

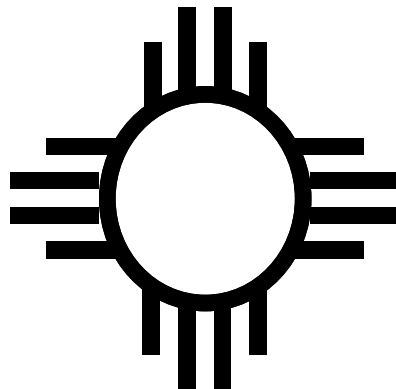
**NEW
MEXICO
REGISTER**



Volume XX
Issue Number 5
March 16, 2009

New Mexico Register

Volume XX, Issue Number 5
March 16, 2009



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

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2009

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New Mexico Register

Volume XX, Number 5

March 16, 2009

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Effective Date and Validity of Rule Filings

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

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The *New Mexico Register* is available free at <http://www.nmcpr.state.nm.us/nmregister>

The *New Mexico Register*
Published by
The Commission of Public Records
Administrative Law Division
1205 Camino Carlos Rey
Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. Telephone: (505) 476-7907; Fax (505) 476-7910; E-mail staterules@state.nm.us.

Notices of Rulemaking and Proposed Rules

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT EARLY CHILDHOOD SERVICES DIVISION

The Early Childhood Services of the Children, Youth and Families Department will hold a public hearing on April 16, 2009 beginning at 9:00 A.M., at 1120 Paseo de Peralta, (PERA Building), Apodaca Hall (Second Floor), Santa Fe, New Mexico, 87501, to consider the following proposed policy changes.

1. The repeal of HED 86-10 (HSD), Regulations Governing the Registration of Child Care Food Program Day Care Homes, filed October 8, 1986. This rule has been replaced by 8 NMAC 17.2, Requirements Governing Registration of Non-Licensed Family Child Care Homes, filed February 14, 1997 and subsequently replaced by 8.17.2 NMAC filed on August 10, 2006.

2. Proposed changes to 8.2.2 NMAC -Requirements for Participation in the Child and Adult care Food Program. The scope of the regulations include general program policies for the Child and Adult Care Food Program administered by the Family Nutrition Bureau of the Children, Youth and Families Department. These policies are promulgated pursuant to federal regulations 7 CFR (Code of Federal Regulations) Part 226 and apply to such areas as: Application Approval, Renewal and Termination, Administrative Review Process, Program Assistance and Review, Complaints and Referrals, Financial Management, Audits, Payment Provisions, Claims against Institutions, Institution Operational Provisions, Sponsoring Organization Provisions, and Other Nutrition Provisions.

The proposed policies may be reviewed, or a copy obtained, during regular business hours of the Family Nutrition Bureau, 8:00 A.M. to 5:00 P.M. Monday through Friday, 1920 Fifth Street, Santa Fe, New Mexico, 87502. Phone: (505) 827-9961.

Interested parties may testify at the hearing or submit written comments to Dorian Dodson, Secretary, CYFD, P.O. Drawer 5160, Santa Fe, New Mexico, 87502 no later than 5:00 p.m. on April 16, 2009. Written comments will be given the same consideration as oral testimony given at the public hearing.

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT YOUTH AND FAMILY SERVICES DIVISION

NOTICE OF PUBLIC HEARING

The Children, Youth and Families Department, Youth and Family Services, will hold a formal public hearing on March 27, 2009 from 1:30 p.m. to 2:30 p.m. in Apodaca Hall on the 2nd floor of the PERA Building located at 1120 Paseo de Peralta, Santa Fe, New Mexico to receive public comments regarding the repeal and replacement of regulation 8.8.7 NMAC, governing Court Ordered Domestic Violence Offender Treatment Programs.

The proposed replacement may be obtained by contacting Sophia Roybal-Cruz at 505-827-4591. Interested persons may testify at the hearing or submit written comments no later than 3:00 p.m. on March 16, 2009. Written comments will be given the same consideration as oral testimony given at the hearing. Written comments should be addressed to: Sophia Roybal-Cruz, Children, Youth and Families Department, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160, Fax Number: 505-476-0225.

If you are a person with a disability and you require this information in an alternative format or require special accommodations to participate in the public hearing, please contact Ms. Roybal-Cruz at 505-827-4591. The Department requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

NEW MEXICO OIL CONSERVATION COMMISSION

NOTICE OF RULE MAKING

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION COMMISSION SANTA FE, NEW MEXICO

The State of New Mexico, through its Oil Conservation Commission, hereby gives notice that the Commission will conduct a public hearing at 9:00 A.M. on **Thursday, April 2, 2009**, in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, concerning a proposal to adopt amendments to 19.15.17 NMAC (the "Pit Rule").

The proposed amendments will (a) allow an operator of a below-grade tank existing on June 16, 2008, that has side walls entirely open for visual inspection, but which does not conform to the design and construction requirements of the pit rule as adopted on that date, to continue operating that tank until a sale or transfer of the tank or facility, so long as the tank maintains demonstrated integrity; (b) require that any below-grade tank that does not conform to the design and construction requirements adopted on June 16, 2008, (non-conforming tank) be either closed or retrofitted to conform to those standards prior to sale or transfer of the tank or facility; (c) extend the retention requirement for below-grade tank inspection records from five years to the life of the tank; (d) require an operator of a non-conforming tank, if the tank's integrity fails, to comply with applicable tank closure requirements prior to replacing the tank; (e) require an operator who retrofits or replaces a non-conforming tank to inspect the area underneath the tank, report any evidence of contamination to the Division, and, if the Division determines that the contamination poses an imminent danger to the environment, to comply with applicable tank-closure requirements prior to retrofitting or replacing the tank; (f) extend the time for an operator to request a permit or permit modification for an existing, lined permanent pit, or for an existing below-grade tank, to two years from June 16, 2008, provided that the operator complies with registration requirements set forth in these amendments; and (g) increase the chloride waste standard for closure of temporary pits or drying pads by on-site trench burial from 250 mg/l to the greater of 3000 mg/l or background. Copies of the text of the proposed amendments are available from Commission Clerk Florene Davidson at (505)-476-3458 or from the Division's web site at <http://www.emnrd.state.us/ocd/rules/>. Proposals for alternatives to the proposed amendments must be received by the division no later than 5:00 P.M. on Thursday, March 19, 2009. Written comments on the proposed new rule must be received no later than 5:00 P.M. on Thursday, March 26, 2009. Persons intending to offer technical testimony at the hearing must file a Pre-hearing Statement (six copies) conforming to the requirements of 19.15.3.11 NMAC, including six copies of all exhibits the person will offer in evidence at the hearing, no later than Thursday, March 26, 2009. Proposed alternatives and written comments may be hand-delivered or mailed to Ms. Davidson at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or may be faxed to Ms. Davidson at

(505)-476-3462. Pre-hearing statements must be hand-delivered or mailed to Ms. Davidson at the above address. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Davidson at (505)-476-3458 or through the New Mexico Relay Network (1-800-659-1779) as soon as possible.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 2nd day of March, 2009.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION
Mark E. Fesmire, P.E.
Chair, Oil Conservation Commission

**NEW MEXICO PUBLIC EDUCATION
DEPARTMENT**

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

The Public Education Department ("Department") hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, on Tuesday, April 14, 2009, from 2:00 p.m. to 4:00 p.m. The purpose of the public hearing will be to obtain input on the following rule:

Rule Number	Rule Name	Proposed Action
6.29.4 NMAC	English Language Arts Grades 9-12	Replace

Interested individuals may testify either at the public hearing or submit written comments regarding the proposed rulemaking to Ms. Carolann Gutierrez, Bureau Chief, Humanities Bureau, Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (Carolann.gutierrez@state.nm.us) (505)-827-6596 fax (505) 827-7611. Information regarding the exact time and location of the hearing will be posted on the Public Education Departments website (<http://ped.state.nm.us.us>) at least thirty days prior to the hearing.

Written comments must be received no later than 5:00 p.m. on April 14, 2009. However, submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed on the Department's website (<http://ped.state.nm.us>) or obtained from Carolann Gutierrez, Bureau Chief, Humanities Bureau, Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (Carolann.gutierrez@state.nm.us) (505)-827-6596 (telefax (505) 827-7611). The proposed rules will be made available at least thirty days prior to the hearings.

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. Carolann Gutierrez as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**NEW MEXICO
COMMISSION OF PUBLIC RECORDS**

NOTICE OF REGULAR MEETING

The NM Commission of Public Records has scheduled a regular meeting for Tuesday, March 31, 2009, at 9:00 A.M. The meeting will be held at the NM State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, N.M. 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, please contact Antoinette L. Solano at 476-7902 by March 23, 2009. Public documents, including the agenda and minutes, can be provided in various accessible formats. A final copy of the agenda will be available 24 hours before the hearing.

NOTICE OF RULEMAKING

The Commission of Public Records may consider the following items of rulemaking at the meeting:

Amendments

- 1.18.369 NMAC ERRDS, Commission of Public Records
- 1.18.539 NMAC ERRDS, State Land Office
- 1.18.665 NMAC ERRDS, Department of Health
- 1.18.667 NMAC ERRDS, New Mexico Department of Environment

**End of Notices and
Proposed Rules Section**

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Adopted Rules

NEW MEXICO BOARD OF CHIROPRACTIC EXAMINERS

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 4 CHIROPRACTIC
PRACTITIONERS
PART 15 CHIROPRACTIC
ADVANCED PRACTICE CERTIFICA-
TION REGISTRY**

16.4.15.1 ISSUING AGENCY:
New Mexico Board of Chiropractic
Examiners.
[16.4.15.1 NMAC - N, 3/31/2009]

16.4.15.2 SCOPE: All chiro-
practic practitioners who are certified for
advanced practice or who are
applicants for certification for advanced
practice.
[16.4.15.2 NMAC - N, 3/31/2009]

**16.4.15.3 S T A T U T O R Y
AUTHORITY:** This part is promulgated
pursuant to the Chiropractic Examiners
Practice Act Sections 61-4-2, 61-4-4, 61-4-
6, 61-4-12 and 61-4-13 NMSA 1978.
[16.4.15.3 NMAC - N, 3/31/2009]

16.4.15.4 D U R A T I O N :
Permanent.
[16.4.15.4 NMAC - N, 3/31/2009]

16.4.15.5 EFFECTIVE DATE:
March 31, 2009, unless a later date is cited
at the end of a section.
[16.4.15.5 NMAC - N, 3/31/2009]

16.4.15.6 OBJECTIVE: 16.4.15
NMAC lists the requirements for advanced
practice registration including course
approval, formulary, continuing education,
registration, application and fees.
[16.4.15.6 NMAC - N, 3/31/2009]

16.4.15.7 DEFINITIONS:
A. "Chiropractic" means
the science, art and philosophy of things
natural, the science of locating and remov-
ing interference with the transmissions or
expression of nerve forces in the human
body by the correction of misalignments or
subluxations of the articulations and adja-
cent structures, more especially those of the
vertebral column and pelvis, for the purpose
of restoring and maintaining health for
treatment of human disease primarily by,
but not limited to, adjustment and manipu-
lation of the human structure. It shall
include, but not be limited to, the prescrip-
tion and administration of all natural agents

in all forms to assist in the healing act, such
as food, water, heat, cold, electricity,
mechanical appliances, herbs, nutritional
supplements, homeopathic remedies and
any necessary diagnostic procedure, exclud-
ing invasive procedures, except as provided
by the board by rule and regulation. It shall
exclude operative surgery and prescription
or use of controlled or dangerous drugs,
except as provided by the board by rule and
regulation.

B. "Certified advanced
practice chiropractic physician" means
advanced practice chiropractor who shall
have prescriptive authority for therapeutic
and diagnostic purposes as authorized by
statute and stated by the board in 16.4.15.11
NMAC.

C. "Nationally recognized
credentialing agency" means agency that
has been recognized by the board and may
be updated annually. Any educational insti-
tution allowed to provide clinical and didac-
tic programs credited toward advanced
practice certification must have concurrent
approval from the New Mexico medical
board and the New Mexico board of chiro-
practic examiners.

D. "Chiropractic formula-
ry" shall mean those substances that are nat-
ural or naturally derived that have been
approved for use by the chiropractor regis-
tered in advanced practice by the chiroprac-
tic board and as by statute with consensus
between the New Mexico medical board
and New Mexico board of pharmacy.
[16.4.15.7 NMAC - N, 3/31/2009]

**16.4.15.8 ADVANCED PRAC-
TICE REGISTRATION GENERAL
PROVISIONS:** Advanced practice regis-
tration is authorized by 61-4-9.1(C) NMSA
of the act and defined in 61-4-9.2 NMSA
1978 and allows the use of approved natu-
rally derived substances through injection
for therapeutic purposes.

A. A chiropractic physi-
cian shall have the prescriptive authority to
administer through injection and prescribe
the compounding of substances that are
authorized in the advanced practice formu-
lary. Those with active registration are
allowed prescription authority that is limit-
ed to the current formulary as agreed on by
the New Mexico board of chiropractic
examiners and as by statute, by the New
Mexico board of pharmacy and the New
Mexico medical board. The New Mexico
board of chiropractic examiners shall main-
tain a registry of all chiropractic physicians
who are registered in advanced practice and
shall notify the New Mexico board of phar-
macy of all such current registered licensees
no later than September 1st of each licens-

ing period.

B. Chiropractic physicians
applying for registry shall submit to the
board:

(1) documentation that the doctor
has successfully completed a competency
examination administered by a nationally
recognized credentialing agency or after
December 31, 2012 successfully completed
a graduate degree in a chiropractic clinical
practice specialty;

(2) documentation that the chiro-
practic physician has successfully complet-
ed 90 clinical and didactic hours of educa-
tion provided by an institution approved by
the New Mexico medical board and the
New Mexico board of chiropractic examiners;

(3) an application provided by the
board for registry of the advanced practice
certification.

C. A chiropractic physi-
cian without advanced practice certification
may administer, dispense and prescribe any
natural substance that is to be used in an
oral or topical manner so long as that sub-
stance is not considered a dangerous drug.

D. The board shall annual-
ly renew the registration of a doctor of chiro-
practic medicine in good standing who is
registered in advanced practice if the licens-
ee has completed all continuing education
required by 16.4.10 NMAC.

E. All advanced practice
registrations shall automatically terminate
when licensure as a doctor of chiropractic
medicine:

(1) is placed on inactive status as
stated in Paragraph (2) of Subsection A of
16.4.12.8 NMAC; or

(2) expires as stated in 16.4.13.8
NMAC; or

(3) is suspended, revoked or ter-
minated for any reason as stated in
16.4.13.8 NMAC;

(4) is not renewed prior to the
annual renewal date (July 1).

F. An advanced practice
registration that is revoked or terminated
shall not be reinstated. The chiropractic
physician must reapply for expanded prac-
tice certification as a new applicant.

G. All advanced practice
registrations that were automatically termi-
nated due to inactive status, expiration or
suspension as stated in 16.4.13.8 NMAC
shall be automatically reinstated when
licensure as a chiropractic physician is rein-
stated, provided that:

(1) all fees required by 16.4.1.13
NMAC have been paid; and

(2) all continuing education
requirements stated in Subsection C of
16.4.15.10 NMAC have been completed;

and

(3) any other reinstatement provisions, required by board rule, have been completed.

H. Each year the board may review the advanced practice formularies for necessary amendments. When new substances are added to a formulary, appropriate education in the use of the new substances may be approved and required by the board for chiropractic physician applying for registration or as continuing education for renewal of the applicable advanced practice registration. All amendments to the formulary shall be made following consensus of the NM board of medicine, NM pharmacy board and the NM board of chiropractic examiners.

I. A chiropractic physician certified for advanced practice under 16.4.15.11 NMAC that includes the use of controlled substances shall register with the federal DEA (drug enforcement agency) prior to obtaining, prescribing, administering, compounding the controlled substance.

J. A chiropractic physician registered in advanced practice, when prescribing, shall use prescription pads printed with his or her name, address, telephone number, license number and his or her advanced practice certification. If a chiropractic physician is using a prescription pad printed with the names of more than one chiropractic physician the above information for each chiropractic physician shall be on the pad and the pad shall have a separate signature line for each chiropractic physician. Each specific prescription shall indicate the name of the chiropractic physician for that prescription and shall be signed by the prescribing chiropractic physician. [16.4.15.8 NMAC - N, 3/31/2009]

16.4.15.9 ADVANCED PRACTICE REGISTRATION - BOARD REQUIREMENTS:

A. The board shall have final authority for registration of all applicants.

B. The board shall notify the applicant in writing by mail postmarked no more than thirty (30) days after the receipt of the initial application as to whether the application is complete or incomplete and missing specified application documentation.

C. The board shall notify the applicant in writing by mail postmarked no more than thirty (30) days after the notice of receipt of the complete application sent out by the board, whether the application is approved or denied.

D. If the application is denied, the notice of denial shall state the reason the application was denied.

E. In the interim between regular board meetings the board's chair-

man or an authorized representative of the board may certify a chiropractic physician into the advanced practice registry to an applicant who has filed with the board a complete application and complied with all requirements for advanced practice registration.

F. The board shall have the authority to deny, suspend, revoke or otherwise discipline an expanded practice certification, in accordance with the Uniform Licensing Act, 61-1-1 to 61-1-31 NMSA 1978, for reasons authorized in the act and clarified in Paragraph (24) of Subsection B of 16.4.8.10 NMAC. [16.4.15.9 NMAC - N, 3/31/2009]

16.4.15.10 FEES, RENEWAL and CONTINUING EDUCATION:

A. A fee of \$100 shall accompany the initial application. When that application is approved a fee of \$100 shall be submitted for registry of the advanced practice certification.

B. A fee of \$100 shall be assessed for all renewal applications, in addition to the standard fee for renewal of the chiropractic license.

C. Chiropractic physicians seeking renewal of advanced practice certification registration shall have completed 10 hours of continuing education, in addition to the required number of CE hours for the general chiropractic licensure, from an approved institution as stated in 16.4.15.8 NMAC or approved by submission to the board for CE credited as stated in 16.4.15.8 NMAC. The education should include pharmacology, toxicology, medication administration or pharmacognosy appropriate to the current formulary and procedures authorized to be performed by the advanced practice chiropractic certification. [16.4.15.10 NMAC - N, 3/31/2009]

16.4.15.11 CHIROPRACTIC FORMULARY: [RESERVED]

HISTORY OF 16.4.15 NMAC: [RESERVED]

NEW MEXICO BOARD OF CHIROPRACTIC EXAMINERS

This is an amendment to 16.4.8 NMAC, Section 10, effective 03/31/09.

16.4.8.10 GUIDELINES: The board shall use the following as guidelines for disciplinary action.

A. "Gross incompetence" or "gross negligence" means, but shall not be limited to, a significant departure from the prevailing standard of care in treating patients.

B. "Unprofessional conduct" means, but is not limited to because of enumeration:

(1) performing, or holding oneself out as able to perform, professional services beyond the scope of one's license and field or fields of competence as established by education, experience, training, or any combination thereof; this includes, but is not limited to, the use of any instrument or device in a manner that is not in accordance with the customary standards and practices of the chiropractic profession;

(2) representing to a patient that a manifestly incurable condition or sickness, disease or injury can be cured;

(3) willfully or negligently divulging a professional confidence;

(4) failure to release to a patient copies of that patient's records and x-rays;

(5) failure to seek consultation whenever the welfare of the patient would be safeguarded or advanced by consultation with individuals having special skills, knowledge, and experience;

(6) failure of a chiropractor to comply with and following advertising guidelines as set in 16.4.1.12 NMAC;

(7) failure to use appropriate infection control techniques and sterilization procedures;

(8) deliberate and willful failure to reveal, at the request of the board, the incompetent, dishonest, or corrupt practices of another chiropractor licensed or applying for licensure by the board;

(9) accept rebates, or split fees or commissions from any source associated with the service rendered to a patient;

(10) intentionally engaging in sexual contact with a patient other than his spouse during the doctor-patient relationship;

(11) the use of a false, fraudulent or deceptive statement in any document connected with the practice of chiropractics;

(12) employing abusive billing practices;

(13) fraud, deceit or misrepresentation in any renewal or reinstatement application;

(14) violation of any order of the board, including any probation order;

(15) failure to adequately supervise, as provided by board regulation, a chiropractic assistant, technician or employee holding any professional license who renders care under 16.4.19 NMAC of these rules;

(16) cheating on an examination for licensure;

(17) is habitually intemperate or is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render him unfit to practice chiropractic;

(18) is guilty of failing to comply with any of the provisions of the

Chiropractic Physician Practice Act (Chapter 61, Article 4 NMSA 1978) or rules and regulations promulgated by the board and filed in accordance with the State Rules Act (Chapter 14, Article 4 NMSA 1978);

(19) has been declared mentally incompetent by regularly constituted authorities or is manifestly incapacitated to practice chiropractic;

(20) has incurred a prior suspension or revocation in another state where the suspension or revocation of a license to practice chiropractics was based upon acts by the licensee similar to acts described in this section and by board rules;

(21) failure to report to the board within 90 days any adverse action taken after due process has been afforded to the licensee by:

(a) another licensing jurisdiction;

(b) any health care entity, not involving disputes over fees;

(c) any governmental agency, not involving disputes overseas;

(d) any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(22) failure to furnish the board, its investigators or representatives with information requested by the board;

(23) abandonment of patients;

(24) providing a false, materially incomplete, factually unsupported opinion or opinions which are not congruent with current teachings and standards of care as taught in CCE accredited chiropractic colleges in a peer review, records review, independent medical examination, or chiropractic examination.

[16.4.8.10 NMAC - N, 3/15/2006; A, 3/31/2009]

NEW MEXICO BOARD OF CHIROPRACTIC EXAMINERS

This is an amendment to 16.4.10 NMAC, Section 8 effective 03/31/09.

16.4.10.8 CONTINUING EDUCATION:

A. In accordance with Section 61-4-3 NMSA 1978, New Mexico Chiropractic Physician Practice Act, chiropractic physicians licensed in New Mexico are required to complete a minimum of sixteen (16) hours of board approved continuing education annually by the time of license renewal. Credit hours may be earned at any time during the annual reporting period, July 1 through June 30, immediately preceding annual renewal.

B. Each chiropractor renewing a license shall attest that they have obtained the required hours of continuing

education on the renewal form. The board will select by random RLD computer processes, no less than 10% of renewal applications for audit to verify completion of acceptable continuing education. Audit requests will be included with the renewal notice and those selected chiropractors will be asked to submit proof of compliance with the continuing education requirements. The board may audit continuing education records at any time. Continuing education records must be maintained for three years following the renewal cycle in which they are earned.

C. The board will approve continuing education programs which in its determination, advance the professional skills, risk management understanding and knowledge of the licensee that is directly related to the practice of chiropractic art, science or philosophy. Practice building and self-motivational courses, and courses that are determined not to have significant or a direct relationship to the safe and effective practice of chiropractics; or such portions of those programs or courses, may not be approved. There will be no charge to a licensee for individual request for approval.

D. The board may determine that, in its opinion, a particular course or area of professional education is of such importance or addresses an area of special need as it pertains to public protection that all licensees shall be required to take the course of study as a part of or in addition to the CE requirements:

(1) the declaration of a mandatory course must be made by a majority vote of the board at a regular scheduled meeting;

(2) the course title, approved instructors (if appropriate), locations of course delivery or methods of securing approved print or electronic presentations of the course must be communicated to all licensed New Mexico chiropractors on or before September 1st of the year that the course is made mandatory;

(3) the mandatory nature of courses so designated shall expire on June 30th of the current licensing year or the determination must be renewed by a majority vote of the board at a regular scheduled meeting and the extension of the mandatory nature communicated to all active licensees on or before September 1st.

E. The following seminars or continuing education programs meeting board criteria for license renewal credit by the following entities shall be automatically approved:

(1) American chiropractic association and international chiropractic association, or their successors;

(2) the annual convention of any state recognized chiropractic association; or

(3) chiropractic colleges having

accreditation status with the chiropractic council on education (CCE);

(4) officiating during national board examinations shall be credited to the professional members of the NMBCE as approved hours of continuing education;

(5) those courses that have secured accreditation through the "NBCE" and carry the "PACE" designation;

(6) webinar, teleseminar, compact disc (CD), video taped or audio taped courses produced or endorsed by approved entities may be accepted for continuing education credit:

(a) the completion of such education shall be supported through record keeping with a letter, memo or on a form approved by the board, that includes the dates, times, vendors' or presenters' name/s, and total hours claimed for each course;

(b) the licensee's retained records must include the following statement, "I swear or affirm that I viewed or listened to these continuing education courses in their entirety on the dates and times specified in this document";

(c) a maximum of 8 hours may be obtained through these distance learning methods unless specific individual approval by the board is obtained.

F. A fee as set forth in Paragraph (4) of Subsection A of 16.4.1.13 NMAC will be assessed to all non approved entities, sponsoring institutions, or organizations requesting approval of any seminar or continuing education programs not noted in Subsection C of 16.4.10.8 NMAC.

G. All non approved entities, sponsoring institutions, or organizations requesting approval of seminars or continuing education programs must be submitted to the board office in writing by the licensee or sponsoring entity at least forty-five (45) days prior to the first day of the seminar or continuing education program and must include:

(1) course title, objective and format;

(2) sponsoring entity;

(3) total class hours;

(4) method for certification of attendance; or documentation of completion of program;

(5) instructors credentials; and

(6) courses that in the boards opinion enhance the professional practice procedures, risk management, clinical skills or the doctor's ability to understand and operate within managed care guidelines and regulations are not approved.

H. The board may waive or extend the time for completion of the annual continuing education requirement if the licensee has reached the age of 70 years or if the licensee files with the board the statement of a licensed physician certifying

the physical inability of the licensee to attend a seminar.

I. Licensees serving in the United States military practicing or residing outside the United States shall not be required to fulfill the continuing education requirements for the period of the absence.

(1) The board must be notified prior to license expiration that the licensee will be outside the United States, including the period of the absence.

(2) Upon return to the United States, the licensee shall complete the continuing education required for the years of practice within the United States during the renewal cycle, or apply for an emergency deferral.

(3) All renewal fees shall be waived while the licensee is practicing or residing outside the country serving in the military or under armed services contract.

(4) The board may waive any and all deadlines by special request of licensee in active military service or under armed services or federal contract requiring absence from the jurisdiction.

J. The board may, under circumstances deemed appropriate by the board, waive the forty-five (45) day advance requirement set forth in Subsection F of 16.4.10.8 NMAC for request of approval by individual licensees.

K. All licensees shall comply with the requirements of this regulation on or before July 1st of each year.

L. This rule supersedes all prior continuing education rules.

M. The board may recognize, upon application, a chiropractic association for the purpose of this part if the association:

(1) has 100% voluntary membership as evidenced by a written affirmative request for membership;

(2) has 100% of its membership which is licensed in New Mexico, in good standing as a chiropractic physician;

(3) submits a copy of the association charter, by-laws and any similar association documents;

(4) is organized for the express purpose of promoting good and ethical chiropractic practice.

[1/11/74; 10/23/86; 3/22/95; 11/16/97; 10/31/98; 1/29/99; 16.4.10.8 NMAC - Rn & A, 16 NMAC 4.10.8, 1/15/2005; A, 3/15/06; A, 11/19/07; A, 03/31/09]

NEW MEXICO BOARD OF CHIROPRACTIC EXAMINERS

This is to add new section to 16.4.17 NMAC, new Section 9, effective 03/31/09.

16.4.17.9 CHIROPRACTIC INSURANCE CONSULTANTS AND PEER REVIEW CONTRACTORS:

A. Chiropractic insurance consultants and peer review contractors advise insurance companies, third-party administrators and other similar entities of New Mexico standards of:

(1) recognized and accepted chiropractic services and procedures permitted by the New Mexico chiropractic statute, usual and customary practices and procedures and administrative rules; and

(2) the propriety of chiropractic diagnosis and care.

B. All licensees who review chiropractic records for the purposes of determining the adequacy or sufficiency of chiropractic treatments, or the clinical indication for those treatments, shall notify the board annually that they are engaged in those activities and of the location where those activities are performed.

C. Any person or professional shall not hold themselves out as chiropractic insurance consultants or provide chiropractic peer review services unless they meet the following requirements:

(1) hold a current chiropractic license in New Mexico;

(2) have practiced chiropractic in the state of New Mexico during the immediately preceding five years;

(3) are actively involved in a chiropractic practice during the term of employment as a chiropractic insurance consultant or peer review consultant; active practice includes but is not limited to maintaining an office location and providing clinical care to patients that comprises more than 50% of their total compensable work product.

[16.4.17.9 NMAC - N, 03/31/09]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING PART 16 TURKEY

19.31.16.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.16.1 NMAC - Rp, 19.31.16.1 NMAC, 4-1-09]

19.31.16.2 S C O P E : Sportspersons interested in turkey management and hunting. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.

[19.31.16.2 NMAC - Rp, 19.31.16.2 NMAC, 4-1-09]

19.31.16.3 S T A T U T O R Y AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.

[19.31.16.3 NMAC - Rp, 19.31.16.3 NMAC, 4-1-09]

19.31.16.4 DURATION: April 1, 2009 through March 31, 2011.

[19.31.16.4 NMAC - Rp, 19.31.16.4 NMAC, 4-1-09]

19.31.16.5 EFFECTIVE DATE: April 1, 2009, unless a later date is cited at the end of individual sections.

[19.31.16.5 NMAC - Rp, 19.31.16.5 NMAC, 4-1-09]

19.31.16.6 O B J E C T I V E : Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of turkey permits and licenses by the department.

[19.31.16.6 NMAC - Rp, 19.31.16.6 NMAC, 4-1-09]

19.31.16.7 DEFINITIONS:
A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take turkey.

C. "Bearded turkey" shall mean a turkey with a visible beard.

D. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

E. "Department" shall mean the New Mexico department of game and fish.

F. "Director" shall mean the director of the New Mexico department of game and fish.

G. "Entry permit" shall

entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

H. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

I. "License year" shall mean the period from April 1 through March 31.

J. "Modern shotguns" shall mean center-fire shotguns, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

K. "Muzzle-loading shotguns" shall mean those shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

L. "Non-toxic shot" shall mean shot approved for use by the U. S. fish and wildlife service.

M. "Turkey license" shall mean a valid official document that is issued or approved by the Director that each person hunting turkey in New Mexico must have or obtain prior to hunting.

N. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

O. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.16.7 NMAC - Rp, 19.31.16.7 NMAC, 4-1-09]

19.31.16.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, authorizations, or harvest limits, up or down by no more than 20% to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the entry hunt codes for turkey.

[19.31.16.8 NMAC - Rp, 19.31.16.8 NMAC, 4-1-09]

19.31.16.9 TURKEY LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. License limitations: A hunter is limited to purchasing only one license in the fall and one in the spring dur-

ing a license year, unless otherwise allowed by rule.

B. Validity of license or permit: All turkey entry permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag. Over-the counter licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by rule or regulation.

C. Youth only (YO) hunts: It shall be unlawful for anyone to apply for youth only (YO) turkey permit, except as allowed by 19.31.3.11 NMAC.

D. Sub-unit 6B, Valles Caldera national preserve: It shall be unlawful for anyone to hunt turkeys in sub-unit 6B, Valles Caldera national preserve, without having in their possession a valid turkey hunting license, a valid turkey tag, and a Valles Caldera national preserve wild turkey access authorization.

[19.31.16.9 NMAC - Rp, 19.31.16.9 NMAC, 4-1-09]

19.31.16.10 TURKEY MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Turkey may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It shall be unlawful for any person to hunt for or take more than the number and type of turkey during the current license year as specified by the hunt code printed on the permit or license unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of any turkey shall be issued turkey tag(s).

(2) In GMU's with a one turkey bag limit, only the first turkey tag shall be valid.

(3) It shall be unlawful to possess more than one tag per turkey except as permitted by regulation.

(4) It shall be unlawful for any licensee to fail to tag the turkey as prescribed below:

(a) Immediately after killing any turkey the licensee killing the turkey shall notch the proper day and month of kill from the turkey tag.

(b) The tag shall be attached to the carcass of the turkey and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the

carcass is being removed from the field to a camp or vehicle.

(5) A turkey tag, when attached to the carcass of legally taken turkey, shall authorize possession and storage for the period designated on the tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of turkey(s) that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of a turkey without proof of sex. When the required bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the same turkey carcass until arriving at a residence, taxidermist, meat processing place, or place of final storage.

F. Use of dogs in hunting: It shall be unlawful to use dogs to hunt turkey.

G. Use of baits: It shall be lawful to hunt and take turkey from any place or area where turkey feeders occur on private property.

H. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any turkey.

I. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any turkey.

J. Killing out-of-season: It shall be unlawful to kill any turkey out of turkey hunting season.

K. Roost shooting: It shall be unlawful to shoot turkey(s) while it is located in a tree or structure used for resting.

L. Legal sporting arms or weapon types for turkey are as follows: shotguns firing shot, including muzzle-loading shotguns; bows and arrows; and crossbows and bolts (as designated by the director for certified mobility impaired hunters or as otherwise allowed in rule).

M. Non-toxic shot use is required on all state game commission owned lands.

N. Areas closed to hunting turkey: The following areas shall remain closed to hunting turkey, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and Rattlesnake canyon in sub-unit 2A.

[19.31.16.10 NMAC - Rp, 19.31.16.10 NMAC, 4-1-09]

19.31.16.11 INTERNET HARVEST REPORTING INCENTIVE. The

director may annually allow up to two (2) turkey authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established web-site. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates awarded pursuant to this rule may be transferred through sale, barter, or gift. Turkey incentive hunts shall be valid only for Unit 2, the Sargent WMA in Unit 4 and the Valle Vidal area.

[19.31.16.11 NMAC - Rp, 19.31.16.11 NMAC, 4-1-09]

19.31.16.12 TURKEY HUNTS:

A. **Over-the-counter hunts** for any legal firearms, including shotguns and muzzle loading shotguns firing shot, bows, and crossbows (certified mobility impaired hunters only), shall be as indicated below, listing the areas (GMUs) open, eligibility requirements or restrictions, hunt dates, hunt code, maximum number of licenses, and bag limits.

(1) 2009-2010 GMUs or areas open only during the spring seasons:

Open GMUs or areas	hunt start	hunt end	hunt start	hunt end	Licenses	bag limit
5, 6A, 6C, 18, 20, 32, 33, 38, 39, 43, 49, 51, 52, 53	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited	2 turkeys with visible beards
4 - Excluding the Sargent, Humphries/Rio Chama WMAs	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited	2 turkeys with visible beards
The Water canyon WMA in GMU 9	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited	2 turkeys with visible beards
14 - bows only in Sandia ranger district	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited	2 turkeys with visible beards
E.S. Barker WMA in GMU 55	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited	2 turkeys with visible beards
57 - bows only in Sugarite canyon state park	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited	2 turkeys with visible beards
All GMUs open for over the counter turkey, YO	04/11/2009	04/12/2009	04/10/2010	04/11/2010	unlimited	2 turkeys with visible beards
6B - Valles Caldera	04/15/2009	05/10/2009	04/15/2010	05/10/2010	unlimited, must possess VCNP wild turkey access authorization	1 turkey with visible beard

(2) 2009-2011 GMUs or areas open during spring and fall seasons:

Open GMUs or areas	hunt start	hunt end	hunt start	hunt end	Licenses	bag limit
7, 10, 12, 13, 17, 29, 34, 36, 37, 40, 41, 42, 45, 46, 47, 48, 56, 58	04/15/2009 and 09/07/2009	05/10/2009 and 09/15/2009	04/15/2010 and 09/06/2010	05/10/2010 and 09/14/2010	unlimited	2 turkeys with visible beards (spring) any 1 turkey (fall)
15, 16, 21, 22, 23, 24	04/15/2009 and 09/07/2009	05/10/2009 and 09/15/2009	04/15/2010 and 09/06/2010	05/10/2010 and 09/14/2010	unlimited	1 turkey with visible beard (spring) any 1 turkey (fall)

9 - Excluding Marquez WMA	04/15/2009 and 09/07/2009	05/10/2009 and 09/15/2009	04/15/2010 and 09/06/2010	05/10/2010 and 09/14/2010	unlimited	2 turkeys with visible beards (spring) any 1 turkey (fall)
54 - Including Colin Neblett South WMA	04/15/2009 and 09/07/2009	05/10/2009 and 09/15/2009	04/15/2010 and 09/06/2010	05/10/2010 and 09/14/2010	unlimited	2 turkeys with visible beards (spring) any 1 turkey (fall)
55 - Including Colin Neblett North WMA; Excluding Urraca, Valle Vidal and Greenwood WMAs	04/15/2009 and 09/07/2009	05/10/2009 and 09/15/2009	04/15/2010 and 09/06/2010	05/10/2010 and 09/14/2010	unlimited	2 turkeys with visible beards (spring) any 1 turkey (fall)

B. Entry hunts for any legal firearms, listing the areas open, eligibility requirements, hunt dates, hunt code, maximum number of licenses, and bag limits for the 2009-2011 hunt seasons shall be as indicated below. Youth hunters must provide hunter education certificate number on application.

Open GMUs areas	hunt start	hunt end	hunt start	hunt end	hunt code	permits	bag limit
2	04/15/2009	04/30/2009	04/15/2010	04/30/2010	TUR-1-100	100	1 turkey with visible beard
2 - YO	04/15/2009	04/30/2009	04/15/2010	04/30/2010	TUR-1-101	50	1 turkey with visible beard
4 - Sargent WMA	04/15/2009	04/30/2009	04/15/2010	04/30/2010	TUR-1-102	5	1 turkey with visible beard
4: Humphries, Rio Chama WMA	04/15/2009	04/30/2009	04/15/2010	04/30/2010	TUR-1-103	12	1 turkey with visible beard
9 - Marquez WMA	04/15/2009	04/30/2009	04/15/2010	04/30/2010	TUR-1-104	5	1 turkey with visible beard
33 - WS Huey WMA, YO	04/11/2009	04/12/2009	04/10/2010	04/11/2010	TUR-1-105	3	2 turkeys with visible beards
33 - WS Huey WMA, YO	04/18/2009	04/19/2009	04/17/2010	04/18/2010	TUR-1-106	3	2 turkeys with visible beards
33 - WS Huey WMA, YO	04/25/2009	04/26/2009	04/24/2010	04/25/2010	TUR-1-107	3	2 turkeys with visible beards
33 - WS Huey WMA, YO	05/02/2009	05/03/2009	05/01/2010	05/01/2010	TUR-1-108	3	2 turkeys with visible beards
33 - WS Huey WMA, YO	09/12/2009	09/13/2009	09/11/2010	09/12/2010	TUR-1-109	4	2 turkeys with visible beards

33 - WS Huey WMA, YO	09/19/2009	09/20/2009	09/18/2010	09/19/2010	TUR-1-110	4	2 turkeys with visible beards
33 - WS Huey WMA, YO	09/26/2009	09/27/2009	09/25/2010	09/26/2010	TUR-1-111	4	2 turkeys with visible beards
55 - Valle Vidal area	04/15/2009	04/30/2009	04/15/2010	04/30/2010	TUR-1-112	20	1 turkey with visible beard

[19.31.16.12 NMAC - Rp, 19.31.16.12 NMAC, 4-1-09]

19.31.16.13 TURKEY POPULATION MANAGEMENT HUNTS:

A. The respective area chief may authorize population management hunts for turkey when justified in writing by department personnel.

B. The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses or permits.

C. The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the license or permit after notification by telephone.

D. Application may be made either on-line or through the special hunt application form provided by the department. On-line applications must be submitted by the deadline date set by the department. Application forms postmarked by the deadline date will be accepted up to five working days after the deadline date.

E. Applications for permits may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.

F. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

G. No more than one person may apply under each application.

H. Population management hunts for turkey may be anywhere in the state with dates, number of permits, bag limit, and specific hunt areas to be determined by the department. The hunt code to apply for turkey population management hunts shall be TUR-5-100.

I. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the Department for licensing consideration. No more than ½ of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the Department.

[19.31.16.13 NMAC - Rp, 19.31.16.13 NMAC, 4-1-09]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 17 BIGHORN SHEEP

19.31.17.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.17.1 NMAC - Rp, 19.31.17.1 NMAC, 4-1-09]

19.31.17.2 SCOPE: Sportspersons interested in the management and hunting of bighorn sheep. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.

[19.31.17.2 NMAC - Rp, 19.31.17.2 NMAC, 4-1-09]

19.31.17.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.

[19.31.17.3 NMAC - Rp, 19.31.17.3 NMAC, 4-1-09]

19.31.17.4 DURATION: April 1, 2009 through March 31, 2011.

[19.31.17.4 NMAC - Rp, 19.31.17.4 NMAC, 4-1-09]

19.31.17.5 EFFECTIVE DATE: April 1, 2009 unless a later date is cited at the end of individual sections.

[19.31.17.5 NMAC - Rp, 19.31.17.5 NMAC, 4-1-09]

19.31.17.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of bighorn sheep licenses by the department.

[19.31.17.6 NMAC - Rp, 19.31.17.6 NMAC, 4-1-09]

19.31.17.7 DEFINITIONS:

A. "Arrows" shall mean only those arrows or bolts having broad-heads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take bighorn sheep.

C. "Bighorn enhancement program" as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one bighorn ram per permit with the purpose of raising funds for programs and projects to benefit bighorn sheep.

D. "Bighorn ewe" shall mean any adult female bighorn sheep.

E. "Bighorn ram" shall mean any male bighorn sheep.

F. "Bighorn sheep license" shall mean a valid official document that is issued or approved by the director that each person hunting bighorn sheep in New Mexico must have or obtain prior to hunting.

G. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

H. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

I. "Department" shall mean the New Mexico department of game and fish.

J. "Director" shall mean the director of the New Mexico department of game and fish.

K. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

L. "License year" shall mean the period from April 1 through March 31.

M. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

N. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

O. "Wildlife management areas" or "WMAs" shall mean those

areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

P. "Web sale" shall refer to accessing the department's Internet address to initiate the process to purchase specific bighorn ewe hunting licenses as designated by the director annually.

[19.31.17.7 NMAC - Rp, 19.31.17.7 NMAC, 4-1-09]

19.31.17.8 ADJUSTMENT OF LICENSES: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of bighorn licenses to address significant changes in population levels or habitat availability.

[19.31.17.8 NMAC - Rp, 19.31.17.8 NMAC, 4-1-09]

19.31.17.9 BIGHORN SHEEP LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One bighorn sheep license per year: It shall be unlawful for anyone to hold more than one permit or license for any bighorn sheep during a license year unless otherwise allowed by rule.

B. Validity of license or permit: All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag.

C. Rocky mountain bighorn sheep ram once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a Rocky mountain bighorn sheep ram license if one has previously held a license to hunt a Rocky mountain bighorn sheep ram in New Mexico, excluding the youth-only, auction, and raffle bighorn ram licenses. A person that has received the youth-only ram license is eligible for this hunt only once as a youth (under age 18), but may apply for the other Rocky mountain and desert bighorn once-in-a-lifetime hunts as long as they are eligible. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he/she has previously held a license to hunt Rocky mountain or desert bighorn sheep in New Mexico.

D. Desert bighorn sheep once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a desert bighorn sheep license if one has previously held a license to hunt desert bighorn sheep in New Mexico. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he/she has previously held a license to hunt Rocky mountain or desert bighorn

sheep in New Mexico.

E. Youth only (YO) bighorn sheep hunts: It shall be unlawful for anyone to apply for youth only (YO) bighorn sheep license except as allowed by 19.31.3.11 NMAC. Youth hunters must provide hunter education certificate number on application.

F. Rocky mountain bighorn sheep ewe hunts: This hunt is not once-in-a-lifetime hunt. A person that has previously held a license to hunt Rocky mountain bighorn rams or ewes is eligible to apply for this hunt.

[19.31.17.9 NMAC - Rp, 19.31.17.9 NMAC, 4-1-09]

19.31.17.10 BIGHORN SHEEP MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Bighorn sheep may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one bighorn sheep during a current license year unless otherwise provided by regulation.

C. Tagging
(1) Any license that permits the taking of bighorn sheep shall be issued with a bighorn carcass tag.

(2) It shall be unlawful to possess more than one tag for bighorn sheep except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to tag the bighorn sheep as prescribed below:

(a) Immediately after killing any bighorn sheep, the licensee killing the bighorn shall notch the proper day and month of kill from the carcass tag.

(b) The tag shall be attached to the bighorn sheep carcass and remain attached while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A bighorn sheep tag, when attached to the carcass of legally taken game, shall authorize possession and storage for the period designated on the tag.

D. Proof of sex: It shall be unlawful for any one to transport or possess the carcass of any bighorn sheep without proof of sex. The horns and external genitalia of any bighorn sheep taken shall

remain attached to the skull or pelt, as appropriate, and be readily visible until arriving at a residence, taxidermist, meat processing facility, or place of final storage.

E. Sealing of bighorn sheep horns: A seal shall be affixed to a horn of every bighorn sheep ram head taken in New Mexico, imported into New Mexico, or found in the field in New Mexico subsequent to August 17, 1973. Bighorn sheep heads found in the field within New Mexico shall remain the property of the state until disposed of by permit from the director. The seal shall authorize possession and transportation of the head within New Mexico.

(1) Such sealing shall be done within ten (10) days after the bighorn sheep ram head is taken, imported, or found in the field and before the bighorn sheep head is exported from New Mexico. Bighorn sheep ram heads not so declared shall be seized. Only legally taken and possessed bighorn sheep ram heads shall be sealed.

(2) Bighorn sheep ram heads legally sealed in other countries, states, tribal entities, provinces, and territories, and possessing a valid visible seal attached, are exempted.

F. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of bighorn sheep that are improperly tagged.

G. Use of dogs in hunting: It shall be unlawful to use dogs to hunt any bighorn sheep.

H. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any bighorn sheep by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

I. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any bighorn sheep.

J. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any bighorn sheep.

K. Killing out-of-season: It shall be unlawful to kill any bighorn sheep out of bighorn sheep season.

L. Bullets: It shall be unlawful to take or attempt to take bighorn sheep by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking bighorn sheep.

M. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

N. Legal sporting arms or weapon types for bighorn sheep are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts (as designated by the director for certified mobility impaired hunters or as otherwise allowed in rule).

O. Areas closed to bighorn sheep hunting: The following areas shall remain closed to bighorn sheep hunting, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.17.10 NMAC - Rp, 19.31.17.10 NMAC, 4-1-09]

19.31.17.11 BIGHORN SHEEP HUNTING SEASONS: Bighorn sheep hunts for 2009-2010 and 2010-2011 hunting seasons shall be as indicated below, listing the GMUs or areas open, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses available, and bag limits. Additional eligibility requirements and restrictions are defined in 19.31.17.9 NMAC above. The hunter with the auction license must declare and hunt any 1 of the open hunt areas below. The hunter with the raffle license may hunt any 1 open hunt area below not chosen by the hunter of the auction tag. The Wheeler peak area is closed 8/11 to 8/31 annually to all bighorn sheep hunters.

Open GMUs or areas	2009-2010 hunt start and end dates		2010-2011 hunt start and end dates		hunt code	lic	bag limit
27 Peloncillo mountains	11/01/2009	11/30/2009	11/01/2010	11/30/2010	BHS-1-100	1	1 ram
45 Pecos mountains	08/22/2009	08/28/2009	08/21/2010	08/27/2010	BHS-1-101	5	1 ram
45 Pecos mountains	08/29/2009	09/04/2009	08/28/2010	09/03/2010	BHS-1-102	4	1 ram
45 Pecos mountains, YO	08/29/2009	09/04/2009	08/28/2010	09/03/2010	BHS-1-103	1	1 ram
45 Pecos mountains web sale only	09/05/2009	09/11/2009	09/4/2010	09/10/2010	BHS-1-104	11	1 ewe
45 Pecos mountains, YO web sale only	09/05/2009	09/11/2009	09/4/2010	09/10/2010	BHS-1-105	4	1 ewe
53 Wheeler peak portion south of NM 38	09/05/2009	09/15/2009	09/05/2010	09/15/2010	BHS-1-106	4	1 ram
53, 55 Latir mountains	No hunt		08/14/2010	08/20/2010	BHS-1-107	1	1 ram
16B, 22, 23, 24 Turkey creek and San Francisco river.	01/9/2010	01/17/2010	01/08/2011	01/16/2011	BHS-1-108	2	1 ram
Auction hunt (Wheeler peak area is closed 8/11 to 8/30).	08/01/2009	12/31/2009	08/01/2010	12/31/2010	BHS-1-500	1	1 ram
Raffle hunt (Wheeler peak area is closed 8/11 to 8/30).	08/01/2010	12/31/2010	08/01/2010	12/31/2010	BHS-1-600	1	1 ram

[19.31.17.11 NMAC - Rp, 19.31.17.11 NMAC, 4-1-09]

19.31.17.12 BIGHORN SHEEP ENHANCEMENT PROGRAM:

A. The director of the department shall collect all proceeds generated through auction and lottery of special bighorn sheep permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit bighorn sheep and for direct costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of bighorn sheep.

B. The state game commission shall authorize the director of the department to issue not more than two special bighorn sheep permits in any one license year to take one bighorn sheep ram per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected through a random drawing for the holder of a lottery ticket by the department or by an incorporated, nonprofit organization dedicated to the conservation of wild sheep.

C. Proposals for auctioning one special bighorn sheep permit and the sale of lottery tickets to obtain a second special bighorn sheep permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

D. The proposals for auctioning one permit, and for the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (1) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (2) the estimated amount of money to be raised and the rationale for that estimate; and (3) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

E. The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing

organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organizations previous involvement with wild sheep management and its conservation objectives. The director may accept any proposals when it is in the best interest of bighorn sheep to do so.

F. After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

G. The marketing organization must agree in writing to the following: (1) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (2) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special bighorn sheep permits are issued.

H. The department and the marketing organization must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

I. Unless his/her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special bighorn auction permit and/or purchase lottery tickets in an attempt to be selected for the special bighorn lottery permit.

J. The special bighorn sheep permits issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

K. Special bighorn sheep permits granted through auction and/or lottery, as described above, shall not be considered 'once-in-a-lifetime' permits. [19.31.17.12 NMAC - Rp, 19.31.17.12 NMAC, 4-1-09]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

This is an amendment to 19.30.4 NMAC, Sections 7, 8, 9, 10, 11 and 13, effective 3-16-2009.

19.30.4.7 DEFINITIONS:

A. "Big game management unit" or "GMU" as used herein, shall be a subdivision of the state used to manage the following game species: deer (*Odocoileus spp.*), elk (*Cervus elaphus*), bighorn sheep (*Ovis canadensis*), Barbary sheep or aoudad (*Ammotragus lervia*), turkey (*Meleagris gallopavo*), bear (*Ursus americanus*), mountain lion or cougar (*Puma concolor*), Persian ibex or Bezoar

goat (*Capra aegagrus*), oryx or gemsbok (*Oryx gazella*) and javelina or collared peccary (*Dicotyles tajacu*).

B. "Big game management sub-unit" as used herein, shall be a subdivision of the above-described big game management units.

C. "Wildlife management area" as used herein, shall be those areas under the control of the game commission.

D. "Antelope management unit" or "AMU" as used herein, shall be a subdivision of the state used to manage pronghorn antelope (*Antilocapra americana*).

E. "Antelope harvest management region" or "region" as used herein, shall be a subdivision of the state used to manage the harvest of pronghorn antelope (*Antilocapra americana*).

[4-1-95; 19.30.4.7 NMAC - Rn, 19 NMAC 30.4.7, 2-14-01; A, 3-31-03; A, 3-16-09]

19.30.4.8 BIG GAME MANAGEMENT UNITS:

A. GMU 1: The Ute mountain and Navajo Indian reservations.

B. GMU 2: Beginning at the junction of the east boundary of the Ute mountain Indian reservation and the Colorado-New Mexico state line and running east along the state line to the western boundary of the Jicarilla Apache Indian reservation, then south, west and south along the reservation boundary to its intersection with US 550, then northwest along US 550 to its intersection with the San Juan river south of Bloomfield, then west along the San Juan river to the east boundary of the Navajo Indian reservation just west of water flow, then north along the east boundary of the Navajo reservation to its junction with the south boundary of the Ute mountain Indian reservation, then east and north along the Ute reservation boundary to the Colorado-New Mexico state line.

C. GMU 3: The Jicarilla Apache Indian reservation.

D. GMU 4: Beginning at the junction of the east boundary of the Jicarilla Apache Indian reservation and the Colorado-New Mexico state line and running east along the state line to the eastern boundary of the Tierra Amarilla grant, then south along the east boundary of the Tierra Amarilla grant and west along its south boundary to its junction with the east boundary of the Jicarilla Apache Indian reservation, then north along the east boundary of the reservation to its junction with the Colorado-New Mexico state line.

E. GMU 5: Beginning at the junction of the east boundary of the Jicarilla Apache Indian reservation and the south boundary of the Tierra Amarilla grant

and running east along the Tierra Amarilla grant boundary to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian reservation, then northerly along the east boundary of the reservation to its junction with the south boundary of the Tierra Amarilla grant.

F. GMU 6: Beginning at the junction of I-25 and US 550 near Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary to the boundary of the Jemez Indian reservation, then west, north and east along the Jemez reservation boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 595, then east along NM 595 to its junction with NM 96, then east along NM 96 to its junction with US 84 northwest of Abiquiu, then southeast along US 84 to its junction with I-25 at Santa Fe, then southwest along I-25 to its junction with US 550.

G. GMU 7: Beginning at the intersection of the east boundary of the Navajo reservation and the road between Crownpoint and Standing Rock and running north along the reservation boundary to the northeastern corner immediately west of Farmington, then east along the San Juan river to its intersection with US 550 at Bloomfield, then southeast along US 550 to its intersection with the west boundary of the Jicarilla Apache Indian reservation, then south along the west boundary of the reservation and east along its south boundary to its intersection with US 550, then east and south along US 550 to its intersection with the north boundary of the Jemez Indian reservation south of La Ventana, then west along the north boundary of the reservation and south along its west boundary to its intersection with BLM road 1103 (the San Luis road, leading from US 550 to Cabezon and Mount Taylor), then southwest along BLM road 1103/San Luis road to its intersection with arroyo Chico, then west up arroyo Chico to its junction with Voght draw, then west up Voght draw to its junction with Inditos draw, then west up Inditos draw to its intersection with CR 19, south of Hospah, then southwest along the CR 19 to its junction with the continental divide (near Borrego pass), then westerly along the continental divide to its intersection with NM 371, then north along NM 371 to its junction with the Crownpoint-Standing Rock

road, then northwest along the Crownpoint-Standing Rock road to its intersection with the east boundary of the Navajo Indian reservation.

H. GMU 8: Beginning at the intersection of I-40 and I-25 at Albuquerque and running northeast along I-25 to its junction with NM 14, then south along NM 14 to Santa Fe county road 42, then southeast along the county road to its junction with NM 41 at Galisteo, then south along NM 41 to its intersection with I-40 at Moriarty, then west along I-40 to its intersection with I-25.

I. GMU 9: Beginning at Prewitt at the junction of I-40 and CR 19 (the road to Hospah) and running north along the CR 19 to its intersection with Inditos draw, then south and east down Inditos draw to its junction with Voght draw, then east down Voght draw to its junction with arroyo Chico, then east down arroyo Chico to its intersection with the BLM road 1103 (the San Luis road, leading from Cabezon to US 550), then northeast along BLM road 1103/San Luis road to its intersection with the west boundary of the Jemez Indian reservation, then south and east along the Jemez reservation boundary to the boundary of the Zia Indian reservation, then south, east, and north along the Zia reservation boundary to its intersection with US 550 west of San Ysidro, then east and southeast along US 550 to its junction with I-25 at Bernalillo, then south along I-25 to its junction with NM 6 at Los Lunas, then west and northwest along NM 6 to its junction with I-40, then west along I-40 to Prewitt.

J. GMU 10: Beginning at the junction of the north boundary of the Zuni Indian reservation with the Arizona-New Mexico state line and running north along the state line to the south boundary of the Navajo Indian reservation, then east along the south boundary of the Navajo reservation and north along its east boundary to its intersection with the Standing Rock-Crownpoint road, then southeast along the Standing Rock-Crownpoint road to its junction with NM 371, then east and south along NM 371 to its intersection with the continental divide, then east along the continental divide to its junction with CR 19 (the road running southerly from Hospah) near Borrego pass, then south along CR 19 to its junction with I-40 at Prewitt, then southeast along I-40 to its junction with NM 53 near Grants, then south and west along NM 53 to its intersection with the east boundary of the Zuni reservation, then north along the east boundary of the Zuni reservation and west along its north boundary to its junction with the Arizona-New Mexico state line.

K. GMU 11: The Zuni Indian reservation.

L. GMU 12: Beginning at the intersection of US 60 and the Arizona-New Mexico state line and running north along the state line to the south boundary of the Zuni Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 53, then east along NM 53 to its junction with Cibola county road 42, then south along Cibola county road 42 to its junction with NM 117, then east along NM 117 to its junction with Cibola county road 41, then south along Cibola county road 41 to its junction with Catron county road A083, then south along Catron county road A083 to its junction with NM 603, then south along NM 603 to its junction with US 60 at Pie Town thence west along US 60 to the Arizona-New Mexico state line.

M. GMU 13: Beginning at the junction of NM 53 and I-40 west of Grants and running east along I-40 to its junction with NM 6, then southeast along NM 6 to its junction with I-25 at Los Lunas, then south along I-25 to its junction with US 60 at Socorro, then west along US 60 to its junction with NM 12 at Datil, then southwest along NM 12 to its junction with Catron county road B034, then northwest along Catron county road B034 to its junction with Catron county road B045, then west and north along Catron county road B045 to its junction with Catron county road A056, then north along Catron county road A056 to Pie Town, then north along NM 603 to its junction with Catron county road A083, then north along Catron county road A083 to its junction with Cibola county road 41, then north along Cibola county road 41 to its junction with NM 117, then west along NM 117 to its junction with Cibola county road 42, then north along Cibola county road 42 to its junction with NM 53, then east and north along NM 53 to its junction with I-40 west of Grants.

N. GMU 14: Beginning at the junction of US 60 and I-25 at Bernardo and running north along I-25 to its intersection with I-40 at Albuquerque, then east along I-40 to its intersection with NM 41 at Moriarty, then south along NM 41 to its junction with US 60 at Willard, then west along US 60 to its junction with I-25.

O. GMU 15: Beginning at the intersection of the Arizona-New Mexico state line and US 60 and running east along US 60 to its intersection with NM 603 at Pie Town, then south and east along A056 to its junction with B040, then east along B040 to its junction with NM 12 south of Datil, then southwest along NM 12 to its junction with US 180 west of Reserve, then northwest along US 180 to its intersection with the Arizona-New Mexico state line, then north along the Arizona-New Mexico state line to its intersection with US 60.

P. GMU 16: Beginning at the junction of NM 12 and US 60 at Datil and running east along US 60 to its intersection with NM 52, then southwest along NM 52 to its intersection with NM 163/USFS road 150, then southwest along NM 163 to its intersection with the continental divide, then south and southwest along the continental divide to its intersection with the Grant-Sierra county line at Reed's peak, then south along the Grant-Sierra county line to its intersection with USFS road 152 at Board Gate saddle, then northwest and southwest along USFS road 152 to its junction with NM 35, then northwest along NM 35 to its junction with Sapillo creek, then west along Sapillo creek to its junction with the Gila river, then northwest along the Gila river to its intersection with Turkey creek, then northwest along Turkey creek to its intersection with forest trail 158, then northwest along forest trail 158 through Woodrow canyon to Mogollon creek, then northwest along Mogollon creek to its junction with the west fork of Mogollon creek and forest trail 224, then northwest along the west fork of Mogollon creek and forest trail 224 to its junction with forest trail 182, then north and west on forest trail 182 to its junction with Bursum road (NM 159/USFS road 28) at Sandy point, then west on Bursum road to its junction with US 180 south of Alma, then north on US 180 to its intersection with NM 12 thence northeast along NM 12 to its junction with US 60 at Datil.

Q. GMU 17: Beginning at the junction of NM 52 and US 60 east of Datil and running east along US 60 to its junction with I-25 at Socorro, then south along I-25 to its junction with NM 52 east of Cuchillo, then west along NM 52 to its junction with NM 142, then northwest along NM 142 to its junction with Alamosa creek at Monticello, then northwest along Alamosa creek through Monticello canyon to its junction with NM 52 south of Dusty, then north along NM 52 to its junction with US 60.

R. GMU 18: Beginning at the junction of US 380 and I-25 at San Antonio and running north along I-25 to its junction with US 60 at Bernardo, then east along US 60 to NM 55 at Mountainair, then south and southeast along NM 55 to its junction with US 54, then south along US 54 to its intersection with the Lincoln-Otero county line, then west along the county line to the east boundary of White Sands missile range, then north along the east boundary and west along the north boundary of White Sands missile range to the northwest corner of the missile range, then due north to US 380, then west along US 380 to its junction with I-25 at San Antonio.

S. GMU 19: Beginning at

the intersection of US 70 and the west boundary of the White Sands missile range east of Organ and running north along the west boundary, east along the north boundary, and south along the east boundary of White Sands missile range to its intersection with US 54 south of Orogrande, then south along US 54 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with I-10, then northwest along I-10 to its junction with US 70 at Las Cruces, then east along US 70 to its intersection with the west boundary of the White Sands missile range.

T. GMU 20: Beginning at the junction of US 70 and I-25 at Las Cruces and running north along I-25 to its junction with US 380 at San Antonio, then east along US 380 to a point due north of the northwestern corner of the White Sands missile range, then due south to the northwestern corner of the missile range, then south along the west boundary of the missile range to its intersection with US 70 east of Organ, then west along US 70 to its junction with I-25.

U. GMU 21: Beginning at the junction of US 180 and NM 26 north of Deming and running northeast along NM 26 to its junction with NM 27 at Nutt, then northwest along NM 27 to its intersection with the Sierra-Luna county line, then west along the south boundary of Sierra county and north along its west boundary to the junction of the county line and the continental divide, then north along the continental divide to its intersection with NM 163, then northeast along NM 163 to its junction with NM 52, then southeast along NM 52 to its intersection with Alamosa creek south of Dusty, then southeast along Alamosa creek through Monticello canyon to its intersection with NM 142 at Monticello, then southeast along NM 142 to its intersection with NM 52, then southeast along NM 52 to its junction with I-25, then south along I-25 to its junction with US 180 at Las Cruces, then west along US 180 to Deming and north along US 180 to its junction with NM 26.

V. GMU 22: Beginning at the intersection of the Gila river and US 180 south of Cliff running north along US 180 to its junction with Bursum road (NM 159/USFS road 28), then east along Bursum road to its junction with forest trail 182 at Sandy point, then south along forest trail 182 to its junction with forest trail 224 at the west fork saddle, then south on forest trail 224 down the west fork of Mogollon creek to its junction with the main Mogollon creek, then easterly along Mogollon creek to the junction of forest trail 158 at Woodrow canyon, then south along forest trail 158 to main Turkey creek, then south along Turkey creek to its junction at the

Gila river, then southwest along the Gila river to its junction with US 180.

W. GMU 23: Beginning at the intersection of US 180 and the Arizona-New Mexico state line west of Luna, then south along the state line to its intersection with US 70, then southeast along US 70 to its junction with US 180 at Deming: thence northwest along US 180 to its junction with the Arizona-New Mexico state line.

X. GMU 24: Beginning at the junction of NM 26 and US 180 north of Deming and running northwest along US 180 to its intersection with the Gila river south of Cliff, then northeast along the Gila river to its junction with Sapillo creek, then east along Sapillo creek to NM 35, then east and south on NM 35 to its junction with USFS road 152, then northeast along USFS road 152 to its junction with the Grant-Sierra county line southwest of Board gate saddle, then south along the west boundary of Sierra county and east along its south boundary to its intersection with NM 27, then south along NM 27 to its junction with NM 26, then southwest along NM 26 to its junction with US 180.

Y. GMU 25: Beginning at the junction of the United States-Mexico boundary with the west boundary of Luna county and running north along the county line to its intersection with NM 9, then northwest along NM 9 to its intersection with NM 146 (old NM 81) at Hachita, then north along NM 146 (old NM 81) to its junction with I-10, then east and south along I-10 to its intersection with the Texas-New Mexico state line, then west and south along the Texas state line to the United States-Mexico boundary, then west along the international boundary to the west boundary of Luna county.

Z. GMU 26: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale and running north along NM 338 to its intersection with I-10, then north and east along I-10 to its intersection with NM 146 (old NM 81), then south along NM 146 (old NM 81) to its intersection with NM 9 at Hachita, then east along NM 9 to its intersection with the west boundary of Luna county, then south along the Luna county line to the United States-Mexico boundary, then south and west along the international boundary to Paskle gate.

AA. GMU 27: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale, then north along NM 338 to

its intersection with I-10, then east along I-10 to its intersection with US 70 at Lordsburg, then northwest along US 70 to the Arizona-New Mexico state line, then south along the state line to its intersection with the United States-Mexico boundary, then east along the international boundary to Paskle gate.

BB. GMU 28: The Fort Bliss military reservation excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

CC. GMU 29: Beginning at the junction of the New Mexico-Texas state line and the east boundary of the Fort Bliss military reservation and running northeast along the military reservation boundary to its intersection with NM 506/CR E038 leading to Pinon, then east, north and east along NM 506/CR E038 to its intersection with NM 24 at Pinon, then east on NM 24 approximately three miles to its intersection with NM 506/CR E038, then running south, east, south and southwest along NM 506/CR E038 through Cornucopia draw and Crow flats to its intersection with the New Mexico-Texas state line near Dell City, Texas, then west along the state line to the east boundary of the Fort Bliss military reservation.

DD. GMU 30: Beginning at the New Mexico-Texas state line near Dell City, Texas, and its intersection with NM 506/CR E038, then northeast, north, west and north along NM 506/CR E038 through Crow flats and Cornucopia draw to its junction with NM 24 east of Pinon, then northeast along NM 24 to its junction with US 82 north of Dunken, then east along US 82 to its intersection with US 285 at Artesia, then south and southeast along US 285 to its junction with US 180 at Carlsbad, then south along US 180 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with NM 506/CR E038.

EE. GMU 31: Beginning at the intersection of the New Mexico-Texas state line and US 180, southwest of Carlsbad, and running northeast along US 180 to its junction with US 285 at Carlsbad, then north along US 285 to its intersection with US 82 at Artesia, then east along US 82 to its junction with NM 249 at Maljamar, then north along NM 249 to its junction with NM 172, then north along NM 172 to its junction with US 380 west of Caprock, then north along Button Mesa road/Lea county road 156, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, NM 330/RR AK, to its junction at Elida, then north along NM 330 to its junction with NM 267 west of Floyd, then north along NM 267 to its junction with US 60 east of Melrose, then east along US 60 to the New Mexico-Texas state line, then

south and west along the state line to its intersection with US 180, southwest of Carlsbad.

FF. GMU 32: Beginning at the intersection of US 380 and the east boundary of Lincoln county and running north along the east boundary of Lincoln county to the west boundary of De Baca county, then north along the west boundary of De Baca county to its intersection with US 60, then east along US 60 to its junction with NM 267 east of Melrose, then south along NM 267 to its junction with NM 330 west of Floyd, then south along NM 330 to its junction with US 70 at Elida, then southwest along US 70 to its intersection with the Pecos river, then south along the Pecos river to its intersection with NM 249 at Hagerman, then west along NM 249 to its junction with NM 2, then south along NM 2 to its intersection with US 285, north of Artesia, then south on US 285 to its intersection with US 82 at Artesia, then west along US 82 to its junction with Chaves county road C433, near mile marker 60, then north along CR C433 to its intersection with CR C437, near Flying H, then west along CR C437 to its intersection with CR C434, then north along CR C434 to its intersection with Lincoln county road E030, then north and northeast along CR E030 to its intersection with CR E028, then north along CR E028 to its junction with US 380 about a mile west of Picacho, then east along US 380 to its intersection with the east boundary of Lincoln county.

GG. GMU 33: Beginning at the intersection of US 82 and US 285 at Artesia and running north along US 285 to its junction with NM 2, then north on NM 2 to its intersection with NM 249 at Hagerman, then east along NM 249 to its intersection with the Pecos river, then north along the Pecos river to its intersection with US 70, then ~~then~~ northeast along US 70 to NM 330/RR AK at Elida, then south along NM 330/RR AK, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, Button Mesa road/ Lea county road 156, and NM 172 to US 82, then west along US 82 to US 285 at Artesia.

HH. GMU 34: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running east along CR B006 to its junction with CR B009, then north on CR B009 to its intersection with US 54, then running south along US 54 to its intersection with US 70 at Tularosa, then running northeast along US 70 to its intersection with the west boundary of the Mescalero Apache Indian reservation, then south along the west boundary of the reservation, east along its south boundary, and north along its east boundary to the Lincoln-Chaves county line, then east along the county line approx-

imately two miles to its intersection with CR C434, then southerly along CR C434 to its intersection with CR C437, then east along CR C437 to its intersection with CR C433, then south along CR C433 to its intersection with US 82, then west along US 82 to its junction with NM 24 north of Dunken, then south along NM 24 to its intersection with NM 506/CR E038, at Pinon, then west, south, and west on NM 506/CR E038 to the east boundary of the Fort Bliss military reservation, then north and west along the boundary of the Fort Bliss military reservation to its intersection with the Sacramento division of the Lincoln national forest, then west and north along the boundary of the Sacramento division of the Lincoln national forest to its intersection with the north boundary of the Fort Bliss military reservation, then west along the boundary of the Fort Bliss military reservation to US 54 south of Valmont, then south along US 54 to its junction with the east boundary of the White Sands missile range south of Orogrande, then north along the east boundary to its intersection of Otero CR B006 at Tularosa gate.

II. GMU 35: The Mescalero Apache Indian reservation.

JJ. GMU 36: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running north along the east boundary to its intersection with the Lincoln-Otero county line, then east along the county line to its intersection with US 54, then north along US 54 to its intersection with US 380 at Carrizozo, then east along US 380 to its junction with CR E028, approximately 1 mile west of Picacho, then south along CR E028 to its intersection with CR E030, then south and west along E030 to its intersection with the Lincoln-Chaves county line, then west along the county line to the east boundary of the Mescalero Apache Indian reservation, then north along the east boundary of the reservation, west along its north boundary, and south along its west boundary to its intersection with US 70, then west along US 70 to its junction with US 54 at Tularosa, then north along US 54 to its junction with CR B009, then south along CR B009 to its junction with CR B006, then west along CR B006 to its junction with the east boundary of White Sands missile range at Tularosa gate.

KK. GMU 37: Beginning at the intersection of US 380 and US 54 at Carrizozo and running north along US 54 to its junction with NM 462 west of Ancho, then east along NM 462 to its intersection with the Southern Pacific railroad tracks, then north along the railroad tracks to Hasparos canyon, then east down Hasparos canyon to the east boundary of Lincoln county, then south along the east boundary

of Lincoln county to its intersection with US 380, then west along US 380 to its intersection with US 54 at Carrizozo.

LL. GMU 38: Beginning at the junction of US 54 and NM 55 and running northwesterly along NM 55 to its junction with US 60 at Mountainair, then east along US 60 to the Guadalupe-De Baca county line, then south along the county line and along the east boundary of Lincoln county to its intersection with Hasparos canyon, then west up Hasparos canyon to the Southern Pacific railroad tracks northeast of Ancho, then south along the railroad tracks to their intersection with NM 462 at Ancho, then west along NM 462 to its junction with US 54, then south along US 54 to its junction with NM 55.

MM. GMU 39: Beginning at the junction of US 60 and NM 41 west of Willard and running north along NM 41 to its intersection with I-40 at Moriarty, then east along I-40 to its junction with US 84 east of Santa Rosa, then southeast along US 84 to its junction with US 60 at Fort Sumner, then west along US 60 to its junction with NM 41 west of Willard.

NN. GMU 40: Beginning at the junction of US 84 and I-40 east of Santa Rosa and running east along I-40 to the New Mexico-Texas state line, then south along the state line to its intersection with US 84, then west and north along US 84 to its junction with I-40.

OO. GMU 41: Beginning at the junction of I-40 and NM 469 at San Jon and running north along NM 469 to its junction with US 54 south of Logan, then north along US 54 to its intersection with NM 39 north of Logan, then northwest along NM 39 to its junction with ~~[US 56 at Abbott, then east along US 56]~~ NM 102 east of Mosquero, then east, north and east along NM 102 to its intersection with NM 402 north of Amistad, then north along NM 402 to its intersection with NM 421 north of Stead, then east along NM 421 to the New Mexico-Texas state line, then south along the state line to its intersection with I-40, then west along I-40 to its intersection with NM 469 at San Jon.

PP. GMU 42: Beginning at the intersection of I-40 and the Pecos river at Santa Rosa and running northwest up the Pecos river to its intersection with US 84 at Dilia, then northwest along US 84 to its junction with I-25 at Romeroville, then northeast along I-25 to its intersection with the Mora river at Watrous, then east down the Mora river to the Canadian river, then south down the Canadian river to its intersection with NM 419 south of Sabinoso, then northeast along NM 419 to its junction with NM 39 northwest of Mosquero, then southeast along NM 39 to its intersection with US 54, then south along US 54 to its

intersection with NM 469, then south along 469 to its intersection with I-40 at San Jon, then west along I-40 to its intersection with the Pecos river.

QQ. GMU 43: Beginning at the intersection of I-40 and NM 41 at Moriarty and running north along NM 41 to the junction at Galisteo with Santa Fe county road 42, then west along the county road to the junction with NM 14, then north along NM 14 to its junction with I-25, then northeast along I-25 to Santa Fe and east along I-25 to its junction with US 84 at Romeroville, then southeast along US 84 to its intersection with the Pecos river at Dilia, then east and south along the Pecos river to its intersection with I-40 at Santa Rosa, then west along I-40 to its intersection with NM 41.

RR. GMU 44: ~~[Beginning at the junction of US 84 and NM 68 at Espanola and running northeast along NM 68 to its junction with NM 75 at Embudo, then east along NM 75 to its junction with NM 518, then east along NM 518 to the Mora county line at Holman hill, then south and west along the Mora county line to the Pecos watershed divide, then west and south along the Pecos watershed divide to US 84 at Glorieta, then west and northwest along US 84 to its junction with NM 68 at Espanola.]~~ **[RESERVED]**

SS. GMU 45: ~~[Beginning at Glorieta on I-25 and running north and east along the Pecos watershed divide to the Mora county line, then north and east along the Mora county line to NM 518 at Holman hill, then south along the Santa Fe national forest boundary line to its intersection with the Tecolote land grant boundary line, then south along the Tecolote land grant boundary to the intersection of I-25, then west along I-25 to Glorieta.]~~ Beginning at Glorieta on US 84, and running west and north along US 84 to its intersection with NM 68 at Espanola, then northeast along NM 68 to its intersection with NM 75 at Embudo, then east along NM 75 to its intersection with NM 518, then east along NM 518 to its intersection with the Santa Fe national forest boundary line near Holman hill, then south along the Santa Fe national forest boundary line to its intersection with the Tecolote land grant boundary line, then south along the Tecolote land grant boundary line to its intersection with US 84/I-25, then west along US 84/I-25 to Glorieta.

TT. GMU 46: Beginning at the junction of I-25 and NM 120 at Wagon Mound and running northwest along NM 120 to its junction with NM 434, Black lake area, then north on NM 434 to Carson national forest road 76 and forest boundary, then south following the Carson national forest boundary to the Santa Fe national forest boundary at Holman hill, then continue

south along the Santa Fe national forest boundary to the Tecolote land grant boundary, then south along the Tecolote land grant boundary to I-25, then north along I-25 to the junction of I-25 and NM 120 at Wagon Mound.

UU. GMU 47: Beginning at the intersection of the Mora river and I-25 near Watrous and running northeast along I-25 to its junction with US 56 at Springer, then east along US 56 to its junction with NM 39 at Abbott, then south and southeast along NM 39 to its junction with NM 419 southeast of Solano, then southwest along NM 419 to its intersection with the Canadian river, then northwest up the Canadian river to the Mora river, then west up the Mora river to its intersection with I-25.

VV. GMU 48: Beginning at the intersection of I-25 and NM 120 at Wagon Mound, then northwest along NM 120 to its intersection with the south boundary of the Maxwell grant, then east along the south boundary of the Maxwell grant to its intersection with I-25, then south along I-25 to its intersection with NM 120 at Wagon Mound.

WW. GMU 49: Beginning on the Rio Grande at Embudo creek and running north along the Rio Grande to its intersection with NM 567 at Taos junction bridge, then east on NM 567 to NM 570, then northeast on NM 570 to its junction with NM 68 immediately south of Ranchos de Taos, then north along NM 68 to the south boundary of the Taos pueblo lands, then east along the pueblo's south boundary to the Taos county line, then south along the Taos county line to its intersection with US 64, then east along US 64 to its junction with NM 434 north of Black lake, then south along NM 434 to the Carson national forest boundary at forest road 76, then south along Carson national forest boundary to intersection of NM 518 at Holman hill, then westerly along NM 518 to its junction with NM 75, then west along NM 75 to NM 68, then south on NM 68 to Embudo creek; and west on Embudo creek to the Rio Grande.

XX. GMU 50: Beginning at the junction of US 84 and NM 554 east of Abiquiu and running north and east along NM 554 to its junction with NM 111, then southeast along NM 111 to its junction with US 285, then north along US 285 to the Colorado-New Mexico state line, then east along the state line to its intersection with the Rio Grande, then south along the Rio Grande to its junction with Embudo creek, then east up Embudo creek to NM 68 at Embudo, then southwest along NM 68 to its junction with US 84 at Espanola, then northwest along US 84 to its junction with NM 554.

YY. GMU 51: ~~[Beginning~~

~~at the junction of NM 554 and US 84 east of Abiquiu and running northwest and north along US 84 to its intersection with the south boundary of the Tierra Amarilla grant, then east along the south boundary of the grant to the Rio Vallecitos, then east down the Rio Vallecitos to NM 111 at Canon plaza, then northeast along NM 111 to its junction with US 64, then east along US 64 to its junction with US 285 at Tres Piedras, then south and west along US 285 to its junction with NM 111 north of Ojo Caliente, then north along NM 111 to its junction with NM 554, then west and south along NM 554 to its junction with US 84.] Beginning at the intersection of US 64 and the eastern boundary of the Tierra Amarilla grant, running south then west along the Tierra Amarilla grant boundary line to its intersection with the Rio Chama, then south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84 northwest of Abiquiu, then southeast along US 84 to its intersection with NM 554 east of Abiquiu, then north and east along NM 554 to its intersection with NM 111, then south along NM 111 to its intersection with US 285 north of Ojo Caliente, then east and north along US 285 to its intersection with US 64 at Tres Piedras, then west along US 64 to its intersection with the Tierra Amarilla grant boundary.~~

ZZ. GMU 52: Beginning at the intersection of ~~[the Rio Vallecitos and the southeastern corner]~~ US 64 and the east boundary of the Tierra Amarilla grant and running north along the eastern boundary of the grant to the Colorado-New Mexico state line, then east along the state line to its intersection with US 285, then south along US 285 to its junction with US 64 at Tres Piedras, then west along US 64 to its ~~junction with NM 111, then southwesterly along NM 111 to the Rio vallecitos at Canon plaza, then northwest up the Rio vallecitos to~~ ~~the~~ intersection with the east boundary of the Tierra Amarilla grant.

AAA. GMU 53: Beginning at the intersection of NM 567 and the Rio Grande and running north along the Rio Grande to the Colorado-New Mexico state line, then east along the state line to its junction with NM 522, then south along NM 522 to the south boundary of the Sangre de Cristo grant, then east along the grant boundary to the Taos-Colfax county line, then south along the Colfax county line to the south boundary of the Taos pueblo, then west along the south boundary of the Taos pueblo to NM 68, then south along NM 68 to NM 570 immediately south of Ranchos de Taos, then west along NM 570 to its junction with NM 567, then west along NM 567 to its intersection with the Rio Grande river.

BBB. GMU 54: Beginning at the intersection of the south boundary of the Maxwell grant and NM 434 and running north along NM 434 to its junction with US 64, then north and east along US 64 to its junction with ~~[NM 58 at Cimarron and east along NM 58]~~ NM 21 west of Cimarron then south and east along NM 21 to its junction with I-25 south of Springer, then south along I-25 to its intersection with the south boundary of the Maxwell grant, then west along the south boundary of the grant to its intersection with NM 434.

CCC. GMU 55: Beginning at the junction of ~~[NM 58]~~ NM 21 and US 64 ~~[at]~~ west of Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass, then north along the Colfax county line to the south boundary of the Sangre de Cristo grant, then north and west along the Sangre de Cristo grant's south boundary to NM 522, then north along NM 522 to the Colorado-New Mexico state line, then east along the state line to its intersection with I-25, then south along I-25 to its junction with ~~[NM 58 then west along NM 58 to its junction with US 64]~~ US 64 south of Raton then south and west along US 64 to its junction with NM 21 west of Cimarron.

DDD. GMU 56: Beginning at the junction of US 56 and I-25 at Springer and running north along I-25 to its junction with US 64 at Raton, then east along US 64 to its junction with US 56 at Clayton, then west along US 56 to its junction with I-25.

EEE. GMU 57: Beginning at the junction of US 64 and I-25 at Raton and running north along I-25 to the Colorado-New Mexico state line, then east along the state line to NM 551, then south along NM 551 to its junction with NM 456, then southwest along NM 456 to its junction with NM 325, then southwest along NM 325 to its junction with US 64, then west along US 64 to its junction with I-25.

FFF. GMU 58: Beginning at the junction of US 64 and NM 325 at Capulin and running northeast along NM 325 to its junction with NM 456, then northeast along NM 456 to its junction with NM 551, then north along NM 551 to the Colorado-New Mexico state line, then east along the state line to the Oklahoma-New Mexico state line, then south along the state line to its intersection with US 64, then west along US 64 to its junction with NM 325.

GGG. GMU 59: Beginning at the intersection of NM 39 and US 56 at Abbott, then east along US 56 to the New Mexico-Texas state line, then south along the New Mexico-Texas state line to NM 421 east of Sedan, then west along NM 421 to its intersection with NM 402 north of Stead, then south along NM 402 to its intersection with NM 102 north of Amistad, then west, south, and west along NM 102 to its inter-

section with NM 39 east of Mosquero, then north along NM 39 to its intersection with US 56 at Abbott.

[4-1-95, 3-14-98, 19.30.4.8 NMAC - Rn & A, 19 NMAC 30.4.8, 2-14-01; A, 3-31-03; A, 4-1-07; A, 3-16-09]

19.30.4.9 GAME MANAGEMENT SUB-UNITS AND PORTIONS OF UNITS:

A. Sub-unit 2A: That portion of GMU 2 west of the Los Pinos river (Pine Arm of Navajo reservoir) and north of the San Juan river.

B. Sub-unit 2B: That portion of GMU 2 east and north of the following line: from the junction of the New Mexico/Colorado state line and Pine river, then south along the Pine river to its junction with the San Juan river, then south and west along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to the Jicarilla Apache Indian reservation boundary.

C. Sub-unit 5A the Freeman Davis unit: That portion of GMU 5 beginning at the junction of the northwest boundary of the Santa Fe national forest and junction with the Jicarilla Apache Indian reservation north of Lindrith and following the forest boundary south towards Lindrith, then northeasterly past Llaves: thence southerly to its intersection with NM 96, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian reservation, then following the reservation boundary north to its intersection with the northwest corner of the Santa Fe national forest boundary.

D. Sub-unit 5B: ~~[beginning at the junction]~~ Beginning at the intersection of the east boundary of the Jicarilla Apache Indian reservation ~~[and]~~, the south boundary of the Tierra Amarilla grant and ~~[running east along the grant boundary]~~ the Rio Chama, running south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with the Santa Fe national forest boundary west of Gallina, then following the boundary north then west past Llaves then southwesterly to south of Lindrith then north along the forest service boundary line to its intersection with the Jicarilla Apache Indian reservation, then east along the boundary line to the junction of the reservation ~~[and]~~, the south boundary of the Tierra Amarilla grant and the Rio

Chama.

E. Sub-unit 6A: Starting at the junction of interstate 25 and US 550 at Bernalillo and running northwest and west along US 550 past San Ysidro to it's intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary of the Jemez Indian reservation, then west, north, and east along Jemez Indian reservation boundary to it's intersection with US 550 near La Ventana, then north and west along US 550 to it's intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the Jicarilla Apache Indian reservation and north along it's east boundary to it's intersection with NM 595, then east along NM 595 to it's junction with NM 96, then east along NM 96 to it's junction with forest road (FR) 103, then south along FR 103 to it's junction with FR 117, then south along FR 117 to it's junction with FR 527 (Pipeline road), then east along FR 527 to it's junction with the west boundary of the Valles Caldera national preserve (formerly the Baca location #1), then south and east along the boundary of the Valles Caldera national preserve to it's junction with FR 280 and NM 4, then south along FR 280 to it's junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along Peralta creek to it's junction with FR 266, then south and east along FR 266 to it's junction with NM 16, then along NM 16 to it's junction with I-25, then south and west along I-25 to it's junction with US 550 at Bernalillo.

F. Sub-unit 6B: All lands within the fenced [~~and/or~~] or posted boundary of the Valles Caldera national preserve (formerly the Baca location #1) as fenced [~~and/or~~] or posted by the United States forest service.

G. Sub-unit 6C: Starting at the junction of NM 96 and forest road (FR) 103 east of Gallina and running south along FR 103 to it's junction with FR 117, then south along FR 117 to it's junction with FR 527 (Pipeline road), then east along FR 527 to it's junction with the west boundary of the Valles Caldera national preserve (formerly the Baca location#1), then north, east, south and west along the boundary of the Valles Caldera national preserve to it's junction with NM 4 and FR 280, then south along FR 280 to it's junction with forest service trail (FT) 1-40, then south along FT 140 to Peralta creek, then south and east along Peralta creek to it's junction with FR 266, then south and east along FR 266 to it's junction with NM 16, then south and east along NM 16 to it's junction with interstate I-25, then north along I-25 to it's junction with US 84 at Santa Fe, then north along US

84 to it's junction with NM 96 west of Abiquiu, then west along NM 96 to it's junction with FR 103.

H. Sub-unit 16A: That portion of GMU 16 beginning at the junction of Bursum road (NM 159/USFS road 28) and US 180, then north along US 180 to its junction with NM 12, then northeast along NM 12 to its junction with NM 435, then south along NM 435 to its junction with Negrito creek south of Reserve, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with USFS road 94 at Collins park, then south on USFS road 94 to its junction with USFS road 28, then southeasterly on USFS road 28 to its junction with USFS road 30, then southeasterly on USFS road 30 to its junction with USFS road 142, then southwesterly on USFS road 142 to its junction with USFS road 142C west of Cooney prairie, then south on USFS road 142C to the Gila wilderness boundary, then west along the Gila wilderness boundary to its junction with Snow creek below Snow lake, then south along Snow creek to its junction with Gilita creek, then west along Gilita creek to its junction with Willow creek, then west along Willow creek to its junction with USFS trail 138, then westerly along USFS trail 138 to its junction with USFS trail 182, then north on USFS trail 182 to its junction with Bursum road (NM159/USFS road 28) at Sandy point, then west along Bursum road (NM 159/USFS road 28) to its junction with US 180.

I. Sub-unit 16B: That portion of GMU 16 beginning at the junction of USFS road 152 and the Grant-Sierra county line southwest of Board Gate saddle, then north along the Grant-Sierra county line to Reeds peak and the continental divide, thence north along the continental divide to its intersection with USFS trail 42, then west along USFS trail 42 to its junction with USFS trail 40 at Diamond creek, then west along USFS trail 40 and Diamond creek to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to its junction with USFS road 18, then northwest along USFS road 18 to its junction with USFS road 704, then west along USFS road 704 to USFS trail 772, then northwesterly along USFS trail 772 to Black mountain, then west from Black mountain along USFS trail 812 to its intersection with the south fork of Christie canyon and the wilderness boundary, then west along the wilderness boundary to Snow creek, then south along Snow creek to Gilita creek, then west along Gilita creek to Willow creek, then west along Willow creek to USFS trail 138, then westerly along USFS trail 138 to USFS trail 182, then south and east on USFS trail 182 to its junc-

tion with USFS trail 224 at west fork saddle, then south along USFS trail 224 and down the west fork of Mogollon creek to its junction with Mogollon creek, then easterly along Mogollon creek to USFS trail 158 at Woodrow canyon, then southeast along USFS trail 158 to Turkey creek, then south along Turkey creek to the Gila river, then east along the Gila river to Sapillo creek, then east along Sapillo creek to NM 35, then east along NM 35 to its intersection with USFS road 152, then northeast along USFS road 152 to its junction with the Sierra-Grant county line southwest of Board Gate saddle.

J. Sub-unit 16C: That portion of GMU 16 beginning at the road junction of USFS road 150 and USFS road 30 in Railroad canyon, then northeast along USFS road 150 to its junction with NM 163/USFS road 150, then northeast along NM 163 to the continental divide, then south along the continental divide to USFS trail 42, then south along USFS trail 42 to USFS trail 40, then west on USFS trail 40 to and across USFS road 150 to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to USFS road 18, then northwest along USFS road 18 to USFS road 704, then west along USFS road 704 to USFS trail 772, then northwest along USFS trail 772 to USFS trail 812 on Black mountain, then northwest along USFS trail 812 to south fork of Christie canyon, then north and west along south fork of Christie canyon to USFS road 142C, then north along USFS road 142C to USFS road 142, then northeast along USFS road 142 to its junction with USFS road 30, then east along USFS road 30 to its junction with USFS road 150 in Railroad canyon.

K. Sub-unit 16D: That portion of GMU 16 beginning at Apache creek and continuing south and west along NM 12 to its junction with NM 435 at Reserve, then south along NM 435 to its junction with Negrito creek, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with SFS road 94 at Collins park, then south along USFS road 94 to its junction with NM 28, then east along NM 28 to junction with USFS 30, then southeast along USFS road 30 to its intersection with USFS road 551, then north and west along USFS road 551 to its junction with USFS road 28, then north along USFS road 28 to its intersection with NM 12, then west on NM 12 to Apache creek.

L. Sub-unit 16E: That portion of GMU 16 beginning at the intersection of USFS road 551 and USFS road 30, proceed northwesterly along USFS road 551 to its intersection with USFS road 28, then north on USFS road 28 to its intersec-

tion with NM 12, then east on NM 12 to its intersection with NM 60 at Datil, then east on NM 60 to its intersection with NM 52, then south on NM 52 to its intersection with NM 163, then west on NM 163 to its intersection with USFS road 150, then west on USFS road 150 to its intersection with USFS road 30, then west on USFS road 30 to its intersection with USFS road 551.

M. Sub-unit 21A: That northwest portion of GMU 21 that lies within the Gila national forest boundary.

N. Sub-unit 21B: That portion of GMU 21 that lies outside the Gila national forest boundary.

O. [Sub-unit 22A: that portion of GMU 22 beginning at the intersection of the Gila river and US 180 south of Cliff running north along US 180 to its junction with Bursum road (NM 159/USFS road 28), then east along Bursum road to its junction with forest trail 41 at Windy point, then southeast along forest trail 41 to its junction with forest trail 207, then east along forest trail 207 to its junction with the Gila wilderness boundary, then west and south and then east along the Gila wilderness boundary to its junction with the Gila national forest boundary and forest trail 189, then east and south along the Gila national forest boundary to its junction with the Gila river, then southwest along the Gila river to its junction with US 180, south of Cliff.] [RESERVED]

P. [Sub-unit 22B: that portion of GMU 22 beginning at the intersection of Bursum road (NM 159/USFS road 28) and forest trail 41 at Windy point, then east along Bursum road to its junction with forest trail 182 at Sandy point, then south along forest trail 182 to its junction with forest trail 224 at the west fork saddle, then south on forest trail 224 down the west fork of Mogollon creek to its junction with the main Mogollon creek, then easterly along Mogollon creek to the junction of forest trail 158 at Woodrow canyon, then south along forest trail 158 to main Turkey creek, then south along Turkey creek to its junction with the Gila river, then southwest along the Gila river to its junction with Gila national forest boundary, then north and west along the Gila national forest boundary to its junction with the Gila wilderness boundary and forest trail 189, then north and west along the Gila wilderness boundary to its junction with forest trail 207, then northwest along forest trail 207 to its junction with forest trail 41, then northwest along forest trail 41 to its junction with Bursum road at Windy point.] [RESERVED]

Q. Burro mountain hunt area, as used herein, shall mean the big burro mountains portion of the Gila national forest in GMU 23 and shall include all private land lying within the national forest

boundary.

R. McGregor range portion of Fort Bliss military reservation in GMU 28.

(1) Public hunt area; that portion of the Fort Bliss military reservation lying north of NM 506 excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

(2) Military only area; that portion of the Fort Bliss military reservation lying south of NM 506 as defined and restricted by Fort Bliss McGregor range personnel.

S. GMU 53 Cerro portion: Shall mean that portion of GMU 53 beginning at the intersection of NM 522 and NM 378, then north on NM 522 approximately 3.1 miles to its intersection with CR B-041 (Buena Vista road), then west on CR B-041 1 mile to the dirt road on the boundary of townships T30N and T29N, then west on that dirt road 2 miles to its intersection with CR B-048 (Sunshine-Jarosa road), then south on CR B-048 approximately 1.3 miles to its intersection with NM 378, then southeasterly on NM 378 approximately 3.5 miles to its intersection with NM 522.

T. [GMU 54 northeast portion: beginning at the intersection US 64 and NM 21, then south and east along NM 21 to its intersection with I-25, then north along I-25 to its intersection with NM 58, then west to its intersection with NM 21 at Cimarron.] [RESERVED]

U. Sub-unit 55A: Beginning at the junction of NM 58 and US 64 at Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass; then north along the Colfax county line to the south boundary of the Sangre de Cristo grant; then north and west along the Sangre De Cristo grant's south boundary to NM 522 then north along NM 522 to the Colorado-New Mexico state line; then east along the state line to its intersection with I-25; then south along I-25 to its junction with US 64 thence southwest along US 64 to its junction with NM 58 at Cimarron.

V. Sub-unit 55B: [beginning at the junction of I-25 and US 64, thence along US 64 to the junction with NM 58 at Cimarron, thence easterly from Cimarron along NM 58 to the junction of NM 58 and I-25 at French tract, thence north along I-25 once again to the junction of I-25 and US 64.] Beginning at the junction of I-25 and US 64 south of Raton, then south and west along US 64 to its junction with NM 21 west of Cimarron, then south and east along NM 21 to its junction with I-25 south of Springer, then north along I-25 to its junction with US 64 south of Raton.

W. [GMU 56 Sierra Grande area: that portion of GMU 56

beginning at the junction of NM 64 and Union county road A045, five miles west of Des Moines, running south along Union county road A045 to its junction with Union county A107, then southeast along Union county road A107 to its junction with the southwest corner of T28N, R29E, S18, then east along the south section line of T28N, R29E, S17, S16, S15, S14, and S13 to its junction with Union county road A012, then northeast to its junction with NM64, then northwest, through Des Moines, to its junction with Union county road A045.] [RESERVED]

X. [Sub-unit 56A: that portion of GMU 56 not included in the Sierra Grande area.] [RESERVED]

Y. Sub-unit 2C: That portion of GMU 2 south and west of the following line: from the junction of US 550 and the San Juan river at Bloomfield, then east along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to the Jicarilla Apache Indian reservation boundary.

Z. GMU 9 Laguna Indian reservation portion: Shall mean that portion of GMU 9 comprising all tribal trust lands designated as the Laguna Indian reservation.

AA. GMU 13 Acoma Indian reservation portion: Shall mean that portion of GMU 13 comprising all tribal trust lands designated as the Acoma Indian reservation.

BB. Portions of GMU 10: That portion of GMU 10 beginning at the junction of interstate 40 and NM 400 east of Gallup and continuing south along NM 400 to its junction with the Cibola national forest boundary; then north along the Cibola national forest boundary to the Fort Wingate military depot boundary, then south and west along the Fort Wingate military depot boundary to the Zuni Indian reservation boundary, then south and east along the Zuni Indian Reservation boundary to its junction with the Rio Nutria, then east along the Rio Nutria to Six Mile draw, then east and south along Six Mile draw to its junction with USFS road 157, then north along USFS road 157 to its junction with USFS road 459, then east on USFS road 459 to its junction with USFS road 50, then east and south on USFS road 50 to Cottonwood creek, then north and east along Cottonwood creek to its junction with the Cibola national forest boundary, then north and west along the Cibola national forest boundary to its junction with interstate 40 at Coolidge, then northwest along interstate 40 to its junction with NM 400.

[CC. GMU 37: Capitan mountains portion: shall mean that portion

~~of GMU 37 beginning at the intersection of US 380 and NM 246 at Capitan and running north along NM 246 to CR B001, then east along CR B001 to its intersection with Hasparos canyon, then east down Hasparos canyon to the east boundary of Lincoln county, then south along the east boundary of Lincoln county to its intersection with US 70/380, then west along US 70/380 to its intersection with NM 380, then west along NM 380 to its intersection with NM 246 at Capitan.]~~

[4-1-95; 12-31-96; 4-30-99; 19.30.4.9 NMAC - Rn & A, 19 NMAC 30.4.9, 2-14-01; A, 3-31-03; A, 4-1-05; A, 10-17-05; A, 4-1-07; A, 3-16-09]

19.30.4.10 WILDLIFE MANAGEMENT AREAS:

A. E.S. Barker WMA, as used herein, shall mean the Elliott S. Barker wildlife management area in GMU 55.

B. [Big Hatchet WMA, as used herein, shall mean the Big Hatchet wildlife management area in GMU 26.] [RESERVED]

C. Brantley WMA, as used herein, shall mean the Brantley wildlife management area in GMU 31.

D. Colin Neblett north, as used herein, shall mean the portion of the Colin Neblett wildlife management area north of U.S. highway 64 in GMU 55.

E. Colin Neblett south, as used herein, shall mean the portion of the Colin Neblett wildlife management area south of U.S. highway 64 in GMU 54 including an adjacent portion of the state game commission-owned property on the east side of Eagle Nest lake as designated by the posted boundary.

F. [Fort Bayard watershed, as used herein, shall mean the Fort Bayard wildlife management area in GMU 24.] [RESERVED]

G. Heartbar WMA, as used herein, shall mean the Heartbar wildlife management area bounded by a posted line enclosing a strip extending one-half mile on each side of the west fork of the Gila river from the eastern boundary of the Gila Cliff Dwellings national monument to the southern boundary of the property of the department at Little creek; to include, in T. 12 S., R. 14 W.; Sec. 26; S 1/4 NW 1/4, S 1/2 NE 1/4, S 1/2, Sec. 25; NE 1/4, NE 1/4 NW 1/4, Sec. 36; in T. 12 S., R. 13 W.; Sec. 31; S 1/2 S 1/2, Sec. 32; SW 1/4 SW 1/4, Sec. 30; in T. 13 S., R. 13 W.; NE 1/4 NE 1/4 SE 1/4, Sec. 6; NW 1/4 NW 1/4 SW 1/4, Sec. 5.

H. Huey WMA, as used herein, shall mean the W.S. Huey waterfowl management area in GMU 33.

I. Humphries WMA, as used herein, shall mean the William A. Humphries wildlife management area in

GMU 4.

J. Marquez WMA, as used herein, shall mean the Marquez wildlife management area in GMU 9.

K. Rio Chama WMA, as used herein, shall mean the Rio Chama wildlife management area in GMU 4.

L. Rio de Los Pinos WMA, as used herein shall mean the Los Pinos wildlife management area in GMU 52.

M. Sargent WMA, as used herein, shall mean the Edward S. Sargent wildlife management area in GMU 4.

N. Seven rivers WMA, as used herein shall mean the Seven rivers waterfowl management area in GMU 31.

O. Urraca WMA, as used herein, shall mean the Urraca wildlife management area in GMU 55.

[4-1-95; 19.30.4.10 NMAC - Rn, 19 NMAC 30.4.10, 2-14-01; A, 03-31-03; A, 6-15-06; A, 3-16-09]

19.30.4.11 OTHER DESIGNATED AREAS

A. Valle Vidal area, as used herein, shall mean the Valle Vidal unit of the Carson national forest and the Greenwood area of the Vermejo Park Ranch, Inc. in GMU 55.

B. Florida mountains, as used herein, shall mean the main Florida mountain range and Little Floridas, consisting of that portion of GMU 25 bounded by Interstate 10 on the north, the Luna-Dona Ana county line on the east, the Mexico-New Mexico line on the south and NM highway 11 on the west.

C. Sugarite canyon state park, as used herein, shall mean the Sugarite canyon property owned by the city of Raton and administered by the New Mexico state parks department in GMU 57.

D. White Sands missile range hunting areas, as used herein, are those portions of White Sands missile range as documented as stallion range, small missile range, red canyon, Tularosa gate, and Rhodes canyon hunt areas as documented on maps and descriptions provided to hunters.

E. Organ mountain hunt area: Beginning at the intersection of I-25 and US 70, then south along I-25 to its intersection with I-10, then south along I-10 to its intersection with the New Mexico\Texas state line, then east along the New Mexico\Texas state line to its intersection with Ft. Bliss military reservation boundary, then northeast, then west and then north along the Ft. Bliss military reservation boundary to its junction with the White Sands missile range boundary, then north, west and north along the White Sands missile range boundary to its intersection with US 70, then west along US 70 to its junction

with I-25.

F. Fort Stanton hunt area, as used herein, shall mean those lands owned and administered by the bureau of land management within the historic Fort Stanton military reservation in GMU 36.

G. Taos valley overlook, as used herein, shall mean those lands owned and administered by the bureau of land management in GMU 49 bounded by the Rio Grande on the west, U. S. Highway 68 on the east, and the Arroyo Hondo canyon on the south.

H. Fort Bayard special management area: Beginning at the NW corner of section 22, T. 17 S., R. 13 W. south along the west section line of sections 22, 27 and 34 to the north right-of-way fence of U.S. highway 180; thence easterly along the north right-of-way fence of U.S. highway 180 through sections 34 and 35 to the east right-of-way fence of the road entering Fort Bayard medical center; thence northwesterly along this east right of-way fence through sections 35 and 26 for approximately 1 1/4 miles to the forest boundary fence; thence northeasterly along the forest boundary fence for approximately 5/8 mile; thence easterly along the forest boundary fence through sections 26 and 25 for approximately 3/4 mile; thence southerly along the forest boundary fence for approximately 1/2 mile; thence easterly along the forest boundary fence for approximately 5/8 mile to the west right-of-way fence of state road 90; thence northeasterly along the right-of-way fence for about 1/2 mile to the intersection with the forest boundary fence; thence northerly along the forest boundary fence through sections 30, 19, 18, and 7 for about 3 3/4 miles; thence westerly along the forest boundary fence for approximately 1/4 mile to the southeastern corner of the pear tree pasture fence; thence northerly along the eastern boundary of the pear tree pasture fence for approximately one mile; thence westerly along the northern fenced boundary through sections 1, 2, and 3 of T. 17 S, R. 13 W of the Pear Tree, Castle Knob, Twin Sisters, and Enclosure pasture fences for approximately 3 1/2 miles to corner of west section line of Section 3; thence southerly along west sections lines of Sections 3, 10, and 15 for approximately 2 3/4 miles to the point of origin.

I. Big Hatchet special management area: That area bounded by a line starting at the Hatchet ranch headquarters and following a road in a southeast direction through sections 14, 13 and 24, of T. 30 S., R. 15 W., and sections 19, 30, 29, 32, 33 and 34 of T.30 S., R. 14 W., and sections 3, 2, 1, 12 and 13 of T. 31 S., R. 14 W.; thence south through sections 13, 24, 25, 36 and 35 of T. 31 S., R. 14 W.; thence sections 2, 11, 14, 23 and 26 of T. 32 S., R. 14 W.;

thence west through sections 27, 28, 29, 30 and 19 of T. 32 S., R. 14 W., and sections 24, 23, 22, 21, 20, 17 and 18 of T. 32 S., R. 15 W., and section 13 of T. 32 S., Rs. 16 W.; thence south along the section line between sections 13 and 14, and sections 23 and 24, of T. 32 S., R. 16. W. to the intersection of the road to the Humble Oil and Refining Company test well no. 1; thence northwest along the road through sections 23 and 14; thence west along the section line between sections 10 and 15; thence north along the fence line and section line between sections 9 and 10 and sections 3 and 4 of T. 32 S., R. 16 W.; thence east approximately on-half mile along the section line of section 3, T. 32 S., R. 16 W., and section 34 of T. 31 S., R. 16 W.; thence north along a road and fence line through sections 34, 27, 22 and 15 to the intersection of the road to Romney well; thence west along the Romney well road through sections 10 and 9 to state road 81; thence north along state road 81 through sections 9 and 4 of T.31.S., R. 16 W., and sections 33, 34, 27 and 22, thence east along the section line between sections 22, and 15; thence east approximately one-half mile between the section line between sections 23 and 14; thence north one-half mile between the section line between sections 23 and 14; thence north on-half mile to the northwest corner of the SW1/4 of the NE1/4 of section 14; thence northeast along the fence to the section line between sections 14 and 13; thence north along the fence and section line between sections 14 and 13, 11, and 12; thence east along the fence line through section 12 to the intersection of the road to the Hatchet farm; thence southeast along the road through section 12 of T. 30 S., R. 16 W., and sections 7, 8, 17, 16, 15, 22, 23 and thence north through sections 23 and 14 of T. 30 S., R. 15 W. to the Hatchet ranch headquarters and the point of beginning.

[4-1-95, 3-14-98; 4-30-99; 19.30.4.11 NMAC - Rn, 19 NMAC 30.4.11, 2-14-01; A, 3-31-03; A, 7-15-03; A, 11-13-03; A, 4-1-05; A, 4-1-07; A, 3-16-09]

19.30.4.13 ANTELOPE HARVEST MANAGEMENT REGIONS:

A. Northwest region: Beginning at the intersection of I-25 and I-40 at Albuquerque, then west along I-40 to the New Mexico-Arizona state line, then north along the New Mexico-Arizona state line to the New Mexico-Colorado state line, then east along the New Mexico-Colorado state line to its intersection with the west boundary of the Jicarilla Apache reservation, then south along the west boundary of the Jicarilla Apache reservation to its intersection with US 550 east of Counselor, then southeast along US 550 to its intersection with I-25 at Bernalillo, then south along I-25 to its intersection with I-40 at

Albuquerque.

B. San Antonio mountain region: Beginning at the junction of US 64 and the eastern boundary of the Tierra Amarilla land grant then north along the eastern boundary of the grant to the New Mexico-Colorado state line, then east along the New Mexico-Colorado state line to its intersection with the Rio Grande, then south along the Rio Grande to its junction with US 64, then west along US 64 to its junction the Tierra Amarilla land grant.

C. Colmor region: Beginning at the junction of I-25 and NM 120 at Wagon Mound, then west along NM 120 to Ocate and the Santa Fe trail, then northeast along the Santa Fe trail to its intersection with NM 21, then east along NM 21 to its junction with US 56 at Springer, then east along US 56 to its intersection with the Canadian river, then southeast along the Canadian river to its intersection with NM 120, then west along NM 120 to its intersection with I-25 at Wagon Mound.

D. Galisteo region: Beginning at the intersection of I-40 and I-25 at Albuquerque, then northeast along I-25 to its intersection with US 84 at Romeroville, then south along US 84 to its intersection with I-40, then west along I-40 to its junction with I-25 at Albuquerque.

E. West-central region: Beginning at the intersection of US 60 and NM 12 at Datil, then north along the boundary between the Datil mountains of the Cibola national forest and Torstenson wildlife center/Double H ranch, then east and south along the ranch boundary line to its intersection with the northwest corner of the Gallinas mountains/Cibola national forest boundary, then south along the Cibola national forest boundary to its intersection with US 60, then west along US 60 to its intersection with NM 52, then south along NM 52 to its intersection with Stone canyon road, then west along Stone canyon road to its intersection with Gila national forest boundary, then west along Gila national forest boundary to its intersection with NM 12 east of Aragon, then south along NM 12 to its intersection US 180 west of Reserve, then north and west along US 180 to its intersection with the New Mexico-Arizona state line, then south along the New Mexico-Arizona state line to its intersection with Gila river, then east along the Gila river until it intersects the western boundary of the Burro mountains portion of the Gila national forest, then south along the Gila national forest boundary to its intersection with NM 90, then north along NM 90 to its intersection with US 180 at Silver City, then east along US 180 to its intersection with NM 152, then east along NM 152 to its intersection with I-25 south of Truth or Consequences, then north along I-25 to its intersection with the Armendaris ranch

boundary, then west, north and east along the ranch boundary to its intersection with I-25, then north along I-25 to its intersection with I-40 at Albuquerque, then west along I-40 to its intersection with NM 117 east of Grants, then south on NM 117 to its intersection with NM 36, then south along NM 36 to its intersection with NM 603, then south and east along NM 603 to its intersection with US 60 at Pie Town, then east along US 60 to its intersection with NM 12 at Datil.

F. San Augustin region: Beginning at the intersection of US 60 and NM 52 west of Magdalena, then south along NM 52 to its intersection with Stone canyon road, then west along Stone canyon road to its intersection with Gila national forest boundary, then west along Gila national forest boundary to its intersection with NM 12 east of Aragon, then north along NM 12 to its intersection with US 60 at Datil, then north along the boundary between the Datil mountains of the Cibola national forest and Torstenson wildlife center/Double H ranch, then east and south along the ranch boundary line to its intersection with the northwest corner of the Gallinas mountains/Cibola national forest boundary, then south along the Cibola national forest boundary to its intersection with US 60, then west along US 60 to its intersection with NM 52.

G. Fence Lake region: Beginning at the intersection of US 60 and NM 12 at Datil, then south along NM 12 to its intersection US 180 west of Reserve, then north and west along US 180 to its intersection with the New Mexico-Arizona state line, then north along the New Mexico-Arizona state line to its intersection with I-40, then east along I-40 to its intersection with NM 117 east of Grants, then south on NM 117 to its intersection with NM 36, then south along NM 36 to its intersection with NM 603, then south and east along NM 603 to its intersection with US 60 at Pie Town, then east along US 60 to its intersection with NM 12 at Datil.

H. Estancia region: Beginning at the intersection of I-40 and I-25 at Albuquerque, then east along I-40 to its intersection with US 285 at Clines Corners, then south along US 285 to its intersection US 60 at Encino, then east along US 60/285 to its intersection with US 54 west of Vaughn, then south along US 54 to its intersection with US 380 at Carrizozo, then west along US 380 to its junction with Socorro county road A175 at Bingham, then north along Socorro county road A175 to its junction with Socorro county road B175, then north along Socorro county road B175 to it junction with NM 55 at Gran Quivira, then north along NM 55 to its intersection with US 60 at Mountainair, then west along US 60 to its intersection with I-25 at

Bernardo, then north along I-25 to its intersection with I-40 at Albuquerque.

I. Socorro region: Beginning at the intersection of Socorro county road B175 and NM 55 at Gran Quivira, then south along Socorro county road B175 to its junction with Socorro county road A175, then south along Socorro county road A175 to its junction with US 380 at Bingham, then east along US 380 to its intersection with the WSMR boundary; then west along the WSMR boundary to its northwest corner, then west along the township 5S and 6S boundary line to its intersection with the Bosque del Apache national wildlife refuge, then north and west along the refuge boundary to its intersection with I-25 near San Antonio, then north along I-25 to its junction with US 60 at Bernardo, then east along US 60 to its junction with NM 55 at Mountainair, then south along NM 55 to its junction with Socorro county road B175 at Gran Quivira.

J. Elephant Butte region: Beginning at the intersection of I-25 and US 70 at Las Cruces, then east along US 70 to its intersection with the WSMR boundary east of Organ, then north along the western boundary of WSMR to its northwest corner, then west along the township 5S and 6S boundary line to its intersection with the Bosque del Apache national wildlife refuge, then north along the refuge boundary to its intersection with I-25 near San Antonio, then south along I-25 to its intersection with US 70 at Las Cruces.

K. Southwest region: Beginning at the intersection of I-25 and NM 152 south of Truth or Consequences, then west along NM 152 to its intersection with US 180 east of Silver City, then west along US 180 to intersection with NM 90 at Silver City, then south and west along NM 90 until it intersects with the western boundary of the Burro mountains portion of the Gila national forest, then north along the Gila national forest boundary until it intersects the Gila river, then west along the Gila river until it intersects the New Mexico-Arizona state line, then south along the New Mexico-Arizona state line to its intersection with the US-Mexico border, then east along the US-Mexico border to its intersection with New Mexico-Texas state line, then north and east along the New Mexico-Texas state line to its intersection with I-10 at Anthony, then north along I-10 to its intersection with I-25 at Las Cruces, then north along I-25 to its intersection with NM 152 south of Truth or Consequences.

L. Southeast region: Beginning at the intersection of US 285 and I-40 at Clines Corners, then east along I-40 to its intersection with the New Mexico-Texas state line, then south along the New Mexico-Texas state line to its intersection with NM 128 east of Jal, then west along

NM 128 to NM 31, then west along NM 31 to US 285 north of Loving, then north along US 285 to its intersection with US 82 at Artesia, then west along US 82 to its intersection with Picacho road, then north along Picacho road to US 70/380, then west along US 380 to its intersection with US 54 at Carrizozo, then north along US 54 to its intersection with US 60/285 west of Vaughn, then west along US 60/285 to Encino, then north along US 285 to its intersection with I-40 at Clines Corners.

M. Guadalupe region: Beginning at the intersection of NM 506 and NM 24 at Piñon, then northeast along NM 24 to US 82, then east along US 82 to US 285 at Artesia, then south along US 285 to US 62/180 at Carlsbad, then south along US 62/180 to the New Mexico-Texas state line, then west along the New Mexico-Texas state line to Cornucopia canyon road, then north along Cornucopia canyon road to NM 24.

N. Fort Stanton region: as used herein, shall mean those lands owned and administered by the bureau of land management within the historic Fort Stanton military reservation.

O. Northeast region: Beginning at the intersection of I-25 and US 64/87 at Raton, then east along US 64/87 to its intersection with NM 325 at Capulin, then north along NM 325 to its intersection with NM 456 at Folsom, then north along NM 456 to its intersection with NM 551, then north along NM 551 to its intersection with the New Mexico-Colorado state line, then east along the New Mexico-Colorado state line to its intersection with the New Mexico-Oklahoma state line, then south along the New Mexico-Oklahoma state line and continuing south along the New Mexico-Texas state line to its intersection with NM 421 east of Sedan, then west along NM 421 to its intersection with NM 402 north of Stead, then south along NM 402 to its intersection with NM 102, then west, south and west along NM 102 to its intersection with NM 39 east of Mosquero, then west and north along NM 39 to its intersection with NM 419 north of Mosquero, then south and west along NM 419 to its intersection with the Canadian river, then north along the Canadian river to its intersection with US 56 east of Springer, then west along US 56 to its intersection with I-25 at Springer, then north along I-25 to its intersection with US 64/87 at Raton.

P. Logan region: Beginning at the intersection of I-40 and the New Mexico-Texas state line east of Tucumcari, then west along I-40 to its junction with NM 104 at Tucumcari, then west along NM 104 to its intersection with the Quay-San Miguel county line, then east and north along the Quay-San Miguel county line, continuing northwest along the San Miguel-Harding county line to its intersection with NM 39 at Mosquero, then east along NM 39 to its intersection with NM 102, then east, north and east along NM 102 to its intersection with NM 402 north of Amistad, then north along NM 402 to its intersection with NM 421 west of Sedan, then east along NM 421 to its intersection with the New Mexico-Texas state line, then south along the New Mexico-Texas state line to its intersection with I-40 east of Tucumcari.

Q. Otero Mesa region: Beginning at the intersection of US 54 and NM 506 north of Orogrande, then east along NM 506 to Cornucopia canyon road at Piñon, then south along Cornucopia canyon road to the New Mexico-Texas state line, then west along the New Mexico-Texas state line to the White Sands missile range boundary, then north along the White Sands missile range boundary to a point directly west of the intersection of US 54 and NM 506, then east to the intersection of US 54 and NM 506.
[19.30.4.13 NMAC - N, 3-16-09]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.30.9 NMAC, Section 9, effective 3-16-2009.

19.30.9.9 ESTABLISHING CERTAIN LICENSES, PERMITS, CERTIFICATES AND FEES:

Licenses, permit, or certificate
Fee

A.	Airborne hunting	\$10.00
B.	Call pen	15.00
C.	Class A lake	101.00
D.	Additional Class A lake	26.00
E.	Class A park	501.00
F.	Field trial/importation	15.00
G.	Falconry	25.00
H.	Game bird propagation	10.00
I.	Importation	

(I) protected ungulate:

(a) initial 500.00/source & up to 2 animals (valid 6 months)

(b) for additional animals, same source property/owner 50.00 per animal (if no acquisitions to source herd during 6 month period of validity)

(2) furbearer	40.00/animal	
(3) non-game	25.00/animal	
(4) other	15.00	
(5) fish	6.00	
J. Protected mammal	10.00	
K. Shooting preserve	200.00	
L. Zoo	15.00	
M. Scientific collecting/bird banding	15.00	
N. Bait dealers	21.00	
O. Transportation	0.00	
P. Retention	1.25	
Q. Triploid grass carp	25.00	
R. Commercial fishing	25.00	
S. Certificate of application	[6.00]	
(1) NM resident (2009-2010)		9.00
(2) NM resident (2010-2011 and subsequent license years)		10.00
(3) Non-resident (2009-2010)		12.00
(4) Non-resident (2010-2011 and subsequent license years)		27.00
T. Wildlife conservation stamp		10.00
U. Duplicate license		6.00
V. Landowner authorization certificate	[+5.00]	9.00
W. Additional antelope permit tag		25.00
X. Migratory bird permit		0.00
Y. Big game depredation damage stamp resident		3.00
Z. Big game depredation damage stamp non-resident		10.00
AA. Public land user stamp		5.00
BB. Commercial collecting permit		50.00

[12-20-94, 3-31-98; 19.30.9.9 NMAC - Rn, 19 NMAC 30.1.9 & A, 7-16-01; A, 10-31-01, A, 12-28-01; A, 08-01-03; A, 3-16-09]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.3 NMAC, Sections 2, 8, 9 and 11, effective 3-16-2009.

19.31.3.2 SCOPE: ~~[Hunters]~~ Sportspersons interested in hunting and management of big game in New Mexico. Additional requirements may be found in Chapter 17 NMSA and other Parts of Title 19, Chapter 31.

[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 12-30-04; A, 3-16-09]

19.31.3.8 PUBLIC LICENSES AND PERMITS - APPLICATION FOR:

A. Application form: Application for all public licenses and permits shall be made on the standard application form provided by the department of game and fish.

B. Application deadline(s): Applications for all population reduction hunts, turkey, pronghorn antelope, elk, bighorn sheep, bear entry, deer entry, oryx, javelina, and ibex hunts must be received, in the Santa Fe office only, by 5:00 p.m. on dates set by the state game commission.

C. Mailed application deadline: Mailed applications postmarked, but not delivered by the deadline date, will be accepted by the Santa Fe office up to five (5) working days after that deadline.

D. One applicant per application: No more than one (1) person may apply under each application number for bighorn sheep, bear entry, ibex, population reduction hunts ~~and~~, game management sub-unit 6B (Valles Caldera national preserve), and GMU 5A private land deer.

E. Two applicants per application: No more than two (2) persons may apply under the same application number for turkey and oryx.

F. Four applicants per application: No more than four (4) persons may apply under the same application number for deer entry, elk, pronghorn antelope, and javelina.

G. Resident and non-resident application combination: Any mixture or combination of residents and non-residents may make application for special drawing providing the number of applicants does not exceed the restriction of this section (subsection D, E or F).

H. Applications rejected: Applications for licenses may be rejected by

the department if an applicant did not:

(1) apply on the proper form as designated by the director;

(2) submit the correct or required information;

(3) submit the correct license or application fee, and any other required fee;

(4) meet the deadline date;

(5) comply with a current statute or rule, or did not submit valid written landowner permission when specified by rule.

I. More applications than permits: If more applications for public licenses or permits are received than there are licenses or permits available, the available licenses or permits shall be allotted by means of a public drawing.

J. Increase in licenses or permits: The number of licenses or permits available may be increased to accommodate corrections or errors by the department which ~~result~~ results in the addition of names to the successful list.

K. Additional choices: Applicants for public licenses may designate additional choices for hunt periods.

L. Application categories: Applications for special drawing hunts will be placed into the appropriate categories, as specified in 17-3-16 NMSA 1978 by department personnel or their designee. Special drawings shall continue to draw applicants from the appropriate drawing pool progressively for each respective hunt code, starting with first choice applicants, then proceeding to second and subsequent choice applicants until the quota has been met or the pool of applicants has been exhausted.

M. Resident and non-resident applications:

(1) A non-resident applicant must have a valid outfitter registration number on his or her application to be placed in the separate pool designed for guided hunts.

(2) For an application to be successfully drawn, there must be a sufficient number of licenses or permits available for that hunt code to accommodate all applicants from their respective drawing pools.

(3) Any licenses left over from the appropriate drawing pool will be allocated as prescribed in Paragraph C of Section 17-3-16 NMSA 1978 Compilation.

N. New Mexico department game and fish customer identification number: All persons making application to the department for hunt drawings for public licenses and permits and private landowner authorizations shall submit on the application a "New Mexico department of game and fish (NMDGF) customer identification number.

(1) "NMDGF customer identification number" shall be obtained only from the department and must be obtained prior

to the submission of any application or private landowner authorization.

(2) Each person making application for public drawing license, permit or private landowner authorization must use their own valid NMDGF customer identification number on his or her application.

(3) Any application received without a valid NMDGF customer identification number or false NMDGF customer number will be rejected.

Q. Quality/high demand elk application restriction: Any person making application for an elk hunt designated as "quality" or "high demand" in 19.31.14 NMAC shall not have received a public draw license for an elk hunt designated as "quality" or "high demand" in the license year prior to the application. Any hunt choices for a public draw elk hunt designated as "quality" or "high demand" on applications submitted by persons holding a public draw "quality" or "high demand" elk license in the prior year will not be honored.

P. Quality/high demand deer application restriction: Any person making application for a deer hunt designated as "quality" or "high demand" in 19.31.13 NMAC shall not have received a public draw license or permit for a deer hunt designated as "quality" or "high demand" in the license year prior to the application. Any hunt choices for a public draw deer hunt designated as "quality" or "high demand" on applications submitted by persons holding a public draw "quality" or "high demand" deer license or permit in the prior year will not be honored.

Q. Pronghorn antelope application restriction: Any person making application for a public draw pronghorn antelope hunt shall not have received a public draw license for a pronghorn antelope in the license year prior to the application. Applications submitted by persons holding a public draw pronghorn antelope license in the prior year will be rejected.

[19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 12-30-04; A, 4-1-07; A, 3-16-09]

19.31.3.9 PRIVATE LAND - PRONGHORN ANTELOPE AND ELK LICENSES:

A. No application deadline: Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

B. Issuance of licenses: Licenses will be issued, in person or by mail, out of the Santa Fe, Albuquerque, Las Cruces, Roswell, and Raton offices. The amount due for a private land hunting license shall be composed of "landowner authorization certificate" fee, the appropriate "certificate of application" fee as defined in 19.30.9 NMAC and the appropri-

ate license fee as defined in Section 17-3-13 NMSA 1978.

C. Maximum number of licenses: Licenses will be issued only up to the number of authorizations allotted for each ranch and only to persons who submit a properly completed form and the appropriate fees.

D. No authorizations issued: Authorizations for elk licenses may be issued to landowners in game management units where no core occupied elk range is designated and to landowners whose private property lays outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC.

E. Pronghorn antelope private lands use system (A-PLUS):

(1) The deadline for new landowners to apply and any changes (i.e. change in ownership, acreage, ranch contact person, etc.) reported for existing ranches is February 1, annually.

(2) Landowners must enroll the entire ranch into the system which includes all deeded acres as well as any leased public acreage (BLM, USFS, and state trust).

(3) Participation requirements: New landowners applying for private land pronghorn antelope authorization certificates must submit the current A-PLUS application along with all required documentation listed on the application. Existing ranches are subject to random requests for updated ownership documentation. If a landowner fails to submit ownership documents when requested, the ranch will be inactivated from the system. The ranch will be considered for re-activation for the following license year upon receipt of requested documentation.

(4) All signed pronghorn antelope hunt agreements must be received in the Santa Fe office by the deadline date indicated on the annual hunting agreement. The annual deadline date is subject to change pursuant to the big game public draw date. If a landowner fails to submit the hunt agreements by the deadline date, the ranch will not be eligible to receive pronghorn antelope authorization certificates during the current license year.

F. Private land elk license allocation: The private land elk license allocation system may be found in 19.30.5 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 12-30-04; A, 6-15-06; A, 4-1-07; A, 3-16-09]

19.31.3.11 RESTRICTIONS:

A. One license per big game species per year: It shall be unlawful for anyone to hold more than one permit or license for any one big game species during the current license year unless otherwise

allowed by rule.

B. ~~[Valid dates]~~ Validity of license or permit: All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area. Except that a permit or license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU or AMU, that is open to hunting for that species, when the license holder is in possession of current, valid written permission from the appropriate landowner. This exception shall only apply when the adjacent unit has the same restrictions as to weapon type, bag limit, season dates and license availability.

C. Improper license and permit: Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any game animal, game bird or game fish other than in accordance with the specified hunt code or dates, legal sporting arm, bag limit allowance or area designated on a license or permit issued by the department to that person is deemed to be hunting without a proper license as required by 17-3-1 unless otherwise exempted by a valid commission rule.

D. Transfer of permits or licenses: The director may grant the transfer of a hunting license or permit once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has; died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit.

E. Refunds: The director may grant the refund of a hunting license once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has; died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting.

F. Donation of permits or licenses: Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a person who has been qualified through a nonprofit wish-granting organization. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance

of a license or permit. The state game commission must approve any nonprofit wish-granting organizations that identify and submit recipients for donated licenses or permits. However, a once-in-a-lifetime licensee may be reinstated as eligible to participate in future drawings for the same species and hunt type if the licensee donated his or her license to an individual qualified by an approved nonprofit wish granting organization. Donation on a once-in-a-lifetime license will not prohibit the donor from applying for and receiving another license for the same species and restrictions in the future.

G. More than one application: It shall be unlawful to submit more than one application per species for any license issued through a special drawing, unless otherwise permitted by regulation. Exception: An individual may apply for both a population reduction hunt on public or private land and a special drawing hunt. However, an applicant shall follow the application procedures outlined in 19.31.3.8 NMAC.

H. Handicapped fishing or handicapped general hunting license qualifications: To hold a handicapped fishing or handicapped general hunting license, the individual must be a resident of New Mexico and must show proof of a severe disability by reason of one or more physical disabilities resulting from amputation, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, and end-stage renal disease, or who has a combination of permanent disabilities which cause comparable substantial functional limitation. Reasonable accommodation will be made, relating to these licenses, upon request.

I. Mobility impaired (MI) deer, elk, oryx, or antelope license qualifications: To hold a mobility impaired deer, elk, oryx, or antelope license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a mobility restriction which limits their activity to a walker, wheelchair, or two crutches, or severely restricts the movement in both arms or who has a combination of permanent disabilities which cause comparable substantial functional limitation and then obtain department approval for MI hunt eligibility.

(1) Every person qualified as MI shall have their card/eligibility expire 48 months from the department's approval date or issuance date, whichever is later, and must resubmit their application and obtain department approval as required above prior

to being eligible to apply for any MI hunt.

(2) All current MI card holders shall have their card expire on March 15, 2007 and must resubmit on the proper department form and obtain department approval prior to being eligible to apply for MI designated hunt codes.

J. Youth hunts: Only applicants who have not reached their 18th birthday by the opening day of the hunt are eligible to apply for or participate in a youth only hunt. Applicant for firearm hunts must provide hunter education certificate number on application.

K. An individual making license application shall supply the department on the appropriate form with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.

L. Military only hunts: Applicants must be full time active military and proof of military status must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

M. Penalty assessments: When a person is issued a penalty assessment citation for fishing without a license or hunting small game without a license, the citation will serve as a special permit for that specific activity for fifteen (15) calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within thirty (30) days of the date of citation issuance.

N. Iraq/Afghanistan veteran oryx hunts: Only New Mexico residents who served on active duty military during the Iraq or Afghanistan conflict are eligible to apply for Iraq/Afghanistan veteran oryx licenses. Proof of active duty military assignment in Iraq or Afghanistan must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

O. Mentor/youth only hunts: Applications for mentor/youth only hunts are limited to one adult (18 years and older) and up to 3 youth applicants (under 18 years as of opening day of the hunt). Youth applicants for any mentor/youth only firearm hunts must provide hunter education certificate number on application.

P. Youth encouragement hunts: Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses or permits will be eligible to register for these hunts.

Q. NMDGF customer identification number: It shall be unlaw-

ful for an applicant to use another person's NMDGF customer identification number or to provide false information to obtain a NMDGF customer identification number.

R. Application fee (2009-2010): All applicants for special hunt drawings for pronghorn antelope, barbary sheep, bighorn sheep, javelina or ibex public draw licenses shall pay the non-refundable application fee and applicable license fees prior to the drawing as defined by 19.30.9.9 NMAC. Online applicants for permits, oryx licenses, or elk license will submit the non-refundable application fee upon application and will pay the license fee upon successful drawing. Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings.

S. Application fee (2010-2011 and subsequent license years): All applicants for special hunt drawings for all public draw licenses shall pay the non-refundable application fee and applicable license fees prior to the drawing as defined by 19.30.9.9 NMAC. Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 12-30-04; A, 6-30-05; A, 9-30-05; A, 10-31-05; A, 3-31-06; A, 6-15-06; A, 4-1-07; A, 8-15-07; A, 3-16-09]

NEW MEXICO MINING COMMISSION

The following is an amendment to 19.10.2 NMAC, Sections 201 and 202, effective March 16, 2009.

19.10.2.201 APPLICATION FEES: Applications filed with the director shall be accompanied by a fee determined under the following schedule:

A. The permit application fee for an existing mining operation shall be determined by adding:

(1) \$1,000.00 base fee;

(2) \$15.00 per acre for the first 50 acres of land expected to be disturbed over the life of the mine (design limits) for surface disturbance, plus \$5.00 per acre for all such land over 50 acres; ~~and~~

(3) a fee determined in accordance with 19.10.2.203 NMAC; and

(4) if a closeout plan is submitted with the initial application, an additional fee will be assessed in accordance with Subsection K of 19.10.2.201 NMAC.

B. The permit application fee for a new mining operation shall be determined by adding:

(1) ~~[\$3,000.00]~~ 5,000.00 base fee;
 (2) ~~[\$100.00]~~ 200.00 per acre for the first 50 acres of land expected to be disturbed over the life of the mine (design limits) for surface disturbance, plus \$40.00 per acre for all such land over 50 acres; ~~and~~

(3) a fee determined in accordance with 19.10.2.203 NMAC; ~~and~~

(4) in addition, any cost associated with the preparation of an environmental evaluation by a third party shall be paid for by the applicant.

C. The initial application fee for an existing minimal impact mining operation is \$250.00. If a closeout plan is submitted with the initial application, an additional fee of \$250.00 will be assessed.

D. The initial application fee for a new minimal impact mining operation is ~~[\$350.00]~~ 1,000.00.

E. The fee for an exploration permit is ~~[\$250.00]~~ 1,000.00.

F. The fee for a minimal impact exploration permit is ~~[\$100.00]~~ 500.00.

G. The fee for transferring a permit is ~~[\$150.00]~~ 250.00.

H. The fee is ~~[\$500.00]~~ 1,000.00 for a non-minimal impact operation permit modification which is not a revision.

I. The fee for a minimal impact operation modification is \$250.00.

J. The fee for each permit revision, excluding revisions for closeout plans, is \$5,000.00.

K. The fee for a permit revision for a closeout plan for an existing mining operation shall be determined by the following table. Acreage calculations must be based on total existing and proposed disturbance as described in the closeout plan.

(1) > 0 to 10 acres	\$750
(2) > 10 to 30 acres	\$1,500
(3) > 30 to 100 acres	\$3,000
(4) > 100 to 300 acres	\$4,500
(5) > 300 to 3,000 acres	\$6,000
(6) > 3,000 to 10,000 acres	\$7,500
(7) > 10,000 acres	\$9,000

L. The fee for a permit modification for a closeout plan for a minimal impact existing mine is \$250.00.

M. The fee for each application for a variance is \$500.00.

N. The director may waive application fees for a variance, modification, revision, or transferring a permit that requires little or no cost for investigation and issuance.

O. The application fee to determine whether a mine or a portion of a mine qualifies for prior reclamation is

\$250.00. The fee shall be paid at the time an inspection is requested.

[7-12-94, 11-15-95, 12-15-95, 2-15-96; 19.10.2.201 NMAC - Rn, 19 NMAC 10.2.2.201, 05-15-2001; A, 03-16-09]

19.10.2.202 ANNUAL FEES

A. The annual fee for an existing mining operation shall be determined by adding:

(1) \$800.00 base fee;

(2) \$15.00 per acre for the first 50 acres of currently disturbed surface land plus \$3.00 per acre for all disturbed land over 50 acres;

(3) a fee determined in accordance with 19.10.2.203 NMAC;

(4) a surcharge of 75% shall be added to the total annual fees for mining operations that have 500 acres or more disturbed area in their permit as defined in Paragraph (2) of Subsection D of 19.10.1.7 NMAC; substantially reclaimed acreage as defined in Paragraph (1) of Subsection F of 19.10.2.202 NMAC will not be counted as disturbed acreage for purposes of this paragraph;

(5) a surcharge of 50% shall be added to the total annual fees for existing mining operations that did not obtain an extension in accordance with Subsection D of 19.10.5.501 NMAC and have not obtained closeout plan approval; and

(6) the annual fee shall be calculated each year based on cumulative acreage disturbed as of December 31st of the prior year, and shall be due on or before April 30th of each year until all Mining Act requirements are met.

B. The annual fee for the new mining operation shall be determined by adding:

(1) \$1,000.00 base fee;

(2) \$30.00 per acre for the first 50 acres of currently disturbed surface land plus \$10.00 per acre for all disturbed land over 50 acres;

(3) a fee determined in accordance with 19.10.2.203 NMAC; and

(4) the annual fee shall be calculated each year based on cumulative acreage disturbed as of December 31st of the prior year, and shall be due on or before April 30th of each subsequent year following initial submittal of a permit application.

C. The annual fee for a minimal impact existing mining operation shall be \$250.00. This fee shall be due on or before April 30th of each year following initial submittal of permit application.

D. The annual fee for a minimal impact new mining operation shall be \$250.00. This fee shall be due on or before April 30th of each year following initial submittal of permit application.

E. The provisions in

Subsection A through D of 19.10.2.202 NMAC and Subsection F of 19.10.2.202 NMAC shall not be applicable to any fees due after March 31, ~~[2009]~~ 2012.

F. Formula for Reducing Fees for Substantially Reclaimed Acreage.

(1) For the purposes of 19.10.2 NMAC, "Substantially Reclaimed" means financial assurance has been released pursuant to 19.10.12.1210 NMAC except the amount to establish revegetation pursuant to Subsection A of 19.10.12.1204 NMAC.

(2) For the purposes of 19.10.2 NMAC, the total annual pre-reclamation fee is the total annual fee calculated assuming no reclamation has taken place.

(3) Base fees, disturbance fees and facility fees calculated pursuant to Subsection A of 19.10.2.202 NMAC or Subsection B of 19.10.2.202 NMAC shall be reduced in proportion to the area substantially reclaimed as compared to the total pre-reclamation fee but shall not be reduced to less than 60 percent of the total annual pre-reclamation fee. Formula for fee calculation: Fee owed = Pre-reclamation Fee - (AR/AT) * (Pre-reclamation Fee), where AT = Total Acreage and AR = Reclaimed Acreage.

[7-12-94, 11-15-95, 2-15-96, 5-31-97, 6-30-99, 12-29-2000; 19.10.2.202 NMAC - Rn, 19 NMAC 10.2.2.202, 05-15-2001; A, 05-31-2001; A, 04-30-03; A, 12-30-05; A, 03-16-09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.1 NMAC, Sections 7 and 11 effective on 03/21/09.

16.22.1.7 DEFINITIONS:

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

(1) "Act" means the Professional Psychologist Act, Section 61-9-1 through 61-9-19 NMSA 1978.

(2) "Administrator" or "board administrator" means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the act.

(3) "Adult" means all persons 18 years of age or older.

(4) "Applicant" means a person who has completed all educational requirements of the eligibility requirements for licensure and has submitted a complete application to the board. An applicant is

seeking approval of his or her application by the board to advance him or her to candidacy for licensure.

(5) "Board" means the New Mexico state board of psychologist examiners.

(6) "Board administrator" or "administrator" means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the act.

(7) "Board certified psychiatrist" means a physician licensed in New Mexico who has been certified by the American board of psychiatry and neurology in the specialty of psychiatry or the subspecialty of child and adolescent psychiatry.

(8) "Board regulations" or "regulations" means any part adopted by the board pursuant to authority under the act and includes any superseding regulation.

(9) "Candidate" is an applicant whose application has been approved by the board and is eligible to take the ~~on-line~~ online jurisprudence examination.

(10) "Children/adolescents" mean all persons through 17 years of age (children 2-12 years; adolescents 13-17 years).

(11) "Client" means a person, corporate entity, patient or organization that is a recipient of psychological services. A corporate entity or other organization is a client when the purpose of the professional contract is to provide services of benefit primarily to the organization rather than to the individuals. In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision-making purposes, except that the individual receiving services shall be the client for:

(a) issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships; and

(b) issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship;

(c) all matters specifically designated to individuals in the Mental Health Code and Children's Code, NMSA 1978.

(12) "Collaborative relationship" means a cooperative working relationship between a conditional prescribing or prescribing psychologist and a health care practitioner in the provision of patient care, including cooperation in the management and delivery of physical and mental health care, to ensure optimal patient care.

(13) "Confidential information" means information revealed by a patient or clients or otherwise obtained by a psychologist, as a result of a confidential relation-

ship where there is reasonable expectation that the information is not to be disclosed by the psychologist without the informed written consent of the patient or client in accordance with the Public Health Act, Section 24-1-20 NMSA 1978. A confidential relationship, as used here, results from:

(a) the relationship between the patient(s) or client(s) and the psychologist, or

(b) the circumstances under which the information was revealed or obtained; when such information is revealed or obtained through the psychologist's interaction with an individual from within a client corporation or organization, and that interaction is the result of the professional contract between the psychologist and the client, the confidential relationship is between the psychologist and the client, not between the psychologist and an individual within the organization; in this instance, information obtained by the psychologist from the individual shall be available to the organization unless such information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

(14) "Conditional prescribing psychologist" means a licensed psychologist who holds a valid conditional prescription certificate.

(15) "Conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to the act.

(16) "Conflict of interest" means any situation or relationship that compromises or impairs, or appears to compromise or impair, the neutrality, independence or objectivity of a psychologist, psychologist associate, supervising physician, or board member, including relationships ~~and/or~~ or situations that arise from past or present familial, social, fiduciary, business, financial, health care provider-patient relationship, agency, or other personal relationship. Paying or receiving an appropriate fee for supervisory services is not a conflict of interest. Conflict of interest includes dual relationships as provided herein at 16.22.2.9 NMAC. If a conflict of interest or dual relationship arises during the performance of the professional duties of a psychologist, psychologist associate, supervising physician, or board member, he shall immediately report the conflict of interest or dual relationship to the board and shall cease that professional relationship.

(17) "Consultant" means a licensed psychologist who provides professional advice or opinion to a another licensed psychologist and who has no professional relationship with the patient or

client, has no authority over the case, or has no responsibility for the services performed for the patient or client or the welfare of the patient or client.

(18) "Continuing professional education" means educational opportunities beyond doctoral education and initial entry level training as a psychologist or psychologist associate for which hourly credit is earned to:

(a) enable maintenance of competence, including cultural competence, by applicants and licensees;

(b) become aware of new developments; and

(c) provide responsible, quality services.

(19) "Controlled substance" means any drug, substance or immediate precursor enumerated in schedules I through V of the U.S. Drug Enforcement Administration, Controlled Substance Act and in Sections 30-31-6 thru 30-31-10 of the act.

(20) "Court order" means the written communication of a member of the judiciary, or other court magistrate or administrator, if such authority has been lawfully delegated to such magistrate or administrator that is under the authority of law.

(21) "Criminal Offender Employment Act", Sections 28-2-1 thru 28-2-6 NMSA 1978 is the statutory provision regulating the relevance and weight to be given an applicant, candidate, or licensee's criminal record, by the board, during the licensure or renewal process.

(22) "Cultural competence" means the ability and the will to respond to the unique needs of an individual patient that arise from the patient's culture, and the ability to use aspects of the person's culture as a resource or tool to assist with the intervention. Cultural competence includes being able to:

(a) recognize and respond to health related beliefs and cultural values;

(b) incorporate research about disease incidence and prevalence, and treatment efficacy; and

(c) know when to seek consultation about the patient's culture.

(23) "Currently enrolled" means enrolled as a student in a college or university.

(24) "Custodian" means the board administrator.

(25) "Doctoral program in psychology" includes programs whose degree specify a doctoral degree in counseling, clinical or school psychology, as well as those programs the board deems to be equivalent to the requirements contained in the Professional Psychologist Act, using the standards and guidelines set forth by the APA or the ASPPB as a guide.

(26) "Drug or substance" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any respective supplement to those publications. It does not include devices or their components, parts or accessories.

(27) "Electronic transmission" means the sending of information through the telephone lines, cable or internet, as in e-mail or facsimile (fax).

(28) "Ethno-pharmacology" means the basic and clinical sciences of treatment of specific mental illness with ethnically or culturally appropriate drugs.

(29) "Filed with the board" means hand delivered or postal mail received during normal business hours by the board office in Santa Fe, New Mexico.

(30) "Geriatric" means all persons 65 years of age and over.

(31) "Good cause" means the inability to comply because of illness, undue hardship, or extenuating circumstances that are not willful and are beyond the control of the person asserting good cause. The person asserting good cause shall have the burden to demonstrate good cause.

(32) "Governmental Conduct Act" 10-16-1 thru 10-16-18 NMSA 1978 is the statutory provision which sets forth standards of conduct and ethical principles for public service.

(33) "Health care practitioner" means a licensed physician, osteopathic physician or nurse practitioner with independent, licensed prescribing privilege.

(34) "Inactive status" means a procedure of the board to affirm that a licensee is not engaged in active practice.

(35) "Initial application" means the initial application for licensure filed with the board by an applicant not previously or currently licensed in any jurisdiction.

(36) "Inspection of Public Records Act", 14-2-1 thru 14-2-12 NMSA 1978 is the statutory provision acknowledging the fundamental right of access to public records afforded citizens and media in a democracy, and governing the administration of that right.

(37) "Licensed" means licensed or certified, registered, or any other term including temporary, provisional, emergency, unrestricted, active or inactive license or licensure, when such term identifies a person whose professional behavior is subject to regulation by the board by authority of the act.

(38) "Licensee" means a psychologist licensed pursuant to the provisions of the act and board regulations.

(39) "Licensee in good standing" means a licensed psychologist who is not

the subject of a pending investigation, adjudicatory proceeding, or petition on appeal or review, or whose license is not restricted, suspended, or revoked in New Mexico or any other state or licensing jurisdiction.

(40) "Medical supervision" means direct oversight of the psychologist trainee's psychopharmacological practice by a qualified supervising physician approved by the board. Supervision may be on-site or off-site as specified in the rule.

(41) "Medical supervisor" means a qualified supervising physician approved by the board.

(42) "Member of the family" means a parent, spouse, child, stepchild, grandchild, grandparent, sibling, uncle, aunt, niece or nephew, or other relative by blood, marriage, or legal process with whom the supervisor or physician supervisor has or has had a close familial relationship.

(43) "Member of the household" means residing within the same dwelling unit, either continuously or intermittently, regardless of whether fee or rent is paid or received.

(44) "National certification exam" means an examination that evaluates the psychopharmacological knowledge base of the applicant, is developed with the intention to administer it to psychologists seeking certificates or licenses to prescribe psychotropic medication in any state with prescriptive authority for psychologists, and meets standards acceptable to the board and the medical board.

(45) "New Mexico administrative code" or "NMAC", Section 14-4-7.2 NMSA 1978 is the official compilation of current rules filed by state agencies in accordance with New Mexico statutes.

(46) "New Mexico statutes annotated 1978 or NMSA 1978" is the official compilation of state laws.

(47) "Non-licensed person" means a student, an applicant or postdoctoral person working under supervision in order to satisfy licensure requirements in psychology, and employees or staff of a licensed psychologist

(48) "Open Meetings Act", 10-15 NMSA 1978 is the statutory provision requiring that public business be conducted in full public view; providing guidelines governing both public and closed meetings, and regulating the notice, agenda and minutes of such meetings.

(49) "Outdated test" means a test for which a revision has been available for three (3) or more years.

(50) "Out-of-state psychologist" means a psychologist licensed in another state, a territorial possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, the U.S.

Virgin Islands, or a Canadian province who is in good standing in his or her licensing jurisdiction(s).

(51) "Patient" means a person who is treated, examined, assessed, or interviewed by a licensed psychologist or licensed psychologist associate or a non-licensed person working under supervision as provided in these regulations. In the case of minor patients or adult patients who are legally incompetent, the legal guardian shall represent the patient for decision-making purposes, except that the patient shall be directly consulted by the psychologist or psychologist associate for:

(a) issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships;

(b) issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship, and

(c) all matters specifically designated to individuals in the Mental Health and Developmental Disabilities Code (MHDDC), Section 43-1-19 NMSA 1978, and the Children's Code, Section 32A-1-1 thru 32A-1-20 NMSA 1978.

(52) "Physician" means an allopathic or osteopathic physician.

(53) "Practice of psychology" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and ~~live~~ life adjustment, personal effectiveness, behavioral health and mental health, and further means the rendering of such psychological services to individuals, families or groups, regardless of whether payment is received for services rendered. The practice of psychology includes psychological testing or neuropsychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, psychopharmacotherapy, hypnosis, biofeedback, behavior analysis and therapy; diagnosis and treatment of any mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct and the psychological aspects of physical illness, accident, injury and disability, and psycho-educational evaluation, therapy, remediation and consultation.

(54) "Practicum" means a period of supervised clinical training and practice in which specific scientific and clinical

techniques and diagnoses are learned.

(55) "Prescribing applicant" means a licensed psychologist who has made application to the board for a conditional prescribing or prescribing certificate.

(56) "Prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate.

(57) "Prescription" means an order given individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, and bearing the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue. No person other than a practitioner shall prescribe or write a prescription.

(58) "Prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to the act.

(59) "Primary treating health care practitioner" means the health care practitioner who is directly responsible for treating a specific illness or condition of a patient. The primary treating health care practitioner may be a primary care practitioner, or may be a medical specialist.

(60) "Professional relationship" means a mutually agreed-upon relationship between a psychologist and a patient(s) or client(s) for the purpose of the patient(s) or client(s) obtaining the psychologist's professional services.

(61) "Professional service" means all actions of the psychologist in the context of a professional relationship with a client or patient.

(62) "Properly made application" means a completed form for a psychologist or psychologist associate license filed with the board that is complete in all particulars and appears on its face to satisfy all minimum age, educational, supervision, payment, and other requirements except examination requirements for licensure as required by the act and these regulations.

(63) "Psychologist" means a person who engages in the practice of psychology or holds himself or herself out to the public by any title or description of services representing himself or herself as a psychologist, which incorporates the words "psychological", "psychologist", "psychology", or when a person ~~describes~~ describes himself or herself as above and, under such title or description offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology to persons for compensation or other personal gain.

(64) "Psychopharmacology" [aka RxP] means the basic and clinical science of

drugs used to treat mental illnesses.

(65) "Psychopharmacotherapy" means the application of pharmacotherapeutics to psychological problems. A key principle is the assessment of a patient's history that helps establish the appropriate role of drug therapy. Essential steps include evaluation, physical assessment, recognizing the disorder, adequate understanding of efficacy safety, pharmacokinetics, pharmacodynamics and application in the clinical setting.

(66) "Psychotropic medication" means a controlled substance or dangerous drug that may not be dispensed or administered without a prescription, whose indication for use has been approved by the federal food and drug administration for the treatment of mental disorders and is listed as a psychotherapeutic agent in drug facts and comparisons or in the American hospital formulary service.

(67) "Public Health Act", 24-1-1 thru 24-1-30 NMSA 1978, governs the confidentiality of patient or client record.

(68) "Restricted license" means a psychologist who holds a temporary, provisional, emergency or inactive license.

(69) "Rule" means board regulations.

(70) "Socio-cultural" means aspects of mental illness related to social and cultural mores and traditions of varied social and cultural groups.

(71) "School" means a college or a university or other institution of higher education that is regionally accredited and that offers a full-time graduate course of study in psychology as defined by rule of the board or that is approved the American psychological association.

(72) "Sponsoring psychologist" means a licensed psychologist in New Mexico who agrees to provide adequate oversight of an out-of-state psychologist ordered by a court to perform an independent examination; the sponsoring psychologist remains responsible for the professional conduct of the out-of-state psychologist and the welfare of the patient or client.

(73) "State Rules Act", Sections 14-4-1 thru 14-4-5 NMSA 1978, is the statutory provision that ensures that state agencies file with the state records center and archives all rules and regulations including amendments or repeals.

(74) "Statute" means a law that governs conduct within its scope. A bill passed by the legislature becomes a statute; and "statutory authority" means the boundaries of the board's lawful responsibility as laid out by the statute that created it.

(75) "Substantial compliance" means sufficient compliance with the statutes or rules so as to carry out the intent for which the statutes or rules were adopted and in a manner that accomplishes the rea-

sonable objectives of the statutes or rules.

(76) "Supervisee" means any person who functions under the authority of a licensed psychologist to provide psychological services as provided in the act or board regulations.

(77) "Supervisor" means a licensed psychologist who agrees to provide adequate supervision over a student, applicant, employee, staff, or other non-licensed person and who remains ultimately responsible for the professional conduct of the non-licensed person and the welfare of the patient.

(78) "Supervisory plan" means a written document signed by an applicant for psychology license or a conditional prescribing certificate and the supervisor of the applicant that describes the nature of the supervisory relationship including but not limited to the number of hours of supervision, population served, and credentials of supervisor, and is presented to the board for approval.

(79) "Uniform Licensing Act", Section 61-1-1 thru 61-1-33 NMSA 1978 is the statutory provision that governs the major duties of the board in areas of:

(a) procedures which must be followed to accord due process to applicants for licensure and to licensees if the board takes action against the licensee for acts of misconduct that would adversely affect public health, safety and welfare, and

(b) rule making procedures that the board shall follow in adopting valid regulations affecting psychologists and psychologist associates.

(80) "Unrestricted license" means a license in psychology with full privileges and responsibilities as described in these regulations but is renewed annually or biennially. It does not have a limitation of a provisional license, temporary license, emergency license or inactive license as described herein.

B. Definitions in Subsection B pertain to conditional prescribing and prescribing psychologists only.

(1) "Adults" mean all persons over 18 years of age through 65 years of age.

(2) "Board" means the New Mexico state board of psychologist examiners.

(3) "Children/adolescents" mean all persons through 18 years of age (children, 2-12 years; adolescents 12-18 years).

(4) "Collaborative relationship" means a cooperative working relationship between a conditional prescribing or prescribing psychologist and a health care practitioner in the provision of patient care, including cooperation in the management and delivery of physical and mental health care, to ensure optimal patient care.

(5) "Conditional prescribing psy-

chologist" means a licensed psychologist who holds a valid conditional prescription certificate.

(6) "Conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to the Professional Psychologist Act.

(7) "Conflict of interest" means past or present familial, social, fiduciary, business, financial, health care provider-patient relationship, agency, or other personal relationship that impairs or compromises or appears to impair or compromise the supervisor's neutrality, independence or objectivity. Paying or receiving an appropriate fee for supervisory services is not a conflict of interest. Conflict of interest includes dual relationship. If a conflict of interest or dual relationship arises during the supervision, the supervisor shall immediately report the conflict of interest or dual relationship to the board and shall cease supervision of the supervised psychologist.

(8) "Controlled substance" means any drug, substance or immediate precursor enumerated in schedules I through V of the Controlled Substance Act.

(9) "Drug" or "substance" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any respective supplement to those publications. It does not include devices or their components, parts or accessories.

(10) "Ethno-pharmacology" means the basic and clinical sciences of treatment of specific mental illness with ethnically or culturally appropriate drugs.

(11) "Geriatric" means all persons over 65 years of age;

(12) "Health care practitioner" means a licensed physician, osteopathic physician or nurse practitioner with independent, licensed prescribing privilege;

(13) "Log" means a written record of patient examination and treatment that contains elements specified in the regulations and which is required as a basis for evaluation of the applicant for licensure.

(14) "Member of the family" means a parent, spouse, child, stepchild, grandchild, grandparent, sibling, uncle, aunt, niece or nephew, or other relative by blood, marriage, or legal process with whom the supervisor or physician supervisor has or has had a close familial relationship.

(15) "Member of the household" means residing within the same dwelling unit, either continuously or intermittently, regardless of whether fee or rent is paid or received.

(16) "National certification exam" means an examination that evaluates the psychopharmacological knowledge base of the applicant, is developed with the intention to administer it to psychologists seeking certificates or licenses to prescribe psychotropic medication in any state with prescriptive authority for psychologists, and meets standards acceptable to the board and the medical board.

(17) "Physician" means an allopathic or osteopathic physician.

(18) "Practice of psychology" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health, and further means the rendering of such psychological services to individuals, families or groups regardless of whether payment is received for services rendered. The practice of psychology includes psychological testing or neuropsychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior analysis and therapy; diagnosis and treatment of any mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct and the psychological aspects of physical illness, accident, injury and disability; and psycho-educational evaluation, therapy, remediation and consultation.

(19) "Practicum" means a period of supervised clinical training and practice in which specific scientific and clinical techniques and diagnoses are learned.

(20) "Prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate.

(21) "Prescription" means an order given individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, and bearing the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue. No person other than a practitioner shall prescribe or write a prescription.

(22) "Prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to the Professional Psychologist

Act.

(23) "Primary treating health care practitioner" means the health care practitioner who is directly responsible for treating a specific illness or condition of a patient. The primary treating health care practitioner may be a primary care practitioner, or may be a medical specialist.

(24) "Psychologist" means a person who engages in the practice of psychology or holds himself out to the public by any title or description of services representing himself as a psychologist, which incorporates the words "psychological", "psychologist", "psychology", or when a person describes himself as above and, under such title or description, offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology to persons for compensation or other personal gain.

(25) "Psychopharmacology" means the basic and clinical sciences of drugs used to treat mental illnesses.

(26) "Psychopharmacotherapy" means the application of pharmacotherapeutics to psychological problems. A key principle is the assessment of a patient's history that helps establish the appropriate role of drug therapy. Essential steps include recognition of the disorder, adequate understanding of efficacy safety, pharmacokinetics, pharmacodynamics and application in the clinical setting.

(27) "Psychotropic medication" means a controlled substance or dangerous drug that may not be dispensed or administered without a prescription, whose indication for use has been approved by the federal food and drug administration for the treatment of mental disorders and is listed as a psychotherapeutic agent in drug facts and comparisons or in the American hospital formulary service.

(28) "School" means a college or a university or other institution of higher education that is regionally accredited and that offers a full-time graduate course of study in psychology as defined by rule of the board or that is approved by the American psychological association.

(29) "Socio-cultural" means aspects of mental illness related to social and cultural mores and traditions of varied social and cultural groups.

(30) "Supervision" means direct oversight of the psychologist trainee's psychopharmacological practice by qualified supervising physician approved by the board. Supervision may be on or off site as specified in the rule.

(31) "Applicant" means a licensed psychologist who has made application to the board for a conditional prescribing or prescribing certificate.

(32) "Supervisor" means a qualified supervising physician approved by the board.

[16.22.1.7 NMAC - Rp, 16.22.1.7 NMAC, 11/15/06; A, 03/21/09]

16.22.1.11 BOARD RECORDS:

A. Inspection of Public Records Act (IPRA). Public records shall be available for inspection in accordance with the provisions of the IPRA, Section 14-2-1 through 14-2-12 NMSA 1978 and Section 61-9-5.1 NMSA 1978.

B. Copying charges. The custodian shall charge a copying charge of ~~[\$10.00 for the first ten (10) normal 8.5 x 11 inch paper copies and fifty cents (\$0.50) per page thereafter. The custodian shall charge \$3.00 per page for copying under/over sized documents or papers.] \$25 per page or the regulation and licensing department standard IPRA fee, whichever is higher.~~

C. Creating records. The board shall not be required to create any document or compile data for an individual or private entity.

D. Reasonable access. Consistent with the IPRA and taking into account the available staff, space, and the needs of other legitimate public business, the custodian may determine the reasonable time, place, and conditions for access to public records.

E. Removal. Public records shall not be removed from the board office except by board members, board staff, or agents of the board for official public business.

[16.22.1.11 NMAC - Rp, 16.22.1.10 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.2 NMAC, Section 9, effective on 03/21/09.

16.22.2.9 IMPAIRED OBJECTIVITY AND DUAL RELATIONSHIPS

A. Impaired psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the psychologist is impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination, and shall assist the client in obtaining services from another professional.

B. Prohibited dual rela-

tionships.

(1) The psychologist shall not undertake or continue a professional relationship with a client or patient when the objectivity or competency of the psychologist is compromised because of the psychologist's present or previous familial, social, sexual, emotional, or legal relationship with the client or a relevant person associated with or related to the client.

(2) The psychologist, in interacting with a current or former client or patient to whom the psychologist has at any time within the previous twelve (12) months rendered counseling, psychotherapeutic, or other professional psychological services for treatment or amelioration of emotional distress or behavioral inadequacy, shall not:

(a) engage in any verbal or physical behavior toward the client or patient which is sexually seductive, demeaning, or harassing; or

(b) engage in sexual intercourse, or sexual contact or other sexual intimacies with the client or patient; or

(c) enter into a business or financial (other than fees for professional services) or other potentially exploitative relationship with the client or patient.

(3) The prohibitions set out in Paragraph (2) of Subsection B of 16.22.2.9 NMAC shall not be limited to the 12-month period but shall extend longer unless the psychologist can demonstrate that the client or patient is not vulnerable to exploitative influence by the psychologist. The psychologist who engages in such sexual or financial relationship after the twelve (12) months following cessation or termination of treatment bears the burden of proving that there has been no exploitation, in light of all relevant factors, including:

(a) the amount of time that has passed since the therapy terminated;

(b) the nature and duration of the therapy;

(c) the circumstances of termination;

(d) the client or patient's personal history;

(e) the client or patient's mental status;

(f) the likelihood of adverse impact on the client or patient and others; and

(g) any statements or actions made by the psychologist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or other potentially exploitative relationship with the patient or client.

(4) The psychologist shall not serve in varied capacities that confuse the role of the psychologist. Such confusion is most likely when the psychologist changes from one role to another and fails to make clear who is the client or patient. The psy-

chologist is responsible for taking appropriate precautions to avoid harmful dual relationships and is responsible for informing all affected individuals, preferably in writing, when such a change is necessary. Examples of situations requiring extra caution include:

(a) treating a person who is the family member of a current or former patient or client;

(b) treating a family as a unit after treating a family member or, conversely, treating a family member after treating the family as a unit;

(c) moving from a confidential role to a non-confidential one, such as from therapist or mediator to evaluator, arbitrator, or ~~["wise person; and"]~~ "wise person"; and

(d) moving from a position of authority into a confidential role, such as from court-appointed evaluator to the role of therapist.

(5) If one family member is a minor, the psychologist shall ensure that the child understands how the role of the psychologist is changing (for example, moving from therapist for the child to therapist for the family) and shall explain the limits of confidentiality that result from this changed role.

(6) When a psychologist agrees to provide services to several persons who have a relationship (such as husband and wife or parents and children), the psychologist shall clarify at the outset:

(a) which of the individuals are patients or clients and

(b) the relationship the psychologist will have with each person; this clarification includes the role of the psychologist and the possible uses of services provided or information obtained.

(7) As soon as it becomes apparent that the psychologist may be called on to perform potentially conflicting roles (such as marital counselor to husband and wife and then witness for one party in a divorce proceeding), the psychologist shall clarify and withdraw from or adjust roles, as appropriate.

[16.22.2.9 NMAC - Rp, 16.22.2.9 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.4 NMAC, Section 8, effective on 03/21/09.

16.22.4.8 EDUCATIONAL REQUIREMENTS

A. The board shall issue a license as a psychologist to an applicant, otherwise qualified, who furnishes evidence satisfactory to the board that the applicant is

a graduate of a doctoral program that is designated as a doctoral program in psychology by a nationally recognized designation system or that is accredited by a nationally recognized accreditation body and hold a degree with a major in clinical, counseling or school psychology from a university offering a full-time ~~course~~ course of study in psychology.

B. It is the responsibility of the prospective applicant to provide evidence, at the time of application that the program from which he or she graduated is in substantial compliance with the requirements of the Professional Psychology Act. [16.22.4.8 NMAC - Rp, 16.22.4.8 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.5 NMAC, Sections 9, 10, 11, 12 and 14, effective on 03/21/09.

16.22.5.9 APPLICATIONS NOT PREVIOUSLY LICENSED IN ANY JURISDICTION

A. Initial application procedure. To open an initial application file, the applicant shall submit the following:

(1) a completed and signed application;

(2) verification of predoctoral internship and supervision as described in ~~this part~~ 16.22.5 NMAC;

(3) the application fee as required by the board;

(4) official transcripts directly from the institution's office of the registrar;

(5) if the applicant chooses, a notarized letter from the graduate office of the degree-granting institution that documents the date of the doctoral degree; indicating (a) the date of completion of all requirements for the doctoral degree, and (b) the specific psychology program that the applicant completed; ~~and~~

(6) three (3) letters of reference; ~~and~~

(7) verification of postdoctoral supervision as described in 16.22.6 NMAC.

B. If the application is not complete, the applicant will be notified of all deficiencies within thirty (30) days of the board's receipt. The application process shall be completed within ~~sixty (60)~~ thirty (30) days of the receipt at the board office of all materials listed in Subsection A of 16.22.5.9 NMAC. The applicant must have all documents in the board office at least sixty (60) days prior to taking the examination for professional practice in psychology (EPPP).

C. ~~[When the initial application has been submitted, and is reviewed and approved by the board, a notification of approval will be issued to the applicant.] Complete applications will be reviewed by the board and a notification of approval, denial or need for additional information will be issued to the applicant within thirty (30) days.~~

D. The written examination for licensure is the EPPP, developed by the association of state and provincial psychology boards (ASPPB) and administered by the professional examination service (PES). An applicant shall be eligible to take the EPPP three (3) times within the ~~next~~ eighteen 18 months following the date the applicant was notified of the board's approval of their application.

(1) If the applicant does not pass the EPPP any of the three (3) times it is administered within eighteen (18) months, the applicant shall submit a new initial application.

(2) Upon the submission of the new application, the rules and regulations in effect at the time the new initial application is received will be used to determine whether an applicant meets the requirements for licensure.

~~[(3) If the initial application is not approved, the applicant will be notified of all deficiencies within thirty (30) days of the board's review]~~

E. The applicant shall take and pass an online jurisprudence examination after the board had received his EPPP score from the ASPPB reporting service, indicating that the applicant received a passing score pursuant to the act.

F. ~~During the first year of licensure an applicant shall furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.~~

~~[F.]~~ **G.** When the applicant fulfills all the requirements of this section, ~~he~~ a license will be issued ~~[an 18-month provisional license]. If postdoctoral supervised experience is incomplete, the applicant will be issued an 18-month provisional license. This is not subject to renewal or extension. [During the time an applicant holds a provisional license, he may apply for an unrestricted license when the applicant has met the New Mexico regulations for supervision under 16.22.6.8 NMAC.] The applicant will be issued an unrestricted license when the applicant has met the postdoctoral supervised experience as defined in 16.22.6 NMAC.~~

~~[G.]~~ **H.** The applicant may request an additional twelve (12) months to complete necessary supervisory hours in accordance with the act, but the applicant will be practicing under supervision and

under the supervisor's license and can no longer hold a provisional license. This request will only be honored one (1) time. [16.22.5.9 NMAC - Rp, 16.22.5.10 NMAC, 11/15/06; A, 03/21/09]

16.22.5.10 APPLICANTS HOLDING A VALID LICENSE IN ANOTHER STATE FOR TEN YEARS OR MORE SEEKING LICENSURE UNDER SECTION 61-9-10 - RECI- PROCITY

A. An applicant seeking licensure under this section may obtain a license pursuant to Section 61-9-10 of the act if the applicant fulfills the following conditions.

(1) At the time of application, the applicant shall possess a current license to practice psychology in another state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or other country.

(2) The applicant shall possess a doctoral degree in psychology or a related field.

(3) The applicant shall have no pending disciplinary actions, no formal disciplinary actions issued against ~~his~~ the license in the last five (5) years and no past suspensions or revocations.

(4) The applicant shall have been licensed for a minimum of ten (10) years.

B. Application under this board regulation shall be made on a form provided by the board. The applicant shall submit ~~[official college or university transcripts, three (3) current letters of reference, and a non-refundable application fee of three hundred dollars (\$300). (for fee schedule, see 16.22.13.8 NMAC). Applicants under this section are not required to submit verification of postgraduate experience.]~~ the following:

(1) completed and signed application;

(2) application fee as required by the board; (for fee schedule, see 16.22.13.8 NMAC)

(3) license verification from all jurisdictions in which the applicant is or has been granted a psychologist license;

(4) official doctoral degree college or university transcripts; and

(5) three (3) current letters of reference; applicants under this section are not required to submit verification of predoctoral internship and postgraduate experience.

C. Upon approval by the board, an applicant must take and pass an online jurisprudence examination ~~and during the first year of licensure furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.~~

[16.22.5.10 NMAC - Rp, 16.22.5.11

NMAC, 11/15/06, A, 03/21/09]

16.22.5.11 APPLICANTS HOLDING AN ASPPB CERTIFICATION OF PROFESSIONAL QUALIFICATION OR A NATIONAL REGISTER HEALTH SERVICE PROVIDER IN PSYCHOLOGY CREDENTIAL: RECIPROCITY

A. Eligibility. A licensee in good standing for a minimum of five (5) years in another jurisdiction is eligible for licensure pursuant to Section 61-9-10 of the act if the applicant[~~]:~~

~~(1) holds a current certification of professional qualification (CPQ) awarded by the ASPPB, completes the application procedure required by the board, and takes and passes an online jurisprudence examination; to qualify for CPQ, the applicant shall, at a minimum, be a licensee in good standing in another jurisdiction for at least five (5) years, shall have no disciplinary actions within five (5) years immediately preceding the award of the CPQ, and shall have no prior license suspensions or revocations in any jurisdiction in which the applicant is or has been licensed; or,~~

~~(2) holds a current national register (HSPP) credential at the doctoral level, pursuant to Subsection A of 16.22.4.8 NMAC, for a minimum of five (5) continuous years immediately preceding the date of application, completes the application procedure required by the board, and takes and passes an online jurisprudence examination; in addition, the applicant shall have passed the EPPP with a minimum score required for licensure as set forth in Paragraph (6) of Subsection A of Section 61-9-11 of the act, have no disciplinary actions within five (5) years immediately preceding the date of application, and shall have no prior license suspensions or revocations in any jurisdiction in which the applicant is or has been licensed.] holds current certification of professional qualification (CPQ) or holds a current national register (HSPP) credential at the doctoral level, pursuant to Subsection A of 16.22.4.8 NMAC. In addition, the applicant shall have passed the EPPP with a minimum score required for licensure as set forth in Paragraph (6) of Subsection A of Section 61-9-11 of the act, have no disciplinary actions within five (5) years immediately preceding the date of application, and shall have no prior license suspensions or revocations in any jurisdiction in which the applicant is or has been licensed.~~

B. Application procedure. The applicant shall submit the following:

(1) a verified or certified copy of the applicant's CPQ or national register HSPP credential or other evidence satisfactory to the board that the applicant holds a CPQ or national register HSPP credential;

(2) a completed application on a form provided by the board; ~~[and]~~

(3) license verification from any jurisdictions in which the applicant is or has been granted a psychologist license;

(4) verification of passing the EPPP with a minimum score required for licensure as defined in Paragraph (6) of Subsection A of Section 61-9-11 of the act; and

~~[(3)] (5) the non-refundable application fee established by the board.~~

C. Examination. ~~[The applicant shall take and pass an online jurisprudence examination.]~~ Upon approval by the board, an applicant must take and pass an online jurisprudence examination and during the first year of licensure furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.

D. Applicability of other provisions. The provisions of Section 61-9-13 of the act shall apply to applications filed under this section. A psychologist licensed pursuant to this section is subject to all requirements and obligations applicable to licensees under the act and board regulations.

[16.22.5.11 NMAC - Rp, 16.22.5.13 NMAC, 11/15/06; A, 03/21/09]

16.22.5.12 APPLICANTS LICENSED IN ANOTHER JURISDICTION WHO DO NOT QUALIFY UNDER SECTION 16.22.5.10, 16.22.5.11, 16.22.5.12, 16.22.5.13, 16.22.5.14 OR 16.22.5.15 NMAC

A. Application procedure. To open an application file, the applicant shall submit the following:

(1) a completed and signed application;

(2) the application fee as required by the board;

(3) official doctoral degree transcripts sent directly from the institution's office of the registrar;

(4) if the applicant chooses, a notarized letter from the graduate office of the degree-granting institution that documents the date of the doctoral degree; the letter shall indicate (a) the date of completion of all requirements for the doctoral degree, and (b) the specific psychology program the applicant completed;

(5) license verification from all jurisdictions in which the applicant is or has been granted a psychologist license;

~~[(5)] (6) three letters of reference;~~
~~[(6)] (7) verification of predoctoral internship and supervision as defined in 16.22.6 NMAC;~~

~~[(7)] (8) verification of postdoctoral supervised experience as defined in 16.22.6 NMAC; and~~

(9) verification of passing the

EPPP as defined in 16.22.7.8 NMAC.

~~**B. Postdoctoral supervised experience.**~~

~~(1) The postdoctoral supervised experience shall have involved clinical work within the scope of practice as defined in the act and shall have primarily involved services to clients or patients. Such services can include assessment, diagnosis, intervention, and consultation with or to clients or patients. Postdoctoral research involving clinical services and direct client or patient contact can be counted as part of this experience, provided that other requirements are met.~~

~~(2) The postdoctoral experience shall have been provided by a primary supervisor who was a licensed psychologist. In addition, the following requirements shall be met.~~

~~(a) At a minimum, postdoctoral supervision by the primary supervisor shall have been provided on a one to one basis for one (1) hour a week and should total at least forty six (46) hours of one to one supervision a year.~~

~~(b) The primary supervisor who provided supervision for the applicant for licensure must have had clinical and professional responsibility for the work of the applicant and have met the other requirements in Part 3. This means that the supervisor must have been available to the applicant whenever critical decisions about a client or patient were made.~~

~~(c) The primary supervisor shall not have been a member of the applicant's extended or immediate family or been involved in a dual relationship with the applicant at the time of the supervision.~~

~~(d) The supervision shall not have been delivered in an agency or business in which the applicant has a financial interest.]~~

B. Upon approval by the board, an applicant must take and pass an online jurisprudence examination and during the first year of licensure furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.

[16.22.5.12 NMAC - Rp, 16.22.5.12 NMAC, 11/15/06; A, 03/21/09]

16.22.5.14 APPLICANTS FROM FEDERAL DISASTER AREAS SEEKING A FOUR-MONTH EMERGENCY LICENSE- RECIPROCITY

A. An emergency license may be issued to a psychologist who is from a state in which a federal disaster has been declared, holds that state's active unrestricted license, and is in good standing or otherwise meets requirements for New Mexico licensure. This applicant may obtain a New Mexico license for a period of four (4) months following the declared disaster, at no cost and upon satisfying the following

requirements:

(1) the board received a completed, signed and notarized application accompanied by proof of identity in the form of a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) the applicant qualifies for a license as set forth in 16.22.5.10, 16.22.5.11, 16.22.5.12 or 16.22.5.15 NMAC of this part;

(3) the board may waive the specific forms required under the immediately preceding section if the applicant is unable to obtain documentation from the federally declared disaster area;

(4) nothing in this paragraph shall constitute a waiver of licensure requirements set forth in 16.22.5.8 NMAC above; and

(5) a license issued under this emergency provision shall expire four (4) months after issuance, unless a renewal application is received and approved by the board or its designee in a timely fashion; a renewal application shall commence no later than three (3) months after the issuance date in order to allow at least one month for renewal process and avoid a late renewal fee set by the board (see fee schedule in 16.22.13.8 NMAC of these regulations); the board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving emergency license renewal.

B. The emergency license shall terminate upon:

(1) four (4) months from issuance date, if not renewed;

(2) the issuance of an unrestricted license as set forth in 16.22.5.8 NMAC above;

(3) proof that the emergency license holder has not engaged in fraud, deceit or misrepresentation in procuring or attempting to procure a license under 16.22.5.14 NMAC, and

(4) termination of an emergency license shall not preclude application for unrestricted licensure.

[16.22.5.14 NMAC - N, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.7 NMAC, Section 8, effective on 03/21/09.

16.22.7.8 DEMONSTRATION OF COMPETENCE

A. Examinations.

(1) To qualify for licensure, an

applicant must demonstrate professional competence by taking and passing a written examination called the EPPP, promulgated by ASPPB. The passing score on the EPPP taken before January 1, 1993 is 140 (70%) or taken after January 1, 1993 is the score equal to or greater than the passing score recommended by ASPPB.

(2) All persons applying for licensure shall take and pass an online jurisprudence examination on ethical standards, New Mexico laws, and board regulations as they apply to psychologists and their clients or patients. The passing score will be determined by the board.

(3) If the score of either the EPPP or jurisprudence examination meets the requirements for licensure as a psychologist but the other score does not, the examination passed will not have to be retaken.

(4) Re-examination. An applicant may retake the EPPP or jurisprudence examination ~~[at each scheduled examination date and pay]~~ and pay the appropriate examination fee as required by the board. Such fee is nonrefundable and due at the time of the request.

B. An applicant shall furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.

[16.22.7.8 NMAC - Rp, 16.22.7.8 NMAC, 11/15/09; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.9 NMAC, Section 8, effective on 03/21/09.

16.22.9.8 CPE PROGRAM CATEGORIES

A. Category I shall consist of the following types of programs:

(1) Formally organized workshops, seminars, grand rounds or classes which maintain an attendance roster and are approved by or under the auspices of an accredited institution of higher education offering graduate instruction.

(2) Workshops, seminars, or classes which maintain an attendance roster and are certified or recognized by a national or international accrediting organization, including:

(a) the American psychological association;

(b) the American psychiatric association;

(c) the American medical association;

(d) the American association for marriage and family therapy;

(e) the American counseling association;

(f) the international congress of psychology;

(g) the national association of social workers;

(h) the New Mexico psychological association; ~~[or]~~

(i) the national association of school psychologists; or

(j) the New Mexico state board of psychologist examiners.

(3) Formal college or university-level courses relevant to professional psychological activities, including but not limited to neuropsychology, forensic psychology, development, language skills, statistics, and cultural competence, as deemed satisfactory to the board, in mental health services, will be granted five (5) CPE credit hours for a ~~[for a]~~ one-semester credit course and ten (10) CPE credit hours for a three-semester credit course.

(4) Participation in the board will be granted hour-for-hour CPE credit up to twenty (20) hours.

B. Category II shall consist of the following types of programs:

(1) Non-supervised independent study or home study programs conducted by accrediting agencies listed in Paragraph (2) of Subsection A of 16.22.9.8 NMSA will be granted hour-for-hour CPE credit.

(2) Symposia or presentations (except for poster sessions) at annual conventions of national or regional professional organizations in psychology (for example, American psychological association, and Rocky Mountain psychological association) or a closely related discipline may be claimed for CPE credit. Four (4) hours may be claimed for the first time each scientific or professional presentation was made.

(3) Publications related to the practice of psychology: CPE hours may be claimed for each publication of an article in a professional journal or book chapter authored by the licensee according to author listing:

(a) eight (8) hours for the first author;

(b) six (6) hours for the second author;

(c) four (4) hours for the third author; and

(d) two (2) hours for any subsequent author.

(4) Books related to the practice of psychology: An authored book may be claimed for fifteen (15) hours. Editorships cannot be considered for CPE credit.

(5) A presenter providing continuing education in psychology or in a related field in this or another state may claim hour per hour credit up to eight (8) CPE credit hours per year for the first time the presentation is made. The presentation must be approved by one of the nine organizations

listed in Paragraph (2) of Subsection A of 16.22.9.8 NMAC.

C. Category III shall consist of the following types of programs:

(1) Attendance at symposia or presentations (except for poster sessions) at annual conventions of national or regional professional organizations in psychology (for example, American psychological association, Rocky Mountain psychological association) or a closely related discipline for which the licensee documents attendance, title of symposia and presentations, and presenters shall be granted hour-for-hour CPE credit.

(2) Participation in the New Mexico psychological association executive board, or formal offices or committees established by the board, the New Mexico psychological association, the American psychological association, or other professional organizations, if the tasks are clearly related to issues of ethics, professional standards, or practice-related skills shall be granted CPE credit of one (1) hour for every three (3) hours of participation. The licensee must document dates of participation and number of hours of each participation.
[16.22.9.8 NMAC - Rp, 16.22.9.8 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.10 NMAC, Section 9, effective on 03/21/09.

16.22.10.9 REINSTATEMENT FROM INACTIVE STATUS

A. If the inactive licensee requests reinstatement to active status within three (3) years, he shall:

(1) complete an application for reinstatement form provided by the board;
(2) provide satisfactory proof of completion of the continuing education requirements described in Part 9;

(3) not have violated any rule of the Professional Psychologist Act or the rules and regulations of the board;

(4) pay the appropriate renewal fee established by the board.

B. If the inactive licensee requests reinstatement to active status after three (3) years, he shall:

(1) complete an application for reinstatement form provided by the board;

(2) provide satisfactory proof of completion of the continuing education requirements described in Part 9;

(3) take and pass the ~~oral~~ online jurisprudence examination;

(4) not have violated any rule of the Professional Psychologist Act or the

rules and regulations of the board;

(5) pay the appropriate renewal fee established by the board.

C. A licensee on inactive status shall not render or offer to render psychological services or otherwise engage in the practice of psychology until he receives a new license issued by the board.

[16.22.10.9 NMAC - Rp, 16.22.10.9 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is to add a new section to 16.22.12 NMAC, Section 12, effective 03/21/09.

16.22.12.12 APPLICATION PROCESS

A. Initial application procedure. To open an initial application file, the applicant shall submit the following:

(1) a completed and signed application;

(2) the application fee as required by the board;

(3) official transcripts directly from the institution's office of the registrar; and

(4) three (3) letters of reference.

B. If the application is not complete, the applicant will be notified of all deficiencies within thirty (30) days of the board's receipt. The application process shall be completed within thirty (30) days of the receipt at the board office of all materials listed in Subsection A of 16.22.12.12 NMAC. The applicant must have all documents in the board office at least sixty (60) days prior to taking the examination for professional practice in psychology (EPPP).

C. Complete applications will be reviewed by the board and a notification of approval, denial or need for additional information will be issued to the applicant within thirty (30) days.

D. The written examination for licensure is the EPPP, developed by the association of state and provincial psychology boards (ASPPB) and administered by the professional examination service (PES). An applicant shall be eligible to take the EPPP three (3) times within the eighteen (18) months following the date the applicant was notified of the board's approval of their application.

(1) If the applicant does not pass the EPPP any of the three (3) times it is administered within eighteen (18) months, the applicant shall submit a new initial application.

(2) Upon the submission of the new application, the rules and regulations in effect at the time the new initial application

is received will be used to determine whether an applicant meets the requirements for licensure.

E. The applicant shall take and pass an online jurisprudence examination after the board has received his EPPP score from the ASPPB reporting service, indicating that the applicant received a passing score pursuant to the act.

F. During the first year of licensure, an applicant shall furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.

[16.22.12.12 NMAC - N, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.13 NMAC, Section 8, effective on 03/21/09.

16.22.13.8 FEE SCHEDULE:

A. All fees payable to the board are non-refundable. ~~[Cancellation of the examination by the applicant shall result in loss of the initial application fee.]~~ The fees for the (EPPP), ~~[jurisprudence examination]~~ and the (PEP) are in addition to the fees described below, and determined by the professional examination service offering the examination on behalf of the board.

B. Application fees. (psychologists, psychologist associates, conditional prescribing and prescribing psychologists):

(1) initial application fee- [initial application fee expires 24 months from the date application is received in the board office] \$300.00

(2) online jurisprudence examination: \$75.00

~~[(3) re-examination application fee 300.00]~~

~~[(4)]~~ (3) re-examination fee for jurisprudence exam: \$75.00

~~[(5)]~~ (4) application for an out of state psychologist to conduct court-ordered independent examination (per case): \$150.00

~~[(6)]~~ (5) initial conditional prescription certificate: \$75.00

~~[(7)]~~ (6) 60 day extension of conditional prescription: \$100.00

~~[(8)]~~ (7) second-year conditional prescription certificate: \$75.00

~~[(9)]~~ (8) prescription certificate: \$75.00

C. Biennial/annual renewal fees psychologists, psychologist associates, conditional prescribing and prescribing psychologists:

(1) one-time annual renewal by psychologists and psychologist associates

meeting first-year New Mexico licensure requirements: \$300.00

(2) biennial renewal active status psychologists and psychologist associates: \$600.00

(3) biennial renewal active status (conditional prescribing and prescribing psychologists): \$150.00

(4) annual renewal inactive status: \$150.00

(5) late fee (received after July 1 and within 1 year of suspension): active status (psychologists, psychologist associates, conditional prescribing and prescribing psychologist): \$100.00

(6) reinstatement fee from inactive to active status: \$300.00

D. Other miscellaneous charges

(1) duplicate/replacement wall certificate: \$25.00

(2) licensee lists: \$100.00

(3) licensee labels: \$150.00

~~[(4) flat fee copying charge for first 10 (8.5 x 11) pages 10.00~~

~~(5) per page charge for all 8.5 x 11 copies after the first 10 pages .50~~

~~(6) per page fee for copying oversize or undersize copies 3.00]~~

~~(4) per page copy fee for public information request: \$.25 cents~~

~~[(7) (5) license verification fee: \$15.00~~

[16.22.13.8 NMAC - Rp, 16.22.13.8 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.23 NMAC, Section 8, effective on 03/21/09.

16.22.23.8 QUALIFICATIONS AND EDUCATION REQUIREMENTS FOR CONDITIONAL PRESCRIPTIVE CERTIFICATE:

A. Qualifications of applicant. The board shall issue a conditional prescription certificate pursuant to 16.22.24.8 NMAC, of these regulations to each applicant who submits evidence satisfactory to the board that the applicant:

(1) has completed a doctoral program in psychology from an accredited institution of higher education or professional school or, if the program was not accredited at the time of the applicant graduation, that the program meets professional standards determined acceptable by the board;

(2) holds an active unrestricted license to practice psychology in New Mexico;

(3) has successfully completed

psychopharmacological training that meets the standards set forth in Subsection B below from either:

(a) an institution of higher education that has a postdoctoral program of psychopharmacology education for psychologists and that is accredited by a regional body recognized by the U.S. department of education or the council for higher education accreditation; or

(b) a continuing education provider approved by the American psychological association that offers a program of psychopharmacology education for psychologists; or

(c) a continuing education program of professional development in psychopharmacology for psychologists that is administered in collaboration with a school and that is a formal and organized program of study leading to a credential in psychopharmacology from that school; or

(d) a continuing education program of professional development in psychopharmacology for psychologists that is administered in collaboration with a school if the applicant successfully completed the four-hundred-fifty (450) classroom hours of didactic study referred to in 16.22.23.8 NMAC, of these regulations below prior to January 1, 2004.

B. RxCp training program. The psychopharmacology training program referred in Subparagraph (c) above, shall meet the following criteria.

(1) The program shall be an integrated and organized program of study.

(2) The program shall have an identifiable body of students at different levels of matriculation.

(3) The program shall be clearly identified and labeled as a psychopharmacology program and shall specify in pertinent institutional catalogues and brochures its intent to educate and train psychologists to prescribe psychotropic medication.

(4) The program shall have a formally designated training director who is a psychiatrist or a doctoral psychologist, trained in the area of psychopharmacology, and licensed to practice in the jurisdiction in which the program resides.

(5) The training director shall be primarily responsible for directing the training program and shall have administrative authority commensurate with those responsibilities.

(6) The training director's credentials and expertise shall be consistent with the program's mission and goals to train psychologists to prescribe psychotropic medication.

(7) The program shall provide information regarding the minimal level of achievement required for postdoctoral trainees to satisfactorily progress through

and complete the psychopharmacological training program, as well as evidence that it adheres to the minimum levels of achievement.

(8) The program shall have formally designated instructors and supervisors in sufficient number to accomplish the program's education and training.

(9) Supervisors shall hold an active, unrestricted license in their field of practice in the jurisdiction in which the program resides or where the supervision is being provided.

(10) The program instructors and supervisors shall have sufficient expertise, competence, and credentials in the areas in which they teach or supervise.

(11) The program instructors and supervisors shall participate actively in the program's planning, implementation and evaluation.

(12) The program, with appropriate involvement from its training supervisors, instructors, and trainees, shall engage in a self-study process that addresses:

(a) expectations for the quality and quantity of the trainees' preparation and performance in the program;

(b) training goals and objectives for the trainees and the trainees' views regarding the quality of the training experiences and the program;

(c) procedures to maintain current achievements or to make changes as necessary; and

(d) goals, objectives, and outcomes in relation to local, regional, and national changes in the knowledge base of psychopharmacology training.

(13) The program shall follow the guidelines for psychopharmacology training of post-doctoral psychologists established by the American psychological association.

(14) As part of the admission and training process, the training program shall evaluate and assure that every student completes necessary prerequisite training in basic science (e.g. physiology, chemistry, and biochemistry), the biological bases of behavior, and psychopharmacology.

(15) When students are not in residence, the program provides on-line access to a library of sufficient diversity and level to support the advanced study of the psychopharmacological treatment of mental disorders from wherever the student resides. This access shall remain available throughout all didactic and clinical phases of the training program. Frequent face-to-face evaluation and discussions shall be included in the didactic training.

(16) The program provides formal, written measurement of the mastery of course content.

(17) The program demonstrates in

its written materials or course syllabi that it integrates into the training the following areas; socio-cultural issues in psychopharmacological treatment, ethno-pharmacology, use of translators, the cultural context of compliance and noncompliance with prescribed medication, creating a culturally appropriate environment to meet patient care treatment and language needs, and working collaboratively with traditional healers.

C. Didactic instruction.

(1) Within the five (5) years immediately preceding the date of application for a conditional prescription certificate, the applicant shall have successfully completed didactic instruction of no fewer than four-hundred-fifty (450) classroom hours in at least the following core areas of instruction:

- (a) neuroscience;
- (b) pharmacology;
- (c) psychopharmacology;
- (d) physiology;
- (e) pathophysiology;
- (f) appropriate and relevant physical and laboratory assessment; ~~and~~
- (g) clinical pharmaco-therapeutics; and

(h) cultural competence.

(2) At least three-fourths (3/4) of the four-hundred-fifty (450) classroom hours of didactic instruction shall be awarded by one certification or degree-granting institution or continuing education program.

D. Eighty (80) hour practicum in clinical assessment and pathophysiology.

(1) The 80 hour practicum shall be part of the psychopharmacology training program from which the applicant obtains the certification or degree.

(2) The 80 hour practicum shall provide the opportunity for the applicant to observe and demonstrate competence in physical and health assessment techniques within a medical setting under the supervision of a physician.

(3) The 80 hour practicum shall be completed in a timeframe of full-time over two (2) weeks to thirty (30) weeks.

(4) If the applicant cannot complete the 80 hour practicum within the time frame designated in Paragraph (3) of Subsection D of 16.22.20.8 NMAC, because of illness or other extenuating circumstances, the applicant may request an extension from the board explaining in writing the extenuating circumstances and the additional time requested.

(5) The supervising physician and the training director of the psychopharmacology training program shall certify in writing that the applicant:

- (a) assessed a diverse and significantly medically ill patient population;
- (b) observed the progression of

illness and continuity of care of individual patients;

- (c) adequately assessed vital signs;
- (d) demonstrated competent laboratory assessment; and
- (e) successfully completed the 80-hour practicum.

E. Four-hundred hour practicum. Requirements for the general 400 hour practicum treating a minimum of 100 patients with mental disorders include:

(1) The 400 hour practicum shall be part of the psychopharmacology training program from which the applicant obtains the certification, degree or certification of completion.

(2) One-hundred (100) patients shall mean 100 separate patients.

(3) The four-hundred hours shall refer to four-hundred (400) face-to-face hours. The four-hundred (400) face-to-face hours shall include only time spent with patients to provide evaluation and treatment for medical psychopharmacotherapy of patients and time spent in collaboration with the patient's treating health care practitioner(s).

(4) The applicant must have supervised experience in the evaluation and treatment of 100 patients, representing as diverse a patient population as possible, including diversity in the patients:

- (a) gender;
- (b) different ages throughout the life cycle, including adults, children/adolescents, and geriatrics; as possible and appropriate;
- (c) range of disorders listed in the most recent diagnostic and statistical manual of mental disorders published by the American psychiatric association and acute and chronic disorders;
- (d) ethnicity;
- (e) socio-cultural background; and
- (f) economic background.

(5) The applicant and the training program shall maintain a log on patient seen, which shall include: a coded identification number for the patient, patient's age, gender, diagnosis, date and time seen, amount of time seen for psychopharmacotherapy. The log shall be available to the RxP application committee or the board upon request. The log shall contain the name and signature of the supervisor.

(6) The applicant and the training program shall keep records of the time spent during this practicum. The records shall be available to the psychopharmacology application committee or the board upon request. The records shall not contain patient identifying information.

(7) A psychiatrist or other appropriately trained physician, licensed in good standing in the jurisdiction in which the

psychiatrist or other physician rendered supervision shall be the primary supervising physician of the practicum. The primary supervising physician shall be responsible for the overall supervision of the applicant; however, training may be assigned to other licensed physicians, i.e., secondary supervisors, as designated by the primary supervising physician and the training director of the program.

(8) The primary or secondary supervisor shall be on site. The applicant shall consult with the primary or secondary supervising physician as appropriate, before the applicant makes a decision about the psychopharmacological treatment of the patient.

(9) The primary or secondary supervising physician shall review the charts and records of any patient seen by the applicant during the practicum while under the supervision of the primary or secondary supervising physician.

(10) The practicum shall be completed in a period of time of not less than six (6) months and not more than three (3) years.

(11) If the applicant cannot complete the 400 hour practicum within the timeframe designated in Subsection E of 16.22.23.8 because of illness or other extenuating circumstances, the applicant may request an extension from the board explaining in writing the extenuating circumstances and the additional time requested. The applicant shall receive a minimum of one hour of supervision for every eight (8) hours of patient time. The applicant is responsible to keep a log of the dates and time of supervision. The supervisor may meet with the applicant for additional education at his or her discretion.

(12) The practicum shall be completed within the five years immediately preceding the date of application for a conditional prescription certificate.

(13) Upon request of the RxP application committee or the board, the primary supervising physician shall provide an affidavit stating that:

(a) the supervisor does not have conflict of interest and is not a member of the applicant's family or household as defined in 16.22.26 NMAC, of these regulations;

(b) the supervisor or a designated secondary supervisor reviewed and discussed with the applicant the charts and records of patients seen by the applicant during the practicum;

(c) the practicum included a diverse group of patients, as defined in these regulations; and

(d) the applicant did not write any prescriptions without the primary or secondary supervisor's supervision and signature or authorization.

(14) The primary supervising physician shall conduct a formal, written evaluation on at least two occasions, at the midpoint and at the end of the practicum. The evaluation shall assess the applicant's progress and competencies and shall describe any deficiencies or areas where competency has not been achieved. The primary supervisor shall submit copies of the evaluations to the applicant and the training director.

(15) In the event of documented deficiencies the training director of the psychopharmacology program shall specify in writing:

(a) the areas in need of remediation;

(b) the process and procedures by which these areas are to be re-mediated; and

(c) the method by which the training director and supervisor shall determine that the applicant has achieved the competencies necessary to successfully complete the practicum.

(16) The psychologist in practicum training or the conditional prescribing psychologist is responsible for informing the patient [¶] or the patient's legal guardian, when appropriate, or explain to the patient through the recommendation system at an institution if the institution itself generally handles such informed consent. The name and role of the supervisor and sufficient information of the expectation and requirements of the practicum shall be provided to the patient or the patient's legal guardian at the initial contact necessary to obtain informed consent and appropriate releases. The applicant shall provide additional information requested by the patient or the patient's legal guardian concerning the applicant's education, training and experience.

(17) The primary supervising physician and the training director of the psychopharmacology program from which the applicant obtained a certification of successful completion or a degree in psychopharmacology shall certify to the board in writing that the applicant has successfully completed the practicum.

F. National examination.

To qualify for a conditional prescription or prescription certificate, the applicant must demonstrate competency by passing a national examination.

(1) Applicant must pass the psychopharmacology examination for psychologists (PEP), developed by the American psychological association practice organization's college of professional psychology and its contractor, the professional examination service.

(2) Applicant must be eligible to take the PEP after the applicant successfully completes the didactic portion of the

postdoctoral program of education in psychopharmacology.

(3) The passing score shall be the passing score recommended by the American psychological association's practice organization college of professional psychology for the occasion.

(4) If the applicant fails the examination, the applicant may take the examination a second time after a mandatory 90-day waiting period.

(5) If the applicant fails the examination on the second attempt, the applicant will be required to wait one year before repeating the examination.

(6) If the applicant fails the examination on the third attempt, the applicant is required to take the remedial didactic program recommended by the psychopharmacology application committee and approved by the board before the applicant is allowed to repeat the examination.

G. An applicant who has successfully completed a psychopharmacology educational program, an eighty (80) hour practicum in clinical assessment and pathophysiology, a four-hundred (400) hour/100 patient practicum treating patients with mental disorders or the national certification examination prior to the effective date of these regulations may include the completed portion(s) of the training in the application for a conditional prescription certificate. The applicant who has completed the four-hundred (400) hour practicum shall include certification in writing from the primary supervising physician that the applicant has successfully completed the practicum and is trained to competently treat a diverse patient population as defined in these regulations. The board shall approve the prior training program(s) that satisfy the requirements as listed in 16.22.23 NMAC, of these regulations.

[16.22.23.8 NMAC - Rp, 16.22.23.8 NMAC, 11/15/06; A, 03/21/09]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.24 NMAC, Sections 9 and 10, effective on 03/21/09.

16.22.24.9 CONDITIONS OF PRACTICE; MALPRACTICE INSURANCE

A. The conditional prescribing psychologist shall maintain malpractice insurance covering claims for personal injury arising out of his or her performance of professional services and claims arising out of his or her act, errors or omissions in providing professional services, including prescribing psychotropic medication. Such malpractice insurance cover-

age shall be no less than one (1) million dollars per occurrence with an aggregate limit of three (3) million dollars.

B. The conditional prescribing psychologist shall submit to the board the declaration page of his or her malpractice insurance policy, when instituted, and thereafter on the policy renewal date, as proof of this required insurance upon making application for the conditional prescription certificate, and proof that the policy covers the prescribing [¶] of psychotropic drugs.

[16.22.24.9 NMAC - Rp, 16.22.24.8 NMAC, 11/15/06; A, 03/21/09]

16.22.24.10 TWO YEAR SUPERVISED PRACTICE

A. The conditional prescribing psychologist shall be supervised by a licensed physician(s) knowledgeable of the administration of psychotropic medication. If more than one supervisor is selected, one supervisor shall be designated the primary supervising physician.

B. The board shall approve the supervisory plan before the conditional prescription certificate is issued. The proposed supervisory plan shall include the information contained in 16.22.24 NMAC, and shall be signed by the primary supervising physician.

C. After the board approves the supervisory plan, the conditional prescribing psychologist shall within thirty (30) days submit to the New Mexico medical board the name, address and phone number of the conditional prescribing psychologist and the name(s), address(s) and phone number(s) of the primary supervising physician and secondary supervising physicians, if any. During the period of supervised practice, the conditional prescribing psychologist shall provide to the New Mexico medical board the name(s), address(s) and phone number(s) of any supervising physician or physician serving as a substitute or replacement for primary or secondary supervisor(s).

D. Each supervisor shall have clinical expertise or training with the patient population that the psychologist with a conditional prescription certificate is evaluating and treating.

E. During the initial contact between the patient or the patient's legal guardian, if any, and the conditional prescribing psychologist, the patient or the patient's legal guardian shall be informed that the psychologist has received specialized training in the prescription of psychotropic medication, that the psychologist is transitioning to independent psychopharmacological practice, and that the psychologist is practicing under supervision with respect to the prescribing of psychotropic

medication. The name and role of the supervisor shall be provided to the patient or the patient's legal guardian and informed consent and appropriate releases shall be obtained. The conditional prescribing psychologist shall provide additional information requested by the patient or the patient's legal guardian concerning the psychologist's education, training, and experience.

F. Supervision by the primary supervising physician shall be provided on a one-to-one basis for at least four hours a month and should total at least forty-six (46) hours of one-to-one supervision per year, unless altered, in accordance with Subsection K of 16.22.24.10 NMAC of these regulations.

G. Each supervising physician is responsible to review only the cases he or she is supervising. The supervising physician at all times shall have access to and shall review records relating to the treatment of patients under his or her supervision. The supervising physician may require face-to-face consultation(s) with the conditional prescribing psychologist.

H. If there is more than one supervisor, each supervisor shall inform the other supervisor of any concerns about a conditional prescribing psychologist whom he or she is supervising.

I. The primary supervising physician shall contact any secondary supervisor(s) at least every six (6) months to obtain written or verbal progress reports concerning how the conditional prescribing psychologist is performing.

J. One-to-one supervision must be provided either face-to-face, telephonically, or by tele-video live communication.

K. At any time during the two-year conditional prescribing periods the supervising physician, after consultation with the conditional prescribing psychologist, may amend the supervisory plan, to increase or decrease the hours of supervision. The board shall approve amendments to the supervisory plan set forth in Subsection M below.

L. At any time during the two-year conditional prescribing period a primary supervising physician shall not supervise more than three (3) conditional prescribing psychologists.

M. The supervisory plan described in Paragraph (5) of Subsection B of 16.22.24.8 NMAC shall include the following information and shall be signed by the primary supervising physician:

- (1) name of the applicant;
- (2) name, address, license number, and area of specialization of the primary supervising physician and the secondary supervisor(s), if any;
- (3) beginning and ending dates of the ~~two-year~~ two-year supervised practice

covered by the plan;

(4) number of one-on-one supervisory hours per month and by whom;

(5) setting(s) where supervision will occur and with whom;

(6) duties and clinical responsibilities of the conditional prescribing psychologist;

(7) location(s) where supervision will occur and with whom;

(8) areas in which the primary and secondary supervisor(s), if any, have specialized skills to render competent supervision;

(9) number of psychologists with conditional prescription certificates that the primary supervising physician will supervise during this time period;

(10) the manner in which the conditional prescribing psychologist will be represented to the public including, all written communications and public announcements;

(11) any direct or indirect financial agreements between or among the conditional prescribing psychologist and the primary and secondary supervisor(s), if any;

(12) other information necessary to clarify the nature and scope of supervision; and

(13) a statement specifying the manner in which supervision and clinical and professional responsibility will be provided during the supervisor's absence (during vacations or unexpected events that require the supervisor to be absent for any period of time).

N. The board or its designee shall notify the applicant in writing within sixty (60) days of application date, whether the application and the proposed supervisory plan are accepted or rejected. The board or its designee shall notify a conditional prescribing psychologist within thirty (30) days whether a proposed amendment to an approved supervisory plan is accepted or rejected. If rejected, the notice shall state the reasons for rejection.

O. Each supervising physician shall maintain a supervision log containing the dates, duration, and place or method of supervision, the same identification code for patients as used by the psychologist with a conditional prescribing certificate in the summary reports, and a brief description of the content of supervision. The log shall be submitted to the board upon request.

P. The primary supervising physician shall also maintain a log of the contacts with the secondary supervisor(s) that includes the dates of contact, and a brief description of the outcome of this contact, including a statement stating whether the conditional prescribing psychologist is progressing satisfactorily.

Q. The supervisor shall review the results of laboratory tests as appropriate and shall be skilled and experienced in such interpretation.

R. The supervising physician(s) shall hold an active unrestricted license in good standing and appropriate drug enforcement administration certificate and shall be experienced and skilled in the prescription of psychopharmacological drugs.

S. The conditional prescribing psychologist shall see a minimum of fifty (50) separate patients within the two-year period who are seen for the purpose of evaluation and treatment with psychotropic medication. The duration of the two-year supervisory period shall not be accelerated or reduced.

T. At the end of the two-year period, the primary supervising physician shall provide an affidavit on a form provided by the board certifying that:

(1) the supervising physician has not received any financial payments from the applicant except appropriate fees for supervisory services, the supervising physician is not a member of the applicant's family or household, the supervising physician is not in a prohibited dual relationship with the applicant or a member of the applicant's family or household, and that the supervising physician has not had an interest that conflicts with the supervising physician's duties as supervisor;

(2) each supervising physician discussed with the psychologist the charts and records of patients seen by the psychologist under that physician's supervision during the two-year period or any extension; and

(3) the psychologist has successfully completed two years of evaluating for or prescribing psychotropic medication to at least 50 patients.

U. The primary supervising physician in consultation with any secondary supervisor shall evaluate and describe any deficiencies at the end of the two-year period. In the event of documented deficiencies, the primary supervising physician(s) shall specify in writing the areas in need of remediation and the process and procedures by which these areas are to be remediated.

V. The supervisory period and the conditional prescriptive certificate may be extended with approval of the board if the conditional prescribing psychologist does not successfully complete the two-year conditional period of supervision. A supervisory plan shall be submitted to the board for the proposed extended period of practice under supervision. The conditional prescribing psychologist shall continue to maintain malpractice insurance.

W. At the end of the

extended two-year period, the primary supervising physician shall provide to the board an affidavit on a form provided by the board certifying: the method by which the supervisor(s) determined that the conditional prescribing psychologist obtained the competencies necessary to prescribe psychotropic medication, supported by a written evaluation addressing areas of remediation.

[16.22.24.10 NMAC - Rp, 16.22.24.8 NMAC, 11/15/06; A, 03/21/09]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
MANUFACTURED HOUSING
DIVISION**

This is an amendment to 14.12.2 NMAC Sections 2, 3, 6, 8, 12, 13, 15, 16, 17, 22, 26, 42, 46, 56, 57 and 65, effective 3-31-09.

14.12.2.2 SCOPE: These rules and regulations will apply to all manufacturers, dealers, brokers, homeowners, purchasers, inspectors, and the like engaged in activities involving the transporting, sale, business, construction, repair, modification, installation, ~~[tie-down]~~ anchoring, hook-up, and the like of all manufactured homes in the state of New Mexico.

[14.12.2.2 NMAC - Rp, 14 NMAC 12.2.2, 9-14-00; A, 3-31-09]

14.12.2.3 STATUTORY AUTHORITY: Pursuant to Section 60-14-4 of the Manufactured Housing Act (60-14-1 through 60-14-19, NMSA 1978), the manufactured housing division of the regulation and licensing department has the authority to adopt rules and regulations relating to the construction, repair, modification, installation, ~~[tie-down]~~ anchoring, hook-up, and sale of all manufactured homes.

[14.12.2.3 NMAC - Rp, 14 NMAC 12.2.3, 9-14-00; A, 3-31-09]

14.12.2.6 OBJECTIVE: It is the intent of the manufactured housing division and the manufactured housing committee to enforce the New Mexico Manufactured Housing Act ~~[and]~~, the National Manufactured Housing ~~[and]~~ Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, 42 U.S.C. Section 5401-5426. The purpose of the Manufactured Housing Act is to insure the purchasers and users of manufactured homes the essential conditions of health and safety which are their right, and to provide that the business practices of the industry are fair and orderly among the members of the industry with due regard to the ultimate

consumers in this important area of human shelter.

[14.12.2.6 NMAC - Rp, 14 NMAC 12.2.6, 9-14-00; A, 3-31-09]

14.12.2.8 MINIMUM STANDARDS:

A. Manufactured homes: The division adopts as part of these regulations the ~~[H.U.D.]~~ National Manufactured Home Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, 42 U.S.C. Section 5401-5426, the Manufactured Home Construction And Safety Standards, 24 C.F.R. Section 3280 ~~[and the H.U.D.]~~, the Manufactured Home Procedural and Enforcement Regulations ~~[as authorized under Title VI of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5401, et seq.]~~, 24 C.F.R. Section 3282, the Model Manufactured Home Installation Standards, 24 C.F.R. Section 3285 and the Manufactured Home Installation Program, 24 C.F.R. 3286 as the minimum New Mexico standards, except as provided herein.

B. Installation of manufactured homes:

(1) the division adopts, as part of these regulations, the NFPA 70, national electrical code, 2002 edition, as amended, that pertains to manufactured (mobile) homes;

(2) the division adopts, as part of these regulations, the NFPA 54, national fuel gas code, 2002 edition, as amended, that pertains to manufactured (mobile) homes;

(3) the division adopts, as part of these regulations, the uniform plumbing code, 2003 edition, as amended, that pertains to manufactured (mobile) homes;

(4) the division adopts, as part of these regulations, the NFPA 58, standards for the storage and handling of liquefied petroleum gases, 1992 edition, as amended, that pertains to manufactured (mobile) homes;

(5) the division adopts as part of these regulations, the uniform mechanical code, 2003 edition, as amended, that pertains to manufactured (mobile) homes.

C. The amendments and changes in these regulations as made by the division shall be enforced thirty (30) days after filing as provided by the State Rules Act (Section 14-4-1, et. seq., NMSA 1978) and the Uniform Licensing Act (Section 61-1-1, et seq., NMSA 1978).

D. Manufactured homes installed before May 19, 1988, used for nonresidential purposes are granted until May 19, 1993 to comply with the requirements for access to the handicapped. If a

nonresidential manufactured home is relocated or if major modifications are made to the unit, the unit must be brought into compliance to the state requirements for access to the handicapped.

E. Any unit manufactured or installed after May 19, 1988, used for nonresidential, or commercial purposes must be constructed to the appropriate codes or standards as adopted by construction industries division. Construction industries division has full jurisdiction in approval and inspection of nonresidential manufactured units. None of the provisions contained in Subsection E of this section shall apply to retailers licensed by the motor vehicle division of the taxation and revenue department.

F. Any person or entity licensed under the Manufactured Housing Act will post a "notice to the public" poster at their place of business in a conspicuous place to the public. The poster will include the name and address of the regulation and licensing department, manufactured housing division, and will inform the consumer where they would be able to file a complaint in regards to any violation of the New Mexico Manufactured Housing Act and regulations. The division will furnish the posters.

[14.12.2.8 NMAC - Rp, 14 NMAC 12.2.8, 9-14-00; A, 7-1-05; A, 3-31-09]

14.12.2.12 TEMPORARY SALESPERSON LICENSE:
~~[RESERVED]~~

A. The director may issue a one time thirty (30) day temporary sales license for individuals who have never been licensed by the division as a temporary salesperson or salesperson. A temporary salesperson license shall not be renewed.

B. A temporary salesperson's license entitles its holder to be employed, either directly or indirectly, with or without remuneration or consideration by a dealer or broker to engage in sales or lease-purchases of new and pre-owned manufactured homes through that dealership or brokerage as allowed by the employer's license.

C. Custody of license.
(1) A temporary salesperson's license shall be in the custody of the licensee's employer.

(2) A temporary salesperson shall be issued a wallet card by the division. The card shall contain the licensee's name, license number and the address of the employer.

(3) If a temporary salesperson is discharged or terminates their employment, the employer shall return the temporary salesperson's license to the division within ten (10) days of the last date of employ-

ment. The division shall immediately terminate the temporary license.

D. A temporary salesperson shall not work for, be employed by or conduct transactions for more than one dealer or broker.

E. All transactions handled by or involving a temporary salesperson must be reviewed and supervised by the employing dealer or broker. All documents prepared by the temporary salesperson, in a transaction, must be reviewed by the dealer or broker.

[14.12.2.12 NMAC - Rp, 14 NMAC 12.2.12, 9-14-00; A, 3-31-09]

14.12.2.13 LICENSE CLASSIFICATIONS, SCOPE AND REQUIREMENTS:

A. Any person, prior to engaging in any business regulated by the act, shall obtain a license in accordance with the act and these regulations. Licensees shall at all times display their licenses conspicuously at their places of business.

B. Any person applying for a license ~~[that has been incorporated]~~ whose business is a corporation, limited liability company, limited partnership, limited liability partnership or general partnership must submit a certified copy of the articles of incorporation, articles of organization, certificate of registration, or statement of qualification at the time the application is filed with the division.

[14.12.2.13 NMAC - Rp, 14 NMAC 12.2.13, 9-14-00; A, 11-24-08; A, 3-31-09]

14.12.2.15 DEALERS:

A. A dealer's license entitles its holder to engage in the business of selling, exchanging, buying for resale, leasing, offering to or attempting to negotiate sales or exchanges or lease-purchases of new and pre-owned manufactured homes. A dealer may also perform all functions, which a broker is authorized to perform under the act and these regulations. Any person who in any manner acts as a dealer in the transaction of more than one manufactured home in any consecutive 12-month period is required to be licensed as a dealer.

B. Each dealer's location shall have a qualifying party and each location shall have a separate license.

C. A dealer shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where ~~[accounts and records]~~ all documents directly related to the purchase, sale, trade and installation of a manufactured home within the preceding three years shall be available for inspection during normal business hours by a representative of the division. All locations in which a dealer offers manufactured homes

off-site from the dealer's physical location are to be considered an extension of the dealer's lot. A post office box, secretarial service, telephone answering service, or similar entity does not constitute an actual physically established location.

D. The following provisions shall govern all transactions in which a dealer is involved in a transfer of a pre-owned manufactured home between a buyer and a seller, other than the dealer.

(1) The dealer's role is that of a fiduciary to his principal.

(2) In all such transactions which require a transfer of title, the dealer must: determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the motor vehicle division, and disclose in writing to all parties in the transaction the status of title of the home as shown by such records.

(3) All listing agreements entered into by a dealer shall disclose the percentage amount or fee to be received by the dealer upon the completion of a transaction under the terms of the listing agreement.

(4) Prior to the closing between the buyer and seller on a transaction, the dealer shall deliver to both the buyer and the seller a closing statement which shall contain, but is not limited to, the following information: the purchase price; all funds paid and to be paid by the buyer; all funds received and to be received by the seller; receipt and disposition of all other funds relevant to the transaction; the method of assumption, disposition or other treatment of existing loans on the home and liens on or security interests in the home.

E. Each dealership location must have at least one (1) licensed salesperson per location. For an individual dealer operating a single lot, the dealer's license shall meet the requirement of a salesperson license for the person to whom it is issued. A dealership operating multiple lots must have at least one (1) licensed salesperson. All persons engaged in selling manufactured homes for a dealer must be licensed with the division before engaging in the business.

F. Each dealer is required at the time of sale of a manufactured home to make a full disclosure to the buyer, concerning the disposition of the wheels, axles and hitch(es). Such disclosure must be signed and approved by the purchaser.

G. If a dealership is open for business prior to receiving the appropriate license to conduct business, the division may tag each home with a "prohibit sales notice" and an inspection fee of \$60.00 will be charged to the dealer for removal of each such tag.

H. Any licensed dealership may display and offer for sale manufactured

homes off-site from the dealers physical location. All locations in which a dealer offers manufactured homes off-site from the dealers physical location are to be considered an extension of the dealers lot.

(1) The dealer shall notify the manufactured housing division in writing, on a form supplied by the division of the address(es) and location where homes off-site from the dealers physical location will be displayed and offered for sale.

(2) Each home displayed off-site from the dealers physical location and offered for sale must display a copy of the dealer's license and a copy of the MHD compliance poster.

(3) All rules and regulations of the manufactured housing division shall apply to off-site sales locations.

I. If a dealer discharges a salesperson for any activities in violation of the MHD rules and regulations the dealer must report the discharge within 30 days to the division to investigate the potential violation.

[14.12.2.15 NMAC - Rp, 14 NMAC 12.2.15, 9-14-00; A, 12-1-03; A, 7-1-05; A, 11-24-08; A, 3-31-09]

14.12.2.16 BROKERS:

A. A manufactured home broker's license entitles its holder to engage in the functions authorized for brokers in the act. A manufactured home broker's functions are strictly limited to only pre-owned manufactured homes. Any person who in any manner engages in brokerage activities for more than one manufactured home in any consecutive 12-month period is required to be licensed as a manufactured home broker.

B. A manufactured home broker cannot negotiate any transaction involving the sale, exchange, renting or leasing of real estate unless he is licensed under the Real Estate Act of New Mexico.

C. Each manufactured home broker shall be individually licensed.

D. A manufactured home broker's role is that of a fiduciary to his principal.

E. In all transactions which require the transfer of title to a manufactured home and in which a manufactured home broker is involved the manufactured home broker must determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the motor vehicle division, and disclose in writing to all parties in the transaction the status of title of the home as shown by such records.

F. A manufactured home broker shall maintain a place of business, which is an actual physically, established location from which business can be con-

ducted and where ~~[accounts and records]~~ all documents directly related to the purchase, sale, trade and installation of a manufactured home within the preceding three years shall be available for inspection during normal business hours by a representative of the division. Each branch office shall also maintain copies of adequate records for this same inspection purpose of all transactions handled within the branch office.

G. A manufactured home broker shall fully disclose to the consumer any ownership interest of the manufactured home broker, either direct or indirect, in the manufactured home prior to the consumer's entering into any agreement for the purchase of the home.

H. All listing agreements entered into by a manufactured home broker shall disclose the percentage amount or fee to be received by the manufactured home broker upon the completion of a transaction under the terms of the listing agreement.

I. A manufactured home broker shall not enter into a net listing agreement.

J. Upon receipt of a written offer to purchase, a manufactured home broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining written acceptance of the offer to purchase, the manufactured home broker shall promptly deliver true copies to the purchaser and seller. All terms of the transaction must be included in the written offer to purchase.

K. Before receiving a customer deposit, a manufactured home broker shall give to a purchaser an itemized statement of all approximate costs relevant to the transaction.

L. A manufactured home broker shall initiate the transfer of title on a manufactured home no later than 30 days from the completion of the transaction. A manufactured home broker shall not be responsible for title transfer if it is the responsibility of the purchaser's lienholder.

M. Prior to the closing between the buyer and seller, the manufactured home broker shall deliver to both the buyer and seller a closing statement which shall contain, but is not limited to, the following information:

- (1) the purchase price;
- (2) all funds paid and to be paid by the buyer;
- (3) all funds received and to be received by the seller;
- (4) receipt and disposition of all other funds relevant to the transaction;
- (5) the method of assumption, disposition or other treatment of existing loans on the home and liens on or security interest in the home.

N. A manufactured home

broker shall not operate or provide a lot or other location where manufactured homes are displayed for consumers.

O. Each manufactured home broker branch location shall have as qualifying party, a licensed and bonded associate manufactured home broker.

P. A manufactured home broker shall not purchase a manufactured home from a financial institution licensed by the New Mexico financial institutions division or consumer for the purpose of resale.

Q. A manufactured home broker will not engage in the business of buying and selling manufactured homes.

R. Every manufactured home broker will be audited annually to ensure they are not in the business of buying or selling manufactured homes.

[14.12.2.16 NMAC - Rp, 14 NMAC 12.2.16, 9-14-00; A, 12-13-02; A, 12-1-03; A, 7-1-05; A, 3-31-09]

14.12.2.17 INSTALLERS AND REPAIRMEN:

A. An installer's license entitles its holder to install manufactured homes for remuneration or consideration as provided for by these regulations.

B. A repairman's license entitles its holder to ~~[modify and]~~ repair manufactured homes for remuneration or consideration as provided for by these regulations. An exception to this rule is a person(s) who makes manufacturer's warranty repairs and is employed and paid wages by a New Mexico licensed manufacturer or its designated agent. Such person(s) are not required to maintain a repairman's license.

C. Licenses for installers and repairmen shall be classified as MHD-1, MHD-2, or MHD-3.

(1) MHD-1 shall permit the holder to level ground and place piers to support a manufactured home, to attach and tighten tiedowns, to connect existing water and sewer lines, to connect electrical cable to the home's approved existing receptacle, to install and repair skirting, and to install concrete associated with footings or foundations.

(2) MHD-2 shall permit the holder to perform all functions of an MHD-1 and to make structural repairs~~[;]~~ and alterations ~~[and modifications]~~.

(3) MHD-3 shall permit the holder to perform all the functions of an MHD-2 and to service and repair natural gas piping and appliances, change and adjust orifices in a manufactured home prior to connection to L.P. gas, and to service and repair plumbing and electrical systems.

(4) The scope of an MHD-3 Y licensee shall be extended to install gas yardlines to manufactured homes upon

acquiring an appropriate endorsement from the division. No endorsement shall be issued to any individual until he has passed with a satisfactory score an examination approved and adopted by the division.

(5) The scope of an MHD-3 E licensee shall be extended to install feeder assemblies from the on-site utility terminal to the manufactured home not to exceed 30 feet. The provisions for obtaining a separate electrical endorsement shall include a minimum of 2 years in the last 10 years of verifiable experience performing electrical work on manufactured homes or related equipment. No endorsement shall be issued to any individual until he has passed with a satisfactory score an examination approved and adopted by the division.

D. Structural repairs, alterations and modifications allowed by classifications MHD-2 and MHD-3 are limited to the manufactured home itself and include awnings and porches supported by the home. Any structural repair, alteration or modification outside the manufactured home, including any concrete construction other than small pads for support posts, is not included under the MHD-2 or MHD-3 classifications. Licensees must comply with provisions of the Construction Industries Licensing Act. Sections 60-13-1, et. seq., NMSA 1978, to build any structure which requires a license under that act.

E. ~~[Waiver:]~~ The division may, upon request, ~~[waive]~~ grant separate licensure for any person holding a valid license in the electrical, mechanical or LP gas classifications issued under the Construction Industries Licensing Act (Sections 60-13-1, et. seq., NMSA 1978), as amended, and may permit such person to act in the capacity of an installer or repairman for electrical, mechanical or LP gas work on a manufactured home within the scope of such license. Any person requesting a ~~[waiver]~~ license, in accordance with this provision, shall furnish proof satisfactory to the division of his status as a licensee of the construction industries division or its successor. Nothing in this provision shall be construed as a waiver of any obligation to comply with any other requirement of the Manufactured Housing Act or these regulations, including the bonding requirements of these regulations.

F. An installer or repairman shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where accounts and records shall be available for inspection during normal working hours by a representative of the division. A post office box, secretarial service, telephone answering service or similar entity does not constitute an actual physically established location for purposes

of this subsection.

[14.12.2.17 NMAC - Rp, 14 NMAC 12.2.17, 9-14-00; A, 3-29-02; A, 11-24-08; A, 3-31-09]

14.12.2.22 PRE-OWNED MANUFACTURED HOMES: The following regulations apply only to pre-owned manufactured homes for the purpose of resale.

A. For purposes of this regulation or other laws of this state the term "habitable" as applied to manufactured housing is limited to and means that there are no known structural defects, damage or deterioration to the home which creates a dangerous or unsafe situation or condition and all plumbing, heating and electrical systems are in safe working order at the time of delivery.

B. Any home offered for resale that is not suitable for human habitation must be clearly marked, as such, with a posted sign not less than 18" x 12" with letters not smaller than one inch high. Also, all purchase agreements or contracts of sale must reflect that the consumer purchased the home "As Is - Not Suitable for Human Habitation".

[14.12.2.22 NMAC - Rp, 14 NMAC 12.2.22, 9-14-00; A, 11-24-08; A, 3-31-09]

14.12.2.26 RENEWALS:

A. Each license shall be renewed annually during its anniversary month. ~~[Renewal applications are available request from the Division.]~~ Renewal application notices will be mailed to each current licensee at least 30 days prior to the expiration date of the license. Renewal application notices will be mailed to the last known address on file with the board. It is the responsibility of the licensee to keep the division informed of any changes in address.

B. The licensee is responsible for renewing his license. Failure to receive the renewal application notice shall not relieve the licensee of the responsibility of renewing his/her license before the expiration date.

C. The division shall allow a 30-day grace period after a license has expired for a licensee to renew without penalty. The division shall notify the licensee of the failure to renew during this grace period reported to the division. At the conclusion of the grace period, the division will initiate provisions of the Manufactured Housing Act.

[14.12.2.26 NMAC - Rp, 14 NMAC 12.2.26, 9-14-00; A, 3-31-09]

14.12.2.42 COMPLAINTS AND HEARINGS:

A. A person claiming to be injured by an alleged violation of the act or these regulations or by reason of any other

cause set forth in Section 60-14-6, N.M.S.A. 1978, may file with the division a written complaint which shall state the name and address of the licensee against whom the complaint is made and shall include a concise statement of the alleged violation. If it is determined by the division that the complaint is insufficient or defective, the complainant shall be promptly notified and permitted to amend the complaint.

B. Upon receipt of a written complaint, the division shall investigate by telephone or by personal contacts within thirty (30) days of receipt of the complaint the alleged violation to determine whether cause exists to investigate further. If such cause exists, an on-site inspection will be made within thirty (30) days of such determination. The consumer shall make himself available during reasonable business hours within the prescribed thirty (30) days.

(1) The division shall contact the licensee by mail and request correction of the violations within forty (40) days of receipt of the complaint. The letter may also request investigation according to Subpart I of the federal manufactured home construction and safety standards, federal procedural and enforcement regulations, which require investigation of class or re-occurrences of non-conformances to the federal standards.

(2) Following this initial forty (40) day period, if it is determined that there is no cause for the complaint, the complaint shall be dismissed. The division shall also place all information in their consumer complaint files for five years after closing of the case. This information shall include (a) the determination; (b) who made the determination; and (c) how the determination was made.

(3) Where it is determined that there is cause for the complaint, the division shall attempt to achieve a satisfactory resolution of the complaint through correspondence or informal conference.

(4) If it is determined that the items requested to be corrected by the complainant are the responsibility of the manufacturer, and that these items are required to be corrected under the federal regulations, the manufacturer will be requested to submit a notification and/or correction plan to the director of the manufactured housing division within twenty (20) days of receipt of the letter and as required under Subpart I of the federal regulations. If, within twenty (20) days and there does not seem to be a reoccurrence of the same deficiencies, no formal plan needs to be submitted if the division has granted waiver to the plan. If a plan is submitted to the division, the division shall approve or modify the plan and send it back to the manufacturer for remedial action. The plan shall include, but not be

limited to, a list of manufactured homes affected, method of correction, content of notification notice to consumer and the requirements as detailed under Subpart I of the federal regulations. The manufacturer shall have sixty (60) days to notify and correct and an additional thirty (30) days to submit closeout reports of all action taken by the manufacturer in the case.

C. If the complaint is not completely resolved by the foregoing method, the division may proceed with formal disciplinary action in accordance with the Uniform Licensing Act, Sections 61-1-1, et seq., N.M.S.A. 1978, as amended, and the division may conduct further inspections or investigations.

D. The division will charge a re-inspection fee ~~[of Forty-Five Dollars (\$45.00)]~~ each time a re-inspection is performed on a home that is involved in a consumer complaint. Those consumer complaints that the division investigates that are not accepted by the division, no fee will be charged. The fee shall be charged to the dealer, manufacturer, installer/repairman, or broker as appropriate.

[14.12.2.42 NMAC - Rp, 14 NMAC 12.2.42, 9-14-00; A, 3-31-09]

14.12.2.46 GAS CONNECTIONS: Any installation or repair of liquefied petroleum gas piping, or appliances to or in a manufactured home shall be performed by a person licensed by the liquefied petroleum gas bureau of the construction industries division of the regulation and licensing department, and shall be performed in accordance with the regulations of the LPG bureau.

A. No riser, inlet or gas connection or inlet gas connection shall be located beneath any manufactured home or any exit. No manufactured home shall be installed over a gas yardline.

B. The gas inlet on the manufactured home shall protrude no more than six (6) inches from the manufactured home. The inlet shall be rigidly anchored or strapped to a structural member within six (6) inches of the point where it enters beneath the manufactured home.

[14.12.2.46 NMAC - Rp, 14 NMAC 12.2.45.2, 9-14-00; A, 7-1-05; A, 3-31-09]

14.12.2.56 NON-PERMANENT FOUNDATIONS:

A. No political subdivision of the state shall regulate the installations or construction standards of a manufactured home, including the foundation systems.

B. Perimeter enclosures:

(1) All materials to be used for a perimeter enclosure must have prior approval by the division.

(2) Material shall be installed in

accordance with the material manufacturer's recommended installation instructions or in accordance with the minimum standards adopted by the division.

(3) The manufactured home's perimeter enclosure must be self-venting, and no flammable objects may be stored under the manufactured home.

(4) An access or inspection panel shall be installed in the perimeter enclosure and shall be located so that utilities and blocking may be inspected.

(5) All vents and openings shall be installed to prevent entry of rodents and direct rainfall not to exceed ¼ inch mesh.

(6) All perimeter enclosures in excess of thirty (30") in heights must be supported vertically at least every four (4) feet or installed according to the enclosure material manufacturer's specifications.

C. ANCHORING: When the manufacturer has issued required instructions for anchoring, the Manufacturer's instructions shall be followed.

D. NEW HOMES: The manufacturer's installation manual shall be followed for all new homes installed within the state of New Mexico. The person(s) performing the work to install a new home shall be responsible to insure that all necessary installation permits have been obtained by the homeowner, customer or installer, to be determined in writing prior to the delivery of subject home.

E. USED, PRE-OWNED AND RESALES: The person(s) performing the work to install a used, preowned or resold manufactured home shall be responsible for: a) all installation permits; b) calling for inspections; and c) compliance with all locally adopted zoning, planning and floodplain ordinances and d) compliance with all minimum soil compaction criteria, slope and drainage requirements. The person(s) performing the work shall be responsible only for the work they perform. When available all units shall be installed in accordance with the manufacturer's installation manual. Requirements when the *manufacturer's installation manual* is not available:

(1) Blocking: All piers and footings shall be installed in such a manner that the manufactured home shall be leveled.

(2) All marriage joints in multi-wide homes shall be installed to prevent air infiltration.

(3) All roofs and floor marriage joints shall be lag bolted no more than four (4') feet apart. Beam support blocking must be provided.

F. Materials:

(1) Standard eight inch by eight inch by sixteen inch (8"X8"X16") hollow, concrete or concrete masonry unit (CMU),

or other listed material may be used for block pier construction.

(2) Standard eight inch by four inch by sixteen inch (8"X4"X16") solid concrete or cinder blocks or other listed materials may be used for pier, top cap and footing construction.

G. Footings:

(1) Each pier shall have a footing beneath it of solid concrete or CMU or other listed material with a minimum sixteen inch by sixteen inch (16"X16") ground bearing surface four (4") inches thick.

(2) Two (2) eight inch by four inch by sixteen inch (8"X4"X16") solid blocks may be used for a footing provided they are placed together with seam between the two blocks running parallel with the frame of the manufactured home.

(3) Any concrete ribbon footings installed by the licensee shall be a minimum of six (6") inches thick by sixteen (16") inches wide and centered as closely as possible to the center of the frame members.

(4) Other listed materials which provide equivalent load bearing capacity and resistance to decay may be used, when they receive prior approval by the division.

H. Spacing:

(1) The maximum distance allowed between piers is eight (8') feet on center.

(2) Piers shall be placed within three (3') feet from each end of the manufactured home.

(3) Exceptions: If the wheel space of the manufactured home does not permit eight (8') foot blocking, additional support shall be provided at both ends of the wheel space.

I. Concrete masonry unit (CMU) piers, top caps and shims:

(1) CMU piers shall be positioned perpendicular to the frame of the manufactured home.

(2) Each CMU pier must have a minimum four (4") inch solid top cap or two (2") inch nominal wood cap which has the same perimeter dimension as the pier.

(3) A maximum of four and one-half (4-1/2") inches of wood are allowed on top of each CMU pier. Each layer of shims shall be driven from the opposite direction as the shim below it. Concrete masonry unit's (CMU) pier heights: When the footings, CMU piers and wood exceed forty-one (41") inches in height, the CMU piers must be constructed of double tiers of interlocking blocks. When the footings, CMU piers and wood exceed forty-eight (48") inches in height, the interlocking blocks shall be filled with concrete and reinforced with four (4) three-eighths (3/8") inch rebar. When the footings, CMU piers and wood exceed sixty (60") inches in height, the pier construction must be designed by a New

Mexico licensed professional engineer and submitted to the division for approval.

J. Pre-fabricated piers:

(1) All piers shall be approved by the division prior to installation.

(2) The spacing of piers shall be the same as for block piers.

(3) One (1) listed, treated, sixteen inch by sixteen inch (16"X16") pad may be used with each pier as a footing.

(4) The maximum height that a pier jack extension shall be raised is two (2") inches.

(5) The maximum height for piers, including the footing and jack extension, is thirty-four (34") inches.

(6) The flanges on the top of the jack extension shall be alternated.

K. Other piers: All other piers shall be pre-approved by the division prior to their use or installation.

L. Multi-wide homes shall be supported within two (2) feet of each end and ten (10') feet on center (O.C), and or on each end of any opening exceeding four (4') feet along the marriage line.

M. Perimeter support blocking on used homes shall be supported on each side of all egress doorways and on each side of any opening four (4') feet or larger to allow for proper structural support. [14.12.2.56 NMAC - Rp, 14 NMAC 12.2.49, 9-14-00; A, 3-31-09]

14.12.2.57 PERMANENT FOUNDATION SYSTEM:

A. These standards are minimum state requirements and they are applicable to new and used home installations, unless expressly specified otherwise. The division may approve other permanent foundations when the manufacturer's installation manual does not make a provision for permanent foundations or is not available. Two sets of drawings submitted by a New Mexico licensed engineer or a HUD approved D.A.P.I.A engineer may be submitted to the division for review, and subsequent denial or approval along with a certificate that the engineer has contacted the home's manufacturer. No political subdivision of the state shall regulate the installations or construction standards, of a manufactured home, including foundation systems.

B. Perimeter enclosure.

(1) All materials used for a perimeter enclosure must be approved by the division.

(2) Materials shall be installed in accordance with the manufacturer's recommended installation instructions or in accordance with the minimum standards accepted by the division.

(3) The manufactured home's perimeter enclosure must be self-venti-

lating, and no flammable objects may be stored under the manufactured home.

(4) An access or inspection panel shall be installed in the perimeter enclosure and shall be located so that utilities and blocking may be inspected.

(5) All vents and openings shall be installed to prevent entry of rodents and direct rainfall not to exceed ¼ inch mesh.

(6) All perimeter enclosures in excess of thirty inches (30") in height must be supported vertically at least every four (4') feet or installed according to the enclosure manufacturer's specifications.

C. New home installations: The manufacturer's installation manual shall be followed for all new homes installed within the state of New Mexico. The person(s) performing the work to install a new home shall be responsible to insure that all necessary installation permits have been obtained by the homeowner, customer or installer, to be determined in writing prior to the delivery of subject home. Compliance with permanent foundation criteria, site work 14.12.2.60 NMAC, planning, and zoning, slope and drainage requirements is the sole and separate responsibility of the persons, companies or contractors performing such work.

D. Installation of used, pre-owned or resold manufactured homes: The installer of a used, pre-owned or resold manufactured home shall be responsible to insure that all necessary installation permits have been obtained by the customer, retailer and or installer. Compliance with permanent foundation criteria, site work 14.12.2.60 NMAC, planning, and zoning, slope and drainage requirements is the sole and separate responsibility of the persons, companies or contractors performing such work. The manufacturer's manual shall be kept with the subject home at all times. The installer shall use the manufacturer's installation instructions and installation manual when available.

E. Re-installed units: The following regulations shall apply to all homes being re-installed where no manufacturer's installation manual is provided.

(1) The lowest point of the frame shall be a minimum of eighteen (18") inches above the ground level under the manufactured home (also see Section 14.12.2.56 NMAC).

(2) The slope around the manufactured home shall provide for the control and drainage of surface water and shall be sufficient to prevent the collection of water under the home or around the perimeter of the home (see site requirements, Section 14.12.2.60 NMAC).

(3) In lieu of an engineered soil report, the soil conditions (relative to the placement of the foundation) at the installation site shall be tested by the installer prior

to installing the foundation and shall be an average of at least 1000 psf with no more than 25% variability between readings. The installer shall list the psf measurement on the permanent foundation permit. Testing and recording shall be conducted as follows:

(a) test an area adjacent to, or within 10 feet of, the perimeter of the home;

(b) dig down to undisturbed soil a minimum of four (4) inches; uncover an area of at least one square foot;

(c) using a penetrometer take at least seven readings;

(d) take an average of the middle five readings disregarding the highest and lowest readings; round the average down to the nearest soil bearing value;

(e) installers shall then record the psf measurement on the permanent foundation permit; and

(f) drive a wooden stake beside the test area so that the inspector will be able to verify the results should the inspector desire to do so.

F. A minimum thirty-two inch by thirty-two inch (32"X32") access or inspection panel shall be installed a minimum of three (3") inches above grade and located to allow inspection at any time. The cover on the exterior access inspection panel must be constructed to exclude entry of vermin and water.

G. Footings and piers:

(1) The manufactured home shall be installed on ribbon footings set on the undisturbed ground not less than five and one-half (5 1/2") inches in thickness and sixteen (16") inches in width with two (2) pieces of continuous three-eighth (3/8") inch rebar or a number 10 gauge re-mesh wire installed in the footing. All footings shall be constructed of a minimum of three thousand (3000) pound concrete. All above grade footings shall be constructed with forms (wood, fiberboard, metal, plastic), used to contain poured concrete while in a plastic state. These forms must be firmly braced to withstand side pressure or settlement and to maintain design dimensions. Finished concrete surface(s) shall be smooth and level to fully accept and support pier installation(s). Forms may be removed upon sufficient hardening of concrete. The home may be placed whenever concrete is properly cured, minimum of seven (7) days.

(2) Piers shall be constructed in accordance with Section 14.12.2.56 NMAC of these regulations.

(3) The steel frame must be attached to the footing supporting the structure by means of a listed anchoring device at least every twelve (12) feet at a [minimum] maximum and [at least] no more than two (2) feet from each end wall.

H. Ventilation:

(1) All manufactured homes shall

have one (1) square foot of unrestricted venting area for every one hundred-fifty (150) square feet of enclosed floor space. Vents shall be uniformly distributed on the two (2) opposite long- walls. At least one vent shall be located within four (4) feet of each end-wall.

(2) Vents shall be constructed and installed to exclude entry of vermin and water.

I. Alternative permanent foundation systems:

(1) Other types of permanent foundation systems designed for the purpose of classifying an installation as a permanent foundation shall be submitted on an individual basis. These require submittal of installation instructions, calculations and design layouts. All submissions shall be stamped by a New Mexico licensed engineer, and each application shall be region specific. Commercially packaged systems must submit their complete installation and design package to be kept on file with the division. It shall be the responsibility of the system proprietor to submit any updates or alterations of the system.

(2) Any installation of an alternative foundation system on a new home or any home within two years of original purchase must be installed based upon the manufacturer's written approval or be included in the manufacturer's installation manual.

[14.12.2.57 NMAC - Rp, 14 NMAC 12.2.50, 9-14-00; A, 12-1-03; A, 7-1-05; A, 02-21-07; A, 11-24-08; A, 3-31-09]

14.12.2.65 LICENSES VOIDED OR CANCELED BY OPERATION OF LAW:

A. When a license has been suspended, canceled, ~~has expired~~ has not been renewed during the 30 day grace period, or is otherwise voided by operation of law, the licensee cannot work until he/she receives a new license, or until his/her license is properly reinstated as active, pursuant to the requirements of the act and these regulations.

B. Any licensee working while his/her license has been suspended, canceled, ~~has expired~~ has not been renewed during the 30 day grace period, or otherwise voided by operation of law shall be guilty of unlicensed activity. Such a licensee must resolve any and all unlicensed activity charges pursuant to the requirements of the act and these regulations before obtaining a new license, or renewing, or otherwise reactivating his/her license or certificate of competence.

[14.12.2.65 NMAC - N, 3-01-08; A, 3-31-09]

**NEW MEXICO
SECRETARY OF STATE**

This is an emergency amendment to 1.10.26 NMAC, Section 9, effective February 27, 2009.

**1.10.26.9 CANCELLATION
PROCESS:**

A. In March of odd-numbered years, the board of registration shall review a list of voters who have been on inactive status since the second previous primary election. ~~[Upon approval of the list by the board, each inactive voter shall receive a notice of intended cancellation.]~~ The county clerk shall present a verified list of all voters to be removed to the board of registration. This list shall be generated by the secretary of state. The list and procedures for removing voters from the statewide voter registration system shall be consistent with the provisions of PL 103-31 U.S.C. 1973 gg-6(a) (4).

~~**B.** Voters mailed a notice of intended cancellation shall be permitted sixty (60) days to respond to the notice. A voter who indicates on the cancellation card that they still reside at their registered residence within the jurisdiction shall be restored to active status.~~

~~**C.** Voters who fail to return a notice of intended cancellation shall be placed on removable status. The county clerk shall present a list of all voters to be removed to the board of registration. Voters may not be removed solely for non-voting.]~~

B. Upon approval of the list by the board of registration, each inactive voter on the list shall be flagged as removable status on the statewide voter registration system and their original voter registration (affidavit) shall be cancelled pursuant to Section 1-4-32 NMSA 1978.

[1.10.26.9 NMAC - N, 9-30-2005; A/E, 2-27-2009]

End of Adopted Rules Section

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Other Material Related to Administrative Law

**NEW MEXICO WATER
QUALITY CONTROL
COMMISSION**

The Water Quality Control Commission has appointed a Hearing Officer in the matter of the Triennial Review of Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC, docketed as WQCC 08-13. Her contact information is below:

Felicia Orth, Hearing Officer
c/o Joyce Medina, WQCC Administrator
New Mexico Environment Department
1190 St. Francis Drive, P.O. Box 5469
Santa Fe, New Mexico 87502
Tele: (505) 827-2425
Fax: (505) 827-2836
E-mail: joyce.medina@state.nm.us

The Hearing Officer will finalize a draft Scheduling Order and Hearing Guidelines following public notice and an opportunity to comment. The draft Scheduling Order and Hearing Guidelines are available on the web at www.nmenv.state.nm.us/swqb/standards; they can also be requested and obtained by mail, e-mail or facsimile transmission.

All comments shall be submitted in writing to the WQCC Administrator before 5 p.m. March 30, 2009 to be considered. A final Scheduling Order and Hearing Guidelines will be issued on or before April 15, 2009, and will be mailed to all who have entered an appearance, submitted comments or requested it.

**End of Other Related
Material Section**

SUBMITTAL DEADLINES AND PUBLICATION DATES

2009

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

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