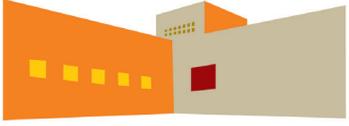


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New Mexico Register

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

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New Mexico Register

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February 10, 2026

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Notices of Rulemaking and Proposed Rules

AUDITOR, OFFICE OF THE STATE

NOTICE OF PROPOSED RULEMAKING AND PUBLIC HEARING

Public Notice: The New Mexico Office of the State Auditor (OSA) will hold a public hearing on March 17, 2026 at 9:00 a.m. The public hearing will be held in-person at 2540 Camino Edward Ortiz, Suite A, Santa Fe, NM 87507. The public hearing will also be a virtual hearing and members of the public may attend, listen, and participate via live streaming. To attend the Microsoft Teams meeting virtually please use Meeting ID: 213 268 618 461 49 and the passcode: Gm9By38o. The link will also be on the OSA website.

Purpose: The purpose of the public hearing is to receive public comments and to consider adoption of proposed amendments to 2.2.2 NMAC - Requirements for Contracting and Conducting Audits of Agencies (Audit Rule).

Statutory Authority: Audit Act, Section 12-6-12 NMSA 1978.

Copies of Proposed Amendments: Copies of the proposed amendments are available on the State Auditor’s website at osa.nm.gov. A copy of the proposed amendments may also be requested by contacting Bernadet Martinez at the OSA by telephone at (505) 469-9706 or by email at Bernadet.Martinez@osa.nm.gov.

How to Comment on the Proposed Amendments: Public comment regarding the proposed amendments can be made in person at the public rule hearing, by mail sent to Bernadet Martinez, Office of the State Auditor, 2540 Camino Edward Ortiz, Suite A, Santa Fe, NM 87507, or by email sent to rulechange@osa.nm.gov. Written comments must be received by 5:00 pm mountain time March 17, 2026. All timely written comments will be

posted on the OSA website at osa.nm.gov. Written comments may also be received at the in-person public hearing until the hearing is closed.

Special Accommodations: If you require special accommodations to participate in or attend the in-person hearing, please contact Bernadet Martinez at (505) 469-9706 or Bernadet.Martinez@osa.nm.gov at least one week prior to the meeting or as soon as possible.

Summary of Proposed Amendments:

1. Updates definitions
2. Updates nomenclature for the switch from “quality control” standards to “quality management” standards.
3. Aligns audit rotation rule to conform with statute
4. Clarifies budget comparison reporting throughout the rule
5. Sets a date specific for presentation of completed audit to governing bodies
6. Clarifies areas of examination and testing for SOC audits.

The New Mexico Environmental Improvement Board (EIB) will hold a public hearing beginning on April 13, 2026 beginning at 9:00am and continuing for two (2) days to hear all testimony, evidence, and public comment, to consider EIB 25-81: In The Matter of Proposed Amendments to 20.4.1 NMAC - Modifications, Exceptions, and Omissions Related to Aqueous Film Forming Foam, and 20.4.3 NMAC – Hazardous Waste Fees, and the Adoption of 20.13.3 NMAC – Aqueous Film Forming Foam Containing Intentionally Added PFAS (“Petition”). The Proposed Amendments to 20.4.1 NMAC are attached as Exhibit B to the Petition. The Proposed Amendments to 20.4.3 NMAC are attached as Exhibit C to the Petition. Proposed New Rule 20.13.3 NMAC is attached as Exhibit D to the Petition. The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at 490 Old Santa Fe Trail, Santa Fe, NM 87501, Room 321. The EIB may make a final decision on proposed new rule 20.13.3 NMAC, the amendments to 20.4.1 NMAC, and the amendments to 20.4.3 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department (“NMED”) calendar (<https://www.env.nm.gov/events-calendar/>) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at

**ENVIRONMENT
DEPARTMENT
NEW MEXICO
ENVIRONMENTAL
IMPROVEMENT BOARD
NOTICE OF RULEMAKING
HEARING TO CONSIDER
ADOPTION OF
PROPOSED NEW RULE 20.13.3
NMAC – AQUEOUS FILM
FORMING FOAM CONTAINING
INTENTIONALLY ADDED PFAS
AND AMENDMENTS TO
20.1.1 NMAC – MODIFICATIONS,
EXCEPTIONS AND OMISSIONS
RELATED TO AQUEOUS FILM
FORMING FOAM
AND AMENDMENT TO
20.4.3 NMAC – HAZARDOUS
WASTE FEES
(EIB Case No. 25-81)**

(505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.3 NMAC, amended rule 20.4.1 NMAC, and amended rule 20.4.3 NMAC as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-81 may be accessed by visiting the website (<https://www.env.nm.gov/opf/docketed-matters/>), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-81: In the Matter of Proposed Amendments to 20.4.1 NMAC – Modifications, Exceptions and Omissions related to Aqueous Film Forming Foam, AND 20.4.3 NMAC – Hazardous Waste Fees, AND The Adoption of 20.13.3 NMAC – Aqueous Film Forming Foam Containing Intentionally Added PFAS' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/12/2025-12-22-EIB-25-81-Petition-and-Request-for-Hearing-Final.pdf>).

The purpose of the hearing is for EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.3 NMAC, the amendments to 20.4.1 NMAC, and the amendment to 20.4.3 NMAC. The purpose of the Proposed New Rule is to develop an inventory that identifies and records AFFF products containing intentionally added PFAS, requires the proper labeling of containers, including tanks, totes, and drums of AFFF products containing intentionally added PFAS, require the use of AFFF products containing intentionally added PFAS

for emergency purposes only, and require the cleanup of discarded AFFF products containing intentionally added PFAS pursuant to the New Mexico Hazardous Waste Act. The purpose of the amendments to 20.4.1 NMAC is twofold. First, a portion of the proposed amendments are necessary to implement changes to the New Mexico Hazardous Waste Act following the passage of House Bill 140 in the 2025 Regular Session of the New Mexico Legislature. Second, the remainder of the amendments are necessary to support the federal reauthorization of New Mexico's state-administered hazardous waste program and regulations. The purpose of the amendment to 20.4.3 NMAC is to correct a typographical error in the existing regulations. The EIB is authorized to adopt New Rule 20.13.3 NMAC, amend 20.4.1 NMAC, and amend 20.4.3 NMAC pursuant to the Environmental Improvement Act, NMSA Sections 74-1-1, et seq., the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1, et seq., and the Hazardous Waste Act, NMSA 1978, Sections 74-4-1, et seq.

Proposed New Rule 20.13.3 NMAC requires facilities that obtain, manufacture, store, or use AFFF containing intentionally added PFAS to provide NMED with an annual inventory of AFFF products containing intentionally added PFAS. Proposed New Rule 20.13.3 NMAC requires the labeling of all containers where AFFF products containing intentionally added PFAS are stored. Proposed New Rule 20.13.3 NMAC imposes recordkeeping requirements on facilities that obtain, manufacture, store, or use AFFF containing intentionally added PFAS. Proposed New Rule 20.13.3 NMAC imposes storage requirements for AFFF products containing intentionally added PFAS. Proposed New Rule 20.13.3 NMAC stipulates that AFFF products containing intentionally added PFAS may only be used for emergency purposes in New Mexico. Proposed New Rule requires that the cleanup of discarded firefighting

foam be done pursuant to the New Mexico Hazardous Waste Act and the Per- and Poly-Fluoroalkyl Substances Protection Act.

The amendments to 20.4.1 NMAC add AFFF containing intentionally added PFAS to the list of hazardous wastes from non-specific sources. The amendments to 20.4.1 NMAC add AFFF containing intentionally added PFAS to the list of hazardous waste discarded chemical products, off-specification species, container residues, and spill residues. The amendments to 20.4.1 NMAC add hazardous constituents related to hazardous waste unused AFFF to various appendices incorporated by New Mexico law. The amendments to 20.4.1 NMAC add AFFF containing intentionally added PFAS to the treatment standards for hazardous wastes. The amendments to 20.4.1 NMAC add inclusions for on-site treatment of AFFF containing intentionally added PFAS and require a permit for generators or other facilities that perform on-site treatment of AFFF containing intentionally added PFAS. Finally, certain amendments to 20.4.1 NMAC are being made to support the federal reauthorization of New Mexico's hazardous waste program and regulations. Specifically, changes are proposed to clarify roles and responsibilities under the U.S. Environmental Protection Agency's E-manifest system, to allow for prospective adoption of applicable federal regulations, and to ensure consistency with federal aerosol can regulations.

The amendment to 20.4.3 NMAC proposes a single change to remedy a typographical error. The proposed change will clarify NMED's authority to adjust annual hazardous waste generation fees for inflation.

Additional information is available on NMED's Hazardous Waste Bureau webpage (<https://www.env.nm.gov/hazardous-waste/>). Technical information that served as the basis for the proposed rule may be viewed

online at <https://www.env.nm.gov/public-notices/>.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2)

identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE:

Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: <https://nmed.commentinput.com/?id=cjx2tWDgsS;pamela.jones@env.nm.gov>, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly

repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF

NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

**ENVIRONMENT
DEPARTMENT
JUNTA DE MEJORA
MEDIOAMBIENTAL DE NUEVO
MÉXICO
AVISO DE AUDIENCIA
REGLAMENTARIA PARA
CONSIDERAR LA ADOPCIÓN
DE
LA NUEVA NORMA PROPUESTA
20.13.3 NMAC: ESPUMA
FORMADORA DE CAPA
ACUOSA
QUE CONTIENE
PFAS AÑADIDOS
INTENCIONADAMENTE
Y MODIFICACIONES A
20.1.1 NMAC:
MODIFICACIONES,
EXCEPCIONES Y OMISIONES
RELACIONADAS CON LA
ESPUMA FORMADORA DE
CAPA ACUOSA
Y MODIFICACIÓN A
20.4.3 NMAC: TARIFAS POR
RESIDUOS PELIGROSOS
(Caso EIB n.º 25-81)**

La Junta de Mejora Ambiental de Nuevo México (EIB) celebrará una audiencia pública a partir del 13 de abril de 2026, a partir de las 9:00 a. m. y durante dos (2) días, para escuchar todos los testimonios, pruebas y comentarios públicos, con el fin de considerar la EIB 25-81: En relación con las enmiendas propuestas al 20.4.1 NMAC - Modificaciones, excepciones y omisiones relacionadas con espuma formadora de capa acuosa, y 20.4.3 NMAC - Tasas por residuos peligrosos, y la adopción de 20.13.3 NMAC - Espuma formadora de capa acuosa que contiene PFAS añadidos intencionadamente («Petición»). Las enmiendas propuestas al artículo 20.4.1 del NMAC se adjuntan como elemento de prueba B a la petición. Las enmiendas propuestas al artículo 20.4.3 del NMAC se adjuntan como elemento de prueba C a la petición. La nueva norma propuesta 20.13.3 del NMAC se adjunta como elemento de prueba D a la petición. La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como virtual. La audiencia

presencial se celebrará en 490 Old Santa Fe Trail, Santa Fe, NM 87501, Sala 321. El EIB podrá tomar una decisión definitiva sobre la nueva norma 20.13.3 NMAC propuesta, las enmiendas a la norma 20.4.1 NMAC y las enmiendas a la norma 20.4.3 NMAC al concluir la audiencia, o podrá convocar una reunión posterior con ese fin. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentación: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencia designado.

La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (<https://www.env.nm.gov/events-calendar/>) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Además, la Oficina de Facilitación Pública del NMED se encarga del mantenimiento del sitio web de asuntos tramitados por el NMED, que incluye la petición, la exposición de motivos y la nueva norma propuesta 20.13.3 NMAC, la norma modificada 20.4.1 NMAC y la norma modificada 20.4.3 NMAC, así como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al expediente EIB 25-81 visitando el sitio web (<https://www.env.nm.gov/opf/docketed-matters/>), navegando hasta el menú desplegable «Environmental Improvement Board» (Junta de Mejora Ambiental) y, a continuación, accediendo a los archivos en «EIB 25-81:». En relación con las

enmiendas propuestas al artículo 20.4.1 NMAC (Modificaciones, excepciones y omisiones relacionadas con la espuma formadora de capa acuosa), al artículo 20.4.3 NMAC (Tasas por residuos peligrosos) y a la adopción del artículo 20.13.3 NMAC (Espuma formadora de capa acuosa que contiene PFAS añadidos intencionadamente) del menú desplegable. Las copias impresas de la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en todas las oficinas del NMED en todo el estado. La petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en formato electrónico en (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/12/2025-12-22-EIB-25-81-Petition-and-Request-for-Hearing-Final.pdf>)

El objetivo de la audiencia es que el EIB considere y tome las posibles medidas sobre la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.3 NMAC, las enmiendas a la norma 20.4.1 NMAC y la enmienda a la norma 20.4.3 NMAC. El objetivo de la nueva norma propuesta es elaborar un inventario que identifique y registre los productos AFFF (por sus siglas en inglés, espuma formadora de capa acuosa) que contienen PFAS añadidos intencionadamente, exige el etiquetado adecuado de los contenedores, incluidos tanques, bolsas y botes de productos AFFF que contengan PFAS añadidos intencionadamente, exige el uso de productos AFFF que contengan PFAS añadidos intencionadamente solo para fines de emergencia y exige la limpieza de los productos AFFF desechados que contengan PFAS añadidos intencionadamente, de conformidad con la Ley de Residuos Peligrosos de Nuevo México. El propósito de las enmiendas al artículo 20.4.1 del NMAC tiene dos objetivos. En primer lugar, una parte de las enmiendas propuestas son necesarias para aplicar los cambios introducidos en la Ley de Residuos

Peligrosos de Nuevo México tras la aprobación del Proyecto de Ley 140 de la Cámara de Representantes en la sesión ordinaria de 2025 de la Asamblea Legislativa de Nuevo México. En segundo lugar, el resto de las enmiendas son necesarias para respaldar la reautorización federal del programa y las regulaciones sobre residuos peligrosos administrados por el estado de Nuevo México. El objetivo de la enmienda al artículo 20.4.3 del NMAC es corregir un error tipográfico en la normativa vigente. El EIB está autorizado a adoptar la nueva norma 20.13.3 del NMAC, enmendar el artículo 20.4.1 del NMAC y enmendar el artículo 20.4.3 del NMAC de conformidad con la Ley de Mejora Medioambiental, NMSA, artículos 74-1-1 y siguientes, la Ley de Protección contra las Sustancias Perfluoroalquílicas y Polifluoroalquílicas, NMSA 1978, secciones 74-15-1 y siguientes, y la Ley de Residuos Peligrosos, NMSA 1978, secciones 74-4-1 y siguientes. La nueva norma propuesta 20.13.3 NMAC exige que las instalaciones que obtengan, fabriquen, almacenen o utilicen AFFF que contenga PFAS añadidos intencionadamente proporcionen al NMED un inventario anual de los productos AFFF que contengan PFAS añadidos intencionadamente. La nueva norma propuesta 20.13.3 NMAC exige el etiquetado de todos los contenedores en los que se almacenen productos AFFF que contengan PFAS añadidos intencionadamente. La nueva norma propuesta 20.13.3 NMAC impone requisitos de mantenimiento de registros a las instalaciones que obtienen, fabrican, almacenan o utilizan AFFF que contienen PFAS añadidos intencionadamente. La nueva norma propuesta 20.13.3 NMAC impone requisitos de almacenamiento para los productos AFFF que contienen PFAS añadidos intencionadamente. La nueva norma propuesta 20.13.3 NMAC estipula que los productos AFFF que contienen PFAS añadidos intencionadamente solo pueden utilizarse para casos de emergencia en Nuevo México. La nueva norma

propuesta exige que la limpieza de la espuma contra incendios desechada se realice de conformidad con la Ley de Residuos Peligrosos de Nuevo México y la Ley de Protección contra Sustancias Perfluoroalquílicas y Polifluoroalquílicas.

Las enmiendas al 20.4.1 NMAC añaden los AFFF que contienen PFAS añadidos intencionadamente a la lista de residuos peligrosos de fuentes no específicas. Las enmiendas al 20.4.1 NMAC añaden los AFFF que contienen PFAS añadidos de forma intencionada a la lista de residuos peligrosos, productos químicos desechados, especies fuera de especificación, residuos de envases y residuos de derrames. Las enmiendas al artículo 20.4.1 del NMAC añaden componentes peligrosos relacionados con los residuos peligrosos de AFFF sin usar a varios apéndices incorporados por la legislación de Nuevo México. Las enmiendas al 20.4.1 NMAC añaden el AFFF que contiene PFAS añadidos de forma intencionada a las normas de tratamiento para residuos peligrosos. Las enmiendas al artículo 20.4.1 del NMAC añaden inclusiones para el tratado de AFFF que contienen PFAS añadidos intencionadamente y exigen un permiso para los generadores u otras instalaciones que realizan el tratado de AFFF que contienen PFAS añadidos intencionadamente. Por último, se están realizando ciertas modificaciones al artículo 20.4.1 del NMAC para respaldar la reautorización federal del programa y la normativa sobre residuos peligrosos de Nuevo México. En concreto, se proponen cambios para aclarar las funciones y responsabilidades en el marco del sistema de manifiesto electrónico de la Agencia de Protección Ambiental de los Estados Unidos, con el fin de permitir la posible adopción de las regulaciones federales aplicables y garantizar la coherencia con las regulaciones federales sobre aerosoles.

La enmienda al artículo 20.4.3 del NMAC propone un único cambio para corregir un error tipográfico. El cambio propuesto aclarará la

autoridad del NMED para ajustar las tasas anuales por generar residuos peligrosos en consonancia con la inflación.

Hay información adicional disponible en la página web de la Oficina de Residuos Peligrosos del NMED (<https://www.env.nm.gov/hazardous-waste/>). La información técnica en la que se basa la norma propuesta puede consultarse en línea en <https://www.env.nm.gov/public-notice/>.

PARTICIPACIÓN PÚBLICA:

Las audiencias y reuniones del EIB están abiertas al público, y se anima a la población en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando una notificación de intención de presentar un testimonio técnico, presentando una solicitud de comparecencia o participando como miembro del público en general. Por «testimonio técnico» se entiende cualquier testimonio científico, técnico, económico o especializado, pero no incluye argumentos jurídicos, comentarios generales ni declaraciones de política o posición sobre los asuntos que se tratan en la audiencia. El «público en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificación de intención de presentar un testimonio técnico.

Cualquier miembro del público en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estará sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para obtener una revelación completa y veraz de las cuestiones que se tratan en la audiencia. Todos los testimonios se prestarán bajo juramento o afirmación, lo que podrá hacerse de forma colectiva o individual.

Ninguna persona podrá discutir ex parte las cuestiones de fondo del procedimiento con algún miembro del EIB o con el funcionario designado para la audiencia.

TESTIMONIO TÉCNICO: Cualquier persona que tenga la intención de presentar un testimonio técnico en la audiencia deberá presentar una notificación de intención de presentar un testimonio técnico ante el administrador del EIB al menos 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y debe ser parte en el procedimiento. Además de los requisitos que pueda establecer una orden previa a la audiencia, la notificación de intención de presentar testimonio técnico deberá: (1) identificar a la persona para la que testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su formación académica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se prevé que esa persona presentará en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como una de las partes. La comparecencia se presentará ante el administrador del EIB a más tardar 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PÚBLICOS: El público en general puede testificar

mediante comentarios públicos por escrito o verbalmente en la audiencia. Las personas del público que deseen presentar una declaración por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberán presentar la declaración por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: <https://nmed.commentinput.com/?id=cjx2tWDgsS;pamela.jones@env.nm.gov>, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia habrá una oportunidad para que los miembros del público presenten testimonios orales. No es necesario notificar con antelación para presentar testimonios no técnicos en la audiencia. Cualquier persona podrá presentar pruebas no técnicas relacionadas con su testimonio, siempre que dichas pruebas no repitan indebidamente el testimonio y cumplan con la norma 20.1.1.402 NMAC. El funcionario designado para la audiencia determinará el proceso y los horarios para que el público testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un intérprete o una ayuda auxiliar para participar en este proceso, póngase en contacto con el administrador del EIB al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE IGUALDAD DE TRATO: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen

las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de igualdad de oportunidades implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de lucha contra la discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de antidiscriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relación con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de antidiscriminación indicada anteriormente.

GAME AND FISH DEPARTMENT STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission (“Commission”) will be hosting a meeting and rule hearing on Friday March 20, 2026, beginning at 9:00 a.m. at the New Mexico Department of Game and Fish, 7816 Alamo Rd NW, Albuquerque, NM 87120. The purpose of this meeting is to hear and consider action as appropriate on the presentation of proposed changes to the Game and Fish Licenses/Permits Rule 19.30.9.

Synopsis

The proposal is to amend the Game and Fish License/Permits Rule

19.30.9 NMAC which will become effective April 1, 2026.

PROPOSED CHANGES TO THE HUNTING AND FISHING LICENCES APPLICATION RULE

The New Mexico Legislature passed Senate Bill 5 during the 2025 Legislative Session. Senate Bill 5 provides that a license collector may collect and retain a vendor fee for each license or permit issued; provided that the fee shall be just and reasonable; as determined by regulation of the State Wildlife Commission. The Department conducted a survey of all vendors in New Mexico and the majority of vendors preferred an increase in the vendor fee as well as an additional fee for the issuance of a carcass tag. The Department will present proposed changes to the Game and Fish License/Permits Rule 19.30.9 NMAC to increase the vendor fee from \$1.00 per transaction to \$2.00 per transaction and \$1.00 per carcass tag issued.

A full text of changes for all rules will be available on the Department’s website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes for the Game and Fish Licenses/ Permits Rule to: special.hunts@dgf.nm.gov.

Individuals may also submit written comments to the physical address below. Comments are due by 1:00 p.m. on March 19, 2026. The final proposed rules will be voted on by the Commission during a public meeting on January 9, 2026. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearings to be held on March 20, 2026.

Full copies of text of the proposed new rules, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico

87507, or from the Department’s website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director’s Office at (505) 476-8000, or the Department’s website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission’s Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

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) rules *8.281.510 NMAC, Medicaid Eligibility - Institutional Care (Categories 081, 083, and 084), Trust Standard, 8.313.3 NMAC, Long Term Care Services - Intermediate Care Facilities, Cost Related Reimbursement of ICF-MR Facilities, 8.326.2 NMAC, Case Management Services, Case Management Services for Adults*

with Developmental Disabilities, 8.350.4 NMAC, Reconsideration of Utilization Review, Reconsideration of Audit Settlements, 8.370.3 NMAC, Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Health Facility Licensure Fees and Procedures, 8.370.4 NMAC, Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Health Facility Sanctions and Civil Monetary Penalties, 8.370.9 NMAC, Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Incident Reporting, Intake, Processing, and Training Requirements, 8.370.16 NMAC, Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Requirements for Long Term Care Facilities, 8.371.2 NMAC, Developmental Disabilities, Requirements for Intermediate Care Facilities for the Mentally Retarded, and 8.371.9 NMAC, Developmental Disabilities, Admission, Discharge, and Transfer of Eligible Recipients for Services in ICF-MR Facilities.

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: February 10, 2026
 Hearing Date: March 12, 2026
 Adoption Date: Proposed as July 1, 2026
 Technical Citations: Section 9-8-6 NMSA 1978

The HCA is proposing the following amendments:

- Throughout all NMACs:
1. References to mental retardation (MR) have been replaced with individuals with intellectual disabilities (IID). No edits or changes to the intent or meaning of the rules are proposed.
 2. Amendments have been made to include the Department’s current mission statement.
 3. Outdated NMAC references have been updated.

4. Amendments have been made to comply with formatting and language requirements.

I. RULE

These proposed rule changes will be contained in 8.281.510, 8.313.3, 8.326.2, 8.350.4, 8.370.3, 8.370.4, 8.370.9, 8.370.16, 8.371.2, and 8.371.9 NMAC. This register and the proposed rules 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 these rules effective July 1, 2026.

III. PUBLIC HEARING

A public hearing to receive testimony on these proposed rules will be held on **March 12, 2026, at 10:00 a.m. MT**. 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 Microsoft Teams.

Join Teams Meeting

Join the meeting 3/12/26

Meeting ID: 259 507 667 843 34
Passcode: 2LP2xC9v

Dial in by phone

+1 505-312-4308 United States, Albuquerque
Phone conference ID: 939 844 20#

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 accommodation.

Copies of all comments will be made available by MAD 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 people 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 March 12, 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.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT, DEPARTMENT OF STATE FIRE MARSHAL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the State Fire Marshal (“Fire Marshal”), pursuant to the New Mexico Insurance Code, Paragraph (2) of Subsection C of Section 59A-52-1.1 NMSA 1978, proposes to add new rules as follows: 10.25.14 Firefighters Survivor’s Supplemental Death Benefits, 10.25.15 Complaints Heard by Fire Service Council, and

10.25.16 Appeals Heard by Fire Service Council.

PURPOSE OF THE PROPOSED NEW RULES ARE:

To add a new rule 10.25.14 NMAC regarding applicants for firefighters’ survivors’ supplemental death benefits who make applications to the firefighters’ survivors supplemental death benefits committee. To add a new rule 10.25.15 NMAC on the filing, consideration and resolution of complaints made to the fire services council. To add a new rule 10.25.16 NMAC that governs the filing, consideration and resolution of appeals of orders and modifications of the state fire marshal made to the Fire Services Council.

STATUTORY AUTHORITY:

Section 59A-52-15 NMSA 1978.

Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the State Fire Marshal’s Office website (www.nmdhsem.org/state-firemarshal) or the New Mexico Sunshine Portal.

The State Fire Marshal’s Office will hold a public hearing on the proposed rules on March 17, 2026, at 9:30 a.m.

State Fire Marshals Albuquerque Office, Oso Grande Building, 725 6th Street NW Albuquerque, NM 87102

Join Zoom Meeting

<https://us06web.zoom.us/j/89879317635?pwd=cnGOElvjqIRyD70LOoQFRH4QVtu6FL.1>
Meeting ID: 898 7931 7635
Passcode: 550479

To attend via telephone:

1 (669) 444-9171 Meeting ID: 89879317635# Passcode: *550479# US
1 (719) 359-4580 Meeting ID: 89879317635# Passcode: *550479# US

The Fire Marshal designates Greg Perez to act as the hearing officer for this rulemaking. Oral comments will

be accepted at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on March 16, 2026. Responses to written comments or oral comments will be accepted through 12:00 pm on March 17, 2026. Comments may be submitted via email to Fab. Rodriguez@dhsem.nm.gov or may be filed by sending original copies to:

New Mexico Fire Marshal's Office, New Mexico Department of Homeland Security
13 Bataan Blvd., PO Box 27111,
Santa Fe, NM. 87502

Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, the Fire Marshal reserves the right to require that original signatures be provided to verify the electronic signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day.

SPECIAL NEEDS: Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Tomasita DeSoto at 505-287-6970 ten (10) business days prior to the hearing.

The Fire Marshal will review and consider all timely submitted written and oral comments and responses.

ISSUED this 28st day of January

/s/ Fire Marshal Randy Varela

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 26- 00005-UT

The New Mexico Public Regulation Commission ("Commission") gives notice of its initiation of a formal rulemaking to promulgate rule amendments at Title 1, Chapter 2, Part 2, of the New Mexico Administrative Code, entitled "Public Regulation Commission Rules of Procedure." Rule amendments which may eventually be adopted by the Commission may include all, part, or none of the language in the proposed rule amendments.

Summary and concise statement of proposed rule amendments: The Commission proposes amendments to Subsection C of Section 8 of 1.2.2 NMAC, titled "Filing fees." The Commission's proposed rule amendments would provide for the Commission's determination of filing fees on an annual basis, beginning July 1, 2026, and would provide for publication of such fees on the Commission's website. In this proceeding, the Commission will consider whether to adopt the proposed rule amendments, with or without modifications

Legal authority: Sections 53-18-1, 53-19-66, 59A-52-15, 59A-52-16, 60-2C-3, 62-8-3, 62-13-2, 62-14-9.1, 62-14-10, 62-19-9, 62-19-21, 63-7-23, 63-9-11, 63-9A-5.1, 63-9A-11, 63-9B-5, 63-9H-10, 65-2A-4, 65-2A-36, 65-6-4, and 70-3-13 NMSA 1978.

How a copy of the full text of the proposed rule amendments may be obtained: A copy of the full text of the proposed rule amendments and instructions on how to access the complete rulemaking record, reports, and other items filed in the commission's e-docket system may be obtained from the Rulemaking Proceedings section of the

Commission's website at <https://www.prc.nm.gov/rulemaking-proceedings/> under Docket No. 26-00005-UT or by calling LaurieAnn Santillanes in the Office of General Counsel at (505) 670-4830.

How a person may comment on the proposed rule amendments, where comments will be received, and when comments are due: Written comments may be filed no later than **March 16, 2026**. Filed comments shall refer to Docket No. 26-00005-UT. Comments may be electronically filed by sending them in PDF format to prc.records@prc.nm.gov. All written comments will be posted on the Commission's e-Docket website within three days of their receipt by the Commission's Records Management Bureau.

The record of this case closes on **March 20, 2026**. From that date through the completion of this proceeding, rulemaking participants shall be forbidden from communicating with the Commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person may participate in the hearing: A public comment hearing on the proposed rule amendments and any proposed alternatives, to be presided over by the Commission or its designee, shall be held beginning at **9:00 AM on March 18, 2026, at the Wendell Chino Building, Pecos Hall, 1220 S. Saint Francis Drive, Santa Fe, NM**, and via the Zoom video-conferencing platform.

Any interested person who wishes to make a comment may do so either in person or via Zoom. Those who wish to comment via Zoom at the hearing should contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505) 490-7910 as soon as possible before the start of the hearing to sign up as a commenter. The Zoom invitation will include a call-in number for those commenters who are unable to access Zoom's video-conferencing platform. The

public comment hearing shall be held to receive oral comments relevant to this rulemaking proceeding. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson should be designated to speak on behalf of an organization, a group, or a group of individuals that share the same message or seek the same goals, in order to maximize the efficiency of the public hearing. No testimony or other evidence shall be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing in this docket.

Any person with a disability requiring special assistance to participate in the hearing should contact the **Consumer Relations Division of the Commission at (505) 827-8019** as soon as possible prior to the commencement of the hearing.

Technical information that served as a basis for the proposed rule and how the information can be obtained: Not applicable.

**SECRETARY OF STATE,
OFFICE OF THE**

**NOTICE OF PROPOSED
RULEMAKING**

Public Notice: The Office of the New Mexico Secretary of State (“Office”) hereby gives notice that the Office will conduct a public hearing on March 17, 2026, at 9:00 AM at the State Land Office, 310 Old Santa Fe Trail, Santa Fe NM 87504. Attendees cannot park in the State Land Office parking lot, but must park at the PERA lot, one block east of the State Land Office.

Purpose of Rule Hearing: The purpose of the public hearing is to receive public input on the proposed new rule 1.10.39 NMAC – Canvassing Procedures. All comments will be

recorded by a court reporter and/or audio recording.

Statutory Authority: Election Code, Section 1-2-1 NMSA 1978

Purpose: The purpose of the new rule is to establish uniform procedures for the election board, county clerks, and secretary of state to conduct post-election canvassing procedures.

Summary of Full Text: Creating new rule 1.10.39 NMAC – Canvassing Procedures. Section 7 defines key terms like “canvass” and “election certificate.” Section 8 outlines the canvass reconciliation procedures to be performed by an election board. Section 9 outlines the reconciliation procedures performed by the county clerk upon receipt of the election returns from the election board. Section 10 outlines the duties of the special election board appointed by the county clerk to assist during canvassing proceedings with tallying ballots. Section 11 outlines the county clerk procedures for verifying the official election results. Section 12 outlines the procedures of the secretary of state and the independent auditor for verifying election returns and official results.

Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments: copies of the proposed rule are available on the Office’s website at www.sos.nm.gov or can be obtained from the Bureau of Elections by calling (505) 827-3600 or emailing kari.fresquez1@sos.nm.gov. The proposed rule is also available on the New Mexico Sunshine Portal. Interested individuals may provide comments at the public hearing. Before the public hearing, written comments may be sent to Kari Fresquez, Special Projects Coordinator, via email at kari.fresquez1@sos.nm.gov, by fax 505-827-8403, or by regular mail at Attn: Kari Fresquez – proposed rule, The Office of the New Mexico Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501. The deadline to receive written comment

is 5:00 PM on March 16, 2026. All written public comments will be posted on the website throughout the written comment period at: www.sos.nm.gov.

Special Needs: Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 827-3600 or email kari.fresquez1@sos.nm.gov as soon as possible to allow adequate time to provide the requested accommodation.

**SUPERINTENDENT OF
INSURANCE, OFFICE OF**

**NOTICE OF PROPOSED
RULEMAKING**

The OSI eDocket Number for this rulemaking is: 2026-0025

NOTICE IS HEREBY GIVEN that the Office of Superintendent of Insurance (OSI or Superintendent) will hold a public hearing in person, via video conference, and via telephone conference regarding a repeal and replace of 13.19.2 NMAC, Writing Surplus Line Business. **The hearing in this rulemaking will commence on Tuesday, March 17, 2026, at 10:00 a.m., MDT.**

PURPOSE OF THE PROPOSED RULE: The purpose of this rulemaking is to: **1)** update the issuing agency; **2)** update the text of the rule to reflect statutory amendments that transferred the payment of surplus line broker premium taxes to the New Mexico Taxation and Revenue Department; and **3)** amend and update the process for submittal of applications for surplus line insurers.

STATUTORY AUTHORITY: Sections 14-4-1 *et seq.*, NMSA 1978, State Rules Act, and Section 59A-2-9 NMSA 1978, Subsection F of Section 59A-14-4 NMSA 1978, and Subsection I of Section 59A-6-1 NMSA 1978.

TO ATTEND THE HEARING IN

PERSON: Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4th Floor Hearing Room, Santa Fe, NM 87501

PLEASE NOTE: The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist, then each guest will be escorted to the 4th Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.

TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS TEAMS MEETING:

Meeting ID: 265 041 791 318 76 -
Passcode: 2PH6Ai6X

Please copy and paste the link below into your browser to get to the video conference meeting:

https://teams.microsoft.com/meet/26504179131876?p=W0LWmSsKp7iGhctVLR_

TO ATTEND THE HEARING DIAL BY PHONE:

+1 505-312-4308,,801748356# -
Phone Conference ID: 801 748 356#

PUBLIC COMMENT AND

HEARING: The Superintendent designates Victoria Baca, as the hearing officer for this hearing. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or via electronic video conference. Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access if you are not already registered. You may also request copies if the Notice of Proposed Rulemaking and proposed rule by emailing Vanessa DeJesus at: vanessa.dejesus@osi.nm.gov or by phone at: 855-427-5674, email communication is preferred. To view all filings in

OSI's rulemaking information, please visit the **OSI website** at: <https://www.osi.state.nm.us/en/legal-information/rulemaking/>, the OSI rulemaking record is filed on the eDocket (**please follow the instructions on the web page for using the eDocket, there is no charge for using the eDocket, to find this rulemaking use the following eDocket Number: 2026-0025**), or on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (from the "Agency" drop down menu, select "Office of Superintendent of Insurance")

DEADLINE TO SUBMIT

WRITTEN COMMENTS: Written comments will be accepted through 4:00 p.m. on Thursday, March 12, 2026. Responses to written comments or to oral comments delivered at the hearing will be accepted through 4:00 p.m. on Wednesday, March 18, 2026. All written comments shall be filed electronically through the OSI eDocket.

FILING WRITTEN COMMENTS:

To file written comments on the OSI eDocket please send written comments to the following email address: osi-docketfiling@state.nm.us
Please send written comments by at least 3:30p.m. to ensure that written comments will be filed by the 4:00p.m. deadline.

To access filings on the OSI eDocket, please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access. **To find this rulemaking use the following Docket Number: 2026-0025.**

Written comments may be sent via U. S. mail to:

**OSI Records and Docketing
NM Office of Superintendent of
Insurance**

**P.O. Box 1689, Santa Fe, NM
87504-1689**

Written comments must be received by OSI and stamped as accepted between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments submitted during the hearing and will review and consider all timely submitted written comments and written responses. For help submitting a filing, please send an email to: osi-docketfiling@state.nm.us.

The docket number and title below must be indicated on all written comments submitted to the OSI:

**Docket Number: 2026-0025
IN THE MATTER OF REPEAL
AND REPLACE OF 13.19.2
NMAC, WRITING SURPLUS
LINE BUSINESS**

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla, at 505-531-7171 no later than ten (10) business days prior to the hearing.

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

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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.

PUBLIC EDUCATION DEPARTMENT

The New Mexico Higher Education Department repealed 6.64.10 COMPETENCIES FOR ENTRY-LEVEL BILINGUAL EDUCATION TEACHERS, filed 9/29/2000 and replaced it with 6.64.10 BILINGUAL ENDORSEMENT, adopted 1/29/2026, effective 2/10/2026.

PUBLIC EDUCATION DEPARTMENT

**TITLE 6 PRIMARY AND
SECONDARY EDUCATION
CHAPTER 64 SCHOOL
PERSONNEL - COMPETENCIES
FOR LICENSURE
PART 10 BILINGUAL
ENDORSEMENT**

**6.64.10.1 ISSUING
AGENCY:** Public Education
Department, hereinafter the
department.

[6.64.10.1 NMAC - Rp, 6.64.10.1
NMAC, 2/10/2026]

6.64.10.2 SCOPE: All
persons seeking an endorsement in
bilingual education to a New Mexico
educator license and persons seeking
to qualify for an internship license in
bilingual education.

[6.64.10.2 NMAC - Rp, 6.64.10.2
NMAC, 2/10/2026]

**6.64.10.3 STATUTORY
AUTHORITY:** Sections 9-24-8, 22-
2-1, 22-2-2, and 22-10A-31, NMSA
1978.

[6.64.10.3 NMAC - Rp, 6.64.10.3
NMAC, 2/10/2026]

6.64.10.4 DURATION:
Permanent

[6.64.10.4 NMAC - Rp, 6.64.10.4
NMAC, 2/10/2026]

**6.64.10.5 EFFECTIVE
DATE:** February 10, 2026, unless a
later date is cited in the history note at
the end of a section.

[6.64.10.5 NMAC - Rp, 6.64.10.5
NMAC, 2/10/2026]

6.64.10.6 OBJECTIVE:
Establish entry-level bilingual
education competencies that are
based on what beginning bilingual
education teachers must know and
be able to do to provide effective
bilingual programs in schools. The
competencies were developed to
ensure alignment with the New
Mexico’s content standards and
benchmarks and with the national
standards of the national association
for bilingual education and must be
used by New Mexico institutions of
higher education to establish bilingual
education preparatory programs.

[6.64.10.6 NMAC - Rp, 6.64.10.6
NMAC, 2/10/2026]

6.64.10.7 DEFINITIONS:
A. “Biliteracy” means
the ability to read, write, speak,
listen, and think across two or more
languages for academic, professional,
and socioeconomic purposes.

B. “Heritage learner”
means a person who holds a familial
and cultural connection to a language
other than English with varying
proficiency in the home or heritage
language.

C. “Translanguaging”
means a language practice in which
bilingual people draw on their full
linguistical range to make meaning
in context and a pedagogy to support
learners to use all of their linguistic
resources.

[6.64.10.7 NMAC - Rp, 6.64.10.7
NMAC, 2/10/2026]

6.64.10.8 TESTING AND COURSEWORK REQUIREMENTS:

A. Teacher,
instructional support provider, and
support provider candidates seeking
to add a bilingual endorsement in
Spanish/English to an initial level 1
license shall:

(1) complete
a minimum of 24 semester hours in
bilingual education, 12 semester hours
of which shall be in the teaching of
bilingual education that address the
competencies described in Section 9
of this rule; and

(2) pass the
content knowledge assessment Prueba
de Español para la Certificación
Bilingüe for persons seeking an
endorsement to a teaching license
in Spanish or an accepted teacher
licensure test from another state in
bilingual education in Spanish; or

(3) successfully complete a portfolio
pursuant to Paragraph (8) of
Subsection C of 6.60.5.10 NMAC.

B. Teachers,
instructional support providers, and
support providers seeking to add a
bilingual endorsement in Spanish/
English to an existing license shall:

(1) complete
a minimum of 12 semester hours
in bilingual education, all of
which shall be in the teaching of
bilingual education that address the
competencies described in Section 9
of this rule; and

(2) pass the
content knowledge assessment Prueba
de Español para la Certificación
Bilingüe for persons seeking an
endorsement to a teaching license in
Spanish or an accepted comparable
licensure test from another state in
bilingual education in Spanish; or

(3) successfully complete a portfolio

pursuant to Paragraph (8) of Subsection C of 6.60.5.10 NMAC.

D. Teacher, instructional support provider, and support provider candidates seeking to add a bilingual endorsement in English and another language other than Spanish to an initial level 1 license shall complete a minimum of 24 semester hours in bilingual education, 12 semester hours of which shall be in the teaching of bilingual education that addresses the competencies in Section 9 of this rule; and

(1) pass the language proficiency examination for a language other than English pursuant to 6.64.12 NMAC and 6.60.5 NMAC;

(2) hold a New Mexico diploma of excellence with the state seal of bilingualism-biliteracy in a language other than English or its equivalent from another state;

(3) successfully complete a portfolio pursuant to 6.60.5.8 NMAC; or

(4) hold either any postsecondary degree other than an associate's degree in a language other than English from an accredited college or university.

E. Teacher, instructional support provider, and support provider candidates seeking to add a bilingual endorsement in English and another language other than Spanish to an existing license shall complete a minimum of 12 semester hours, all of which shall be in the teaching of bilingual education that addresses the competencies in Section 9 of this rule; and

(1) pass the language proficiency examination for a language other than English pursuant to 6.64.12 NMAC and 6.60.5 NMAC;

(2) hold a New Mexico diploma of excellence with the state seal of bilingualism-biliteracy in a language other than English or its equivalent from another state;

(3) successfully complete a portfolio pursuant to 6.60.5.10 NMAC; or

(4) hold either any postsecondary degree other than an associate's degree in a language other than English from an accredited college or university.

F. Teachers and instructional support providers with a reciprocal license from a country outside the United States seeking to add a bilingual endorsement in English and another language shall meet the following coursework and testing requirements:

(1) complete a minimum of 24 semester hours in bilingual education;

(2) pass the language proficiency examination for any language other than English pursuant to 6.64.12 NMAC and 6.60.5 NMAC;

(3) successfully complete a portfolio pursuant to 6.60.5.10 NMAC; or

(4) hold a degree other than an associate's degree in a language other than English from an accredited college or university.

G. Any teacher or instructional support provider may obtain certification in bilingual education for the appropriate grade level of New Mexico endorsement to teaching licensure from the national board for professional teaching standards.

H. Persons who hold a licensure endorsement in teaching English (TESOL) on an existing New Mexico teaching license may add an endorsement in bilingual education by passing a department-required bilingual education licensure examination and completing at least six semester hours in the teaching of bilingual education that addresses the competencies in subsections C through F of 6.64.10.9 NMAC.

I. Any holder of a Native American language and culture certification pursuant to 6.63.14 NMAC may seek to receive a bilingual endorsement in the same Native American language and English by completing a minimum of 12 semester hours in bilingual education, all of which shall be in the

teaching of bilingual education that addresses the competencies described in Section 9 of this rule.

[6.64.10.8 NMAC - Rp, 6.64.10.8 NMAC, 2/10/2026]

6.64.10.9 COMPETENCIES FOR ENTRY-LEVEL BILINGUAL EDUCATION TEACHERS:

A. Language other than English.

(1) The teacher communicates effectively orally and in writing (where the written form is allowed) in the language other than English. For Native American languages, tribal standards shall be used.

(a) The teacher demonstrates at least a minimum of an eighth grade level of proficiency in oral and written language (where the written form exists and is allowed), necessary to deliver content pre K-12 in the language other than English. For Native American languages, tribal standards shall be used.

(b) The teacher demonstrates a high level of accuracy and fluency in spoken language.

(c) The teacher utilizes vocabulary appropriate to a broad range of functions, topics, and genres in speech.

(d) The teacher demonstrates competency as a participant in ordinary social situations in which the language other than English is spoken.

(e) The teacher responds adequately to written material by exercising the processes of comparing, contrasting, categorizing, summarizing, inferring, analyzing, synthesizing, hypothesizing, and evaluating.

(f) The teacher reads with comprehension a broad range of literary forms (folk, technical, classic, etc.) across the content areas.

(g) The teacher writes paragraphs and essays, utilizing formal language models which express original

thought; communicates and accomplishes complete and well-organized ideas; and accomplishes a full set of written functions.

(2) The teacher carries out instruction in content areas of the curriculum to attain the standards and benchmarks for the content area in the language other than English.

B. Culture: Bilingual teachers shall increase and diffuse their knowledge of the internal and external forces of change and how they relate to culture.

(1) The teacher understands and accepts the diversity of behavior involved in multicultural settings.

(2) The teacher develops an ability to demonstrate to the learner the value of cultural diversity.

(3) The teacher prepares and assists students to interact successfully in pluralistic cultural settings.

(4) The teacher recognizes and accepts different patterns of child rearing within and between cultures in order to formulate realistic instructional strategies.

(5) The teacher assists students to maintain and extend identification with and pride in one's cultural heritage and awareness of being part of a larger global coalescence.

(6) The teacher demonstrates knowledge of the monumental (art, literature, architecture, history, civilization, and literary history) and fundamental (food, folklore, customs, and traditions) elements of traditional and modern cultural influences affecting learners.

(7) The teacher recognizes and respects the similarities and differences among many cultures within a pluralistic society.

(8) The teacher demonstrates knowledge of the effects of cultural and socio-economic variables on a student's learning styles.

(9) The teacher accesses, analyzes, evaluates, and applies current research to educate students from linguistically and culturally diverse backgrounds.

(10) The teacher recognizes the culture and history of each student's ancestry.

(11) The teacher recognizes the contributions of the diverse cultural groups to New Mexico and to the United States.

C. English language development.

(1) The teacher recognizes and accepts the standard and dialectal language variety as valid systems of communication, each with its own legitimate functions.

(2) The teacher demonstrates knowledge of the basic nature of language, language acquisition, translanguaging, language variation, language change, and the relations of language to society and culture.

(3) The teacher demonstrates knowledge of the nature of bilingualism and the process of becoming bilingual.

(4) The teacher identifies structural and semantic differences between the student's first and second language, recognizing areas of potential influences of the first language and utilizes this information for instructional purposes.

(5) The teacher uses methods for teaching English as a second language for the English language development of students in all content areas, including the language arts.

D. Instructional methodology.

(1) The teacher demonstrates knowledge of the philosophical, historical, legal, theoretical, and sociological foundations of bilingual education programs, including a knowledge of national, state and local curriculum requirements and standards.

(2) The teacher demonstrates knowledge of major models and prototype of

bilingual and English as a second language programs and components of such programs.

(3) The teacher demonstrates knowledge of theories of first and second language acquisition by utilizing teaching methods appropriate to various language groups, distinct learning styles, and different developmental levels.

(4) The teacher demonstrates knowledge of theories of teaching heritage learners, by utilizing teaching methods appropriate to various language groups, distinct heritage, including New Mexico Spanish heritage language and culture, and different levels of identity development.

(5) The teacher demonstrates knowledge of and uses theories, approaches, methods, and techniques for teaching listening, speaking, reading and writing in two or more languages in the development of literacy, mathematics, social studies, science, art, music and physical education.

(6) The teacher demonstrates curriculum planning and classroom management skills, including procedures for identifying biases and deficiencies in existing curricula and strategies to modify the curriculum to better address student linguistic, cultural and developmental needs in English and the language other than English.

(7) The teacher applies strategies to develop, acquire, adapt, and evaluate materials appropriate to the bilingual/multicultural classroom.

(8) The teacher demonstrates abilities to organize, plan, and teach specific lessons in required curriculum areas using the appropriate terminology in English and the language other than English.

(9) The teacher demonstrates the ability to collaborate with other education professionals in promoting the participation of second language learners in all aspects of schooling.

(10) The teacher explores, evaluates, and uses technology including applications, tools, educational software, and assorted documentation for culturally and linguistically diverse students.

(11) The teacher knows about exceptionalities in learning and can access resources and facilitate inclusive learning for all students.

(12) The teacher demonstrates knowledge of the interconnection of oracy, biliteracy, and multiliteracies.

E. Community/family involvement.

(1) The teacher values family and community involvement for the success of learners and bilingual programs.

(2) The teacher demonstrates a concerned and caring attitude by establishing trusting, mutually sharing relationships with families.

(3) The teacher demonstrates knowledge of the teaching and learning patterns of the student’s home environment and incorporates these into the instructional areas of the program.

(4) The teacher demonstrates ability to involve families in teaching, curriculum development, classroom management, and materials development.

(5) The teacher knows how to act as a catalyst in enhancing the educational skills of second language speaking family members to better assist their children.

(6) The teacher demonstrates ability to move family members from passive observers to active change agents on behalf of their children’s education.

(7) The teacher acquires and uses culturally relevant information and materials from the community for curriculum content and instructional materials.

(8) The teacher understands the importance of encouraging bilingual students as they grow and develop to

become proponents and models of bilingualism in the community.

F. Assessment.

(1) The teacher recognizes potential linguistic and cultural biases of assessment instruments and procedures when prescribing a program for the second language learner.

(2) The teacher assesses oral and written language proficiency in academic areas in both languages, utilizing the results for instructional placement, prescription and evaluation.

(3) The teacher evaluates growth of learner’s first and second language in the context of the curriculum.

(4) The teacher continuously assesses and adjusts instructional language to maximize student comprehension and verbal participation.

G. Professional leadership.

(1) The teacher demonstrates knowledge of the legal issues concerning the education of language-minority children in New Mexico and in the United States.

(2) The teacher demonstrates knowledge of the different theories and philosophies related to bilingual education programs.

(3) The teacher demonstrates knowledge of the history of bilingual education programs.

(4) The teacher demonstrates knowledge of the importance of advocating knowledge of bilingual education among peers, family, and community.

(5) The teacher demonstrates knowledge of current trends related to the education of culturally and linguistically diverse students.

(6) The teacher demonstrates knowledge of the ability to collaborate with all other education professionals.

[6.64.10.9 NMAC - Rp, 6.64.10.9 NMAC, 2/10/2026]

6.64.10.10 IMPLEMENTATION:

Institutions of higher education that prepare teachers shall deliver the competencies in a PED approved endorsement program within a range of 24 semester hours of credit. For secondary, middle level and pre K-12 specialty area licensed teachers, a minimum of 12 semester hours shall be upper division credit.
[6.64.10.10 NMAC - Rp, 6.64.10.10 NMAC, 2/10/2026]

6.64.10.11 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.
[6.64.10.11 NMAC - N, 2/10/2026]

HISTORY OF 6.64.10 NMAC:

6.64.10 NMAC - Competencies for Entry-Level Bilingual Education Teachers, filed 9/29/2000, was repealed and replaced by 6.64.10 NMAC – Bilingual Endorsement, effective 2/10/2026.

REGULATION AND LICENSING DEPARTMENT LANDSCAPE ARCHITECTS, BOARD OF

This is an amendment to 16.44.8 NMAC Sections 8, effective 2/10/2026.

16.44.8.8 FEES:

A. The following is a schedule of fees to be paid by applicant or licensee. All fees are non-refundable:

- (1) Application for licensure \$ 75.00
- (2) Initial registration for landscape architects \$200.00
- (3) Initial certification for landscape architects in training \$150.00

(4)	Annual renewal for landscape architects	\$200.00
(5)	Annual renewal for landscape architects in training	\$150.00
(6)	Duplicate of original certificate	\$35.00
(7)	Replacement certificate, new name	\$35.00
(8)	Mailing list	\$100.00
(9)	Mailing labels	\$125.00
(10)	Verification of registration or certification	\$10.00
(11)	Score verification by CLARB	as required
(12)	L.A.R.E.	as required by CLARB
(13)	Inactive status fee	\$ 100.00
(14)	Reactivation of licensure from inactive status	\$ 200.00
(15)	Copying cost per 8 1/2" x 11" page	\$.30
(16)	Reinstatement of suspended license: Current renewal fees and late fees as assessed	
(17)	Administrative Fee (returned check fee)	\$35.00
(18)	Administrative Licensing (electronic processing fee) per year	\$10.00
B.	Late fees:	
(1)	If the renewal application is not [received or postmarked] completed online by June 30, a late fee of \$100.00 is assessed. If the renewal application is not [received or postmarked] completed online by August 31, an additional late fee of \$100.00 for a total of \$200.00 is assessed.	

(2) A late fee will be assessed if the renewal fee, renewal form, and, when applicable, complete continuing professional education (CPE) requirements are not received [by the board administrator or post marked] by June 30.

(3) If a registrant is approved under an exemption as described in Paragraph (2) and (3) of Subsection C of 16.44.5.9 NMAC, a late fee will not be assessed.
[16.44.8.8 NMAC - Rp 16.44.4.8 NMAC, 9/30/2016, A, 2/10/2026]

**REGULATION
AND LICENSING
DEPARTMENT
LANDSCAPE ARCHITECTS,
BOARD OF**

This is an amendment to 16.4.9 NMAC Section 11, effective 2/10/2026.

16.44.9.11 FAILURE TO RESPOND TO ANY BOARD REQUEST: Failure of a licensee to furnish the board, its investigators, or representatives with information that has been requested within 10 business days of the request is a violation, subject to discipline, including:

A. failure to appear before the board when requested by the board in any disciplinary proceeding; or

B. failure to be in compliance with the Parental Responsibility Act Section 40-5A-3 NMSA 1978 seq.; or

C. fraudulent record keeping; or

D. failure to comply with continuing education audit as defined in 16.44.5 NMAC.
[16.44.9.11 NMAC - N, 2/10/2026]

**REGULATION
AND LICENSING
DEPARTMENT
PHARMACY, BOARD OF**

The New Mexico Board of Pharmacy is approving a repeal of its rule 16.19.34 NMAC – Prescription Drug Donations, filed 01/29/2026 and replaced with 16.19.34 NMAC – Prescription Drug Donations, adopted 1/28/2026 and effective 2/10/2026.

**REGULATION
AND LICENSING
DEPARTMENT
PHARMACY, BOARD OF**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING
CHAPTER 19 PHARMACISTS
PART 34 PRESCRIPTION
DRUG DONATIONS**

16.19.34.1 ISSUING
AGENCY: Board of Pharmacy.
[16.19.34.1 NMAC - Rp, 16.19.34.1, 2/10/2026]

16.19.34.2 SCOPE: This section applies to eligible recipients involved in the donation and redistribution of unused prescription drugs.
[16.19.34.2 NMAC - Rp, 16.19.34.2, 2/10/2026]

16.19.34.3 STATUTORY AUTHORITY: Section 26-1-3.2 of the New Mexico Drug, Device and Cosmetic Act mandates the Board of Pharmacy to establish rules for the safe redistribution of unused prescription drugs.
[16.19.34.4 NMAC - Rp, 16.19.34.3, 2/10/2026]

16.19.34.4 DURATION: Permanent.
[16.19.34.4 NMAC - Rp, 16.19.34.4, 2/10/2026]

16.19.34.5 EFFECTIVE DATE: February 10, 2026, unless a different date is cited at the end of a section.
[16.19.34.5 NMAC - Rp, 16.19.34.5, 2/10/2026]

16.19.34.6 OBJECTIVE:
The objective of Part 34 of Chapter 19 is to ensure the safe donation and redistribution of unused prescription drugs by establishing standards and procedures for accepting, storing, packaging, labeling, inspecting, record keeping and disposal.
[16.19.34.6 NMAC - Rp, 16.19.34.6, 2/10/2026]

16.19.34.7 DEFINITIONS:
A. "Board" means the New Mexico board of pharmacy.

B. "Donor" means a person, including persons from other states, who donates unused prescription drugs to an eligible recipient for the purpose of redistribution to patients.

C. "Eligible drug" means an unused, unexpired prescription drug stored in a tamper-evident container, or by a tamper-evident process preventing unauthorized access, that the eligible recipient has inspected and has no reason to believe was improperly handled, stored, adulterated or is unsuitable for redistribution.

D. "Eligible recipient" means a person who registers with the board to participate in the collection of donated drugs and is:

(1) licensed pursuant to Section 61-11-14 NMSA 1978 to receive and distribute prescription drugs;

(2) a health care facility licensed by the health care authority pursuant to the Health Care Code Section 24A NMSA 1978; or

(3) a practitioner licensed in New Mexico to prescribe prescription drugs.

E. "Ineligible drug" means controlled substances, or any prescription medication that is subject to a Risk Evaluation and Mitigation Strategy (REMS) under Section 505-1, 21 USC 355-1 of the Federal Food Drug and Cosmetic Act unless in compliance with all applicable REMS requirements, including being accompanied by a MedGuide (as set forth in Title 34 CFR, Subsection 208), or patient package insert (PPI).

F. "Patient" means an individual who voluntarily receives donated prescription drugs.

G. "Prescription drug" means any drug required by federal or state law to be dispensed only by a prescription, including food and drug administration (FDA)-approved drugs labeled for investigational use.

H. "Tamper-evident" means a device or process that makes unauthorized access to protected pharmaceutical packaging easily detected.

I. "REMS" means risk evaluation and mitigation strategy.
[16.19.34.7 NMAC - Rp, 16.19.34.7, 2/10/2026]

16.19.34.8 PROCEDURES:

Eligible recipients must adhere to procedures for accepting and redistributing donated prescription drugs, including refrigerated drugs, consistent with public health and safety standards. Any person, including persons from other states, may donate unexpired and unused prescription drugs to an eligible recipient, and an eligible recipient may accept and redistribute the donated prescription drugs in accordance with board rules. An eligible recipient may dispense or administer prescription drugs to a patient only if otherwise permitted by law. Donated prescription drugs shall only be redistributed to a patient if the drugs will not expire before the patient is able to completely use the drugs, based on the directions for use given by the patient's prescribing health care professional

A. Before accepting donated prescription drugs the eligible recipient shall:

(1) register with the board as an eligible recipient;

(2) identify drug as eligible or ineligible prior to accepting the donated drug into inventory;

(a) ineligible drugs may not be accepted for donation;

(b) single unit doses that consist of two or more separately manufactured drug products may not be separated and repackaged. This restriction does not apply to finished, manufactured combination drug products that contain multiple active ingredients in a single dosage form;

(c) drugs packed in single unit doses may be accepted and redistributed when the outside packaging is opened if the single unit dose packaging is undisturbed;

(d) specialty medication delivered to a facility or practitioner that cannot administer or distribute to the patient originally dispensed for may be donated and redistributed if the medication was stored properly and kept under restricted access to prevent tampering or adulteration.

B. Storage: Comply with the manufacturer's storage requirements per the drug monograph.

C. Labeling prior to redistribution:
(1) Remove previous patient information.
(2) Comply with FDA and state labeling requirements.

D. Redistribution:
(1) Comply with all applicable federal and state laws that deal with the inspection, storage, labeling and redistribution of donated prescription drugs.

(2) Examine the donated prescription drug to determine that it has not been adulterated or misbranded and certify that the drug has been stored in compliance with the requirements of the product.

(3) Have all patients receiving donated prescription drugs read and electronically or physically sign the patient form.

(4) Prescription or order required:
(a) A prescription is required for an eligible recipient pharmacy to dispense donated prescription drug to a patient.

(b) A practitioner may redistribute donated prescription drug to their own patient pursuant to a valid patient-practitioner relationship with records maintained consistent with the standard of care and as required by this part.

(5) Comply with all applicable REMS requirements, including:

- (a) registration and reporting;
- (b) provide patient with MedGuide or PPI

E. Inspection:

Determine that the donated prescription drugs are in tamper-evident packaging, unadulterated, unexpired, and safe and suitable for redistribution.

- (1) When inspecting packaging ensure:
 - (a) tamper-evident packaging is intact;
 - (b) there are no breaks, cracks or holes in packaging;

(c) consistency of information, such as expiration date and lot number on inner and outer packaging, if applicable.

- (2) When inspecting liquids observe, if possible, without removing tamper evident primary container seal:

- (a) color;
- (b) thickness;
- (c) unusual particles;
- (d) transparency;
- (e) odor.

- (3) When inspecting tablets or capsules observe and confirm uniformity, if possible, without removing tamper evident primary container seal:

- (a) color;
- (b) shape;
- (c) unusual spots;
- (d) texture;

- (e) odor;
- (f) imprint or markings;

(g) physical damage, cracks, breaks, erosion, abrasion.

F. Payment, handling

fee: A handling fee not to exceed the reasonable costs of participating in the collection of donated prescription drugs may be charged to the patient by the eligible recipient to cover the costs of inspecting, storing, labeling and redistributing the donated prescription drug. Prescription drugs donated under this part shall not be resold, and donors may be reimbursed only for reasonable, donation-related costs, including shipping and logistics.

G. Interstate

Participation: A properly licensed eligible recipient pharmacy operating in another state may participate in the activities described under this part and may dispense donated drugs to patients in this state in compliance with state and federal laws, unless compliance would violate the laws of the resident state.

H. Transfer and

Repackaging: Notwithstanding any other law or rule, an eligible recipient pharmacy may:

- (1) Transfer donated prescription drugs to another eligible recipient pharmacy. The receiving pharmacy must maintain records of the transfer. Any subsequent transfer of a donated prescription drug must include pedigree records tracing to the original eligible recipient. The transferring pharmacy may assess a handling fee not to exceed the reasonable costs of transferring the drug.

- (2) Repackage donated prescription drugs as necessary for storage, dispensing, administration, or transfers in accordance with this part.

- (3) Repackaged prescription drugs shall be labeled with the drug name, strength, and expiration date. If multiple packaged donated

prescription drugs with varied expiration dates are repackaged together for dispensing, the shortest expiration date shall be used.

I. An eligible

recipient that engages in sales or other monetary transactions for prescription drugs shall keep donated drug inventory in a manner that distinguishes them physically or electronically from non-donated inventory.

J. The donation,

transfer, receipt or facilitation of donation, transfer, and receipt of prescription drugs under this part is not wholesale distribution and shall not require a wholesale distributor license.

[16.19.34.8 NMAC - Rp, 16.19.34.8, 2/10/2026]

16.19.34.9 RECORD

KEEPING: Eligible recipients shall maintain records of receipt and redistribution for three years.

A. Receipt records:

(1) donor verification that the prescription drug is voluntarily donated, was properly stored, the container has not been opened or tampered with, and the drug has not been adulterated or misbranded;

(2) date of donation;

(3) name, address and telephone number of donor;

(4) name, strength and quantity of the drug;

(5) drug manufacturer;

(6) drug expiration date;

B. Redistribution records, patient form:

(1) Prior to the initial dispensing of a donated prescription drug, a patient will electronically or physically sign a form that specifies:

- (a) knowledge that the donor took reasonable care of the donated prescription drug;

- (b) knowledge that the donated

prescription drug has been inspected and there is no reason to believe that the donated prescription drug was improperly handled or stored;

(c)

that any person who exercises reasonable care in donating, accepting or redistributing pursuant to Section 26-1-3.2 NMSA 1978 shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss;

(d)

that the immunity provided by Section 26-1-3.2 NMSA 1978 shall not decrease or increase the civil or criminal liability of a drug manufacturer, distributors or dispenser that would have existed but for the donation;

(2) Patients

receiving donated prescription drugs from an eligible recipient that predominantly dispenses donated prescription drugs shall be required to sign the form only at their initial dispense.

C. Custodial care facility, licensed facility or clinic as donor:

(1) A custodial

care facility or licensed facility as defined in 16.19.11.7 NMAC, or clinic as defined in 16.19.10.7 NMAC that engages in donation shall maintain records that include:

(a)

date of donation;

(b)

entity the drug was donated to;

(c)

patient name, as applicable;

(d)

drug name, strength, dosage form, and quantity;

(e)

date dispensed, as applicable;

(f)

prescription number, as applicable;

(g)

dispensing pharmacy name, as applicable

(2) This record will be maintained for three years.

(3) The

consultant pharmacist will be responsible for donation oversight.

D. A donor or eligible recipient may contract with one another or a third-party to create or maintain records on each other's behalf. An identifier, such as a serial number or barcode, may be used in place of any or all information required by a record or label under this section if it allows for such information to be readily retrievable. Upon request by a state or federal regulator the identifier used for requested records shall be replaced with the original information. An identifier shall not be used on patient labels when dispensing or administering a drug.

E. All records and forms required by this Section may be in electronic form.

F. All records required under this part will be available for inspection by the board.
[16.19.34.9 NMAC - Rp, 16.19.34.9, 2/10/2026]

16.19.34.10 LIABILITY:

A. Any person who exercises reasonable care in donating, accepting or redistributing prescription drugs pursuant to this part shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss.

B. The immunity provided by this part shall not decrease or increase the civil or criminal liability of a drug manufacturer, distributor or dispenser that would have existed but for the donation.

C. A manufacturer shall not be liable for failure to transfer or communicate product consumer information or the expiration date of the donated prescription drug pursuant to this part.

D. This part does not restrict the authority of an appropriate government agency to regulate or ban the use of any prescription drugs.
[16.19.34.10 NMAC - Rp, 16.19.34.10, 2/10/2026]

16.19.34.11 ELIGIBLE RECIPIENTS:

A. Eligible recipients

must submit the required application provided by the board to obtain eligibility for participation.

B. The board may remove at any time eligible recipients from participating in prescription drug donation activities should they fail to comply with this part.

C. The board shall maintain and publish a current listing of eligible recipients – the board's online license lookup function shall fulfill this requirement.
[16.19.34.11 NMAC - Rp, 16.19.34.11, 2/10/2026]

16.19.34.12 DISPOSAL:

Eligible recipients may dispose of unused donated prescription drugs, that were not redistributed, in accordance with state and federal requirements. A record of such disposed prescription drugs shall consist of the disposal method, the date of disposal, and the name, strength, and quantity of each drug disposed.

[16.19.34.12 NMAC - Rp, 16.19.34.12, 2/10/2026]

16.19.34.13 RECALLS:

Eligible recipients shall monitor FDA recalls, market withdrawals, and safety alerts and will communicate with patients if medications they received may be impacted by this FDA action. Prescription drugs listed in a recall notice are considered recalled unless an affixed lot number demonstrates they are excluded.

[16.19.34.13 NMAC - Rp, 16.19.34.13, 2/10/2026]

HISTORY OF 16.19.34 NMAC: [RESERVED]

History of Repealed Material:

16.19.34 NMAC, Prescription Drug Donations filed 11/27/2011, was repealed and replaced, effective 2/10/2026.

REGULATION AND LICENSING DEPARTMENT PHARMACY, BOARD OF

This is an amendment to 16.19.4 NMAC, Section 11 effective 2/10/2026.

16.19.4.11 CONSULTANT PHARMACIST:

A. Duties and responsibilities:

(1) To abide by the code of ethics of the *American Society of Consultant Pharmacists*. Must be qualified to practice as a consultant pharmacist and is to be aware of all federal and state drug laws, rules and regulations related to pharmacy services, and to provide the facility with current information pertaining to drug service.

(2) Ensure that drugs are handled in the facility in which he/she is the consultant pharmacist, in a manner that protects the safety and welfare of the patient.

(3) Set the policies and procedures in the facility as related to all facets of drug handling and distribution; these policies and procedures to be reviewed and updated on an annual basis.

(4) To visit the facility, commensurate with their duties, as specified by board regulations relative to the facility or by written contract with the administration of the facility not inconsistent with board regulations.

(5) His/her primary goal and objective shall be the health and safety of the patient, and he/she shall make every effort to assure the maximum level of safety and efficacy in the provision of pharmaceutical services.

(6) The consultant pharmacist shall not condone or participate in any transaction with any practitioner of another health profession, or any other persons whosever under which fees are divided, or rebates or kickbacks paid or caused to be paid, or which may result in financial exploitation of patients or their families in connection with the provision of drugs and medication or supplies or pharmaceutical services.

B. Consultant pharmacist serving skilled nursing facilities and intermediate care facilities - upper level care - long term care facilities by any other title:

(1) The consultant pharmacist's agreement with the facility shall include but is not limited to the following duties and responsibilities.

(a) Serve as a member of appropriate committees, and attend these meetings.

(b) Development of the drug control procedures manual.

(c) Monitor on a routine basis all aspects of the total drug distribution system - to be accomplished in a manner designed to monitor and safeguard all areas of the drug distribution system.

(d) Maintain active pharmacist status registration in the state.

(e) Assume responsibility for the destruction or removal of unwanted dangerous drugs and any controlled substances as prescribed by law and regulations.

(f) Maintain a log of all visits and activities in the facility indicating dates and other pertinent data; such logs are to be available to inspection by state drug inspectors upon request.

(g) Furnish and replenish emergency drug supply in acceptable containers. Maintain a log of use and replacement of drugs in the emergency tray.

(h) Make routine inspections of drug storage areas, patient health records, and review drug regimen of each patient at least once a month. Report irregularities, contraindication, drug interactions, etc., to the medical staff.

(i) Provide or make arrangements for provision of pharmacy services to the facility on a 24-hour, seven days a week basis, including stat orders.

(j) Provide in-service training of

staff personnel as outlined in the procedures manual.

(k) Meet all other responsibilities of a consultant pharmacist as set forth in the board regulations and federal or state laws and which are consistent with quality patient care.

(l) The contract consultant pharmacist to a SNF or ICF facility, that is required to review patients' drug regimen as set forth in Subparagraph (h) of Paragraph (1) of Subsection B of 16.19.4.11 NMAC, who is under contract as sole supplier of unit-doses/state of the art medications, shall be exempt from charges of unprofessional conduct under Paragraph (10) of Subsection B of 16.19.4.9 NMAC.

(m) **Return to pharmacy stock:** The consultant pharmacist to a [~~SNF or ICF~~] facility who delivers drugs in a unit-dose system, [~~approved by an agent of the board,~~] which is a tightly sealed, unopened, individual dose, shall be exempt from the requirements of 16.19.6.14 NMAC pursuant to this subparagraph. The regulation shall not prohibit the return to the pharmacy stock, where partial credit may be given in accordance with any federal or state law or regulation, to the patient for such medication, when the physician discontinues the drug therapy, the patient expires or for any other reason, other than an outdated drug, subject to the following:

(i) Patient medication packages with more than one drug within a container may not be returned.

(ii) No controlled substance may be returned.

(iii) Non-Institutional: A patient medication package stored in a non-institutional setting where there is no assurance of storage standards may not be returned.

(iv) A patient medication package with only one drug within a container stored in an institutional setting where the storage and handling of the drugs

are assured and are consistent with the compendia standards may be returned to the pharmacy stock provided that: the drug is kept within the sealed and labeled patient medication package until dispensed; if the drug is repackaged using a process that involves heat, the expiration date of drug shall become fifty percent of the time left of the expiration for the drug; and proper record keeping for the addition of drugs into inventory must be done.

(n)

Customized patient medication packages: In lieu of dispensing one, two, or more prescribed drug products in separate containers or standard vial containers, a pharmacist may, with the consent of the patient, the patient’s caregiver, the prescriber, or the institution caring for the patient, provide a customized patient medication package. The pharmacist preparing a patient medication package must abide by the guidelines as set forth in the current edition of the United States Pharmacopoeia for labeling, packaging and record keeping.

(o)

Repackaging of patient medication packages: In the event a drug is added to or discontinued from a patient’s drug regimen, when a container within the patient medication package has more than one drug within it, the pharmacist may repackage the patient’s patient medication package and either add to or remove from the patient medication packaged as ordered by the physician. The same drugs returned by the patient for repackaging must be reused by the pharmacist in the design of the new patient medication package for the new regimen, and any drug removed must either be destroyed, returned to the DEA or returned to the patient properly labeled.

[(p) —

Return of patient medication package drugs:

(i)

~~Patient medication packages with more than one drug within a container may not under any circumstances be returned to a pharmacy stock.~~

(ii)

~~Patient medication packages with only one drug within a container: 1 Non-Institutional: A patient medication package stored in a non-institutional setting where there is no assurance of storage standards may not be returned to pharmacy stock. 2 Institutional: A patient medication package stored in an institutional setting where the storage and handling of the drugs are assured and are consistent with the compendia standards may be returned to the pharmacy stock provided the following guidelines are followed: (1) the drug is to be kept within the patient medication package and it is to remain sealed and labeled until dispensed; (2) the expiration date of drug shall become fifty percent of the time left of the expiration for the drug; and (3) no schedule II - V drugs may be returned to inventory; and (4) proper record keeping for the addition of drugs into inventory must be done.]~~

(2) When a

consultant pharmacist enters into a written contractual agreement with a facility to which he/she will provide service.

(a)

The consultant pharmacist whose practice is not in the immediate vicinity of the facility for which he has entered into a written service agreement, shall have a written agreement with a local pharmacist to be available on any emergency basis. The consultant pharmacist shall be responsible for the proper training and instruction of such local pharmacist. Said local pharmacist shall be known as a “co-consultant”. The vendor shall be responsible for the safety and efficacy of back-up pharmaceutical services he provides.

(b)

A copy of these agreements must be filed with the facility and a copy maintained by the consultant pharmacist. Any termination of such agreement shall be reported in writing, within 10 days, of termination to the administrator.

(c)

Should a local pharmacist (co-consultant) not be available, the consultant pharmacist must provide

an alternative procedure approved by the board. If the consultant is also the vendor, then such alternative procedure must reasonably assure rapid delivery of drugs; medical supplies and pharmacy service to the facility.

C. Consultant pharmacist - clinic facility:

(1) The

consultant pharmacist providing services to a clinic shall.

(a)

Assume overall responsibility for clinic pharmaceutical services, for clinic facility supportive personnel, and for procedures as outlined in the procedures manual, including all records of drugs procured, administered, transferred, distributed, repackaged or dispensed from the clinic.

(b)

Assume responsibility for the destruction or removal of unwanted or outdated dangerous drugs, including controlled substances, as required by laws and regulations.

(c)

Develop the pharmaceutical services procedures manual for the clinic establishing the system for control and accountability of pharmaceuticals.

(d)

Provide in-service education and training to clinic staff, as applicable.

(e)

Report in writing to the board within 10 days, any termination of services to the clinic.

(f)

Comply with all other provisions of Part 10, limited drug clinics, as applicable to the individual clinic facility.

(g)

The consultant pharmacist shall personally visit the clinic on the minimum basis described in Items (i) through (v) of this Subparagraph to ensure that the clinic is following set policies and procedures. Visitation schedules are as follows.

(i)

Class A clinics shall have the on-site services of a consultant pharmacist for the dispensing or distribution of dangerous drugs. The

consultant pharmacist shall comply with Paragraphs (4), (5) and (7) of Subsection A of 16.19.4.16 NMAC of this regulation.

(ii)

Class B clinics shall have the services of a consultant pharmacist as listed below: 1. Category 1 clinics shall be visited by the consultant pharmacist at least every other month. 2. Category 2 clinics shall be visited by the consultant pharmacist at least monthly. 3. Category 3 clinics shall be visited by the consultant pharmacist at least every other week.

(iii)

Class C clinics shall be visited by the consultant pharmacist at least every three months.

(iv)

Class D clinic shall be reviewed at least once yearly during school session.

(v)

Class E clinic shall be visited by the consultant pharmacist at least weekly for a clinic with a patient census of 150 or more or with a mobile narcotic treatment program, and at least every other week for a clinic with a patient census of less than 150.

(h)

The consultant pharmacist shall review the medical records of not less than five percent of a Class B clinics patients who have received dangerous drugs (as determined by the dispensing or distribution records) since the consultant pharmacist's last visit. Such review shall be for the purpose of promoting therapeutic appropriateness, eliminating unnecessary drugs, and establishing the medical necessity of drug therapy, by identifying over-utilization or under-utilization, therapeutic duplication, drug-disease contraindications, drug-drug contraindications, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, appropriate medication indication, and/or clinical abuse/misuse. Upon recognizing any of the above, the consultant pharmacist shall take appropriate steps to avoid or resolve the problem which shall, if necessary, include consultation with the prescriber.

(i)

The consultant pharmacist shall maintain a log or record of all visits and activities in the clinic. Such record shall include a log of all medical records reviewed, along with a record of all consultant pharmacist interventions and/or consultations. This log or record shall be available for inspection by state drug inspectors upon request.

(j)

Consultant pharmacist serving a Class D school based emergency medicine clinic shall:

(i)

review records at least annually; this review shall include a review of the *self-assessment form*, receipt and disposition records, and storage records; this annual review does not require an on-site visit by the consultant pharmacist;

(ii)

oversee the removal of expired or unwanted dangerous drugs; removal options are transfer to another licensed location, return to the legitimate source of supply or to a reverse distributor; remaining portions of used dangerous drugs may be destroyed by the consultant pharmacist;

(iii)

review dangerous drug administration records within 72 hours of administration; this review shall be documented and available for inspection at the licensed location for three years; review shall include verification of compliance with procedures and protocols, including administration by properly trained personnel.

(iv)

ensure required records are available for inspection at the licensed location for three years, including a log of comments and activities of consultant pharmacist;

(v)

verify a current list of trained staff, in accordance with New Mexico department of health requirements, is maintained at the licensed location and available for inspection;

(vi)

approve a policy and procedures

manual outlining procedures for the receipt, storage, record keeping, administration and accountability of all dangerous drugs; this includes policies and procedures for the removal and destruction of unwanted, unused, outdated or recalled dangerous drugs; must verify compliance with all training and protocols required by the New Mexico department of health.

(k)

The consultant pharmacist of a Class E clinic shall review dispensing, distribution, and supplying records since the consultant pharmacist's last visit, to ensure records are maintained accurately and in proper form. The consultant pharmacist shall also review the medical records of all clinic patients prior to initiation of take home dosing, and medical records of not less than five percent of clinic patients who have received dangerous drugs (as determined by the dispensing, distribution, or supplying records) since the consultant pharmacist's last visit. Such review shall be for the purpose of promoting therapeutic appropriateness, eliminating unnecessary drugs, and establishing the medical necessity of drug therapy, by identifying over-utilization or under-utilization, therapeutic duplication, drug-disease contraindications, drug-drug contraindications, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, appropriate medication indication, and/or clinical abuse/misuse. Upon recognizing any of the above, the consultant pharmacist shall take appropriate steps to avoid or resolve the problem which shall, if necessary, include consultation with the prescriber. A log or record will be maintained in accordance with Subparagraph (i) of Paragraph (1) of Subsection (C) of 16.19.4.11 NMAC.

(2)

A clinic may petition the board for an alternative visitation schedule as set forth in Subsection R of 16.19.10.11 NMAC

D. Consultant pharmacists serving custodial care facilities:

(1) Custodial care facility as used in this regulation includes: Any facility or business, including non-profit entity which provides retirement care, mental care or other facility that provides extended health care to patients.

(2) Any facility which meets the requirements outlined in Paragraph (1) of Subsection D of 16.19.4.11 NMAC shall be licensed by the board, engage a consultant pharmacist, whose duties and responsibilities are indicated in 16.19.4 and 16.19.11 NMAC.

(3) Procurement of drugs or medications for residents will be on the prescription order of a licensed practitioner. Refills shall be as authorized by the practitioner. When refill authorization is indicated on the original prescription, a refill for a resident may be requested by the administrator of the licensed facility or his designee to the providing pharmacy.

(4) The administrator or a designated employee of the facility will sign a receipt for prescription drugs upon delivery.

(5) All prescription drugs will be stored in a locked cabinet or room and the key will be assigned to a designated employee or the administrator as indicated in the procedures manual.

(6) Proper storage as stipulated in the official compendium USP/NF will be the responsibility of the licensed facility.

(7) Records - the consultant pharmacist shall be responsible for the following records:

(a) incoming medications - including refills;

(b) record of administration;

(c) waste or loss; This accountability record shall be maintained on a patient log, on forms meeting requirements of the board of pharmacy.

(8) All prescription containers shall be

properly labeled as required in 16.19.11 NMAC. No bulk containers of legend drugs will be kept on the premises, except in a facility with a 24-hour per day and 365 day per year on-site licensed nurse. Only the following stock dangerous drugs may be kept:

(a) tuberculin testing solution; [and]

(b) vaccines [as recommended by the centers for disease control (CDC) and prevention's advisory committee on immunization practices and] appropriate for the facility population served; [and]

(c) [naloxone] opioid antagonist for opioid overdose; [and]

(d) epinephrine standard-dose and pediatric-dose auto-injectors or nasal spray;

(e) authorized dangerous drugs for medically monitored withdrawal management pursuant to 16.19.11.9 NMAC.

(9) Consultant pharmacist shall include in the procedures manual the name of individual(s) responsible for the assistance with medications.

(10) It shall be the responsibility of the pharmacist to give proper training/instruction to the person(s) at the facility who have day-to-day responsibility for receipt and administration of medications to resident when adverse reactions, special diet, or any other information relative to the administration of a drug is needed by the staff.

(11) The consultant pharmacist shall be required to maintain a patient profile on each individual, if applicable to the facility and individual.

(12) The consultant pharmacist shall visit the facility no less than once a quarter or more often, commensurate with patient drug regimen review and shall be available in emergencies, when needed. A log shall be maintained indicating all visits to the facility and noting any activities or irregularities

to be recorded or reported. This log shall be available for state drug inspectors' review upon request.

(13) The consultant shall be responsible for the preparation of a procedures manual outlining procedures for the receipt, storage, record keeping, maintenance of patient profiles, administration and accountability of all legend drugs and procedures for the removal and destruction of unwanted, unused, outdated or recalled drugs - controlled substances shall be handled pursuant to state and federal regulations.

E. ~~[No drug that has been dispensed pursuant to a prescription and has left the physical premises of the facility licensed by the board shall be dispensed or reused again except the re-labeling and reuse of pharmaceuticals may be permitted in the following situations:~~ in a correctional facility, licensed by the board, under the following circumstances dangerous drugs, excluding controlled substances, may be re-used:

~~(1) the patients must reside in the same facility;~~

~~(2) the reused medication must have been discontinued from the original patient's drug regimen;~~

~~(3) the drug was never out of the possession of the licensee "keep on person" pharmaceuticals may never be reused;~~

~~(4) the drugs were originally dispensed in packaging that is unopened, single-dose or tamper-evident containers;~~

~~(5) the patient receiving the re-labeled medication must have a valid prescription/ order for the medication that is to be reused;~~

~~(6) repackaging and re-labeling may only be completed on site by the consultant pharmacist designated for that facility.] Repackaging, relabeling and reuse in correctional facilities: Prescription drugs (excluding~~

controlled substances) dispensed to patients residing in the same correctional facility may be relabeled and reused for another patient in the same facility only if:

- (1) The drug was discontinued from the original patient;
- (2) The drug was never out of possession of the licensee;
- (3) "Keep on person" drugs are excluded;
- (4) Drugs must be in unopened, single-dose, or tamper-evident packaging;
- (5) The patient receiving the relabeled medication must have a valid prescription/order for the medication being reused;
- (6) Recordkeeping, labeling, and if repackaged using heat, Fifty percent expiration dating rules apply.
- (7) Process must be completed onsite by the consultant pharmacist;

F. The consultant pharmacist must maintain records at the facility for three years containing the following information:

- (1) date when the re-labeling occurred;
- (2) the name and ID of the patient for whom the medication was originally intended for and the date in which it was discontinued from his or her drug regimen;
- (3) the name and ID of the patient who will receive the reused medication;
- (4) the name, strength and amount of the medication being reused;
- (5) the name of pharmacist re-labeling the medication;
- (6) pursuant to 16.19.10.11 NMAC the pharmacist must label the reused pharmaceutical and maintain a dispensing log for all such re-issued pharmaceuticals and the expiration date for such re-issued drugs shall be no greater than fifty percent of the time remaining from the date of repackaging until

the expiration date indicated on the original dispensing label or container. [8/27/1990; 16.19.4.11 NMAC - Rn, 16 NMAC 19.4.11, 3/30/2002; A, 6/30/2006; A, 10/24/2014; A, 15/07/2015; A, 11/30/2021; A, 9/13/2022; A, 5/07/2024; A, 8/12/2025; A, 2/10/2026]

**REGULATION
AND LICENSING
DEPARTMENT
PHARMACY, BOARD OF**

This is an amendment to 16.19.26 NMAC, Section 3, 7, 9, 10, 11, 12, 13, and 14 effective 2/10/2026.

16.19.26.3 STATUTORY AUTHORITY: Paragraph (1) of Subsection A of Section 61-11-6 NMSA 1978 authorizes the board of Pharmacy to adopt, regularly review and revise rules and regulations necessary to carry out the provisions of the Pharmacy Act. Paragraph (7) of Subsection A of Section 61-11-6 NMSA 1978 gives the board authority to enforce the provisions of all laws of the state pertaining to the distribution of drugs. [~~Under the Pharmacist Prescriptive Authority Act, Sections 61-11B-1 to 61-11B-3 NMSA 1978, the board is required to establish regulations governing certification as a pharmacist clinician.~~] Paragraph (19) of Subsection A of Section 61-11-6 NMSA 1978 authorizes the board to adopt rules and protocols for the prescribing of dangerous drug therapy. [16.19.26.3 NMAC - N, 12/15/2002; A, 5/25/2021; A, 2/10/2026]

16.19.26.7 DEFINITIONS:

- A. "Antigen"** means a substance recognized by the body as being foreign; it results in the production of specific antibodies directed against it.
- B. "Antibody"** means a protein in the blood that is produced in response to stimulation by a specific antigen.
- C. "Immunization"** means the act of inducing antibody formation, thus leading to immunity.

D. "Vaccine" means a specially prepared antigen, which upon administration to a person, will result in immunity.

E. "Vaccination" means the administration of any antigen [~~in order~~] to induce immunity; is not synonymous with immunization since vaccination does not imply success.

F. "Written protocol" means a physician's order, standing delegation order, or other order or protocol as defined by rule of the New Mexico board of pharmacy.

G. "Emergency contraception drug therapy" means the use of a drug to prevent pregnancy after intercourse.

H. "Tobacco cessation drug therapy" means the use of therapies, which may include drugs to assist in quitting any form of tobacco use.

I. "Hormonal contraception drug therapy" means the use of hormonal therapies to prevent pregnancy, and formulary products delineated in the written contraception protocol approved by the board (e.g. progestin receptor modulator approved by the United States food and drug administration for emergency contraception). [16.19.26.7 NMAC - N, 12/15/2002; A, 7/15/2004; A, 6/9/2017; A, 5/25/2021; A, 2/10/2026]

16.19.26.9 VACCINES:

A. Protocol:
(1) Prescriptive authority for vaccines shall be exercised solely in accordance with the written protocol for vaccine prescriptive authority approved by the board.

(2) Any pharmacist exercising prescriptive authority for vaccines must maintain a current copy of the protocol for vaccine prescriptive authority approved by the board.

B. Education and training:

(1) The pharmacist must successfully complete a course of training, accredited by the accreditation

council for pharmacy education (ACPE), provided by:

- (a) the centers for disease control and prevention (CDC); or
- (b) a similar health authority or professional body approved by the board.
- (2) Training must include study materials, hands-on training and techniques for administering vaccines, comply with current [CDC guidelines] board-approved protocol, and provide instruction and experiential training in the following content areas:
 - (a) mechanisms of action for vaccines, contraindication, drug interaction, and monitoring after vaccine administration;
 - (b) standards for pediatric, adolescent, and adult immunization practices;
 - (c) basic immunology and vaccine protection;
 - (d) vaccine-preventable diseases;
 - (e) recommended pediatric, adolescent, and adult immunization schedule;
 - (f) vaccine storage management;
 - (g) biohazard waste disposal and sterile techniques;
 - (h) informed consent;
 - (i) physiology and techniques for vaccine administration;
 - (j) pre and post-vaccine assessment and counseling;
 - (k) immunization record management;
 - (l) management of adverse events, including identification, appropriate response, documentation and reporting;
 - (m) reimbursement procedures and vaccine coverage by federal, state and local entities.

(3) Continuing education: Any pharmacist exercising prescriptive authority for vaccines shall complete a minimum of [0-2]0.1 CEU of live ACPE approved vaccine related continuing education every two years. [~~Such continuing education shall be in addition to requirements in 16.19.4.10 NMAC.~~]

(4) Basic life support/cardiopulmonary resuscitation (BLS/CPR): Any pharmacist exercising prescriptive authority for vaccines shall complete and have current live BLS/CPR certification.

C. Authorized drugs:

(1) Prescriptive authority shall be limited to those drugs and vaccines delineated in the written protocol for vaccine prescriptive authority approved by the board, and;

(2) Other vaccines as determined by the CDC, the advisory committee on immunization practices (ACIP) or New Mexico department of health that may be required to protect the public health and safety

D. Records:

(1) The prescribing pharmacist must generate a written or electronic prescription for any dangerous drug authorized.

(2) Informed consent must be documented in accordance with the written protocol for vaccine prescriptive authority approved by the board and a record of such consent maintained in the pharmacy for a period of at least three years.

E. Notification:

Upon signed consent of the patient or guardian the pharmacist shall update the New Mexico department of health immunization program's electronic database (NMSIIS) of any vaccine administered.
 [16.19.26.9 NMAC - N, 12/15/2002; 16.19.26.9 NMAC - Rn, 16.19.26.8 NMAC & A, 7/15/2004; A, 1/31/2007; A, 9/6/2015; A, 5/25/2021; A, 2/10/2026]

[16.19.26.10 NMAC - N, 12/15/2002; 16.19.26.10 NMAC - Rn, 16.19.26.9

NMAC & A, 7/15/2004; A, 9/6/2015; Repealed, 5/25/2021]

16.19.26.10 TOBACCO CESSATION DRUG THERAPY:

A. Protocol:

(1)

Prescriptive authority for tobacco cessation drug therapy shall be exercised solely in accordance with the written protocol for tobacco cessation drug therapy approved by the board.

(2) Any

pharmacist exercising prescriptive authority for tobacco cessation drug therapy must maintain a current copy of the written protocol for tobacco cessation drug therapy approved by the board.

B. Education and training:

(1) The

pharmacist must successfully complete a course of training, accredited by the accreditation council for pharmacy education (ACPE), in the subject area of tobacco cessation drug therapy provided by:

(a)

the department of health;

(b)

health and human services; or

(c)

a similar health authority or professional body approved by the board.

(2) Training

must include study materials and instruction in the following content areas:

(a)

mechanisms of action for contraindications, drug interactions, and monitoring cessation;

(b)

current standards for prescribing tobacco cessation drug therapy;

(c)

identifying indications for the use of tobacco cessation drug therapy;

(d)

interviewing patient to establish need for tobacco cessation drug therapy;

(e)

counseling patient regarding the safety, efficacy and potential adverse

effects of drug products for tobacco cessation;

(f) evaluating patient’s medical profile for drug interaction;

(g) referring patient follow-up care with primary healthcare provider;

(h) informed consent;

(i) record management;

(j) management of adverse events, including identification, appropriate response, documentation and reporting;

(k) reimbursement procedures and tobacco cessation drug therapy and education coverage by federal, state and local entities.

(3) Continuing education: Any pharmacist exercising prescriptive authority for tobacco cessation drug therapy shall complete a minimum of [0.2] 0.1 CEU of ACPE approved tobacco cessation drug therapy related continuing education every two years. [~~Such continuing education shall be in addition to requirements in 16.19.4.10 NMAC.~~]

C. Authorized drugs:
(1)

Prescriptive authority shall be limited to tobacco cessation drug therapy including prescription and non-prescription therapies.

(2) Prescriptive authority for tobacco cessation drug therapy shall be limited to those drugs delineated in the written protocol approved by the board.

D. Records:

(1) The prescribing pharmacist must generate a written or electronic prescription for any dangerous drug authorized.

(2) Informed consent must be documented in accordance with the approved protocol for tobacco cessation drug therapy and a record of such consent maintained in the pharmacy for a period of at least three years.

E. Notification: Upon signed consent of the patient, the

pharmacist shall notify the patient’s designated physician or primary care provider of tobacco cessation drug therapy prescribed.

[16.19.26.11 NMAC – N, 7/15/2004; A, 9/6/2015; Rn, 16.19.26.10 NMAC, 5/25/2021; A, 2/10/2026]

16.19.26.11 TB TESTING:
A. Protocol:
(1)

Prescriptive authority for Tuberculosis (TB) testing shall be exercised solely in accordance with the written protocol for TB testing drug therapy approved by the board.

(2) Any pharmacist exercising prescriptive authority for TB testing must maintain a current copy of the written protocol for TB testing approved by the board.

B. Education and training:

(1) The pharmacist must successfully complete training as specified by the New Mexico department of health tuberculosis department provided by:

- (a) the department of health or;
- (b) a similar health authority or professional body approved by the board.

(2) Continuing education: Any pharmacist exercising prescriptive authority for TB testing shall complete continuing education as [~~specified by the centers for disease control~~] appropriate to maintain competence.

C. Authorized drugs:
(1) TB skin antigen serum(s).

(2) Prescriptive authority for TB testing shall be limited to those drugs delineated in the written protocol approved by the board.

D. Records:

(1) The prescribing pharmacist must generate a written or electronic prescription for any TB test administered.

(2) Informed consent must be documented in accordance with the approved protocol for TB testing and a record

of such consent maintained in the pharmacy for a period of at least three years.

E. Notification: Upon signed consent of the patient, the pharmacist shall notify the patient’s designated physician or primary care provider and the department of health of any positive TB test.

[16.19.26.12 NMAC - N, 3/7/2011; A, 9/6/2015; Rn. & A 16.19.26.11 NMAC, 5/25/2021; A, 2/10/2026]

16.19.26.12 [NALOXONE] OPIOID ANTAGONIST FOR OPIOID OVERDOSE:

A. Protocol:
(1)

Prescriptive authority for [~~naloxone~~] opioid antagonist drug therapy shall be exercised solely in accordance with the written protocol for [~~naloxone~~] opioid antagonist drug therapy approved by the board.

(2) Any pharmacist exercising prescriptive authority for [~~naloxone~~] opioid antagonist drug therapy must maintain a current copy of the written protocol for [~~naloxone~~] opioid antagonist drug therapy approved by the board.

B. Education and training:

(1) The pharmacist must successfully complete a course of training, accredited by the accreditation council for pharmacy education (ACPE), in the subject area of [~~naloxone~~] opioid antagonist for opioid overdose drug therapy provided by:

- (a) the New Mexico pharmacists association; or
- (b) a similar health authority or professional body approved by the board.

(2) Training must include study materials and instruction in the following content areas:

- (a) mechanisms of action;
- (b) contraindications;
- (c) identifying indications for the use of

~~[naloxone]~~ opioid antagonist drug therapy;
 (d) patient screening criteria;
 (e) counseling and training patient and care-giver regarding the safety, efficacy and potential adverse effects of ~~[naloxone]~~ opioid antagonist;
 (f) evaluating patient's medical profile for drug interactions;
 (g) referring patient for follow-up care with primary healthcare provider;
 (h) informed consent;
 (i) record management;
 (j) management of adverse events.

(3) Continuing education: Any pharmacist exercising prescriptive authority for ~~[naloxone]~~ opioid antagonist drug therapy shall complete a minimum of [0.2-] 0.1 CEU of [five] ACPE approved ~~[naloxone]~~ opioid antagonist drug therapy related continuing education every two years. [~~Such continuing education shall be in addition to requirements in 16.19.4.10 NMAC.~~]

C. Authorized drug(s):
 (1) Prescriptive authority shall be limited to ~~[naloxone]~~ opioid antagonist and shall include any device(s) approved for the administration of ~~[naloxone]~~ opioid antagonist.

(2) Prescriptive authority for ~~[naloxone]~~ opioid antagonist drug therapy shall be limited to ~~[naloxone]~~ opioid antagonist as delineated in the written protocol for ~~[naloxone]~~ opioid antagonist drug therapy approved by the board.

D. Records:
 (1) The prescribing pharmacist must generate a written or electronic prescription for any ~~[naloxone]~~ opioid antagonist dispensed.

(2) Informed consent must be documented in accordance with the approved protocol for ~~[naloxone]~~ opioid

antagonist drug therapy and a record of such consent maintained in the pharmacy for a period of at least three years.

E. Notification: Upon signed consent of the patient, the pharmacist shall notify the patient's designated physician or primary care provider within 15 days of ~~[naloxone]~~ opioid antagonist dispensing. [16.19.26.13 NMAC - N, 3/14/2014; Rn., 16.19.26.12 NMAC, 5/25/2021; A, 2/10/2026]

16.19.26.13 HORMONAL CONTRACEPTION DRUG THERAPY:

A. Protocol:
 (1) Prescriptive authority for hormonal contraception drug therapy shall be exercised solely in accordance with the written protocol for hormonal contraception drug therapy approved by the board.

(2) Any pharmacist exercising prescriptive authority for hormonal contraception drug therapy must maintain a current copy of the written protocol for hormonal contraception drug therapy approved by the board.

B. Education and training:
 (1) The pharmacist must successfully complete a course of training, accredited by the accreditation council for pharmacy education (ACPE), in the subject of hormonal contraception drug therapy provided by:

(a) the New Mexico pharmacists association or;
 (b) a similar health authority or professional body approved by the board.

(2) Training must include study materials and instruction in the following content areas:

(a) mechanisms of action, contraindication, drug interaction and monitoring of hormonal contraception drug therapy;

(b) current standards for prescribing hormonal contraception drug therapy;

(c) identifying indications for use of hormonal contraception drug therapy;

(d) interviewing patient to establish need for hormonal contraception drug therapy;

(e) counseling patient regarding the safety, efficacy and potential adverse effects of drug products for hormonal contraception;

(f) evaluating patient's medical profile for drug interaction;

(g) referring patient follow-up care with primary healthcare provider;

(h) informed consent;

(i) management of adverse events, including identification, appropriate response, documentation and reporting.

(3) Continuing education: any pharmacist exercising prescriptive authority for hormonal contraception drug therapy shall complete a minimum of [0.2-] 0.1 CEU of live ACPE approved hormonal contraception drug therapy related continuing education every two years. [~~Such continuing education shall be in addition to requirements in 16.19.4.10 NMAC.~~]

C. Authorized drugs:
 (1) Prescriptive authority shall be limited to hormonal contraception drug therapy and shall exclude any device intended to prevent pregnancy after intercourse.

(2) Prescriptive authority for hormonal contraception drug therapy shall be limited to those drugs delineated in the written protocol for hormonal contraception drug therapy approved by the board.

D. Records:
 (1) The prescribing pharmacist must generate a written or electronic prescription for any dangerous drug authorized.

(2) Informed consent must be documented in accordance with the approved protocol for hormonal contraception drug therapy and a record of such consent maintained in the pharmacy for a period of at least three years.

E. Notification: Upon signed consent of the patient or guardian, the pharmacist shall notify the patient’s designated physician or primary care provider of hormonal contraception drug therapy prescribed. [16.19.26.14 NMAC - N, 6/9/2017; Rn, 16.19.26.13 NMAC, 5/25/2021; A, 2/10/2026]

16.19.26.14 PRESCRIBING DANGEROUS DRUGS IN CONJUNCTION WITH POINT-OF-CARE TESTING

A. Protocol:
(1) Prescriptive authority shall be exercised solely in accordance with the written protocol for prescribing of dangerous drugs in conjunction with point-of-care testing (POCT) approved by the board.

(2) Any pharmacist exercising prescriptive authority for prescribing of dangerous drugs in conjunction with POCT must maintain a current copy of the written protocol approved by the board.

B. Education and training:

(1) The pharmacist must successfully complete a course of training, accredited by the accreditation council for pharmacy education (ACPE), for each category of POCT for which the pharmacist exercises prescriptive authority, provided by:

(a) the New Mexico pharmacists association; or

(b) a similar health authority or professional body approved by the board.

(2) Training must include study materials and instruction in the following content areas:

(a) mechanisms of action;

(b) contraindications;

(c) identifying indications for the use of protocol formulary drug therapy;

(d) patient screening, history and assessment criteria;

(e) counseling and training patient and care-giver regarding the safety, efficacy and potential adverse effects of prescribed protocol formulary dangerous drug(s);

(f) evaluating patient’s medical profile for drug interactions;

(g) patient referrals;

(h) informed consent;

(i) record management;

(j) management of adverse events.

(3) Continuing education: Any pharmacist exercising prescriptive authority for POCT formulary drug therapy shall complete a minimum of 0.2 CEU of live ACPE approved formulary drug therapy related continuing education every two years, for each category of POCT for which the pharmacist exercises prescriptive authority, as determined by the board. [~~Such continuing education shall be in addition to requirements in 16.19.4.10 NMAC.~~]

C. Authorized drug(s): Prescriptive authority shall be limited to those drugs in the Board-approved protocol.

D. Records:

(1) The prescribing pharmacist must generate a written or electronic prescription for any medication dispensed under the protocol.

(2) Informed consent must be documented in accordance with the approved protocol and a record of such consent maintained in the pharmacy for a period of at least three years.

E. Notification: Upon signed consent of the patient, the pharmacist shall notify the patient’s designated physician or primary care

provider within 15 days of dispensing. [16.19.26.14 NMAC - N, 5/25/2021; A, 2/10/2026]

HISTORY OF 16.19.26 NMAC: [RESERVED]

REGULATION AND LICENSING DEPARTMENT SIGNED LANGUAGE INTERPRETING PRACTICE BOARD

This is an amendment to 16.28.1 NMAC, Section 8 effective 2/10/2026.

16.28.1.8 BOARD OPERATIONS:

A. Elections. At its annual meeting in July, the board shall elect a chair and vice-chair.

B. Duties of officers. All board officers shall exercise authority subject to the act, board regulations, and specific directions of the board.

(1) The chair shall preside at board meetings and adjudicatory hearings unless another presiding officer is named by the board. The chair may respond to inquiries and correspondence, execute orders of the board in any pending adjudicatory proceeding unless a hearing officer is appointed, or designate another board member to sign decisions of the board, appoint board members to formal committees, and provide direction to the board administrator on routine matters to facilitate the efficient operation of board functions between meetings.

(2) If the chair becomes vacant, the vice chair shall serve as chair until a new chair is elected.

C. Vacancy. If the office of board chair becomes vacant, the board shall elect a chair at the next meeting or any subsequent meeting. If the office of vice chair becomes vacant, the board may hold elections as it deems necessary and advisable.

D. Duties of board administrator. The board

administrator or designee shall at all times perform those tasks directed by the board pursuant to those duties prescribed by the act, board regulations, the ULA, Sections 61-1-1 through 61-1-33 NMSA 1978, and other applicable state laws. In addition, the board administrator shall assume the role of custodian of records.

E. Board meetings.

The board shall conduct meeting in an orderly fashion, with due regard for each board member and the public. The board may refer to Robert’s Rules of Order, Revised, when necessary and advisable.

F. Quorum.

The board shall transact official business only at a legally constituted meeting with a quorum present. A quorum shall consist of four [(4)] members including the public member.

G. Standards of

practice committee. The board chair shall appoint a standards of practice committee consisting of at least one board member.

H. Addressing the

board. Except for proceedings to adopt, amend, or repeal regulations in accordance with the ULA, Section 61-1-29 NMSA 1978, the board at its sole discretion, may provide a reasonable opportunity for persons attending an open meeting to address the board on an agenda item. The request to speak shall be timely made and shall not delay or disrupt the board’s meeting. No person shall be permitted to address the board on any pending or concluded application, complaint, investigation, adjudicatory proceeding, or matter in litigation, except to confer for the purpose of settlement or adjudicatory proceeding, or matter in litigation, except to confer the purpose of settlement or simplification of the issues. Any public comment to the board shall be brief, concise, and relevant to the agenda item. The board may limit the total time allotted for comments and the time allotted to any person.

I. Telephone

attendance. Pursuant to the OMA, [Section 10-15-1 (C) NMSA 1978] Subsection C of Section 10-15-1

NMSA 1978 , a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, and shall give advance notice to the board administrator an ample time to arrange such accommodation.

J. Conflict of interest, recusal.

Any board member who cannot be impartial in the determination of a matter before the board and who cannot judge a particular matter or controversy fairly on the basis of its own merits shall not participate in any board deliberation or vote on the matter.

K. Confidentiality.

Board members shall not disclose to any non-member content of any executive session, or any other confidential matters that may be the subject of an executive session or attorney-client privileged communications except as ordered by a court of competent jurisdiction or where the board knowingly and intentionally permits disclosure.

L. Code of conduct.

Board members shall adhere to the standards set forth in the Governmental Conduct Act, Section 10-16-1 through 10-16-18 NMSA 1978. [16.28.1.8 NMAC - N, 7/21/2009; A, 8/18/2011; A, 2/10/2026]

REGULATION AND LICENSING DEPARTMENT SIGNED LANGUAGE INTERPRETING PRACTICE BOARD

This is an amendment to 16.28.2 NMAC, Sections 8 & 9 effective 2/10/2026.

16.28.2.8 EDUCATION REQUIREMENTS:

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

applicant has fulfilled the degree requirements for certification as established RID. Official or unofficial transcripts showing the degree awarded or documentation of educational equivalency approval from RID is acceptable evidence.

B. Applicants for provisional licenses must submit official or unofficial transcripts showing proof of completion of an interpreting education program or an interpreter preparation program from an accredited institution. [~~If the degree is pending, applicants must also submit.~~] If the degree is pending, applicants must also submit a letter of completion on letterhead from the director of the interpreting program. [16.28.2.8 NMAC - N, 07/21/09; A, 12/16/15; A, 3/27/2021; A, 2/27/2022; A, 2/10/2026]

16.28.2.9 CONTINUING EDUCATION REQUIREMENTS:

A. RID certified interpreters shall proof of current RID certified member status documenting compliance with the requirements of the CMP which requires eight RID-approved continuing education units (CEUs) 80 contact hours per four-year CMP cycle. Should RID change its number of CEUs required an interpreter must comply with the new requirement in order to maintain licensure in New Mexico. BEI certified interpreters shall submit BEI transcripts showing four CEUs (40 hours) of continuing education at each biennial renewal. Educational signed language interpreters meeting the criteria in Subsection D of 16.28.3.11 NMAC but not holding the ED:K-12 credential must submit associate continuing education tracking (ACET) transcripts showing four CEUs (40 hours) of continuing education at each biennial renewal.

B. Provisional license: two CEUs (20 hours) of continuing education annually documented on the applicant’s associate continuing education tracking (ACET) transcript from RID. Interpreting students should be aware that they need to become associate members of RID before the end of March in their year

of graduation for ~~[CEU's]~~ CEUs earned prior to July 1st to be tracked on their ACET transcripts.

C. Provisional licensees who are within their first year may provide certificates of completion to the board office if the approved CEUs are not on ACET transcripts.

[16.28.2.9 NMAC - N, 07/21/2009; A, 08/18/2011; A, 01/15/2014; A, 12/16/2015; A, 6/18/2017; A, 3/27/2021; A, 02/26/2022, A, 7/31/2023; A, 2/10/2026]

**REGULATION
AND LICENSING
DEPARTMENT
SIGNED LANGUAGE
INTERPRETING PRACTICE
BOARD**

This is an amendment to 16.28.3 NMAC, Section 11 and 17 effective 2/10/2026.

16.28.3.11 APPLICATION FOR LICENSURE:

A. An application for any license to be issued or renewed by the board shall be ~~[made on the official form provided by the board for that purpose]~~ completed online.

B. All applications for licensure must include:

- (1) a completed ~~[and signed]~~ application;
- (2) applicant name;
- (3) proof of age indicating applicant is at least eighteen years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);
- (4) mailing address;
- (5) business address;
- (6) phone number;
- (7) non-refundable application fee as required by the board;
- (8) photograph: applicants for original

licensure shall attach a recent color photograph, front-view of face.

C. An application for a community signed language interpreter license must also include:

(1) proof of current RID certified status showing that the applicant holds one or more certifications recognized by RID at the time of application for licensure with the exception of certified retired, certified inactive, or education certificates: K-12 (ED K-12); or

(2) a copy of the applicant's current BEI card showing one of the following certifications:

- (a) BEI Advanced;
- (b) BEI Master;
- (c) BEI IV;
- (d) BEI V;
- (e) BEI Level IV Intermediary;
- (f) BEI Level V Intermediary and.

D. An applicant for educational signed language interpreter license must include:

(1) proof of educational interpreter performance assessment (EIPA) rating 4.0 - 5.0; and

(2) proof of current RID certified member status showing that applicant holds the ED: K-12 certified member status by virtue of EIPA rating; or

(3) proof of current RID certified member status showing that applicant holds one or more certifications currently recognized by RID; or

(4) proof of an educational interpreter performance assessment (EIPA) rating 4.0 – 5.0, proof of passing the EIPA written test, proof of satisfying the RID educational requirements, and proof of current RID associate member status.

E. An application for a provisional signed language interpreters license must include:

(1) proof of completion of an interpreter education program or interpreter preparation program at an accredited institution; or

(2) proof of employment as a community signed language interpreter or an educational signed language interpreter at the time the act became effective (June 15, 2007) and after the applicant reached the age of 18; and

(3) proof of current RID associate member status for the purpose of tracking continuing education units (CEU) requirements through the associate continuing education tracking (ACET) program as outlined in Subsection B of 16.28.2.9 NMAC.

(4) in lieu of proof of completion of an interpreter training program, deaf applicants may submit proof of having completed at least 40 hours of training in topics such as fundamentals of interpreting, ethics and cultural responsiveness, and the NAD-RID Code of Professional Conduct.

(5) if the applicant provides proof of completion of an interpreter education program or interpreter preparation program more than three years prior to their application for a provisional license, they must also submit a resume and one professional letter of reference from an employer, internship supervisor, mentorship director, graduate school, or other applicable source documenting continued involvement in interpreting or the deaf community since the time of completion of the program.

F. If an applicant submits an incomplete license application they will be requested to submit any missing documentation; failure to do so within six months of receipt of the original application will result in the application ~~[file]~~ being closed. After the ~~[file]~~ application has been closed, the applicant will be required to submit a new application and application fee to apply again.

G. **“Electronic Applications”** In accordance with Section 14-16-1 thru 14-16-21 NMSA

1978 of the Uniform Electronic Transactions Act, the board or its designee will accept electronic applications.

(1) Any person seeking a New Mexico signed language interpreting license may do so by submitting an electronic application. Applicants are required to also submit all required information as stated in 16.28.3.11 NMAC.

(2) Any licensee may renew their license electronically through a designated website provided by the board. All license holders renewing their signed language interpreting license are also required to submit all documentation as stated in 16.28.3.17 NMAC.

(3) Any person whose license has been expired may apply electronically to the board for renewal of the license at any time within 60 days of the expiration. Any persons seeking renewal are also required to submit all supporting documents as stated in 16.28.3.17 NMAC.

(4) Any person whose license has been lapsed may apply electronically to the board for reinstatement of the license at any time. Any persons seeking reinstatement are also required to submit all supporting documents as stated in 16.28.3.17 NMAC.

H. "Electronic Signatures" Electronic signatures will be acceptable for applications submitted pursuant to Sections 14-16-1 through 14-16-19 NMSA 1978.

I. "Administrative Errors" In the event that a community or educational license is issued due to an administrative error, and if the Interpreter is qualified for a provisional license, the permitted five years for the provisional license shall began at the time of the issuance of the erroneously issued license. [16.28.3.11 NMAC - N, 07/21/2009; A, 08/18/2011; A, 01/15/2014; A, 12/16/2015; A, 6/18/2017; A, 3/27/2021, A, 7/31/2023; A, 2/10/2026]

16.28.3.17 LICENSE RENEWAL:

A. A licensee may renew a community signed language interpreter license or an educational signed language interpreter license every two years by:

(1) submitting a completed online renewal application provided by the board that is accompanied by the required fees; and

(2) submitting the continuing education requirements as specified in 16.28.2.9 NMAC.

B. A licensee must complete the mandatory annual compliance review for a provisional interpreter license four consecutive times by:

(1) submitting a completed compliance review application provided by the board that is accompanied by the required fees; and

(2) submitting the continuing education requirements as specified in 16.28.2.9 NMAC.

C. If a community or educational license is not renewed by the expiration date, the license shall be considered expired, and the licensee shall refrain from practicing. The licensee may renew within a [sixty] 60-day grace period, which begins the first day the license expires, by submitting payment of the renewal fee and late fee and complying with all renewal requirements. Upon renewal of the license, the licensee may resume practice.

D. If a provisional license does not complete the annual compliance review by the due date, the license shall be considered expired, and the licensee shall refrain from practicing. The licensee may complete the review within a 60-day grace period, which begins the first day the license expires, by submitting payment of the compliance review fee and late fee and complying with all compliance review requirements. Upon passing the compliance review, the licensee may resume practice.

E. Any person whose license has lapsed may apply to the board for reinstatement of the license.

(1) In making application for reinstatement of a provisional license, the applicant must state why the license should be reinstated and should specifically set forth an explanation of why the license lapsed and how changed circumstances would justify reinstatement. Documentation must be provided.

(2) Any licensed interpreter applying for reinstatement of a provisional license must submit an application fee as set forth in 16.28.6.8 NMAC and provide proof of attendance of continuing education hours as set forth in 16.28.2.9 NMAC for each year of lapse.

(3) Provisionally licensed interpreters will still be limited to a total of five years from the time the initial license was granted.

(4) Any licensed interpreters applying for reinstatement of a community or educational license who moved away from the state of New Mexico and maintained certification during the lapse shall be granted a license. Those who remained in the state of New Mexico must state why the license should be reinstates and should specifically set forth an explanation of why the license lapsed and how changed circumstances would justify reinstatement. Documentation must be provided.

(5) If the board approves the reinstatement application, the original license number will be issued to the applicant.

[16.28.3.17 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14; A, 3/27/2021; A, 2/10/2026]

REGULATION AND LICENSING DEPARTMENT SIGNED LANGUAGE INTERPRETING PRACTICE BOARD

This is an amendment to 16.28.4 NMAC, Section 13 effective 2/10/2026.

16.28.4.13 DISCIPLINARY ACTION:

In accordance with the ULA, the board has authority to impose penalties in disciplinary matters. The ULA allows discipline in many forms including but not limited to fines, letters of reprimand, corrective action plans, suspension, and revocation of license.

A. Formal letter of reprimand: The board shall have discretionary authority to issue formal letters of reprimand or warning instead of revocation or suspension. Issuance of formal letters of reprimand shall be subject to the provisions of the ULA and shall be matters of public record.

B. Prehearing motions: The board may appoint a hearing officer to decide non-dispositive motions filed prior to a hearing. Until such time as the board appoints a hearing officer, the chair of the board shall serve as hearing officer.

C. Settlement agreements: Following the issuance of a notice of contemplated action, the board may enter into a settlement agreement with the respondent as a means of resolving a complaint.

D. Costs of disciplinary proceedings: Licensees or applicants shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees, or if they prevail at the hearing held pursuant to Section 61-1-3 NMSA 1978 of the ULA.

E. Uniform licensing provisions: In accordance with Subsection G of Section 61-1-7 NMSA 1978 of the ULA, a licensee who directly or through an agent intimidates, threatens, injures or takes any adverse action against a person for providing information to the board shall be subject to disciplinary action.

F. License returned to the board: Any license issued by the board must be returned to the board subsequent to revocation or suspension. The item(s) listed must be returned in person or by certified

mail no later than 30 days after the suspension or revocation order to the board.

G. ~~DISQUALIFYING CRIMINAL CONVICTIONS:~~ Convictions for any of the following offense, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving a retaining a license or certificate by the board.

(1) Physical harm to others:

(a) Section 30-2-1 NMSA 1978 "Murder";

(b) Section 30-2-3 NMSA 1978 "Manslaughter";

(c) Section 30-3-1 NMSA 1978 "Assault";

(d) Section 30-3-4 NMSA 1978 "Battery";

(e) Section 30-6-1 NMSA 1978 "Abandonment or abuse if a child";

(f) Section 30-4-1 NMSA 1978 "Kidnapping";

(g) Section 30-4-3 NMSA 1978 "False imprisonment";

(h) Section 30-9-19 NMSA 1978 "Sexual assault".

(2) Theft:

(a) Section 30-16-1 NMSA 1978 "Larceny";

(b) Section 30-16-24.1 NMSA 1978 "Theft of identity";

(c) Section 30-16-26 NMSA 1978 "Theft of a credit card".

(3) Financial crimes:

(a) Section 30-16-8 NMSA 1978 "Embezzlement";

(b) Section 30-16-9 NMSA 1978 "Extortion";

(c) Section 30-16-10 NMSA 1978 "Forgery".

(4) Drug offenses:

(a) Section 30-31-20 NMSA 1978 "Trafficking of controlled substances";

(b) Section 30-31-23 NMSA 1978 "Possession of controlled substances";

(c) Section 30-31-21 NMSA 1978 "Distribution to a minor";

(d) Section 30-6-3 NMSA 1978 "Contributing to the delinquency of a minor".

(5) Sex crimes:

(a) Section 30-52-1 NMSA 1978 "Human trafficking";

(b) Section 30-9-11 NMSA 1978 "Criminal sexual penetration";

(c) Section 30-9-12 NMSA 1978 "Criminal sexual contact";

(d) Section 30-9-13 NMSA 1978 "Criminal sexual contact of a minor";

(e) Section 30-6A-3 NMSA 1978 "Sexual exploitation of children";

(f) Subsection P of Section 29-11A-4 NMSA 1978 "Failure to register as required by sex offender registration and notification act".

(6) Miscellaneous:

(a) Subsection B of Section 30-7-16 NMSA 1978 "Felon in possession of a firearm";

(b) Section 30-3A-3 NMSA 1978 "Stalking";

(c) Section 30-20-12 NMSA 1978 "Use of telephone to terrify, intimidate, threaten, harass, annoy, or offend another".

(7) The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.

(8) The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.

(9) Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Signed Language Interpreting Practices Act, NMSA 1978, Sections 61-34-1 to -17 and the ULA, NMSA 1978, Section 61-1-1 to -36 NMSA 1978, regardless of whether the individual was convicted of a crime for such conduct whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.

(10) In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in 16.28.4.13 NMAC.] If all continuing education requirements are not met by the expiration date of the license or granted extensions date, the license shall be subject to disciplinary action.

H. Failure of a licensee to furnish the board within 10 business days of request, its investigators or representatives with information requested by the board;

(1) failure to appear before the board when requested by the board in any disciplinary proceeding;

(2) failure to be in compliance with the Parental Responsibility Act Section 40-5A-3 NMSA 1978 seq.;

(3) fraudulent record keeping;

(4) failure to comply with continuing education audit as defined in 16.28.2.9 NMAC.

I. DISQUALIFYING CRIMINAL CONVICTIONS:

Convictions for any of the following offense, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving a retaining a license or certificate by the board.

(1) Physical harm to others:

(a) Section 30-2-1 NMSA 1978 "Murder";

(b) Section 30-2-3 NMSA 1978 "Manslaughter";

(c) Section 30-3-1 NMSA 1978 "Assault";

(d) Section 30-3-4 NMSA 1978 "Battery";

(e) Section 30-6-1 NMSA 1978 "Abandonment or abuse if a child";

(f) Section 30-4-1 NMSA 1978 "Kidnapping";

(g) Section 30-4-3 NMSA 1978 "False imprisonment";

(h) Section 30-9-19 NMSA 1978 "Sexual assault".

(2) Theft:

(a) Section 30-16-1 NMSA 1978 "Larceny";

(b) Section 30-16-24.1 NMSA 1978 "Theft of identity";

(c) Section 30-16-26 NMSA 1978 "Theft of a credit card".

(3) Financial crimes:

(a) Section 30-16-8 NMSA 1978 "Embezzlement";

(b) Section 30-16-9 NMSA 1978 "Extortion";

(c) Section 30-16-10 NMSA 1978 "Forgery".

(4) Drug offenses:

(a) Section 30-31-20 NMSA 1978 "Trafficking of controlled substances";

(b) Section 30-31-23 NMSA 1978 "Possession of controlled substances";

(c) Section 30-31-21 NMSA 1978 "Distribution to a minor";

(d) Section 30-6-3 NMSA 1978 "Contributing to the delinquency of a minor".

(5) Sex crimes:

(a) Section 30-52-1 NMSA 1978 "Human trafficking";

(b) Section 30-9-11 NMSA 1978 "Criminal sexual penetration";

(c) Section 30-9-12 NMSA 1978 "Criminal sexual contact";

(d) Section 30-9-13 NMSA 1978 "Criminal sexual contact of a minor";

(e) Section 30-6A-3 NMSA 1978 "Sexual exploitation of children";

(f) Subsection P of Section 29-11A-4 NMSA 1978 "Failure to register as required by sex offender registration and notification act".

(6) Miscellaneous:

(a) Subsection B of Section 30-7-16 NMSA 1978 "Felon in possession of a firearm";

(b) Section 30-3A-3 NMSA 1978 "Stalking";

(c) Section 30-20-12 NMSA 1978 "Use of telephone to terrify, intimidate, threaten, harass, annoy, or offend another".

(7) The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.

(8) The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.

(9) Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Signed Language Interpreting Practices Act, NMSA 1978, Sections 61-34-1 to -17 and the ULA, NMSA 1978, Section 61-1-1 to-36 NMSA 1978, regardless of whether the individual was convicted of a crime for such conduct whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in 16.28.4.13 NMAC.

(10) In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (a) an arrest not followed by a valid conviction;
 - (b) a conviction that has been sealed, dismissed, expunged or pardoned;
 - (c) a juvenile adjudication; or
 - (d) a conviction for any crime other than the disqualifying criminal convictions listed in 16.28.4.13 NMAC.
- [16.28.4.13 NMAC -N, 8/18/2011; A, 2/27/2022; A, 2/10/2026]

**REGULATION
AND LICENSING
DEPARTMENT
SIGNED LANGUAGE
INTERPRETING PRACTICE
BOARD**

This is an amendment to 16.28.6.10 NMAC, Sections 10 and 11 effective 2/10//2026.

16.28.6.10 OTHER FEES:

- A. Late license renewal or compliance review: \$20.00.**
- B. Replacement license: badge or license certificate is lost or destroyed: \$10.00.**
- C. Returned checks or electronic checks (Administrative fees are non-refundable): \$35.00.**
- D. Administrative (electronic processing) fee per year: \$10.00.**

[16.28.6.10 NMAC - N, 07/21/09; A, 01/15/14; A, 2/10/2026]

16.28.6.11 CONTINUING EDUCATION (CEU) REQUIRED TO OBTAIN OR MAINTAIN AN *ACTIVE* LICENSE: A

individual who has submitted records or completion, or a attestation on their renewal application as evidence of compliance with CEU requirements and is found, as the result of a random audit, not to be in compliance will be subject to a minimum fine determined by the board and any other penalties deemed appropriate by the board as permitted by Subsection B of Section 10 of the Signed Language Interpreting Practices Act.

[16.28.6.11 NMAC - N, 2/10/2026]

**REGULATION
AND LICENSING
DEPARTMENT
SIGNED LANGUAGE
INTERPRETING PRACTICE
BOARD**

This is an amendment to 16.28.7 NMAC, Section 8 effective 2/10/2026.

16.28.7.8 APPLICATION REQUIREMENTS:

A. Applications for registration shall be completed [~~on a form provided by the board.~~] online.

B. The completed application shall include the following information:

- (1)** applicant's full name;
- (2)** current mailing address;
- (3)** current electronic mail address, if any;
- (4)** date of birth;
- (5)** background check if required; and
- (6)** proof as described in subsection C below.

C. The applicant shall provide the following satisfactory evidence:

- (1)** applicant is currently licensed and in good standing in another jurisdiction, including a branch of the United States armed forces;
- (2)** the following documentation:
 - (a)** a copy of military orders for military service members;
 - (b)** a copy of military service member's military orders and a copy of marriage license for spouses of military service members;
 - (c)** for spouses of deceased military members: a copy of the decedent's DD 214 and a copy of marriage license;
 - (d)** for dependent children of military service members: a copy of military service member's orders listing the dependent child, or a copy of military orders and one of the following: a copy of a birth certificate, military service member's federal income tax return or other governmental or judicial documentation establishing dependency;
 - (e)** for veterans (retired or separated): a copy of DD 214 showing proof of honorable discharge.

D. The license shall be issued by the board as soon as is practicable but no later than 30 days after a qualified military service member, spouse, dependent child, or veteran files a complete application and pays any required fees.

E. 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.

F. A license issued pursuant to this rule shall be valid for the time period that is specified in the Signed Language Interpreting Practices Act, Sections 61-34-1 to -17 NMSA 1978.

G. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for renewal set forth in 16.28.7.11 NMAC , Section 61-34-10 NMSA 1978. 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 electronic mail 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.

H. Electronic signatures will be acceptable for applications submitted pursuant to Sections 14-16-1 through -19 NMSA 1978.

[16.28.7.8 NMAC - N, 1/15/2014; A, 3/2/2022, A, 7/31//2023; A, 2/10/2026]

End of Adopted Rules

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Submittal Deadlines and Publication Dates

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Issue 1	January 2	January 13
Issue 2	January 15	January 27
Issue 3	January 29	February 10
Issue 4	February 12	February 24
Issue 5	February 26	March 10
Issue 6	March 12	March 24
Issue 7	March 26	April 7
Issue 8	April 9	April 21
Issue 9	April 23	May 5
Issue 10	May 7	May 19
Issue 11	May 21	June 10
Issue 12	June 11	June 23
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Issue 20	October 8	October 20
Issue 21	October 22	November 3
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Issue 23	November 19	December 8
Issue 24	December 10	December 22

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