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New Mexico Register

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

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The New Mexico Register

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New Mexico Register

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June 9, 2026

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Notices of Rulemaking and Proposed Rules

EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT

NOTICE OF RULEMAKING AND PUBLIC RULE HEARING

The New Mexico Early Childhood Education and Care Department (ECECD) hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC that it proposes to adopt amendments to the following rule regarding SOCIAL SERVICES CHILD CARE ASSISTANCE; REQUIREMENTS FOR CHILD CARE ASSISTANCE PROGRAMS FOR CLIENT AND CHILD CARE PROVIDERS as authorized by the Child Care Assistance Program Act and Subsection A of Section 32A-32-3 NMSA 1978; the Early Childhood Education and Care Department Act and Subsection E of Section 9-29-6 NMSA 1978; and the Public Health Act, Sections 24-1-1 to 24-1-22 NMSA 1978, Subsection D of Section 24-1-2 NMSA 1978, Subsection I of Section 24-1-3 NMSA 1978, and Section 24-1-5 NMSA 1978.

8.9.3 NMAC - CHILD CARE ASSISTANCE; REQUIREMENTS FOR CHILD CARE ASSISTANCE PROGRAMS

ECECD is also proposing to adopt amendments to CHILD CARE LICENSING; CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS as authorized by the Early Childhood Education and Care Department Act and Subsection E of Section 9-29-6 NMSA 1978; and the Public Health Act, Sections 24-1-1 to 24-1-22 NMSA 1978, Subsection D of Section 24-1-2 NMSA 1978, Subsection I of Section 24-1-3 NMSA 1978, and Section 24-1-5 NMSA 1978.

8.9.4 NMAC - CHILD CARE LICENSING; CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS

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

Purpose of proposed rules: ECECD is proposing amendments to 8.9.3 NMAC to update the Child Care Assistance Program to reflect current statutory and federal requirements, including the requirements of the Child Care Assistance Program Act. ECECD is proposing amendments to 8.9.4 NMAC to update military-licensed child care centers to align with federal law, update out of school program requirements to align with other funding streams that support school-age children, and update and align ratios and group sizes for certain accredited child care centers.

Summary of proposed rules:

In summary, ECECD proposes revisions to 8.9.3 NMAC to align definitions and program structure with statutory requirements and to reorganize sections for clarity. The amendments refine the application process and eligibility criteria for the Child Care Assistance Program, including updates to eligibility documentation requirements, qualifying activities, hours-of-care criteria, and limitations on eligibility. The amendments also include: a new copayment section and fiscal control provisions to guide implementation of copayments and waitlist measures; provider requirements; provider billing restrictions; provider compensation expectations and requirements; at-risk child referral and training requirements; reporting obligations for providers; and, prohibitions on supplanting funds or requesting unauthorized payments with corresponding sanctions for noncompliance. Additionally, the amendments clarify departmental

responsibilities, including for fund usage, service caps, and establishing payment rates through a cost-estimation model. Finally, the amendments update sanctions and enforcement provisions, including reporting requirements for any suspected intentional misuse of funds. ECECD is also proposing amendments to 8.9.4 NMAC to update military-licensed child care centers to align with federal law, update out of school program requirements to align with other funding streams that support school-age children, and update and align ratios and group sizes for certain accredited child care centers.

Amended NMAC Sections for 8.9.3: 8.9.3.3, 8.9.3.6, 8.9.3.7, 8.9.3.8, 8.9.3.9, 8.9.3.10, 8.9.3.11, 8.9.3.12, 8.9.3.13, 8.9.3.14, 8.9.3.15, 8.9.3.16, 8.9.3.17, 8.9.3.18, 8.9.3.19, 8.9.3.20, 8.9.3.21, 8.9.3.22, 8.9.3.23, 8.9.3.24, 8.9.3.25.

New NMAC Sections for 8.9.3: 8.9.3.26, 8.9.3.27, 8.9.3.28.

Amended NMAC Sections for 8.9.4: 8.9.4.6, 8.9.4.7, 8.9.4.11, 8.9.4.17, 8.9.4.23, 8.9.4.32, 8.9.4.39, 8.9.4.40, 8.9.4.41, 8.9.4.42, 8.9.4.43, 8.9.4.44, 8.9.4.45, 8.9.4.46, 8.9.4.47.

Copies of the proposed amended rules may be found at ECECD's website at www.nmeccd.org/regulation-changes/ 30 days prior to the public rule hearing.

Notice of public rule hearing: A public rule hearing will be held on July 9, 2026, from 9:00 a.m. to 1:00 p.m. for proposed amendments to 8.9.3 NMAC and 8.9.4 NMAC. The hearing will take place in Apodaca Hall of the PERA Building at 1120 Paseo de Peralta, Santa Fe, New Mexico 87502, and will also be accessible via virtual web platform (Zoom) and by telephone. The hearing will be conducted in a fair and equitable manner by an ECECD agency representative or hearing officer and will be recorded. Any

interested member of the public may attend in person, by Zoom, or by telephone and will be provided a reasonable opportunity to offer public comment on the proposed rules during the hearing, either orally or in writing, including presentation of data, views, or arguments. Members of the public will have two minutes to provide oral comments. To attend by telephone, dial 1-719-359-4580, Webinar ID: 880 8515 4919; callers will be able to hear the full hearing, and comments made by telephone will be recorded. To attend via the internet, go to <https://nmececd.org.zoom.us/j/88085154919> and follow the on-screen instructions using Webinar ID: 880 8515 4919. The hearing will be livestreamed, and comments may also be submitted via the platform's chat feature.

Notice of acceptance of written public comment: Written public comments, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public may be submitted by email to ECECD-ECS-PublicComment@ECECD.NM.Gov with the subject line "8.9.3 NMAC / 8.9.4 NMAC Public Comment," or by first class mail to PO. Drawer 5619, Santa Fe, New Mexico 87502-5619. Written comments may also be delivered in person at the PERA Building located at 1120 Paseo De Peralta in Santa Fe, New Mexico, on July 9, 2026, between 9:00 a.m. and 1:00 p.m. Written comments will be accepted from the date this notice is published until the conclusion of the public rule hearing on July 9, 2026.

If you are a person with a disability and would like to request accommodations, or a person with limited English proficiency and need interpretation, please contact the Early Childhood Education and Care Department a ECECD-ECS-PublicComment@ECECD.NM.Gov or call 505-670-8993 at least ten calendar days before the scheduled public rule hearing.

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

NOTICE OF PUBLIC HEARING FOR PROPOSED RULEMAKING

The New Mexico Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold a public hearing to consider proposed adoption of Commission rules at 19.15.41, 19.15.42, & 19.15.43 NMAC. New Mexico Energy, Minerals, and Natural Resources Department proposes the rules. The public hearing will be held in-person, online, and by telephone commencing July 27, 2026, at 9:00 am and continuing each weekday thereafter as necessary.

Purpose of Proposed Rules. The purpose of the proposed rules is to establish the regulatory framework necessary for the State to obtain primacy for the Class VI Underground Injection Control (UIC) program from the U.S. Environmental Protection Agency (EPA). Upon approval, the State would assume primary responsibility for the permitting, compliance, and enforcement of Class VI wells used for the geologic sequestration of carbon dioxide.

Summary of Proposed Rule. The proposed rule would establish the regulatory framework necessary for the State through the New Mexico Oil Conservation Division ("OCD") and the New Mexico Energy, Minerals, and Natural Resources Department ("EMNRD") to obtain primacy for the Class VI Underground Injection Control ("UIC") program from the U.S. Environmental Protection Agency ("EPA"). The proposed rule substantially reflects the content of the existing federal analog, with sections that increase stringency to meet the specific needs and experience in New Mexico. Upon approval, the State would assume primary responsibility for the permitting, compliance, and

enforcement of Class VI wells used for the geologic sequestration of carbon dioxide.

Legal Authority. The proposed rule is authorized by the Geologic Carbon Dioxide Storage Stewardship Act NMSA 1978, Sections 74-14-1 through 74-14-7 and the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, including Section 70-2-6 (authorizing Commission to exercise jurisdiction, authority, and control over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing OCD to make and enforce rules, regulations and orders), and Section 70-2-12 (enumerating powers of Commission and Oil Conservation Division (OCD)). The public hearing is governed by the Commission's rule on rulemaking proceedings at 19.15.3 NMAC.

Availability of Proposed Rule. The full text of the proposed rule is available on OCD's website at <http://www.emnrd.nm.gov/OCD/rules.html> or may be obtained from Commission Clerk Sheila Apodaca at occ.hearings@emnrd.nm.gov.

Additionally, all technical documents and information that served as a basis for the proposed rule are available at OCD's website at <http://www.emnrd.nm.gov/OCD/rules.html>. The federal criteria and standards applicable to Class VI Wells can be found at 40 CFR Part 146, Subpart H, and 75 FR 77230 (2010). Related records can be found at 73 FR 43492 (2008), 73 FR 50740 (2008), 73 FR 70610 (2008) and 74 CFR 44802 (2009).

Written Comments. Any person may submit written comments on the proposed amendments no later than 5:00 pm on the final day of the evidentiary hearing unless extended by the Commission, by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Drive, Santa Fe, NM 87505, or by email to the Commission Clerk at occ.hearings@emnrd.nm.gov.

Public Hearing. The public hearing will be held in-person, online, and by telephone commencing on July 27, 2026, at 9:00 am and continuing each weekday thereafter as necessary. The hearing will be held in Pecos Hall on the first floor of the Wendell Chino Building at the address above. To access the public hearing online via Microsoft Teams or by telephone:

Join Teams Meeting

Join: <https://teams.microsoft.com/join/295417415162748?p=BNL1maxYImCTkLlj6>

Meeting ID: 295 417 415 162 748

Passcode: mB7R8JB7; or

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> and enter the meeting ID and passcode listed above.

Dial in by phone:

(888) 506-1357, 664682248# United States (Toll-free)

Phone conference ID: 664 682 248#

For questions about how to participate in the hearing, please contact the Commission Clerk at occ.hearings@emnrd.nm.gov or 505-699-8358, or visit the Hearings page on OCD's website at <http://www.emnrd.state.nm.us/OCD/hearings.html>.

Public comments will be accepted for one hour each day of the hearing beginning at 9:00 a.m. on the second day of the hearing, and every subsequent day that testimony and evidence is presented. A Spanish language translator will be available at 9:00 a.m. on August 4, 7, and 11, 2026. The translator will only be made available until the close of the evidentiary hearing. If the evidentiary hearing closes before any of these dates, public comments will no longer be taken, and a translator will not be available.

Proposed Modifications, Technical Testimony, and Cross-Examination.

Any person intending to propose a modification to the proposed amendments, to present technical testimony at the hearing, or to cross-

examine witnesses must file a Pre-hearing Statement conforming to the requirements of Subsection B of 19.15.3.11 NMAC, except that instead of filing a concise statement of each witness's testimony as required by Paragraph (2) of Subsection B of 19.15.3.11 NMAC, the person shall file each witness's full testimony. A scheduling order will be entered by the commission or the hearing officer, setting forth the deadlines for these submissions. The scheduling order will be filed in the case file, which can be accessed here: <https://ocdimage.emnrd.nm.gov/Imaging/CaseFileView.aspx?CaseNo=25875>. If the filing party does not have an OGRID number, filing may be accomplished by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Drive, Santa Fe, NM 87505, or by email to the Commission Clerk at occ.hearings@emnrd.nm.gov. Any person who presents technical testimony will be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who filed a Pre-hearing Statement.

Oral Comments. Any person who did not file a Pre-hearing Statement may present non-technical testimony or make an unsworn statement at the hearing and may offer exhibits at the hearing so long as the exhibits are relevant to the proposed rule and do not unduly repeat testimony. Any person who presents sworn, non-technical testimony will be subject to cross-examination by the Commission, the Commission's counsel, or another person who has filed a Pre-hearing Statement.

Persons with Disabilities. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, including a summary or other accessible form of document, please contact the Commission Clerk at occ.hearings@emnrd.nm.gov or 505-699-8358 or through the New Mexico

Relay Network at 1-800-659-1779, no later than 5:00 pm on July 13, 2026.

Technical Information. Technical information that may be provided through Pre-hearing Statements and written technical testimony will be made publicly available on the OCD Imaging, Case File Search portal on OCD's website at <http://ocdimage.emnrd.state.nm.us/imaging/CaseFileCriteria.aspx>, and may be accessed by searching for Case File No. 25875.

**FINANCE AND
ADMINISTRATION,
DEPARTMENT OF**

NOTICE OF RULEMAKING

The Department of Finance and Administration, Local Government Division, has scheduled a public hearing for the proposed New Mexico Administrative Code (NMAC) rule 2.91.1, *Grant Management and Oversight Requirements*. The proposed rule seeks to:

Establish Rules and Standards for the Public Finance Accountability Act

Notice Date: June 9, 2026

Hearing Date: July 9, 2026

Adoption Date: Proposed as July 28, 2026

Technical Citations: 2.91.1, NMAC

The Department proposes the new rule as follows:

The proposed rule outlines the various duties of the Department, local public bodies, and state agencies regarding grants and special appropriations administered under the Public Finance Accountability Act. The rule supplements the state's model accounting practices and provides funding criteria, clearance requirements for special conditions/fiscal agent requirements, grant management/oversight requirements, force majeure request procedures, and corrective action funding request procedures.

These proposed rule will be contained in 2.91.1, NMAC. The register and the proposed rule are available on the DFA website at <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA's General Counsel's officer at dfalegal@dfa.nm.gov.

The DFA plans to adopt this rule July 28, 2026.

A public hearing to receive testimony on this proposed rule will be held on July 9, 2025, at 9:30 a.m. The hearing will be held at the New Mexico Public Education Department, Marbry Hall Auditorium, 300 Don Gaspar Avenue, Santa Fe, New Mexico, 87501, and via Microsoft Teams.

Join Microsoft Teams Meeting

Link: <https://teams.microsoft.com/meet/212008478509790?p=2gffVgKuzBB6h3CRoI>

Meeting ID: 212 008 478 509 790

Passcode: Qb73wK9v

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: dfalegal@dfa.nm.gov or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a location within the requestor's county.

Interested persons may address written comments to:

Department of Finance and Administration, Financial Control Division
ATTN: 2.42.2 NMAC Public Comments
407 Galisteo St.
Bataan Memorial Building
Santa Fe, NM 87501

Recorded comments may be left at (505) 827-3985. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on July 9, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at <https://www.nmdfa.state.nm.us/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

NOTICE OF RULEMAKING

The Department of Finance and Administration, Local Government Division, has scheduled a public hearing for the proposed amendment of New Mexico Administrative Code (NMAC) rule 2.110.3, *Law Enforcement Protection Fund Distribution*. The proposed amendment seeks to:

- Correct punctuation, grammatical errors, and references contained in the rule;
- Update the definitions applicable to the rule;
- Update the eligible expenditures for distributions under the rule;
- Align the rule with the statute's prohibition on accumulation;
- Provide standards for expenditure planning.

Notice Date: June 9, 2026

Hearing Date: July 13, 2026

Adoption Date: Proposed as July 16, 2026

Effective Date: Proposed as July 28, 2026

Technical Citations: 2.110.3 NMAC

The Department is proposing to amend 2.110.3 NMAC as follows:

2.110.3.6 OBJECTIVE:

~~[These rules and regulations provide procedures for applying for participation in the annual distribution of the fund and clarify the eligible uses of the fund.]~~ The objective of this rule is to set standards for the distribution and use of the law enforcement protection fund in accordance with the law, ensuring that all expenditures improve the efficiency, safety, and effectiveness of law enforcement agencies, while also maintaining accountability and adhering to procurement requirements.

2.110.3.7 DEFINITIONS:

B. "Accumulation"

[means holding funds from year to year to create a balance at the governmental entity level] refers to retaining any part of a distribution from the law enforcement protection fund beyond the fiscal year it was received, whether this retention is intentional, planned, or incidental. It does not include program income from canceled or modified purchases, cost reductions, or other legitimate savings within the same fiscal year, provided such income is spent on authorized law enforcement purposes during that year.

D. "Carryover"

[means, with the written approval of the division, retaining an unexpended award amount remaining at the end of one fiscal year and applying it to the immediately succeeding fiscal year only] refers to the retention, rollover, or transfer of any unused portion of a distribution from the law enforcement protection fund into a future fiscal year, including the use, rollover, or attempted use of any unspent amount from one fiscal year in the following year.

F. "Encumbered"

refers to funds that are legally committed through contracts, purchase orders, or other binding

agreements made within the fiscal year of distribution.

G. “Equipment” refers to tangible personal property purchased to directly support law enforcement activities, including, but not limited to, personal equipment (such as firearms, non-lethal weapons, vests, handcuffs, batons, duty belts to carry these items, surgical gloves, flashlights, etc.), technology (such as license plate readers, cameras, radar detectors, body cameras, police radios, surveillance drones, surveillance cameras, audio equipment, facial recognition software, predictive policing software, etc.), vehicles (such as patrol cars, motorcycles, segways, bicycles, etc.), and other tools or equipment essential to law enforcement activities.

[F] H. “Fund” [means the law enforcement protection fund created in the Law Enforcement Protection Fund Act, as amended] refers to the law enforcement protection fund established by the Law Enforcement Protection Fund Act, as amended.

I. “Governmental entity” [means the academy, a municipality, university, tribe, or pueblo located wholly or partly in New Mexico, or a county] refers to any political subdivision of the state established under general or special law that either receives or expends public funds.

J. “Indirect operating expenses” refer to costs that governmental entities incur for general operations but are not directly linked to law enforcement activities. These include rent, utilities, insurance, and administrative salaries, not directly tied to the delivery of law enforcement activities.

K. “Improvement or repair” refers to costs incurred for repairing, maintaining, or upgrading equipment owned or leased by a law enforcement agency, with the primary goal of preserving or enhancing the agency’s operational readiness, security, or storage capabilities.

L. “Maintenance tools” refers to instruments or supplies reasonably needed for

maintaining or repairing law enforcement equipment or vehicles, such as bicycle tire pumps and diagnostic kits.

M. “Obligated” refers to funds that have been legally committed for spending within the fiscal year of distribution, including encumbered amounts and expenses already incurred, in accordance with applicable procurement and financial control requirements.

N. “Operational supplies and costs” refers to items directly connected to law enforcement functions, including data storage devices and consumables related to investigations or evidence handling.

O. “Program income” refers to funds that are returned, credited, or become available to an agency within the fiscal year of distribution because of:

- (1) canceled or changed purchases or projects;
- (2) spending less than planned;
- (3) sale of equipment purchased with distributions from the fund; or
- (4) cost savings.

P. “Recruitment infrastructure” refers to digital or physical resources such as recruitment websites, advertising efforts, and community outreach tools used to attract and retain qualified law enforcement personnel.

Q. “Training” refers to advanced courses, classes, certifications, or instructions aimed at improving the professional skills, knowledge, safety, or effectiveness of law enforcement personnel.

R. “Tribal Police department” [means any tribal or pueblo police department that has entered into an agreement with the department of public safety pursuant to Section 29-1-11 NMSA 1978. The law enforcement agencies of the bureau of Indian affairs do not qualify because they are federal agencies] refers to any tribal or pueblo police force that has a formal agreement with the department of public safety under Section 29-1-11 NMSA 1978.

The law enforcement agencies of the bureau of Indian affairs do not qualify, as they are federal agencies.

2.110.3.8 ELIGIBLE [USE-OF-FUND] EXPENDITURES:

A. [The fund shall be used only for the purposes set forth in the Law Enforcement Protection Fund Act, as amended, including but not limited to Section 29-13-7 NMSA 1978:] Eligible expenditures may encompass various categories, as long as they directly improve law enforcement operations’ capacity, safety, or functionality, or significantly aid recruitment and administrative efficiency through the purchase or acquisition of equipment, improvements or repairs to equipment, maintenance tools, operational supplies and costs, recruitment infrastructure, or training.

B. Eligible expenditures may include, but are not limited to:

- (1) law enforcement equipment;
- (2) [guns, holsters, surveillance equipment, vehicles, uniforms, belts, badges and related apparatus to be used by law enforcement personnel] certified police dogs, protective vests, and veterinary services;
- (3) [computers, printers, phones, fax machines, copy machines, software and projectors which are used by sheriffs or police officers] advanced law enforcement training manuals;
- (4) [advanced law enforcement training manuals] advanced law enforcement planning and training in New Mexico or out of New Mexico if a comparable level of training is not available;
- (5) [advanced law enforcement planning and training in New Mexico or out of New Mexico if a comparable level of training is not available] mileage and per diem for advanced law enforcement training or planning;
- (6) [purchasing, certifying and training of dogs in K-9 units] conferences

associated with advanced law enforcement training and planning;

(7) [purchase of law enforcement equipment, including protective vests, for police dogs] for the academy, tourniquet and trauma kits, and training on the use of tourniquets and trauma kits;

(8) [mileage and per diem for advanced law enforcement training or planning], tuition, course fees, certification costs, travel, lodging, per diem, online course subscriptions, and reasonable expenses directly related to participation in advanced, specialized, or leadership training programs for law enforcement personnel.

(9) [conferences associated with advanced law enforcement training and planning; and

(10) for the academy, providing tourniquet and trauma kits and training on the use of tourniquet and trauma kits.]

C. Ineligible expenditures include, but are not limited to:

(1) [operating expenses, including but not limited to maintenance agreements, paper and ink for fax or copy machines, phone bills or supplies] indirect operating expenses;

(2) [desks, chairs and file cabinets] general office supplies, including desks, chairs, and file cabinets;

(3) educational costs not associated with advanced training or planning;

(4) district attorney investigators and attorney general investigators; and

(5) kitchen appliances and bathroom accessories.

[2.110.3.10] LIMITATIONS OF USES:

A. Amounts distributed from the fund shall be:

(1) expended only for the specific purposes as stated in the approved application; and

(2) expended pursuant to approved budgets and upon duly executed vouchers.

B. Any changes to the budget require prior written approval by the division.

C. The distributions from the fund are to be expended, not accumulated, except as provided for the peace officers' survivors fund. Any unexpended award amount remaining at the end of a fiscal year may be carried over to a succeeding fiscal year only with prior written approval from the division. An applicant wishing to request such a carryover must submit a request in writing to the division by July 31 explaining the unusual circumstances requiring an unexpended amount to be carried over to the succeeding fiscal year. The division director will review the unusual circumstances associated with the unexpended amount and determine whether the amount may be carried over.

D. Interest earned through a governmental entity's deposit of unexpended amounts distributed from the fund must be used only for purposes allowed under the Law Enforcement Protection Fund Act. Because the fund is not intended for accumulation, unexpended amounts distributed from the fund are not allowed for long-term investment purposes.

E. As a prerequisite to applying for an award from the fund, governmental entities agree that any consideration received from the sale or trade of any item purchased in whole or in part with monies distributed in any fiscal year from the fund shall revert to the governmental entity's fund within six months of the governmental entity's receipt of such consideration to be used for fund allowable purposes. A reversion is not required if the consideration was taken as a trade towards the purchase of items to be used for fund allowable purposes.]

2.110.3.10 PROHIBITION ON ACCUMULATION:

A. No governmental entity can carry over or accumulate fund distributions into the next fiscal year unless the funds are properly encumbered.

B. Any unexpended distribution shall revert to the law enforcement protection fund.

C. Amounts distributed from the fund shall be:

(1) expended only for the specific purposes as stated in the approved application; and

(2) expended pursuant to approved budgets and upon duly executed vouchers.

D. Any changes to the budget require prior written approval by the division.

E. The distributions from the fund are to be expended, not accumulated, except as provided for the peace officers' survivors fund.

F. Interest earned from a governmental entity's deposit of unspent amounts from the fund are program income and must only be used for purposes permitted under the Law Enforcement Protection Fund Act.

G. Before applying for an award from the fund, government entities must agree that any proceeds from selling or trading items bought with fund money will be returned to their fund within six months of receipt. This returned amount is to be used for fund-allowable purposes. However, if the consideration was obtained as part of a trade to acquire items for fund-eligible uses, a reversion is not necessary.

2.110.3.11 EXPENDITURE PLANNING CONSIDERATIONS:

A. To comply with Subsection C of Section 29-13-7, NMSA 1978, governmental entities should plan their annual expenditures to ensure that all distributions are fully committed within the same fiscal year they are received.

B. When creating annual budgets, governmental entities might benefit from prioritizing expenditures that lead to long-term enhancements in law enforcement functions, like officer safety gear, enhanced training, technological improvements, and recruitment efforts.

C. Agencies retain discretion in determining the most effective use of their distribution, provided that expenditures are consistent with New Mexico law and this rule.

These proposed rule changes will be contained in 2.110.3 NMAC. The register and the proposed rule are available on the DFA website at <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA’s General Counsel’s officer at dfalegal@dfa.nm.gov.

The DFA plans to adopt this rule on July 16, 2026.

A public hearing to receive testimony on this proposed rule will be held on July 13, 2026, at 9:30 a.m. A hearing will be held at the New Mexico Department of Finance and Administration, Bataan Memorial Building, 407 Galisteo St., Santa Fe, NM 87501, State Budget Conference Room, and via Microsoft Teams.

Join Microsoft Teams Meeting
Link: <https://teams.microsoft.com/meet/275098969212515?p=akxGDYL95MOug5Szlu>
Meeting ID: 275 098 969 212 515
Passcode: SB7797Sr

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: dfalegal@dfa.nm.gov or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a location within the requestor’s county.

Interested persons may address written comments to:

Department of Finance and Administration, Financial Control Division
 ATTN: 2.42.2 NMAC Public Comments
 407 Galisteo St.
 Bataan Memorial Building
 Santa Fe, NM 87501

Recorded comments may be left at (505) 827-3985. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on July 13, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at <https://www.nmdfa.state.nm.us/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

NOTICE OF RULEMAKING

The Department of Finance and Administration, Local Government Division, has scheduled a public hearing for the proposed amendment of New Mexico Administrative Code (NMAC) rule 2.110.5, *Juvenile Adjudication Fund Grants to Local Governments*. The proposed amendment seeks to:

- Correct punctuation, grammatical errors, and references contained in the rule;
- Add a definition for “Indirect Costs”;
- Clarify travel reimbursement under the rule;
- Update Application Procedure.

Notice Date: June 9, 2026
 Hearing Date: July 14, 2026
 Adoption Date: Proposed as July 16, 2026
 Effective Date: Proposed as July 28, 2026
 Technical Citations: 2.110.5 NMAC

The Department is proposing to amend 2.110.5 NMAC as follows:

Section 7:

L. “Indirect costs”
refers to overhead, salaries and benefits for support staff, equipment costs, administrative expenses, supplies, and other expenses incurred by the grantee that are not direct costs of the alternative adjudication program.

Section 8:

(3) Internal control. Effective control and accountability must be maintained for all grant funds and items purchased with grant funds. Grantees must adequately safeguard all such funds and items and must [assure] ensure that they are used solely for authorized purposes.

Section 10:

(3) The applicant must have completed all audits required under the Audit Act, have a budget approved by the division pursuant to [the]Chapter 6, Article 6 NMSA 1978, and be current on all financial reports required to be submitted to the division under that article.

(2) The mentor alternative adjudication program must submit a letter supporting the application for grant assistance for the alternative adjudication program that has been in operation for less than two consecutive years.

Section 11:

(3) travel personnel and contractors of alternative adjudication programs, in accordance with and subject to the limitations provided in the Per Diem and Mileage Act and implementing regulations;

Section 13:

A. ~~[For each application cycle, the division shall determine the amount available for grants;~~
~~(3) the limit (if any) that any single grantee may be awarded;~~
~~(4) the grant period during which grant funds may be expended;~~
~~(5) the form and content of applications;~~
~~(6) the application deadline;~~
~~(7) the specific evaluation criteria to be used to evaluate and rate applications; and~~
~~(8) the form of the grant agreement.~~

~~A. Two copies of the application for grant funds, one of which has original signatures, must be submitted to: Department of Finance and Administration Local Government Division, Bataan Memorial Building, Suite 201, Santa Fe, New Mexico 87501, Phone: (505) 827-4950.] For each application cycle, the division shall publish application instructions and submission protocols on its website.~~

A. Applications must be received [at] by the local government division by 4:00 p.m. of the designated application deadline.

B. In the event that the application is incomplete or requires modification, the applicant will be promptly notified by the division. The applicant must then [immediately] submit the information and modification requested. Applicants that do not respond [in writing may be disqualified] by the deadline established by the division are disqualified.

C. The applicant's governing body must authorize by resolution the applicant to submit the application. A copy of the resolution must be included with the application.

These proposed rule changes will be contained in 2.110.5 NMAC. The register and the proposed rule are available on the DFA website at <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA's General Counsel's officer at dfalegal@dfa.nm.gov.

The DFA plans to adopt this rule on July 16, 2026.

A public hearing to receive testimony on this proposed rule will be held on July 14, 2026, at 9:30 a.m.

A hearing will be held at the New Mexico Department of Finance and Administration, Bataan Memorial Building, 407 Galisteo St., Santa Fe, NM 87501, State Budget Conference Room, and via Microsoft Teams.

Join Microsoft Teams Meeting
Link: <https://teams.microsoft.com/meet/296618396864724?p=IhnQM0FvhUwVsKAKgg>
Meeting ID: 296 618 396 864 724
Passcode: FA3sr9E4

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: dfalegal@dfa.nm.gov or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a location within the requestor's county.

Interested persons may address written comments to:

Department of Finance and Administration, Financial Control Division
 ATTN: 2.42.2 NMAC Public Comments
 407 Galisteo St.
 Bataan Memorial Building
 Santa Fe, NM 87501

Recorded comments may be left at (505) 827-3985. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on July 14, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at <https://www.nmdfa.state.nm.us/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

NOTICE OF RULEMAKING

The Department of Finance and Administration, Local Government Division, has scheduled a public hearing for the proposed New Mexico Administrative Code (NMAC) rule 2.110.7, *Public Safety Workforce Capacity Building Program*. The proposed rule seeks to:

Establish Rules and Standards for the Public Safety Workforce Capacity Building Program

Notice Date: June 9, 2026
 Hearing Date: July 15, 2026
 Adoption Date: Proposed as July 28, 2026
 Technical Citations: 2.110.7, NMAC

The Department proposes the new rule as follows:

The proposed rule outlines the various

duties of the Department, local public bodies, and state agencies regarding the request, receipt, and expenditure of funds from the Public Safety Workforce Capacity Building Fund. The rule defines application, review, and award criteria, eligible and ineligible uses, and reporting requirements.

These proposed rules will be contained in 2.110.7, NMAC. The register and the proposed rule are available on the DFA website at <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA's General Counsel's officer at dfalegal@dfa.nm.gov.

The DFA plans to adopt this rule on July 28, 2026.

A public hearing to receive testimony on this proposed rule will be held on July 15, 2025, at 9:30 a.m. The hearing will be held at the New Mexico Public Education Department, Marbry Hall Auditorium, 300 Don Gaspar Avenue, Santa Fe, New Mexico, 87501, and via Microsoft Teams.

Join Microsoft Teams Meeting
Link: <https://teams.microsoft.com/meet/230416628550777?p=PfDWJsOCCy59MgUCFR>
Meeting ID: 230 416 628 550 777
Passcode: 5EZ7Qb6t

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: dfalegal@dfa.nm.gov or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a

location within the requestor's county.

☐ Interested persons may address written comments to: Department of Finance and Administration, Local Government Division
 ATTN: 2.110.7 NMAC Public Comments
 407 Galisteo St.
 Bataan Memorial Building
 Santa Fe, NM 87501

Recorded comments may be left at (505) 827-3985. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on July 14, 2025. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at <https://www.nmdfa.state.nm.us/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

**FINANCE AND
 ADMINISTRATION,
 DEPARTMENT OF
 NOTICE OF RULEMAKING**

The Department of Finance and Administration, Local Government Division, has scheduled a public hearing for the proposed repeal and replacement of New Mexico Administrative Code (NMAC) rule 3.6.50, *Procedures for County Treasurers*. The purpose of the hearing is to take public comment regarding the proposed repeal and replacement of 3.6.50 NMAC. Per Subsection C of 1.24.11.9 NMAC, any amendment of 3.60.5 NMAC requires a repeal and replacement with a new rule. The current, active version of that rule is in a WORD 97-2003 version.

Substantively, the Department proposes to amend the current rule to make grammatical corrections, incorporate new definitions, clarify and streamline the tax rate setting and correction process. Only sections 7, 11, 13 & 20 are being substantively amended.

Notice Date: June 9, 2026
 Hearing Date: July 10, 2026
 Adoption Date: Proposed as July 16, 2026
 Effective Date: Proposed as July 28, 2026
 Technical Citations: 3.6.50 NMAC

The Department is proposing the following substantive amendments to 3.6.50 NMAC as follows:

Section 7:

C. "Certify" or "Certification" involves verifying and affirming property tax data accuracy and completeness. It includes reviewing, validating, and attesting assessed values and tax calculations to ensure compliance with laws before finalizing and notifying taxpayers or government entities.

[E] D. "Delinquent" refers to any payment of taxes that is not paid within thirty days of the date on which they were due.

[D] E. "Department" means the department of finance and administration.

F. "Error" refers to an incorrect or incomplete data input or numerical calculation confirmed by the local taxing authority, county assessor, public education department, and/or higher education department that does not include the method used to determine the valuation, or the difference of opinion about the value, of the property subject to taxation.

[E] G. "Forfeiture" funds means cash or property that is subject to forfeiture and is under the Controlled Substances Act, Sections 30-31-34 through Section 30-31-35 NMSA 1978.

[F] H. "Local government" means a local public

body as defined in Section 6-6-1 NMSA 1978.

[G] L. “Local government division” means the local government division of the department of finance and administration.

[H] J. “Property tax division” means the property tax division of the taxation and revenue department.

[F] K. “Refund” is that portion of property taxes in controversy found to be in excess of the amount legally due.

[F] L. “Secretary” means the cabinet secretary of the department of finance and administration.

[K] M. “State delinquency list” means the tax delinquency list collected by the property tax division as defined in Section 7-38-62 NMSA 1978.

[E] N. “Taxes on omitted property” refers to taxes on property subject to property taxation but was omitted from property tax schedules and for which taxes have not been paid but would be due, except for the omission.

[M] O. “Treasurer” means a county treasurer as defined by Sections 4-43-1 [repealed] through 4-43-4 NMSA 1978, as amended.

Section 11:

A. [Section 7-37-7 NMSA 1978, as amended, provides for the maximum property tax rates and their limitations. The authority to impose general purpose tax rates is granted to local governments and shall be done during the budget-making and approval process. The general purpose tax rate imposed by each governmental unit for residential property is the same rate that is imposed for nonresidential property.] On or before June 30th of each year, the property tax division shall provide the local government division with a digital copy of the compilation of all net taxable values certified by county assessors. On or before August 1st each year, the property tax division shall provide the local government division with a digital copy of the amended compilation of net taxable

values, which includes the final valuations resulting from completed protests and information on pending protests. Upon receipt, but no later than August 10th each year, the local government division shall send each county a copy of the proposed tax rates. Upon receipt, county assessors shall:

(1) Work with county boards and local taxing entities to verify these proposed rates;

(2) [The local government division] Apply the yield control formula and other tax rate limitations in statute that apply to the [imposed] proposed tax rates before certifying these rates [prior to setting the tax rates];

(3) Certify the accuracy of the proposed tax rates to the local government division by August 15th of each year;

(4) Use the next taxable values from the immediately preceding tax year for the purpose of estimating available revenue from the current tax year when the compilation of net taxable values is incomplete or indefinite due to pending protests.

B. Tax rates for school districts and institutions of higher education are set by the state department of education and the commission on higher education public education department [of education and the commission on] higher education department, respectively. The state public education department [of education] and the higher education department [commission on higher education] shall certify rates of school districts and institutions of higher education to [These rates are certified to] the local government division [by] as soon as practicable, but no later than August 15th of each year.

C. [Pursuant to Section 7-38-33 NMSA 1978,] On or before August 21st of each year, or the next business day if August 21st falls on a weekend or holiday, the local government division will compile data of all net taxable values certified to the property tax division by county assessors. It will then multiply this

data by the tax rates certified by county assessors, the public education department, and the higher education department to the local government division for each county, municipality, special district, school district, institution of higher education, and/or state debt service within each county. Afterward, the local government division will send draft written orders to county assessors, setting property tax rates for review and concurrence.

(1) The local government division will review property tax revenue listed in each governmental unit’s approved budget and compare the projected revenue from the proposed rate-setting order and certified net taxable values to ensure compliance with the Bateman Act (Sections 6-6-11 through 6-6-18 NMSA 1978).

(2) County assessors shall review and identify any errors or requested corrections of draft rate-setting orders to the local government division on or before August 28th of each year.

(3) County assessors shall report any errors found in net taxable values for the county to the property tax division.

(4) County assessors shall report any errors found in tax rates to the appropriate municipality, special district, the public education department, the higher education department, or the state debt service.

(5) County assessors shall confirm with the property tax division, appropriate municipality, special district, public education department, higher education department, or state debt service any identified errors before submittal to the local government division.

[the department shall by written order set property tax rates no later than September 1st each year for each county, municipality, special district, school district, institution of higher education and state debt service].

D. On or before September 1st of each year, the secretary shall issue written orders to each county setting property tax rates

for the governmental units sharing in the tax in accordance with the Property Tax Code and the budget of each as approved by the local government division.

~~E. [Pursuant to Section 7-38-34 NMSA 1978, within five business days of the date of the tax rate order set by the department, t] The board of county commissioners shall issue by written order imposing the certified tax rates on the net taxable value of property allocated to the appropriate governmental units within five business days of the date of the tax rate setting order from the secretary. [Within these five days, it is the responsibility of the county to ensure that the rates set are correct. The local government division must be notified of any errors with regards to the validity of these rates during this five day period.]~~

~~E. Any errors identified in rate-setting orders issued by the secretary on September 1st of each year shall be handled in accordance with Section 20 below.~~

Section 13:

~~D. If final determination in a claim for refund is less than originally claimed, or if the claim is denied, the difference between the amount placed in the property tax suspense fund and the amount refunded to the taxpayer shall be disbursed in the monthly distribution process as stated in [subparagraph 15.6 [now Subsection F of 3.6.50.15 NMAC]]. Upon the final determination of a claim, the treasurer is to send a copy of the final order to the assessor and the director of the property tax division who shall change their respective valuation records to clearly reflect the final determination.~~

Section 20:

~~A. [Pursuant to Section 7-38-77.1 NMSA 1978, the department] The local government division may order the treasurer to make changes in the property tax schedule in connection with any property listed on the schedule if~~

~~the [department] local government division determines that an error was made in the certification of tax rates. To request changes in property tax schedules, counties must follow the following procedures:~~

~~(1) Counties must have complied with Section 7-38-34 NMSA 1978 and imposed tax rates for all governmental units within the county.~~

~~(2) County assessors must have complied with Section 7-38-35 NMSA 1978 and generated property tax schedules for the county.~~

~~(3) County assessors shall coordinate with governmental units in the county and submit to the local government division a letter identifying all errors, with supporting documentation, requesting corrections to property tax rates in property tax schedules on or before September 12th each year.~~

~~(4) The local government division will review requests for corrections, supporting documentation, and the proposed correction's effect on the governmental units' compliance with the Bateman Act, and issue county draft correction orders on or before September 15th each year.~~

~~(5) County assessors shall confirm the accuracy of correction orders to the local government division on or before September 17th each year.~~

~~B. Upon [such] a determination of an error by the local government division and confirmation by the county assessor, the local government division will issue a written order identifying any errors in the property tax rate-setting order and requiring the corresponding county treasurer to correct the errors in the property tax schedule. [statement to the county commission and treasurer stating the reason for the error along with the amended certificate of tax rates.]~~

These proposed repeal and replacement will be contained in 3.6.50 NMAC. The register and the proposed rule are available on

the DFA website at <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA's General Counsel's officer at dfalegal@dfa.nm.gov.

The DFA plans to adopt this rule on July 16, 2026.

A public hearing to receive testimony on this proposed rule will be held on July 10, 2026, at 9:30 a.m. A hearing will be held at the New Mexico Department of Finance and Administration, Bataan Memorial Building, 407 Galisteo St., Santa Fe, NM 87501, State Budget Conference Room, and via Microsoft Teams.

Join Microsoft Teams Meeting
Link:<https://teams.microsoft.com/meet/257344129705725?p=UW71g1ZBzYEo5yd0ye>
Meeting ID: 257 344 129 705 725
Passcode: p448vE7o

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FINANCE AUTHORITY WATER TRUST BOARD

NOTICE OF PROPOSED RULEMAKING AND PUBLIC HEARING

The New Mexico Water Trust Board (Board) will hold a public hearing on Thursday, July 9, 2026, from 10:00 – 11:00 a.m. The hearing will be conducted virtually via Zoom; the public may attend the hearing using the following methods:

Thursday, July 9, 2026, 10:00-11:00 a.m. Mountain Time

Zoom Meeting Link: <https://nmfa-net.zoom.us/j/89180637695?pwd=TabZLnXXJHKb6LskEZFmVvG0CzBhJj.1>
Webinar ID: 891 8063 7695
Passcode: 006141

To join the meeting by phone, dial +1 719 359 4580 US or +1 253 205 0468 US

The purpose of the rule hearing is to obtain input and public comment on proposed rule amendments relating to 19.25.10 NMAC, review and eligibility of proposed water projects, consistent with changes made to the Water Project Finance Act, Laws 2026, Ch. 27 (House Bill 109 Approved March 4, 2026).

Copies of the proposed rule may be accessed online at <https://www.nmfinance.com/about/governance/water-trust-board/> or contact staff at OGC@nmfa.net, (505) 984-1454, or toll free 1-800-ASK-NMFA (1-877-275-6632).

The Board will accept written public comments on the proposed rule beginning June 9, 2026. Please submit written comments on the proposed rule to the NMFA via electronic mail at OGC@nmfa.net, or by regular mail at 810 W. San Mateo Road, Santa Fe, NM 87505. Written comments must be received no later than 5 p.m. on July 10, 2026. Comments received prior to the rule hearing will be posted to the Board website at <https://www.nmfinance.com/about/governance/water-trust-board/>. Interested persons will also be given the opportunity to present their comments during the rule hearing.

Individuals 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 the Board Staff as soon as possible at (505) 984-1454, or toll free 1-800-ASK-NMFA (1-877-275-6632). The Board requests advance notice to provide required special accommodations at least one week prior to the meeting or as soon as possible.

Statutory Authority: Legal authority for this rulemaking may be found in the Water Project Finance Act, Section 72-4A-1 et seq., NMSA 1978, specifically 72-4A-5. Pursuant to Section 72-4A-6, NMSA 1978, the New Mexico Finance Authority is responsible for providing necessary administrative staff support to the Water Trust Board.

Proposed Amendment:

This is an amendment to 19.25.10 NMAC, Sections 6, 7, 8, 9, 11, and 14, effective September 9, 2026.

19.25.10.6 OBJECTIVES:
A. Section 72-4A-

5, NMSA 1978 provides that the New Mexico water trust board is required to adopt rules governing terms and conditions of grants and loans recommended by the board for appropriation by the state legislature from the water project fund giving priority to projects [~~that have urgent needs, that have been identified for implementation of a completed regional water plan that is accepted by the interstate stream commission and that have matching contributions from federal or local funding sources~~] pursuant to the Water Project Finance Act; and authorizes qualifying water projects to the authority that are for: (1) storage, conveyance or delivery of water to end users; (2) implementation of federal Endangered Species Act of 1973; (3) wastewater conveyance and treatment; (4) restoration and management of watersheds; (5) flood prevention; and (6) water conservation or recycling, treatment or reuse of water as provided by law. [~~Additionally, the board shall create a drought strike team to coordinate responses to emergency water shortages caused by drought conditions.~~] Section 72-4A-9, NMSA 1978, creates the “water project fund” within the New Mexico finance authority.

B. [~~Section 72-4A-5, NMSA 1978, provides that the board shall give priority to qualifying water projects that (1) have been identified by the board as being urgent to address public health and safety issues; (2) have matching contributions from federal or local funding sources available and (3) have obtained all requisite state and federal permits and authorizations necessary to initiate the qualifying water project.~~] The purpose of these rules is to set forth the intent of the board and to outline, in general terms, the criteria and procedures to be used in evaluating and funding qualifying water projects.

C. Section 72-4A-5, NMSA 1978, provides that the board shall evaluate projects, including their environmental impacts, and recommend projects to the interstate stream commission pursuant to the

provisions of Section 72-14-45, NMSA 1978.

D. Section 72-4A-6, NMSA 1978, provides that the authority shall provide staff support for the water trust board, develop application procedures and forms for qualifying entities to apply for grants and loans from the water project fund; and make loans or grants to qualifying entities for qualifying water projects ~~[authorized by the state legislature]~~ pursuant to the Water Project Finance Act, provided that the service area for the project is wholly within the boundaries of the state or the project is an interstate project that directly benefits New Mexico.

E. Section 72-4A-6 provides that the loan and grants made pursuant to Paragraph (3) of Subsection A of Section 72-4A-6 shall require legislative authorization on and after December 31, 2029.

~~[E:]~~ **E.** Section 72-4A-9, NMSA 1978, provides that the authority may ~~[adopt separate]~~ establish procedures and adopt rules for administration of the water project fund and recover from the water project fund costs of administering the water project fund and originating grants and loans.

[19.25.10.6 NMAC - Rp, 19.25.10.6 NMAC, 7/31/2008; A, 4/22/2025; A, 9/9/2026]

19.25.10.7 DEFINITIONS:

A. “Act” means the Water Project Finance Act, Sections 72-4A-1 through 72-4A-10, NMSA 1978, as the same may be amended and supplemented.

B. “Agreement” means the document or documents signed by the board and a qualifying entity which specify the terms and conditions of obtaining financial assistance from the water project fund.

C. “Applicant” means a qualifying entity which has filed a water project proposal with the authority for initial review and referral to the board’s project review committee.

D. “Authority” means the New Mexico finance authority.

E. “Authorized representative” means one or more individuals duly authorized to act on behalf of the qualifying entity in connection with its financial application, water project proposal or agreement.

F. “Board” means the New Mexico water trust board created by the act.

G. “Bylaws” means the bylaws of the board adopted on September 25, 2001, and amended on June 27, 2007, and as may be further amended and supplemented.

H. “Financial application” means a written document filed with the authority by an applicant for the purpose of evaluating the applicant’s qualifications for types of financial assistance which may be provided by the board.

I. “Financial assistance” means loans, grants and any other type of assistance authorized by the act, or a combination thereof, provided from the water project fund to a qualified entity for the financing of a qualifying water project.

J. “Policy committee” means a standing committee, appointed by the ~~[chairman]~~ chair of the board from the members of the board pursuant to the bylaws to review policies and policy related matters and make recommendations to the full board.

K. “Political subdivision” means a municipality, county, land grant-merced controlled and governed pursuant to Section 49-1-1 through 49-1-18 or 49-4-1 through 49-4-21 NMSA 1978, regional or local public water utility authority created by statute, irrigation district, conservancy district, special district, acequia or soil and water conservation district, water and sanitation district, or an association organized and existing pursuant to the Sanitary Projects Act, Chapter 3, Article 29 NMSA 1978.

L. “Project review committee” means a standing committee, appointed by the ~~[chairman]~~ chair of the board from the

members of the board pursuant to the bylaws to review water projects to be recommended for funding from the water project fund.

M. “Qualifying entity” means a state agency, a political subdivision of the state, an intercommunity water or natural gas supply association or corporation organized under Chapter 3, Article 28 NMSA 1978, a recognized Indian nation, tribe or pueblo, the boundaries of which are located wholly or partially in New Mexico or an association of such entities created pursuant to the Joint Powers Agreement Act, Chapter 11, Article 1 NMSA 1978 or other authorizing legislation for the exercise of their common powers.

N. “Qualifying water project” means a project recommended by the board for funding by the legislature which includes a water project serving an area wholly within the boundaries of the state for (1) storage, conveyance or delivery of water to end users; (2) implementation of federal Endangered Species Act of 1973 collaborative programs; (3) wastewater conveyance and treatment; (4) restoration and management of watersheds; (5) flood prevention; or (6) conservation, recycling, treatment or reuse of water as provided by law ~~[and which has been approved by the state legislature pursuant to Subsection B of Section 72-4A-9, NMSA 1978].~~

O. “State” means the state of New Mexico.

P. “State agency” means any agency or institution of the state.

Q. “Water project account” means a fund designated by a qualifying entity exclusively for receipt of financial assistance.

R. “Water project fund” means the fund of that name created in the authority by Section 72-4A-9, NMSA 1978.

S. “Water project proposal” means a written proposal submitted by a qualifying entity for review by the project review committee.

T. "Water trust fund"

means the fund of that name created in the state treasury by Section 72-4A-8, NMSA 1978. [19.25.10.7 NMAC - Rp, 19.25.10.7 NMAC, 7/31/2008; A, 12/30/2013; A, 4/22/2025; A, 9/9/2026]

19.25.10.8 ELIGIBILITY: PRIORITIZATION OF WATER PROJECTS:

The board will develop and consider a variety of factors in reviewing and evaluating water project proposals to determine which water projects to recommend as qualifying water projects for appropriation by the state legislature. [The board shall give priority to projects that have urgent needs and that have matching contributions from federal or local sources as provided for in Section 72-4A-5 NMSA 1978.] Pursuant to Section 72-4A-5.1 NMSA 1978, the board, in conformance with the state water plan and pursuant to the provisions of the Water Project Finance Act, shall prioritize the planning and financing of water projects required to implement the plan. The board shall identify opportunities to leverage federal and other funding. The board shall establish policies for prioritization of water projects.

[19.25.10.8 NMAC - Rp, 19.25.10.8 NMAC, 7/31/2008; A, 12/30/2013; A, 4/30/2015; A, 4/22/2025; A, 9/9/2026]

19.25.10.9 WATER PROJECT PROPOSAL, PROCEDURES AND APPROVAL PROCESS:

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

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

C. The authority staff will forward all completed water project proposals from qualified

applicants for qualified water projects to the project review committee.

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

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

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

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

[19.25.10.9 NMAC - Rp, 19.25.10.9 NMAC, 7/31/2008; A, 12/30/2013; A, 4/30/2015; A, 9/9/2026]

19.25.10.11 QUALIFYING WATER PROJECTS AND ELIGIBLE COSTS:

A. The board may authorize the authority to provide financial assistance from the water project fund to qualifying entities

only for qualifying water projects as provided by Section 72-4A-6 and Section 72-4A-7, NMSA 1978.

B. Financial assistance shall be made only to qualify entities that:

(1) agree to provide for the operation and maintenance of the water project so that it will function properly over the structural and material design life;

(2) require the contractor of the construction project to post a performance and payment bond in accordance with the requirements of Section 13-4-18, NMSA 1978;

(3) provide written assurance signed by an attorney or provide a title insurance policy that the political subdivision has proper title, easements and rights of way to the property upon or through which the water project proposed for funding is to be constructed or extended;

(4) meet the requirements of the financial capability set by the authority to ensure sufficient revenues to operate and maintain the water project for its useful life and to repay the loan;

(5) agree to properly maintain financial records in accordance with all applicable laws; and

(6) agree to pay costs of originating grants and loans as determined by rules adopted by the authority.

C. Plans and specifications for a water project shall be approved by the authority after review and upon the recommendation of the state engineer and the environment department before grant or loan disbursements to pay for construction costs are made to a qualifying entity. Plans and specifications for a water project shall incorporate available technologies and operational design for water efficiency.

D. Financial assistance shall be made for eligible items, which include:

(1) matching requirements for federal and local cost shares;

- (2) engineering feasibility reports;
- (3) contracted engineering design;
- (4) inspection of construction;
- (5) special engineering services;
- (6) environmental or archeological surveys;
- (7) construction;
- (8) land acquisition;
- (9) easements and rights of way; and
- (10) legal costs.

E. A qualified entity ~~[which has had financial assistance approved by the state legislature for financing a qualifying water project]~~ may apply to the board to redirect the financial assistance to a different water project made necessary by unanticipated events. The decision to redirect the financial assistance to a different qualifying water project will be at the sole discretion of the board ~~[and subject to approval of the state legislature as required by Subsection B of Section 72-4A-9, NMSA 1978]~~. [19.25.10.11 NMAC - Rp, 19.25.10.11 NMAC, 7/31/2008; A, 5/28/2010; A, 4/22/2025; A, 9/9/2026]

19.25.10.14 RECONSIDERATION OF BOARD DECISIONS:

Any applicant or qualifying entity may request reconsideration of a decision of the board by notifying the board in writing within 15 days following the meeting at which the decision was made. Notice of a decision made in an open meeting of the board is deemed to be given on the date of the meeting, and the time for notification of a request for reconsideration shall run from that date, regardless whether any written notice of the decision is given by the board. A request for reconsideration shall state with particularity the grounds for reconsideration, including any factual or legal matter on which the applicant or qualifying entity believes that there was an error by the board. Upon

receiving a timely and proper request for reconsideration, the ~~[chairman]~~ chair of the board will set the matter for reconsideration at the board's next regularly scheduled meeting or at a special meeting called for the purpose, at the ~~[chairman]~~ chair's discretion. Upon reconsideration by the board, the board will notify the applicant or qualifying entity of the board's decision, in writing, within five working days of the decision. The decision of the board on reconsideration is final. A request for reconsideration not timely or properly made will not be considered by the board. [19.25.10.14 NMAC - Rp, 19.25.10.14 NMAC, 7/31/2008; A, 5/28/2010; A, 9/9/2026]

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

NOTICE OF RULE MAKING

During the October 2025 Special Legislative Session, \$12 million was appropriated to provide food assistance to certain SNAP recipients affected by changes to federal law under H.R. 1, Section 10108 (Immigration SNAP Eligibility). These federal changes, signed into law by Donald J. Trump on July 4, 2025, modified eligibility for some lawfully present noncitizens, resulting in the loss of SNAP benefits for individuals who were previously eligible. The state funding is intended to support impacted individuals during this transition.

The Authority implemented a temporary emergency rule effective April 1, 2026, to begin issuing benefits to eligible households. This emergency rule does not permanently amend or repeal existing regulations and will remain in effect only until a permanent rule is adopted through the standard rulemaking process.

The Authority proposes to adopt a new rule in section 8.106.640 NMAC, establishing a State-Funded

Assistance Program. The purpose of this program is to provide food assistance to households in New Mexico affected by changes to federal law under H.R. 1.

8.106.640 NMAC

This part is being opened to add the rules for the State Funded Food Assistance Program.

8.106.640.1 ISSUING

AGENCY: New Mexico Health Care Authority.

[8.106.640.1 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.2 SCOPE: This rule applies to the general public.

[8.106.640.2 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.3 STATUTORY

AUTHORITY: New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.

[8.106.640.3 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.4 DURATION:

Permanent. [8.106.640.4 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.5 EFFECTIVE

DATE: April 1, 2026, unless a later date is cited at the end of the section. [8.106.640.5 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.6 OBJECTIVE:

The objective of the New Mexico state funded food assistance program is to provide households with a one-time state funded food assistance payment for lawfully present individuals who do not qualify for the supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008.

[8.106.640.6 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.7 DEFINITIONS:
[RESERVED]**8.106.640.8 STATE FUNDED FOOD ASSISTANCE FOR LAWFULLY PRESENT INDIVIDUALS:**

A. General: One-time state funded food assistance payment for lawfully present individuals.

B. Purpose: provide a one-time state funded food assistance payment to lawfully present individuals who were receiving SNAP benefits and are currently ineligible solely due to changes in the treatment of their immigration status pursuant to the July 4, 2025, amendment to 7 USC § 2015(f).

C. Method of payment: a one-time lump sum payment will be issued into the EBT account accessible to the participant.

D. Eligibility: An individual must meet the following criteria:

(1) was, or is a current SNAP recipient; and
 (2) has submitted a timely recertification; and
 (3) lost SNAP benefits during recertification solely due to changes in the treatment of their immigration status pursuant to the July 4, 2025, amendment to 7 USC § 2015(f).

E. Benefit amount: will be determined by the authority based on legislative intent and the availability of funds.

(1) this will be a one-time lump sum payment; and
 (2) will be calculated based upon a percentage of the average of the recipient's SNAP benefits issued over a six-month period; and

(3) the total amount of the funds appropriated; and

(4) the number of individuals that lost SNAP benefits during recertification solely due to changes in the treatment of their immigration status pursuant to the July 4, 2025, amendment to 7 USC § 2015(f).

F. Receipt of payment under this part does not establish

an entitlement to ongoing or future benefits.

G. Limitation of funds:
 (1) the authority shall not issue benefits for more than the amount appropriated for this one-time state funded food assistance (OSFA) program;

(2) no benefits shall be issued once the appropriated funds have been exhausted.

H. Disclosure: Use or disclosure of information from SNAP applicants and recipient households who receive this one-time state food benefit shall be restricted to:

(1) HCA employee's investigation simple overpayments that aren't tied to intentional act of wrongdoing.

(2) Local, state, or federal law enforcement officers acting in their official capacity, upon written request by such law enforcement officers that includes the name of the household member being sought, for the purpose of obtaining the address, social security number, and, if available, photograph of the household member, if the member is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or a high misdemeanor in New Jersey), or is violating a condition of probation or parole imposed under a federal or state law. The state agency shall provide information regarding a household member, upon written request of a law enforcement officer acting in his or her official capacity that includes the name of the person being sought, if the other household member has information necessary for the apprehension or investigation of the other household member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole imposed under federal or state law. The state agency must accept any document that reasonably establishes the identity of the household member being sought by law enforcement authorities. The HCA shall disclose only such information as is necessary to comply with a specific written request of a law enforcement

agency authorized by this paragraph enforcement agency authorized by this paragraph.
 [8.106.640.8 NMAC - N/E, 4/1/2026; N, 9/1/2026]

8.106.640.9 BENEFIT ISSUANCE AND DELIVERY:

A. Benefit issuance: state funded food assistance will be issued through a direct deposit into a household's EBT account. EBT cards are issued and maintained as defined at 8.139.610 NMAC.

B. Expungement: the state food assistance shall be subject to expungement in accordance with 8.100.100.17 NMAC.

C. Household use of state food assistance: the household shall only be allowed to use the food assistance for food purchases in accordance with 8.139.610.11 NMAC.

[8.106.640.9 NMAC - N/E, 4/1/2026; N, 9/1/2026]

History of 8.106.640 NMAC: 8.106.640 NMAC, State Food Assistance Program was renamed and became effective 4/1/2026.

History of repealed material: 8.106.640 NMAC, Description of Program/Benefits - Benefit Corrections, filed 7/1/2004 - Repealed effective 4/1/2014.

8.106.640 NMAC, State Food Assistance Program, was renamed and became effective as an emergency rule on 4/1/2026, was permanently replaced with 8.106.640 NMAC, State Food Assistance Program, effective 9/1/2026.

The Authority is developing a new State Funded Assistance Food Program, that will benefit the households affected by H.R. 1. The permanent rule will be effective no later than September 1, 2026.

The rule is being developed under the following statutory authority: New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to these families.

The register and rule language is available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

A hybrid public hearing to receive testimony on Open Section-State Funded Assistance will be held pursuant to Section 14- 4-5.6 NMSA 1978, on July 09, 2026, from 11:00 am-12:00 pm. You may join in person, virtually, or by phone.

You may join in person at: HCA Income Support Division, Santa Fe County Field Office Large Conference Room, 39B Plaza La Prensa, Santa Fe NM 87507.

You may join virtually from your computer, tablet or smartphone: Microsoft Teams link for teams meeting Need help? Join the meeting now: +1 505-312-4308,,285492595# United States, Albuquerque (888) 506-1357,,285492595# United States (Toll-free) Meeting ID: 272 951 905 269 87 Passcode: ZS9ZQ9pH Find a local number Phone conference ID: 285 492 595#

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax- 505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

- Dropping of at HCA Income

Support Division, HCA Income Support Division, Santa Fe County Field Office, 39B Plaza La Prensa, Santa Fe NM 87507. Attn: Monica Pineda

- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailing electronically to: hca-isdrules@hca.nm.gov

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, July 9, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

All written comments will be posted on the agency website at Income Support Division Registers - New Mexico Health Care Authority within 3 days of receipt.

REGULATION AND LICENSING DEPARTMENT ATHLETIC COMMISSION

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Athletic Commission and Regulation and Licensing Department will hold a rule hearing on Monday, July 20, 2026, at 10:00 a.m. Immediately following the rule hearing, the Board will convene a regular board meeting to consider adoption of rules and take care of regular business. The hearing and board meeting will be held at the Regulation and Licensing Department, located at 5500 San Antonio Dr., Albuquerque, NM in the Sandia Conference Room.

The hearing and subsequent New Mexico Athletic Commission meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: [TEAMS MEETING LINK](#)

Meeting ID: 242 053 573 991 534

Passcode: cy2dV2YQ

Dial in by phone

1 505-312-4308, United States, Albuquerque

Phone conference ID: 543 073 736#

The purpose of the hearing rule is to consider the initiation of the rule making for the following rules:

Rule 15.6.1 NMAC – General Provisions
Rule 15.6.2 NMAC – Contracts
Rule 15.6.4 NMAC – Duties and Conduct of Licenses
Rule 15.6.6 NMAC – The Officials
Rule 15.6.9 NMAC – Scoring System
Rule 15.6.14 NMAC – Fee Schedule
Rule 15.6.17 NMAC – Licensure Provisions
Rule 15.6.19 NMAC – Conduct of Bare-Knuckle Contests
Rule 15.6.20 NMAC – Mixed Martial Arts Contests and Exhibitions
Rule 15.6.21 NMAC – Bare Knuckle Modified

On Tuesday, June 9, 2026, copies of the proposed rules may be obtained through the New Mexico Athletic Commission website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-commission/statutes-rules-and-rule-hearings/> or by contacting the Board Administrator for the Board at (505) 476-4622.

The New Mexico Athletic Commission and Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, June 9, 2026, 8:00 a.m. and ending Sunday, July 19, 2026, 5:00 p.m. Written comments may be submitted either by email to athletic.commission@rld.nm.gov or by postal mail to the following address:

New Mexico Regulation and Licensing Department
Attn: New Mexico Athletic

Commission
P.O Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (June 9, 2026- July 19, 2026) will be posted to the website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Athletic Commission will not engage in substantive discussion of public comments during the rule hearing but will consider all public comments during the regular board meeting immediately following the conclusion of the rule hearing.

The agenda for the New Mexico Athletic Commission regular meeting which will begin immediately after the public rule hearing, will be posted and available at least 72 hours before the meeting on the Board website: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-commission/board-information/>. Copies of the agenda may also be obtained by contacting Jessica Romero, Executive Secretary.

For inclement weather: If the New Mexico state offices are placed on a two-hour delay due to inclement weather, the rule hearing will be pushed two hours from the notice hearing time. If New Mexico state offices are closed due to inclement weather, the rule hearing will be rescheduled as soon as possible.

An individual with disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or services to attend or participate in the hearing, please contact Jessica Romero, Executive Secretary at (505) 476-4622 at least 7 days prior to the rule hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

Statutory Authority:

The rule changes are authorized by the Athletic Commission Practice Act, NMSA 1978, Section 60-2A-1 through 60-2A-36, specifically authorizes the Board to adopt and file in accordance with the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC, in accordance with the provision of the Uniform Licensing Act, NMSA 1978, Section 61-1-1 through 61-1-37.

Purpose of the Proposed Rules:

The proposed amendments update multiple parts of the rules to improve clarity, align with statutory guidelines, revise definitions, and update requirements across licensing, contracts, officials' duties and fees, scoring, and contest regulations, including increases to certain fees and payments, while repealing bare-knuckle parts.

Summary of Proposed Changes:

Rule 15.6.1 NMAC – General Provisions – The proposed amendments to the General Provisions section provide definitions and update the section to ensure consistency with applicable statutory guidelines.

Rule 15.6.2 NMAC – Contracts – Proposed changes clarify certain rules and increase the amount paid per round to unarmed combatants.

Rule 15.6.4 NMAC – Duties and Conduct of Licenses – Proposed changes clarify the rules and update the requirements for promoter applications, event permit applications, and eligibility for a federal identification card.

Rule 15.6.6 NMAC – The Officials – Proposed changes updating officials' roles and fees schedule

Rule 15.6.9 NMAC – Scoring System – Proposed changes update definitions to clarify the rules.

Rule 15.6.14 NMAC – Fee Schedule – Proposed changes are increasing licensing and officials fee schedule.

Rule 15.6.17 NMAC – Licensure Provisions – Updates to requirements

for officials

Rule 15.6.19 NMAC – Conduct of Bare-Knuckle Contests - Repeal
Rule 15.6.20 NMAC – Mixed Martial Arts Contests and Exhibitions – Proposed changes to updates to clarify rules.

Rule 15.6.21 NMAC – Bare Knuckle Modified – Repeal

REGULATION AND LICENSING DEPARTMENT PHARMACY, BOARD OF

NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene on July 16 and 17, 2026 at 9:00 a.m. and continue until finished in the Board of Pharmacy Conference Room located at 5500 San Antonio Dr., NE, Albuquerque, NM 87109 for the purpose of conducting a regular board meeting and rule hearing.

The agenda is posted 72 hours prior to the scheduled meeting. You may view and download a copy of the agenda through the board's website: <https://www.rld.nm.gov/pharmacy/pharmacy-board-information/pharmacy-board-meetings/>. All proposed language regarding rule hearings is linked to the *Agenda*, the *Notice to the Public* on our website and the *New Mexico Sunshine Portal*.

Individuals petitioning the board regarding requests/waivers must submit documentation for presentation; via fax (505) 222-9845, mail or email to the Board Administrator, at the general e-mail pharmacy.board@rld.nm.gov at least one week in advance of the scheduled meeting.

Interested persons wishing to comment on proposed language regarding rule hearings may submit documentation for presentation prior to the hearing; via fax (505) 222-9845, mail or email to the Board Administrator, at the general e-mail

pharmacy.board@rld.nm.gov in advance of the scheduled meeting. Public comment is also allowed during the rule hearing.

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, or if you are in need of a translator to attend or participate in the hearing or meeting, please contact Board Administrator at 505-222-9830 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Board Administrator at 505-222-9830 or e-mail pharmacy.board@rld.nm.gov if a summary or other type of accessible format is needed.

The full text of Proposed Rule Amendments for Rule Hearing on July 16, 2026, at 9:10 a.m. is available for each rule via the hyperlinks below, agenda hyperlinks, and Sunshine Portal notice hyperlinks. If you are unable to access the full text of Proposed Rule Amendments via the links provided, please contact pharmacy.board@rld.nm.gov for a copy.

Short explanation of the Purpose of Proposed Rule Amendments: see below.

16.19.6 NMAC - PHARMACIES

Section 30, add allowance for a contracted pharmacy to distribute repackaged dangerous drugs for medically monitored withdrawal management or directly related supportive care to a custodial care facility pursuant to 16.19.11.9 NMAC.

The purpose of the allowance is for availability of unit-dose packaged drug stock at authorized custodial care facilities pursuant to 16.19.11.9 NMAC.

STATUTORY AUTHORITY: Paragraph (6) of Subsection A of Section 61-11-6 NMSA 1978 requires

that the board of Pharmacy provide for the licensing of retail pharmacies and nonresident pharmacies and for the inspection of their facilities and activities.

<https://www.rld.nm.gov/wp-content/uploads/2026/05/pharm-16.19.6-NMAC-April-2026.pdf>

16.19.10 NMAC - LIMITED DRUG CLINICS

Section 3, administrative updates and corrections.

Section 7, add definition of administer

Section 10, administrative updates, including replacing should with shall throughout, for consistency and standard enforceability.

Section 11, public health clinics -Subsection A, correct citation. Subsection B, consolidate Paragraphs 1 and 2, renumber remainder. Subsection D, Paragraph 1, add technician vaccine administration to delineated activities and remove unnecessarily delineated activities of medication counting, pouring, labeling and reconstitution. Paragraphs 2 and 3, add technician vaccine administration rule citation. Subsection F, administrative updates and remove requirement for repackaged drugs to be stored with manufacturer's package insert. Subsections K, L, M, N, S, and T, administrative updates and spelling or language corrections.

Section 12, citation corrections.

The purpose of the proposed changes is to update, correct, remove unnecessary provisions, and minimize administrative burden.

STATUTORY AUTHORITY: Paragraph (6) of Subsection A of Section 61-11-6 NMSA 1978 requires the Board of Pharmacy to provide for the licensing of industrial and public health clinics and for the inspection of their facilities and activities. Pursuant to Paragraphs (6), (7), (8) and (12)

of Subsection B of Section 61-11-14 NMSA 1978, the Board is authorized to issue drug permits, as defined and limited by Board regulation, for industrial health clinics, community health clinics, and animal control facilities. Subsection (A) of Section 26-1-16 NMSA 1978 prohibits the sale, disposal or possession of any dangerous drug except by individuals and entities identified in the statute, including clinics licensed by the Board.

<https://www.rld.nm.gov/wp-content/uploads/2026/05/pharm-16.019.10-Clean-NH.pdf>

16.19.13 NMAC– TEMPORARY BUSINESS LICENSES

Sections 1 through 8, repeal and replace.

The purpose of the repeal and replace is to contemporize, including citation corrections and provisions addressing non-resident facilities.

STATUTORY AUTHORITY: Paragraph 1 of Subsection B of Section 61-11-6 NMSA 1978 authorizes the Board to delegate its authority to the Executive Director to issue temporary licenses as provided in Subsection H of Section 61-11-14 NMSA 1978

<https://www.rld.nm.gov/wp-content/uploads/2026/05/pharm-16.19.13-Repeal-Clean-NH-July-2026.pdf>

Disciplinary Hearing(s):

Thursday July 16, 2026, 9:45 a.m. until 12:35 p.m. or until finished, CasaPharma Rx, unlicensed, case 2026-015

Friday July 17, 2026, 9:10 a.m. until finished, Mike Gallegos RP00006838, Complete Care Pharmacy LLC d/b/a Corrales Pharmacy PH00004048, case 2024-051

If additional scheduling occurs, the final hearing date and time for each case will be included in the agenda

posted to the board's website at least 72 hours before the meeting.

Executive Director's Report:

Published in NM Register: June 9, 2026

Published in Albuquerque Journal: June 9, 2026

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

Adopted Rules

Effective Date and Validity of Rule Filings

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

NURSING, BOARD OF

The New Mexico Board of Nursing, approved and adopted, at its 4/28/2026 hearing, to repeal its rule 16.12.5 NMAC - Medication Aides (filed 12/13/2022) and replaced by 16.12.5 NMAC - Medication Aides, effective 7/31/2026.

NURSING, BOARD OF

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 12 NURSING AND HEALTH CARE RELATED PROVIDERS
PART 5 MEDICATION AIDES

16.12.5.1 ISSUING
AGENCY: New Mexico board of nursing.
 [16.12.5.1 NMAC - Rp, 16.12.5.1 NMAC, 7/31/2026]

16.12.5.2 SCOPE: The rule applies to medication aides and medication aide training programs which serve consumers in various health care and community settings except for acute care facilities.
 [16.12.5.2 NMAC - Rp, 16.12.5.2 NMAC, 7/31/2026]

16.12.5.3 STATUTORY AUTHORITY: Section 61-3-10-2 NMSA, permits the operation of a program for certification of medication aides and training programs. Section 61-3-10-2 NMSA directs the board of nursing to provide for the operation of a statewide program for certification of medication aides and training

programs. Section 61-2-6 NMSA (1995) Pamphlet and the Uniform Licensing Act Section 61-1-1 NMSA, *et seq.*, sets forth conditions for hearing and discipline.
 [16.12.5.3 NMAC - Rp, 16.12.5.3 NMAC, 7/31/2026]

16.12.5.4 DURATION:
 Permanent.
 [16.12.5.4 NMAC - Rp, 16.12.5.4 NMAC, 7/31/2026]

16.12.5.5 EFFECTIVE DATE: July 31, 2026, unless a later date is cited at the end of a section.
 [16.12.5.5 NMAC - Rp, 16.12.5.5 NMAC, 7/31/2026]

16.12.5.6 OBJECTIVE:
 Pursuant to the Nursing Practice Act this part establishes the requirements for fees, examination, recertification, standards and functions, supervision/direction, and disciplinary action for medication aides who serve in multiple health care settings. It also establishes requirements for approval of medication aide programs, minimum standards for medication aide programs, and the medication aide advisory committee for medication aides.
 [16.12.5.6 NMAC - Rp, 16.12.5.6 NMAC, 7/31/2026]

16.12.5.7 DEFINITIONS:
A. Definitions
beginning with the letter A:
(1)
“administrator” means the operating officer of an agency. This includes but is not limited to a licensed nursing facility.

(2) “agency”
 means a board approved educational or facility-based entity that conducts medication aide student training. Facility-based programs may utilize certified medication aides that serve

consumers in various healthcare and community settings.

(3)
“approval” means the review and acceptance of specific activity.

(4) “audit”
 means a verification of continuing education documents and work requirements.

B. Definitions
beginning with the letter B:
“board” means the board of nursing.

C. Definitions
beginning with the letter C:
(1)

“certificate” means a document issued by the board identifying the legal privilege and authorization to perform specific certified medication aide functions and procedures in the state of New Mexico.

(2)
“certification examination” means a board-approved tool designed to evaluate an applicant’s knowledge of a specific subject.

(3) “certified medication aide I (CMA I)”
 means a person who has received training preparing for a role of medication administration under the supervision/direction of a licensed nurse in intermediate care facilities (ICF), intermediate care facilities for Individuals with intellectual disabilities (ICF/IDD), or assisted living facilities (ALF).

(4) “certified medication aide - residential care facilities (CMA-R)” means a person who is certified by the board, to administer medications under the supervision and at the direction of a registered nurse or a licensed practical nurse in nursing and skilled facilities, assisted living, and intermediate residential care facilities.

(5) “certified medication aide - outpatient (CMA-O)” means a person who is

certified by the board to administer medications under the supervision and at the direction of an advanced practice registered nurse, a registered nurse, or a licensed practical nurse specializing in ambulatory or outpatient settings.

(6) **“clinical experience”** means the supervised clinical proficiency and quality assurance skills component of the certified medication aide program that provides for the application of theory and for the achievement of the stated objective which takes place in a board approved agency.

(7) **“clinical preceptor”** means a licensed nurse at each participating nursing agency that is physically present and providing one clinical preceptor to a maximum of two students with direct supervision.

(8) **“collaborative program”** means an education only based agency that collaborates with another approved agency to train medication aide students for certification and does not employ medication aides. The collaborative program retains all the responsibility of maintaining a medication aide program as it pertains to the medication aide student. A board approved nurse educator is required for the supervision of the collaborative program.

(9) **“competency”** means the demonstration of knowledge in a specific area and the ability to perform specific skills and tasks in a safe, efficient manner.

(10) **“consumer”** means any person domiciled, residing or receiving care or treatment from a certified medication aide in an agency. This includes but is not limited to residents, clients or students.

(11) **“contact hour”** means a 60 minute clock hour.

(12) **“continuing education (CE)”** means a planned learning experience for medication aides which include medication information and medication administration. These

experiences are designed to promote the development of knowledge, skills and attitudes for the enhancement of care to the consumer.

(13) **“corrective action plan”** means a step- by- step plan submitted by an approved medication aide program that results in outcomes to achieve resolution of areas of noncompliance identified during a program evaluation.

(14) **“curriculum”** means a detailed course outline, description, or syllabus, which includes objectives, content, teaching-learning activities and evaluation strategies.

D. Definitions beginning with the letter D:

(1) **“delegation”** means transferring to a competent individual the authority to perform a delegated nursing task in a selected situation. The licensed nurse retains accountability for the delegation.

(2) **“director of nursing”** refers to the registered nurse that oversees the operations and holds accountability of nursing care provided within an agency.

E. Definitions beginning with the letter E: [RESERVED]

F. Definitions beginning with the letter F: [RESERVED]

G. Definitions beginning with the letter G: [RESERVED]

H. Definitions beginning with the letter H: [RESERVED]

I. Definitions beginning with the letter I: [RESERVED]

J. Definitions beginning with the letter J: [RESERVED]

K. Definitions beginning with the letter K: [RESERVED]

L. Definitions beginning with the letter L: [RESERVED]

M. Definitions beginning with the letter M:

(1) **“medication aide advisory committee (MAAC)”** means a board appointed advisory committee.

(2) **“medications”** means substances intended for use in diagnosis, care, mitigation, treatment or prevention of a disease.

(3) **“medication aide program”** means the formal program of study, certification, continuing education, standards of functions, disciplinary action, and minimum standards. A board approved nurse is required for the supervision and observation of the medication aide.

(4) **“medication error”** means any preventable event that may cause or lead to inappropriate medication use or patient harm while the medication is in the control of the healthcare professional, patient, or consumer.

N. Definitions beginning with the letter N:

(1) **“NPA”** means the Nursing Practice Act.

(2) **“nurse educator”** means a board approved licensed nurse, who has program oversight and is delegated the authority to operate the program from the director of nursing, for an approved agency that coordinates and teaches a medication aide program and retains the responsibility for the supervision, direction, and competency of the medication aide student. Training and curriculum materials shall be developed by a registered nurse.

O. Definitions beginning with the letter O: **“OTC medications”** means medications can be purchased over-the-counter without a prescription. OTC medications must be stored in original manufacturer’s packaging and affixed with the original manufacturer’s labeling. Provider’s orders with adequate instructions must be obtained prior to the administration of OTC medications by the certified medication aide.

P. Definitions beginning with the letter P:

(1) **“population specific care”** means the standards of care regarding medication administration requirements for specific consumer care groups.

(2) **“Prn”** means administering medication on an as needed basis. Instruction to administer by a certified medication aide requires licensed nurse judgment and prior approval.

(3) **“program evaluation”** means the process whereby the program at the agency is evaluated at the request of the board for approval status.

(4) **“program review”** means the process whereby the program at the agency is reviewed to assure compliance with the rules and regulations governing the CMA program. This may include a site visit with or without official notification to an agency.

(5) **“properly labeled container”** means a pre-labeled, pre-packaged unit-dose or multi-dose medication container that includes complete, legible, and accurate identifying information that ensures the medication to be safely stored, selected, dispensed, and administered, complying with manufacturer labeling requirements, pharmacy labeling standards, and applicable state and federal regulations.

Q. Definitions beginning with the letter Q:

(1) **“quarterly reports”** means a report submitted by an agency that provides an update on areas of noncompliance that were identified during a program evaluation or corrective action plan outcomes, due at quarterly intervals within the program approval period.

(2) **“quality assurance progress report”** means a report submitted by a facility-based approved medication aide program that provides a summary of medication aide medication administration findings, observations, problems, irregularities, safety violations, and medication errors for the previous annual quarter.

R. Definitions beginning with the letter R:

(1) **“reactivation”** means the process of making a certificate current which has been in lapsed status as a result of failure to comply with the necessary renewal requirements; this action does not involve board action.

(2) **“reinstatement”** means the process whereby a certificate, which has been subject to revocation or suspension, is returned to its former status by individual board action; this process always involves board action.

(3) **“routine medication”** means a medication for which the frequency of administration, amount, strength, and method of administration are specifically fixed as determined by the health care provider authorized by the state to prescribe medications. Routine does not include medications for which the time of administration, the amount, the strength of dosage, the method of administration or the reason for administration is left to judgment or discretion.

(4) **“repeated medication error”** means a medication error of two or more medication errors committed by the same CMA within the review period.

S. Definitions beginning with the letter S:

(1) **“standards of function”** means a range of tasks/activities performed by certified medication aides for consumers who are stable and predictable, supervised by a licensed nurse who may need to adjust the range of tasks based on the consumer’s need.

(2) **“supervision/direction”** means initial and ongoing verification of a person’s knowledge and skills in the performance of a specific function or activity as demonstrated by periodic observation, direction and evaluation of that person’s knowledge and skills as related to the specific function or activity.

T. Definitions beginning with the letter T:
[RESERVED]

U. Definitions beginning with the letter U: **“ULA”** means the Uniform Licensing Act.

V. Definitions beginning with the letter V:
[RESERVED]

W. Definitions beginning with the letter W:
[RESERVED]

X. Definitions beginning with the letter X:
[RESERVED]

Y. Definitions beginning with the letter Y:
[RESERVED]

Z. Definitions beginning with the letter Z:
[RESERVED]
[16.12.5.7 NMAC - Rp, 16.12.5.7 NMAC, 7/31/2026]

16.12.5.8 FEES: Payment of fees will be accepted in the form specified by the board. The initial application fee will be for a period of one year, plus the months to the applicant’s birth month. Fees may be collected in whole or prorated to commensurate with the length of the renewal period. Fees are not refundable.

A.	Initial certification by examination	\$45.00
B.	Re-examination	\$30.00
C.	Renewal of medication aide certificate	\$45.00
D.	Reactivation of a lapsed certificate	\$50.00
E.	Reactivation of a lapsed certificate following board action	\$60.00
F.	Initial certificate military personnel, spouse, dependent, or veteran	\$0
G.	First renewal of certificate military personnel, spouse, dependent or veteran	\$0
H.	Initial program review and approval	\$250.00
I.	Program renewal	\$200.00

J. Board ordered program review or program evaluation for approval \$200.00 [16.12.5.8 NMAC - Rp, 16.12.5.8 NMAC, 7/31/2026]

16.12.5.9 CERTIFICATION BY EXAMINATION REQUIREMENTS FOR MEDICATION AIDES:

A. General prerequisites:

(1) Be a minimum of 18 years of age.

(2) Documentation of successful completion of a secondary education program, which shall include:

(a) a high school diploma from an accredited secondary school; or

(b) a high school equivalency credential (e.g., GED or HiSET); or

(c) documentation of completion of a home school program that is compliant with the homeschool requirements of the New Mexico public education department and applicable state law.

(3) Applicants who graduated from non-U.S. education programs shall have transcripts translated into English from a board recognized agency to verify education.

(4) Successfully complete a board-approved program for the preparation of medication aides within the last 12 months.

(5) Complete the required application form within the specified deadline and instructions

(6) Provide proof of current CPR certification.

(7) Remit the required fee.

B. Additional requirements for specified certification:

(1) CMA-I applicant must have a minimum of six months experience working in healthcare within the last two years.

(2) An initial CMA-R applicant must hold certified nursing assistant (CNA) certificate by completion of an approved nurse aide training and competency evaluation program as outlined in Subsection A of 8.312.2.21 NMAC and under federal regulation 42 CFR Section 483 Subpart D. An active CNA license is not required for renewal.

(3) A CMA-O applicant must hold a national certification as a medical assistant from a certificate program that includes formal training.

(4) All CMAIIs shall be reclassified to CMA-R as of 7/1/2026. Reclassified CMA-Rs will not be required to obtain a CNA certificate to renew unless their certificate has lapsed for 12 months or more.

(5) Certified medication aides I (CMA-I) practicing in nursing facility settings must complete additional insulin administration training prior to renewal of their next certification. This training shall include a minimum of eight hours of didactic instruction and at least 20 supervised insulin injections, which may be completed under a qualified nurse educator and counted toward continuing education hours. Upon submission of documentation verifying completion, the CMA-I shall be transitioned to the certified medication aide-residential (CMA-R) designation.

C. Application and fee for the medication aide examination:

(1) Any application containing fraudulent or misrepresented information could be the basis for denial of certification.

(2) Incomplete applications will be placed on hold until all documentation is received. The application will remain open for one year.

(3) Verification of successful completion of the medication aide program including date of completion must be received by the board on program letterhead from the training program that provided the clinical experience.

(4) Upon board approval of the application, the board will issue a notification to the applicant. Thereafter the applicant must follow testing service instructions for scheduling the examination.

(5) Applicants who fail the examination must submit a re-examination application and pay a re-examination fee.

(6) Results of the examination shall be reported by the online portal to the applicant. Successful candidates are not certified until they receive notification from the board. Successful candidates shall be issued an initial certificate.

(7) Certification can be verified through the board's website.

(8) An initial certificate shall be valid until the last day of the applicant's birth month after the first anniversary of the initial certificate.

D. Medication aide certification examination:

(1) The examination must be completed at a board approved location. Board-approved examination sites administering the certified medication aide examination shall maintain and enforce examination security measures sufficient to protect the integrity, confidentiality, and validity of the examination process.

(2) Applicants observed giving or receiving unauthorized assistance during the writing of the examination shall be physically removed from the examination center and the individual(s) shall be referred to the board by a sworn complaint(s) filed by the examiner.

(3) All medication aide certification examinations require a minimum passing score of eighty percent unless otherwise specified.

(4) The examination may be taken a maximum of three times. After the third-failure, the applicant must provide verification of repeating and successfully completing the theory

and clinical portion of a board-approved medication aide program to be eligible to sit for the exam.

E. Certification by examination for CMA:

(1) Applicants shall be required to pass a certification examination that is specific to their scope of function as defined in the core curriculum (16.12.5.16 NMAC).

(2) Results of the examination shall be reported by the online portal to the applicant. Successful candidates are not certified until they receive notification from the board. Successful candidates shall be issued an initial certificate.

F. Requirements for medication aide recertification:

(1) Applicants for recertification as a medication aide must meet the continuing education and work requirements as stated in these rules.

(2) In order to meet the CE requirement for recertification as a medication aide, the applicant must provide evidence of having accrued 16 clock hours of CE within the two-year renewal period immediately preceding recertification. CE may be prorated to commensurate with the length of the renewal period. CEs may not be duplicate topics within the same renewal period. CMA-Rs must have two of the 16 hours be specific to insulin or insulin pen administration.

(a) The agency shall grant opportunities for CE.

(b) Acceptable courses shall be those with topics related to medications and medication administration.

(c) CE requirement records are subject to audit by the board. Certificate holders may be subject to disciplinary action by the board if non-compliant within 60 days of the first notification of the audit.

(d) Failure to meet the CE requirements for recertification shall result in denial of recertification. Individuals who do not meet the continuing education requirement may not function as a

medication aide until such time as the CE requirement has been met.

(e) CMA-O shall maintain an active medical assistant certification which substitutes continuing education during the renewal process.

(3) In order to meet the work requirement for recertification as a medication aide, the applicant must provide evidence of having worked in a board approved facility within the two-year renewal period as a CMA.

(a) All requirement records are subject to audit by the board. Certificate holders may be subject to disciplinary action by the board if non-compliant within 60 days of the first notification of the audit.

(b) Failure to meet the employment requirement shall result in denial of recertification.

(4) Reactivation or reinstatement of certificate:

(a) If the certificate has lapsed or been inactive for less than six months, the applicant may submit an application for reactivation, submit the required fee, and submit the required continuing education and work hours.

(b) If the certificate has lapsed or has been inactive six months to two years, the applicant must complete a refresher course. Completion of a refresher course shall meet both the employment and CE requirements for the renewal period.

(c) If the certificate has lapsed or has been inactive for more than two years, the applicant must repeat the initial training program and pass the medication aide examination.

(5) Refresher course:

(a) CMA - completion of a minimum of 12 hours of classroom studies and 12 hours of supervised clinical practice in a board-approved medication aide program under the direction of the nurse educator to include authorized

and prohibited functions of a medication aide.

(b) CMA-R- completion of the CMA refresher course and completion of four hours of insulin theory to include the scope of function and 20 supervised insulin injections.

(c) A passing score on the agency's final examination.

(d) Refresher course requirements are found in 16.12.5.21 NMAC.

(e) The nurse educator shall provide verification on agency letterhead directly to the board of nursing about the medication aide's completion of the refresher course before a new certificate is issued.

(f) Failure to meet any of the requirements for the refresher course shall require the individual to complete a board-approved training program curriculum in its entirety.

(6) Renewal notifications may be sent electronically to the certified medication aide at least six weeks prior to the end of the renewal month. Renewal applications are available on the board's website.

(a) Failure to receive the notification for renewal shall not relieve the medication aide of the responsibility of renewing the certificate by the expiration date.

(b) If the certificate is not renewed by the end of the renewal month, the medication aide does not hold a valid certificate and shall not function as a medication aide in NM until the lapsed certificate has been reactivated.

(7) Medication aides shall be required to complete the renewal process by the end of the certificate expiration.

(8) Certificates can be verified on the board website.

(9) Remit the required fee.

G. Individuals who have practiced as medication aides

in other states or who have been certified in another state may apply for certification in the state of New Mexico if they meet the following criteria:

(1) are a minimum of 18 years of age;
 (2) are a high school graduate, have completed the general education development course, or completion of a home school program that is compliant with the requirements of the New Mexico public education department and applicable state law.

(3) Current CPR certification;

(4) have successfully completed a board-approved medication administration education program in New Mexico or a medication aide certified program located in another jurisdiction or territory that meets the New Mexico education requirements, if the applicant's educational criteria does not meet New Mexico requirements the applicant will be required to attend a New Mexico board approved training program.

(5) successfully complete the board's medication aide certification examination:

(a) the medication aide candidate must apply within six months to take the approved medication aide certification examination; an initial certification by examination application with fee must be submitted, processed and accepted by the board according to examination required deadline;

(b) upon successful completion of the examination a certificate will be mailed to the medication aide;

(c) failure to successfully pass the medication aide certification examination within the allowed attempts shall require the medication aide to complete a board approved initial training program curriculum.

H. Students currently enrolled in a school of nursing may be certified as a residential medication aide if they meet the following criteria:

(1) student nurses who have successfully completed a nursing pharmacology course and one of the following may apply for medication aide certification:

(a) completed a nursing fundamentals/ concepts course; or

(b) certified nursing assistant course.

(2) complete the required application form and remit the required fee.

(3) written verification of successful completion of courses with a "C" or higher must be submitted by the nursing school on letterhead. In lieu of verification, official transcripts will be accepted;

(4) completion of a four-hour class that includes the role and responsibilities of the CMA, scope and prohibited functions, and

(5) provide proof of a current CPR card;

(6) successfully complete the board's medication aide certification examination;

(7) upon successful completion of the examination a certificate will be mailed to the medication aide;

(8) failure to successfully pass the medication aide certification examination shall require the candidate to complete a board approved training program curriculum in its entirety.

[16.12.5.9 NMAC - Rp, 16.12.5.9 NMAC, 7/31/2026]

16.12.5.10 STANDARDS OF FUNCTIONS FOR THE MEDICATION AIDE:

A. The purpose of this section is to establish standards for the supervision/direction of medication aides; to identify basic authorized functions for the medication aide and; to identify prohibited functions for the medication aide.

B. Authorized functions of the medication aide who have been certified by the New Mexico board of nursing may under the supervision/direction of a licensed nurse administer medications.

(1) The medications must have been ordered by a person authorized in the state to prescribe medications.

(2) The medication must be prepared by the person who will administer it.

(3) Medication administration errors must immediately be reported to the licensed nurse by the medication aide.

(4) Adverse reactions must immediately be reported to the licensed nurse by the medication aide.

(5) Administer PRN medications only after contacting and receiving authorization from a licensed nurse to administer the PRN medication. A licensed nurse authorization is required for each individual instance of PRN administration of a medication.

(6) Administer medications stored in an automated medication storage machine that holds properly labeled medication. The CMA must have documented competency prior to utilizing an automated medication storage machine.

(7) Authorized functions of the CMA-I include the above in addition to: administer medications through approved routes; oral, sublingual, buccal, gastric tube, transdermal, topical, ophthalmic, otic, nasal, vaginal, rectal, premixed nebulizer or metered dose inhaler.

(8) Authorized functions of the CMA-R include the above in addition to:

(a) administer medications through approved routes; oral, sublingual, buccal, gastric tube, jejunostomy tube, transdermal, topical, ophthalmic, otic, nasal, vaginal, rectal, insulin via pen, nebulizer or metered dose inhaler;

(b) perform point of care blood glucose monitoring;

(9) Authorized functions of the CMA-O include the above in addition to:

(a) administer medications through approved routes; oral, sublingual, buccal,

transdermal, topical, ophthalmic, otic, nasal, vaginal, rectal, nebulizer or metered dose inhaler;

(b) administration of subcutaneous and intradermal medication;

(c) administration of intramuscular injections, such as vaccines and immunizations.

C. Prohibited functions of the certified medication aide:

(1) shall not take medication orders;

(2) shall not alter medication dosage as ordered by the prescriber;

(3) shall not perform any function or service for consumers for which a nursing license is required under the Nurse Practice Act;

(4) shall not administer medication without the supervision/direction of a licensed nurse;

(5) shall not administer medications in any agency other than a board approved agency;

(6) shall not administer medications when medication administration requires an assessment of the patient's need for medication, a calculation of the dosage of the medication;

(7) shall not administer medication when the patient requires continued nursing assessment;

(8) prohibited functions of the CMA-I include the above in addition to:

(a) shall not administer medication by intramuscular, intravenous, subcutaneous, or nasogastric;

(b) shall not administer medication via routes prohibited by regulations governing the facility type.

(9) prohibited functions of the CMA-R include the above in addition to: shall not administer medication by intramuscular, intravenous, nasogastric routes, or subcutaneous outside of insulin pen injections.

(10) prohibited functions of the CMA-O include the above in addition to:

(a) shall not administer narcotics;

(b) shall not administer medication by intravenous, gastric/nasogastric, urethral routes, or insulin by syringe or prefilled pen.

D. Supervision/direction:

(1) The director of nursing or, if no such position exists within the licensed healthcare facility, a registered nurse who has oversight responsibility for medication administration in the facility shall:

(a) hold accountability for the operations of the CMA program and compliance with these rules;

(b) develop facility policies and procedures related to limited medication; administration tasks to the CMA which define the responsibilities of and required facility training and competency validation for the CMA, congruent with these rules;

(c) develop policies and procedures related to management of medication errors;

(d) provision for a system of permanent records and reports essential to the operation of the medication aide program;

(e) ensure a licensed nurse shall be available 24 hours a day (on call) to supervise medication aides as determined by the agency work hours.

(2) The director of nursing may delegate operations to the approved nurse educator including:

(a) education and training provided to the CMAs;

(b) education provided to individual CMAs involved in medication errors;

(c) completion of an annual performance

evaluation of each CMA. The performance evaluation shall be based upon the competencies listed in these rules and include a review of the number of medication errors committed by the CMA;

(d) biannual medication pass observations, which may be delegated to a licensed nurse;

(e) periodically meet with each medication aide to review and discuss problems, difficulties, or irregularities in administering medications and to provide appropriate instruction;

(f) liaison with other personnel for arrangement of direct supervision of the student's clinical experience by a licensed nurse who must be physically present while students are engaged;

(g) prepare and submit to the board a written, signed report of medication administration of findings, observations, problems, irregularities, medication errors, and safety violations at a minimum of quarterly, or upon request in a format specified by the board. The report shall include:

(i) total number of consumers served by the CMA participating in the medication administration program;

(ii) Total number of CMAs that currently participate in the medication administration program;

(iii) Total number of licensed nurses trained in CMA supervision during the reporting year.

(iv) Total number of medication errors in each category; wrong person, wrong medication, wrong dose, wrong time/day, wrong route, wrong purpose, wrong documentation.

(3) Supervision of the CMA by a licensed nurse.

(a) The supervising nurse must have documented evidence of orientation to the CMA program and rules.

<p>(b) A licensed nurse holds accountability for the patient plan of care.</p> <p>(c) The licensed nurse supervising medication administration may, at any time, suspend or withdraw the medication administration assigned to the CMA.</p> <p>[16.12.5.10 NMAC - Rp, 16.12.5.10 NMAC, 7/31/2026]</p>	<p>(a) falsifying or altering consumer records or personnel records for the purpose that reflect incorrect or incomplete information;</p> <p>(b) misappropriation of money, medications or property;</p> <p>(c) obtaining or attempting to obtain any fee for consumer services for one's self or for another through fraud, misrepresentation or deceit;</p> <p>(d) obtaining, possessing, administering or furnishing prescription medications to any person, including, but not limited to one's self, except as directed by a person authorized by law to prescribe;</p> <p>(e) failure to follow established procedures and documentation regarding controlled substances;</p> <p>(f) obtaining or attempting to obtain a certificate to function as a medication aide for one's self or for another through fraud, deceit, misrepresentation or any other act of dishonesty in any phase of the certification by examination or recertification process;</p> <p>(g) failure to report a medication aide, who is suspected of violating the NPA, administrative rules or 16.12.5 NMAC;</p> <p>(h) exceeding the scope of functions of a medication aide;</p> <p>(i) intentionally abusing, neglecting or exploiting a consumer;</p> <p>(j) intentionally engaging in sexual contact toward or with a consumer;</p> <p>(k) administering medications without the supervision/direction of a licensed nurse;</p> <p>(l) conviction of a felony;</p> <p>(m) dissemination of a patient/client's health information or treatment plan acquired during the course of employment to individuals not</p>	<p>entitled to such information and where such information is protected by law or hospital/agency policy from disclosure.</p> <p>C. Disciplinary proceedings - disciplinary proceedings are conducted in accordance with the administrative rules of the New Mexico board of nursing and pursuant to the Uniform Licensing Act.</p> <p>[16.12.5.11 NMAC - Rp, 16.12.5.11 NMAC, 7/31/2026]</p>
<p>16.12.5.11 DISCIPLINARY ACTION:</p> <p>A. The board shall conduct hearings upon charges relating to discipline of a CMA or the denial, suspension or revocation of a medication aide certificate in accordance with the ULA (Section 61-3-10 NMSA 1978) and 16.12.12 NMAC for the purpose of protecting the public.</p> <p>B. Grounds for action:</p> <p>(1) Incapable of functioning as a medication aide which is defined to include, but not limited to, the following:</p> <p>(a) inability to function with reasonable skill and safety as a medication aide for any reason including, but not limited to, the use of drugs, alcohol or controlled substances which could impair judgment;</p> <p>(b) performance of unsafe or unacceptable care of consumers in the administration of medications or failure to conform to the essential standards and prevailing standards of medication aides, in which actual injury need not be established;</p> <p>(c) omitting deliberately and failing to record information regarding medications and medication administration which could be relevant to the consumer's care;</p> <p>(d) demonstrating a lack of competence through repeated medication errors.</p> <p>(2) Incapable of functioning as a responsible member of the health care team which is defined to include, but not limited to, the following:</p>	<p>(a) obtaining, possessing, administering or furnishing prescription medications to any person, including, but not limited to one's self, except as directed by a person authorized by law to prescribe;</p> <p>(e) failure to follow established procedures and documentation regarding controlled substances;</p> <p>(f) obtaining or attempting to obtain a certificate to function as a medication aide for one's self or for another through fraud, deceit, misrepresentation or any other act of dishonesty in any phase of the certification by examination or recertification process;</p> <p>(g) failure to report a medication aide, who is suspected of violating the NPA, administrative rules or 16.12.5 NMAC;</p> <p>(h) exceeding the scope of functions of a medication aide;</p> <p>(i) intentionally abusing, neglecting or exploiting a consumer;</p> <p>(j) intentionally engaging in sexual contact toward or with a consumer;</p> <p>(k) administering medications without the supervision/direction of a licensed nurse;</p> <p>(l) conviction of a felony;</p> <p>(m) dissemination of a patient/client's health information or treatment plan acquired during the course of employment to individuals not</p>	<p>16.12.5.12 APPROVAL OF MEDICATION AIDE PROGRAMS:</p> <p>A. The purpose of the rules is to set reasonable requirements that protect the health and well-being of the consumers that receive services from medication aides in board approved programs. NPA (Section 61-3-10.2 NMSA 1978). The objectives include promoting safe and effective care of consumers receiving medications from CMAs; establishing minimum standards for the evaluation and approval of medication aide programs; facilitating continued approval and improvement of the medication aide programs; granting recognition and approval that a medication aide program is meeting the required minimum standards; and establishing eligibility of graduates of the training portion of a medication aide program to apply for certification by examination.</p> <p>B. Board approved nurse educators of all new medication aide participant program's shall participate in an orientation that is presented by board staff within 90 days of assuming the role.</p> <p>[16.12.5.12 NMAC - Rp, 16.12.5.12 NMAC, 7/31/2026]</p> <p>16.12.5.13 TYPES OF APPROVAL:</p> <p>A. Initial program approval - any agency wishing to obtain approval of a medication aide program shall submit, in writing, a medication aide application for approval to the board. Applications must be complete for consideration of approval. Incomplete applications</p>

will not be reviewed and will expire in six months. The MAAC shall evaluate the application and make a recommendation to the board regarding the approval of the medication aide program. The program must have initial board approval prior to recruiting and enrolling students or employing certified medication aides. The board shall approve medication aide programs at regularly scheduled board meetings.

(1) The initial application for approval shall be consistent with the minimum standards for medication aide programs and shall contain the following:

- (a) program description and implementation plan, including timelines;
- (b) objectives of the medication aide program, Paragraph (1) to (3) of Subsection A of 16.12.5.17 NMAC;
- (c) organizational chart showing the position of medication aide program within the overall structure of the agency, indicating the lines of authority and responsibility;
- (d) name of the administrator;
- (e) name of the director of nursing;
- (f) name, license verification and resume of the nurse educator(s), faculty, and clinical preceptors;
- (g) program curriculum, consistent with 16.12.5.19 NMAC;
- (h) training material and textbooks to be utilized;
- (i) number of hours to be spent on each topic;
- (j) program teaching methods and supporting technology;
- (k) program policies and procedures that outline the standard of function of the medication aide in the board approved agency;

(l) medication aide student eligibility requirements and policies related to the instruction and evaluation of the student progression, grading, and achievement;

(m) evaluation tools that demonstrate written and clinical proficiency to include a quality assurance program;

(n) policies and procedures that outline the scope of function of medication aide in the board approved agency;

(o) job description of medication aide; and

(p) required fee.

(2) Training programs which also employ certified medication aides must also include the following information:

- (a) name of the director of nursing;
 - (b) evaluation tools that demonstrate the competency of the certified medication aide including the biannual medication pass and the annual performance evaluation;
 - (c) policies for reporting medication errors of the certified medication aide;
 - (d) plan for the agency to provide continuing education opportunities for the certified medication aide.
- (3) Representatives of the medication aide program may be scheduled to meet with the MAAC to present the proposed program:

(a) upon the MAAC's approval of the application, a recommendation for approval shall be made to the board;

(b) applications not approved may be resubmitted to the MAAC for approval when complete and deficiencies have been corrected.

(4) After receipt of the MAAC's report and recommendation(s), the board may:

(a) grant initial approval of a program for a period not to exceed two years;

(b) defer a decision regarding approval;

(c) deny approval;

(d) direct staff to make a pre-approval evaluation visit.

B. Full approval, for a renewal period not to exceed two years, shall be granted to medication aide programs if, in the opinion of the board, the program demonstrates compliance with 16.12.5.17 NMAC minimum standards for medication aide programs.

(1) To ensure continued compliance with 16.12.5.17 NMAC minimum standards for medication aide programs, medication aide programs shall be evaluated through a written report or as determined by the board or the advisory committee.

(a) during the period of full approval, the board may determine if annual medication aide program site visits are necessary to evaluate compliance with these rules;

(b) a representative of the medication aide program may request or be requested to meet with the MAAC to clarify and respond to questions regarding the evaluation;

(c) after the MAAC's review of the evaluation, a report shall be made to the board regarding continuation of the medication aide program's approval;

(d) the board is the final authority regarding continued approval or probation.

(2) Prior to the expiration of full approval, a program review shall be conducted by a representative from the board of nursing to evaluate programmatic compliance. The report of the review shall be submitted to the MAAC for review and recommendation to the board regarding approval.

C. Full approval with warning:

(1) the program must correct all deficiencies of the minimum standards not met;

(2) any condition deemed necessary by the board may be imposed including but not limited to corrective action plans and quarterly reports;

(3) approval shall not exceed two years;

(4) the board may determine if annual medication aide program evaluations or program reviews are necessary to evaluate compliance with these rules.

D. Probationary approval:

(1) a medication aide program may be given probationary approval when there is evidence of:

(a) non-compliance with the minimum standards for medication aide programs;

(b) continuous disruptions in retaining qualified nurse educators;

(c) noncompliance with the medication aide program's stated philosophy, objectives, policies, and curriculum resulting in unsatisfactory student achievement;

(d) failure to provide clinical experience or supervision;

(e) non-compliance with any portion of these rules.

(2) the board may order any condition related to the minimum standards including but not limited to a corrective action plan, quarter reports, and program evaluation.

(3) the medication aide program shall be advised, in writing, of the reason(s) for probationary approval.

(4) the board shall designate a reasonable time period, not to exceed one year, in which the medication aide program must correct deficiencies and meet the minimum standards for approval.

(a) prior to the end of the period of probationary approval, a program evaluation shall be conducted;

(b) the committee shall review the program evaluation and make a recommendation to the board.

(5) probationary approval is not renewable. Failure to correct deficiencies or adhere to conditions of approval will result in withdrawal of approval.

(6) a medication aide program that is in probationary approval shall not train or precept new CMAs until probationary status is removed. [16.12.5.13 NMAC - Rp, 16.12.5.13 NMAC, 7/31/2026]

16.12.5.14 DENIAL OR WITHDRAWAL OF PROGRAM APPROVAL:

A. The board may deny approval of a medication aide program when a program fails to provide evidence of compliance with the minimum standards for medication aide programs or any other portion of these rules.

B. The board may withdraw approval of a medication aide program if the program fails to correct deficiencies resulting in non-compliance with the minimum standards for medication aide programs or any other portion of these rules.

C. When the board denies or withdraws approval, a written notice detailing the reasons shall be provided to the officials of the medication aide program.

D. The medication aide program shall be removed from the list of board approved medication aide programs.

E. Medication aide programs which do not submit the program renewal application and fee in sufficient time to receive a recommendation from the MAAC and approval by the board will be removed from the list of board approved medication aide programs at the expiration date. Program approvals and renewals will be considered at regularly schedule committee and board meetings. A special meeting will not be held for program approvals or renewals;

F. The agency may re-apply for a medication aid program by submitting an initial program application and required fee one year from the date of denial or expiration date of the program approval.

G. Upon new ownership of an approved facility, the new owner shall submit an initial application and may be allowed to continue the previously approved program, at the discretion of the board, for a period not to exceed 90 days or until the board provides initial program approval.

[16.12.5.14 NMAC - Rp, 16.12.5.14 NMAC, 7/31/2026]

16.12.5.15 PROGRAM REVIEWS:

A. Types:
(1) approval assessment: made to a medication aide program by representatives of the board for the purpose of determining board approval;

(2) program evaluation: made to medication aide program by board representatives at the request of the board for the purpose of evaluating a program's progress and approval status;

(3) consultation assessment: made to the medication aide program by the board representatives at the request of the program officials;

(4) course visit: visit which may be done at any time to a participating medication aide program;

(5) program review: routine review conducted prior to the program expiration date to assess compliance with programmatic requirements and to assess the status of the program at the agency.

B. The board reserves the right to make unannounced visits.

C. A report of the program review or program evaluation made by representative(s) of the board shall be provided to the medication aide program, MAAC for recommendation to the board, and the board for final disposition regarding approval status.

D. Program reviews or program evaluations shall be conducted by a minimum of one professional board staff member.

E. The board makes the final decision regarding approval status of a medication aide program. [16.12.5.15 NMAC - Rp, 16.12.5.15 NMAC, 7/31/2026]

16.12.5.16 CHANGES REQUIRING NOTIFICATION:

A. Program changes requiring notification to the board:
(1) changes in agency ownership;
(2) changes in agency administrator and director of nursing.

B. Program changes requiring notification to the board for approval:

(1) major curriculum changes or reorganization of the curriculum;
(2) major changes in the program's objectives or goals;
(3) changes in the required didactic or clinical hours;
(4) changes in the internal, administrative or organizational plan of the agency that impact the medication aide program;
(5) changes in the licensure status of the agency;
(6) changes in the approved medication aide program nurse educator.

C. Procedure for requesting board approval for program changes:

(1) the MAAC shall be notified, in writing, of changes in the program requiring board approval. The MAAC shall present the changes and recommendations to the board of nursing at a regularly scheduled meeting;
(2) the notification shall include:
(a) a proposed change(s);
(b) rationale for the proposed change(s);
(c) anticipated effect to the current program;

(d) timetable for implementation of the proposed change(s);

(e) presentation of the differences between the current system and proposed change(s);

(f) method of evaluation which will be used to determine the effect of the changes; and

(g) any required fee. [16.12.5.16 NMAC - Rp, 16.12.5.16 NMAC, 7/31/2026]

16.12.5.17 MINIMUM STANDARDS FOR MEDICATION AIDE PROGRAMS:

A. Objectives - there shall be written objectives for the medication aide program which serves as the basis for the planning, implementation, and evaluation of the program.

(1) The objectives shall be developed by a medication aide program registered nurse, and shall describe the competencies of the medication aide and shall include:

- (a)** principles of safety in the administration of medication;
- (b)** rights in preparing and administering medications;
- (c)** methods commonly used to safeguard medications;
- (d)** process of infection control;
- (e)** terms related to administration of medications;
- (f)** abbreviations commonly used when prescribing and administering medications;
- (g)** uses, dosages, and necessary precautions in administering medications;
- (h)** ability to correctly calculate basic dosages;
- (i)** appropriately reporting changes in a consumer's condition;

(j) importance of remaining with consumer while administering medication;

(k) accurate documentation of medication administration;

(l) legal parameters of the medication aide role;

(m) authorized and prohibited functions;

(n) responsibility for own actions;

(o) maintenance of confidential information;

(p) appropriate skills in medication administration;

(q) understanding of the consumer population; and

(r) confidentiality issues.

(2) The objectives shall be written clearly and shall identify expected competencies of the beginning medication aide.

(3) The objectives shall be reviewed annually and revised as necessary by the nurse educator and director of nursing. A registered nurse shall develop, review annually, and co-sign the learning objectives if the nurse educator is an LPN.

B. Curriculum:

(1) The curriculum shall be developed, implemented, evaluated by the medication aide program nurse educator within the framework of the objectives. Training curriculum shall be developed and evaluated by a registered nurse.

(2) The curriculum shall extend over a period of time sufficient to provide essential, sequenced learning experiences which enable a student to develop competence consistent with principles of learning and sound educational practice.

(a) There shall be a minimum of 60 hours of classroom study of which 40 hours is the medication administration

curriculum and 20 hours of population specific care curriculum.

(b)

There shall be a minimum of 20 hours of supervised clinical experience. The nurse educator retains accountability and determines the need for additional clinical experience hours.

(c)

Supervised clinical experience shall provide opportunities for the application of theory and for the achievement of stated objectives in a population specific care setting and shall include clinical learning experiences to develop the proficiency/quality assurance required by the individual to function safely as a medication aide. A nurse educator or clinical preceptor must be physically present and accessible to the student in the population specific care area.

(d)

The CMA-R curriculum shall include a minimum of 16 additional hours of classroom study and a minimum of 20 supervised insulin injections. The nurse educator must verify the successful completion of training by submitting a written letter to the board with the application to test as a CMA-R.

(e)

The CMA-O student shall successfully administer subcutaneous or intradermal, and intramuscular injections to one or more consumers or until competency can be validated. The nurse educator must verify the successful completion of training by submitting a written letter to the board with the application to test as a CMA-O. Proof of validated competency shall remain in the CMA-O record.

(3) The

curriculum shall provide, at a minimum, instruction in the subject areas listed in 16.12.5.19 NMAC.

(4) The nurse

educator shall develop a written plan for curriculum and program evaluation.

C. Administration and organization:

(1) There

shall be a current organizational

chart showing the position of the medication aide program within the overall structure of the agency, clearly indicating the lines of authority and responsibility and channels of communication.

(2) The agency

administration shall provide support for the medication aide program to obtain the resources needed for the program to achieve its purpose.

(3) There shall

be a designated registered nurse that holds accountability for the certified medication aide program, whom can delegate duties to a licensed practical nurse operations of the program.

(4) Should the

nurse educator leave their position the director of nursing, or administrator if no director of nursing is present, shall notify the board. Failure to notify the board may result in a monetary penalty imposed by the board.

D. Faculty:

(1) Each

program shall have a nurse educator that is a licensed nurse and holds a current license to practice nursing in NM or a current compact state license.

(2) The nurse

educator shall have at least two years of recent, within the last five years, nursing practice experience.

(3) The nurse

educator shall select the clinical experience for students.

(4) The

ratio of faculty to students, during supervised clinical experience shall not be more than one faculty to two students.

(5) The nurse

educator shall be responsible for instruction and evaluation of student performance, termination, grading and progression.

(6) The nurse

educator may select other health care providers, such as physicians, nurse practitioners and pharmacists, with appropriate subject matter expertise to provide classroom instruction

E. Records:

(1) The nurse

educator's record shall include:

(a)

verification of current licensure as a nurse in New Mexico or compact state;

(b)

resume showing two years of experience;

(c)

verification of board of nursing orientation completed within six months for nurse educators;

(d)

board of nursing approval letter to position of nurse educator.

(2) The

student's record shall include:

(a)

enrollment date;

(b)

testing and evaluation records;

(c)

documentation of classroom and supervised clinical attendance;

(d)

certificate that documents proof of attendance and successful program completion;

(e)

current CPR certification.

(3) The

clinical preceptor's record shall include:

(a)

verification of current licensure as a registered or licensed practical nurse in New Mexico or compact state;

(b)

current resume;

(c)

verification of orientation for clinical preceptors conducted by nurse educator.

(4) The

CMA's records shall include but not be limited to:

(a)

current NM CMA certifications;

(b)

biannual med pass observations;

(c)

annual performance evaluation;

(d)

continuing education records;

(e)

current CPR certification;

(f)

competency checklists showing skills listed in section 16.12.5.20 NMAC.

[16.12.5.17 NMAC - Rp, 16.12.5.17 NMAC, 7/31/2026]

16.12.5.18 MEDICATION AIDE PROGRAM ADVISORY COMMITTEE:

A. Composition and appointment of committee members. The board shall appoint a minimum of a five-member voluntary advisory committee which shall be composed of at least three registered nurses and other representatives. The committee shall include one member not employed by a participating agency.

(1) There shall be no more than one representative from any one agency serving on the advisory committee at any one time.

(2) Members of the committee shall serve for staggered terms of two years and may be reappointed to the advisory committee at the discretion of the board.

B. Responsibility of advisory committee.

(1) The advisory committee shall review applications for initial approval, program evaluations, and changes in medication aide programs, and shall make recommendations to the board.

(2) The advisory committee shall provide consultation to medication aide programs as requested or directed by the board.

(3) Members of the advisory committee may serve as survey visitors to medication aide programs for approval, consultation and evaluation visits.

(4) A list of recommended continuing education topics is developed, reviewed, and updated annually by the advisory committee.

[16.12.5.18 NMAC - Rp, 16.12.5.18 NMAC, 7/31/2026]

16.12.5.19 MEDICATION ADMINISTRATION CURRICULUM SUBJECT AREAS FOR CERTIFICATION:

A. Overview of the medication aide role and responsibilities:

(1) Objectives of the medication aide training programs to include:

(a) federal, state and local regulations;

(b) nurse's role and medication aide role including the meaning of delegation;

(c) standards of function for medication aides;

(d) certification expectations and requirements.

(2) Orientation to the medication aide position including:

(a) review of job specifications;

(b) expectation and responsibilities;

(c) role of the health care team and the CMA;

(i) roles and contributions of other health team members;

(ii) observation and reporting;

B. Legal roles and responsibilities of medication administration including:

(1) consumer's rights;

(2) negligence and malpractice;

(3) ethical issues relating to consumers including, but not limited to:

(a) confidentiality;

(b) OSHA;

(4) documentation;

(5) identification and prevention of medication errors and required reporting of errors to the nurse.

C. Fundamentals of medication administration.

(1) terminology;

(2) definitions/abbreviations;

(3) rights of medication administration;

(4) observations while administering medications;

(5) follow-up after administering medications;

(6) consumer refusal of medication;

(7) OTC and prn medications;

(8) controlled substances;

(9) medication classifications/identification;

(10) medication effects;

(11) medication side effects and contraindications including, but not limited to, allergic reaction/adverse reactions.

(12) Utilization of available resources of medication information shall include but not limited to:

(a) supervising nurse;

(b) written materials;

(c) internet;

(d) pharmacist;

(e) poison control.

(13) Medication nomenclature including:

(a) trade;

(b) generic;

(c) over-the-counter.

(14) Methods of distribution and storage shall include but not limited to:

(a) unit dose;

(b) medication carts;

(c) bubble packs;

(d) prescription bottles;

(e) others.

D. Basic understanding of anatomy and physiology including:

(1) population specific medication classifications and relationship to body systems;

(2) function of the ten body systems as they pertain to absorption and excretion of medications; nervous, cardiovascular, respiratory, digestive, urinary, endocrine, musculoskeletal, integumentary, reproductive, immune and lymphatic;

(3) common health care problems/concerns;

(4) common disease processes;

(5) common medications given to the specific population including:

(a) generic and trade names;

(b) dosage range;

(c) action;

(d) side effects;

(e) contraindications.

E. Emergency procedures including review of:

(1) cardiac and respiratory emergencies;

(2) choking emergencies, including aspiration.

F. Medication administration procedures/skills check list:

(1) Review the seven rights for each skill.

(2) Hand washing and proper application and removal of personal protective equipment.

(3) Administering:

(a) oral tablets/capsules;

(b) splitting scored tablets;

(c) opening capsules per provider order in lieu of crushing when no other option is available;

(d) liquids;

(e) powdered medications;

(f) ophthalmic ointments;

(g) ear medications;

(h) instilling liquid eye medications;

(i) nasal medications/dropper and atomizer;

(j) vaginal and rectal creams and suppositories;

(k) topical agents;

(l) metered dose inhalers and routine nebulizers;

(m) gastrostomy and jejunostomy medications;

(n) nebulizer medications.

(4) Crushing tablets and mixing with food or liquid for administration:

(5) Applying:

(a) lotion;

(b) liniment;

(c) ointment/cream;

(d) transdermal patches.

(6) Taking and recording vital signs as needed.

(7) Documentation of medication administration.

(8) Medication administration situations requiring notification of the nurse:

(a) consumer medical/mental health condition change;

(b) discontinued medication;

(c) medications appear to be contaminated;

(d) patients having difficulty with ingesting or administration of medication;

(e) patient's refusal of medication;

(f) if any questions or uncertainty arise regarding medication administration.

(g) PRN medication is requested.

G. Orientation to population specific care including, but not limited to:

(1) specific health care concerns for the population being served;

(2) life developmental stages as related to target population;

(3) Nutrition/hydration/herbal supplements.
[16.12.5.19 NMAC - Rp, 16.12.5.19 NMAC, 7/31/2026]

16.12.5.20 INITIAL AND ONGOING COMPETENCY REQUIREMENTS:

A. Competency assessments for each CMA employed by a facility must be conducted upon hire and annually thereafter by a licensed nurse and can be included in the annual performance evaluation. The approved facility CMA program must maintain up to date records of the initial and annual competency validation on file at the facility. Competency assessments must include a demonstration of each of the following competency areas and standards:

(1) Maintaining confidentiality; does not share confidential information, except when it affects the recipient's care and is shared only with appropriate person(s).

(2) Complying with a recipient's right to refuse to take medication; does not force recipients to take medication. Using appropriate measures to encourage taking of medications when directed for recipients who are not competent.

(3) Maintaining hygiene and current accepted standards for infection control; utilizes appropriate infection control principles when providing medications.

(4) Documenting accurately and completely; accurately documents all medication provided including the name of the medication, dose, route, and time administered and any refusal of medication.

(5) Providing medications according to the seven rights; provides the right medication, to the right person, at the right time, in the right dose, for the right purpose/ indication, and by the right route, and with right documentation.

(6) Having the ability to understand and follow instructions; comprehends written or oral directions.

(7) Practicing safety in application of medication procedures; properly:

(a) Stores and handles all medication in accordance with facility policy.

(b) Intervenes when unsafe conditions of the medication indicate a medication should not be provided.

(8) Having knowledge of abuse and neglect reporting requirements. identifies- occurrences of possible abuse of a vulnerable adult and reports this information to the appropriate supervising licensed nurse and as required by facility policies.

B. Insulin administration for CMA-R

(1) Administration of insulin by pen.

(2) Demonstrate ability to maintain a clean/sterile field of care.

(3) Demonstrate correct infection control practices throughout all procedures including the selection of correct antiseptic solutions.

(4) Demonstrate appropriate site selection for administration of insulin.

(5) Demonstrate correct administration of insulin.

(6) Identify and respond appropriately to complications of insulin administration.

(7) Understand the principles and rationale for administration of insulin.

(8) Identification of complications.

[16.12.5.19 NMAC - Rp, 16.12.5.19 NMAC, 7/31/2026]

16.12.5.21 REFRESHER COURSE REQUIREMENTS:

A. Authorized functions of the certified medication aide (see Subsection B of 16.12.5.10 NMAC).

B. Prohibited functions of the certified medication aide (see Subsection C of 16.12.5.10 NMAC).

C. Medication administration procedures (see Subsection F of 16.12.5.19 NMAC) including a review of the fundamentals of medication administration, location of agency resource materials and documentation, and medication administration situations requiring notification of the nurse. Any additional training and procedures to safely administer medications as determined by the agency nurse educator.

D. Medication review as determined by agency nurse educator.

[16.12.5.21 NMAC - Rp, 16.12.5.21 NMAC, 7/31/2026]

16.12.5.22 [RESERVED]

[16.12.5.22 NMAC - Rp, 16.12.5.22 NMAC, 7/31/2026]

HISTORY OF 16.12.5 NMAC: Pre-NMAC History:

The material is this part was derived from that previously filed with the state records center & archives under: BON MANUAL 91-1, New Mexico Board of Nursing Rules and Regulations for Medications Aides in Intermediate Care Facilities for the Mentally Retarded (filed 10/3/1991).

History of the Repealed Material:

16.12.5 NMAC, Medication Aides in Intermediate Care Facilities for the Mentally and Developmentally Disabled Medicaid Waiver Programs (filed 6/12/01), repealed 8/16/2005. 16.12.5 NMAC, Nurse Licensure, filed 6/29/2005 - Repealed effective 10/1/2016.

16.12.5 NMAC, Medication Aides (filed 9/1/2016), Repealed 12/13/2022.

16.12.5 NMAC, Medication Aides (filed 12/1/2022), Repealed 7/31/2026.

Other History:

16 NMAC 12.5, Developmentally Disabled Medicaid Waiver Medication Aides, effective 2/15/1996.

16 NMAC 12.5, Developmentally Disabled Medicaid Waiver Medication Aides (filed 1/26/1996) and that applicable portion of BON MANUAL 91-1, New Mexico Board of Nursing Rules and Regulations for Medications Aides in Intermediate Care Facilities for the Mentally Retarded (filed 10/3/1991) were merged into part number 16 NMAC 12.5 and renamed as Medication Aides in Intermediate Care Facilities for the Mentally and Developmentally Disabled Medicaid Waiver Programs, effective 1/1/1998.

16 NMAC 12.5, Medication Aides in Intermediate Care Facilities for the Mentally and Developmentally Disabled Medicaid Waiver Programs (filed 12/10/1997) was renumbered, reformatted, and amended as 16.12.5 NMAC, Medication Aides in Intermediate Care Facilities for the Mentally and Developmentally Disabled Medicaid Waiver Programs, effective 7/30/2001.

16.12.5 NMAC, Medication Aides in Intermediate Care Facilities for the Mentally and Developmentally Disabled Medicaid Waiver Programs (filed 6/12/2001) was replaced by 16.12.5 NMAC, Medication Aides, effective 8/16/2005.

16.12.5 NMAC, Medication Aides (filed 9/1/2016), was replaced by 16.12.5 NMAC, Medication Aides effective 12/13/2022.

16.12.5 NMAC, Medication Aides (filed 12/1/2022), was replaced by 16.12.5 NMAC, Medication Aides effective 7/31/2026.

**NURSING,
BOARD OF**

This is an amendment to 16.12.13 NMAC, Sections 8 through 14 effective 6/10/2026.

16.12.13.8 PURPOSE**OF ALTERNATIVE TO
[DISCIPLINE] DISCIPLINE**

PROGRAM: The alternative to discipline (ATD) is a voluntary alternative to traditional disciplinary action for a nurse whose competencies may be impaired because of the habitual use of substances, including drugs or alcohol. Individuals may request admission into the program following the filing of a complaint against their nursing license or by self-referral.

[16.12.13.8 NMAC - Rp, 16.12.13.8 NMAC 1/1/2026; A, 6/10/2026]

**16.12.13.9 ADMISSION
INTO THE ALTERNATIVE TO****[DISCIPLINE] DISCIPLINE
PROGRAM:**

A. Nurses licensed in New Mexico who have had a complaint filed against their nursing license alleging the use or abuse of drugs or alcohol, or who voluntarily submit a written request, shall be given an opportunity to be admitted into the alternative to discipline (ATD).

(1) Following a complaint, individuals who do not accept the opportunity for admission into the program within 30 days of the complaint shall be processed as a disciplinary case.

(2) Individuals who voluntarily requested admission and do not complete the admission process within 30 days of request may be subject to disciplinary action by the board.

(3) It may be recommended that individuals obtain a professional evaluation for chemical dependency or a mental health diagnosis and submit a copy of the evaluation to the alternative to discipline (ATD) program.

(4) The initial contract is a “no use” contract to include prescription medications unless written notification is given by the licensed provider prescribing the medication for FDA approved medications.

(5) Signatures on the initial contract and

amendments constitute a release of information for the alternative to discipline (ATD) program to contact all supporting individuals.

B. Request for admission shall be made, in writing, to the alternative to discipline (ATD) program coordinator or the executive director of the board of nursing.

C. Each nurse requesting admission shall be scheduled for an admission interview and preparation of an initial contract.

(1) The initial contract shall include conditions which must be met by a participant.

(2) The contract may be individualized but the form may not be substantially changed without the approval of the board.

(3) The initial preparation of the contract will be done by the alternative to discipline (ATD) program coordinator, executive director, or experienced regional advisory committee member.

(4) The nurses in the alternative to discipline (ATD) program may have their practice restricted including:

(a) prohibiting access to controlled substances including narcotics,

(b) prohibiting night shift work,

(c) prohibiting overtime work,

(d) prohibiting agency work, float pool work or home health/hospice care work or any work in which a supervisor is not present in the patient care area to supervise the nurse, and

(e) restricting APRNs from prescribing controlled substances or, when indicated, restricting APRNs from prescribing all dangerous drugs;

(5) If the participant in the alternative to discipline (ATD) program requests permission to work, the participants must sign an employment contract as an addendum to the initial contract.

(6) Beginning on December 1, 2022, any alternative to discipline (ATD) program contract

shall include the following conditions to which any participant entering into a new alternative to discipline (ATD) program contract shall knowingly and voluntarily consent in writing as a prerequisite to program participation:

(a) the participant in the program agrees that the board may summarily suspend the participant’s nursing license (or multiple licenses, if applicable) upon receiving information deemed to be credible by the board suggesting that the participant has violated the terms of the alternative to discipline (ATD) program contract;

(b) any summary suspension may last no longer than ninety days; and

(c) the board may order a summary suspension without hearing, provided that beforehand the board shall provide the participant with notice of the possible suspension and an opportunity to submit any evidence, argument, or other information in writing as to why the board should not summarily suspend the participant’s license.

[16.12.13.9 NMAC - Rp, 16.12.13.9 NMAC 1/1/2026; A, 6/10/2026]

**16.12.13.10 MONITORING
PARTICIPANTS IN THE
ALTERNATIVE TO
[DISCIPLINE] DISCIPLINE
PROGRAM:**

A. Participants must [assure] ensure that required written reports and drug screens are submitted in accordance with the provisions of the alternative to discipline (ATD) program contract and contract amendments. Written reports and drug screens *must* be received by the program monthly or in time interval specified in the contract.

(1) Written reports of the same type and several drug screens received together are not acceptable and may result in the participant being noncompliant.

(2) Drug screens shall be scheduled randomly and shall be [observed] conducted in accordance with the guidelines and [protocols] policy approved by the [board] program.

(3) Drug screens must include the participant's identified drug(s) of choice and updated as clinically indicated or when new risks emerge.

(4) Participants are required to check in every day with the drug-testing system to determine whether testing is required on that day.

(5) All participants are required to complete a minimum of two drug tests per month, plus one additional drug test per year.

(6) All participants must complete 52 therapy visits within two years of the date they enter the program.

(7) All participants must complete a substance use disorder treatment program at least once during program participation and may be required to complete additional treatment if warranted.

B. Participants are required to meet with the regional advisory committee members and the alternative to discipline (ATD) program staff periodically for an evaluation of their progress in recovery and participation in the program.

(1) After one year of acceptable compliance, amendments may be made in the participant's contract based on the participant's progress in recovery and participation in the program.

(2) Contracts and contract amendments must be submitted with all required signatures within two weeks of the intake meeting date.

(3) Failure to meet regularly as scheduled may result in being reported to the board for noncompliance **C.** Participant shall notify the alternative to discipline (ATD) program coordinator and the executive director of the board, immediately, of a pending relocation out-of-the state of New Mexico. The participant shall complete and submit the out-of-state relocation form. The executive director shall notify the board of nursing in the state in which

participant intends to practice that the licensee is a participant in the New Mexico board of nursing's alternative to discipline (ATD) program. Participants who relocate out-of-state must comply with the NM alternative to discipline (ATD) program requirements until participants have been discharged from the program. [16.12.13.10 NMAC - Rp, 16.12.13.10 NMAC 1/1/2026, A, 6/10/2026]

16.12.13.11 RELAPSES AND NONCOMPLIANCE WITH THE ALTERNATIVE TO ~~DISCIPLINE~~ DISCIPLINE PROGRAM CONTRACT:

A. Participants who are noncompliant with their contract and who do not cooperate with the program shall be reported to the board of nursing.

(1) Reports shall be made to the board using the participant's confidential file number.

(2) The participant's name shall not be disclosed to the board until the board orders a letter of reprimand, pre-notice of contemplated action settlement agreement, a notice of contemplated action, or other formal discipline.

B. The alternative to discipline (ATD) program coordinator or the executive director shall file a sworn complaint after a verbal or written report of a relapse, positive drug screen or no verbal or written communication with the alternative to discipline (ATD) program for three months.

(1) A relapse is defined as the unauthorized use of any mind-altering drug or alcohol.

(2) The relapse shall be reported to the board of nursing at its next regularly scheduled meeting.

C. The board may move for a notice of contemplated action and may summarily suspend the license of the participant for a period not to exceed 90 days pending the completion of a formal disciplinary proceeding as provided by the alternative to discipline

(ATD) program contract, based on a participant's relapse or positive drug screen.

D. An individual whose license is reinstated following a summary suspension shall remit the required reinstatement fee.

E. Participants who appear before the board for a disciplinary hearing may be required to enter into a new alternative to discipline (ATD) program contract. [16.12.13.11 NMAC - Rp, 16.12.13.11 NMAC 1/1/2026; A, 6/10/2026]

16.12.13.12 DISCHARGE FROM THE ALTERNATIVE TO ~~DISCIPLINE~~ DISCIPLINE PROGRAM:

A. Successful discharge:

(1) A participant who remains drug and alcohol free for three full years and complies with all conditions of the participant's alternative to discipline (ATD) program contract for at least 24 months may request a successful discharge from the alternative to discipline (ATD) program.

(2) A participant must work as a nurse or APRN for 520 hours in the last two years of the contract to be eligible for successful discharge.

(a) A nurse who has worked for 520 hours in the last two years of the contract and who has worked for 200 hours without any alternative to discipline (ATD) contract practice restrictions is eligible to apply for a multistate license.

(b) A nurse who has worked for 520 hours in the last two years of the contract, with alternative to discipline (ATD) contract practice restrictions, is eligible for a single state license. Any license with a condition of practice is considered an encumbered license and is not eligible for a multistate license.

(3) Prior to the board's grant of any successful discharge, the participant must be evaluated for discharge by a quorum of advisory committee members or

the alternative to discipline (ATD) program coordinator. In addition, the participant must submit letters of recommendation from a supervisor, a sponsor, and (if applicable) a counselor, as well as an additional letter written by the participant personally.

(4) Upon the participant submitting all required documentation and the participant's completion of the required evaluation, the alternative to discipline (ATD) program coordinator shall make a recommendation to the board at its next regularly scheduled meeting regarding the approval or disapproval of discharge for the participant.

B. Unsuccessful discharge:

(1) The board may unsatisfactorily discharge a participant from the alternative to discipline (ATD) program based on the participant's failure to comply with the terms and conditions of the alternative to discipline (ATD) program contract.

(2) An unsuccessful discharge does not constitute disciplinary action. If the participant is discharged due to continued non-compliance with the alternative to discipline (ATD) contract, the participant may incur discipline related to contract violations.

[16.12.13.12 NMAC - Rp, 16.12.13.12 NMAC 1/1/2026; A, 6/10/2026]

16.12.13.13 ALTERNATIVE TO ~~DISCIPLINE~~ DISCIPLINE PROGRAM PARTICIPANT RECORDS:

A. All alternative to discipline (ATD) program participant records are strictly confidential and shall be maintained by the board in accordance with Section 61-3-29.1 NMSA 1978.

B. Subject to any additional confidentiality as otherwise provided by law, the board may disclose the records of a participant in the following circumstances:

(1) disclosure is required pursuant to the nurse licensure compact;

(2) disclosure is for the purposes of reporting to the board concerning a nurse who is not cooperating and complying with the alternative to discipline (ATD) program contract;

(3) the participant leaves the state prior to successful discharge;

(4) the participant presents an immediate danger to self or to the public; or

(5) the participant is no longer in the program, and the board has taken disciplinary action against the participant based on noncompliance with the alternative to discipline (ATD) program contract.

[16.12.13.13 NMAC - Rp, 16.12.13.13 NMAC 1/1/2026; A, 6/10/2026]

16.12.13.14 REGIONAL ADVISORY COMMITTEES:

A. The board shall establish regional advisory committees throughout the state in accordance with Section 61-3-29.1 NMSA 1978 for the purpose of assisting the ATD program coordinator to conduct admission interviews, prepare initial contract and to periodically evaluate [participant's] participants' progress in recovery and participation in the program.

B. Members of advisory committees shall be appointed by the board and shall function under the direction of the board. The term of the appointment shall be two years. Regional advisory committee members may apply for re-appointment for a maximum of eight years or four two-year terms.

C. No current member of the board shall be appointed to an advisory committee.

D. As permitted and authorized by the executive director, the program coordinator shall be the liaison between each regional advisory committee and the board.

[16.12.13.14 NMAC - Rp, 16.12.13.14 NMAC 1/1/2026; A, 6/10/2026]

REGULATION AND LICENSING DEPARTMENT COUNSELING AND THERAPY PRACTICE BOARD

This is an amendment to 16.27.2 NMAC, adding Section 9, effective 06/09/2026.

16.27.2.9 ALTERNATIVE PATHWAY FOR DEFICIENT INTERNSHIP/PRACTICUM HOURS:

A. An applicant may qualify for licensure under this section if the applicant:

(1) holds an independent clinical license, in good standing, issued by another U.S. jurisdiction for a minimum of one year immediately preceding the application;

(2) has no current disciplinary action, unresolved complaint, or pending investigation in any other jurisdiction;

(3) Completed a graduate degree in counseling, marriage and family therapy, art therapy, or another behavioral health discipline recognized by the board, but did not complete the practicum or internship hours required for initial licensure in New Mexico; and

(4) demonstrates professional experience substantially equivalent to practicum or internship.

B. Applicants under this section shall submit:

(1) a completed application and required fees;

(2) official verification of independent licensure from all jurisdictions in which the applicant has been licensed;

(3) a written attestation of competency signed by a supervisor, employer, or professional colleague familiar with the applicant's work.

C. This section applies only to applicants whose sole deficiency is lack of qualifying practicum or internship hours. Applicant must still meet all other

educational, ethical, jurisprudence examination requirements. This section shall not apply to applicants with disciplinary history indicating risk to public safety.
[16.27.2.9 NMAC – N, 06/09/2026]

**REGULATION
AND LICENSING
DEPARTMENT
COUNSELING AND THERAPY
PRACTICE BOARD**

This is an amendment to 16.27.6 NMAC, amending Section 8, effective 06/09/2026.

16.27.6.8 SUPERVISION:

A. Supervision. No supervision is required to practice with a LMFT independent license. The board strongly recommends that all independently licensed counselors and therapists have an ongoing consultation or peer review process in place.

B. Marriage and family therapy core curriculum, means a curriculum for training marriage and family therapists that includes 45 semester hours or 67.5 quarter hours of graduate level coursework that embraces a family systems perspective and consists of the following areas of graduate study:

(1) Marriage and family studies- a minimum of nine semester hours or 12 quarter-hours of graduate coursework. Course content in this area may include the study of the family life cycle, family development, family subsystems, family theories, blended families, gender issues and families, cultural issues and families, contemporary families, family and interpersonal relationships and family crisis. All courses in this area must come from a systems perspective where systems theory is a major focus of the course.

(2) Marriage and family therapy - a minimum of nine semester hours or 12 quarter hours of graduate coursework in family therapy assessment, treatment

and intervention methods. Major theoretical approaches that may be studied include: strategic, structural, object relations family therapy, behavioral family therapy, communication family therapy, intergenerational family therapy and systemic sex therapy. Courses should have a major focus on family systems theory and systemic interventions.

(3) Human development - a minimum of nine semester hours or 12 quarter hours of graduate coursework. Courses in human development across the life span including special issues (e.g., culture, gender, human sexuality) would be appropriate. Topic areas may include human development, infant/child/adolescent development, psychopathology, personality theory, and human sexuality. Courses should have a systemic focus. Testing and measurement courses are NOT acceptable in this area.

(4) Multicultural studies - a minimum of three semester hours or four quarter hours of graduate coursework, includes a systemic orientation relevant to diverse racial ethnic populations.

(5) Professional studies- a minimum of three semester hours or four quarter hours of graduate coursework. Areas of study include legal issues and responsibilities, professional liabilities, and ethics related to the practice of marriage and family therapy. Religious ethics and moral theology courses are NOT acceptable in this area.

(6) Research a minimum of three semester hours or four quarter hours of graduate coursework. Courses in this area should assist the student in understanding and performing research. Topical areas may include: research design and methodology, quantitative methods and statistics. Personality and test and measurement courses are NOT accepted in this area.

(7) Supervised practicum - a minimum of six semester hours or eight quarter hours

of graduate coursework. As part of the six semester hours or eight quarter hours of coursework, there must be a minimum of 300 hours of supervised direct client contact, for a period of at least 12 months. Practicum students may only count hours in which they work directly with individuals, couples, and families for the purpose of assessment, diagnosis and treatment in marriage and family related issues. Applicants who are deficit in the number of graduate credit hours required for supervised practicum may apply through the alternative pathway as detailed in 16.27.2.9 NMAC.

(8) Electives from any area listed above satisfy the 45 semester-hour or 67.5 quarter hour requirement. Remaining course work would be distributed as electives related to the areas listed above.
[16.27.6.8 NMAC - Rp 16 NMAC 27.1.7.5, 6/15/2001; A, 7/1/2004; A, 2/10/2006; A, 11/30/2021; A, 06/09/2026]

**REGULATION
AND LICENSING
DEPARTMENT
COUNSELING AND THERAPY
PRACTICE BOARD**

This is an amendment to 16.27.9 NMAC, amending Section 9, effective 06/09/2026.

16.27.9.9 LICENSED MENTAL HEALTH COUNSELOR (MENTAL HEALTH SPECIALTY OR ART THERAPY SPECIALTY):

A. LMHC is intended as a transition between the required degree and the completion of supervised training required for licensure as a professional clinical mental health counselor or a professional art therapist. All work must be performed under appropriate clinical supervision. Applicants must assure that their education and experience are appropriate for the level of licensure they will seek upon completion of supervised training. There is no maximum time limit as a licensed mental health counselor, but

all work at this level must be done under clinical supervision.

B. Qualifications for entry level licensure by examination. An applicant for licensure by examination as an entry-level mental health counselor (LMHC) must possess the following qualifications:

(1) be at least 21 years of age;

(2) applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics;

(3) holds a masters or doctoral degree in a counseling or counseling related field with no less than 48 graduate hours or 72 quarter hours in the core curriculum and nine practicum hours; Applicants who have fewer than nine practicum hours may apply through the alternative pathway as detailed in 16.27.2.9 NMAC; and

(4) have arranged for appropriate clinical supervision, as required by their licensure track.

[16.27.9.9 NMAC - Rp 16 NMAC 27.8.8, 6/15/2001; A, 7/1/2004; A, 2/10/2006; A, 11/30/2021; A, 1/18/2023; A, 06/09/2026]

End of Adopted Rules

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