website.

[6.2.4.15 NMAC - N, 10-13-00; A, 10-14-04]

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

This is an amendment to 6.60.4 NMAC Sections 1, 2, 3 and 7 through 13, effective 10-14-04.

6.60.4.1 ISSUING AGENCY: ~~[State Board of Education]~~ Public Education Department (PED)

[6.60.4.1 NMAC - Rp 6 NMAC 4.2.2.3.1, 07-01-01; A, 10-14-04]

6.60.4.2 SCOPE: All persons who possess a minimum of a baccalaureate degree, have completed their education preparation programs at educational institutions outside the state or hold a valid out-of-state license, and are now seeking a teaching or administrative license or an endorsement from the ~~state board of education~~ public education department.

[6.60.4.2 NMAC - Rp 6 NMAC 4.2.2.3.2, 07-01-01; A, 10-14-04]

6.60.4.3 STATUTORY AUTHORITY: ~~[Sections 22-2-1 and 22-2-2] Sections 22-10A-12, 22-10A-6 (C) (D), and 22-10A-12 NMSA 1978.~~

[6.60.4.3 NMAC - Rp 6 NMAC 4.2.2.3.3, 07-01-01; A 10-14-04]

6.60.4.4 DEFINITIONS:

A. "Core academic subjects" means English, language arts, reading, mathematics, science, modern and classical languages, except the modern and classical Native American languages and cultures of New Mexico tribes and pueblos, the arts, including music and visual arts, and social studies, which includes civics, government, economics, history, and geography.

B. "Academic major," under this rule, means twenty-four (24) to thirty-six (36) semester hours in a core academic subject area, twelve hours of which must be upper division for secondary 7-12, middle level 5-9, and k-12 specialty area licenses.

[6.60.4.7 NMAC - N, 10-14-04]

6.60.4.8 REQUIREMENTS:

A. Persons seeking a reciprocal level one license for elementary k-8, early childhood b-3, secondary 7-12, middle level 5-9, special education k-12, or grade k-12 specialty area, or grade k-12 blind and visually impaired, through reciprocity, shall meet the following requirements:

(1) hold a bachelor's degree or higher degree from a regionally accredited or ~~state board of education ("SBE")~~ public education department (PED) approved col-

lege or university; and

(2) hold and provide a copy of a valid teaching license issued by a state education agency that is comparable to the license they are seeking; and

(3) have completed a teacher preparation program accepted by the ~~SBE; and either~~ PED; and

(4) ~~[have passed the applicable New Mexico teacher assessments ("NMTA") or other teacher competency test(s) satisfying requirements for teacher licensure in another state; or] if applying for:~~

(a) early childhood b-grade 3 or k-8 elementary licensure, provide evidence of having passed a content knowledge or professional knowledge test on the basic early childhood or elementary school curriculum and on any additional core academic endorsement areas or have completed 24 lower or upper division credit hours across the elementary education core academic subjects of language arts, social studies, mathematics, and science with at least six credit hours in each core area;

(b) secondary 7-12, middle level 5-9, or grades k-12 specialty area licensure in the core academic areas, provide evidence of having passed a content knowledge test in each of the core academic subjects in which the applicant seeks licensure or having completed an academic major, a graduate degree, or coursework equivalent to an academic major in each of the core academic subjects in which the applicant seeks licensure;

(c) licensure in non-core academic subjects, special education k-12, or blind and visually impaired k-12 licensure, have, on a form acceptable to the PED, provided evidence of having satisfactorily taught under their out of state license or licenses or have passed the applicable New Mexico teacher assessment ("NMTA") or other teacher competency test(s) satisfying requirements for teacher licensure in another state; and

(5) have, on a form acceptable to the professional licensure ~~unit ("PLU" of the SDE)]~~ bureau ("PLB") of the PED, provided evidence of having satisfactorily taught under their out of state license; or combination of licenses for fewer than three complete school years; and

(6) submit to and satisfactorily clear a fingerprint-based background check pursuant to Section ~~[22-10-3.3]~~ 22-10A-5, NMSA 1978.

B. Persons seeking a level two license for elementary k-8, early childhood b-3, secondary 7-12, middle level 5-9, special education k-12, or grade k-12 specialty area, or grade 12 blind and visually impaired, through reciprocity, shall meet the following requirements:

(1) hold a bachelor's degree or higher degree from a regionally accredited or state approved college or university; and either

(2) hold a valid certificate issued by the national board for professional teaching standards; or

(3) hold and provide a copy of a valid teaching license or licenses issued by a state education agency that is comparable to the license they are seeking; and

(4) have completed a teacher preparation program accepted by the [SBE] PED; and

(5) have, on a form acceptable to the PLU, provided evidence of having satisfactorily taught under their out of state license for at least ~~five~~ three complete school years at any time preceding their application for licensure; and

(6) ~~have passed the applicable NMTA or other teacher competency test(s) satisfying requirements for teacher licensure in another state; and~~ meet the requirements of Paragraph (4) of Subsection A of 6.60.4.8 NMAC and

(7) submit to and satisfactorily clear a fingerprint-based background check pursuant to section 22-10-3.3, NMSA 1978.

C. [Persons seeking reciprocal administrative licensure shall meet the requirements for a level two teaching license set forth in subsection B of section 8 of 6.60.4 NMAC above, and shall meet the following additional requirements:] Persons seeking a level three-A license for elementary k-8, early childhood b-3, secondary 7-12, middle level 5-9, special education k-12, or grade k-12 specialty area, or grade 12 blind and visually impaired, through reciprocity, shall meet the following requirements:

(1) hold a master's degree or higher from a regionally accredited or state approved college or university; ~~[and either,]~~ or

(2) ~~[hold a valid administrator's license issued by a state education agency; or]~~ hold a valid certificate issued by the national board for professional teaching standards; and

(3) hold and provide a copy of a valid teaching license or licenses issued by a state education agency that is comparable to the license they are seeking; and

~~[(3)]~~ (4) have completed ~~[an education administrator]~~ a teacher preparation program accepted by the [SBE] PED and

(5) have, on a form acceptable to the PLU, provided evidence of having satisfactorily taught under their out of state license or licenses for at least six complete school years at any time preceding their application for licensure; and

(6) meet the requirements of 6.60.4.8 NMAC; and

(7) submit to and satisfactorily

clear a fingerprint-based background check pursuant to section 22-10A-5, NMSA 1978.

D. A teacher who is granted level three-A licensure under this rule who does not demonstrate competency at level three-A indicators in Subsection D of 6.69.4.12 for a given school year may have his license suspended under Subsection F of 6.69.4.10 NMAC.

E. Persons seeking reciprocal administrative licensure shall meet the following requirements:

(1) hold a master's degree or higher degree from a regionally accredited or PED approved college or university; and either

(2) hold a valid administrator's license or licenses issued by a state education agency; or

(3) have completed a college or university education administrator preparation program accepted by the PED; and

(4) hold and provide a copy of a valid teaching license or licenses issued by a state education agency; and

(5) provide on a form acceptable to the PED, evidence of having satisfactorily taught under their out of state teaching license or licenses for at least seven complete years at any time preceding their application for New Mexico licensure in education administration.

~~[D.]~~ E. Persons holding a valid ~~[administrative]~~ education administration license from another state who are seeking ~~[one or more of the level two teaching licenses listed in subsection B of section 8 of 6.60.4 NMAC above;]~~ reciprocal education administration licensure in New Mexico shall be exempt from satisfying the requirements of Paragraph 5 of Subsection ~~[B]~~ D of section 8 of 6.60.4.8 NMAC above, provided that they ~~[present evidence to the PLU of having satisfactorily served under their out of state administrative license during the three consecutive, complete school years preceding their application for licensure]~~ began their administrator preparation program prior to April 4, 2003.

[6.60.4.8 NMAC - Rp 6 NMAC 4.2.2.3.8, 07-01-01; A, 06-01-02; A, 08-30-02; A, 10-14-04]

6.60.4.9 LICENSURE ENDORSEMENTS: Persons seeking an endorsement on the basis of out of state college coursework or experience shall meet the following requirements:

A. hold the underlying license required for that endorsement; and

B. provide the out-of state documentation supporting their having satisfied the endorsement-appropriate [SBE] PED requirements for the requested endorsement; and

C. if they are also seeking level one, ~~[or]~~ level two, or level three

reciprocal licensure under this rule, meet the requirements of either Subsections ~~[A or B]~~ A, B or C of Section 8 of 6.60.4 NMAC above for the respective level of licensure sought.

[6.60.4.9 NMAC - N, 07-01-01; A 10-14-04]

6.60.4.10 BURDEN OF PROOF

ON SUBMISSIONS: Consistent with the criteria enumerated above, it shall be the burden of the individual seeking the reciprocal licensure or licensure endorsement to provide supporting documentation to [SDE]. ~~Applicants are encouraged to obtain their supporting documentation as soon as possible and submit them to the SDE all in one submission together with their application. In some circumstances identified above, information must be submitted on forms available from the PLU.] the PED.~~

[6.60.4.10 NMAC - N, 07-01-01; A, 10-14-04]

6.60.4.11 [FAILURE TO SATISFY LICENSURE REQUIREMENTS:

~~Except in the case of alleged non clearance of a background check, the SDE shall deny applications for reciprocal licensure or reciprocal licensure endorsement where an applicant's completed file indicates that the individual has failed to satisfy all the requirements set forth in this or any other applicable SBE rule. An individual's rights where his application has been denied solely on the basis of non clearance of a background check shall be governed by the SBE's rule on denial of applications for licensure. All other individuals denied a license or endorsement under this rule may file a written request to have the superintendent of public instruction ("superintendent") review the denial. Such written request must be filed with the superintendent within 30 days of receipt of the denial and must state reasons why the denial was erroneous. The superintendent's decision on review shall be in writing and shall be final, binding and not subject to further agency review.][Reserved]~~

[6.60.4.11 NMAC - N, 07-01-01; Repealed, 10-14-04]

6.60.4.12 IMPLEMENTATION:

Persons who meet the requirements in this rule may obtain a license at a level established by the [SBE] PED unless otherwise barred by statute or [SBE] PED rule. Anyone with a reciprocal-based licensure application pending before the [SDE] PED at the time this rule becomes effective shall be evaluated under the requirements of this rule. Persons issued licenses under this rule between June 1, 2002 and the effective date of this section, may request the PED to reassess their level of licensure based on the amended rules provided that they do so by

June 30, 2005. The PED may issue new licenses to persons impacted by amendments in this rule with the same beginning effective dates as their original licenses. Out of state licenses that are expired will not be considered in determining a person's eligibility to receive licensure or licensure endorsement under this rule. Except for a certificate issued by the national board for professional teaching standards, the fact that a person seeking reciprocal licensure holds a valid out of state license or endorsement shall not in itself entitle that person to any presumption regarding the issuance of [an SBE] a PED license or endorsement. Nothing in this rule shall prevent a local superintendent from establishing a policy requiring a person who receives reciprocal licensure to participate in a mentorship program.

[6.60.4.12 NMAC - Rp 6 NMAC 4.2.2.3.9, 07-01-01; A, 10-14-04]

6.60.4.13 FOREIGN COUNTRY LICENSURE RECIPROCITY:

~~A. The SBE may issue a three-year, nonrenewable level 1 license to a person holding teacher or administrative licensure or credentials from a foreign country without the requirement that he/she take and pass all portions of the SBE's current teacher test, provided that:~~

~~(1) the license(s) the person is seeking is/are comparable to the foreign license(s) or credentials he/she holds;~~

~~(2) the person pays the appropriate fee for the license(s) being sought;~~

~~(3) the person submits to a fingerprint-based background check or produces a comparable background check report not more than 1 year old;~~

~~(4) the person is lawfully in this country and may lawfully be employed in this country by reason of a federal work visa; and,~~

~~(5) the person is a participant in a formal foreign teacher exchange or visitation program that has been solemnized by a memorandum of understanding or other agreement signed by the state superintendent of public instruction and an appropriate representative of the participating foreign country or foreign educational agency; or~~

~~(6) the person is in the United States as a participant in a program designated by the director of the United States Information Agency in accordance with section 101(a)(15)(J) of the Immigration and Nationality Act.~~

~~B. A person issued a license under this section shall not be issued a level 2 license unless he/she takes and passes all portions of the SBE's current teacher test.~~

~~C. A person issued a license under this section shall be employed under a standard contract issued pursuant to~~

~~Section 22-10-11, NMSA 1978.~~

~~D. A person issued a license under this section shall not be eligible for a standard license and shall not be employed for any position in which he/she is not properly endorsed or licensed.~~

A. Foreign country teachers seeking a reciprocal level one license for elementary k-8, early childhood b-3, secondary 7-12, middle level 5-9, special education k-12, or grade k-12 specialty area, or grade 12 blind and visually impaired who are licensed or hold authorization to teach in a country outside of the United States of America, shall meet the following requirements:

(1) hold a bachelor's degree or equivalent from a college or university, which if located in the United States must be regionally accredited; and,

(2) hold and provide a copy of a valid teaching license or authorization to teach in another country or countries that is comparable to the New Mexico license they are seeking; and,

(3) have completed a college or university teacher preparation program accepted by the PED; and,

(4) if applying for:

(a) early childhood b-grade 3 or k-8 elementary licensure, have passed the applicable New Mexico teacher assessments ("NMTA") or other teacher competency test(s) satisfying requirements for teacher licensure in another state or country, or have completed 24 lower or upper division credit hours across the elementary education core academic subjects of language arts, social studies, mathematics, and science with at least six credit hours in each core area, or successfully complete the portion of the HOUSSE process required in Subsections C and D of 6.69.4.9 NMAC prior to the expiration of the level one license;

(b) secondary 7-12, middle level 5-9, and grades k-12 specialty area licensure in the core academic areas, provide evidence of having completed an academic major, a graduate degree, or coursework equivalent to an academic major in each of the core academic subjects in which the applicant seeks licensure, or having passed the applicable New Mexico teacher assessments ("NMTA") or other teacher competency test(s) satisfying requirements for teacher licensure in another state or country; or successfully completed the portion of the HOUSSE process required in Subsection D of 6.69.4.9 NMAC prior to the expiration of the level one license;

(c) licensure in non-core academic subjects, special education k-12, or blind and visually impaired k-12 licensure, have, on a form acceptable to the PED, provided evidence of having satisfactorily taught under their foreign country licensure or

authorization, or have passed the applicable New Mexico teacher assessments ("NMTA") or other teacher competency test(s) satisfying requirements for teacher licensure in another state or country, or successfully complete the portion of the HOUSSE process required in Subsection D of 6.69.4.9 NMAC prior to the expiration of the level one license; and,

(5) have, on a form acceptable to the PLU, provided evidence of having satisfactorily taught under their out of country license(s) or authorization(s) for fewer than three complete school years at any time preceding their application for licensure; and

(6) submit to and satisfactorily clear a fingerprint-based background check pursuant to Section 22-10A-5, NMSA 1978 or provide proof of a criminal history background clearance from their country of residence.

B. Persons seeking a level two license for elementary k-8, early childhood b-3, secondary 7-12, middle level 5-9, special education k-12, or grade k-12 specialty area, or grade 12 blind and visually impaired, through reciprocity, shall meet the following requirements:

(1) hold a bachelor's degree or equivalent from a college or university, which if located in the United States must be regionally accredited; and either

(2) hold a valid certificate issued by the national board for professional teaching standards; or

(3) hold and provide a copy of a valid teaching license or authorization to teach in another country or countries that is comparable to the New Mexico license they are seeking; and

(4) have completed a college or university teacher preparation program accepted by the PED; and

(5) meet the requirements of Paragraph (4) of Subsection A of 6.60.4.13 NMAC and

(6) submit to and satisfactorily clear a fingerprint-based background check pursuant to section 22-10A-5, NMSA 1978 or provide proof of a criminal history background clearance from their country of residence.

C. Persons seeking a level three license for elementary k-8, early childhood b-3, secondary 7-12, middle level 5-9, special education k-12, or grade k-12 specialty area, or k-12 blind and visually impaired, through reciprocity, shall meet the following requirements:

(1) hold a master's degree or higher degree or equivalent from a college or university, which if located in the United States must be regionally accredited; and either

(2) hold a valid certificate issued by the national board for professional teaching standards; or

(3) hold and provide a copy of a valid teaching license or authorization to teach in another country or countries that is comparable to the New Mexico license they are seeking; and

(4) have completed a college or university teacher preparation program accepted by the PED; and

(5) meet the requirements Paragraph (4) of Subsection A of 6.60.4.13 NMAC; and

(6) have, on a form acceptable to the PLB, provided evidence of having satisfactorily taught under their out of country license or authorization for at least six complete school years at any time preceding their application for licensure and

(7) submit to and satisfactorily clear a fingerprint-based background check pursuant to section 22-10A-5, NMSA 1978 or provide proof of a criminal history background clearance from their country of residence.

D. A teacher who is granted level three-A licensure under this rule who does not demonstrate competency at level three-A indicators of Subsection D of 6.69.4.12, for a given school year may have his license suspended under Subsection F of 6.69.4.10, NMAC.

[6.60.4.13 NMAC - N, 06-01-02; A, 08-15-03; A 10-14-04]

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

Explanatory paragraph: This is an amendment to 6.69.4 NMAC (PERFORMANCE EVALUATION SYSTEM REQUIREMENTS FOR TEACHERS). Section 1 (ISSUING AGENCY) is amended to reflect the Public Education Department as the issuing agency. Subparagraph (c) of Paragraph (3) of Subsection C and Subparagraph (c) of Paragraph (3) of Subsection D of Section 7 (DEFINITIONS) are amended to delete the provisions allowing the holding of level III New Mexico teaching licensure at the grade level and subject area(s) in which the teacher teaches as a means of obtaining advanced credentials. Section 9 (IMPLEMENTATION OF THE HIGH OBJECTIVE UNIFORM STATEWIDE STANDARD OF EVALUATION FOR DEMONSTRATING COMPETENCE IN THE CORE ACADEMIC SUBJECTS AND OTHER ENDORSEMENT AREAS) is amended to clarify that the standard is statewide. Subsection C is amended to provide specificity with regard to the credit hours required to meet the requirements of subject area competence by means of the high objective uniform statewide standard of evalu-

ation. Subsection D is repealed in its entirety and replaced by a new Subsection D stating the combination of coursework through a regionally accredited college or university and portfolio requirements necessary to meet the requirements of subject area competence by means of the high objective uniform statewide standard of evaluation. Subsection A of Section 10 (IMPLEMENTATION OF THE HIGH OBJECTIVE UNIFORM STANDARD OF EVALUATION - ANNUAL) amends the deadline by which school districts must adopt policies, guidelines and procedures for annual teacher evaluation. Paragraph (1) of Subsection B is amended to reflect the current governance structure pursuant to the amended Article XII, Section 6 of the Constitution of New Mexico and Laws 2004, Chapter 27. Subsection G is amended to reflect the applicability of the high objective uniform standard of evaluation to any teacher who held a level II or level III-A license prior to July 1, 2004. A new Subsection G is added to Section 12 (NEW MEXICO TEACHER COMPETENCIES AND INDICATORS FOR LICENSURE LEVELS I, II, III).

6.69.4.1 ISSUING AGENCY: [State Board of Education] Public Education Department.

[6.69.4.1 NMAC - N, 09-30-03; A, 10-14-04]

6.69.4.7 DEFINITIONS:

C. "A highly qualified middle or junior high school teacher holding elementary K-8 licensure", under this rule, means a teacher who is fully qualified to teach the core academic subjects in a public middle or junior high school, and who:

(3) has demonstrated competency in each of the core academic subjects the teacher teaches by either:

(c) obtaining advanced credentials, which means certification by either the national board for professional teaching standards for the appropriate grade level and type [or by holding level III New Mexico teaching licensure at the grade level and in the subject area(s) in which the teacher teaches]; or

D. "A highly qualified middle level (5-9), secondary (7-12), or K-12 specialty area teacher", under this rule, means a teacher who is fully qualified to teach the core academic subjects, and who:

(3) has demonstrated competency in the core academic subjects the teacher teaches by:

(c) obtaining advanced credentials, which means certification by [either] the national board for professional teaching standards for the appropriate grade level

and type [or by holding level III New Mexico teaching licensure at the grade level and in the subject area(s) in which the teacher teaches]; or

[6.69.4.7 NMAC - N, 09-30-03; A, 10-14-04]

6.69.4.9 IMPLEMENTATION OF THE HIGH OBJECTIVE UNIFORM STATEWIDE STANDARD OF EVALUATION-FOR DEMONSTRATING COMPETENCE IN THE CORE ACADEMIC SUBJECTS AND OTHER ENDORSEMENT AREAS: To meet the requirements of subject area competence by means of the high objective uniform statewide standard of evaluation a candidate must fulfill the requirements in Subsections A and B of 6.69.4.9 NMAC below and either the requirements of Subsections C or D of 6.69.4.9 NMAC below:

A. have successful annual evaluations for the two school years prior to the evaluation, as is defined in 6.69.4.10 NMAC; and

B. have five complete school years of successful teaching [experience] and either;

C. complete [at least 12] credit hours at a regionally accredited college or university in the core academic subject [area] in which the candidate is seeking to demonstrate competence, as follows:

(1) For 7-12, 5-9, and K-12 licenses, the credit hours must be upper division;

(2) for a K-8 licensed teacher teaching in a self-contained elementary classroom, 24 lower or upper division credit hours across the elementary education core academic subjects of language arts, social studies, mathematics, and science with at least six credit hours in each core area;

(3) for a K-8 licensed teacher teaching in a middle school, 18 or lower or upper division credit hours in each core academic subject the teacher teaches;

(4) for 7-12, 5-9, and K-12 licenses, 18 credit hours, 12 of which must be upper division in each core academic subject the teacher teaches; or

[D. demonstrate competence in the instructional strand of the state board's teacher competencies and indicators for the level of licensure the candidate holds, as provided in Subparagraph (a) of Paragraph (2) of Subsection D of 6.69.4.11 NMAC, to a local panel.

(1) The local panel of teachers shall consist of two teachers.

(a) One teacher will be appointed by the principal in the school where the teacher seeking to be highly qualified is teaching. The second teacher will be appointed by the candidate.

(b) Panelists must be highly qual-

ified, as defined in Subsection B, C or D of 6.69.4.7 NMAC, hold a current level II or III-A license, and have an endorsement in the subject area to be evaluated.

(c) Panelists may be from the candidate's same school, or same district, or from another school or district in New Mexico.

(2) The candidate must gather and submit to the panel evidence demonstrating how he/she meets the competencies in the instructional strand of the state board's teacher competencies and indicators. Evidence must include:

(a) documentation from paragraph (1) of Subsection E of 6.69.4.11 NMAC; and

(b) observation summaries, by each panel member, of the candidate teaching in the area for which he or she is applying; observations by the panel members may be done in person or by video; and

(c) at least two observation summaries, completed by the candidate, of a teacher(s) teaching in the subject area for which the candidate is seeking to be highly qualified.]

D. complete the following combination of coursework through a regionally accredited college or university and by portfolio:

(1) for K-8 licensed teachers teaching in a self-contained elementary classroom, 12 lower or upper division credit hours across the elementary education curriculum areas;

(2) for K-8 licensed teacher teaching in a middle school, upper or lower division credit hours as follows:

(a) 12 semester hours in a single core subject area; or

(b) 15 semester hours in two core subject areas, with at least 6 hours in each one; or

(c) 18 semester hours in three core subject areas, with at least 6 hours in each one; or

(d) 24 semester hours in four core subject areas, with at least 6 hours in each one;

(3) for 7-12, 5-9, and K-12 licenses, the upper division credit hours, as specified in Paragraph (2) of Subsection D of 6.69.4.9 NMAC.

(4) demonstrate to a local panel of teachers the requirements of paragraphs (a) or (b) below:

(a) mastery of the competence in the instructional strand of the public education department's teacher competencies and indicators for the level of licensure the candidate holds in each core academic subject in which the teacher seeks to demonstrate that he or she is highly qualified by submitting evidence from (1), (2) and (3) as follows:

(i) documentation from

Paragraph (1) of Subsection E of 6.69.4.11 NMAC; and

(ii) observation summaries, by each panel member, of the candidate teaching in the area for which he or she is applying; observations by the panel may be done in person or by video; and

(iii) at least two observation summaries, completed by the candidate, of a teacher(s) teaching in the subject area for which the candidate is seeking to be highly qualified.

(b) provide an analysis of student achievement in each core academic subject in which the teacher seeks to demonstrate that he or she is highly qualified by submitting evidence as follows:

(i) explain (350 word maximum) the way(s) in which a class of students demonstrated their achievement (e.g., test, work sample, performance) related to a segment of instruction; include examples of different materials used and student work;

(ii) provide the criteria (350 word maximum) for determining different levels of achievement and how this was communicated to the students; the criteria may be in a handout or other means of communication to students;

(iii) to illustrate relative levels of achievement in the class, provide examples of the work of three unidentified students who represent "high," "mid range," and "low" levels of achievement; these examples may include unidentified student written or drawn work, photographs, audio recordings (5 minute maximum), or video recordings (5 minute maximum and written parental consent to video child);

(iv) explain (350 word maximum) how the three unidentified students differed in their achievement levels and how this achievement relates to the state's standards and/or benchmarks;

(v) explain (350 word maximum) how this data could be taken into account in a subsequent instructional segment for the class.

(c) The local panel of teachers shall consist of two teachers.

(i) One teacher will be appointed by the principal in the school where the teacher seeking to be highly qualified is teaching. The second teacher will be appointed by the candidate.

(ii) Panelists must be highly qualified, as defined in Subsection B, C or D of 6.69.4.7 NMAC, hold a current level II or III-A license, and have an endorsement or license in the subject area or areas to be evaluated.

(iii) Panelists may be from the candidate's same school, or same district, or from another school or district in New Mexico.

(3) (5) Both teachers on the

panel must agree that the candidate has met, or exceeds, the competencies and indicators for the level of licensure the teacher being evaluated holds or that the students of the teacher being evaluated have demonstrated growth and progress in each core academic subject the teacher teaches.

(4) (6) The panel shall submit their recommendation to the [state department of education] local superintendent and records of the panel's findings shall be kept on file locally and available to the PED upon request. Verification of the panel's findings shall be submitted to the public education department in a form acceptable to the department if the candidate is seeking to add an endorsement on his/her license based on Subsection C of 6.69.4.9 NMAC.

(5) (7) [The state department of education will verify that the teacher has met the requirements set forth in this rule and if] If permitted in the [state board's] public education department's rules governing the subject area the candidate may be issued an endorsement in the evaluated subject area if the candidate has completed the entire process of one of the options in 6.69.4.9 NMAC.

[6.69.4.9 NMAC - N, 09-30-03; A, 10-14-04]

6.69.4.10 IMPLEMENTATION OF THE HIGH OBJECTIVE UNIFORM STANDARD OF EVALUATION-ANNUAL:

A. No later than [April 1, 2004] October 15, 2004, each school district shall [submit for approval to the department,] adopt policies, guidelines, and procedures for annual teacher performance evaluation that meet the requirements of this regulation. The annual evaluation plan will be combined with the evaluation plan for licensure advancement provided in subsection A of 6.69.4.11 NMAC to form an overall system for teacher evaluation and support.

B. No later than forty school days after the first of school of each school year, each teacher and his or her school principal shall establish a professional development plan for the teacher, with measurable objectives, for the coming year based on, among other things:

(1) the [state board of education's] public education department's nine teaching competencies and indicators for the teacher's licensure level; and

D. The school principal shall observe each teacher's classroom or program practice at least once annually to determine the teacher's ability to demonstrate state adopted competencies and indicators for each teacher's licensure level.

G. Any teacher who held a level II or level III-A license prior to [April 4, 2003] July 1, 2004, shall meet the

requirements of the high objective uniform standard of evaluation for his/her level of licensure through the annual evaluation process by September 1, 2006 or shall not be eligible for the increased base salary provided in 22-10A-11(C), NMSA 1978. [6.69.4.10 NMAC - N, 09-30-03; A, 10-14-04]

6.69.4.12 NEW MEXICO TEACHER COMPETENCIES AND INDICATORS FOR LICENSURE LEVELS I, II, III:

G. Teachers whose leadership roles are primarily outside of the classroom will be evaluated on their ability to lead other teachers in meeting the competencies and indicators for their level of licensure. [6.69.4.12 NMAC - N, 09-30-03; A, 10-14-04]

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

Explanatory paragraph: This is an amendment to 6.75.2 NMAC. The part name is amended to reflect the current governance structure pursuant to the amended Article XII, Section 6 of the Constitution of New Mexico and Laws 2004, Chapter 27. Section 1 (ISSUING AGENCY) is amended to reflect the Public Education Department as the issuing agency. Section 3 (STATUTORY AUTHORITY) is amended to reflect the current statutory authority. Subsections B, C, F, and L of Section 7 (DEFINITIONS) and paragraph (1) and item (iii) of subparagraph (d) of paragraph (3) and item (iii) of subparagraph (b) of paragraph (4) of Subsection A, paragraphs (1) and (3) of Subsection B, paragraph (2) and subparagraph (c) of paragraph (3) of Subsection D of Section 8 (REQUIREMENTS) are amended to reflect the current governance structure pursuant to the amended Article XII, Section 6 of the Constitution of New Mexico and Laws 2004, Chapter 27. A new Section 9 (UNOBLIGATED AND UNEXPENDED INSTRUCTIONAL MATERIAL BALANCES) is added.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 75 INSTRUCTIONAL MATERIALS AND TECHNOLOGY PART 2 RELATING TO THE [STATE DEPARTMENT OF] PUBLIC EDUCATION DEPARTMENT INSTRUCTIONAL MATERIAL BUREAU

6.75.2.1 ISSUING AGENCY:

~~[State Board of Education] Public Education Department~~ [05-30-98, 01-15-99, 07-30-99; 6.75.2.1 NMAC - Rn, 6 NMAC 2.2.2.1, 11-14-00; A, 10-14-04]

6.75.2.3 STATUTORY AUTHORITY: This regulation is promulgated pursuant to Section 22-2-1 ~~[and Subsection D of Section 22-2-2]~~ NMSA 1978.

[05-30-98, 01-15-99; 6.75.2.3 NMAC - Rn, 6 NMAC 2.2.2.3, 11-14-00; A, 10-14-04]

6.75.2.7 DEFINITIONS:
B. "Board" means ~~the state board of education~~ the public education department as provided by Laws 2004, Chapter 27, Section 27.

C. "Chief" or "director" means the chief of the state instructional material bureau ~~[appointed by the Superintendent of Public Instruction and approved by the board].~~

F. "Department" means the ~~state department of~~ public education department.

L. "Instructional material bureau" means that unit established within the ~~state department of education~~ department pursuant to the Instructional Material Law. [05-30-98, 01-15-99; 6.75.2.7 NMAC - Rn, 6 NMAC 2.2.2.7 & A, 11-14-00; A, 10-14-04]

6.75.2.8 REQUIREMENTS:
A. Responsibilities of the board

(1) There shall be one (1) annual adoption, provided however, that the board may allow other adoptions upon ~~the certification of the state superintendent of public instruction~~ a finding that an emergency is determined to exist.

(3) Request for proposals: The RFP shall specify:

(d) The publisher shall designate an in-state distribution point for the distribution of instructional material and to act as the agent for the publisher for requisition, billing, and receipt of payments for the purchase of instructional material. The publisher shall assure that the in-state distribution point meets the following minimum criteria:

(iii) compatible computer capacity to receive and process instructional material orders and to communicate in the automated format as established by the ~~state department of education~~ department; and,

(4) Pursuant to Section 22-15-13 NMSA 1978, the board may enter into a contract for the purchase and delivery of instructional material:

(b) The publisher shall designate

an in-state distribution point for the distribution of instructional material and to act as the agent for the publisher for requisition, billing, and receipt of payments for the purchase of instructional material. The publisher shall ensure that the in-state distribution point meets the following minimum criteria:

(iii) compatible computer capacity to receive and process instructional material orders and to communicate in the automated format as established by the ~~state department of education~~ department; and,

B. Responsibilities of local school boards or governing authorities

(1) Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, private school or adult basic education center acquiring instructional material pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] shall file a report with the department ~~[of education]~~. The annual report shall include the total instructional material allocation received, an itemized list of instructional materials purchased by school by publisher, the average per pupil cost, and year-end cash balances and other documentation as required by the department.

(3) Notwithstanding the provisions of the preceding paragraph, local school districts operating pursuant to variable school calendars approved by the ~~state department of education~~ department, shall adhere to the following timelines:

D. Responsibilities of publishers

(2) Contracts shall be returned to the ~~state department of education~~ department fully executed by the publisher no later than thirty (30) days after receipt by the publisher. Failure to return the fully executed contract may result in the rejection of the publisher's proposal.

(3) The publisher shall designate an in-state distribution point for the distribution of instructional material and to act as the agent for the publisher for requisition, billing, and receipt of payments for the purchase of instructional material. The publisher shall ensure that the in-state distribution point meets the following minimum criteria:

(c) compatible computer capacity to receive and process instructional material orders and to communicate in the automated format as established by the ~~state department of education~~ department; and, [05-30-98, 01-15-99; 6.75.2.8 NMAC - Rn, 6 NMAC 2.2.2.8 & A, 11-14-00; A, 10-14-04]

6.75.2.9 UNOBLIGATED AND UNEXPENDED INSTRUCTION-

AL MATERIAL BALANCES

A. Instructional material funds allocated to a school district, state institution or adult basic education center during any fiscal year and not obligated or expended prior to the close of that fiscal year are available to the school district, state institution or adult basic education center for expenditure in subsequent fiscal years. Funds meeting this definition may be budgeted and expended in subsequent fiscal years for any combination of multiple list instructional material and instructional material not included on the multiple list.

B. Any balance remaining in an instructional material account of a private school at the end of a fiscal year remains available for reimbursement by the department for multiple list instructional material purchases in subsequent fiscal years.
[6.75.2.9 NMAC - N, 10-14-04]

NEW MEXICO PUBLIC REGULATION COMMISSION

**TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 60 PIPELINE CONSTRUCTION AND MAINTENANCE
PART 3 ANNUAL PIPELINE SAFETY FEES**

18.60.3.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[18.60.3.1 NMAC - N, 10-15-04]

18.60.3.2 SCOPE: This rule applies to all operators of gas, hazardous liquid, and carbon dioxide pipelines in New Mexico subject to the jurisdiction of the commission.
[18.60.3.2 NMAC - N, 10-15-04]

18.60.3.3 STATUTORY AUTHORITY: NMSA 1978, Sections 8-8-4.
[18.60.3.3 NMAC - N, 10-15-04]

18.60.3.4 DURATION: Permanent.
[18.60.3.4 NMAC - N, 10-15-04]

18.60.3.5 EFFECTIVE DATE: October 15, 2004, unless a later date is cited at the end of a section.
[18.60.3.5 NMAC - N, 10-15-04]

18.60.3.6 OBJECTIVE: The purpose of this rule is to implement NMSA 1978 Sections 70-3-21 and 70-3-22.
[18.60.3.6 NMAC - N, 10-15-04]

18.60.3.7 DEFINITIONS: In addition to the definitions in NMSA 1978 Section 70-3-12, as used in this rule:

A. carbon dioxide has the meaning given in 49 CFR Section 195.2;

B. fiscal year means the period starting July 1 and ending June 30;

C. gas has the meaning given in 49 CFR Section 191.3 and 192.3;

D. hazardous liquid has the meaning given in 49 CFR Section 195.2;

E. jurisdictional gathering means the gathering of gas, hazardous liquid, or carbon dioxide by pipeline, or its storage, in New Mexico but does not include the gathering of gas, hazardous liquid, or carbon dioxide in those rural locations that lie outside the limits of any municipality or unincorporated city, town, or village or any residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area that the commission may define by order as a non-rural area;

F. operator means a person who engages in the transportation of gas, hazardous liquid, or carbon dioxide and includes master meter operators.
[18.60.3.7 NMAC - N, 10-15-04]

18.60.3.8 INFORMATION REQUIRED FROM OPERATORS OF GAS PIPELINES: An operator of gas pipelines shall file with the pipeline safety bureau of the commission on or before March 15 of each year:

A. a copy of USDOT report form RSPA F 7100.2-1, *annual report for calendar year 20xx gas transmission or gathering systems* for the previous calendar year, and/or USDOT report form RSPA F 7100.1-1, *annual report for calendar year 20xx gas distribution system* for the previous calendar year, as may apply to the operator;

B. miles of jurisdictional gathering in New Mexico;

C. miles of intrastate transmission in New Mexico;

D. total number of customers in New Mexico not including off-system customers;

E. number of residential customers in New Mexico;

F. number of all other customers in New Mexico not including off-system customers; and

G. its electronic mail and mailing addresses and its principal place of business.
[18.60.3.8 NMAC - N, 10-15-04]

18.60.3.9 ESTIMATE OF DOMESTIC AND COMMERCIAL GAS SERVICES: For purposes of NMSA 1978

Section 70-3-21, the pipeline safety bureau will estimate the number of domestic and commercial services by applying the ratios derived from the information reported pursuant to subsections D, E, and F of 18.60.3.8 NMAC to the number of services a gas pipeline operator reported in RSPA F 7100.1-1, *annual report for calendar year 20xx gas distribution system* for the previous calendar year.

[18.60.3.9 NMAC - N, 10-15-04]

18.60.3.10 INFORMATION REQUIRED FROM OPERATORS OF HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINES: A hazardous liquid and carbon dioxide pipeline operator shall file with the pipeline safety bureau of the commission on or before:

A. March 15 of each year:
(1) miles of jurisdictional gathering in New Mexico;

(2) miles of intrastate transmission in New Mexico;

(3) its electronic mail and mailing addresses and its principal place of business.

B. June 15 of each year a copy of USDOT report form RSPA F 7000.1-1, *annual report for Calendar year 20xx hazardous liquid or carbon dioxide systems* for the previous calendar year.

[18.60.3.10 NMAC - N, 10-15-04]

18.60.3.11 COLLECTION PROCEDURE:

A. By September 1 of each year, the pipeline safety bureau shall present to the commission a review of the fees collected and the payments made from the pipeline safety fund for the previous fiscal year.

B. By May 1 of each year, the pipeline safety bureau shall, in accordance with Subsection E of NMSA 1978 Section 70-3-21, present to the commission proposed rates for pipeline safety fees for the next fiscal year. The fees shall be based on the pipeline safety bureau's estimate of funding required for the next fiscal year, taking into consideration the estimated fund balance as of the end of the current fiscal year, the legislative appropriation provided to the commission for pipeline safety programs, the estimated federal grant-in-aid, the information provided pursuant to 18.60.3.8 and 18.60.3.10 NMAC, and any other factors deemed appropriate by the bureau.

C. Upon commission approval of the rates for pipeline safety fees, the pipeline safety bureau shall prepare a form for operators to use to calculate the total pipeline safety fee due. The pipeline safety bureau shall post the form on the commission's website and shall mail, email, or personally deliver the form to each

operator. An operator shall be responsible for paying the fee due even if the operator does not receive a form from the bureau.

D. An operator shall pay the calculated fee by check made payable to the public regulation commission. An operator must send the fee by registered mail postmarked no later than June 1 or 15 days from the date of the commission order approving the rates for pipeline safety fees, whichever is later, of each year to the Public Regulation Commission, Pipeline Safety Bureau, P.O. Box 1269, Santa Fe New Mexico 87504-1269.

[18.60.3.11 NMAC - N, 10-15-04]

18.60.3.12 RECOUPMENT OF PIPELINE SAFETY FEES FROM

RATE PAYERS: A public utility seeking to recoup from its ratepayers the pipeline safety fee paid to the commission shall file with the utility division of the commission a compliance filing setting forth the imposition methodology and amount of the fee to be recouped from its ratepayers by the later of July 1 or 45 days from the date of the commission order approving the rates for pipeline safety fees. A public utility may begin recouping the pipeline safety fee from ratepayers in the first billing cycle following the compliance filing.

[18.60.3.12 NMAC - N, 10-15-04]

HISTORY OF 18.60.3 NMAC:
[Reserved]

End of Adopted Rules Section

SUBMITTAL DEADLINES AND PUBLICATION DATES**2004**

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Issue Number 1	January 2	January 15
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Issue Number 3	February 2	February 13
Issue Number 4	February 16	February 27
Issue Number 5	March 1	March 15
Issue Number 6	March 16	March 31
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 3	May 14
Issue Number 10	May 17	May 28
Issue Number 11	June 1	June 15
Issue Number 12	June 16	June 30
Issue Number 13	July 1	July 15
Issue Number 14	July 16	July 30
Issue Number 15	August 2	August 13
Issue Number 16	August 16	August 31
Issue Number 17	September 1	September 15
Issue Number 18	September 16	September 30
Issue Number 19	October 1	October 14
Issue Number 20	October 15	October 29
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 1	December 14
Issue Number 24	December 15	December 30

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