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January 27, 2026

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Notices of Rulemaking and Proposed Rules

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE OF PROPOSED RULEMAKING AND PUBLIC HEARING

The New Mexico Economic Development Department (“Department”) will hold a public hearing on Thursday, February 26, 2026, from 10:00 – 11:00 a.m. The hearing will be conducted in person at the following location:

**Thursday, February 26, 2026,
10:00-11:00 a.m. Mountain Time**

Mabry Hall located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, NM 87501

The purpose of the rule hearing is to obtain input and public comment on proposed new rules relating to 2.95.1 NMAC, Strategic Economic Development Site Readiness Act, Laws 2025, Ch. 70 (Senate Bill 169 Approved April 7, 2025).

Copies of the proposed rule may be accessed online at <https://edd.newmexico.gov/about-us/public-notices/> or contact Department staff at info@edd.nm.gov (505) 827-0300.

The Department will accept written public comments on the proposed rule beginning January 27, 2026. Please submit written comments on the proposed rule to the Department via electronic mail at info@edd.nm.gov or by regular mail at 1100 S. Saint Francis Dr., Santa Fe, New Mexico, 87505. Written comments must be received no later than 5 p.m. on February 26, 2026. Comments received prior to the rule hearing will be posted to the Department website at <https://edd.newmexico.gov/about-us/public-notices/>. 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 Department Staff as soon as possible at info@edd.nm.gov or (505) 827-0300. The Committee 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 Strategic Economic Development Site Readiness Act, Section 6-25B-1 et seq., NMSA 1978, specifically 6-25B-5.D.

Proposed Rule:

This is a new Rule, 2.95.1 NMAC, Sections 1 through 16, effective March 24, 2026.

2.95.1.1 ISSUING AGENCY: Economic Development Department.
[2.95.1.1 NMAC - N, xx/xx/2025]

2.95.1.2 SCOPE: All public partners and private partners applying for Strategic Economic Development Site Readiness Act funds through the Economic Development Department.
[2.95.1.2 NMAC - N, xx/xx/2025]

2.95.1.3 STATUTORY AUTHORITY: Section 6-25B-5, NMSA 1978.
[2.95.1.3 NMAC - N, xx/xx/2025]

2.95.1.4 DURATION:
Permanent.
[2.95.1.4 NMAC - N, xx/xx/2025]

2.95.1.5 EFFECTIVE DATE: xx/xx, 2025 unless a later date is cited at the end of a section.
[2.95.1.5 NMAC - N, xx/xx/2025]

2.95.1.6 OBJECTIVE:
A. Section 6-25B-3, NMSA 1978, provides that the department may enter into contracts with public partners and private

partners for site characterization studies of proposed economic development sites to determine the suitability of such sites for certification as a strategic economic development site.

B. Section 6-25B-4, NMSA 1978, creates the strategic economic development site advisory committee and provides that the department shall provide necessary administrative services to the committee.

C. Section 6-25B-5, NMSA 1978, provides that the committee is granted authority to recommend approval or disapproval of applications for grants or loans from the site readiness fund, or to make recommendations for funding from the public project revolving fund or other potential funding sources to public and private partners to assist in the evaluation of proposals for site characterization studies or proposed economic development sites to assess the suitability of a proposed strategic economic development site for development by a public partner or private partner, and to promulgate rules necessary to carry out the provisions of the act.

D. Section 6-25B-7, NMSA 1978, provides that the department shall administer the site readiness fund and recover from the fund the costs of administering the fund.

[2.95.1.6 NMAC - N, xx/xx/2025]

2.95.1.7 DEFINITIONS:
A. “Act” means the Strategic Economic Development Site Readiness Act, Sections 6-25B-1 through 6-25B-8, NMSA 1978, as the same may be amended and supplemented.

B. “Application” means a written document made publicly available by the department and filed with the department for the purpose of evaluating a public partner’s or private partner’s application for grants and loans from the site readiness fund, the public project revolving fund and other potential funding sources.

C. "Committee"

means the strategic economic development site advisory committee created to recommend approval or disapproval of applications for grants and loans from the site readiness fund, the public project revolving fund and other potential funding sources.

D. "Department"

is the economic development department.

E. "Economic

development site" means a site for proposed economic development that promotes economic activity and job creation based on criteria developed by the department, but excludes general housing development, affordable housing, lands with known environmental contaminations, and other criteria as may be determined by the department that do not provide economic base job development opportunities.

F. "Private partner"

means an individual, a foreign or domestic corporation, a general partnership, a limited liability company, a limited partnership, a joint venture, a business trust, a public benefit corporation, a nonprofit entity or other private business entity or a combination thereof.

G. "Public partner"

means the state and the state's branches, agencies, departments, boards, instrumentalities or institutions, public improvement district, tax increment development district, and all political subdivisions of the state and their agencies, instrumentalities and institutions, including a department, an institution of higher education, a board or a commission, and includes Indian nations, tribes and pueblos.

H. "Public project

revolving fund" means the fund created in and administered by the New Mexico finance authority pursuant to Section 6-21-6, NMSA 1978, as the same may be amended and supplemented.

I. "Secretary"

means the secretary of economic development.

J. "Site

characterization study" means

the study of proposed economic development sites conducted pursuant to the provisions of Subsection C of Section 6-25B-3, NMSA 1978, to determine the suitability of such sites for certification as a strategic economic development site.

K. "Site pre-development project" means a designated strategic economic development site project that will enhance the readiness of the strategic economic development site, and may include: (1) surveying, engineering, planning and architectural work required in advance of construction on site development and building construction; (2) environmental assessments and remediation; (3) public infrastructure improvements necessary prior to the start of site development and building construction, including roads and utilities; (4) site preparation, including landscaping and drainage improvements; and (5) government permitting.

L. "Site readiness fund" means the fund created in the state treasury by Section 6-25B-7, NMSA 1978 and consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocation to the fund.

M. "Strategic Economic Development Site" means a site designated as a strategic economic development site by the secretary, upon the review and recommendation of a site characterization study by the strategic economic development site advisory committee.

[2.95.1.7 NMAC - N, xx/xx/2025]

2.95.1.8 PRE-APPLICATION AND APPLICATION PROCESS:

A. Prior to initiating the preparation of an application, a public or private partner is encouraged to schedule a "pre-application conference" to discuss the proposed site with department staff, the secretary, and [], as well

as consultants and/or professionals that the department may propose. The secretary may require a pre-application conference as needed, at his/her sole discretion. The purpose of this conference is to [allow the applicant and department staff to discuss areas of strength and opportunities of the application in order to optimize the application review process].

B. Applications must be submitted at least [eight (8)] business days prior to the committee's upcoming meeting to be considered during the upcoming meeting.

C. The application review process commences when an applicant files a completed application with the department. The committee shall endeavor to review and evaluate each completed application within [ninety (90)] days of receipt to allow the committee, department staff, and the secretary to perform a thorough review. The chair may call a special meeting of the committee to expedite an application as needed, [or at the department's request].

[2.95.1.8 NMAC - N, xx/xx/2025]

2.95.1.9 REVIEW AND APPROVAL PROCESS:

A. The committee shall review applications for site characterization studies and for grants or loans from the site readiness fund, and make recommendations to the secretary.

B. Upon the recommendation of the committee, the secretary shall:

(1) determine whether further information is needed to make a final decision; or

(2) determine whether the recommendation of the committee should be accepted.

C. All determinations by the secretary shall be considered final.

[12.13.1.9 NMAC - N, xx/xx/2026]

2.95.1.10 ELIGIBILITY AND PRIORITIZATION FOR STRATEGIC ECONOMIC DEVELOPMENT SITE PROPOSALS: The committee will

develop and consider a variety of factors in reviewing and evaluating strategic economic development site proposals to determine which proposals to recommend to the secretary as a strategic economic development site qualified to receive a grant or loan from the site readiness fund or whether to recommend funding from the public project revolving fund or other available funding source. The committee shall establish policies for prioritization of strategic economic development sites. [2.95.1.10 NMAC - N, xx/xx/2025]

2.95.1.11 SITE CHARACTERIZATION STUDIES OF PROPOSED STRATEGIC ECONOMIC DEVELOPMENT SITES, CONTRACTS:

A. The secretary will accept for consideration proposals for site characterization studies of proposed strategic economic development sites to determine the suitability of such sites for certification as a strategic economic development site.

B. If the secretary determines that a proposed site is appropriate for a site characterization study, the department and a public partner or a private partner may enter into a contract to determine the suitability of proposed economic development sites for certification as a strategic economic development site. The contract to determine suitability of a proposed economic development site shall define the roles and responsibilities of the department and the public partner or private partner, provide clawback or recapture provisions determined by the department, if applicable, that protect the public investment in the event of a default on the contract; and assess the suitability of a proposed economic development site for development by a public partner or private partner, taking into consideration those characteristics set forth in policies approved by the department and consistent with the act.

C. The department will monitor the terms of the contract and enforce or cause to be enforced

all terms and conditions thereof. In the event of default under a contract to determine suitability of proposed economic development sites, the department may enforce its rights by suit or mandamus and may utilize all other available remedies under state and applicable federal law.

D. The department shall review contracts to determine suitability of proposed economic development sites from time to time and determine whether the use of site readiness funds is a prudent expenditure of public funds and report to the legislature annually on that determination.

[2.95.1.11 NMAC - N, xx/xx/2025]

2.95.1.12 SITE CHARACTERIZATION STUDIES OF PROPOSED STRATEGIC ECONOMIC DEVELOPMENT SITES, REVIEW AND APPROVAL PROCESS:

A. The committee shall review site characterization studies and recommend the designation of proposed strategic economic development sites for consideration by the department.

B. The committee will complete an initial evaluation of the site characterization study promptly upon receipt. The committee may rely on the advice of other state agencies and county and local governments on technical issues relevant to the committee's consideration of proposed strategic economic development sites and applications for grants and loans from the site readiness fund. The committee will make a recommendation to the department on each site characterization study.

C. Upon the recommendation of the committee, the secretary shall:

(1) determine whether there needs to be further study of the characteristics of proposed economic development sites; or

(2) determine whether the proposed economic development site should be designated

as a strategic economic development site.

[2.95.1.12 NMAC - N, xx/xx/2025]

2.95.1.13 STRATEGIC ECONOMIC DEVELOPMENT SITE PRE-DEVELOPMENT PROJECTS, REVIEW, PRIORITIZATION AND APPROVAL PROCESS:

A. Upon designation as a strategic economic development site, the secretary may solicit proposals from public partners and private partners for site pre-development projects that will enhance the readiness of the strategic economic development site. Site pre-development projects may include:

(1) surveying, engineering, planning and architectural work required in advance of construction on site development and building construction;

(2) environmental assessments and remediation;

(3) public infrastructure improvements necessary prior to the start of site development and building constructions, including roads and utilities;

(4) site preparation, including landscaping and drainage improvements; and

(5) governmental permitting.

B. The committee shall review each complete and compliant pre-development project application from a public or private partner associated with a strategic economic development site and provide a recommendation to the secretary regarding potential funding through the site readiness fund or whether the application should be recommended for funding from the public project revolving fund or other available funding sources.

C. Following the committee review, the secretary shall determine which proposed site pre-development projects will receive funding from the site readiness fund, at what amount, and for what purposes.

[2.95.1.13 NMAC - N, xx/xx/2025]

2.95.1.14 ADMINISTRATION OF THE SITE READINESS FUND:

A. Pursuant to Section 6-25B-7, NMSA 1978, the site readiness fund is created in the state treasury and shall be administered by the department to provide grants and loans for financing site pre-development projects.

B. Money from repayments of loans made by the department shall be deposited in the site readiness fund. The site readiness fund shall also consist of any other money appropriated, distributed or otherwise allocated to the site readiness fund for the purposes of the act.

C. Money in the fund shall be used for the purpose of carrying out the provisions of the act, including site characterization studies of proposed economic development sites and site preparations of designated strategic economic development sites.

D. Disbursements from the site readiness fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of the department or the secretary's authorized representative.

E. The department may establish procedures to administer the site readiness fund and to recover from the site readiness fund administrative and reimbursable costs incurred by the department for originating grants and loans, subject to the legislative appropriation process.

[2.95.1.14 NMAC - N, xx/xx/2025]

2.95.1.15 REPORTING:

Beginning October 1, 2026 and each October 1 thereafter, the secretary shall provide a report to the governor, the legislative finance committee and the appropriate interim legislative committees regarding:

A. The number and location of proposed economic development sites that have been approved for site characterization studies;

B. The number and location of strategic economic development sites that have been approved by the secretary;

C. The number and location of site pre-development projects that have been approved by the secretary, including those that have been approved for funding, in whole or in part, through grants and loans from the site readiness fund, the public project revolving fund or other funding resources;

D. The status of the site readiness fund; and

E. Recommended changes to the act.

[2.95.1.15 NMAC - N, xx/xx/2025]

2.95.1.16 AMENDMENT

OF RULES: This rule may be amended or repealed at any time by the department.

[2.95.1.16 NMAC - N, xx/xx/2025]

HISTORY OF 2.95.1 NMAC: [RESERVED]**ECONOMIC DEVELOPMENT DEPARTMENT****NOTICE OF PROPOSED RULEMAKING AND PUBLIC HEARING**

The New Mexico Economic Development Department ("Department") will hold a public hearing on Thursday, February 26, 2026, from 11:00 – 12:00 a.m. The hearing will be conducted in person at the following location:

Thursday, February 26, 2026, 11:00-12:00 a.m. Mountain Time

Mabry Hall located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, NM 87501

The purpose of the rule hearing is to obtain input and public comment on proposed new rules relating to 12.13.1 NMAC, Trade Ports Development

Act, Laws 2025, Ch. 86 (House Bill 19 Approved April 8, 2025).

Copies of the proposed rule may be accessed online at <https://edd.newmexico.gov/about-us/public-notices/> or contact Department staff at info@edd.nm.gov (505) 827-0300.

The Department will accept written public comments on the proposed rule beginning January 27, 2026. Please submit written comments on the proposed rule to the Department via electronic mail at info@edd.nm.gov or by regular mail at 1100 S. Saint Francis Dr., Santa Fe, New Mexico, 87505. Written comments must be received no later than 5 p.m. on February 26, 2026. Comments received prior to the rule hearing will be posted to the Department website at <https://edd.newmexico.gov/about-us/public-notices/>. 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 Department Staff as soon as possible at info@edd.nm.gov or (505) 827-0300.

The Committee 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 Trade Ports Development Act, Section 9-15F-1 et seq., NMSA 1978, specifically 9-15F-6.

Proposed Rule:

This is a new Rule, 12.13.1 NMAC, Sections 1 through 18, effective March 24, 2026.

12.13.1.1 ISSUING AGENCY: Economic Development Department.
[12.13.1.1 NMAC - N, xx/xx/2026]

12.13.1.2 SCOPE: All public partners and private partners applying for Strategic Economic Development Trade Ports Development Act funds through the Economic Development Department.

[12.13.1.2 NMAC - N, xx/xx/2026]

12.13.1.3 STATUTORY AUTHORITY: Section 9-15F-6, NMSA 1978.

[12.13.1.3 NMAC - N, xx/xx/2026]

12.13.1.4 DURATION:

Permanent.

[12.13.1.4 NMAC - N, xx/xx/2026]

12.13.1.5 EFFECTIVE DATE: xx/xx, 2026 unless a later date is cited at the end of a section.

[2.95.1.5 NMAC - N, xx/xx/2026]

12.13.1.6 OBJECTIVE:

A. Section 9-15F-3, NMSA 1978, provides that a private partner or a public partner may propose a specific geographic area for designation as a trade port district.

B. Section 9-15F-4, NMSA 1978, provides standards to approve proposed trade port grants, loans, and public-private partnership agreements, which include but are not limited to the effect the project will have on the further development of a trade port, the cost-effectiveness and financial feasibility, the net environmental impact, and the projected time frame for completion.

C. Section 9-15F-5, NMSA 1978, creates the trade ports advisory committee, establishes the membership of the committee, and provides that the department shall provide necessary administrative services to the committee.

D. Section 9-15F-6, NMSA 1978, provides that the committee is granted authority to recommend approval or disapproval of specific geographic areas to be designated as trade port districts, proposed public-private partnership agreements for a trade port project, applications for grants or loans from the trade ports development fund, and consult with state agencies on technical issues relevant to the

trade ports advisory committee's consideration of an application.

E. Section 9-15F-7, NMSA 1978, provides that the secretary is granted the authority to review and approve or disapprove specific geographic areas to be designated as trade port districts, proposed public-private partnership agreements for a trade port project, applications for grants or loans from the trade ports development fund, and consult with state agencies on technical issues relevant to the secretary's consideration of an application, and take all other actions necessary to implement the Trade Ports Development Act, including entering into joint powers agreements and retaining legal counsel and experts when appropriate.

F. Section 9-15F-9, NMSA 1978, creates the trade ports development fund which consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocated to the fund. Income from the fund shall be credited to the fund and provides that the department shall administer the fund.

[12.13.1.6 NMAC - N, xx/xx/2026]

12.13.1.7 DEFINITIONS:

A. **"Act"** means the Trade Ports Development Act, Sections 9-15F-1 through 9-15F-13, NMSA 1978, as the same may be amended and supplemented.

B. **"Application"** means a written document made publicly available by the department and filed with the department for the purpose of evaluating a public partner's or private partner's application for grants and loans from the trade port development fund.

C. **"Committee"** means the trade ports advisory committee created to recommend approval or disapproval of applications for grants and loans from the trade ports development fund.

D. **"Department"** is the economic development department.

E. **"Feasibility Study Grant"** means a grant award for the purpose of studying the costs and benefits of entering into a public-private partnership for a proposed trade port project.

F. **"Match requirement"** means a private partner's matching funds that exceed the public partner's monetary obligation for the public-private partnership agreement.

G. **"Private partner"** means an individual, a foreign or domestic corporation, a general partnership, a limited liability company, a limited partnership, a joint venture, a business trust, a public benefit corporation, a nonprofit entity or other private business entity or a combination thereof.

H. **"Public partner"** means the state and the state's branches, agencies, departments, boards, instrumentalities or institutions, public universities and related agencies, special purpose district, public improvement districts, tax increment development districts, and all political subdivisions of the state and their agencies, instrumentalities and institutions, including a department, an agency, an institution of higher education, a board or a commission.

I. **"Public-private partnership"** means an arrangement between one or more public partners and one or more private partners for the development of a trade port project pursuant to the act.

J. **"Public-private partnership agreement"** means a contract between one or more public partners and one or more private partners in connection with the development of a trade port project.

K. **"Secretary"** means the secretary of economic development.

L. **"State board of finance"** means the department of finance and administration board of finance division.

M. **"Trade port"** means a multimodal system of facilities and services in a given location with the logistical capacity

to efficiently manage cargo and enhance national supply chain resiliency by facilitating the movement and redistribution of goods and commodities to other locations.

N. "Trade port corridor"

"Trade port corridor" means a strategic route or network that facilitates the efficient movement of goods and services across borders.

O. "Trade ports development fund"

"Trade ports development fund" means the fund created in the state treasury by Section 9-15F-9 NMSA 1978.

P. "Trade port district"

"Trade port district" means a distinct geographic area subject to the approval of the secretary pursuant to the requirements of the act within which proposed trade port projects may be approved for grants or loans.

Q. "Trade port project"

"Trade port project" means a project subject to the approval of the secretary pursuant to the act that creates or modifies infrastructure for the construction of buildings or other facilities that support the functions of a trade port within an approved trade port district.

R. "Trade port regional infrastructure accelerator"

"Trade port regional infrastructure accelerator" means a designation by the United States department of transportation as a trade port regional infrastructure accelerator to assist entities in developing improved infrastructure priorities and financing strategies for local projects.

[12.13.1.7 NMAC - N, xx/xx/2026]

12.13.1.8 ELIGIBILITY AND PRIORITIZATION

POLICIES: The secretary, in consultation with the committee, will develop policies and consider a variety of factors in reviewing proposed public private partnerships for a trade port project, specific geographic areas to be designated as trade port districts, and applications for grants or loans from the fund for trade port projects. The committee shall give priority to proposed public-private partnerships that meet the requirements of Section 9-15F-8 NMSA 1978. The committee shall give priority to proposed specific geographic areas to be designated

as a trade port district that meets the requirements of Section 9-15F-3 NMSA 1978. In considering whether to approve a proposed grant, loan and public-private partnership agreement, the secretary shall consider the criteria set forth in Section 9-15F-4 NMSA 1978. The secretary, in consultation with the committee, shall establish policies for prioritization of loans and grants.

[12.13.1.8 NMAC - N, xx/xx/2026]

12.13.1.9 PRE-APPLICATION AND APPLICATION PROCESS:

A. Prior to initiating the preparation of an application, a public partner or public-private partnership is encouraged to schedule a "pre-application conference" to discuss the proposed project with department staff, the secretary, as well as consultants and/or professionals that the department may propose. The secretary may require a pre-application conference as needed, at his/her sole discretion. The purpose of this conference is to [allow the applicant and department staff to discuss areas of strength and opportunities of the application in order to optimize the application review process].

B. Applications must be submitted at least [eight (8)] business days prior to the committee's upcoming meeting to be considered during the upcoming meeting.

C. The application review process commences when an applicant files a completed application with the department. The department shall endeavor to review and evaluate each completed application within [ninety (90)] days of receipt to allow the committee, department staff, and the secretary to perform a thorough review. The chair may call a special meeting of the committee to expedite an application as needed, [or at the secretary's request].

[12.13.1.9 NMAC - N, xx/xx/2025]

12.13.1.10 REVIEW AND APPROVAL PROCESS:

A. The committee shall review specific geographic areas to

be designated as trade port districts, proposed public-private partnership agreements for a trade port project, and applications for grants or loans from the trade ports development fund, and make recommendations to the secretary.

B. Upon the recommendation of the committee, the secretary shall:

(1) determine whether further information is needed to make a final decision; or

(2) determine whether the recommendation of the committee should be accepted.

C. All determinations by the secretary shall be considered final.

[12.13.1.10 NMAC - N, xx/xx/2026]

12.13.1.11 TRADE PORT DISTRICT PROPOSAL, APPLICATION, REVIEW AND DESIGNATION CRITERIA:

A. The committee, in consultation with the secretary and the department, will administer an outreach program to public and private partners and notify applicants regarding proposals for specific geographic areas to be considered for designation as a trade port district.

B. Proposals for specific geographic areas to be considered as a trade port district shall meet the criteria set forth in the policies established by the secretary and consistent with the Act.

C. A public partner or public partner partnership requesting the designation of a trade port district for a certain geographical area shall submit an application to the committee and the secretary that includes:

(1) Public partner information;

(2) Private partner information;

(3) Market and geographical analysis, including:

(a) Proximity to a designated federal interstate highway or other four-lane vehicular highway;

(b) Proximity to an airport that can

provide national and international passenger and air freight service;

(4) List of existing infrastructure suitable for redevelopment or expansion;

(5) Project overview, including:

(a)

Legal description of the land to be included, including information regarding ownership;

(b)

Beneficial impact on economically disadvantaged communities;

(c)

Availability of a public partner capable of coordinating development activities;

(d)

Ability to use any available economic development incentive programs for projects;

(e)

Technological feasibility;

(f)

Projected time frame;

(6) Financial plan, including cost-effectiveness and financial feasibility.

(7) Partnership and governance;

(8) Impact and workforce development;

(9) Environmental and compliance, including a description of the environmental impact and mitigation measures; and

(10) Supporting documentation as requested by the secretary in consultation with the committee.

D. The committee will complete the initial evaluation of the geographic area proposals and shall make a recommendation to the secretary for consideration. The secretary may consult with other agencies and experts as deemed appropriate in order for the secretary to make a final decision.

[12.13.1.11 NMAC - N, xx/xx/2026]

12.13.1.12 TRADE PORT PROJECTS, REVIEW AND APPROVAL PROCESS: For all proposed trade port projects, in deciding whether to approve a

proposed grant, loan and public-private partnership agreement, the secretary shall consider, at a minimum, the criteria set forth in Section 9-15F-4 NMSA 1978, as may be amended and supplemented from time to time.

[12.13.1.12 NMAC - N, xx/xx/2026]

12.13.1.13 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, APPROVAL, RESTRICTIONS:

A. A public partner is authorized to enter into public-private partnership agreements with a private partner to provide economic and administrative efficiencies in connection with the development of trade port projects. Prior to entering into a public-private partnership agreement, a public partner shall provide the committee with all information required by the act and policies established by the secretary.

B. In addition to the provisions required by the act, a public-private partnership agreement shall meet the criteria contained in policies established by the secretary in consultation with the committee, including clawback provisions specific to each public-private partnership agreement as determined by the secretary.

C. A public-private partnership agreement for a trade port project shall not become effective until it receives preliminary approval by the secretary pursuant to the act and final approval by the state board of finance.

D. The attorney general shall, as requested by the secretary, enforce the clawback or recapture provision in a public-private partnership agreement in the event of a default on the agreement.

[12.13.1.13 NMAC - N, xx/xx/2026]

12.13.1.14 TRADE PORTS DEVELOPMENT FUND APPLICATIONS, REVIEW: a public partner or public private partnership requesting funding from the trade ports development fund for a trade port project shall submit an application to the committee and the secretary that includes:

A. Public partner information;

B. Private partner information;

C. Project overview;

D. Project narrative;

E. Financial plan;

F. Partnership and governance;

G. Impact and workforce development;

H. Environmental and compliance, including a description of the environmental impact and mitigation measures;

I. Supporting documentation; and

J. A certification by the applicant that all information is true and correct.

[12.13.1.14 NMAC - N, xx/xx/2026]

12.13.1.15 ADMINISTRATIVE COSTS:

Money in the trade ports development fund may be used for administrative fees and reimbursable costs incurred by the department, the state board of finance and the department of transportation, subject to the legislative approval process.

[12.13.1.15 NMAC - N, xx/xx/2026]

12.13.1.16 ADMINISTRATION OF THE TRADE PORTS DEVELOPMENT FUND:

A. Pursuant to Section 9-15F-9 NMSA 1978, the trade ports development fund is created in the state treasury and shall be administered by the department for the purposes of carrying out the provisions of the act, including the planning, renovation or construction of trade ports and associated facilities and infrastructure.

B. The trade ports development fund consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocated to the fund. Income from the trade ports development fund shall be credited to the fund. Money in the trade ports

development fund shall not revert or be transferred to any other fund at the end of the fiscal year.

C. Money in the trade ports development fund may be used to make grants of up to two hundred fifty thousand dollars (\$250,000) to a public partner for the purposes of studying the costs and benefits of entering into a public-private partnership for a proposed trade port project.

D. Money in the trade ports development fund may be used to provide grants and loans for financing a trade port project through a public-private partnership agreement, provided that the private partner provides funds that match or exceed the public partner's monetary obligation for the public-private partnership agreement, and the public partner certifies to the secretary that the public partner has taken all action necessary to approve the public-private partnership agreement and that the agreement contains all terms and conditions required by Subsection D of Section 9-15F-8 NMSA 1978 of the act.

E. Money in the trade ports development fund may be used pursuant to Subsections A and C of 12.13.1.14 NMAC only for grants or loans to a public partner for a trade port project.

F. Money in the trade ports development fund may be used for grants or loans to an Indian nation, tribe or pueblo that has entered into a partnership with a private partner for the development of a trade port project only if:

(1) The agreement between the Indian nation, tribe or pueblo and the private partner is approved by the secretary; and

(2) The grant or loan application is approved by the secretary.

[12.13.1.16 NMAC - N, xx/xx/2026]

12.13.1.17 REPORTING: Beginning December 1, 2026, and by December 1 of each year thereafter, the secretary shall provide a report to the governor and the legislative finance committee regarding:

A. trade port districts and trade port projects approved by the secretary;

B. a description of the businesses and industries participating in each approved trade port district and trade port project;

C. grant and loan applications approved by the secretary;

D. public-private partnership agreements approved by the secretary;

E. the status of the trade ports development fund; and

F. any recommended changes to the act.

[12.13.1.17 NMAC - N, xx/xx/2026]

12.13.1.18 AMENDMENT OF RULES:

This rule may be amended or repealed at any time by the department.

[12.13.1.18 NMAC - N, xx/xx/2026]

HISTORY OF 12.13.1 NMAC: [RESERVED]

HEALTH CARE AUTHORITY MEDICAL ASSISTANCE DIVISION

NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.324.7, *Adjunct Services, Transportation Services and Lodging*.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: January 27, 2026

Hearing Date: February 26, 2026

Adoption Date: Proposed as June 1, 2026

Technical Citations: 2023 Legislative Session Senate Bill 485- Non-

Emergency Medical Transportation (NEMT)

Background

The Health Care Authority is proposing to amend 8.324.7 NMAC, *Adjunct Services, Transportation Services and Lodging* to: 1) Increase the outside of the home community travel mileage; 2) Revise the referral frequency requirements for continued out-of-community transportation; 3) Implement legislative changes enacted under Senate Bill 485 (2023 Regular Session), establishing requirements for the contracting and reimbursement of NEMT; 4) Aligns language regarding transportation limitations to pharmacy providers from 8.310.2 NMAC to 8.324.7 NMAC for consistency purposes; and 5) Updates NMAC citations that currently reference archived NMAC citations.

NMAC 8.324.7

Section 8 has been updated to include the Departments current mission statement.

Section 10 has been updated to add language changes to implement contracting and reimbursement to NEMT companies as passed in the 2023 legislative session Senate Bill 485.

Section 10 has been updated to separate the benefits that are certified by the New Mexico Public Regulation Commission and Transportation Network Company licensed under the Transportation Network Company Services Act. Language has also been added stating that the permits are issued by the Department of Transportation.

Section 13 has been updated to include current NMAC 8.310.2 as NMAC 8.301.3 has been archived.

For consistency purposes, adding language about transportation limitations to pharmacy providers from 8.310.2 NMAC to 8.324.7 NMAC.

Section 15 has been updated to include current NMAC 8.310.2 as NMAC 8.302.5 has been archived.

Additionally, MAD is increasing the outside of the home community travel mileage from 65 miles to 120 miles and increasing the frequency requirement for obtaining referrals for continued out-of-community transportation from six months to twelve months.

Throughout the NMAC the following changes have been made:

1. Revising references to "his or her" to "their".
2. Changed HSD to HCA

I. RULE

These proposed rule changes will be contained in 8.324.7 NMAC. This register and the proposed rule are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

II. EFFECTIVE DATE

The Health Care Authority proposes implementing this rule effective June 1, 2026.

III. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on February 26, 2026, at 9:00 am. The hearing will be held in the Large Conference Room at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting

Join the meeting now

Meeting ID: 299 163 985 170 5
Passcode: jZ7qH9yw

Dial in by phone

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United States, Albuquerque
Find a local number
Phone conference ID: 931 894 155#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Medical Assistance Division upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

IV. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority
Office of the Secretary
ATTN: Medical Assistance Division
Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m.**

MT on February 26, 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 HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

WORKFORCE SOLUTIONS, DEPARTMENT OF

NOTICE OF RULEMAKING

The New Mexico Department of Workforce Solutions ("Department" or "NMDWS") hereby gives notice that the Department will conduct a public hearing to receive comments regarding proposed amendments to 11.1.2 NMAC (the Public Works Minimum Wage Act Policy Manual) in the Leo Griego Auditorium located in the State Personnel Office (Willie Ortiz Building) at 2600 Cerrillos Road in Santa Fe, New Mexico, 87505 on March 4, 2026 from 2:00 pm to 4:00 pm.

The purpose and summary of the public comment hearing will be to obtain input and public comment on a proposed change to the definition of "public works" to clarify that prevailing wage rates do not apply to privately owned residential projects.

Under Section 9-26-4, NMSA 1978, the Workforce Solutions Department is responsible for the administration of the Labor Relations Division ("LRD" or "Division"), which oversees setting prevailing-wage and fringe-benefit rates for public works projects. Pursuant to Section 13-4-11, NMSA 1978, the Director of the Division shall determine the prevailing-wage rates and the prevailing fringe-benefit rates and shall issue rules necessary to administer and accomplish the purposes of the Public Works Minimum Wage Act.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on March 3, 2026. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at <https://www.dws.state.nm.us/> or obtained by calling Andrea Christman at (505)

841-8478 or sending an email to Andrea.Christman@dws.nm.gov. The proposed rule will be available at least thirty days prior to the hearing.

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

WORKFORCE SOLUTIONS, DEPARTMENT OF

NOTICE OF RULEMAKING

The New Mexico Department of Workforce Solutions (“Department” or “NMDWS”) hereby gives notice that the Department will conduct a public hearing to receive comments regarding proposed amendments to 11.1.6 NMAC (Healthy Workplaces) in the Leo Griego Auditorium located in the State Personnel Office (Willie Ortiz Building) at 2600 Cerrillos Road in Santa Fe, New Mexico, 87505 on March 4, 2026 from 10:00 am to 12:00 pm.

The purpose and summary of the public comment hearing will be to obtain input and public comment on a proposed change to the Healthy Workplaces regulation to add definitions of “as soon as practicable”, “willful” or “willfully” and “political subdivision and to clarify the definition of “frontload”. The proposal also revises the process for providing notice of the need to use earned sick leave to include consideration of employer policies.

Under Section 9-26-4, NMSA 1978, the Workforce Solutions Department is responsible for the administration of the labor relations division. Pursuant to Section 50-17-9, NMSA 1978, the Division shall promulgate appropriate rules necessary to administer and accomplish the

purposes of the Healthy Workplaces Act.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on March 3, 2026. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at <https://www.dws.state.nm.us/> or obtained by calling Andrea Christman at (505) 841-8478 or sending an email to Andrea.Christman@dws.nm.gov. The proposed rule will be made available at least thirty days prior to the hearing.

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

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.

GAME AND FISH DEPARTMENT

This is an amendment to 19.31.10 NMAC, Section 9, effective 4/1/2026.

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES:

It is unlawful to possess, sell or offer for sale all or part of any protected species except as provided below:

A. License or permit:

A person may possess protected species or parts thereof that they have lawfully taken under a license or permit, in any jurisdiction, or for which they possess a valid possession certificate, permit or invoice from the department or department permitted facility.

B. Game taken by another “Possession certificate”:

It is unlawful for any person to possess any protected species, or parts thereof, taken by another person except as follows: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a possession certificate which shall be provided by the lawful possessor of the protected species, or parts thereof, to the person receiving the animal or parts and which shall contain the following:

(1) the first and last name of the person receiving the protected species or parts;

(2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;

(3) the date and GMU where the game or furbearer was lawfully taken;

(4) the lawful possessor's name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;

(5) the date and place of the donation or transaction;

(6) the reason the lawful possessor transferred the animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and

(7) the signature of both the person receiving and the person transferring the animal or parts.

C. Retention of live animals: It is unlawful to retain protected species in a live condition except under permit or license issued by the director. It is unlawful to sell, attempt to sell or possess live protected species in New Mexico, including captive raised animals, except as allowed by permit issued by the director or while in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of protected species parts: Only skins, heads, antlers, horns, rendered fat, teeth or claws of legally taken or possessed protected species, all parts of furbearers, and feathers from non-migratory game birds may be bartered or sold (internal organs of big game species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

(1) the first and last name of the person receiving the protected species or parts;

(2) description of the parts involved;

(3) the date and GMU where the game was taken;

(4) the disposer's name, phone number, address, and the number of either the hunting license, permit, certificate or invoice under which the game was taken;

(5) the date and place of the transaction or sale; and

(6) the signature of both the person selling and the person purchasing the parts.

E. Possession of game animal parts found in the field: It is unlawful to possess heads, horns, antlers, or other parts of protected species found in the field without an invoice, [or] permit, or license from the department, with the exception of obviously shed antlers for residents and no more than two obviously shed antlers for non-residents. For any non-resident, it is unlawful to possess more than two obviously shed antlers found in the field without a shed hunter license. Residents do not require a shed hunter license. All shed antlers collected in violation of commission rule, in violation of any state or federal land closure, in violation of criminal trespass, in violation of the habitat protection act, while driving off road on public land or on a closed road on public land remain property of the State of New Mexico and shall be seized.

[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2023; A, 4/1/2026]

HEALTH CARE AUTHORITY

This is an amendment to 8.50.114 NMAC, Sections 9 and 10, effective 01/27/2026.

8.50.114.9 FREEZE ORDER:

A. An obligor who has been on wage withholding for at least six months or who has made all payments (voluntary) for the last 12 months is exempt from this process.

B. Issuance and effect: [When a match occurs showing the existence of an obligor's assets in an amount of more than \$2,000, the] The Title IV-D agency may issue an administrative freeze order to the financial institution when a match occurs showing the existence of an obligor's assets in one or more accounts with a combined total in an amount of more than \$2,000, excluding federal thrift savings plan accounts, or when a match occurs showing the existence of an obligor's assets in a federal thrift savings plan account in an amount of more than \$5,000. Account funds shall not be released by the financial institution during the pendency of proceedings involving a freeze order. The financial institution shall send a copy of the notice of lien to the obligor and to all persons listed on the account by certified mail within three business days after the notice of lien is received by the financial institution. The institution shall reply within 10 days on the form provided by the Title IV-D agency.

C. Right to [appeal] an administrative hearing: The notice of lien shall notify the obligor that the obligor has 15 days from the date of the notice to [contest or appeal the freeze] request an administrative hearing.

[8.50.114.9 NMAC - Rp, 8.50.114.9 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.114.10 SEIZE ORDER:

A. Seizure: If no [written appeal] request for administrative hearing is received, [within the time frame for appeal,] a

final decision is found in favor of the Title IV-D agency or if [an] a judicial appeal is not upheld, a seize order will be issued by the Title IV-D agency. The financial institution must transfer the assets to the Title IV-D agency within three working days of the receipt of the seize order.

B. [Appeals] Requests for administrative hearings and judicial appeals: If [an] a request for administrative hearing or judicial appeal is received, it will be processed in accordance with the [appeals] process set forth in 8.50.130 NMAC. [8.50.114.10 NMAC - Rp, 8.50.114.10 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

HEALTH CARE AUTHORITY

This is an amendment to 8.50.130 NMAC, Sections 8 thru 21, 23, 24, and 25, effective 01/27/2026.

8.50.130.8 ADMINISTRATIVE HEARINGS:

Administrative hearings will be provided by the [Title IV-D agency] department in the following situations:

A. an obligor requests a review pertaining to income withholding, medical support coverage withholding, consumer reporting, an adverse administrative order, referral for federal tax intercept, referral for state tax intercept, referral for passport denial, referral for administrative offset, lien on lottery winnings, lien on gaming winnings, lien on property, lien on insurance claim, or a [FIDM] Financial Institution Data Match (FIDM), including federal thrift savings plan, referral;

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

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

D. an owner as defined in 8.50.132.7 NMAC who is claiming an interest in undistributed collections.

[8.50.130.8 NMAC - Rp, 8.50.130.8 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.9 IN GENERAL:

A. The hearing process provides the appellant notice and an opportunity to [the appellant's claim] their case.

B. Hearing appellant: A hearing "appellant" for the purpose of these regulations is any obligor, obligor's spouse (only in cases involving a state tax intercept), or obligee requesting and entitled to a [review] hearing.

C. Appellant's rights: the right to [a] an administrative hearing includes the right:

(1) to be advised of the nature and availability of [a] an administrative hearing;

(2)

to safeguards of the appellant's opportunity to present a case;

(3) to have prompt notice and implementation of the decision based upon the hearing results; and

(4)

to be advised that if the appellant is not in agreement with the administrative hearing result, a judicial review may be invoked to the extent such review is available under state law.

[8.50.130.9 NMAC - Rp, 8.50.130.8 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.10 NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION:

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

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

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

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

(4) IRS notice of offset; and

(5) taxation and revenue department final distribution notice.

B. Notice to obligor of FIDM freeze order (includes federal thrift savings plan freeze orders): The Title IV-D agency will mail a notice of lien to the obligor at the last known address on file with the Title IV-D agency.

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

D. Notice to obligor for passport referral: Notice regarding the referral for passport denial is included in the [FMS] bureau of the fiscal service (BFS) offset notice and is sent to the obligor at the last known address on file with the Title IV-D agency.

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

F. Notice to obligor for administrative offset referral: The Title IV-D agency will mail notice regarding the referral for administrative offset is included in the [FMS] BFS offset notice, and is sent to the obligor at the last known address on file with the Title IV-D agency.

G. [All notices will include the process and timeframes for requesting an appeal.] Notice to obligor for insurance claim lien: The Title IV-D agency will mail notice of lien to the obligor at the last known address on file with the IV-D agency.

H. Notice to obligor for consumer reporting: The Title IV-D

agency will mail notice regarding the referral for consumer reporting to the obligor at the last known address on file with the IV-D agency.

I. Notice to obligor for property lien: The Title IV-D agency will mail notice of lien to the obligor at the last known address on file with the IV-D agency.

J. Notice to obligor for income withholding: The Title IV-D agency will mail notice regarding income withholding to the obligor at the last known address on file with the IV-D agency.

K. Notice to obligor for medical support withholding: The Title IV-D agency will mail notice regarding medical support withholding to the obligor at the last known address on file with the IV-D agency.

L. All notices will include the process and timeframes for requesting an appeal.

[8.50.130.10 NMAC - Rp, 8.50.130.8 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.11 TIME FRAMES FOR REQUESTING AN ADMINISTRATIVE HEARING:

In all cases where a time frame is not specifically provided, the appellant has 15 calendar days following the date of mailing of notice by the Title IV-D agency to submit a [written] request for an administrative hearing. The appellant has 30 days from the date on the pre-offset notice to request a hearing. In order to be considered timely, the request for a hearing on a pre-offset notice must be received by the Title IV-D agency no later than the close of business on the 30th day, or the next business day if the 30th day is a weekend or federally recognized holiday.

[8.50.130.11 NMAC - Rp, 8.50.130.8 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.12 CONTESTING FEDERAL TAX REFUND [INTERCEPT] INTERCEPTS IN [INTERSTATE] INTERGOVERNMENTAL CASES:

A. If an appellant requests an administrative hearing the administrative law judge will send a notice of acknowledgment to the appellant and to the respective Title IV-D agency [worker]. The notice and acknowledgement shall include a statement regarding the timeliness of the request for hearing. In non-Title IV-A cases, the Title IV-D agency shall notify the custodial party of the time and [place] location of the administrative hearing. The Title IV-D agency worker shall be available to testify at the administrative hearing.

B. If the appeal concerns an IRS joint tax refund that has not yet been intercepted, the appellant is informed that the IRS will notify the injured spouse at the time of intercept regarding the steps to take to secure [his or her] their proper share of the refund. If the appeal concerns a joint tax refund that has already been intercepted, the injured spouse is referred to the IRS to seek resolution.

[8.50.130.12 NMAC - Rp, 8.50.130.9 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.13 CONTESTING TAX REFUND INTERCEPT IN RESPONDING [INTERSTATE] INTERGOVERNMENTAL

CASES: Administrative hearing requests are referred to the [central registry in the] responding state if the obligor requests a hearing in that state.

A. When the obligor, after receiving the [FMS] BFS offset notice from the other state, contacts the Title IV-D agency [worker], the [worker] Title IV-D agency may refer the obligor to the state that issued the notice. However, if the obligor contacts the Title IV-D agency as the last resort because [he or she] they cannot get assistance from the other state, the [worker] Title IV-D agency may contact the other state, or refer the obligor to central registry and central registry [staff] will contact the other state.

B. If a request from the obligor for an administrative

hearing in New Mexico is received and the case was submitted based on another state's order, a review of the arrearage computation submitted for tax intercept and the underlying documentation, and any new evidence provided by the appellant is completed. [and] An attempt is made to resolve the complaint. If the complaint cannot be resolved by the Title IV-D agency [worker] and the obligor requests an administrative hearing in the initiating state, the other state is notified by the New Mexico Title IV-D agency of the request and all necessary information is provided within 10 days of the obligor's request for an administrative hearing.

C. The initiating state is responsible for all procedures required for conducting [a] an administrative hearing within that state.
 [8.50.130.13 NMAC - Rp, 8.50.130.10 NMAC, 12/30/2010; A, 1/1/2020; A, 01/27/2026]

8.50.130.14 CONTESTING THE DENIAL OF PAYMENT OF AN UNDISTRIBUTED COLLECTION: An owner who is claiming an interest in an undistributed collection has 30 calendar days following the date that the Title IV-D agency denied payment of the undistributed collection to submit a written or verbal request for an administrative hearing.
 [8.50.130.14 NMAC - N, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.15 INITIATION OF HEARING PROCESS:

A. A request for an administrative hearing [must] may be made in writing or verbally by the appellant or their authorized representative.

B. The administrative law judge shall acknowledge [in writing] the receipt of [a written] an administrative hearing request, and shall provide the appellant with written acknowledgment of the receipt.

C. Upon the request of the appellant, the Title IV-D staff shall

assist in the preparation of a notice of hearing. The notice of hearing will be signed by the appellant.
 [8.50.130.15 NMAC - N, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.16 DENIAL/ DISMISSAL OF REQUEST FOR HEARING:

A. The administrative law judge may deny or dismiss a request for an administrative hearing when:

(1) the request is not received within the specified time period;

(2) the [situation] matter has been resolved; or

(3) [the request is not made in writing; or

(4)] a written withdrawal of request for an administrative hearing is received from the appellant, or a written agreement settling all issues is approved by all parties and is submitted to the administrative law judge.

B. A request for [a] an administrative hearing is considered abandoned and therefore dismissed if neither the appellant nor [his or her] their representative appears at the [time and place of the] scheduled hearing, and if, within 10 days after a notice of abandonment is mailed by the administrative law judge, the appellant has not presented good cause for failing to appear. Good cause includes verification of a death in the family, doctor's note verifying a disabling personal illness, or other significant emergencies. At the discretion of the administrative law judge, a showing of exceptional circumstances is considered good cause.

[8.50.130.16 NMAC - Rp, 8.50.130.13 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.17 NOTICE OF HEARING: As early as possible and not less than 15 days prior to the hearing, written notice is sent by the administrative law judge to all parties involved in the hearing. The

notice shall set forth the time, date and [place] location of the hearing. [Arrangements will be made to ensure that the hearing process is accessible to and accommodates the appellant, as long as] The notice informs the appellant [provides at least 10 days advance notice to the administrative law judge of the need for reasonable accommodations; to submit a request for a reasonable accommodation to the administrative law judge at least 10 days in advance of the administrative hearing for consideration]. The notice of hearing includes an explanation of the hearing process and limitation of the scope of the hearing, the procedures to be followed during the hearing, and notification that the appellant should be ready to produce any required witnesses at the hearing or secure legal counsel prior to the hearing. The appellant is told that neither the department nor the Title IV-D agency will pay for any representation or legal counsel for appellant or for any hearing costs. The issuance of a notice of hearing by the administrative law judge shall act to stay the administrative action, pending the issuance of a [ruling] final decision.

[8.50.130.17 NMAC - Rp, 8.50.130.12 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.18 APPELLANT'S RIGHTS: The appellant is given adequate opportunity to review and present evidence that is within the scope of the hearing.

A. The appellant may examine all documents to be used at the hearing prior to the date of the hearing, as well as during the hearing. If requested, the Title IV-D [staff] agency will provide copies of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records that the appellant will not otherwise have an opportunity to challenge will not be introduced at the hearing or affect the administrative law judge's decision.

B. The appellant may

present [his or her] their case or have it presented by a representative.

C. The appellant may bring witnesses to present information that the appellant believes is relevant to the case.

D. The appellant may advance relevant arguments without undue interference.

E. The appellant may confront and cross-examine adverse witnesses.

F. The appellant may submit relevant evidence to support pertinent facts and defenses in the case.

[8.50.130.18 NMAC - Rp, 8.50.130.14 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.19 TITLE IV-D AGENCY RESPONSIBILITY: To ensure an appellant's rights during the hearing process, the Title IV-D agency shall:

A. make available, in a timely manner, without charge, the case documents (excluding any privileged, safeguarded or confidential information) necessary for an appellant or representative to determine whether a hearing should be requested or to prepare for a hearing;

B. [provide an interpreter if the appellant requests one;]

C. provide reasonable accommodations, if requested in advance; and

D.] prepare a summary of evidence to include all documents to be presented by the Title IV-D agency at the hearing and all documents should be provided to the appellant, or [his or her] their representative, by the Title IV-D agency at least 10 days prior to the hearing.

[8.50.130.19 NMAC - Rp, 8.50.130.15 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.20 PRE-HEARING ACTIVITY:

A. [Preliminary] Agency review conference (ARC): [A preliminary conference] An

ARC may be scheduled prior to the administrative hearing to discuss the issues concerning the hearing. The [preliminary conference] ARC is held between the Title IV-D agency [worker], the appellant, the Title IV-D attorney [if an attorney is representing the appellant and the appellant's representative], as applicable. The administrative law judge is not involved and will not participate in the [preliminary conference] ARC. [This conference] The ARC may provide an opportunity to resolve the dispute. [A preliminary conference] An ARC may lead to an informal resolution of the dispute. However, a hearing shall still be held unless the appellant makes a written withdrawal of [his or her] their request for a hearing. If a written withdrawal is received by the Title IV-D agency [worker], it must be forwarded to the administrative law judge. Appellants are advised that the [preliminary conference] ARC is optional and that it will not delay or replace the hearing process.

B. The purposes of the [pre-hearing conference] ARC include, but are not limited to:

- (1) clarification, formulation and simplification of issues;
- (2) resolution of some or all issues;
- (3) exchange of documents and information;
- (4) review of any audit findings; and
- (5) discussion of other matters that might help dispose of any of the pending issues.

C. Matters left unresolved: If all matters in controversy are not resolved at the [preliminary conference] ARC, a hearing is held.

[8.50.130.20 NMAC - Rp, 8.50.130.16 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.21 CONDUCT OF HEARING:

A. Conduct of a hearing is as follows:

- (1) all hearings are conducted telephonically,

unless accommodation is requested and granted;

(2) the hearing is not open to the public;

(3) the administrative law judge identifies for the record all persons present at the hearing; and

(4) the administrative law judge takes administrative notice of those matters the same as state courts take judicial notice of, including the Title IV-D agency's policies and procedures.

B. Record: A hearing is electronically recorded. The recording is placed on file at the [hearings unit] office of fair hearings (OFH) and is available for examination [by the appellant or representative] for 30 days following the hearing. If a decision is appealed, an index log of the tape is prepared by the [Title IV-D agency] OFH and a copy of the index log is supplied to the appellant free of charge.

C. Admission of evidence: Formal rules of evidence and civil procedure do not apply. The administrative law judge may allow hearsay testimony if it is deemed relevant to the decision. The rules of privilege will be effective to the extent that they are recognized in civil actions in the New Mexico district courts.

D. Case records: An appellant or representative is allowed to examine the entire hearing case record before, during and after the proceedings. The appellant or representative must request the hearing record and the [Title IV-D agency] OFH will provide the record within a reasonable period of time.

[8.50.130.21 NMAC - Rp, 8.50.130.17 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.23

IMPLEMENTATION OF DECISIONS: The administrative law judge's decision is final and binding on all issues within the scope of a hearing and that have been the subject of a hearing, unless stayed by an appeal or a district court order.

A. Decision favorable to appellant regarding offsets:

(1) If the administrative hearing results in a deletion of, or decrease in, the amount referred for tax intercept, the [tax-intercept] administrative enforcement unit notifies the OCSE within 10 business days of the [administrative hearing] final decision.

(2) If, as a result of the administrative hearing, an amount which has already been offset is found to have exceeded the amount of past-due support owed, the Title IV-D agency [refunds] shall refund the excess amount to the obligor promptly, and reports the refund to the OCSE. In joint return cases, the refund check is made payable to both parties.

B. Decisions regarding liens on lottery, gaming, [or] property, insurance claim, FIDM, consumer reporting, income withholding, medical support withholding, passport denial, administrative offset: The Title IV-D agency will take appropriate action in accordance with the decision of the administrative law judge. If the administrative law judge rules in favor of the appellant, the Title IV-D agency will take action to fully or partially release a freeze order or [administrative] lien, as appropriate, or may be held by the Title IV-D agency until all appeals relevant to the action have been exhausted. If the administrative law judge rules in the agency's favor, the Title IV-D agency will proceed to have the funds routed for distribution to the obligor's case(s) or held by the Title IV-D agency until all appeals relevant to the action have been exhausted.

C. RE-OPENING AN ADMINISTRATIVE HEARING: The administrative law judge or designee of the HCA office of fair hearings, at their discretion, may reopen a closed IV-D administrative hearing when the evidentiary record fails to address an issue or applicable evidence, that is relevant to resolution of the administrative hearing request. Written notice of the date, time, and location of the re-

opened IV-D administrative hearing shall be sent by the administrative law judge to the parties not less than 15 calendar days before the re-opened IV-D administrative hearing. An appellant, appellant's authorized representative, or IV-D agency may request a re-opening of the IV-D administrative hearing if additional material information becomes available that was not available at the time of the initial IV-D administrative hearing. The previously assigned administrative law judge has the discretion to determine if the additional information would necessitate a new IV-D administrative hearing.

[8.50.130.23 NMAC - Rp, 8.50.130.19 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.24 RIGHT OF APPEAL: Either party has the right to judicial review of the administrative law judge's final decision or a denial of a hearing issued pursuant to 8.50.130.15 NMAC, unless a written withdrawal of request for hearing was signed by the appellant. If a hearing decision is in favor of the Title IV-D agency, appellant is notified of the right to pursue judicial review at the time of the decision.

A. Timeframes for appealing decision: Within 30 days after the date [or] of the administrative law judge's final decision, an appellant or the Title IV-D agency may appeal by filing an appropriate action for judicial review with the clerk of the appropriate district court and filing a copy with the Title IV-D administrative law judge.

B. Record sent to district court: All appeals to the district court are on the record made at the hearing. The [administrative law judge] department files one copy of the hearing record with the clerk of the appropriate district court and furnishes one copy to the appellant within 20 days after receipt of the notice of appeal.

C. Stay pending appeal: An appeal to the state

district court shall act as a stay of the underlying administrative action, pending the court's ruling. [8.50.130.24 NMAC - Rp, 8.50.130.20 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.130.25 STATE DIRECTORY OF NEW HIRES PENALTY ASSESSMENT

HEARINGS: The [human services department] health care authority, Title IV-D agency, has established a hearing process that provides for impartial review of New Mexico state directory of new hires claims against non-complying employers. (45 USC 653(d)). For purposes of these regulations, an employer requesting a hearing is referred to as an appellant.

A. Appellant eligibility: The Title IV-D agency established a hearing process for any individual who meets the following criteria:

(1) any employer who believes [he or she has] they have been erroneously assessed penalties; and

(2) who has been unable to resolve this [issue] matter with the New Mexico state directory of new hires representative at a preliminary conference.

B. Hearing appellant: A hearing appellant for the purposes of these regulations is any employer requesting review.

C. Appellant's rights: The right to a hearing includes the right:

(1) to be advised of the nature and availability of a hearing and the process to request a hearing;

(2) to be represented at the hearing by counsel or other person of the appellant's choice;

(3) to have a hearing that safeguards the appellant's opportunity to present a case;

(4) to have prompt notice and implementation of the administrative law judge's decision and

(5) to be advised that the appellant may

request judicial review to the extent such review is available under state law, and that the Title IV-D agency does not pay for the cost of such proceedings

D. Penalty assessment notice: The New Mexico state directory of new hires sends written notice to inform an employer that penalties have been assessed. Each penalty assessment notice will:

(1) cite the statutory authority (Section 50-13-4 et seq., NMSA 1978) for the assessment of the penalty;

(2) include the name and last four digits of the social security number for each party not reported;

(3) list the total amount of penalties assessed;

(4) inform the employer that failure to report is the basis for penalty and does not require a knowing or deliberate act on the part of the employer;

(5) inform the employer that conspiracy can be established by circumstantial evidence;

(6) list requirements for employers to request a hearing if they disagree with the assessment;

(7) provide the name and business telephone number of a Title IV-D agency contact to provide additional information or answer questions relating to the assessment of penalties and to request a hearing.

E. Time frames for requesting hearing: The appellant has 30 days from the date on the penalties assessment notice to submit a written request for a hearing. In order to be considered timely, the request must be received by the administrative law judge no later than the close of business on the 30th day. When a timely request for hearing is received by the administrative law judge, the administrative law judge notifies the new hires directory, state project manager immediately so that a preliminary conference can be scheduled.

F. Notice of hearing: Upon receipt of a timely request for hearing, written notice is sent by the administrative law judge to all parties involved in the hearing regarding the time, date and [place] location of the hearing. Arrangements will be made to ensure that the hearing process is accessible to and accommodates the appellant. In the hearing notice, appellants are also given an explanation of the hearing process, the procedures to be followed for the hearing, and enough time to secure witnesses or legal counsel. The appellant shall be informed that neither the department nor the Title IV-D agency pays for representation or legal counsel for appellant or for any hearings costs, and are provided the name and business telephone number of a contact who can provide additional information relating to the assessment of penalties. A hearing may be continued or rescheduled with the consent of all parties.

G. State directory of new hires responsibility: To ensure an appellant's rights during the hearing process, the state directory of new hires staff will:

(1) upon request, make available in a timely manner the documents necessary for an appellant or representative to determine whether to request a hearing or to prepare for a hearing;

(2) upon request, help appellant submit a written hearing request.

H. Effect of issuance of notice of hearing: All provisions contained in sections 8.50.130.15, 8.50.130.17, 8.50.130.19, 8.50.130.20 and 8.50.130.22 NMAC apply when a notice of hearing is issued pursuant to subsection F above.

[8.50.130.25 NMAC - Rp, 8.50.130.21 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

Statewide Immunization Registry (filed 10/11/2018) and replaced it with 7.5.5 NMAC - New Mexico Statewide Immunization Registry adopted on 1/9/2026, and effective 01/27/2026.

HEALTH, DEPARTMENT OF

TITLE 7 HEALTH CHAPTER 5 VACCINES AND IMMUNIZATIONS PART 5 NEW MEXICO STATEWIDE IMMUNIZATION REGISTRY

7.5.5.1 ISSUING

AGENCY: Public Health Division, Department of Health.
[7.5.5.1 NMAC - Rp, 7.5.5.1 NMAC 1/27/2026]

7.5.5.2 SCOPE: These regulations govern the use of the New Mexico statewide immunization registry, a computerized repository of immunization information maintained by the New Mexico department of health.
[7.5.5.2 NMAC - Rp, 7.5.5.2 NMAC 1/27/2026]

7.5.5.3 STATUTORY

AUTHORITY: The requirements set forth herein are promulgated by the secretary of the department of health pursuant to the authority granted under Subsection E of Section 9-7-6 NMSA 1978, Sections 24-5-7 through 24-5-15 NMSA 1978, Subsection R of Section 24-1-3 NMSA 1978, and Section 24-1-21 NMSA 1978.
[7.5.5.3 NMAC - Rp, 7.5.5.3 NMAC 1/27/2026]

7.5.5.4 DURATION:

Permanent.
[7.5.5.4 NMAC - Rp, 7.5.5.4 NMAC 1/27/2026]

7.5.5.5 EFFECTIVE

DATE: January 27, 2026, unless a later date is cited at the end of a section.
[7.5.5.5 NMAC - Rp, 7.5.5.5 NMAC 1/27/2026]

HEALTH, DEPARTMENT OF

The New Mexico Department of Health approved the repeal of its rule 7.5.5 NMAC - New Mexico

7.5.5.6 OBJECTIVE: The objective of this rule is to describe implementation and maintenance, submission, reporting, participation, and limits on access to the registry portion of the New Mexico immunization program.

[7.5.5.6 NMAC - Rp, 7.5.5.6 NMAC 1/27/2026]

7.5.5.7 DEFINITIONS:

A. Definitions

beginning with "A": "Authorized user" means a person to whom the division has provided account credentials authorizing that person to access to the registry.

B. Definitions

beginning with "B": [RESERVED]

C. Definitions

beginning with "C": "CDC" means centers for disease control and prevention, the federal agency responsible for monitoring and protecting the United States of America from health, safety, and security threats related to diseases.

D. Definitions

beginning with "D":

(1) "Data

elements" means the information required to be entered into the registry by providers as specified in these regulations or by official division publication.

(2)

"Department" means the department of health.

(3) "Division"

means the department of health, public health division.

E. Definitions

beginning with "E": [RESERVED]

F. Definitions

beginning with "F": [RESERVED]

G. Definitions

beginning with "G": "Government issued identification" means a legible, current credentialing document issued by a local, state or federal government entity that includes a photo.

H. Definitions

beginning with "H": "Health information exchange" means an arrangement that allows the sharing of health care information about individual patients among different

health care institutions or unaffiliated providers.

I. Definitions

beginning with "I":

"Immunization" means treatment of an individual with either a vaccine licensed by the U.S. food and drug administration for immunization and distribution in the United States, or an immune globulin product licensed by the U.S. food and drug administration and used for the purposes of producing or enhancing an immune response.

J. Definitions

beginning with "J": [RESERVED]

K. Definitions

beginning with "K": [RESERVED]

L. Definitions

beginning with "L": [RESERVED]

M. Definitions

beginning with "M":

[RESERVED]

N. Definitions

beginning with "N":

(1) "NDC"

means National Drug Code.

(2)

"NMDOH" means the New Mexico department of health.

(3) "NMSIIS"

means the New Mexico statewide immunization information system.

O. Definitions

beginning with "O": [RESERVED]

P. Definitions

beginning with "P":

(1) "Patient"

means any person offered an immunization.

(2)

"Provider" means an individual or organization required to submit information to the registry pursuant to Section 24-5-8 NMSA 1978 including physicians, nurses, pharmacists, nurse practitioners, physician's assistants and other health care providers authorized by the division.

Q. Definitions

beginning with "Q": [RESERVED]

R. Definitions

beginning with "R": "Registry" means the New Mexico statewide immunization information system (NMSIIS), a computerized repository of immunization information maintained by the New Mexico department of health.

S. Definitions

beginning with "S": [RESERVED]

T. Definitions

beginning with "T": [RESERVED]

U. Definitions

beginning with "U": [RESERVED]

V. Definitions

beginning with "V": "Vaccines for children program" or "VFC" means the program operated by the division that provides federally funded vaccines to children ages 0-18 years who are uninsured, on medicaid, or are Alaska Native/American Indian.

W. Definitions

beginning with "W": [RESERVED]

X. Definitions

beginning with "X": [RESERVED]

Y. Definitions

beginning with "Y": [RESERVED]

Z. Definitions

beginning with "Z": [RESERVED]

[7.5.5.7 NMAC - Rp, 7.5.5.7 NMAC 1/27/2026]

7.5.5.8

IMPLEMENTATION AND

MAINTENANCE OF THE

REGISTRY: The department is responsible for establishing guidelines as necessary regarding the implementation and maintenance of the registry.

[7.5.5.8 NMAC - Rp, 7.5.5.8 NMAC 1/27/2026]

7.5.5.9 REPORTING

REQUIREMENTS:

A. Providers shall report all data elements to the registry for all immunizations they administer to a patient unless the patient or the patient's parent or guardian informs the provider that the patient declines to participate in the registry or does not wish to include a particular immunization in the registry.

B. Providers shall report all data elements to the registry within 10 days of administering an immunization. A provider may request an extension of 20 days from the division for large immunization events. Permission for extensions for these events are at the discretion of the division and providers must obtain pre-approval.

C. The following are the minimum data elements that must be reported to the registry:

(1)

Vaccination information, including:

(a)

name of vaccine;

(b)

administering provider location/clinic;

(c)

manufacturer of vaccine;

(d)

lot/serial number of vaccine;

(e)

funding source of vaccine;

(f)

expiration date of vaccine;

(g)

NDC number of vaccine;

(h)

date of administration of vaccine;

(i)

dosage administered to patient;

(j)

body site and route of administration.

(2) Patient demographic information, including:

(a)

last name;

(b)

first name;

(c)

middle name, if applicable;

(d)

gender;

(e)

date of birth;

(f)

insurance status;

(g)

insurance information;

(h)

mailing address;

(i)

physical address;

(j)

phone number (including area code);

(k)

race; and

(l)

ethnicity.

D. Providers will be notified through an official memo by the division of any additional required data elements for reporting not already included herein. Any included data elements published through an official memo to providers

are incorporated herein by reference as required data elements.

[7.5.5.9 NMAC - Rp, 7.5.5.9 NMAC 1/27/2026]

7.5.5.10 SUBMISSION OF REPORTS OF IMMUNIZATION TO THE REGISTRY:

A. All data elements shall be reported to the registry in a manner and format approved by the division.

B. Direct reporting:

(1) Authorized users may directly review and submit data elements electronically through the registry website interface using individual account credentials assigned by the division.

(2) Each user may only use their individual account credentials assigned to the authorized user.

(3) Authorized user account credentials may not be shared.

C. Data exchange reporting:

(1) Providers with electronic systems that are compatible with the division's data exchange program may request to receive approval to utilize the compatible system for reporting the required data elements.

(2) Providers using data exchange reporting must utilize the file format approved by the division and are responsible for all associated costs.

(3) Providers using data exchange reporting must update their systems to maintain compatibility with the divisions data exchange program as necessary to maintain the integrity of the data transfers.

D. A health information exchange may exchange information with the registry on behalf of a provider. When a health information exchange operates in this manner, the exchange is subject to the same rules as the provider.

E. To decrease duplication of patient records and duplicate vaccines, the division may utilize other information sources to

populate the registry and perform data quality activities, such as birth certificates, adoption decrees, paper shot records, or medicaid enrollment information.

[7.5.5.10 NMAC - Rp, 7.5.5.10 NMAC 1/27/2026]

7.5.5.11 PROCEDURES TO DECLINE PARTICIPATION:

A. At the time an immunization is offered or administered, if a patient, or a minor's parent or legal guardian notifies the provider that s/he chooses to decline participation in the registry or does not wish to have a specific immunization recorded in the registry, the provider shall document the patient's decision to opt-out as follows:

(1) The patient and the provider shall document the patient's opt-out decision using a form provided by the division, or the provider's own form provided the same information as the division's form is included.

(2) The provider will store all opt-out documentation in an accessible, orderly system so that in the event of a public health emergency, the department can review the opt-out data to inform emergency responses.

B. Patients must complete the opt-out process with each healthcare provider that offers immunization services to the patient, each time immunization services are provided. If the patient declines participation for certain immunizations only, the patient must complete the opt-out process for each immunization for which the patient opts out.

[7.5.5.11 NMAC - Rp, 7.5.5.11 NMAC 1/27/2026]

7.5.5.12 PROCEDURES FOR REVIEWING AND CORRECTING PATIENT RECORDS:

A. At the time an immunization is offered, the provider shall notify the patient of the procedures to review and correct information contained in the registry.

B. A patient, or a minor patient's parent or guardian, who wishes to review the patient's registry immunization record may request a copy from the patient's provider or from a department public health office, or through a department-approved online portal.

C. If a patient requests to correct any information in the registry, the patient shall submit a request to the division, the NMSIIS help desk, to a department public health office, or to the patient's provider. The request shall identify the patient and the information to be corrected.

D. All requests for corrections must be accompanied by a copy of patient identification. If a patient is a minor, the request must be accompanied by a certified copy of the patient's birth certificate and a copy of identification for the submitter or the parent/guardian of the requesting patient. If the requester is a non-parent legal guardian, the guardian must also submit a copy of the guardian's legal appointment of guardianship.

E. If a patient requests to change the registry's record of the patient's date of birth, the patient must present a birth certificate or other legal documentation to verify the patient's correct date of birth. All such requests must be submitted to division staff via the NMSIIS help desk. Information on how to contact the NMSIIS help desk can be found on the NMSIIS webpage <https://www.nmhealth.org/about/phd/idb/imp/siis/>.

F. If the department bureau of vital records and health statistics provided the date of birth for a patient, the patient's date of birth may not be changed except through notification by vital records or a court order.

G. Only division staff with appropriate registry access are permitted to change a patient's name or date of birth on a patient record.

(1)

Appropriate documentation as required by this section must be presented to division staff to have the patient's name changed, or spelling corrected or changed.

(2) If a court order for adoption requires a name change, the request for change must be submitted to division staff via the NMSIIS help desk and must include copies of the patient's legal documentation supporting the request.

H. If a patient requests to change any other information in the registry, supporting materials such as medical records, should be attached to the patient's written request.

I. The division may make a change if the change is supported by appropriate documentation.

J. If the patient cannot be uniquely identified in the registry, or if the request is insufficiently supported, the division will contact the patient to obtain additional information.

K. Upon making a determination, the division will notify the requestor of that decision. If the request is denied, the division will notify the patient of the reason(s) for denial. If the request is approved, the division will record the change in the registry.

[7.5.5.12 NMAC - Rp, 7.5.5.12 NMAC 1/27/2026]

7.5.5.13 PROCEDURES TO WITHDRAW CONSENT AND REMOVE INFORMATION FROM REGISTRY:

A. To remove a record from NMSIIS, a patient must submit by mail or hand delivery to the department a completed decision to remove NMSIIS record form. The decision to remove form can be obtained from a provider or printed from the department website at <https://nmhealth.org/about/phd/idb/imp/siis/>.

B. The patient's request to remove information must be accompanied by a copy of patient identification. If the patient is a minor, the request must be accompanied by a copy of the patient's birth certificate and a copy of identification for the submitter or parent/guardian of the patient. If the requester is a guardian, a copy of the legal appointment of guardianship will be required.

C. Upon receipt of the request, or upon receipt of any requested additional information, the division shall delete the patient's record from the registry. The division shall notify the patient when the record is deleted.

[7.5.5.13 NMAC - Rp, 7.5.5.13 NMAC 1/27/2026]

7.5.5.14 LIMITS ON ACCESS TO THE REGISTRY:

A. Access to the information in the registry shall be limited to primary care physicians, nurses, pharmacists, managed care organizations, school nurses, and other appropriate health care providers including nurse practitioners and physician assistants, or public health entities as designated by the secretary of health. A managed care organization may only access information for its enrollees.

B. Requests for access to the registry shall be made by a provider in writing to the division and access shall be determined by the division.

C. No person or automated system may access or attempt to access the registry without approval from the division.

D. At the division's discretion, access may be modified.

E. A patient, or a patient's parent or guardian if the patient is under the age of 18, may access the patient's records.

[7.5.5.14 NMAC - Rp, 7.5.5.14 NMAC 1/27/2026]

7.5.5.15 COMPLAINT INVESTIGATIONS:

A. If the division receives a complaint or otherwise learns of noncompliance of a provider relating to these rules, an investigation will be initiated.

B. Upon completion of the investigation, the division will issue an investigative report substantiating or not substantiating the alleged noncompliance.

[7.5.5.15 NMAC - Rp, 7.5.5.15 NMAC 1/27/2026]

7.5.5.16 SANCTIONS AND NONCOMPLIANCE:

A. A provider is in noncompliance if they fail to follow any of these regulations. **B.** If noncompliance is substantiated, the department will issue the provider a written report of deficiencies which shall include a plan of correction.

(1) The provider must correct any deficiencies identified in the department's plan of correction within a fixed period of time.

(2) The period of time for a provider to correct deficiencies will be reasonably determined by the division and be based on the circumstances of the noncompliance. The time period will be specified in the plan of correction.

C. Upon expiration of the correction date as stated in the plan of correction, pursuant to Section 24-1-21 NMSA 1978 the division may impose a separate civil monetary penalty of one hundred dollars (\$100) for each repeated instance of noncompliance, including, but not limited to each invalid or improper entry. The division shall issue a written report detailing the repeated non-compliance and the civil monetary penalty. The civil monetary penalty shall not exceed five thousand dollars (\$5,000) per report.

[7.5.5.16 NMAC - Rp, 7.5.5.16 NMAC 1/27/2026]

7.5.5.17 ADMINISTRATIVE REVIEW:

A. If a provider wishes to appeal the issuance of a civil monetary penalty, the provider must submit a written request for an administrative review within 10 working days from the date of issuance of the civil monetary penalty.

B. An administrative review will be conducted by an assigned division bureau chief or designee within 30 days of the request for review. Additional time to conduct the administrative review may be granted if requested by the provider and good cause is shown.

(1) The provider may request a paper administrative review, limited to records and a written appeal, or may appear in person or through an advocate of the provider's choice and present evidence to refute the results of the investigation and the reason for the issuance of the civil monetary penalty during an administrative review.

(2) The assigned bureau chief or designee will complete their review and either overturn, modify, or uphold the civil monetary penalty in a written decision within 10 days of the completion of the administrative review.

[7.5.5.17 NMAC - Rp, 7.5.5.17 NMAC 1/27/2026]

7.5.5.18 ADMINISTRATIVE HEARING:

A. If the provider wishes to appeal the result of the administrative review, the provider must submit a written request to the division within 10 working days from the date of issuance of the assigned bureau chief or designee's written decision.

B. Hearing process:

(1) Hearing will be conducted by a hearing officer appointed by the secretary.

(2) Hearings shall be conducted in Santa Fe, New Mexico, unless the appellant can show significant hardship sufficient to require the case be held in a different location.

(3) Due to federal and state laws regarding the confidentiality of protected health information, all hearings held pursuant to this section shall be closed to the public.

(4) The hearing shall be recorded on audio recording equipment. The hearing officer shall maintain the recording. No other recordings may be made except with the permission of the hearing officer.

(5) Any hearing provided for in this rule may be held telephonically, with the consent of the parties.

(6) A request for a telephonic hearing must be made no later than 10 business days prior to the date of the hearing; notice of the telephonic hearing shall be given to all parties and shall include all necessary telephone numbers;

(6) The department shall schedule and hold the hearing no later than 60 calendar days from the date the department receives the appellant's request for hearing. The hearing officer may extend the 60-day time period for good cause shown, or the parties may extend that period by mutual agreement.

(7) The department shall issue notice of the hearing at least 15 days prior to the scheduled date of the hearing. The notice shall include a statement of the time, place, and nature of the hearing.

(9) An appellant's failure to appear at the hearing at the date and time noticed shall constitute a default unless good cause for the failure to appear is shown.

(10) All parties shall be given the opportunity to respond and present evidence and argument on relevant issues.

(11) A party may be represented by a person licensed to practice law in New Mexico or a non-lawyer representative or may represent himself or herself.

(12) The hearing officer shall create a record of the proceedings which shall include the following:

(a) all pleadings, motions, and rulings;

(b) evidence and briefs received or considered;

(c) a statement of any matters officially noticed;

(d) offers of proof, objections, and rulings thereon;

(e) proposed findings and conclusions; and

(f)

any action recommended by the hearing officer.

(13) Unless the hearing officer determines a different procedure is appropriate, the hearing officer shall conduct the hearing as follows:

(a)

opening statements by the appellant and the department;

(b)

upon conclusion of the opening statements, the department shall present its case;

(c)

upon conclusion of the departments case, the appellant may present his or her case;

(d)

upon conclusion of either party's case, the opposing party may present rebuttal evidence; and

(e)

after presentation of the evidence by the parties, the parties may present closing arguments.

(14) The rules of evidence as applied in courts do not apply in the proceedings; any relevant evidence shall be admitted; irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(15) The department shall be required to prove its case by a preponderance of the evidence.

(16) The parties may submit briefs including findings of fact and conclusions of law for consideration by the hearing officer. All briefs must be submitted 15 days after the conclusion of the hearing.

(17) No later than 30 calendar days after the last submission by a party, the hearing officer shall prepare and submit to the secretary a written recommendation of action to be taken by the secretary; the recommendation shall propose sustaining, reversing, or modifying the proposed action of the department.

(18) The secretary shall issue a final written decision accepting or rejecting the hearing officer's recommendation in whole or in part no later than 30 calendar days after receipt of the hearing examiner's recommendation;

the final decision shall identify final action taken. Service of the secretary's final decision shall be made upon the appellant by registered or certified mail.

[7.5.5.18 NMAC - Rp, 7.5.5.18 NMAC 1/27/2026]

History of 7.5.5 NMAC: [RESERVED]

History of Repealed Material:
7.5.5 NMAC - New Mexico Statewide Immunization Registry, filed 10/11/2018 Repealed effective 1/27/2026.

Other: 7.5.5 NMAC - New Mexico Statewide Immunization Registry, filed 10/11/2018 Replaced by 7.5.5 NMAC - New Mexico Statewide Immunization Registry, effective 1/27/2026.

PUBLIC EDUCATION DEPARTMENT

The New Mexico Higher Education Department repealed 6.63.2 LICENSURE FOR SCHOOL NURSES, GRADES PRE K-12, filed 7/31/1997 and replaced it with 6.63.2 LICENSURE FOR SCHOOL NURSES, GRADES PRE K-12, adopted 1/15/2025, effective 1/27/2026.

PUBLIC EDUCATION DEPARTMENT

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 63 SCHOOL PERSONNEL - LICENSURE REQUIREMENTS FOR ANCILLARY AND SUPPORT PERSONNEL PART 2 LICENSURE FOR SCHOOL NURSES, GRADES PRE K-12

6.63.2.1 ISSUING AGENCY: Public Education Department, hereinafter the department.

[6.63.2.1 NMAC - Rp, 6.63.2.1 NMAC, 01/27/2026]

6.63.2.2 SCOPE: Chapter 63, Part 2, governs licensure for school nurses, grades pre K-12, for those persons seeking such licensure.
[6.63.2.2 NMAC - Rp, 6.63.2.2 NMAC, 01/27/2026]

6.63.2.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-8.2, 22-10A-10.1, 22-10A-11.11, 22.10A.12, 22-10A-17, 22-10A-24, and 61-3-24 NMSA 1978.
[6.63.2.3 NMAC - Rp, 6.63.2.3 NMAC, 01/27/2026]

6.63.2.4 DURATION:
Permanent.
[6.63.2.4 NMAC - Rp, 6.63.2.4 NMAC, 01/27/2026]

6.63.2.5 EFFECTIVE DATE: January 27, 2026, unless a later date is cited at the end of a section.
[6.63.2.5 NMAC - Rp, 6.63.2.5 NMAC, 01/27/2026]

6.63.2.6 OBJECTIVE:
This rule establishes school nurse licensure requirements for initial and continuing licensure.
[6.63.2.6 NMAC - Rp, 6.63.2.6 NMAC, 01/27/2026]

6.63.2.7 DEFINITIONS:
“School health assistant” means an individual that is not licensed as a school nurse and assists the licensed school nurse with the implementation of the school health program by providing delegated nursing services and who is licensed as a health assistant through the department.
[6.63.2. NMAC - N, 01/27/2026]

6.63.2.8 REQUIREMENTS FOR LICENSURE:

A. The department will grant a level one school nurse license to persons who:

(1) hold an associate or baccalaureate degree in nursing from an accredited educational institution;

(2) hold a registered nurse license issued by the New Mexico board of nursing or an equivalent nurse license from a current nurse licensure compact state according to 61-3-24.1 NMSA 1978 or who have satisfied the reciprocal licensure requirements of Subsection D of Section 22-10A-12 NMSA 1978; and

(3) have been cleared by a background check.

B. The department will grant a level two school nurse license to persons who:

(1) hold a level one school nurse license and have served successfully as a school nurse at level one by satisfactorily demonstrating annual competency as described in Subsection A of 6.63.2.11 NMAC or have at least three years of combined registered nursing experience in New Mexico or a current nurse licensure compact state according to 61-3-24.1 NMSA 1978 or who have satisfied the reciprocal licensure requirements of Subsection D of Section 22-10A-12 NMSA 1978;

(2)

demonstrate essential competencies found in Subsection B of 6.63.2.11 NMAC verified by the local superintendent or charter school administrator through the highly objective uniform statewide standard of evaluation found in Subsection C of 6.63.2.10 NMAC; and

(3)

have been cleared by a background check.

C. The department shall grant a level three school nurse license to persons who:

(1) have successfully served as a level two school nurse for at least three years in New Mexico or have at least three years of equivalent school nursing experience licensed by a state belonging to the current nurse licensure compact according to 61-3-24.1 NMSA 1978 or who have satisfied the reciprocal licensure requirements of Subsection D of Section 22-10A-12 NMSA 1978;

(2)

hold a post-baccalaureate degree in nursing or a related field or be certified by

the national board for certification of school nurses;

(3)

demonstrate nursing leadership competencies found in Subsection C of 6.63.2.11 NMAC verified by the local superintendent or charter school administrator through the highly objective uniform statewide standard of evaluation found in Subsection C of 6.63.2.10 NMAC; and

(4) have been cleared by a background check.

D. School nurse

licenses shall not extend beyond their initial license period, which is three years for level one school nurses and nine years for level two and level three school nurses, unless the school nurse is unable to secure verification of the progress and competencies required to move to the next level or renew their current license due to the following exigent circumstances:

(1) the non-availability of the school district or charter school by which the school nurse has been most recently employed; or

(2) other

circumstances deemed exigent by the department.

E. When a registered nursing license expires prior to the termination of a school nurse license, the school nurse license expires as well.

[6.63.2.8 NMAC - Rp, 6.63.2.8 NMAC, 01/27/2026]

6.63.2.9

IMPLEMENTATION:

A. All persons holding a valid New Mexico license for school nurses on the day that this rule is effective and who meet the provisions of Paragraphs (1) and (2) of Subsection A of 6.63.2.8 NMAC shall be entitled to licensure as a level one school nurse.

B. All persons holding

a valid New Mexico license for school nurses on the day that this rule is effective and who meet the provisions of Paragraphs (1) and (2) of Subsection B of 6.63.2.8 NMAC shall be entitled to licensure as a level two school nurse.

C. All persons holding a valid New Mexico license for school nurses on the day that this rule is effective and who meet the provisions of Paragraphs (1) and (2) of Subsection C of 6.63.2.8 NMAC shall be entitled to licensure as a level three school nurse.

[6.63.2.9 NMAC - Rp, 6.63.2.9 NMAC, 01/27/2026]

6.63.2.10 REFERENCE MATERIAL:

A. At the end of each year, a level one school nurse is required to be evaluated for competence by the nurse's designated level three school nurse or other mentor and by the evaluator designated by the school district. If the level one school nurse fails to demonstrate satisfactory progress and competence in the evaluation, the level one school nurse may not qualify for a level two license. If the level one school nurse has not demonstrated satisfactory progress and competence by the end of the three-year period and is not experiencing an exigent circumstance listed in Subsection I of 6.63.2.8 NMAC, the level one school nurse shall not be granted a level two license, and may be terminated pursuant Section 22-10A-24 NMSA 1978.

(1) If a level one school nurse's school district or charter school employs a level three school nurse, the level one school nurse shall undergo a formal mentorship program for at least one full school year and an annual intensive performance evaluation by a level three school nurse.

(2) If the level one school nurse's school district or charter school does not employ a level three school nurse, the level one school nurse shall undergo a formal mentorship program for at least one full school year and an annual intensive performance evaluation by a level two school nurse.

(3) If the level one school nurse's school district or charter school does not employ a level three or level two school nurse, the

level one school nurse shall undergo a formal mentorship program, as appropriate and in compliance with the New Mexico Nursing Practice Act, for at least one full school year and an annual intensive performance evaluation by an alternative mentor and evaluator identified by the nurse's school administrator.

B. Each school year, a level two or three school nurse shall be evaluated for essential competencies found in Subsection B of 6.63.2.11 NMAC or essential leadership competencies found in Subsection C of 6.63.2.11 NMAC, respectively. If a level two or three school nurse is found to not demonstrate competence in a given school year, the school district shall provide the school nurse with additional professional development and mentorship during the following school year. If, by the end of that school year, the level two or level three school nurse fails to demonstrate essential competency, a school district may choose not to contract with the school nurse.

C. School district superintendents, charter school head administrators, or level three school nurses shall verify the nursing competencies listed in 6.63.2.11 NMAC for level one, or two through a highly objective statewide standard of evaluation form published by the department. Superintendents or charter school head administrators shall verify the nursing competencies listed in 6.63.2.11 NMAC for level three school nurses.

[6.63.2.10 NMAC - Rp, 6.63.2.10 NMAC, 01/27/2026]

6.63.2.11

COMPETENCIES: All required competencies for individuals holding levels one, two, and three school nurse licenses shall reference and adhere to the most current national scope and standards of nursing practice as established by the national association of school nurses, including any subsequent amendments or changes.

[6.63.2.11 NMAC - Rp, 6.63.2.11 NMAC, 01/27/2026]

6.63.2.12 SEVERABILITY: In the event that any one or more of the sections of this rule, in whole or in part, should be held to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining sections of this rule shall not in any way be affected or impaired.

[6.63.2.12 NMAC - N, 1/27/2026]

HISTORY OF 6.63.2 NMAC:

PRE-NMAC HISTORY: The material in this regulation was derived from that previously filed with the state records center and archives under: SBE 71-23, Procedure: Four Week Orientation Program to Meet School Nurse Certification Requirements, filed August 28, 1978, and SBE Regulation No. 87-10, Licensure for School Nurses, Grades K-12, filed December 1, 1987.

HISTORY OF REPEALED MATERIAL:

6.63.2 NMAC - Licensure for School Nurses, Grades Pre K-12, filed 7/31/1997 was repealed and replaced by 6.63.2 NMAC - Licensure for School Nurses, Grades Pre K-12, effective 1/27/2026.

PUBLIC EDUCATION DEPARTMENT

This is an amendment to 6.30.15 NMAC, Sections 1, 6 through 13, and adding a new 14, effective 1/27/2026.

6.30.15.1 ISSUING

AGENCY: Public Education Department, hereinafter [referred to as] the department.

[6.30.15.1 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.6 OBJECTIVE:

This rule provides criteria for the [development and] implementation of the [community schools act] Community Schools Act. [Development and implementation] Implementation includes establishing

a set of [research and] evidence-based strategies and best practices that support students and their families by making schools centers of the community that reflect local needs, assets, and priorities.

[6.30.15.6 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.7 DEFINITIONS:

[A. “Active family and community engagement”]

means encouraging partnerships with families and community members from diverse backgrounds, including disability experience, to develop and promote a vision for student success, and establishing systems, structures, and supports to engage families and community members from in the decision-making processes regarding students' education through shared leadership.

[B. “Annual evaluation”] means a written review conducted by the community school coordinator and informed by the site-based leadership team to evaluate the implementation of the community school strategy.

[C.] A. “Asset mapping” [or “needs and assets assessment”] means an assessment of the community's strengths and resources, including organizations, people, partnerships, facilities, funding, and policies.

B. “Coalition for community schools” or “the coalition” means a group of individuals, including members of community school site-based leadership teams, foundations, businesses, and other organizations, including unions, cultural and linguistic experts, and tribal leaders, that advocate for and support the development of community schools across New Mexico in alignment with an evidence-based community school framework.

[D.] C. “Collaborative leadership [and practices]” means building trust with a school's stakeholders, including the site-based leadership team, and leveraging [the] their collective expertise [of a

community school's stakeholders, including the site-based leadership team and community school coordinator; to develop a shared vision [and], goals, and [create] participatory practices for distributing responsibilities

[E.] D. “Community-based organization” means a public or private nonprofit organization that provides [educational or related] services to individuals in the community.

[F.] E. “Community school director or manager” means a person who [oversees more than three community schools and] coordinates implementation of the community school framework across [all] three or more school sites.

F. “Community school strategic plan” means a guide for a community school to align its vision, resources, and practices to support student success and school transformation, including:

(1) a needs assessment and root cause analysis to identify challenges, strengths, and opportunities;

(2) an outline of strategic initiatives that address academic and nonacademic priorities and ensures alignment with the key practices of community schools;

(3) identification of roles and responsibilities;

(4) integration of measurable goals, progress-tracking, and multi-layered systems of supports; and

(5) funding strategies to support ongoing work and lasting outcomes.

[G.] “Community school plan” means a written plan that describes how a school will implement a community schools initiative.

H. “Community-wide leadership team” means a formal group that is inclusive and reflective of the community and has cross-sector representation that may include individuals or organizations

representing school staff, students or youth, including students or youth with disabilities and their family, family members, business leaders, community members, and representatives from the local school board or governing council, the school district or charter school, teacher unions, nonprofit organizations, special education experts, and local and tribal governments. This group is not based on an individual school and focuses on developing, building, and sustaining a strategic direction for the system of community schools within a single county, municipality, or tribal jurisdiction.

[I.] G. “Culturally and linguistically responsive” [means validating and affirming an individual’s home culture and language to create connections with other cultures and languages in various social contexts.] means honoring, reflecting, and integrating into a community school’s work the diverse cultural backgrounds and languages of the community school’s students and families.

[J.] H. “Eligible applicant” means a single school, school district, or consortium of schools that has formed a partnership with at least one community-based organization with approval from [the] their respective school district or charter school governing [entity responsible for the local education agency] body.

[K.] “Eligible public school” means a public elementary or secondary school that has a student body where at least forty percent of students are eligible for free or reduced-fee lunch pursuant to the Richard B. Russell National School Lunch Act, or has been identified as needing comprehensive or targeted support and improvement under the Elementary and Secondary Education Act of 1965, or otherwise identified by the state as in need of additional support.

[L.] I. “Evidence-based interventions” [means a strategy, practice, or program that has been proved effective through formal studies and research in producing

positive results and improving outcomes for students.] means programs, strategies, or practices that have been proven effective through reliable research and data.

[M.] “Expanded and enriched learning time and opportunities” means opportunities that include before-school, after-school, weekend, summer and year-round programs that include and accommodate students with disabilities, and that provide additional academic support, enrichment activities and other programs that may be offered in partnership with community-based organizations to enhance academic learning, social skills, emotional skills, and life skills, and are aligned with the school’s curriculum.

N. “Four pillars of community schools” means the four research- and evidence-based strategies and best practices, as provided in Section 22-32-2 NMSA 1978, that support students, families, and communities in ensuring student success, and are required to be part of each community school framework: integrated student supports, expanded and enriched learning time and opportunities, active family and community engagement, and collaborative leadership and practices..

O. “Integrated student supports” means actions or programs implemented to address non-academic and out-of-school barriers to learning through partnerships with social and health service agencies and providers, which may include school-wide positive behavioral supports and interventions, positive discipline practices, restorative practices, school-based or school-linked health care, Medicaid waiver and other case management services, and family stability supports.]

J. “Integrated systems of support” means a coordinated and culturally responsive network of personalized, data-informed resources and services designed to meet diverse student needs.

[P.] K. “Lead partner agency” means the agency that employs the community school coordinator and works collaboratively with the community school coordinator, the school principal, and the site-based leadership team to assess, plan, and carry out the community school framework.

L. “Multi-layered system of supports community schools self-assessment” means a reflective, data-informed tool used to evaluate the implementation of the key practices of community schools to support equitable outcomes for all students through progressively intensive, data-driven, academic, behavioral, and cultural supports.

M. “Needs assessment” means a comprehensive report developed by the site-based leadership team that incorporates data at the student, school, and community levels, and includes key practices of community schools.

[Q. “Site-based leadership team” means an interdisciplinary, school-based leadership team that includes the school principal, the community school coordinator, teachers, other school employees, families, community partners, tribal partners, nonprofit organizations, unions and neighboring community residents that guides collaborative planning, implementation, and oversight.]

N. “Site-based leadership team” means an interdisciplinary, school-based leadership team that includes the school principal, the community school coordinator, teachers, other school employees, families, community partners, tribal partners, nonprofit organizations, unions, and neighboring community residents and that guides collaborative planning, implementation, and oversight of the community school model.

[6.30.15.7 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.8 COMMUNITY SCHOOLS INITIATIVE AND COMMUNITY SCHOOL FRAMEWORK:

A. The community schools initiative shall include:

- (1)** a lead partner agency;
- (2)** an annual asset mapping process conducted by the community school coordinator [and informed by] in collaboration with the site-based leadership team; and
- (3)** a community school framework.

B. The community school framework shall:

- (1)** ensure the use of evidence-based strategies and best practices that support students, families, and communities in ensuring student success; and
- (2)** [the four pillars of community schools; incorporate these key practices:

(a) powerful student and family engagement;

(b) collaborative leadership, shared power, and voice;

(c) expanded, culturally enriched learning opportunities;

(d) rigorous community-connected classroom instruction;

(e) a culture of belonging, safety and care; and

(f) integrated systems of support.

C. The community school framework may:

- (1)** allow broader use of public school facilities, including neighborhood events, community activities, school and community advocacy, and civic life;
- (2)** include community-based curriculum centered on local knowledge, service learning, and problem-solving regarding community initiatives and issues;
- (3)** provide public pre-kindergarten and other state- and federally funded early childhood services that:

(a) support working families and help

ensure children enter kindergarten ready to learn;

(b) provide students, including students with disabilities, and working parents or caregivers full-day and after-school childcare;

(c) provide high-quality pre-kindergarten programs aligned with the department’s early childhood learning standards;

(d) provide health, vision, dental, and other supports and services to children before school age;

(e) include strong partnership and alignment with early learning centers and early childhood providers; and

(f) provide transportation, including transportation that is accessible for students with disabilities.

[6.30.15.8 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.9 COMMUNITY SCHOOL PERSONNEL:

A. [The duties of a community school coordinator, at a minimum, shall include:] The community school coordinator shall meet the qualifications established by the department, including the following:

- (1)** implementing the community school framework;
- (2)** leading the asset mapping and needs assessment [process] processes, with a focus on addressing root causes of academic and non-academic barriers;
- (3)** facilitating communication between partners through a stakeholder and community-driven approach to problem solving;
- (4)** guiding data-informed continuous improvement;
- (5)** managing data collection for the community school, with a focus on transparency and ethical usage of data;
- (6)** aligning, leveraging, and coordinating

resources for student and family success; [and]

(7)

collaborating with school site leadership and staff;

(8) convening a site-based leadership team meeting at least twice per month to develop strategies for strong governance and continuous improvement within each community school, including reviewing implementation progress, analyzing data, addressing emerging needs, and improving alignment with evidence; and

(9) adhering to the duties described in the community school's grant application.

B. The lead partner agency of more than three community schools shall provide a full-time position that supports the community school coordinators at those public schools.

C. If a grantee receives funding under the community schools initiative grants program to implement the community schools initiative at three or more public school sites, the school district shall employ a community school director or manager. The community school director or manager shall adhere to the duties described in the community school's grant application and shall meet the qualifications established by the department, including, but not limited to, the following:

(1) [eversee and coordinate] coordinating the implementation of the community schools initiative at each community school;

(2) [support] supporting and [guide] guiding community schools with the implementation of the community school strategy;

(3) [support] supporting and [guide] guiding community schools with the asset mapping process, needs assessment, root cause analysis, and data collection; and

(4) ensuring the lead partner agency employs a community school coordinator at each community school.

[6.30.15.9 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.10 COMMUNITY SCHOOLS INITIATIVES GRANT PROGRAM:

A. Eligible applicants may apply for funding to implement the community schools initiative.

B. A school district is responsible for any indirect costs associated with the establishment and implementation of a community school within the school district.

C. An eligible applicant that receives funds to transform a public school into a community school shall:

(1) use a rigorous, transparent, equitable, and evidence-based evaluation system to measure the effectiveness of the implementation of the community schools initiative;

(2) provide ongoing, high-quality professional development for staff that:

(a) aligns with the community school's core instructional program;

(b) facilitates and supports effective teaching and learning; and

(c) supports the implementation of school reform strategies and evidence-based interventions, programs, and practices;

(3) give the community school sufficient operational flexibility in evidence-based programming, curriculum, staffing, budgeting, and scheduling to implement a comprehensive community school framework focused on improving:

(a) community school culture and climate;

(b) student academic achievement;

(c) student attendance;

(d) student behavior, including through the provision of positive discipline practices, restorative practices, and other positive behavioral supports and interventions for students;

(e)

quality family engagement and collaborative leadership; and

(f)

for high schools, graduation rates and readiness for college or career; [6.30.15.10 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.11 GRANT APPLICATION REQUIREMENTS AND PROCEDURES:

A. The department is authorized to provide planning, implementation, and renewal grants to eligible applicants for the creation of a community schools initiative.

[The department shall prioritize awards for schools identified as needing comprehensive support and improvement and targeted support and improvement under the Every Student Succeeds Act.] The department may withhold grant funding if the corresponding documentation listed in Subsection E of this section is not received by the department.

B. Planning grants are a one-year, one-time award of up to \$50,000 for each [eligible] public elementary or secondary school, which shall use the grant to:

(1) conduct an initial school and community needs assessment, root cause analysis, and asset map;

(2) identify community supports, partners, and services through asset mapping; and

(3) establish a diverse site-based leadership team.

C. To be considered for a planning grant, eligible applicants shall submit an application to the department and shall include a description of:

(1) the initial site-based leadership team [and community-wide leadership team or] and the process that will be put in place to establish the [teams] team;

(2) the process and timeline for conducting [an] a needs assessment, root cause analysis, asset [map] mapping, and establishing a community school strategic plan for each eligible school; and

(3)

if applicable, plans for hiring additional staff, providing additional compensation to existing staff, or the contracting of a nonprofit entity or entities that will help the eligible applicant apply for an implementation grant or grants.

D. Implementation grants are awards of up to \$150,000 each year for a period of three years for each eligible school to be used for the implementation of the community schools initiative.

E. To demonstrate intent and to be considered for an implementation grant, within six months of receiving a planning grant, eligible applicants shall submit an application with the following documentation:

[1] evidence of an ongoing or completed needs and assets assessment for each eligible public school that includes:

(a)

student demographic information and academic data disaggregated by subgroups of students as designated by the Every Student Succeeds Act;

(b)

access to and need for integrated student supports;

(c)

access to and need for expanded and enriched learning time and opportunities;

(d)

active family and community engagement information;

(e)

existing collaborative leadership and practices;

(f)

opportunities for partnerships with nonprofit organizations, faith- and community-based organizations, institutions of higher education, healthcare institutions, businesses, advocacy organizations, and other community entities;

(2) community school funding information, including leveraging of federal, state, local, and private education funding and per-pupil spending;

(3) community climate indicators;

including housing instability, food instability, unemployment, poverty, health indicators, and environmental hazards; and

(4) evidence of an established community-wide leadership team and site-based leadership team for each eligible public school.]

(1) a complete community school strategic plan;

(2) evidence of hiring a full-time community schools coordinator (one full-time employee); and

(3) the multi-layered system of supports community schools self-assessment.

F. [Renewal grants are one-year awards in an amount determined by the department for which eligible applicants may submit an application to the department at the conclusion of the initial three-year implementation grant period:] To demonstrate intent and to be considered for a renewal grant, eligible applicants shall submit an application with the following documentation:

(1) a complete community school strategic plan;

(2) evidence of hiring a full-time community schools coordinator (one full-time employee);

(3) multi-layered system of supports community schools self-assessment; and

(4) financial sustainability plan.

G. To demonstrate intent and to be considered for community school certification, eligible applicants shall submit an application with the following documentation:

(1) a complete community school strategic plan;

(2) evidence of hiring a full-time community schools coordinator (one full-time employee);

(3) multi-layered system of supports community schools self-assessment;

(4) financial sustainability plan; and

(5) a complete certification application as determined by the department.

[G.] H. A school district or public school may use Title I Part A funds to support the community school framework.

[6.30.15.11 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.12 DATA COLLECTION AND SUBMISSION:

A. [Within 30 calendar days after the state fiscal year ends, awardees] Awardees of [an implementation] a grant shall submit data to the department in the format required by the department.

B. Uniform data collections measures and instruments are required to meet department guidelines.

C. Awardees are required to collect and submit data to the department in the following focus areas:

(1) community school culture and climate;

(2) student academic achievement;

(3) student attendance;

(4) student behavior;

(5) quality family engagement; and

(6) for high schools, graduation rates and readiness for college or career.

D.] C. Awardees are required to [conduct an annual evaluation] complete an annual strategic plan in the format required by the department [and submit the evaluation to the coalition for community schools no later than July 31]. Awardees will be provided with information regarding the format for the [annual evaluation] strategic plan at least one month (30 days) prior to the deadline for submission [or the July 31 deadline will be extended].

[6.30.15.12 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.13 COALITION FOR COMMUNITY SCHOOLS:

A. The department shall appoint [a] the members of the statewide coalition for community schools [that is a statewide coalition of community school stakeholders] from diverse backgrounds and organizations. [which shall include:

- (1) local community school content experts representing the northern, central and southern regions of the state;
- (2) culturally and linguistically responsive content experts;
- (3) tribal leaders representing the nations and pueblos of New Mexico;

B. The department may appoint:

- (1) individuals with data analysis or research expertise and experience with the effective implementation of the community school framework;
- (2) representatives from the behavioral health field with experience managing wrap-around services or school-based health centers;
- (3) community school coordinators representing the northern, central, and southern regions of the state;
- (4) educators representing the northern, central, and southern regions of the state;
- (5) representatives from teacher unions;
- (6) parents;
- (7) school or district administrators representing the northern, central, and southern regions of the state;
- (8) representatives from higher education institutions representing the northern, central, and southern regions of the state;
- (9) a representative from a community-based organization;
- (10) a representative from the business community;
- (11) an out-of-school-time and afterschool content expert;

(12) special education and disability experts;

(13) individuals with expertise in transition services vocational rehabilitation for students with disabilities;

(14) a representative from an organization addressing housing instability;

(15) a representative from an organization addressing food instability; and

(16) others the department may deem appropriate.

C.] B. In collaboration with the department, the coalition [may appoint] shall annually elect a chair and vice-chair from amongst its membership [and establish term limits for coalition members.

D. The coalition shall notify the department if there is a vacancy in the coalition. The department shall appoint a replacement within 90 days of the notification.

E.] C. Responsibilities of the coalition include working with the department to develop coalition meeting schedules, agendas, and priorities, which shall include advocacy, recommendations, and advice addressing inequities and opportunity gaps and promoting and supporting the development of culturally and linguistically responsive, equity-driven community school practices.

D. The coalition shall conduct its activities in compliance with the Open Meetings Act.

(1) working with the department to develop a competitive grant procedure;

(2) assisting the department in reviewing applications for grants and making recommendations for awards;

(3) analyzing the annual evaluation on the effectiveness of implementation grant awardees and determine:

(a) eligibility for continued funding;

(b) need for capacity-building at the community school to be provided by

the coalition for community schools; and

(c) need for technical assistance to be provided by the coalition for community schools.

(3) providing advocacy, capacity building, and technical assistance to ensure equitable distribution of resources to all school districts in New Mexico; and

(4) working with the department to develop coalition priorities, activities, meeting schedules, and agendas.]

[6.30.15.13 NMAC – N, 8/10/2021; A, 1/27/2026]

6.30.15.14 SEVERABILITY:

In the event that any one or more of the sections of this rule, in whole or in part, should be held to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining sections of this rule shall not in any way be affected or impaired.

[6.30.15.14 NMAC - N, 1/27/2026]

HISTORY OF 6.30.15 NMAC:
[RESERVED]

**PUBLIC SAFETY,
DEPARTMENT OF**

**TITLE 10 PUBLIC SAFETY
AND LAW ENFORCEMENT**

**CHAPTER 2 DEPARTMENT
OF PUBLIC SAFETY**

**PART 5 CLASSIFYING
CONFIDENTIALITY OF
INFORMATION AND RECORDS
IN MISSING**

**PERSONS
INVESTIGATIONS.**

10.2.5.1 ISSUING

AGENCY: Department of Public Safety.

[10.2.5.1 NMAC - N/E, 1/15/2026]

10.2.5.2 SCOPE: All

information and records that are otherwise confidential under state and federal law; or that are related to the

investigation by a law enforcement agency of a missing person or unidentified human remains, if the department of public safety, in consultation with the law enforcement agency, determines that release of the information would be deleterious to the investigation; or the department of public safety determines the release of information might interfere with an investigation by law enforcement or otherwise harm a person, custodian or reporter, shall be deemed to be confidential.

[10.2.5.2 NMAC - N/E, 1/15/2026]

10.2.5.3 STATUTORY

AUTHORITY: This rule is promulgated pursuant to Section 9-19-6 E. NMSA 1978 of the Department of Public Safety Act; Section 29-15-11 NMSA 1978, which charges the department of public safety with creating a rule to classify certain information and records as confidential; Subsections A-D of Sections 29-15-3 NMSA 1978; and Sections 29-15-3 through 29-15-3.5 NMSA 1978.

[10.2.5.3 NMAC - N/E, 1/15/2026]

10.2.5.4 DURATION: One hundred and eighty days.

[10.2.5.4 NMAC - N/E, 1/15/2026]

10.2.5.5 EFFECTIVE

DATE: January 15, 2026, unless a later date is cited at the end of a section.

[10.2.5.5 NMAC - N/E, 1/15/2026]

10.2.5.6 OBJECTIVE:

A. The objective of this rule is to ensure that certain sensitive information and records related to missing persons cases can remain confidential. This is in accordance with other state and federal laws that provide for the classification of certain information and records as confidential. Section 29-15-11 NMSA 1978 specifically recognizes that the release of certain sensitive information would interfere with and be deleterious to active missing persons investigations, or otherwise harm a person, custodian, or reporter. This statute authorizes

the department of public safety to categorize as confidential any information or records related to missing persons or human remains in the state.

B. The state has specific obligations to ensure that Missing Persons cases are thoroughly investigated in a timely manner. Releasing sensitive information could impede the speed at which the investigations are conducted, as well as their outcome. This is particularly concerning for the most vulnerable populations within the state. Examples of these populations include survivors of domestic violence as well as members of historically marginalized groups, including indigenous peoples.

[10.2.5.6 NMAC - N/E, 1/15/2026]

10.2.5.7 DEFINITIONS:

For purposes of this rule, the following terms have the following meaning:

A. "Clearinghouse" means the missing persons information clearinghouse;

B. "Custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child or of an adult with a developmental disability; or a person who performs one or more activities of daily living for an adult;

C. "Department" is the department of public safety;

D. "Indigenous peoples": The descendants of the original inhabitants who lived in what is now known as North America before colonization or settlement. This recognizes the Nations, Tribes, and Pueblos located within the exterior bounds of New Mexico, but is not limited to just these communities.

E. "Endangered person" means a missing person who:

(1) is in imminent danger of causing harm to the person's self;

(2) is in imminent danger of causing harm to another;

(3) is in imminent danger of being harmed by another or who has been harmed by another;

(4) has been a victim of a crime as provided in the Crimes Against Household Members Act, Sections 30-3-10 through 30-3-18, NMSA 1978 or in Section 30-3A-3 or 30-3A-3.1, NMSA 1978, or their equivalents in any other jurisdiction;

(5) is or was protected by an order of protection pursuant to the Family Violence Protection Act, Chapter 40, Article 13 NMSA 1978;

(6) has Alzheimer's disease, dementia, or another degenerative brain disorder, or a brain injury; or

(7) has a developmental disability as defined in Subsection A of Section 28-16A-6, NMSA 1978, and that person's health or safety is at risk;

F. "Immediate family member" means the spouse, nearest relative or close friend of a person;

G. "Law enforcement agency" means a law enforcement agency of the state, tribal law enforcement a state agency or a political subdivision of the state;

H. "Missing person" means a person whose whereabouts are unknown to the person's custodian or immediate family member, and the circumstances of whose absence indicate that:

(1) the person did not leave the care and control of the custodian or immediate family member voluntarily, and the taking of the person was not authorized by law; or

(2) the person voluntarily left the care and control of the custodian without the custodian's consent and without intent to return;

I. "Missing person report" means information that is:

(1) given to a law enforcement agency on a form used for sending information to the national crime information center; and

(2) about a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

J. "Person" means an individual, regardless of age;

K. "Possible match" means the similarities between unidentified human remains and a missing person that would lead one to believe they are the same person;

L. "Reporter" means the person who reports a missing person;

M. "Records" are related to the investigation by a law enforcement agency of a missing person or unidentified human remains. [10.2.5.7 NMAC - N/E, 1/15/2026]

10.2.5.8 CLASSIFICATION OF INFORMATION AND RECORDS AS CONFIDENTIAL: Public records described in sections a-d are presumptively classified as confidential:

A. Records that are confidential under state or federal law or rules adopted pursuant to state or federal law;

B. Records that are related to the investigation by a law enforcement agency of a missing person or unidentified human remains, if the department, in consultation with the law enforcement agency, determines that release of the information would be deleterious to the investigation;

C. Records or notations that the clearinghouse maintains for internal use in matters relating to missing persons and unidentified human remains, and the department of public safety determines that release of the internal documents might interfere with an investigation by a law enforcement agency in New Mexico or any other jurisdiction; or

D. Records that the department or law enforcement agency determines might interfere with an investigation or otherwise harm a person, custodian, or reporter. [10.2.5.8 NMAC - N/E, 1/15/2026]

10.2.5.9 EXCEPTIONS TO SHARING CONFIDENTIAL INFORMATION: These rules do not bar the sharing of confidential information with:

A. the custodian or immediate family members of the

missing person, except as pursuant to Subsection C of Section 29-15-5 NMSA 1978;

B. the clearinghouse pursuant to Section 29-15-3 NMSA 1978; and

C. law enforcement agencies pursuant to Section 29-15-10 NMSA 1978. [10.2.5.9 NMAC - N/E, 1/15/2026]

10.2.5.10 PROCEDURES TO SHARING CONFIDENTIAL INFORMATION:

A. The custodian or immediate family member may request confidential information orally or in writing from a law enforcement agency regarding a missing person or a missing person's report. Upon receipt of the request, the law enforcement agency shall immediately request information concerning the reported missing person from the clearinghouse pursuant to Subsection A of Section 29-15-5, NMSA 1978.

B. The law enforcement agency that received a request for confidential information regarding a reported missing person must determine if release is authorized by the exceptions listed in 10.2.5.8 NMAC. If no exception applies, the law enforcement agency will deny the request and provide the requester with the authority for the denial and the name of the person denying the request.

C. The department shall share confidential information through the clearinghouse pursuant to Subsection B of Section 29-15-11 NMSA 1978.

D. The Department shall share information within thirty days to the national missing and unidentified persons system created by the United States Department of Justice's National Institute of Justice pursuant to Section 29-15-3.4 NMSA 1978. [10.2.5.10 NMAC - N/E, 1/15/2026]

10.2.5.11 PROCEDURE FOR DENIED REQUESTS:

A. Petition for internal administrative review of

the department's denial of access.

Any requester who objects to the initial denial or partial denial of a request for confidential information about a missing person may petition in writing to the department's supervising officer or designee for a review of that decision. The petition shall include a copy of the denial or reasonably identify the reason for the denial of the request and the name of the officer who denied the request.

B. Consideration

of petition for review. The department's supervising officer or designee shall promptly request all relevant information from the officer who initially denied the request. The department's supervising officer or designee shall conduct a review and may either affirm or reverse the initial denial. The review and decision will be conducted within the time frame agreed upon by the department's supervising officer or designee and the requester. The department's supervising officer or designee's decision is final.

C. Petition for internal administrative review of the denial of access by other law enforcement organizations. Any person who objects to the initial denial or partial denial of a request for confidential information of a missing person may utilize that law enforcement agencies' appeal procedure.

[10.2.5.11 NMAC - N/E, 1/15/2026]

HISTORY OF 10.2.5 NMAC: [RESERVED]

REGULATION AND LICENSING DEPARTMENT ACCOUNTANCY, BOARD OF PUBLIC

Note: The below amendment was filed and was published in issue 1 on January 13, 2026. Due to errors in our agency's publishing process, Sections 13, 14 & 15 were omitted in the publishing. However, the complete amendment was published

in html and pdf form on the agency's REGISTER site. In order to correct that publishing error, the history notes for every section remain January 13, 2026

This is an amendment to 16.60.3 NMAC, Sections 9, 13, 14 and 15 effective 1/13/2026

16.60.3.9 INITIAL CERTIFICATE/LICENSE REQUIREMENTS:

A. An applicant for initial certification/licensure shall demonstrate to the board's satisfaction that he:

(1) lacks a history of dishonest or felonious acts;

(2) meets the education, experience and examination requirements of the board; and

(3) passes the American institute of certified public accountants ethics examination with a score of ninety percent or higher.

B. Integrity requirement: The board may assess integrity based upon applicant-provided references and background checks to determine an applicant's history of dishonest or felonious acts. The board may request the presence at a board meeting of an applicant for whom it has unanswered questions.

C. Criminal history background check: Pursuant to Section 61-28B-8.1 NMSA 1978 of the act, all applicants for initial issuance or reinstatement of a certificate and license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check. Applicants can submit fingerprints through the board approved live scan location prescribed by the New Mexico department of public safety (DPS).

(1) The applicant will register online, through the approved live scan website, with the board's originating agency identification (ORI) number and make payment with registration. After the process is complete, the applicant will receive a registration confirmation.

(2) The applicant shall take their registration confirmation to an approved live scan facility and conduct the electronic fingerprinting process.

(3) Results will be sent to the board electronically. The board shall not issue a certificate or license until the applicant's background check has been successfully completed.

(4) Out-of-state applicants, who are unable to visit an approved live scan fingerprinting facility, may follow the same registration process and submit a hardcopy fingerprint card to the approved live scan facility. The results will be sent to the board electronically. The board shall not issue a certificate or license until the applicant's background check has been successfully completed.

D. Education and examination requirements: Education and examination requirements are specified in Section 8 of the act and are further delineated in Part 2 of board rules. [An applicant who has passed the uniform CPA examination prior to July 1, 2004, is exempt from the 150-semester-hour requirement.]

E. Experience required: Applicants documenting their required experience for issuance of an initial certificate [pursuant to Subsection H of Section 7 of the act, and after July 1, 2004 Subsection H of Section 8] of the act shall:

(1) provide documentation of experience in providing any type of services or advice using accounting, attest, management advisory, financial advisory, tax or consulting skills; acceptable experience shall include experience gained through employment in industry, government, academia or public practice;

(2) have their experience verified by an active, licensed CPA as defined in the act or by an active, licensed CPA from another state; the board shall consider and evaluate factors such as complexity and diversity of the work in determining acceptability of experience submitted;

(a) one year of experience or its 2,000 hour equivalent shall consist of full or part-time employment that extends over a period of no more than three years and includes no fewer than 2,000 hours of performance of services described above;

(b) two years of experience or its 4,000 hour equivalent shall consist of full or part-time employment that extends over a period of no more than six years and includes no fewer than 4,000 hours performance of services described above;

[~~(c)~~ (c)] the CPA verifying an applicant's experience must be employed by, or a consultant to, or provide professional services to, the same organization as the applicant;

[~~(d)~~ (d)] experience documented in support of an initial application must be obtained within the seven years immediately preceding passing of the examination or within seven years of having passed the examination upon which the application is based; [~~this does not apply to applicants who qualified and sat for the examination during or prior to the November 2001 administration;~~]

[~~(e)~~ (e)] any licensee requested by an applicant to submit evidence of the applicant's experience and who has refused to do so shall, upon request of the board, explain in writing or in person the basis for such refusal; the board may require any licensee who has furnished evidence of an applicant's experience to substantiate the information;

[~~(f)~~ (f)] the board may inspect documentation relating to an applicant's claimed experience; any applicant may be required to appear before the board or its representative to supplement or verify evidence of experience.

F. Certificate and license issuance: upon receipt of a complete application packet and successful completion of a fingerprint background check, board staff are authorized to approve and issue a

certificate and license to an applicant for whom no licensing issues are present. Pursuant to Subsection I of 16.60.2.13 NMAC, uniform CPA examination scores must be approved by the board's administrative staff prior to the issuance of a certificate and license to an applicant who sat for the uniform CPA examination as a New Mexico candidate.

G. Swearing in ceremony: Every new licensee [must] may participate in a swearing in ceremony. [before the board within one year from the date of the issuance of the initial license. Swearing in ceremonies may be held two times per year in locations to be determined by the board or the board's administrative staff. Upon good cause presented in writing prior to the expiration of the one-year period of initial licensure, the board may extend the period for being sworn in or arrange an alternate method for the licensee to be sworn in. If an extension for good cause is granted, the licensee shall arrange with the board's administrative staff to present him or herself for swearing in before the board within the time prescribed by the board. Failure to appear at a swearing in ceremony before the board may result in the imposition of a fine or other disciplinary action, as deemed appropriate by the board.]

H. Replacement wall certificates and licenses to practice: Replacement wall certificates and licenses to practice may be issued by the board in appropriate cases and upon payment by the CPA or RPA of the fee as set by the board. A certificate/license holder is specifically prohibited from possessing more than one wall certificate and more than one license to practice as a CPA or RPA. When a replacement wall certificate or license to practice is requested, the certificate/license holder must return the original certificate/license or submit a statement describing the occurrence that necessitated the replacement certificate or license.

I. Renewal requirements: Certificates/licenses for individuals will have staggered

expiration dates based on the individual's birth month. Deadline for receipt of certificate/license renewal applications and supporting continuing professional education affidavits or reports is no later than the last day of the CPA or RPA certificate/license holder's birth month or the next business day if the deadline date falls on a weekend or holiday.

(1) The board may accept a sworn affidavit as evidence of certificate/license holder compliance with CPE requirements in support of renewal applications.

(2) Renewal applications and CPE reports received after prescribed deadlines shall include prescribed delinquency fees.

(3) Applications will not be considered complete without satisfactory evidence to the board that the applicant has complied with the continuing professional education requirements of Subsection E of Sections 9 and Subsection A of Section 12 of the act and of these rules.

(4) The board shall send renewal application notices no less than 30 days prior to the renewal deadline.

J. The purpose of this part is to expedite licensure for military service members, their spouses, their dependent children and for veterans pursuant to Section 61-1-34 NMSA 1978.

(1) Applications for registration shall be completed on a form provided by the board.

(2) The applicant shall provide a complete application that includes the following information:

(a) applicant's full name;

(b) current mailing address;

(c) current electronic mail address, if any;

(d) date of birth;

(e) background check, if required; and

(f) proof as described in subsection (3) below.

(3) The applicant shall provide the following satisfactory evidence as follows:

(a) applicant is currently licensed and in good standing in another jurisdiction, including a branch of the United States armed forces;

(b) applicant has met the minimal licensing requirements in that jurisdiction and the minimal licensing requirements in that jurisdiction are [substantially equivalent] comparable license requirements to the licensing requirements for New Mexico; and

(c) the following documentation:

(i) for military service member: copy of military orders;

(ii) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;

(iii) for spouses of deceased military service members: copy of decedent's DD 214 and copy of marriage license;

(iv) for dependent children of military service members: copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: copy of birth certificate, military service member's federal tax return or other governmental or judicial documentation establishing dependency;

(v) for veterans (retired or separated): copy of DD 214 showing proof of honorable discharge.

(4) The license or registration shall be issued by the board as soon as practicable but no later than thirty days after a qualified military service member, spouse, dependent child, or veteran files a complete application and provides a background check if required for a license, and any required fees.

(5) Military service members and veterans shall not pay and the board shall not charge a licensing fee for the first three years for a license issued pursuant to this rule.

(6) A license issued pursuant to this section shall be valid for the time period that is specified in the Act.

(7) A license issued pursuant to this section shall not be renewed automatically, and shall be renewed only if the licensee satisfies all requirements for the issuance and renewal of a license pursuant to the 1999 Public Accountancy Act, including Section 61-28B-9 NMSA 1978 and Subsection I of 16.60.3.9 NMAC.

(8) As a courtesy, the board, will send via electronic mail license renewal notifications to licensees or registrants before the license expiration date to the last known email address on file with the board. Failure to receive the renewal notification shall not relieve the licensee or registrant of the responsibility of timely renewal on or before the expiration date.

[16.60.3.9 NMAC - Rp 16
NMAC 60.4.8.2 & 16 NMAC
60.4.8.3, 2/14/2002; A, 1/15/2004;
A, 6/15/2004; A, 12/30/2004;
A, 4/29/2005; A, 7/29/2005;
A, 11/30/2007; A, 6/30/2008;
A, 2/27/2009; A, 1/17/2013;
A, 12/1/2014; A, 9/15/2015; A,
10/1/2020; A, 12/12/2021; A,
1/13/2026]

16.60.3.13 RECIPROCITY REQUIREMENTS:

A. Interstate reciprocity: The board may issue a certificate/license to the holder of a certificate issued by a state other than New Mexico as defined under Sections 3O, 11B and D, and 26A of the act provided that the license from the other state is valid and in good standing and that the applicant:

(1) provides proof from a board-approved national qualifications service that their CPA qualifications are substantially equivalent to the CPA requirements of the act; or

(2) successfully completed the CPA examination in accordance with the rules of the other state at the time it granted the applicant's initial certificate; and

(3) meets the experience requirements under the act and these rules for issuance of the initial certificate; and

(4) has met the CPE requirement of the state in which he is currently licensed pursuant to the act and board rules.

B. All applicants for licensure by reciprocity shall have passed either the American institute of certified public accountants ethics examination with a score of ninety percent or higher or an ethics examination of another state board of accountancy with a score of ninety percent or higher.

C. An applicant who holds a certificate from another state based upon passage of the examination but who does not hold a license to practice shall not be eligible for licensure by reciprocity.

D. The board may rely on the national association of state boards of accountancy (NASBA), the American institute of certified public accountants (AICPA), or other professional bodies deemed acceptable to the board for evaluation of other state's CPA qualification requirements in making substantial equivalency determinations.

E. International reciprocity: The board may designate a professional accounting credential issued in a foreign country as [substantially equivalent] a comparable licensure to a New Mexico CPA certificate and may issue a certificate/license to the holder of a professional accounting credential issued in a foreign country.

(1) The board may rely on NASBA, AICPA, or other professional bodies deemed acceptable to the board for evaluation of foreign credentials in making equivalency determinations.

(2) The board may satisfy itself through qualifying examination(s) that the holder of a

foreign country credential deemed by the board to be [substantially equivalent] a comparable licensure to a CPA certificate possesses adequate knowledge of U.S. practice standards and the board's rules. The board will specify the qualifying examination(s) and may rely on NASBA, AICPA, or other professional bodies to develop, administer, and grade such qualifying examination(s).

(3) The board recognizes the existence of the international qualifications appraisal board (IQAB), a joint body of NASBA and AICPA, which is charged with:

(a) evaluating the professional credentialing process of certified public accountants, or their equivalents, from countries other than the United States; and

(b) negotiating principles of reciprocity agreements with the appropriate professional and governmental bodies of other countries [seeking recognition as having requirements substantially equivalent to the requirements] where qualified professional accountants can practice in the United States without having to completely re-credential for the certificate of a certified public accountant in the United States.

(4) The board shall honor the terms of all principles of [reciprocity agreements issued] mutual recognition agreements established by IQAB.

(5) The board recognizes the international uniform CPA qualification examination (IQEX), written and graded by AICPA, as a measure of professional competency satisfactory to obtain a New Mexico certificate by reciprocity.

(6) The board may accept a foreign country's accounting credential in partial satisfaction of its certificate/license requirements if:

(a) the holder of the foreign country accounting credential meets the issuing body's education requirement and has passed the issuing body's

examination used to qualify its own domestic candidates; and

(b)

the foreign country credential is valid and in good standing at the time of application for a certificate/license.

(7) The board shall [accept the following foreign credentials in partial satisfaction of its certificate/license requirements] review and may approve other jurisdiction's mutual recognition agreements entered into by the IQAB in partial satisfaction of its certificate or licensure requirements on a case-by-case basis.

(a)

Canadian chartered accountant;

(b)

Australian chartered accountant;

(c)

Hong Kong institute of CPAs;

(d)

Mexican contador publicos certificado;

(e)

chartered accountants in Ireland;

(f)

New Zealand chartered accountant.]

F. An applicant for renewal of a CPA certificate/license originally issued in reliance on a foreign country accounting credential shall:

(1) meet all board prescribed certificate/license renewal requirements; and

(2) present documentation from the foreign country accounting credential issuing body that the applicant's foreign country credential has not been suspended or revoked and is not the subject of a current investigation; and

(3) report any investigations undertaken or sanctions imposed by a foreign country credential body against the CPA's foreign country credential.

G. If the foreign country credential has lapsed, expired, or been cancelled, the applicant must present proof from the foreign country credentialing body that the certificate holder/licensee was not the subject of any disciplinary proceedings or investigations at the time the foreign country credential lapsed.

H. Suspension or revocation of, or refusal to renew, the CPA's foreign accounting credential by the foreign credentialing body shall be considered evidence of conduct reflecting adversely upon the CPA's fitness to retain the certificate and may be a basis for board action.

I. Conviction of

a felony or any crime involving dishonesty or fraud under the laws of a foreign country is evidence of conduct reflecting adversely on the CPA's fitness to retain a certificate/license and is a basis for board action.

J. The board shall

notify the appropriate foreign country credentialing authorities of any sanctions imposed against a CPA. The board may participate in joint investigations with foreign country credentialing bodies and may rely on evidence supplied by such bodies in disciplinary hearings.

[16.60.3.13 NMAC - Rp 16 NMAC 60.4.9, 2/14/2002; A, 9/16/2002; A, 1/15/2004; A, 6/15/2004; A, 12/30/2004; A, 4/29/2005; A, 6/30/2008; A, 11/13/2009; A, 1/17/2013; A, 1/13/2026]

16.60.3.14 [SUBSTANTIAL EQUIVALENCE] COMPARABLE LICENSURE/INTENT TO PRACTICE REQUIREMENTS:

A. Effective [July 1, 2008] January 1, 2026, a person whose principal place of business is not New Mexico and who has a valid certificate/license as a certified public accountant from another state shall be presumed to have comparable licensure qualifications [substantially equivalent] to New Mexico's requirements if the person meets the requirements of Subsection A of Section 26 of the act.

B. The board may rely on NASBA, AICPA, or other professional bodies approved as acceptable to the board to provide qualification appraisal in determining whether an applicant's qualifications are [substantially equivalent] comparable to New Mexico's licensure requirements.

C. A person exercising the practice privilege afforded by

Section 26 of the act shall be deemed to have:

(1) submitted to the personal and subject matter jurisdiction and disciplinary authority of the board;

(2) agreed to full compliance with the act and related board rules; and

(3) consented to appointment of the state board that issued the license as agent upon whom process may be served in an action or proceeding by the New Mexico public accountancy board against the licensee.

D. A person exercising the practice privilege afforded by Section 26 of the act shall cease offering or rendering professional attest services in New Mexico in the event the license from the state of the person's principal place of business is no longer valid.

E. An individual who qualifies for practice privileges pursuant to Section 26 of the act may offer or render professional services whether in person or by mail, telephone, or electronic means without the need to notify the board or remit a fee.

F. Pursuant to the Uniform Accountancy Act, an individual entering into an engagement to provide professional services via a web site pursuant to Section 23 shall disclose, via any such web site, the individual's principal state of licensure, license number, and an address as a means for regulators and the public to contact the individual regarding complaints, questions, or regulatory compliance.

G. Reporting integrity violations.

(1) Any individual using practice privileges in New Mexico shall notify the board within 30 days of any occurrence described in board rule Subsection B of 16.60.5.11 NMAC.

(2) Any licensee of New Mexico using practice privileges in another state shall notify the New Mexico board and the state board of any other state in which said licensee uses practice

privileges within 30 days of any occurrence described in board rule Subsection B of 16.60.5.11 NMAC, which includes Subsection A of 16.60.5.14 NMAC.

[16.60.3.14 NMAC - N, 2/14/2002; A, 7/30/2004; A, 7/29/2005; A, 6/30/2008; A, 1/17/2013; A, 12/12/2021; A, 1/13/2026]

16.60.3.15 CONTINUING PROFESSIONAL EDUCATION (CPE) REQUIRED TO OBTAIN OR MAINTAIN AN “ACTIVE” CPA LICENSE:

A. The following requirements of continuing professional education apply to certificate/license renewals and reinstatements pursuant to Subsection E of Sections 9 and Subsection A of Section 12 of the act. An applicant for certificate/license renewal shall show completion of no less than 120 clock hours of CPE, complying with these rules during the 36-month period ending on the last day of the certificate/license holder's birth month.

(1) Any applicant seeking a license/certificate or renewal of an existing license shall demonstrate participation in a program of learning meeting the standards set forth in the statement on standards for continuing professional education (CPE) programs jointly approved by NASBA and AICPA or standards deemed comparable by the board. An initial license is the first license issued to an individual. CPE reporting will begin on the first day following the licensee's initial expiration date (birth month) for license renewal. No CPE will be required for the period between issue date and first expiration date (birth month).

(2) Each person holding an active CPA certificate/license issued by the board shall show completion of no less than 120 hours of continuing professional education complying with these rules during the preceding 36-month period ending on the last day of the certificate/license holder's birth month, with a minimum of 20

hours completed in each reporting year. For any CPE reporting period which begins on or after January 1, 2010, continuing professional education must include a minimum of four hours of ethics education during the 36-month period after January 1, 2010. Licensees shall report CPE completion on board prescribed forms including a signed statement indicating they have met the requirements for participation in the CPE program set forth in board rules.

(3) The board may, at its discretion, accept a sworn affidavit as evidence of certificate/license holder compliance with CPE requirements in support of renewal applications in lieu of documented evidence of such. Reciprocity and reinstatement applications shall require documented evidence of compliance with CPE provisions.

(4) Deadline for receipt of license renewal applications and supporting CPE reports or affidavits is no later than the last day of the certificate/license holder's birth month. Renewal applications and supporting CPE affidavits or reports shall be postmarked or hand-delivered no later than the renewal deadline date or the next business day if the deadline date falls on a weekend or holiday.

(5) In the event that renewal applicants have not completed the requisite CPE by the renewal deadline, he may provide, prior to the license expiration date, a written explanation for failure to complete CPE and may submit a written request for an extension for completion of the required CPE prior to license expiration date or may request a hardship exception pursuant to Subsection D of 16.60.3.15 NMAC.

(a) The approval of an extension request is not automatic. The board has the discretion to grant or deny a request.

(b) The request for extension shall include documentation of the extenuating circumstances that prevented him from completing the CPE. A written plan of action

to remediate the deficiency must accompany the renewal application and extension request.

(c)

If a request for extension is received in the board office after the expiration date of the license, the license shall be renewed, and the file shall be referred to the board for possible disciplinary action.

(d)

An extension up to [60] 180 days beyond the expiration date of the license may be granted by board staff; extenuating circumstances beyond the control of the licensee necessitating an extension beyond [60] 180 days requires the approval of the board.

(e)

The board may waive a fine for good cause or require community service acceptable to the board.

(f)

If all CPE requirements are not met by the expiration date of the license or granted extension date, the license [shall] may be subject to disciplinary action.

(6) Renewal applications and CPE reports received after prescribed deadlines shall include prescribed delinquency fees.

(7)

Applications will not be considered complete without satisfactory evidence to the board that the applicant has complied with the CPE requirements of Subsection E of Sections 9 and Subsection A of Section 12 of the act and of these rules.

(8)

Reinstatement applicants whose certificates/licenses have lapsed shall provide documented evidence of completion of 40 hours of CPE for each year the certificate/license was expired, not to exceed 200 hours. If the license was expired for longer than 36 months, at least 120 of the hours must have been earned within the preceding 36 months. [For any post-2009 year for which the certificate/license was expired,] The continuing professional education must include a minimum of four hours of ethics education during the 36 months preceding reinstatement.

<p>(a) The length of expiration shall be calculated from the date the license expired to the date the application for reinstatement was received by the board office.</p> <p>(b) If the license was expired for less than one year, documented evidence of 40 hours of CPE earned within the 12 months immediately preceding the date of application for reinstatement must be provided.</p> <p>(c) If the license was expired for longer than one year, for the purpose of determining the number of CPE hours required, the length of expiration shall be rounded down to the last full year if the partial year was less than six months and rounded up to the next full year if the partial year was more than six months.</p> <p>B. Exemption from CPE requirements through change of certificate/license status between inactive/retired and active status.</p> <p>(1) Licensees granted an exception by the board must place the word "inactive" adjacent to their CPA title on any business card letterhead, or any other document or device, with the exception of their CPA certificate, on which their CPA title appears. Licensees granted the exception who are at least 55 years of age may replace "inactive" with "retired". Any of these terms must not be applied in such a manner that could likely confuse the public as to the current status of the licensee.</p> <p>(2) Licensees granted the use of "inactive" or "retired" may volunteer their time to nonprofit or governmental organizations, to the extent provided in the statute. Licensees may not be compensated for such volunteer work other than through reimbursement of actual expenses.</p> <p>(3) Licensees have the responsibility to maintain professional competence relative to the volunteer services they provide even though exempt from specific CPE requirements of 16.60.3.15 NMAC.</p>	<p>C. Persons requesting to change from "inactive" or "retired" to "active" certificate/license status shall:</p> <p>(1) complete board-prescribed change-of-status forms and remit related fees; and</p> <p>(2) provide documented evidence of 40 hours of CPE for each year the certificate/license was inactive, not to exceed 200 hours; if the license was inactive for longer than 36 months, at least 120 of the hours must have been earned within the preceding 36 months. [For any post-2009 year for which the certificate/license was inactive;] The continuing professional education must include a minimum of four hours of ethics education during the 36 months preceding application for change of status to "active".</p> <p>(3) If an individual has not held an active license within five years preceding the date of the application for "change of status", the approval of the board will be required.</p> <p>D. Hardship exceptions: The board may make exceptions to CPE requirements for reason of individual hardship including health, military service, foreign country residence, or other good cause <u>resulting in the licensee temporarily leaving the workforce</u>. Requests for such exceptions shall be subject to board approval and presented in writing to the board. Requests shall include such supporting information and documentation as the board deems necessary to substantiate and evaluate the basis of the exception request. <u>Hardship exceptions will be approved on a year-by-year basis. If a hardship exception is granted, the licensee is required to notify the board in writing when the circumstance creating the hardship no longer exists and fulfill CPE requirements from that date forward. If the circumstances creating the hardship last longer than one year the licensee is required to request another exception, which will be subject to board approval.</u></p> <p>E. Programs qualifying for CPE credit: A program qualifies</p>	<p>as acceptable CPE for purposes of Subsection E of Sections 9 and Subsection A of Section 12 of the act and these rules if it is a learning program contributing to growth in professional knowledge and competence of a licensee. The program must meet the minimum standards of quality of development, presentation, measurement, and reporting of credits set forth in the statement on standards for continuing professional education programs jointly approved by NASBA and AICPA, by accounting societies recognized by the board, or such other standards deemed acceptable to the board.</p> <p>(1) The following standards will be used to measure the hours of credit to be given for acceptable CPE programs completed by individual applicants:</p> <p>(a) an hour is considered to be a 50-minute period of instruction;</p> <p>(b) a full one day program will be considered to equal eight hours;</p> <p>(c) only class hours or the equivalent (and not student hours devoted to preparation) will be counted;</p> <p>(d) one-half credit increments are permitted after the first credit has been earned in a given learning activity;</p> <p>(e) Nano-learning – The credit to be earned for a single nano-learning program is one fifth-credit. Only a total of eight CPE credit hours can be reported in a three year reporting cycle using nano-learning credits.</p> <p>(f) For blended learning programs included in rule 16.60.3.15, the CPE credit must equal the sum of the CPE credit determination for the various completed components of the program.</p> <p>(g) [for reporting periods on or after January 1, 2010, acceptable] Acceptable ethics topics may include, but are not limited to, instruction focusing on the AICPA code of</p>
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professional conduct, the New Mexico occupational and professional licensing code of professional conduct applicable to certified public accountants, Treasury Circular 230, malpractice avoidance, organization ethics, integrity, and the duties of the CPA to the public, clients, and colleagues; ethics hours may be earned as part of any professional development program otherwise qualifying under this rule, provided the ethics content and the time devoted to such content are separately identifiable on the program agenda.

(2) Service as a lecturer, discussion leader, or speaker at continuing education programs or as a university professor/instructor (graduate or undergraduate levels) will be counted to the extent that it contributes to the applicant's professional competence in accountancy.

(3) Credit as a lecturer, discussion leader, speaker, or university professor/instructor may be allowed for any meeting or session provided that the session would meet the continuing education requirements of those attending.

(4) Credit allowed as a lecturer, discussion leader, speaker or university professor/instructor will be on the basis of one hour of preparation and one hour for each hour of presentation. Credit for subject preparation may only be claimed once for the same presentation.

(5) Authors of published articles, books and other publications may receive credit for their research and writing time to the extent it maintains or improves their accountancy professional competence. For the author to receive CPE credit the article, book or CPE program must be formally reviewed by an independent subject matter expert or reviewed and approved by the board. Not more than fifty percent of the total CPE credits required for the CPE reporting period can be claimed for author CPE credit. The board will determine the amount of credit awarded.

(6) Credit allowed under provisions for a

lecturer, discussion leader, speaker at continuing education programs, or university professor/instructor or credit for published articles and books may not exceed one half of an individual's CPE requirement for a three year reporting period (shall not exceed 60 hours of CPE credit during a 3-year reporting period).

(7) For a continuing education program to qualify under this rule, the following standards must be met:

(a) an outline of the program is prepared in advance and preserved;

(b) the program is at least one hour in length;

(c) a qualified instructor conducts the program; and

(d) a record of registration or attendance is maintained.

(8) The following programs are deemed to qualify, provided the above are met:

(a) professional development programs of recognized national and state accounting organizations;

(b) technical sessions at meetings of recognized national and state accounting organizations and their chapters; and

(c) no more than four hours CPE annually may be earned for board meeting attendance.

(9) University or college graduate-level courses taken for academic credit are accepted. Excluded are those courses used to qualify for taking the CPA exam. Each semester hour of credit shall equal 15 hours toward the requirement. A quarter hour credit shall equal 10 hours.

(10) Non-credit short courses - each class hour shall equal one hour toward the requirement and may include the following:

(a) formal, organized in-firm educational programs;

(b) programs of other accounting, industrial, and professional organizations recognized by the board in subject areas acceptable to the board;

(c) formal correspondence or other individual study programs which require registration and provide evidence of satisfactory completion will qualify with the amount of credit to be determined by the board.

(11) The board may look to recognized state or national accounting organizations for assistance in interpreting the acceptability of the credit to be allowed for individual courses. The board will accept programs meeting the standards set forth in the NASBA CPE registry, AICPA guidelines, NASBA quality assurance service, or such other programs deemed acceptable to the board.

(12) For each three year reporting period, at least 96 of the hours reported shall be courses, programs or seminars whose content is in technical fields of study. Technical fields of study are technical subjects that contribute to the maintenance and improvement of the competence of a CPA in the profession of accountancy and that directly relate to the CPA's field of business. Definitions of technical fields of study and non-technical fields of study can be found in section 16.60.1.17 NMAC.

(13) Effective for CPE reporting periods ending on or after July 31, 2007, for each three year reporting period, at least 24 of the hours reported shall not include CPE sponsored by the licensee's firm, agency, company, or organization but may include all methods of CPE delivery, provided that each hour meets the standards specified in paragraphs (1) through (10) of this Subsection.

(14) For each three year reporting period, credit will be allowed once for any single course, program or seminar unless the individual can demonstrate that the content of such course, program

or seminar was subject to substantive technical changes during the reporting period.

F. Programs not qualifying for CPE:

(1) CPA examination review or "cram" courses;

(2) industrial development, community enhancement, political study groups or similar courses, programs or seminars;

(3) courses, programs or seminars that are generally for the purpose of learning a foreign language;

(4) partner, shareholder or member meetings, business meetings, committee service, and social functions unless they are structured as formal programs of learning adhering to the standards prescribed in this rule.

G. Continuing professional education records requirements: When applications to the board require evidence of CPE, the applicants shall maintain such records necessary to demonstrate evidence of compliance with requirements of this rule.

(1)

Reinstatement and reciprocity applicants shall file with their applications a signed report form and statement of the CPE credit claimed. For each course claimed, the report shall show the sponsoring organization, location of program, title of program or description of content, the dates attended, and the hours claimed.

(2)

Responsibility for documenting program acceptability and validity of credits rests with the licensee and CPE sponsor. Such documentation should be retained for a period of five years after program completion and at minimum shall consist of the following:

(a)

copy of the outline prepared by the course sponsor along with the information required for a program to qualify as acceptable CPE as specified in this rule; or

(b) for courses taken for scholastic credit in accredited universities and colleges, a transcript reflecting completion of the course. For non-credit courses taken, a statement of the hours of attendance, signed by the instructor, is required.

(3)

Institutional documentation of completion is required for formal, individual self-study/correspondence programs.

(4)

The board may verify CPE reporting information from applicants at its discretion. Certificate holders/licensees or prospective certificate holders/licensees are required to provide supporting documentation or access to such records and documentation as necessary to substantiate validity of CPE hours claimed. Certificate holders/licensees are required to maintain documentation to support CPE hours claimed for a period of five years after course completion/CPE reporting. Should the board exercise its discretion to accept an affidavit in lieu of a CPE report, the board shall audit certificate/license holder CPE rules compliance of no less than 10 percent of active CPA/RPA licensees annually.

(5) In

cases where the board determines requirements have not been met, the board may grant an additional period of time in which CPE compliance deficiencies may be removed. Fraudulent reporting is a basis for disciplinary action.

(6) An

individual who has submitted records of completion, or a sworn affidavit on their renewal application as evidence of compliance with CPE requirements and is found, as the result of a random audit, not to be in compliance will be subject to a minimum \$250.00 fine and any other penalties deemed appropriate by the board as permitted by Subsection B of Section 20 of the act.

(7) The

sponsor of a continuing education program is required to maintain an outline of the program and

attendance/registration records for a period of five years after program completion.

(8) Licensees reporting of CPE must document their participation and retain evidence for a period of five years after course completion. Documentation and/or evidence must include, at minimum:

(a)

sponsor name and identification number;

(b)

title and description of content;

(c)

date(s) of completion;

(d)

location;

(e)

number of credit hours; and

(f)

name of the registered licensee who completed the course.

(9) The board may, at its discretion, examine certificate holder/licensee or CPE sponsor documentation to evaluate program compliance with board rules. Non-compliance with established standards may result in denial of CPE credit for non-compliant programs and may be a basis for disciplinary action by the board for fraudulent documentation and representation by a CPE sponsor or certificate holder/licensee of a knowingly non-compliant CPE program.

[16.60.3.15 NMAC - Rp 16 NMAC 60.6.6, 2/14/2002; A, 9/16/2002; A, 6/15/2004; A, 7/30/2004; A, 12/30/2004; A, 4/29/2005; A, 12/30/2005; A, 5/15/2006; A, 7/29/2007; A, 2/27/2009; A, 9/15/2010; A, 1/17/2013; A, 12/01/2014; A, 9/15/2015; A, 3/3/2017; A, 10/1/2020; A, 12/12/2021; A, 1/13/2026]

**REGULATION
AND LICENSING
DEPARTMENT
CHIROPRACTIC EXAMINERS,
BOARD OF**

**This is an amendment to 16.4.10
NMAC, Section 8, effective
1/27/2026.**

16.4.10.8 CONTINUING EDUCATION:

A. In accordance with Section 61-4-3 NMSA 1978, New Mexico Chiropractic Physician Practice Act, chiropractic physicians licensed in New Mexico are required to complete a minimum of 16 hours of board approved continuing education annually by the time of license renewal. Credit hours may be earned at any time during the annual reporting period, July 1 through June 30, immediately preceding annual renewal. Credit hours are calculated as a "contact hour" i.e. a 60 minute hour.

B. Each chiropractor renewing a license shall attest that they have obtained the required hours of continuing education on the renewal form. The board will select by random regulation and licensing department (RLD) computer processes, no less than ten percent of renewal applications for audit to verify completion of acceptable continuing education.

(1) Audit requests [will] may be included with the renewal notice or requested after a renewal application is submitted. Chiropractors selected for audit will be notified by email;

(2) [and those] Those selected chiropractors will be asked to submit proof of compliance with the continuing education requirements;

(3) The board may audit continuing education records at any time. Continuing education (CE) records must be maintained for three years following the renewal cycle in which they are earned;

(4) An individual who submits a sworn attestation on their renewal application to demonstrate compliance with continuing education requirements but is found to be non-compliant during an audit will be subject to fines and other penalties determined appropriate by the board.

C. The board will approve continuing education programs which in its determination,

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

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

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

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

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

E. Seminars and continuing education programs that meet board criteria as stated in Subsection C of 16.4.10.8 NMAC, will be approved after a properly submitted application has been received and payment of the assessed fee as set forth in Paragraph (4) of

Subsection A of 16.4.1.13 NMAC. This includes the following:

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

(2) those courses that have secured accreditation through the Federation of Chiropractic Licensing Boards "FCLB" and carry the providers of approved continuing education "PACE" designation;

(3) webinar, teleseminar, compact disc (CD), videotaped or audiotaped courses produced or endorsed by approved entities may be accepted for continuing education credit:

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

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

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

(4) Based on the agreement set forth between the board and PACE, PACE approved courses shall be required to submit to the board an application with the appropriate assessed fee, but shall not be required to submit to the board the items listed in Paragraphs (1) through (6) of Subsection F of 16.4.10.8 NMAC.

F. All entities, sponsoring institutions, or organizations requesting approval of seminars or continuing education programs must be submitted to the board office in writing by the licensee or sponsoring entity must include:

(1) course title, objective and format;	I. Any excess continuing education hours that are above the minimum educational requirement in any applicable compliance period may not be "carried over" in order to meet the minimum educational requirements in any succeeding compliance period. A licensee shall only count continuing education hours completed for the present renewal period.
(2) sponsoring entity;	
(3) total class hours;	
(4) method for certification of attendance; or documentation of completion of program;	
(5) instructors credentials; and	
(6) courses that in the boards opinion enhance the professional practice procedures, risk management, clinical skills or the doctor's ability to understand and operate within managed care guidelines and regulations will be considered for approval.	
G. The board may waive or extend the time for completion of the annual continuing education requirement if the licensee has reached the age of 70 years or if the licensee files with the board the statement of a licensed physician certifying the physical inability of the licensee to attend a seminar.	
H. Licensees serving in the United States military practicing or residing outside the United States shall not be required to fulfill the continuing education requirements for the period of the absence.	
(1) The board must be notified prior to license expiration that the licensee will be outside the United States, including the period of the absence.	
(2) Upon return to the United States, the licensee shall complete the continuing education required for the years of practice within the United States during the renewal cycle, or apply for an emergency deferral.	
(3) All renewal fees shall be waived while the licensee is practicing or residing outside the country serving in the military or under armed services contract.	
(4) The board may waive any and all deadlines by special request of licensee in active military service or under armed services or federal contract requiring absence from the jurisdiction.	

I. Any excess continuing education hours that are above the minimum educational requirement in any applicable compliance period may not be "carried over" in order to meet the minimum educational requirements in any succeeding compliance period. A licensee shall only count continuing education hours completed for the present renewal period.

J. Any licensee licensed between March 1 and June 30, of a renewal year is not required to submit continuing education credits for license renewal for that renewal period. If the licensee has been licensed for longer than four months before their first renewal period, the licensee is required to meet all continuing education requirements as set forth in 16.4.10.8 NMAC and if a licensee holds an advanced chiropractic certificate, the licensee is required to meet the continuing education requirements in 16.4.15.10 NMAC.

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

L. This rule supersedes all prior continuing education rules.

M. Seminars or continuing education programs meeting the board's criteria as stated in Subsection C of 16.4.15.10 NMAC for advanced practice continuing education shall be approved upon receipt of a properly executed application and payment of the fees required in 16.4.22.8 NMAC:

N. All seminars or educational programs that are provided for both doctors of chiropractic and advanced practice chiropractors continuing education shall be submitted to the board for approval at least 90 days in advance of the start of the program whenever possible and shall meet the requirements set forth in Paragraph (1) through (6) of Subsection F of 16.4.10.8 NMAC.

[16.4.10.8 NMAC - Rp, 16.4.10.8 NMAC 8/10/2019; A, 01/27/2026]

**REGULATION
AND LICENSING
DEPARTMENT
CHIROPRACTIC EXAMINERS,
BOARD OF**

This is an amendment to 16.4.22 NMAC, Section 8, effective 1/27/2026.

16.4.22.8 ADMINISTRATIVE FEES:

A. In accordance with Subsection F of Section 61-4-7 and Subsection B of Section 61-4-13 NMSA 1978 of the New Mexico Chiropractic Physicians Practice Act, the board of chiropractic examiners establishes the following nonrefundable fees:

(1) Initial application for licensure/certification:

(a) application fee \$350;

(b) expedited license application fee \$200;

(c) initial license fee \$350;

(d) advanced practice certification application fee \$100.

(2) Reinstatement and reactivation:

(a) reinstatement of license \$125 (in addition to back renewal and penalty fees for each year, not to exceed two years);

(b) reactivation application fee \$200.

(3) Annual renewal fees:

(a) active \$300;

(b) inactive \$100;

(c) advanced practice certification \$100;

(d) impairment fee of \$25 in addition to the license renewal fee, each chiropractor subject to renewal will be assessed an amount not to exceed \$60 per renewal period;

(e) penalty for late renewal \$100 (per month or portion of a month for

which the license renewal fee is in arrears, the penalty not to exceed \$1000).

(4) Continuing education seminars and programs:

(a) continuing education fee individual course \$50;

(b) continuing education seminars and programs provided by entities or organizations that meet the criteria established by the board under Subsections E and F of 16.4.10.8 NMAC and who intend to submit approval for more than 10 but less than 25 continuing education programs or seminars will be assessed a fee of \$500.

(5) Any requests for approval that exceed 25 continuing education programs or seminars will be assessed a fee of:

(a) \$50/program or seminar or;

(b) a fee of \$500 if approval is for more than 10 but less than 25 continuing education programs or seminars.

(6) Miscellaneous fees listed below will be approved annually by the board and made available by the board office upon request:

(a) photocopying \$0.25;

(b) written license verifications \$25;

(c) list of licensees \$75;

(d) duplicate licenses \$25;

(e) duplicate renewal certificate \$25;

(f) [copies of statutes, rules and regulations are free online at board web site.] returned checks or e-checks \$35;

(g) electronic application processing fee \$10;

(h) copies of statutes, rules and regulations are free online at board web site.

B. The board shall annually designate that proportion

of renewal fees which shall be used for the exclusive purposes of investigating and funding hearings regarding complaints against chiropractic physicians.

[16.4.22.8 NMAC - Rp 16.4.22.8 NMAC, 8/10/2019, A, 4/9/2022, A, 12/27/2022; A, 1/27/2026]

REGULATION AND LICENSING DEPARTMENT NURSING HOME ADMINISTRATORS, BOARD OF

This is an amendment to 16.13.2 NMAC, Section 8, effective 1/27/2026

16.13.2.8 FEES:

A. All fees are non-refundable.

B. Application and licensure fees for exam candidate:

- (1) application fee: \$200.00;
- (2) licensure fee: \$200.00.

C. Examination and computer based testing fees: are payable directly to NAB by electronic means.

D. Reexamination fee: are payable directly to NAB by electronic means.

E. Renewal fee: \$200.00.

F. Application and licensure fees for expedited licensure applicant:

(1) application fee: \$200.00;

(2) licensure fee: \$200.00.

G. Late penalty fee: \$100.00.

H. Inactive status fee: \$75.00.

I. Reactivation from inactive status fee: \$200.00.

J. Reactivation from expired status fee: \$300.00 (\$200.00 plus \$100.00 late penalty fee).

K. Duplicate renewal license fee: \$25.00.

L. Duplicate of initial wall license fee: \$60.00.

M. Written verification of licensure fee: \$10.00.

N. Returned check and returned electronic check processing fee: \$35.00

O. Electronic processing administrative fee: \$10.00 per year.

[2/24/1988; 9/18/1992; 10/31/1995; 1/10/2000; A, 7/10/2000; A, 8/3/2000; 16.13.2.8 NMAC - Rn & A, 16 NMAC 13.2.8, 1/25/2001; A, 4/15/2002; A, 2/15/2004; A, 2/26/2022, A, 01/14/2023; A, 1/27/2026]

REGULATION AND LICENSING DEPARTMENT PSYCHOLOGIST EXAMINERS, BOARD OF

This is an amendment to 16.22.13 NMAC, Section 8, effective 1/27/2026.

16.22.13.8 FEE SCHEDULE:

A. All fees payable to the board are non-refundable. The fees for the (EPPP), and the (PEP) are in addition to the fees described below, and determined by the professional examination service offering the examination on behalf of the board. Background fees shall be the amount established by the department of public safety for the processing of criminal history background checks.

B. Application fees. (psychologists, psychologist associates, conditional prescribing and prescribing psychologists):

(1) initial application fee- (initial application fee expires 24 months from the date application is received in the board office) \$125.

(2) jurisprudence examination: \$75.

(3) re-examination fee for jurisprudence exam: \$75.

(4) [initial] conditional prescription certificate: \$150.

(5) 60 day extension of conditional prescription: \$100.

(6) prescription certificate: \$75.

(7) temporary license fee: \$300.

C. Biennial/annual renewal fees psychologists, psychologist associates, conditional prescribing and prescribing psychologists:

(1) one-time annual renewal by psychologists and psychologist associates meeting first-year New Mexico licensure requirements: \$250.

(2) biennial renewal active status psychologists and psychologist associates: \$500.

(3) biennial renewal active status (prescribing psychologists): \$125.

(4) annual renewal inactive status psychologists, psychologist associates and prescription certificate: \$50.

(5) late fee (received after July 1 and within 1 year of suspension): active status (psychologists, psychologist associates, prescribing psychologist): \$100.

(6) reinstatement fee from inactive to active status psychologists and psychologist associates: \$300.

(7) reinstatement fee from inactive to active status prescription certificate: \$100.

D. Other miscellaneous charges

(1) duplicate/replacement wall certificate: \$25.

(2) licensee lists: \$100.

(3) licensee labels: \$150.

(4) per page copy fee for public information request: \$.25 cents.

(5) [licensee verification fee: \$15.] Electronic

administrative processing fee:
(a) initial licensing application: \$10.00.
(b) Biennial renewal: \$20.00.
(6) Returned check and e-check charge (per check): \$35.00.
[16.22.13.8 NMAC - Rp, 16.22.13.8 NMAC, 11/15/2006; A, 3/21/2009; A, 9/16/2010; A, 4/11/2012; A, 7/1/2018; A, 02/10/2022; A, 1/27/2026]

by a regional body recognized by the U.S. department of education or the council for higher education accreditation; or

(b)

a continuing education provider approved by the American psychological association that offers a program of psychopharmacology education for psychologists; or

(c)

a continuing education program of professional development in psychopharmacology for psychologists that is administered in collaboration with a school and that is a formal and organized program of study leading to a credential in psychopharmacology from that school; or

(d)

a continuing education program of professional development in psychopharmacology for psychologists that is administered in collaboration with a school if the applicant successfully completed the 450 classroom hours of didactic study referred to in 16.22.23.8 NMAC, of these regulations below prior to January 1, 2004.

B. RxP training

program. The psychopharmacology training program referred in Subparagraph (c) above, shall meet the following criteria.

(1) The program shall be an integrated and organized program of study.

(2) The program shall have an identifiable body of students at different levels of matriculation.

(3) The program shall be clearly identified and labeled as a psychopharmacology program and shall specify in pertinent institutional catalogues and brochures its intent to educate and train psychologists to prescribe psychotropic medication.

(4) The program shall have a formally designated training director who is a psychiatrist or a doctoral psychologist, trained in the area of psychopharmacology, and licensed to practice in the jurisdiction in which the program resides.

REGULATION AND LICENSING DEPARTMENT PSYCHOLOGIST EXAMINERS, BOARD OF

**This is an amendment to 16.22.23
NMAC, Section 8 effective
1/27/2026.**

16.22.23.8 QUALIFICATIONS AND EDUCATION REQUIREMENTS FOR CONDITIONAL PRESCRIPTIVE CERTIFICATE:

A. Qualifications of applicant.

The board shall issue a conditional prescription certificate pursuant to 16.22.24.8 NMAC, of these regulations to each applicant who submits evidence satisfactory to the board that the applicant:

(1) has completed a doctoral program in psychology from an accredited institution of higher education or professional school or, if the program was not accredited at the time of the applicant graduation, that the program meets professional standards determined acceptable by the board;

(2) holds an active unrestricted license to practice psychology in New Mexico;

(3) has successfully completed psychopharmacological training that meets the standards set forth in Subsection B below from either:

(a) an institution of higher education that has a postdoctoral program of psychopharmacology education for psychologists and that is accredited

(5) The training director shall be primarily responsible for directing the training program and shall have administrative authority commensurate with those responsibilities.

(6) The training director's credentials and expertise shall be consistent with the program's mission and goals to train psychologists to prescribe psychotropic medication.

(7) The program shall provide information regarding the minimal level of achievement required for postdoctoral trainees to satisfactorily progress through and complete the psychopharmacological training program, as well as evidence that it adheres to the minimum levels of achievement.

(8) The program shall have formally designated instructors and supervisors in sufficient number to accomplish the program's education and training.

(9) Supervisors shall hold an active, unrestricted license in their field of practice in the jurisdiction in which the program resides or where the supervision is being provided.

(10) The program instructors and supervisors shall have sufficient expertise, competence, and credentials in the areas in which they teach or supervise.

(11) The program instructors and supervisors shall participate actively in the program's planning, implementation and evaluation.

(12) The program, with appropriate involvement from its training supervisors, instructors, and trainees, shall engage in a self-study process that addresses:

(a) expectations for the quality and quantity of the trainees' preparation and performance in the program;

(b) training goals and objectives for the trainees and the trainees' views regarding the quality of the training experiences and the program;

(c) procedures to maintain current achievements or to make changes as necessary; and

(d) goals, objectives, and outcomes in relation to local, regional, and national changes in the knowledge base of psychopharmacology training.

(13) The program shall follow the guidelines for psychopharmacology training of post-doctoral psychologists established by the American psychological association.

(14) As part of the admission and training process, the training program shall evaluate and assure that every student completes necessary prerequisite training in basic science (e.g. physiology, chemistry, and biochemistry), the biological bases of behavior, and psychopharmacology.

(15) When students are not in residence, the program provides on-line access to a library of sufficient diversity and level to support the advanced study of the psychopharmacological treatment of mental disorders from wherever the student resides. This access shall remain available throughout all didactic and clinical phases of the training program. Frequent face-to-face evaluation and discussions shall be included in the didactic training.

(16) The program provides formal, written measurement of the mastery of course content.

(17) The program demonstrates in its written materials or course syllabi that it integrates into the training the following areas; socio-cultural issues in psychopharmacological treatment, ethno-pharmacology, use of translators, the cultural context of compliance and noncompliance with prescribed medication, creating a culturally appropriate environment to meet patient care treatment and language needs, and working collaboratively with traditional healers.

C. Didactic instruction.

(1) Within the five years immediately preceding the date of application for a conditional prescription certificate, the applicant shall have successfully completed didactic instruction of no fewer than 450 classroom hours in at least the following core areas of instruction:

(a) neuroscience;
(b) pharmacology;
(c) psychopharmacology;
(d) physiology;
(e) pathophysiology;
(f) appropriate and relevant physical and laboratory assessment;
(g) clinical pharmaco-therapeutics; and
(h) cultural competence.

(2) At least three-fourths of the 450 classroom hours of didactic instruction shall be awarded by one certification or degree-granting institution or continuing education program.

D. Eighty hour practicum in clinical assessment and pathophysiology.

(1) The 80 hour practicum shall be part of the psychopharmacology training program from which the applicant obtains the certification or degree.

(2) The 80 hour practicum shall provide the opportunity for the applicant to observe and demonstrate competence in physical and health assessment techniques within a medical setting under the supervision of [a physician] an independently licensed prescribing clinician.

(3) The 80 hour practicum shall be completed in a timeframe of full-time over two weeks to 30 weeks.

(4) If the applicant cannot complete the 80 hour practicum within the time frame designated in Paragraph (3) of Subsection D of 16.22.20.8 NMAC, because of illness or other extenuating circumstances, the applicant may

request an extension from the board explaining in writing the extenuating circumstances and the additional time requested.

(5) The supervising [physician] independently licensed prescribing clinician and the training director of the psychopharmacology training program shall certify in writing that the applicant:

- (a) assessed a diverse and significantly medically ill patient population;
- (b) observed the progression of illness and continuity of care of individual patients;
- (c) adequately assessed vital signs;
- (d) demonstrated competent laboratory assessment; and
- (e) successfully completed the 80-hour practicum.

E. Four-hundred hour practicum. Requirements for the general 400 hour practicum treating a minimum of 100 patients with mental disorders include:

(1) The 400 hour practicum shall be part of the psychopharmacology training program from which the applicant obtains the certification, degree or certification of completion.

(2) One-hundred patients shall mean 100 separate patients.

(3) The four-hundred hours shall refer to 400 face-to-face hours. The 400 face-to-face hours shall include only time spent with patients to provide evaluation and treatment for medical psychopharmacotherapy of patients and time spent in collaboration with the patient's treating health care practitioner(s).

(4) The applicant must have supervised experience in the evaluation and treatment of 100 patients, representing as diverse a patient population as possible, including diversity in the patients:

- (a) gender;
- (b) different ages throughout the life cycle, including adults, children/adolescents, and geriatrics; as possible and appropriate;
- (c) range of disorders listed in the most recent diagnostic and statistical manual of mental disorders published by the American psychiatric association and acute and chronic disorders;
- (d) ethnicity;
- (e) socio-cultural background; and
- (f) economic background.

(5) The applicant and the training program shall maintain a log on patient seen, which shall include: a coded identification number for the patient, patient's age, gender, diagnosis, date and time seen, amount of time seen for psychopharmacotherapy. The log shall be available to the RxP application committee or the board upon request. The log shall contain the name and signature of the supervisor.

(6) The applicant and the training program shall keep records of the time spent during this practicum. The records shall be available to the psychopharmacology application committee or the board upon request. The records shall not contain patient identifying information.

(7) [A psychiatrist or other appropriately trained physician], An independently licensed prescribing clinician, licensed in good standing in the jurisdiction in which the [psychiatrist or other physician] independently licensed prescribing clinician

rendered supervision shall be the primary supervising [physician] independently licensed prescribing clinician of the practicum. The primary supervising [physician] independent licensed prescribing clinician shall be responsible for the overall supervision of the applicant;

however, training may be assigned to other [licensed physicians] independently licensed prescribing clinician, i.e., secondary supervisors, as designated by the primary supervising [physician] independently licensed prescribing clinician and the training director of the program.

(8) One to one supervision will be provided either face to face or by video conference. The applicant shall consult with the primary or secondary supervising [physician] independently licensed prescribing clinician, before a decision is made regarding the psychopharmacological treatment of the patient.

(9) The primary or secondary supervising [physician] independently licensed prescribing clinician shall review the charts and records of any patient seen by the applicant during the practicum while under the supervision of the primary or secondary supervising [physician] independently licensed prescribing clinician.

(10) The practicum shall be completed in a period of time of not less than six months and not more than three years.

(11) If the applicant cannot complete the 400 hour practicum within the timeframe designated in Subsection E of 16.22.23.8 because of illness or other extenuating circumstances, the applicant may request an extension from the board explaining in writing the extenuating circumstances and the additional time requested. The applicant shall receive a minimum of one hour of supervision for every eight hours of patient time. The applicant is responsible to keep a log of the dates and time of supervision. The supervisor may meet with the applicant for additional education at his or her discretion.

(12) The practicum shall be completed within the five years immediately preceding the date of application for a conditional prescription certificate.

(13) Upon request of the RxP application

committee or the board, the primary supervising [physician] independently licensed prescribing clinician shall provide an affidavit stating that:

(a)

the supervisor does not have conflict of interest and is not a member of the applicant's family or household as defined in 16.22.26 NMAC, of these regulations;

(b)

the supervisor or a designated secondary supervisor reviewed and discussed with the applicant the charts and records of patients seen by the applicant during the practicum;

(c)

the practicum included a diverse group of patients, as defined in these regulations; and

(d)

the applicant did not write any prescriptions without the primary or secondary supervisor's supervision and signature or authorization.

(14)

The primary supervising [physician] independently licensed prescribing clinician shall conduct a formal, written evaluation on at least two occasions, at the midpoint and at the end of the practicum. The evaluation shall assess the applicant's progress and competencies and shall describe any deficiencies or areas where competency has not been achieved. The primary supervisor shall submit copies of the evaluations to the applicant and the training director.

(15)

In the event of documented deficiencies the training director of the psychopharmacology program shall specify in writing:

(a)

the areas in need of remediation;

(b)

the process and procedures by which these areas are to be re-mediated; and

(c)

the method by which the training director and supervisor shall determine that the applicant has achieved the competencies necessary to successfully complete the practicum.

(16)

The psychologist in practicum training

or the conditional prescribing psychologist is responsible for informing the patient or the patient's legal guardian, when appropriate, or explain to the patient through the recommendation system at an institution if the institution itself generally handles such informed consent. The name and role of the supervisor and sufficient information of the expectation and requirements of the practicum shall be provided to the patient or the patient's legal guardian at the initial contact necessary to obtain informed consent and appropriate releases. The applicant shall provide additional information requested by the patient or the patient's legal guardian concerning the applicant's education, training and experience.

(17)

The primary supervising [physician] independently licensed prescribing clinician and the training director of the psychopharmacology program from which the applicant obtained a certification of successful completion or a degree in psychopharmacology shall certify to the board in writing that the applicant has successfully completed the practicum.

F. National examination. To qualify for a conditional prescription or prescription certificate, the applicant must demonstrate competency by passing a national examination.

(1)

Applicant must pass the Psychopharmacology Examination for Psychologists (PEP), administered and maintained by the association of state and provincial psychology boards (ASPPB).

(2)

Applicant must be eligible to take the PEP after the applicant successfully completes the didactic portion of the postdoctoral program of education in psychopharmacology.

(3)

The passing score shall be the passing score recommended by the association of state and provincial psychology boards (ASPPB).

(4)

If the applicant fails the examination, the

applicant may take the examination a second time after a mandatory 90-day waiting period.

(5)

If the applicant fails the examination on the second attempt, the applicant will be required to wait one year before repeating the examination.

(6)

If the applicant fails the examination on the third attempt, the applicant is required to take the remedial didactic program recommended by the psychopharmacology application committee and approved by the board before the applicant is allowed to repeat the examination.

G.

An applicant who has successfully completed a psychopharmacology educational program, an 80 hour practicum in clinical assessment and pathophysiology, a 400 hour/100 patient practicum treating patients with mental disorders or the national certification examination prior to the effective date of these regulations may include the completed portion(s) of the training in the application for a conditional prescription certificate.

The applicant who has completed the 400 hour practicum shall include certification in writing from the primary supervising [physician] independently licensed prescribing clinician that the applicant has successfully completed the practicum and is trained to competently treat a diverse patient population as defined in these regulations. The board shall approve the prior training program(s) that satisfy the requirements as listed in 16.22.23 NMAC, of these regulations.

[16.22.23.8 NMAC - Rp, 16.22.23.8 NMAC, 11/15/2006; A, 3/21/2009; A, 02/10/2022; A, 01/27/2026]

SUPERINTENDENT OF INSURANCE, OFFICE OF

**TITLE 13 INSURANCE
CHAPTER 10 HEALTH
INSURANCE
PART 37 DENTAL PLAN
PROVIDER CREDENTIALING
REQUIREMENTS**

<p>13.10.37.1 ISSUING AGENCY: Office of Superintendent of Insurance. [13.10.37.1 NMAC – N, 07/01/2026]</p>	<p>13.10.37.4 DURATION: Permanent. [13.10.37.4 NMAC – N, 07/01/2026]</p>	within 30 calendar days of the date of receipt if submitted electronically or 45 calendar days if submitted manually.
<p>13.10.37.2 SCOPE: A. Applicability. This rule applies to all dental health insurance carriers offering or selling any individual or group dental insurance plans with a network. The provisions of this rule shall apply equally to initial credentialing applications and applications for re-credentialing.</p>	<p>13.10.37.5 EFFECTIVE DATE: July 1, 2026 unless a later date is cited at the of a section. [13.10.37.5 NMAC – N, 07/01/2026]</p>	<p>D. “Completed credentialing application” means a credentialing application that contains all of the information that, when later supplemented by verifications and documentation gathered by the dental health insurance carrier during the primary source verification process, is necessary for the dental health insurance carrier to make a credentialing decision.</p>
<p>B. Timely payments. This rule addresses the timely payment to dental providers by dental health insurance carriers for covered services that have been provided to the carrier’s enrollees or covered persons, the credentialing process by which dental health insurance carriers review and select dental providers who apply to join carriers’ networks, and a dispute resolution process to be utilized by dental providers and dental health insurance carriers to resolve differences pertaining to dental provider credentialing and payment for covered services.</p>	<p>13.10.37.6 OBJECTIVE: The purpose of this rule is to establish a uniform and efficient dental provider credentialing process and to ensure that dental providers receive prompt payment from dental health insurance carriers for clean claims and interest on unpaid claims. This rule also establishes a process for resolving payment-related credentialing disputes between dental health insurance carriers and dental providers. [13.10.37.6 NMAC – N, 07/01/2026]</p>	<p>E. “Covered benefits” means the specific health services provided under a dental health benefits plan.</p>
<p>C. Exclusions. This rule does not impose any requirement on dental health insurance carriers to credential or provisionally credential dental providers or to require that a dental provider must be accepted into a dental health insurance carrier’s network, specify terms of contracts established between dental health insurance carriers and dental providers, establish standard reimbursement rates for payment by dental health insurance carriers to in-network or out-of-network dental providers for services, or interpret terms of any contract established between a dental health insurance carrier and its enrollees or covered persons. [13.10.37.2 NMAC – N, 07/01/2026]</p>	<p>13.10.37.7 DEFINITIONS: As used in this rule:</p> <p>A. “Business day” means Monday through Friday, excluding any days that state offices are officially closed.</p>	<p>F. “Credentialing” has the same meaning as defined in Paragraph (1) of Subsection L of Section 59A-23F-13 NMSA 1978.</p>
	<p>B. “Claim” means a request from a dental provider for payment for health care services.</p> <p>C. “Clean claim” means a manually or electronically submitted claim from an eligible dental provider that:</p>	<p>G. “Credentialing application” means the application form provided by the council for affordable quality healthcare (CAQH) and one other type of form as approved by the superintendent upon request by the carrier.</p>
	<p>(1) contains substantially all the required data elements necessary for accurate adjudication without the need for additional information from outside of the dental health insurance carrier’s system;</p>	<p>H. “Credentialing intermediary” or “agent” means a person to whom a dental health insurance carrier has delegated credentialing or re-credentialing authority and responsibility.</p>
	<p>(2) is not materially deficient or improper, including lacking substantiating documentation currently required by the dental health insurance carrier; and</p>	<p>I. “Date of receipt” means the date on which a claim or credentialing application is deemed received, as follows:</p>
	<p>(3) has no particular or unusual circumstances requiring special treatment – such as, but not limited to, coordination of benefits, pre-existing conditions, subrogation, or suspected fraud – that prevents payment from being made by the dental health insurance carrier</p>	<p>(1) for claims and credentialing applications submitted electronically or sent via fax and unless the sender is notified immediately of a transmission error, the date of receipt is the date on which a claim or credentialing application is submitted or, for claims that arrive on a non-business day, the date of the first business day thereafter;</p>
		<p>(2) for claims and credentialing applications that are hand delivered, the date of receipt is the date of delivery; or</p>
		<p>(3) for claims and credentialing applications submitted through the U.S. mail,</p>

the dental health insurance carrier may select and shall consistently administer one of the following options:

(a)

the first business day following the date of actual receipt by a person or organization that has been designated by the dental health insurance carrier to manage incoming mail;

(b)

if no person or organization has been designated to manage incoming mail, then the first business day following the date of actual receipt by the dental health insurance carrier; or

(c)

three business days after the postmark on the claim or application that is submitted through the U.S. mail.

J. "Day" or "days"

means a calendar day, including weekends, holidays, and any other non-business days.

K. "Dental health benefits plan" or "dental insurance"

means a policy, contract, certificate or agreement entered into, offered or issued by a dental health insurance carrier authorized to issue dental coverage in the state, to provide, deliver, arrange for, pay for or reimburse any of the costs of dental health care services.

L. "Dental health care services"

means services, preventative services, supplies, and procedures for the diagnosis, prevention, treatments, cure or relief of a dental health condition, illness, injury, or disease, and includes, to the extent offered by the dental health benefits plan.

M. "Dental hygienist"

has the same meaning as defined in Paragraph (2) of Subsection L of Section 59A-23G-13 NMSA 1978.

N. "Dental provider"

means a dentist and a dental hygienist referenced collectively for the purposes of this rule only.

O. "Dentist"

has the same meaning as defined in Paragraph (3) of Subsection L of Section 59A-23G-13 NMSA 1978.

P. "Electronic claim

submission" means a request for payment that is submitted by a dental provider to a dental health insurance carrier via an electronic portal or using another on-line form or submission process that complies with state and federal patient privacy protection requirements and links or transmits directly to the dental health insurance carrier.

Q. "Enrollee or covered person" means an individual who is entitled to receive health care benefits provided by a dental health insurance carrier for covered health-related services, subject to out-of-network costs, deductibles, co-payments, co-insurance deductibles or other cost-sharing provisions provided by the dental benefits plan.

R. "Dental health insurance carrier" means an entity that is properly licensed to offer dental insurance in the state and that is subject to the insurance laws and regulations of this state, including a dental health insurance company, a health maintenance organization, a hospital and health service corporation, a dental provider service network, a non-profit health care plan, a third-party, or any other entity that contracts or offers to contract, or enters into agreements to provide, deliver, arrange for, pay for or reimburse any costs of dental health care services, or that provides, offers or administers dental health benefit policies in this state.

S. "Manual claim submission" means a request for payment that is submitted by a dental provider to a health carrier via US mail, facsimile, email, or hand delivery.

T. "Network" means the group of participating dental providers who provide dental health care services under a network plan.

U. "Network plan" means a dental health plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care insurance carriers managed, owned, under contract with or employed by the health carrier.

V. "OSI" means the office of superintendent of insurance.

W. "Participating dental provider" means a dental provider, dental health care professional engaged in the delivery of health care services that is licensed or authorized to practice in the state, or facility who under express contract with a dental health insurance carrier or with its contractor or subcontractor, has agreed to provide dental health care services to enrollees with an expectation of receiving payment directly or indirectly from the dental health insurance carrier, subject to co-payments, co-insurance deductibles, or other cost-sharing provisions.

X. "Provisional acceptance" means a dental provider that is treated by a dental health insurance carrier as a participating dental provider for a period of up to one-year, based on the results of credentialing.

Y. "Standard reimbursement rate" means the usual, customary, and reasonable reimbursement rate paid to dental providers for dental health care services that is at or near the median rate paid for similar dental health care services.

Z. "Superintendent" has the same meaning as defined in Section 59A-1-12 NMSA 1978.

AA. "Uniform credentialing forms" means the forms used by CAQH or another form as agreed to between the dental provider and the carrier, and approved by the superintendent, including revisions and electronic versions of such forms.

BB. "Verification or verification supporting statement" means documentation confirming the information submitted by an applicant for credentialing by a specifically named entity or by a regional, national, or general data depository providing primary source verification, including but not limited to a college, university, dental or dental hygiene school, teaching hospital, specialty certification board, health care facility

or institution, state licensing board (New Mexico board of dental health care), federal agency or department, professional liability insurer, or the national practitioner data bank.
[13.10.37.7 NMAC – N, 07/01/2026]

13.10.37.8 CLAIM SUBMISSION AND CODING CHANGES:

A. General.

(1) Dental health insurance carriers shall comply with both the provisions of this section and with the provisions of 13.10.12 NMAC, which provides for standardization of health claim forms.

(2) Claims information, including claim status information shall be subject to state and federal patient privacy protection laws.

(3) A dental health insurance carrier that has entered into a contract with one or more credentialing intermediaries to conduct dental provider credentialing or provide payments to dental providers shall require the intermediary to indicate the name of the intermediary and the name of the dental health insurance carrier for which it is conducting the work when contacting a dental provider on behalf of the dental health insurance carrier.

B. Electronic submission.

(1) Dental health insurance carriers shall make available to participating dental providers a process and procedure for submitting claims electronically.

(2) Dental health insurance carriers shall make available to participating dental providers a process and procedure for electronically filing an amendment to claims after original submission.

(3) Claims that are transmitted electronically are deemed to be received by the dental health insurance carrier on the date of receipt unless the dental provider receives immediate notice of a transmission error.

(4) When a claim is submitted electronically and

the dental health insurance carrier subsequently determines that there is an error or omission with the submission that will delay or prevent payment to the participating dental provider, the health carrier shall make a good faith effort to notify the participating dental provider by facsimile, electronic, or other written communication within 30 calendar days following the date of receipt.

(5) Any notification from a dental health insurance carrier to a dental provider that there is an error or omission in a claim submission must contain a specific statement regarding all information sought to rectify the error or omission. The dental health insurance carrier shall make a good faith effort to convey all of the errors or omissions to the dental provider at one time. Dental health insurance carriers shall avoid a pattern of repetitive requests for the same information from a dental provider.

C. Manual submission.

(1) Dental health insurance carriers shall make standard forms available to dental providers for submitting claims manually via US mail, facsimile, email, or hand delivery.

(2) Dental health insurance carriers shall make standard forms available to dental providers for manual coding changes to be submitted via U.S. mail, fax, email, or hand delivery.

(3) Claims that are submitted via certified U.S. mail or hand delivered are deemed to be received by the dental health insurance carrier on the date of receipt. Claims that are electronically transmitted, or transmitted via facsimile or email are deemed to be received by the dental health insurance carrier on the date of receipt unless the dental provider receives immediate notice of a transmission error.

(4) When a claim is submitted manually and the dental health insurance carrier subsequently determines that there

is an error or omission with the submission that will delay or prevent payment to the dental provider, the dental health insurance carrier shall make a good faith effort to notify the participating dental provider in writing within 45 calendar days following the date of receipt.

(5) Any notification from a dental health insurance carrier to a dental provider that there is an error or omission in a claim submission must contain a specific statement regarding all information sought to rectify the error or omission. The carrier shall make a good faith effort to convey all of the errors or omissions to the dental provider at one time. Dental health insurance carriers shall avoid a pattern of repetitive requests for the same information from a dental provider.

D. Access to claims status information.

(1) Dental health insurance carriers shall provide an electronic means whereby participating dental providers or covered persons can access claim information within three business days of the date of receipt for electronic claims and within 10 business days of the date of receipt for manual claims.

(2) The information that is available to the dental provider or covered person shall indicate the status of the request for payment, including, but not limited to the following:

(a) date of receipt;

(b) identifying claim information, which may include enrollee/covered persons identifiers, date(s) of service, and appropriate coding, as required by the dental health insurance carrier and agreed to by the dental provider;

(c) whether the claim is pending or if it has been accepted or rejected for payment;

(d) if the claim is pending, whether the dental health insurance carrier has requested additional information

from the dental provider to complete processing of the claim;

(e)

if the claim has been accepted, the payment amount that has been approved; and

(f)

a clear explanation of the circumstances if the claim has been found to involve particular or unusual circumstances that require special treatment and that are likely to delay payment.

[13.10.37.8 NMAC – N, 07/01/2026]

13.10.37.9 PAYMENT OF CLAIMS, OVERDUE CLAIMS AND CALCULATION OF INTEREST:

A. Payment of claims - timeliness.

(1) Claim

payment. Dental health insurance carriers shall promptly pay participating dental providers upon receipt of clean claims for covered dental health care services that the dental provider has supplied.

(2)

Timeliness. The dental health insurance carrier shall reimburse for covered services provided by credentialed dental provider within 30 calendar days of the date of receipt if the clean claim has been submitted electronically or within 45 calendar days of the date of receipt if the clean claim has been submitted manually.

(3) Prompt

payment. For purposes of prompt payment, a claim shall be deemed to have been “paid” upon one of the following:

(a)

a check is mailed by the dental health insurance carrier or its intermediary to the dental provider; or

(b)

an electronic transfer of funds is made by the dental health insurance carrier or its intermediary to the dental provider.

(4) Standard

reimbursement rate. The dental health insurance carrier shall make payment to the dental provider based on the standard reimbursement rate as specified within the contractual

agreement, or as otherwise agreed upon between the dental health insurance carrier and the dental provider.

(5) Multi-

claim payments. A single payment made to a dental provider can serve as payment for multiple claims, but must clearly identify each claim and the amount of the claim that has been satisfied by the payment. If non-claim payments to a dental provider are included in a multi-claim payment, the nature of those payments must also be clearly identified.

B. Interest on unpaid clean claims. A dental health insurance carrier shall pay interest as set forth in Subsection D of 13.10.37.9 NMAC on the amount of any clean claim that has not been paid within the time specified in Subsection A of 13.10.37.9 NMAC.

C. Pending claims.

(1) Specialty treatment claims.

(a) If upon receipt of a claim, a dental health insurance carrier is unable to determine liability for, or otherwise refuses to pay a claim or a portion of a claim of an eligible dental provider within the time specified in Subsection A of 13.10.37.9 NMAC, the dental health insurance carrier shall notify the eligible dental provider electronically, in writing, or by another method, as agreed between the dental health insurance carrier and dental provider, within 30 calendar days of the date of receipt of the claim if submitted electronically and within 45 calendar days of the date of receipt of the claim if submitted manually.

(b)

If, upon receipt of a claim, a dental health insurance carrier cannot make a coverage determination because the claim or a portion of the claim involves particular or unusual circumstances as defined by the carrier, that require additional review, and such circumstances will delay payment beyond the time specified in Subsection A of 13.10.37.9 NMAC, the carrier shall notify the eligible dental provider electronically, in

writing, or by other agreed method within 15 calendar days of receipt of an electronic claim or within 30 calendar days of receipt of a manual claim.

(2)

Notification of pending claims. The notification required by Subsection C of 13.10.37.9 NMAC, shall:

(a)

Specify the reason(s) why the dental health insurance carrier is declining payment of the claim and specify what information or records are required to determine payment of the claim;

(b)

clearly indicate the specific services associated with a claim that are subject to the untimely payment or claim denial; and

(c)

shall be repeated by the dental health insurance carrier at least monthly until the matter is resolved.

(3) Carriers

shall not withhold payment for covered services that have been approved or require no further documentation, even when other components of the same claim remain under review.

(4) Payment

of resolved issues. The date on which coverage or special treatment issues are resolved for a pending claim is the date that the claim becomes a clean claim and shall initiate the timely payment of covered services requirement described in Subsection A of 13.10.37.9 NMAC.

D. Untimely payments, calculation of interest.

(1) When

payment is not made by the dental health insurance carrier to the dental provider within the time specified in Subsection A of 13.10.37.9 NMAC and there is no question of coverage determination issue or special treatment as described in Subsection C of 13.10.37.9 NMAC or coverage determination issues or special treatment have been resolved, interest shall be calculated and paid to the dental provider, as follows:

(a)

For any full or partial month,

beginning on the 31st day after the claim has been submitted electronically and on the 46th day for claims submitted manually, the dental health insurance carrier shall calculate and pay interest in the amount of one and one-half percent for each full or partial month. For purposes of this section, any 30-day period is the equivalent of one month, excepting that a calendar year shall only be equal to 12 months; and

(b)

Interest shall be calculated beginning the day after the required payment date and ending on the date the claim is paid. The dental health insurance carrier shall not be required to pay any interest calculated to be less than two dollars (\$2.00). The interest shall be paid within 30 calendar days of the payment of the claim. Interest can be paid on the same check or electronic transfer as the claim payment or on a separate check or electronic transfer. If the dental health insurance carrier combines interest payments for more than one late clean claim, the check or electronic transfer shall include information identifying each claim covered by the check or electronic transfer and the specific amount of interest being paid for each claim.

(2) When

a claim that involves a coverage determination issue or special treatment is ultimately resolved in favor of the dental provider and is not paid within 30 or 45 calendar days of becoming an electronic or manual clean claim, respectively, the dental health insurance carrier shall pay all of the interest due on the unpaid covered services, to be calculated as described in Paragraph (1) of Subsection D of 13.10.37.9 NMAC. [13.10.37.9 NMAC – N, 07/01/2026]

13.10.37.10 GENERAL DENTAL PROVIDER CREDENTIALING: The provisions of this section apply equally to initial credentialing applications and applications for re-credentialing.

A. Credential verification program.

(1) In order to ensure accessibility and availability of

services, each dental health insurance carrier shall establish a program as approved by the superintendent and in accordance with this rule.

(2) The

credential verification program established by each dental health insurance carrier shall provide for an identifiable person(s) to be responsible for all credential verification activities, which person(s) shall be capable of carrying out that responsibility.

(3) A dental

health insurance carrier shall not be required to approve all applications for credentialing and may deny any application based on existing network adequacy, issues with an application, failure by dental provider to provide a complete credentialing application, or another reason.

(4) No

contract between a dental health insurance carrier and a participating dental provider shall include a clause that has the effect of relieving either party of liability for respective actions or inactions.

B. Delegation of credential verification activities.

(1) Whenever

a dental health insurance carrier delegates credential verification activities to a contracting entity, whether a credentialing intermediary, agent, or subcontractor, the dental health insurance carrier shall review and approve the contracting entity's credential verification program before contracting and shall require that the entity comply with all applicable requirements of this regulation.

(2) The dental

health insurance carrier shall monitor the contracting entity's credential certification activities.

(3) The

dental health insurance carrier shall implement oversight mechanisms, including:

(a)

reviewing the contracting entity's credential verification plans, policies, procedures, forms, and adherence to verification procedures; and

(b)

conducting an evaluation of the contracting entity's credential verification program at least every two years.

(4)

The dental health insurance carrier's monitoring activities should at least meet the verification procedures and standards as defined by the national committee for quality assistance (NCQA).

C. Written credential verification plan.

(1) Each

dental health insurance carrier shall develop and adopt a written credentialing plan that contains policies and procedures to support the credentialing verification program.

(2) Each

dental health insurance carrier's written credential verification plan shall:

(a)

include the purpose, goals, and objectives of the credential verification program;

(b)

include written criteria and procedures for initial enrollment, renewal, restrictions, and termination of dental providers;

(c)

be provided to the superintendent upon request;

(d)

provide an organized system to manage and protect confidentiality of credentialing files and records; and

(e)

require that records and documents relating to dental provider credentialing be retained for at least six years.

(3) Each

dental health insurance carrier's credentialing verification plan shall include a process to assess and verify the qualifications of a dental provider who is applying to become a participating dental provider within 30 calendar days of receipt of a complete credentialing application and issue a decision in writing to the applicant approving or denying the credentialing application. The dental health insurance carrier or

dental health insurance carrier's agent shall be permitted to extend the credentialing period to assess and issue a determination by an additional 15 calendar days if upon a review of a completed application, it is determined that the circumstances presented, including the following matters that may require additional consideration:

- (a) an issuance of sanctions by the board of dental health care; or
- (b) an investigation or background check; or
- (c) a felony conviction; or
- (d) a revocation of clinical privileges or a denial of insurance coverage.

D. Reporting requirements. Each dental health insurance carrier shall submit a report to the superintendent regarding its credentialing process for the six-month period of July 1 to December 31, 2026, on May 1, 2027. Then, beginning December 31, 2028, and for all even numbered years thereafter, each dental health insurance carrier shall submit a report to the superintendent regarding its credentialing process for the prior two-year period on May 1, 2029, and on May 1 in odd numbered years thereafter, or as otherwise directed by the superintendent. The report shall include the following:

- (1) the number of applications made to the plan for each type of dental provider;
- (2) the number of applications approved by the plan for each type of dental provider;
- (3) the number of applications rejected by the plan for each type of dental provider;
- (4) the number of dental providers terminated for reasons of quality; and
- (5) the amount of time taken to review and reach a determination on an application.

E. Required information. A dental health insurance carrier shall not require a dental provider to submit information not required by the uniform

credentialing or re-credentialing forms or this regulation, other than information or documentation that is reasonably related to information on the application. Information is reasonably related to the application if it is connected to the nationally recognized credentialing standards for dental providers.

F. Accreditation by nationally recognized accrediting entity.

(1) Nothing in this section shall require a dental health insurance carrier to violate or fail to meet a standard or requirement of a nationally recognized accrediting entity, for example national committee for quality assurance (NCQA) or utilization review accreditation commission (URAC).

(2) A dental health insurance carrier may seek a waiver of these requirements from OSI by submitting accreditation by a nationally recognized entity as evidence of compliance with the requirements of this section to the contact email address as posted on the OSI website, under the life and health division.

(3) In those instances where a dental health insurance carrier seeks to meet the requirements of this section through accreditation by a private accrediting entity, the dental health insurance carrier shall submit to the superintendent the following information:

(a) current standards of the private accrediting entity in order to demonstrate that the entity's standards meet or exceed the requirements of this rule;

(b) documentation from the private accrediting entity showing that the dental health insurance carrier has been accredited by the entity; and

(c) a summary of the data and information that was presented to the private accrediting entity by the dental health insurance carrier and upon which accreditation of the dental health insurance carrier was based.

(4) A dental health insurance carrier accredited by the private accrediting entity that has submitted all of the requisite information to OSI may then be determined by OSI to have met the requirements of the relevant provisions of this section where comparable standards exist, provided that the private accrediting entity from which the dental health insurance carrier obtained accreditation is recognized and approved by OSI.

[13.10.37.10 NMAC – N, 07/01/2026]

13.10.37.11 TIMELY CREDENTIALING DECISIONS:

A. Initiation of credentialing process. The credentialing process may be initiated by a dental provider, who either:

(1) provides a completed uniform credentialing form directly to the dental health insurance carrier; or

(2) notifies the dental health insurance carrier that the dental provider is requesting credentialing by the dental health insurance carrier, that the dental provider's completed uniform credentialing form is in electronic format and is available to the dental health insurance carrier for access via the credentialing form's website or online source, and that the dental health insurance carrier is requested to obtain the dental provider's completed uniform credentialing form.

B. Initial verification upon receipt.

(1) A dental health insurance carrier or a dental health insurance carrier's agent shall notify the applicant by U.S. certified mail or other method that evidences delivery confirmation that is agreed to in writing by the dental health insurance carrier and the provider, within 10 business days of receipt that the request for credentialing has been received, but that if the application is incomplete that the 30-day time period set forth in Subsection C of 13.10.37.11 NMAC shall not commence until the applicant provides all requested information or documentation.

<p>(2) Within 30 calendar days of receipt of a complete credentialing application the dental health insurance carrier or a dental health insurance carrier's agent shall assess and verify the qualifications of a dental provider who is applying to become a participating provider and issue a decision in writing to the applicant approving or denying the credentialing application.</p> <p>(3) A dental health insurance carrier shall be permitted to extend the credentialing period to assess and issue a determination by an additional 15 calendar days if, upon review of a complete application, it is determined that certain circumstances require additional consideration, including:</p> <ul style="list-style-type: none"> (a) an issuance of sanctions by the board of dental health care; or (b) an investigation or background check; or (c) a felony conviction; or (d) a revocation of clinical privileges or a denial of coverage. <p>(4) Within 10 business days after receipt of a credentialing application, A dental health insurance carrier or a dental health insurance carrier's agent shall send a written notification via United States certified mail or other method that evidences delivery confirmation to the applicant requesting any additional information or supporting documentation that the dental health insurance carrier requires to approve or deny the credentialing application. The notice to the applicant shall include:</p> <ul style="list-style-type: none"> (a) a complete and detailed description of all of the information or supporting documentation that is reasonably related to information in the application that the insurer requires to approve or reject the credentialing application. Information is reasonably related to the application if it is connected to the nationally recognized credentialing standards for dental providers; and 	<p>(b) the name, address, email address, and telephone number of a person who serves as the applicant's point of contact for completing the credentialing application process.</p> <p>(c) no later than 30 calendar days as described in Paragraph (1) above, or an additional 15 calendar days as described in Paragraph (2) above, load into the dental health insurance carrier's dental provider payment system all dental provider information, including all information needed to correctly reimburse a newly approved dental provider according to the dental provider's contract.</p> <p>C. Timely decision.</p> <p>(1) Within 30 calendar days of the date of receipt of a complete credentialing application the dental health insurance carrier or the dental health insurance carrier's agent shall:</p> <ul style="list-style-type: none"> (a) assess and verify the qualifications of a dental provider applying to become a participating dental provider; and load into the dental health insurance carrier's dental provider payment system all the dental provider information including all information needed to correctly reimburse a newly approved dental provider according to the dental provider's contract. (b) review the application and determine whether to approve or deny the credentialing application. <p>(2) The dental health insurance carrier shall:</p> <ul style="list-style-type: none"> (a) approve the dental provider for the dental health insurance carrier's network for a period of up to three years. Upon approval, the dental health insurance carrier or dental health insurance carrier's agent shall add the approved dental provider's data to the dental provider directory within five business days upon loading the dental provider's information into the dental health insurance carrier's dental provider payment system; or 	<p>(b) provisionally accept the dental provider for the dental health insurance carrier's network for a period of one-year, or the maximum duration up to one year as allowed by the dental health insurance carrier's accreditation organization. Upon approval, the dental health insurance carrier or dental health insurance carrier's agent shall add the approved dental provider's data to the dental provider directory upon loading the dental provider's information into the dental health insurance carrier's dental provider payment system; or</p> <p>(c) deny the dental provider for the dental health insurance carrier's network.</p> <p>(3) The dental health insurance carrier's decision must be issued to the dental provider in writing by certified U.S. mail at the physical or mailing address listed in the application or other method that evidences delivery confirmation such as email if an email address has been provided.</p> <p>D. Timing for re-credentialing.</p> <p>(1) If the credentialing application is approved, re-credentialing verification may not be required more frequently than every three years or as otherwise required by a nationally recognized accrediting entity such as the national committee for quality assurance (NCAQ) or the utilization review accreditation commission (URAC).</p> <p>(2) In order to allow carriers to complete the recredentialing process prior to the 36-month expiration, carriers are permitted to initiate recredentialing efforts after 32 months have passed since the last credentialing cycle or in the event a provider returns a recredentialing application prior to the expiration of the 36-month period set forth in Paragraph (1) of Subsection D of 13.10.37.11 NMAC.</p> <p>(3) If the application is approved provisionally, then re-credentialing shall be required annually or at the conclusion of the shorter period if required by a dental health insurance carrier's</p>
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accreditation organization and approved by the superintendent.

(4) Nothing

in this section shall be construed to require a dental health insurance carrier to credential or provisionally credential any dental provider.

(5)

Nothing in this section shall be construed to prevent a dental health insurance carrier from terminating its participation agreement with a dental provider for cause at any time; regardless of time remaining before re-credentialing is due.

(6) Except

as may otherwise be required by a dental health insurance carrier's accreditation organization a dental health insurance carrier may not require a participating dental provider to be re-credentialed based on:

(a) a

change in the dental provider's federal tax identification number;

(b) a

change in the federal tax identification number of a dental provider's employer; or

(c)

a change in the dental provider's employer, if the new employer:

(i)

is a participating dental provider; or

(ii)

also employs other participating dental providers.

(7) A dental

health insurance carrier may require that a participating dental provider or the dental provider's employer give written notice to the dental health insurance carrier of a change in the dental provider's or the dental provider's employer's federal tax identification number not less than 45 calendar days before the effective date of the change.

E. Accreditation by nationally recognized accrediting entity.

(1) A dental

health insurance carrier may seek a waiver of these credentialing requirements from the superintendent by submitting accreditation by a nationally recognized entity

for credentialing, as evidence of compliance with the requirements of this section.

(2) In those

instances where a dental health insurance carrier seeks to meet the requirements of this section through accreditation by a private accrediting entity, the dental health insurance carrier shall submit to contact email listed on the OSI website under the life and health division, the following information:

(a)

current standards of the private accrediting entity in order to demonstrate that the entity's standards meet or exceed the requirements of this rule;

(b)

documentation from the private accrediting entity showing that the dental health insurance carrier has been accredited by the entity; and

(c) a

summary of the data and information that was presented to the private accrediting entity by the dental health insurance carrier and upon which accreditation of the dental health insurance carrier was based.

(3) OSI will

determine whether a dental health insurance carrier that has been accredited by a private accrediting entity and has submitted all of the requisite information has met the requirements of the relevant provisions of this section where comparable standards exist.

[13.10.37.11 NMAC – N, 07/01/2026]

13.10.37.12 REIMBURSEMENT BY DENTAL HEALTH INSURANCE CARRIER UPON DELAY IN DENTAL CREDENTIALING PROCESS:

A. Terms for

reimbursement. A dental health insurance carrier shall reimburse a dental provider, subject to copayments, co-insurance, deductibles, or other cost-sharing provisions, for any clean claims for covered services, provided that:

(1) the date

of service is more than 30 calendar days or if the dental health insurance

carrier extended the credentialing period another 15 calendar days then no more than 45 calendar days after the date the dental provider requested credentialing from the dental health insurance carrier and either the dental provider supplied a completed uniform credentialing application or made the completed uniform credentialing application available for electronic access by the dental health insurance carrier, including submission of any supporting documentation that the dental health insurance carrier requested in writing during the initial 10 business day review period;

(2) the dental

health insurance carrier has approved, or has failed to approve or deny the applicant's completed uniform credentialing application within the timeframe established pursuant to Subsection C of 13.10.37.11 NMAC;

(3) the dental

provider has no past or current license sanctions or limitations, as reported by the New Mexico board of dental health care or another pertinent licensing and regulatory agency, or by a similar out-of-state licensing and regulatory entity for a dentist or dental hygienist who is licensed in another state;

(4) the dental

provider has professional liability insurance or is covered under the Medical Malpractice Act;

(5) the dental

health insurance carrier fails to load the approved applicants' information into the dental health insurance carrier's dental provider payment system in accordance with Subsection C of Section 13.10.37.11 NMAC; and

(6) A dental

health insurance carrier may only provide retroactive reimbursement to providers that hold an active license in good standing and maintain appropriate malpractice coverage. In the event of a pending credentialing application, a dental health insurance carrier shall notify a dental health provider that if the provider application is denied, the dental health carrier will not reimburse the dental health provider on a pending claim.

B. Sole practitioner. A dentist or dental hygienist who, at the time services were rendered has been approved by a dental health insurance carrier for credentialing or who has been awaiting a credentialing decision pursuant to Subsection C of 13.10.37.11 NMAC and was not in a practice or group that has contracted with the dental health insurance carrier to provide services at specified rates of reimbursement, shall be paid by the dental health insurance carrier in accordance with the carrier's standard reimbursement rate or at an agreed upon rate.

C. Dental provider group reimbursement. A dentist or dental hygienist who, at the time services were rendered, has been approved by a dental health insurance carrier for credentialing or who has been awaiting a credentialing decision pursuant to Subsection C of 13.10.37.11 NMAC and was in a dental provider group that has contracted with the dental health insurance carrier to provide services at specified rates of reimbursement, shall be paid by the carrier in accordance with the terms of the dental provider group contract.

D. Reimbursement period. A dental health insurance carrier shall reimburse a dental provider pursuant to Subsections A, B, and C of 13.10.37.12 NMAC until the earlier of the following occurs:

- (1) the dental health insurance carrier denies the dental provider's credentialing application;
- (2) the dental health insurance carrier approves the dental provider's credentialing application and the dental provider and dental health insurance carrier enter a contract to replace a previously agreed upon rate, or
- (3) the passage of three years from the date the insurer received the dental provider's completed uniform credentialing application.

[13.10.37.12 NMAC – N, 07/01/2026]

13.10.37.13 CREDENTIALING AND PAYMENT DISPUTE
RESOLUTION: Dental provider credentialing disputes shall be resolved pursuant to 13.10.16 NMAC. [13.10.37.13 NMAC – N, 07/01/2026]

13.10.37.14 SEVERABILITY: If any section of this rule, or the applicability of any section to any person or circumstance, is for any reason held to be invalid by a court of competent jurisdiction, the remainder of the rule, or the applicability of such provisions to other persons or circumstances, shall not be affected. [13.10.37.14 NMAC – N, 07/01/2026]

History of 13.10.37 NMAC:
[RESERVED]

End of Adopted Rules

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Issue 7	March 26	April 7
Issue 8	April 9	April 21
Issue 9	April 23	May 5
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