

New Mexico Register

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

Volume XXXVI - Issue 19 - October 7, 2025

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The New Mexico Register

Published by the Commission of Public Records,
Administrative Law Division

1205 Camino Carlos Rey, Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507.

Telephone: (505) 476-7941; Fax: (505) 476-7910; E-mail: staterules@state.nm.us.

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Notices of Rulemaking and Proposed Rules

ENVIRONMENT DEPARTMENT WATER QUALITY CONTROL COMMISSION

WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC RULEMAKING HEARING

The Water Quality Control Commission ("WQCC") will hold a public hearing for this matter to begin **on December 9, 2025**, following the WQCC's regularly scheduled meeting, which starts at 9:00 am, and continuing thereafter as necessary. The hearing shall be conducted in-person at the New Mexico State Capitol, 490 Old Santa Fe Trail, Santa Fe, New Mexico, 87501, and virtually via a video conferencing platform. The hearing will last as long as required to hear all testimony, evidence, and public comment. Detailed information concerning the time, location, and the virtual meeting link can be found on the New Mexico Environment Department's ("NMED") event calendar at <https://www.env.nm.gov/events-calendar/>. Please visit the WQCC website prior to the hearing for any updates at <https://www.env.nm.gov/opf/water-quality-control-commission/>. The WQCC may make a decision on the proposed regulatory change at the conclusion of the hearing.

The purpose of the public hearing is to consider National Technology & Engineering Solutions of Sandia, LLC's Petition for Rulemaking to Amend 20.6.4.97 NMAC and add the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo to the list of ephemeral waters. This is based on the findings of a Use Attainability Analysis conducted by Petitioners, which assessed that the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo exhibited characteristics of an ephemeral water body. The proposed rule amendment would change the aquatic life use from marginal warmwater to limited and the

recreational use from primary contact to secondary contact. Petitioners sought this hearing pursuant to NMSA 1978, § 74-6-6 (1993), 20.1.6.200 NMAC, and 20.6.4.15 NMAC. The proposed regulations and supporting information may be reviewed online at <https://www.env.nm.gov/opf/docketed-matters/>. Technical information that served as a basis for the proposed rule may be obtained from the Petitioners upon request. Persons who wish to review a physical copy of the proposed amendments should contact the WQCC Administrator at the address provided below.

10475039v1/31747-0001

All interested people will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses.

Pursuant to 20.1.6.202 NMAC and any pre-hearing order issued by the hearing officer, those wishing to present direct technical testimony must file a written notice of intent to present technical testimony with the WQCC Administrator no later than 20 days prior to the hearing.

Notices of intent to present technical testimony shall conform to 20.1.6.104 NMAC and reference the docket number, **WQCC 25-28(R)**.

The form and content of the notice of intent to present technical testimony shall:

- ☐ Identify the person for whom the witness(es) will testify;
- ☐ Identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background;
- ☐ Include a copy of the full written direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;

- ☐ Include the text of any recommended modifications to the proposed regulatory change; and
- ☐ 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.

Notices of intent to present technical testimony shall be filed with:

Pamela Jones, WQCC Administrator
New Mexico Environment
Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502
Telephone: (505) 660-4305
Email: pamela.jones@env.nm.gov

Those wishing to do so may offer non-technical public comment at the hearing in person or virtually. The hearing officer will hold a public comment session each day of the hearing. Non-technical written statements may be submitted in lieu of oral testimony at or before the hearing. Written comments regarding the proposed rule should reference docket number **WQCC 25-28(R)** and may be addressed to Pamela Jones, WQCC Administrator, at the above address. Additionally, the WQCC will receive and consider electronic written public comments submitted through NMED's public comment portal at: <https://nmed.commentinput.com/comment/search> or via email to: pamela.jones@env.nm.gov.

Pursuant to 20.1.6.203 NMAC, any person may file an entry of appearance as a party. The entry of appearance shall be filed with the WQCC Administrator, at the above address, no later than 20 days before the date of the hearing on the petition.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); Use Attainability Analysis regulatory requirements (20.6.4.15 NMAC), the Water Quality Act,

(Sections 74-6-1 to -17 NMSA 1978 (1967 as amended through 2019); the State Rules Act, (Section 14-4-5.3 NMSA 1978), other applicable procedures and any additional procedural order or scheduling order issued by the WQCC or hearing officer. These documents are available online at <https://www.env.nm.gov/opf/docketed-matters/> or by contacting the WQCC Administrator at pamela.jones@env.nm.gov.

If any person requires assistance, language interpretation, or auxiliary aid to participate in this process, please contact Pamela Jones, WQCC Administrator, at the above address, at least 14 days prior to the hearing date. (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).

STATEMENT OF NON-DISCRIMINATION

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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been

discriminated against with respect to a NMED program or activity, you may contact NMED's Non-Discrimination Coordinator identified above.

ENVIRONMENT DEPARTMENT WATER QUALITY CONTROL COMMISSION

COMISIÓN DE CONTROL DE LA CALIDAD DEL AGUA DE NUEVO MÉXICO AVISO DE AUDIENCIA PÚBLICA PARA LA ELABORACIÓN DE NORMAS

La Comisión de Control de la Calidad del Agua ("WQCC") celebrará una audiencia pública para este asunto que comenzará **el 9 de diciembre de 2025**, después de la reunión programada regularmente de WQCC, que comienza a las 9:00 am, y continuará después según sea necesario. La audiencia se llevará a cabo en persona en el Capitolio del Estado de Nuevo México, 490 Old Santa Fe Trail, Santa Fe, Nuevo México, 87501, y virtualmente a través de una plataforma de videoconferencia. La audiencia durará el tiempo necesario para escuchar todos los testimonios, pruebas y comentarios del público. Encontrará información detallada sobre la hora, el lugar y el enlace a la reunión virtual en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en <https://www.env.nm.gov/events-calendar/>. Por favor, visite la página web de WQCC antes de la audiencia para cualquier actualización en <https://www.env.nm.gov/opf/water-quality-control-commission/>. WQCC podrá tomar una decisión sobre el cambio reglamentario propuesto al término de la audiencia.

El propósito de la audiencia pública es considerar la petición de National Technology & Engineering Solutions of Sandia, LLC para que se modifique la norma 20.6.4.97 NMAC y se añada el tramo Río Grande a Four Hills Bridge del arroyo Tijeras a

la lista de aguas efímeras. Esto se basa en las conclusiones de un análisis de alcanzabilidad de uso realizado por los peticionarios, en el que se evaluó que el tramo del río Grande al puente de las Cuatro Colinas del arroyo Tijeras presentaba características de una masa de agua efímera. La propuesta de modificación de la norma cambiaría el uso para la vida acuática de marginal de aguas cálidas a limitado y el uso recreativo de contacto primario a contacto secundario. Los peticionarios solicitaron esta audiencia de conformidad con NMSA 1978, § 74-6-6 (1993), 20.1.6.200 NMAC y 20.6.4.15 NMAC. Los reglamentos propuestos y la información complementaria pueden consultarse en línea en <https://www.env.nm.gov/opf/docketed-matters/>. La información técnica que sirvió de base para la norma propuesta puede obtenerse de los peticionarios previa solicitud. Las personas que deseen revisar una copia física de las enmiendas propuestas deben ponerse en contacto con el Administrador de WQCC en la dirección que se indica a continuación.

Durante la audiencia, todas las personas interesadas dispondrán de una oportunidad adecuada para presentar evidencias, datos, opiniones y argumentos relevantes, ya sea de forma oral o escrita; asimismo, podrán aportar documentos probatorios y realizar interrogatorios a los testigos.

De conformidad con 20.1.6.202 NMAC y cualquier orden previa a la audiencia emitida por el oficial de audiencias, quienes deseen presentar testimonio técnico directo deberán presentar una notificación por escrito de su intención de presentar testimonio técnico ante el Administrador de WQCC a más tardar 20 días antes de la audiencia.

Los avisos de intención de presentar testimonios técnicos deberán ajustarse a 20.1.6.104 NMAC y hacer referencia al número de expediente, **WQCC 25-28(R)**.

La forma y el contenido de la notificación de intención de presentar un testimonio técnico deberán:

- Identificar a la persona por la que testificarán los testigos;
- Identificar a cada testigo técnico que la persona pretenda presentar e indicar las calificaciones de este, incluyendo una descripción de su formación y experiencia laboral;
- Incluir una copia del testimonio directo escrito completo de cada testigo técnico en forma narrativa, e indicar la duración estimada del testimonio oral directo de dicho testigo;
- Incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y
- Enumerar y adjuntar todas las pruebas que prevea ofrecer en la audiencia, incluida cualquier propuesta de exposición de motivos para la adopción de normas.

Las notificaciones de la intención de presentar un testimonio técnico se presentarán ante:

Pamela Jones, Administradora de WQCC
Departamento de Medio Ambiente de Nuevo México
Edificio Harold Runnels
P.O. Box 5469
Santa Fe, NM 87502
Teléfono: (505) 660-4305
Correo electrónico: pamela.jones@env.nm.gov

Quienes lo deseen podrán ofrecer comentarios públicos no técnicos en la audiencia en persona o virtualmente. El consejero auditor celebrará una sesión de comentarios públicos cada día de la audiencia. Podrán presentarse declaraciones escritas no técnicas en lugar de testimonios orales en la audiencia o antes de la misma. Los comentarios por escrito relativos a la norma propuesta deben hacer referencia al número de expediente **WQCC 25-28(R)** y pueden dirigirse a Pamela Jones, administradora de WQCC, a la dirección que se indica arriba. Además, WQCC recibirá y

considerará los comentarios públicos electrónicos por escrito enviados a través del portal de comentarios públicos del NMED en: <https://nmed.commentinput.com/comment/search> o por correo electrónico a: pamela.jones@env.nm.gov.

De conformidad con 20.1.6.203 NMAC, cualquier persona puede presentar una comparecencia como parte. La comparecencia deberá presentarse ante el Administrador de WQCC, en la dirección que se indica arriba, a más tardar 20 días antes de la fecha de la audiencia sobre la petición.

La audiencia se llevará a cabo de acuerdo con los Procedimientos de Reglamentación de WQCC (20.1.6 NMAC); Requisitos reglamentarios del Análisis de Accesibilidad de Uso (20.6.4.15 NMAC), la Ley de Calidad del Agua (Secciones 74-6-1 a -17 NMSA 1978 (1967 modificada hasta 2019); la Ley de Reglas Estatales (Sección 14-4-5.3 NMSA 1978), otros procedimientos aplicables y cualquier orden procesal adicional u orden de programación emitida por WQCC o por el oficial de audiencias. Estos documentos están disponibles en línea en <https://www.env.nm.gov/opf/docketed-matters/> o poniéndose en contacto con el administrador de WQCC en pamela.jones@env.nm.gov.

Si alguna persona necesita asistencia, interpretación de idiomas o ayuda auxiliar para participar en este proceso, póngase en contacto con Pamela Jones, administradora de WQCC, en la dirección que se indica arriba, al menos 14 días antes de la fecha de la audiencia. (Los usuarios de TDD o TTY pueden 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).

DECLARACIÓN DE NO DISCRIMINACIÓN

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la

administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, o si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con: Kate Cárdenas, Coordinadora de No Discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 o (505) 827-2855 o nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminación de NMED identificado anteriormente.

ENVIRONMENT DEPARTMENT ENVIRONMENTAL IMPROVEMENT BOARD

ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 7.6.2 NMAC OF THE FOOD SERVICE AND FOOD PROCESSING REGULATIONS EIB 25-32(R)

The public hearing originally scheduled at 9:00 a.m. on October 23, 2025 with the Environmental Improvement Board ("Board") has

been rescheduled to April 24, 2026 at 9:00 a.m., and continuing at the direction of the Board, to consider the matter of EIB 25-32(R), proposed amendments to regulations at 7.6.2 NMAC (Food Service and Food Processing). The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately 3 hours. The Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. Detailed information concerning the time, location, and instructions on how to join the hearing virtually is available on the New Mexico Environment Department ("NMED") events calendar at <https://www.env.nm.gov/events-calendar/>, under the calendar entry corresponding to the hearing start date. If you have difficulties joining the meeting, please contact Pamela Jones at (505) 660-4305 or pamela.jones@env.nm.gov.

The proposed regulations and related information, including technical information, may be reviewed online at <https://www.env.nm.gov/opf/docketed-matters/>; during regular business hours at 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; or by contacting the Environmental Health Bureau's Food Program Manager, Marci Nevarez, at (575) 288-2050.

Public comments will be received via SmartComment at <https://nmed.commentinput.com?id=s38BDgN4p>, via electronic mail to Pamela.Jones@env.nm.gov; or via physical mail to Pamela Jones, P.O. Box 5469, Santa Fe, NM 87502 until the conclusion of the hearing. Comments received after the conclusion of the hearing will not be viewed.

The purpose of the public hearing is for the Board to consider and

take possible action on a petition by NMED requesting the Board to adopt proposed regulatory changes to 7.6.2 NMAC (Food Service and Food Processing). The proposed regulatory changes are attached as Attachment 1 to the Petition for Regulatory Change ("Petition"), docket number EIB 25-32(R), available for viewing online at <https://www.env.nm.gov/opf/docketed-matters/>. If you need assistance obtaining a copy of the proposed amendments, the Petition, or any other documents related to this matter, then please contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@env.nm.gov; (505) 660-4305. In your correspondence, please reference docket number EIB 25-32(R).

The proposed regulatory changes requested by the Environmental Health Bureau ("Bureau") of NMED are necessary for the Bureau to effectively operate the Food Program ("Program") in the State. To achieve this, the Bureau is proposing to increase certain fees and add additional fees that would provide much needed funding to NMED for performing inspections of food service and processing facilities, processing food permit applications, and reviewing plans and specifications for new and remodeled food establishments and food processing plants. This additional funding will equip the Program with the resources it needs to adequately staff its program and protect public health and safety. The fees described in the proposed rules are necessary for the Bureau to effectively operate the Program. The Bureau will also use this opportunity to make several minor changes in order to improve the clarity and enforceability of the regulations.

The Board has the authority to amend the Food Service and Food Processing Regulations under NMSA 1978, Section 74-1-8(A)(1) (2024), NMSA 1978, Section 74-1-9 (1985), NMSA 1978, Section 25-1-4 (2011),

NMSA 1978, Section 25-1-5 (2020), and NMSA 1978, Section 25-1-7(C) (2020).

The hearing will be conducted in accordance with the Board's Rulemaking Procedures found at 20.1.1 NMAC, the Environmental Improvement Act, NMSA 1978, Section 74-1-9 (1985), and other applicable procedures.

The Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting on a later date after the hearing to consider action on the proposed rule. Alternatively, the Board may continue the hearing beyond the expected conclusion date, leaving the hearing record open and continuing to receive comments. Notice of continuation will be posted on the Board's and NMED's websites.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via SmartComment at <https://nmed.commentinput.com?id=s38BDgN4p>; by electronic mail at pamela.jones@env.nm.gov; or by physical mail to Pamela Jones, P.O. Box 5469, Santa Fe, NM, 87502. Any statements received after the conclusion of the hearing will not be viewed.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The requirements for a notice of intent can be found in 20.1.1.302 NMAC. Technical testimony means scientific, engineering, economic, or other specialized testimony, whether oral or written, but does not include legal argument, general comments, or statements of policy concerning matters at issue in the hearing. Notices of intent for the hearing must

be received by the Board no later than 5:00 p.m. MDT on April 6, 2026, and should reference the name of the regulations, the date of the hearing, and docket number EIB 25-32(R). Notices of intent to present technical testimony shall be submitted to Pamela Jones, Board Administrator, P.O. Box 5469, Santa Fe, NM 87502, pamela.jones@env.nm.gov.

Persons requiring language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones no later than October 8, 2025, at (505) 660-4305 or pamela.jones@env.nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

STATEMENT OF NON-DISCRIMINATION

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 a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

ENVIRONMENT DEPARTMENT ENVIRONMENTAL IMPROVEMENT BOARD

NOTIFICACIÓN DE LA JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MÉXICO SOBRE LA AUDIENCIA PÚBLICA PROGRAMADA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 7.6.2 NMAC DE LAS NORMAS DE SERVICIO Y PROCESAMIENTO DE ALIMENTOS EIB 25-32(R)

La audiencia pública inicialmente programada para las 9:00 a. m. del 23 de octubre de 2025 con la Junta de Mejora Ambiental («Junta») se ha reprogramado para el 24 de abril de 2026 a las 9:00 a. m., y continuará bajo la dirección de la Junta, para considerar el asunto EIB 25-32(R), las enmiendas propuestas a las regulaciones en 7.6.2 NMAC (Servicio de alimentos y procesamiento de alimentos). La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente 3 horas. La Junta podrá tomar una decisión sobre la norma propuesta al término de la audiencia, o bien podrá convocar una reunión después de la audiencia para considerar las medidas que se adopten sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto presencial como virtual. La audiencia presencial se celebrará en el edificio del Capitolio del Estado de Nuevo México (Roundhouse), 490 Old Santa Fe

Trail, Santa Fe, Nuevo México 87505. La información detallada sobre la hora, el lugar y las instrucciones para participar en la audiencia de forma virtual está disponible en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México («NMED») en <https://www.env.nm.gov/events-calendar/>, en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Si tiene dificultades para participar en la reunión, póngase en contacto con Pamela Jones al (505) 660-4305 o a pamela.jones@env.nm.gov.

Las regulaciones propuestas y la información relacionada, incluida la información técnica, pueden consultarse en línea en [Asuntos registrados](#); durante el horario laboral habitual en 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; o poniéndose en contacto con la directora del Programa de Alimentación de la Oficina de Salud Ambiental, Marci Nevarez, al (575) 288-2050.

Los comentarios públicos se recibirán a través de SmartComment en <https://nmed.commentinput.com?id=s38BDgN4p>, por correo electrónico a Pamela.Jones@env.nm.gov; o por correo postal a Pamela Jones, P.O. Box 5469, Santa Fe, NM 87502 hasta la conclusión de la audiencia. Los comentarios recibidos después de la conclusión de la audiencia no serán considerados.

El objetivo de la audiencia pública es que la Junta considere y tome las medidas oportunas en relación con una petición presentada por el NMED en la que se solicita a la Junta que adopte los cambios normativos propuestos al artículo 7.6.2 del NMAC (Servicios de alimentación y procesamiento de alimentos). Los cambios normativos propuestos se adjuntan como Anexo 1 a la [Petición de cambio normativo](#) («Petición»), con número de expediente EIB 25-32(R), disponible para su consulta en línea en [Asuntos registrados](#). Si necesita ayuda para obtener una

copia de las enmiendas propuestas, la Petición o cualquier otro documento relacionado con este asunto, póngase en contacto con: Pamela Jones, Administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@env.nm.gov; (505) 660-4305. En su correspondencia, haga referencia al número de expediente EIB 25-32(R).

Los cambios normativos propuestos por la Oficina de Salud Ambiental (la «Oficina») del NMED son necesarios para que la Oficina pueda gestionar eficazmente el Programa Alimentario (el «Programa») en el estado. Para lograrlo, la Oficina propone aumentar determinadas tarifas y añadir otras nuevas que proporcionarán al NMED los fondos que tanto necesita para llevar a cabo inspecciones de los servicios de alimentación y las instalaciones de procesamiento de alimentos, tramitar las solicitudes de permisos para el procesamiento de alimentos y revisar los planes y especificaciones de los establecimientos alimentarios y las plantas de procesamiento de alimentos nuevos y remodelados. Estos fondos adicionales dotarán al Programa de los recursos necesarios para contar con el personal adecuado y proteger la salud y la seguridad públicas. Las tarifas descritas en las normas propuestas son necesarias para que la Oficina pueda gestionar eficazmente el Programa. La Oficina también aprovechará esta oportunidad para introducir varios cambios menores con el fin de mejorar la claridad y la aplicabilidad de la normativa.

La Junta tiene la autoridad para modificar las Normas sobre Servicios Alimentarios y Procesamiento de Alimentos en virtud de la NMSA 1978, Sección 74-1-8(A)(1) (2024), la NMSA 1978, Sección 74-1-9 (1985), la NMSA 1978, Sección 25-1-4 (2011), NMSA 1978, sección 25-1-5 (2020) y NMSA 1978, sección 25-1-7(C) (2020).

La audiencia se llevará a cabo de conformidad con los procedimientos

reglamentarios de la Junta que se encuentran en 20.1.1 NMAC, la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9 (1985) y otros procedimientos aplicables.

La Junta podrá tomar una decisión sobre la norma propuesta al concluir la audiencia, o bien podrá convocar una reunión en una fecha posterior a la audiencia para considerar las medidas que se adopten con respecto a la norma propuesta. Alternativamente, la Junta podrá continuar la audiencia más allá de la fecha prevista para su conclusión, dejando abierto el acta de la audiencia y continuando recibiendo comentarios. La notificación de la continuación se publicará en los sitios web de la Junta y del NMED.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, opiniones y argumentos pertinentes, ya sea de forma oral o por escrito, para presentar pruebas documentales y para interrogar a los testigos. Cualquier persona que desee presentar una declaración escrita no técnica para que conste en acta en lugar de un testimonio oral deberá presentar dicha declaración antes de la clausura de la audiencia a través de SmartComment en <https://nmed.commentinput.com?id=s38BDgN4p>; por correo electrónico a pamela.jones@env.nm.gov; o por correo postal a Pamela Jones, P.O. Box 5469, Santa Fe, NM, 87502. No se tendrán en cuenta las declaraciones recibidas después de la conclusión de la audiencia.

Las personas que deseen presentar testimonios técnicos deben presentar ante la Junta una notificación por escrito de su intención de hacerlo. Los requisitos para la notificación de intención se encuentran en 20.1.1.302 NMAC. Por testimonio técnico se entiende cualquier testimonio científico, técnico, económico o especializado, ya sea oral o escrito, pero no incluye argumentos legales, comentarios generales ni declaraciones de política sobre

asuntos que se traten en la audiencia. Las notificaciones de intención para la audiencia deben ser recibidas por la Junta a más tardar a las 5:00 p. m. MDT del 6 de abril de 2026, y deben hacer referencia al nombre de las regulaciones, la fecha de la audiencia y el número de expediente EIB 25-32(R). Las notificaciones de intención de presentar testimonios técnicos deberán enviarse a Pamela Jones, Administradora de la Junta, P.O. Box 5469, Santa Fe, NM 87502, pamela.jones@env.nm.gov.

Las personas que requieran servicios de interpretación de idiomas o que tengan una discapacidad y necesiten un lector, un amplificador, un intérprete de lenguas de señas calificado o cualquier otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar el 8 de octubre de 2025, al (505) 660-4305 o pamela.jones@env.nm.gov. Los usuarios de TDD o TDY deben marcar el 7-1-1 o el 800-659-8331 para acceder a este número a través de Relay New Mexico.

DECLARACIÓN DE NO DISCRIMINACIÓN

NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como lo exigen las leyes y reglamentos aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y de recibir las consultas relativas a los requisitos de no discriminación establecidos en el título 40 del Código de Regulaciones Federales (CFR), partes 5 y 7, incluido el título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley contra la 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 no discriminación de NMED, puede ponerse en contacto con: Kate Cárdenas, Coordinadora de No Discriminación, 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 el coordinador de no discriminación indicado anteriormente o visitar nuestro sitio web <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para obtener información sobre cómo y dónde presentar una queja por discriminación.

ENVIRONMENT DEPARTMENT CANNABIS AND HEMP BUREAU

NOTICE OF PUBLIC HEARING FOR ADOPTION OF AMENDMENTS TO RULE 20.10.2 NMAC, HEMP POST-HARVEST PROCESSING

The Secretary of the New Mexico Environment Department (“NMED”) will hold a public hearing beginning at 9:00 a.m. on December 2, 2025, and continuing thereafter as necessary. The purpose of the hearing is to consider amendments to 20.10.2 NMAC, Hemp Post-Harvest Processing, which provides a regulatory framework for the hemp industry in New Mexico. NMED’s Cannabis and Hemp Bureau (“Bureau”) is the proponent of the proposed new rule.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person portion of the hearing will be held at the New Mexico State Capitol Building (The Roundhouse), Meeting Room No. 321, 490 Old

Pecos Trail, Santa Fe, NM, 87501. The hearing location may change prior to the hearing date, and those interested in attending should visit NMED’s website prior to the hearing. Detailed information concerning the time, location, and instructions on how to join the hearing virtually is available on the NMED events calendar at <https://www.env.nm.gov/events-calendar/>. If you have difficulties joining the meeting, please contact Luis Lopez at (505) 490-0186 or luis.lopez@env.nm.gov.

The proposed regulations and related information, including technical information, may be reviewed online at <https://www.env.nm.gov/opf/docketed-matters/>; during regular business hours at 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; or by contacting the Bureau Chief, Johanthan Gerhardt, at (505) 222-9502.

Public comments will be received via SmartComment at <https://nmed.commentinput.com?id=CmTtUd75S>, via electronic mail to luis.lopez@env.nm.gov; or via physical mail to Luis Lopez, P.O. Box 5469, Santa Fe, NM 87502 until the conclusion of the hearing. Comments received after the conclusion of the hearing will not be viewed.

The purpose of the public hearing is for the NMED Secretary to consider and take possible action on a petition by the Bureau requesting the adoption of proposed regulatory changes to 20.10.2 NMAC. The proposed regulatory changes are attached as Attachment 1 to the Petition for Regulatory Change (“Petition”), docket number CHB 25-53(R), available for viewing online at <https://www.env.nm.gov/opf/docketed-matters/>. If you need assistance obtaining a copy of the proposed amendments, the Petition, or any other documents related to this matter, then please contact: Luis Lopez, Hearing Clerk, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; luis.lopez@env.nm.gov; (505) 490-0186. In your

correspondence, please reference docket number CHB 25-53(R).

The proposed regulatory changes requested by the Bureau are necessary to address current and emerging concerns with the production of hemp products, to bolster labeling requirements, and to strengthen finished product testing requirements. The rule includes a ban on using most semi-synthetic and synthetic cannabinoids in hemp products by New Mexico manufacturers that was included in a rule promulgated on an emergency basis on August 1, 2025. The proposed rule change limits the amount of THC allowed in each serving and total amount allowed in each package of hemp finished product and requires new labeling requirements to warn consumers of risks associated with consuming products containing THC. New proposed testing requirements for manufacturers are intended to ensure products are free of harmful pesticides.

The hearing will be conducted in accordance with the Rulemaking Procedures found at 20.1.9 NMAC and other applicable procedures. The NMED Secretary may make a decision on the proposed rule at the conclusion of the hearing. Alternatively, the NMED Secretary may continue the hearing at a later date, leaving the hearing record open and continuing to receive comments. Notice of continuation will be posted on NMED’s website.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via SmartComment at <https://nmed.commentinput.com?id=CmTtUd75S>; by electronic mail at luis.lopez@env.nm.gov; or by physical mail to Luis Lopez, P.O.

Box 5469, Santa Fe, NM, 87502. Any statements received after the conclusion of the hearing will not be viewed.

Persons wishing to present technical testimony must file with the hearing clerk a written notice of intent to do so. The requirements for a notice of intent can be found in 20.1.1.302 NMAC. Technical testimony means scientific, engineering, economic, or other specialized testimony, whether oral or written, but does not include legal argument, general comments, or statements of policy concerning matters at issue in the hearing. Notices of intent for the hearing must be received no later than 5:00 p.m. on October 25, 2025, and should reference the name of the regulations, the date of the hearing, and docket number CHB 25-53(R). Notices of intent to present technical testimony shall be submitted to Luis Lopez, Hearing Clerk, P.O. Box 5469, Santa Fe, NM 87502, luis.lopez@env.nm.gov.

Persons requiring language interpretation services or having a disability and needing a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Luis Lopez no later than November 10, 2025, at (505) 490-0186 or luis.lopez@env.nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

STATEMENT OF NON-DISCRIMINATION

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 a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

AVISO DE AUDIENCIA PÚBLICA PARA LA ADOPCIÓN DE ENMIENDAS A LA NORMA 20.10.2 NMAC,

PROCESAMIENTO POSTERIOR A LA COSECHA DEL HACHÍS

El secretario del Departamento de Medio Ambiente de Nuevo México («NMED») celebrará una audiencia pública que comenzará a las 9:00 a. m. del 2 de diciembre de 2025 y continuará después según sea necesario. El objetivo de la audiencia es considerar las enmiendas a la norma 20.10.2 NMAC, Procesamiento del hachís después de la cosecha, que establece un marco regulatorio para la industria del hachís en Nuevo México. La Oficina de Cannabis y Hachís del NMED («Oficina») es la promotora de la nueva norma propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como virtual. La parte presencial de la audiencia se celebrará en El Capitolio del Estado de Nuevo México (The Roundhouse,

apodo en inglés), Sala de Reuniones Número 321, 490 Old Pecos Trail, Santa Fe, NM, 87501. La ubicación de la audiencia puede cambiar antes de la fecha de la misma, por lo que las personas interesadas en asistir deben visitar el sitio web del NMED antes de la audiencia. La información detallada sobre la hora, el lugar y las instrucciones para participar en la audiencia de forma virtual está disponible en el calendario de eventos del NMED en <https://www.env.nm.gov/events-calendar/>. Si tiene dificultades para participar en la reunión, póngase en contacto con Luis López en el (505) 490-0186 o en luis.lopez@env.nm.gov.

Las regulaciones propuestas y la información relacionada, incluida la información técnica, pueden consultarse en línea en <https://www.env.nm.gov/opf/docketed-matters/>; durante el horario laboral habitual en 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; o poniéndose en contacto con el jefe de la oficina, Johanthan Gerhardt, en el (505) 222-9502.

Los comentarios públicos se recibirán a través de SmartComment en <https://nmed.commentinput.com?id=CmTtUd75S>, por correo electrónico a luis.lopez@env.nm.gov o por correo postal a Luis López, P.O. Box 5469, Santa Fe, NM 87502 hasta la conclusión de la audiencia. Los comentarios recibidos después de la conclusión de la audiencia no serán considerados.

El objetivo de la audiencia pública es que el secretario del NMED considere y tome las medidas oportunas en relación con una petición presentada por la Oficina en la que se solicita la adopción de los cambios normativos propuestos para 20.10.2 NMAC. Los cambios normativos propuestos se adjuntan como Anexo 1 a la [Petición de cambio normativo](#) («Petición»), número de expediente CHB 25-53(R), disponible para su consulta en línea en <https://www.env.nm.gov/opf/docketed-matters/>. Si necesita ayuda para obtener una copia de las enmiendas propuestas, la Petición o

cualquier otro documento relacionado con este asunto, póngase en contacto con: Luis López, secretario de la audiencia, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; luis.lopez@env.nm.gov; (505) 490-0186. En su correspondencia, haga referencia al número de expediente CHB 25-53(R).

Los cambios normativos propuestos solicitados por la Oficina son necesarios para tratar las preocupaciones actuales y emergentes relacionadas con la producción de productos de hachís, reforzar los requisitos de etiquetado y fortalecer los requisitos de prueba de los productos terminados. La norma incluye la prohibición del uso de la mayoría de los cannabinoides semisintéticos y sintéticos en los productos de hachís por parte de los fabricantes de Nuevo México, que se incluyó en una norma promulgada con carácter de urgencia el 1 de agosto de 2025. La modificación normativa propuesta limita la cantidad de THC permitida en cada porción y la cantidad total permitida en cada envase de producto acabado de hachís, y exige nuevos requisitos de etiquetado para advertir a los consumidores de los riesgos asociados al consumo de productos que contienen THC. Los nuevos requisitos de ensayo propuestos para los fabricantes tienen por objeto garantizar que los productos estén libres de pesticidas nocivos.

La audiencia se llevará a cabo de conformidad con los procedimientos de reglamentación que se encuentran en 20.1.9 NMAC y otros procedimientos aplicables. El secretario del NMED puede tomar una decisión sobre la norma propuesta al término de la audiencia. Alternativamente, el secretario del NMED puede continuar la audiencia en una fecha posterior, dejando abierto la acta de la audiencia y continuando recibiendo comentarios. El aviso de continuación se publicará en el sitio web del NMED.

Todas las personas interesadas tendrán la oportunidad razonable en la

audiencia de presentar pruebas, datos, opiniones y argumentos pertinentes, ya sea de forma oral o por escrito, de presentar pruebas escritas y de interrogar a los testigos. Cualquier persona que desee presentar una declaración escrita no técnica para que conste en acta en lugar de un testimonio oral deberá presentar dicha declaración antes de la clausura de la audiencia a través de SmartComment en <https://nmec.commentinput.com?id=CmTtUd75S>; por correo electrónico a luis.lopez@env.nm.gov; o por correo postal a Luis López, P.O. Box 5469, Santa Fe, NM, 87502. No se tendrán en cuenta las declaraciones recibidas después de la conclusión de la audiencia.

Las personas que deseen presentar testimonios técnicos deben presentar ante el secretario de la audiencia una notificación por escrito de su intención de hacerlo. Los requisitos para la notificación de intención se encuentran en 20.1.1.302 NMAC. Por testimonio técnico se entiende cualquier testimonio científico, técnico, económico o especializado, ya sea oral o escrito, pero no incluye argumentos legales, comentarios generales ni declaraciones de política relativas a los asuntos que se tratan en la audiencia. Las notificaciones de intención para la audiencia deben recibirse antes de las 5:00 p. m. del 25 de octubre de 2025 y deben hacer referencia al nombre de las regulaciones, la fecha de la audiencia y el número de expediente CHB 25-53(R). Las notificaciones de intención de presentar testimonios técnicos deberán enviarse a Luis López, secretario de la audiencia, P.O. Box 5469, Santa Fe, NM 87502, luis.lopez@env.nm.gov.

Las personas que requieran servicios de interpretación lingüística o que tengan una discapacidad y necesiten un lector, un amplificador, un intérprete de lengua de señas autorizado o cualquier otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben ponerse en contacto con Luis López a más tardar el 10 de noviembre de

2025, llamando al (505) 490-0186 o escribiendo a luis.lopez@env.nm.gov. Los usuarios de TDD o TDY deben marcar el 7-1-1 o el 800-659-8331 para acceder a este número a través de Relay New Mexico.

DECLARACIÓN DE NO DISCRIMINACIÓN

El 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. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por el título 40 del Código de Regulaciones Federales (CFR), partes 5 y 7, incluido el título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; 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 no discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de no discriminación, 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 el coordinador de no discriminación indicado anteriormente o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

GAMING CONTROL BOARD

NOTICE OF PROPOSED RULEMAKING

The Gaming Control Board hereby gives notice that the Board, will conduct a public comment hearing on the described rules below.

The Board public comment hearing will be held on Monday, November 17, 2025, beginning at 9:00 am at the Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113. Interested individuals may also attend via Zoom:

Join Zoom Meeting
<https://us06web.zoom.us/j/87639921730?pwd=E1DWajz3vRdXzLIAsJILUIPyrUqpFO.1>
 Meeting ID: 876 3992 1730
 Passcode: 2L8k97

This public comment hearing allows members of the public an opportunity to submit data, testimony, and arguments in person on the proposed rule changes detailed below. All comments will be recorded by a court reporter and/or audio recording.

15.4.1.7 NMAC - DEFINITIONS:

Purpose: Amend definition of “Bingo employee”, replacing the word “technicians” with “professionals”, amend to add definition for “Drop”, “Drop box” and “Technician”, amend definition for “Ticket in / Ticket out” (TITO), replacing the word “session” with “business day.”

Summary: The clarification on the definitions “Bingo employee” and “Ticket in / Ticket out” with the new definitions for “Drop”, “Drop box” and “Technician” will support the agencies efforts to enhance and clarify processes which are intended to protect licensee assets and the integrity of games of chance.

15.4.2.9 NMAC - LICENSE CLASSIFICATIONS:

Purpose: Amending subsection B to add “cash handler” and “bingo account check signers” to the list of Bingo Operation employees required to be staff permitted.

Summary: To more specifically identify bingo operation employees which require licensing for the purpose of clarity and to ensure that the assets of the bingo operator licensee are protected against theft, abuse and misappropriation.

15.4.4.9 - AREA OF LICENSED PREMISES; RESTRICTION:

Purpose: Amending subsection D and I to require board review and approval of lease agreement prior to going into effect. Amending subsections E, F, G to state “applicant or licensee”. Amending subsection I to include board review of contracts. Amending to add subsections J, K, L, and M.

Summary: Clarifying for Bingo Operator Licensees which leases and contracts require board review, the process of review and the minimum elements that the board requires for review.

15.4.5.8 NMAC - GENERAL DUTIES

Purpose: Amend to add subsection J to require bingo operator licensees to more timely notify the Gaming Control Board of changes in contact information, and changes to their board members or officers and their contact information as well.

Summary: Since bingo operator licensing renewal is on a three year rotation, it is important and critical that licensees keep their information with the agency current and up to date instead of waiting until their three year anniversary renewal.

15.4.5.15 NMAC - EMPLOYEE CONDUCT

Purpose: Amend subsection D to require bingo employees (staff permittees) to more timely notify the

Gaming Control Board of changes to their contact information.

Summary: Staff permittees renew licensing on a three year rotation, it is important and critical that staff permitted bingo employees keep their information with the agency current and up to date instead of waiting until their three year anniversary renewal.

15.4.6.13 - MAINTENANCE, REPAIR AND SERVICEING OF PULL-TAB EQUIPMENT

Purpose: Amending to add new subpart 13 and subsections A through I, regarding the permitting, training and approval of technicians for pull-tab dispensers.

Summary: The newer larger electronic pull-tab dispensers are larger and much more complicated than the older more simpler dispensers. Repairs and servicing requirements in the rules were due for an update and added clarity.

15.4.10.13 - DROP, COUNT, AND SECURE PROCEDURES:

Purpose: Amending to add a new subpart 13 and subsections A through T, regarding adopting appropriate regulations for the secure drop and count procedures for pull-tab dispensers.

Summary: Pull-tab dispensers are seeing an increase in use across the state. The rules for the conduct of the drop and count are to protect the safety of bingo operator employees and assets.

Authority: Section 60-2F-3 NMSA 1978 and Section 60-2E-7 NMSA 1978.

Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments:

Copies of the proposed rules are available on the Gaming Control Board’s website at <https://www.gcb.nm.gov/rulemaking/> or can be obtained by emailing GCB-PIO@

gcb.nm.gov. The proposed rules are 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 GCB-PIO@gcb.nm.gov or by regular mail at Attn: Angela M. Armstrong - proposed rule, The Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113. The deadline to receive written comment is Monday, November 17, 2025. All written public comments will be posted on the website throughout the written comment period at: <https://www.gcb.nm.gov/rulemaking/>.

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) 841-9700.

REGULATION AND LICENSING DEPARTMENT ACCOUNTANCY, BOARD OF PUBLIC

NOTICE OF PUBLIC RULE HEARING AND NEW MEXICO PUBLIC ACCOUNTANCY BOARD MEETING

The New Mexico Public Accountancy Board and the Regulation and Licensing Department will hold a rule hearing on Tuesday, December 9, 2025, at 10:00 a.m., immediately followed by a meeting of the New Mexico Public Accountancy Board for adoption of the proposed rules listed below. The hearing and subsequent board meeting will be held at the Regulation and Licensing Department, located at 5500 San Antonio Drive N.E., Albuquerque, New Mexico 87109.

The hearing and subsequent New Mexico Public Accountancy Board meeting will also be held via Microsoft Teams for those desiring to attend virtually.

Virtual link for meeting

Meeting ID: 286 822 774 595 7
Passcode: Fx9ke2nk

Dial in by phone

+1 505-312-4308,,307846933#
United States, Albuquerque

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

16.60.1 NMAC, General Provisions

16.60.2 NMAC, Certified Public Accountant (CPA) Examination Requirements

16.60.3 NMAC, Licensure and Continuing Professional Education Requirements

16.60.4 NMAC, Firm Permit, Peer Review Requirements, and Business Name Prohibitions

16.60.5 NMAC, Code of Professional Conduct

The agenda for the rule hearing and board meeting will be posted and available at least 72 hours before the meeting on the New Mexico Public Accountancy Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/accountancy/board-information/accountancy-board-meetings>. Copies of the agenda may also be obtained by contacting the Deputy Director, Amanda Lewis at (505) 416-4622.

The New Mexico Public Accountancy Board will begin accepting written public comment regarding the proposed rule changes beginning on Friday, October 31, 2025 at 8:00 a.m. and ending Tuesday, December 2, 2025, 5:00 p.m. Written comments may be submitted by email to accountancy.board@rld.nm.gov or by postal mail to the following address:

New Mexico Regulation and Licensing Department
Attn: NM Accountancy Board
5500 San Antonio Drive SE
Albuquerque, NM 87109

***Public comment will also be accepted during the rule hearing**

and may be presented orally, or in writing. Individuals who would like to participate and offer public comment *must appear in person.*

The members of the New Mexico Public Accountancy Board will not engage in substantive discussion of public comments during the rule hearing but will consider all public comments during the board meeting following the conclusion of the rule hearing.

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

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Deputy Director Amanda Lewis at 505-476-4622 at least 7 days prior to the rule hearing and regular board meeting.

Statutory Authority:

The rule changes are authorized by the Public Accountancy Act (ACT), Section 61-28B-1 through 61-28B-29 NMSA 1978, which provides explicit authority for the New Mexico Public Accountancy Board (Board) to protect public health and safety and adopt rules for the administration of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25 through 1.24.25.16 NMAC.

Purpose of the Proposed Rules:

The proposed rule changes aim to implement changes to reflect the modifications made to the Act during the 2025 legislative session. The changes also are being made to

implement fees for returned checks and for an administrative electronic application annual fee. Generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders.

Summary of Proposed Changes:

The Board summarizes its proposed changes to its administrative rules as follows:

16.60.1 NMAC – General Provisions adding definitions, amending education requirements pursuant to modifications of the Public Accountancy Act enacted during the 2025 legislative session. Fees are also being implemented for returned checks and for the processing of electronic applications (annual fees) to be paid for the ongoing technological expenses incurred while using Salesforce/NMPlus.

16.60.2 NMAC – Certified Public Accountants (CPA) Examination Requirements, amending education requirements pursuant to modifications of the Public Accountancy Act enacted during the 2025 legislative session.

16.60.3 NMAC – Licensure and Continuing Professional Education Requirements amending education requirements pursuant to modifications of the Public Accountancy Act enacted during the 2025 legislative session, cleaning up administrative processes, and clarifying hardship exceptions.

16.60.4 NMAC – Firm Permit, Peer Review Requirements, and Business Name Prohibitions amending administrative processes, and adding “natural disasters” as a cause for an extension request.

16.60.5 NMAC – Code of Professional Conduct amending education requirements pursuant to modifications of the Public Accountancy Act enacted during

the 2025 legislative session and clarification of administrative processes.

REGULATION AND LICENSING DEPARTMENT COUNSELING AND THERAPY PRACTICE BOARD

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Counseling and Therapy Practice Board and the Regulation and Licensing Department will hold a rule hearing on Friday, November 7, 2025, at 11:00 a.m. Immediately following the rule hearing, the Board will convene a regular board meeting to consider adoption of rules and take care of regular business. The hearing and board meeting will be held at the Regulation and Licensing Department, located at 2550 Cerrillos Road, Santa Fe, NM in Hearing Room 1.

The hearing and subsequent Counseling and Therapy Practice board meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 274 855 495 514 9

Passcode: WF2wb2Y7

Dial in by phone

+1 505-312-4308 United States, Albuquerque

Phone conference ID: 808 181 43#

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

Rule 16.27.17 NMAC – Fees

On Tuesday, October 7, 2025, copies

of the proposed rules may be obtained through the New Mexico Counseling and Therapy Practice Board website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/counseling-and-therapy-practice/statutes-rules-and-rule-hearings/> or by contacting the Board Administrator, Ruth Romero, at counseling.board@rld.nm.gov or (505) 476-4622.

The New Mexico Counseling and Therapy Practice Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, October 7, 2025, 8:00 a.m. and ending Friday, November 7, 2025, 9:00 a.m. Written comments may be submitted either by email to counseling.board@rld.nm.gov or by postal mail to the following address:

New Mexico Regulation and Licensing Department

Attn: New Mexico Counseling and Therapy Practice Board

P.O. Box 25101

Santa Fe, NM 87504

Written comments received during the public comment period (October 7, 2025 – November 7, 2025) will be posted to the website page listed above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Counseling and Therapy Practice Board will not engage in substantive discussion of public comments during the rule hearing but will consider all public comments during the regular board meeting immediately following the conclusion of the rule hearing.

The agenda for the New Mexico Counseling and Therapy Practice Board regular meeting which will begin immediately after the public rule hearing, will be posted and available at least 72 hours before the meeting on the Board website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/counseling-and-therapy-practice/statutes-rules-and-rule-hearings/>

commissions/individual-boards-and-commissions/counseling-and-therapy-practice/board-information. Copies of the agenda may also be obtained by contacting Ruth Romero, Board Administrator.

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

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

Statutory Authority:

The proposed rule changes are authorized by the Counseling and Therapy Practice Act, Sections 61-9A-1 through 61-9A-30 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of the Proposed Rules: The proposed rule change is intended to address changes to the Counseling and Therapy Practice Act, to add a \$10.00 fee for initial licenses and \$10.00 per year for all renewals to pay for the ongoing cost of utilizing Salesforce/NM-Plus system. More generally, the proposed rule changes

are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

Rule 16.27.17 NMAC – Fees – Changes to this rule will allow for a ten dollar (\$10) administrative fee for electronic processing for initial applications and for renewals per year to fund the ongoing maintenance and licensing of the NM-Plus system.

REGULATION AND LICENSING DEPARTMENT NURSING HOME ADMINISTRATORS BOARD

NOTICE OF PUBLIC RULE HEARING AND BOARD OF NURSING HOME ADMINISTRATORS MEETING

The New Mexico Board of Nursing Home Administrators and the Regulation and Licensing Department will hold a rule hearing on Friday, November 7, 2025, at 2:00 p.m., immediately followed by a meeting of the board for adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya Building, Rio Grande Conference Room, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The hearing and subsequent Board of Nursing Home Administrators meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: https://teams.microsoft.com/l/meetupjoin/19%3ameeting_YT

F1ODZ1YzctYWU4Ni00MmRhLTkyY2UtOThlMTRkNDhmMmM1%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22f1580d79-82d5-4287-9124-cd398f90fe4a%22%7d

Or by Meeting ID: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 280 475 353 262

Passcode: yf7No65y

or

Join by Phone: +1 505-312-4308

Phone conference ID: 423 666 172#

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

Rule 16.13.2.8 NMAC – FEES

On Tuesday, October 7, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Nursing Home Administrators website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/board-information/> or by contacting the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

The New Mexico Board of Nursing Home Administrators and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, October 7, 2025, 8:00 a.m. and ending Friday, November 7, 2025, 8:00 a.m. Written public comment may be submitted either by email to NursingHome.AdminBd@rld.nm.gov or by postal mail to the following address:

Attn: New Mexico Board of Nursing Home Administrators
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (October 7, 2025 – November 7, 2025) will

be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Board of Nursing Home Administrators will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Board of Nursing Home Administrators regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website above or by contacting the board Senior Manager, Dr. Arthur Culpepper.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298 at least 7 days prior to the rules hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

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

Statutory Authority:

The proposed rule changes are authorized by the Nursing Home Administrators Act, Sections 61-13-1 through 61-13-17 NMSA 1978, which

provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule changes are intended to add an administrative fee for electronic processing to allow the board to pay for the ongoing maintenance and licensing of the NM-Plus system. More generally, the proposed rule changes are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

Rule 16.13.2.8 NMAC – Fees
Changes to this rule will allow for a ten dollar (\$10) administrative fee for electronic processing per year to fund the ongoing maintenance and licensing of the NM-Plus system.

REGULATION AND LICENSING DEPARTMENT PHYSICAL THERAPY BOARD

NOTICE OF PUBLIC RULE HEARING AND PHYSICAL THERAPY BOARD MEETING

The New Mexico Physical Therapy Board and the Regulation and Licensing Department will hold a rule hearing on Monday November 10, 2025, at 10:00 a.m., immediately followed by a meeting of the Physical Therapy Board for adoption of the proposed rules listed below. The hearing and subsequent board meeting

will take place at the Regulation and Licensing Department, located at 2550 Cerrillos Rd. Santa Fe, NM, 87505, Hearing Room 1 Conference Room.

The hearing and subsequent Physical Therapy Board meeting may also be accessed virtually via Microsoft Teams. Meeting Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzliY2E3M2UtNWY4Ni00ZmMxLTkwN2MtZDFkNDcwMTJkNWJj%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22d3fe0eed-1d12-48f7-a361-c27ae097daa2%22%7d

Login (meeting by ID): <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 232 073 678 075 7

Passcode: UQ3c8Sx6

Dial in by phone

+1 505-312-4308, United States, Albuquerque

Phone conference ID: 706 737 185#

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

Rule 16.020.0001 NMAC - General Provisions

Rule 16.020.0003 NMAC - Issuance of Licenses

Rule 16.020.0004 NMAC - Temporary Licenses

Rule 16.020.0005 NMAC - Schedule of Fees

Rule 16.020.0007 NMAC - Supervision

Rule 16.020.0008 NMAC - Renewal Requirements and Continuing Education

Rule 16.020.0009 NMAC - Education Criteria for Foreign-Educated Applicants

Rule 16.020.0012 NMAC - Expedited Licensing Requirements

Rule 16.020.0013 NMAC - Dry Needling Provision

Rule 16.020.0014 NMAC - Imaging

On Wednesday, October 8, 2025,

copies of the proposed rules may be obtained through the New Mexico Physical Therapy Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/physical-therapy/board-information/physical-therapy-board-meetings/> or by contacting the Board Administrator, Evan Ortega at physical.therapy@rld.nm.gov or (505) 476-4622.

The New Mexico Physical Therapy Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Wednesday, October 8, 2025, 8:00 a.m. and ending Monday, November 10, 2025, at 10:00 a.m. Written public comment may be submitted either by email to physical.therapy@rld.nm.gov or by postal mail to the following address:
Attn: New Mexico Physical Therapy Board
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (October 8, 2025 – November 10, 2025) will be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Physical Therapy Board will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Physical Therapy Board regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website listed above or by contacting the Board Administrator Evan Ortega.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Board Administrator Evan Ortega at physical.therapy@rld.nm.gov or (505) 476-4622 at least 7 days prior to the rules hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

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

Statutory Authority: The rule changes are authorized by the Physical Therapy Practice Act (Act), Section 61-12D-1 through 61-12D-19 NMSA 1978, which provides explicit authority for the Physical Therapy Board to protect public health and safety and adopt rules for the administration of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25 through 1.24.25.16 NMAC

Purpose of Proposed Rules: The proposed rule changes are intended to address changes to the Physical Therapy Practice Act, to provide greater clarity and align rules with the process for online applications, implement process for CE Audit, update the schedule of fees, improve process for Temporary License holders, clarify supervision protocol, and provide guidelines for Dry Needling and Imaging in Physical Therapy Practice. More generally, the proposed rule changes are intended

to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The Board summarizes its proposed changes to its administrative rules as follows:

Rule 16.020.0001 NMAC - General Provisions – Changes to grammar and form of titles, and inclusion of American Physical Therapy Association Code of Ethics.

Rule 16.020.0003 NMAC - Issuance of Licenses – Updates to the background check requirement.

Rule 16.020.0004 NMAC - Temporary Licenses – Amending the definition language for Temporary Licenses and supervisory protocol.

Rule 16.020.0005 NMAC - Schedule of Fees – Changing the price of licenses and renewals to include an administrative electronic processing fee, and changing the price of returned checks and e-checks.

Rule 16.020.0007 NMAC – Supervision – Including language for telehealth supervision to align with the New Mexico Telehealth Act.

Rule 16.020.0008 NMAC - Renewal Requirements and Continuing Education – Including the definition for a Qualified Individual, clarifying the process for continuing education approval and annual renewals.

Rule 16.020.0009 NMAC - Education Criteria for Foreign-Educated Applicants – Clarifying the requirements for the application process for Foreign Educated applicants.

Rule 16.020.0012 NMAC - Expedited Licensing Requirement – Amending requirements for expedited licensure

for military service members and their families.

Rule 16.020.0013 NMAC - Dry Needling Provision – Clarifying language for qualifications for administering Dry Needling for Physical Therapists.

Rule 16.020.0014 NMAC – Imaging – Creating a new section for Part 20 of Title 16 for Physical Therapists seeking justification for ordering imaging.

REGULATION AND LICENSING DEPARTMENT

PRIVATE INVESTIGATIONS ADVISORY BOARD

AMENDED NOTICE OF PUBLIC RULE HEARING AND PRIVATE INVESTIGATIONS ADVISORY BOARD MEETING

The New Mexico Private Investigations Advisory Board and the Regulation and Licensing Department will hold a rule hearing on Friday November 14, 2025, at 10:00 a.m., immediately followed by a meeting of the private investigations advisory board for adoption of the proposed rules listed below. The hearing and subsequent board meeting will take place at the Regulation and Licensing Department, located at 5500 San Antonio dr. NE., Albuquerque, New Mexico 87109.

The hearing and subsequent private investigations advisory board meeting may also be accessed virtually via Microsoft Teams.

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzcxNzE1MmYtMDI4Ni00YTg4LWExZjktY2IwNDM0MGE5NTE5%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22c32153ee-ab7c-43ed-ab7e-278fdf7f55d0%22%7d

www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Meeting ID: 223 191 198 313 3
Passcode: dg2wN3Zg

Dial in by phone

+1 505-312-4308, 629490405#
United States, Albuquerque
(888) 506-1357, 629490405# United States (Toll-free)

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

a. Rule 16.48.1 NMAC, General Provisions

b. Rule 16.48.2 NMAC, Requirements for Licensure

c. Rule 16.48.5 NMAC, Fees

d. Rule 16.48.7 NMAC, License Renewal Inactive Status and Reinstatement

e. Rule 16.48.8 NMAC, Licensure for Military Service Members, Spouses and Veterans

On Friday, October 10, 2025, copies of the proposed rules may be obtained through the New Mexico Private Investigation Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations-security-guard/statutes-rules-and-rule-hearings/> Copies may also be obtained by contacting Gary Barela, Board Administrator, at pipolygraphbd@rld.nm.gov

The New Mexico Private Investigations Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Friday, October 10th, 2025, 8:00 a.m. and ending Thursday November 13, 2025, 8:00 a.m. Written public comment may be submitted either by email to pipolygraphbd@rld.nm.gov or by postal mail to the following address:

Attn: Private Investigation Board
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (October 10, 2025 – November 13, 2025) will be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the Private Investigations Advisory Board will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the Private Investigation Advisory Board regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website linked above or by contacting the board administrator Gary Barela.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact Gary Barela at (505) 476-4622 at least 7 days prior to the rules hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

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

rule hearing will be rescheduled as soon as possible.

Statutory Authority: The proposed rule changes are authorized by the Private Investigations Act, §§61-27B-1 through -36, NMSA 1978, which provides authority for the superintendent to authorize the board to promulgate rules to and carry out the provisions of the Act. The rulemaking and public rule hearing are governed by the State Rules Act, §§ 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules: The proposed rule changes are intended to [a]mend the rules as necessary to conform with statutory requirements, provide for additional administrative fees, and revise the continuing education requirements. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect public health, safety and welfare.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows: Rule 16.48.1 NMAC, General Provisions 16.48.1.7 Remove the redundant use of the term "registered agent" from the definitions section labeled EE. Rule 16.48.2 NMAC, Requirements for Licensure 16.48.2.18 Update the qualifications and experience requirements for Level Two Security Guard applicants by removing 'or' and replacing it with 'and' to ensure compliance with statutory licensure requirements. 16.48.2.19 Update the qualifications and experience requirements for Level Three Security Guard applicants by removing 'or' and replacing it with 'and' to ensure compliance with

statutory licensure requirements. Rule 16.48.5 NMAC, Fees Include a returned check or e-check fee of \$35 Include an administration processing fee of \$10 Rule 16.48.7 NMAC, License Renewal Inactive Status and Reinstatement Revise continuing education requirements and associated definitions to reflect updated standards and maintain compliance with statutory licensure provisions. Rule 16.48.8 NMAC, Licensure for Military Service Members, Spouses and Veterans Remove the 2X2 photo as a requirement for licensure.

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.

AGRICULTURE DEPARTMENT

The Regents of New Mexico State University approved at its September 15, 2025 meeting, to repeal rule 21.17.50 NMAC – Pesticides (filed 7/1/1997) and replace it with 21.17.50 NMAC – Pesticides, adopted on 9/15/2025 and effective 10/7/2025.

The Regents of New Mexico State University approved at its September 15, 2025 meeting, to repeal rule 21.18.4 NMAC-Seed Standards and Classifications Rule (filed 7/01/1997) and replace it with 21.18.4 NMAC-Seed Standards and Classifications Rule, adopted on 9/15/2025 and effective 10/07/2025.

The Regents of New Mexico State University approved at its September 15, 2025 meeting, to repeal rule 21.34.7 NMAC-Egg Inspection Fees Rule (filed 7/01/1997) and replace it with 21.34.7 NMAC-Egg Inspection Fees Rule, adopted on 9/15/2025 and effective 10/07/2025.

AGRICULTURE DEPARTMENT

TITLE 21 AGRICULTURE AND RANCHING CHAPTER 17 PEST, DISEASE, AND WEED CONTROL PART 50 PESTICIDES

21.17.50.1 ISSUING

AGENCY: New Mexico State University, New Mexico Department of Agriculture.
MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007.
[21.17.50.1 NMAC – Rp, 21.17.50.1 NMAC, 10/07/2025]

21.17.50.2 SCOPE: Part 50 shall apply to all persons regulated under the Pesticide Control Act, including private applicators, commercial applicators, non-commercial applicators, public applicators, pest management consultants, pesticide dealers and pesticide manufacturers, and to all activities relating to the distribution and use of pesticides.
[21.17.50.2 NMAC – Rp, 21.17.50.2 NMAC, 10/07/2025]

21.17.50.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the New Mexico Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, NMSA 1978 Compilation.
[21.17.50.3 NMAC – Rp, 21.17.50.3 NMAC, 10/07/2025]

21.17.50.4 DURATION: Permanent.
[21.17.50.4 NMAC – Rp, 21.17.50.4 NMAC, 10/07/2025]

21.17.50.5 EFFECTIVE DATE: October 07, 2025, unless a later date is cited in the history note at the end of a section.
[21.17.50.5 NMAC – Rp, 21.17.50.5 NMAC, 10/07/2025]

21.17.50.6 OBJECTIVE: The objective of Part 50 of Chapter 17 is to set criteria for the use of pesticides in New Mexico, including the licensing and certification of pesticide applicators, record keeping, equipment inspection, fees, storage and disposal of pesticides.
[21.17.50.6 NMAC – Rp, 21.17.50.6 NMAC, 10/07/2025]

21.17.50.7 DEFINITIONS:
A. “Active ingredient” means any ingredient

which will prevent, destroy, repel, control or mitigate a pest or which will act as a regulator, defoliant or desiccant.

B. “Aircraft” means any fixed-wing aerial equipment or helicopter used to apply pesticides.

C. “Bait” means an edible material containing a pesticide attractive to a pest.

D. “Certified applicator” means any person who has complied with the certification requirements established by the department to use or supervise the use of any pesticide covered by a valid license issued by the department.

E. “Competent” means properly qualified to perform functions associated with pesticide application and use, the degree of capability required being directly related to the nature of the activity and the associated responsibility.

F. “Defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

G. “Desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

H. “Direct supervision” means verifiable instruction to a competent person as follows:

(1) detailed guidance for applying and using the pesticide properly; and
(2) provisions for contacting the certified applicator in the event he is needed; or
(3) actual physical presence of a certified applicator when required by the label.

I. “Disposal” means to abandon, deposit, inter, or otherwise discard of waste as a final action after its use has been achieved or a use is no longer intended.

J. “Fungus” means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts) as, for example, rust, smut, mildew, mold and yeast, except those on or in processed food, beverages, or pharmaceuticals.

K. “Ground equipment” means any equipment used to supply pesticides that is operated on the ground and is self-propelled, or is mounted, drawn, or transported by a tractor, truck or other vehicle, and that is:

- (1) gravity fed;
- (2) mechanically driven by chain, gears or belts; or
- (3) obtains power or pressure from a power-take-off or engine.

L. “Hazardous pesticide waste” means any pesticide waste in a concentration or quantity, or a waste pesticide container which the board declares to be hazardous to the public health and safety, domestic livestock or wildlife or property.

M. “Illegal residue” means the amount of pesticide remaining in or on food or feed crops and crop by-products, or in meat, meat by-products, or in the fat or milk of animals in excess of tolerances established by the U.S. environmental protection agency (EPA).

N. “Inert ingredient” means any ingredient which has no active properties.

O. “Manual equipment” means any pressurized or electrically operated equipment (excluding hand-sized pressurized containers containing pesticides) used to apply pesticides that is carried or drawn as a complete unit by the person who applies the pesticide.

P. “Open burning” means the combustion of pesticide waste in any fashion other than by incineration in an incinerator approved and permitted by the New Mexico environment department and designed for that waste.

Q. “Open dumping” means the placing of pesticide waste in a land site other than a sanitary landfill as defined herein.

R. “Operator technician” means any person who uses any pesticide as an employee of a commercial applicator.

S. “Permit” means a written certificate of authority issued by the department to use or apply pesticides.

T. “Pest” means any living organism injurious to other living organisms (except man and viruses, bacteria, or other microorganisms in or on other living organisms other than plants) that is a vector of a disease, or is a parasite on another organism and includes, but is not limited to, organisms in the phyla, Platyhelminthes (flatworms, flukes, tapeworms), Nematelminthes (roundworms), Mollusca (snails), Annelida (earthworms), Arthropoda (centipedes, millipedes, spiders, mites, ticks, insects) and Chordata (fish, amphibians, reptiles, birds, mammals, excluding man).

U. “Pest control operator” means a commercial applicator certified in one or more of the license classification(s) 7A, 7B, 7C, or 7D of Paragraphs (10) through (13) of Subsection B of 21.17.50.8 NMAC.

V. “Pesticide waste” means any active or inert ingredient, or any combination thereof, of a labeled pesticide in either its packaged concentration or diluted for use which is intended for disposal. The term “pesticide waste” does not include any pesticide packaged in a form suitable for use in the household, or for agricultural use by a farmer or rancher.

W. “Protective equipment” means clothing, respirators, goggles or other equipment or materials used to shield an applicator against unintended exposure to pesticides.

X. “Public pest management consultant” means any individual who is employed by a governmental agency or municipality and who offers or supplies technical

advice or makes recommendations to a user of restricted-use pesticides.

Y. “Sanitary landfill” means a land site for the disposal of wastes as specified under the environmental improvement board’s solid waste management regulations in such a manner so as to preclude hazards to public health and safety, domestic livestock or wildlife, and loss of property by utilizing the principles of engineering to confine the wastes to the smallest practical area and to cover with soil.

Z. “Service container” means any container utilized to hold, store or transport a pesticide concentrate or a pesticide use-dilution preparation other than 1) the original labeled container provided by the manufacturer or 2) the application equipment. Containers used for waste pesticides are not deemed to be service containers.

AA. “Service vehicle” means any vehicle used to transport pesticide application equipment, or use-dilution preparation to the application site.

BB. “Use-dilution preparation” means a pesticide preparation which is mixed with a diluent and at a rate specified on the label or labeling which produces the concentration of the pesticide provided on the registered label or labeling.

CC. “Waste pesticide container” means any container intended for disposal which formerly held pesticides.

DD. “Water dumping” means the disposal of pesticide waste in or on lakes, ponds, rivers, sewers, arroyos or any watercourse, except properly designed and constructed manmade facilities approved by the New Mexico environmental improvement division.

EE. “Weed” means any plant which grows where not wanted. [21.17.50.7 NMAC – Rp, 21.17.50.7 NMAC, 10/07/2025]

21.17.50.8 LICENSE CATEGORIES:

A. This section delineates the license categories and

the scope of operations which may be performed under each category. These license categories represent the certification examinations taken by commercial, public and non-commercial applicators, pest management consultants and public pest management consultants.

B. License category and code number:

(1) 1A --

Agricultural pest control -- includes the control of insects, mites, plant, diseases, nematodes, and the use of soil fumigants, on agronomic crops.

(2) 1B --

Agricultural weed control -- includes the control of undesirable plants that compete with agricultural crops for water and plant nutrients and includes the use of desiccants, fumigants and defoliants.

(3) 1C --

Animal pest control -- includes spraying, dusting, dipping, or administering pesticides internally to control pests such as lice, mites, bots, fleas and flies on pets and livestock or treatment of places where animals are confined.

(4) 2-- Forest

pest control -- includes the application of pesticides in forests, forest nurseries and forest seed producing areas.

(5) 3A --

Ornamental and turf pest control: insecticides and fungicides -- includes the control of insect and disease pests in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(6) 3B --

Ornamental and turf pest control: herbicides -- includes the control of undesirable vegetation in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(7) 4 -- Seed

treatment -- includes the treatment of seeds to control insects, plant diseases and other pests.

(8) 5 --

Aquatic pest control -- includes the application of a pesticide to standing or running water to control algae, undesirable fish and other aquatic

organisms, excluding public health pest control.

(9) 6 -- Right-

of-way pest control -- includes the control of vegetation along public roads, electric powerlines, pipelines, railway rights-of-way, around oil well, storage areas, airports and similar areas.

(10) 7A --

Structural pest control -- includes the control of household pests, fabric pests and stored product pest.

(11) 7B --

Vertebrate animal control -- includes the control of rodents, birds, bats and predators of wildlife and domestic animals.

(12) 7C

-- Fumigation -- includes the use of gases such as methyl bromide, hydrogen cyanide and phosphine to control pests in structures, railroad cars, stored grain and similar areas.

(13) 7D

-- Wood destroying pest control -- includes the control of termites, carpenter ants, wood-boring or tunneling beetles, fungi and other organisms which attack lumber in structures or sawed lumber.

(14) 8 -- Public

health pest control -- includes the control of mosquitoes, flies, fleas and other vectors that transmit human or animal diseases.

(15) 9 --

Regulatory pest control -- includes state, federal or other governmental employees who control regulated and quarantined pests.

(16) 10 --

Demonstration and research pest control -- includes:

(a)

individuals who demonstrate to the public the proper use of restricted-use pesticides; or

(b)

who conduct field research with pesticides.

(17) 11 -- Other

-- to be assigned by the director.
[21.17.50.8 NMAC – Rp, 21.17.50.8 NMAC, 10/07/2025]

21.17.50.9 EXPIRATION DATE OF LICENSES: The annual

registration of pesticides and any licenses or certifications provided for in the Pesticide Control Act shall expire on the dates indicated in this section unless it has been revoked or suspended prior thereto by the director.

A. The annual pesticide or device registration shall expire on January 31 following issuance.

B. The annual pesticide dealer license shall expire on January 31 following issuance.

C. The annual pest management consultant license shall expire on January 31 following issuance.

D. The annual commercial applicator license shall expire on January 31 following issuance.

E. The annual operator/technician license shall expire on January 31 following issuance.

F. The annual non-commercial applicator license shall expire on January 31 following issuance.

G. The annual public applicator license shall expire on January 31 following issuance.

H. The annual public pest management consultant license shall expire on January 31 following issuance.

I. The private applicator certification shall expire on January 31 five years following the year of issuance.

[21.17.50.9 NMAC – Rp, 21.17.50.9 NMAC, 10/07/2025]

21.17.50.10 RECORDS:

A. Each commercial applicator, non-commercial applicator and public applicator shall keep records for pesticides applied by them or persons under their direct supervision which shall include the following:

(1) name of the person for whom the pesticide was applied;

(2) target pest(s) and crop or site;

(3) year, month, day, and time the pesticide was applied;

(4) brand name or common name of the pesticide and U.S. environmental protection agency registration number(s) of the pesticide(s);

(5) direction and estimated velocity of the wind and the temperature at the application site at the time the pesticide was applied; this requirement shall not apply to application of baits in bait stations or pesticide applications in or immediately adjacent to structures;

(6) concentration of the pesticide(s) applied; example: pounds, ounces or pints of pesticide formulation per gallon applied;

(7) volume of use-dilution preparation applied, if applied in categories 1A, 1B, 2, 3A, 3B, 5, 6, 7D and 8 as defined in Section 8;

(8) location of the land or city address to which pesticide was applied;

(9) if applicable, all aircraft identification numbers;

(10) name and address of the business or agency and the name of the individual making the application.

B. Pesticide application records shall be completed and available to the department within 24 hours after the pesticide is applied.

C. Pesticide application records shall be kept for a period of two years from the date of the application of any pesticide. Upon request, in writing, the department shall be furnished with a copy of these records.

D. Upon written request, the customer shall be provided with a record of each application of pesticide applied to his land which includes all information given under Subsection A of 21.17.50.10 NMAC.

E. Holders of private applicator licenses for M-44 sodium cyanide capsules shall submit to the director by September 15, their

field records on the use of the M-44 capsules for the preceding period of September 1 through August 31. [21.17.50.10 NMAC – Rp, 21.17.50.10 NMAC, 10/07/2025]

21.17.50.11 INSPECTION AND CARE OF EQUIPMENT:

A. Equipment used for applying pesticides by a commercial applicator shall be kept in good mechanical condition. Parts that show signs of wear or malfunction shall be replaced to prevent leakage and to assure uniform dispersal of the pesticide. Equipment, where applicable, shall be calibrated accurately to dispense the prescribed amount of pesticide. Hoses or parts not suitable or not intended for use on spray equipment shall not be used.

B. Equipment to be licensed shall be inspected for, but not limited to, the following:

- (1) nozzle condition and function;
- (2) suitable type of hose;
- (3) tank condition;
- (4) hose and pipe connections and condition;
- (5) proper functioning of pressure regulators, if equipped;
- (6) proper functioning of emergency dump valve;
- (7) proper functioning of pump;
- (8) decal or license plate affixed to the equipment.

C. When the same equipment is used to apply different types of pesticides, it shall be cleaned thoroughly if:

- (1) an insecticide is used following the use of a herbicide or defoliant; or
- (2) residue from material used previously is not compatible with other pesticides to be used; or
- (3) a pesticide has been used that would cause an illegal residue on cultivated crops or processed food.

D. Equipment shall be cleaned in a manner that no residues remain that will cause injury to land, humans, desirable plants or animals when making subsequent application of pesticides.

E. A uniform mixture shall be maintained in the equipment at all times while applying pesticides.

F. Pesticides that remain in spray equipment after a job is completed, and for which no further legal use is intended, shall be disposed of in a manner and location that would not cause unreasonable adverse effects on the environment. Pesticides from any equipment shall not be dumped along public highways, into streams, or at any location that would cause unreasonable adverse effects on the environment.

G. Bait boxes and watering stations placed by commercial applicators, non-commercial applicators, and public applicators shall be legibly marked with the business name of the commercial applicator or name of the public agency; the brand name or common name or chemical name of the pesticide or the active ingredient(s); the EPA registration number; and current phone number of the New Mexico poison control center in Albuquerque, New Mexico.

H. In food handling establishments rodenticides shall be placed in bait boxes or watering stations marked with the information required in Subsection G of 21.17.50.11 NMAC.

I. Service containers shall have affixed to them a legible label with the common name of the active ingredient(s) or the brand name of pesticide contained therein.

J. Securing pesticides and equipment on service vehicles: any container or portable application equipment containing pesticides or pesticide residues shall not be left unattended on a service vehicle unless the container or equipment is in a locked compartment or secured in such a manner so as to render it inaccessible to an unauthorized person.

[21.17.50.11 NMAC – Rp,
21.17.50.11 NMAC, 10/07/2025]

21.17.50.12 PROTECTIVE EQUIPMENT: All licensed certified applicators shall be required to make available protective equipment properly decontaminated and in proper working order, and advise their employees of its use to meet the safety requirements of the pesticide labeling.

[21.17.50.12 NMAC – Rp,
21.17.50.12 NMAC, 10/07/2025]

21.17.50.13 APPLICATION OF PESTICIDES:

A. A licensed certified applicator shall apply only those pesticides registered for use in New Mexico under his license category(s). Any person applying pesticides shall follow directions, rates and precautions stated on the approved label and labeling. Application or use of a pesticide in a manner inconsistent with the directions on the approved label and labeling shall constitute an illegal use of the pesticide. Restricted-use pesticides shall be applied only by licensed certified applicators or persons under their direct supervision.

B. If a commercial pesticide applicator uses a liability insurance policy as proof of financial responsibility, the applicator shall not apply pesticides exempted in the policy.

[21.17.50.13 NMAC – Rp,
21.17.50.13 NMAC, 10/07/2025]

21.17.50.14 CHANGE OF BUSINESS STATUS:

A. Any person issued a license under the Pesticide Control Act shall within 10 days notify the director in writing of any change of:

- (1) employment;
- (2) ownership of the firm;
- (3) the business firm name, address or any pertinent data on his application;
- (4) licensed employees.

B. Licenses issued under the New Mexico Pesticide

Control Act are nontransferable.

[21.17.50.14 NMAC – Rp,
21.17.50.14 NMAC, 10/07/2025]

21.17.50.15 DISPLAY AND STORAGE OF PESTICIDES:

A. Pesticides intended for distribution or sale shall be displayed or stored within an enclosed building or fenced area and shall not be displayed on sidewalks, parking lots or similar open areas.

B. Pesticides shall be stored in a manner that will reasonably insure that human foods, pet foods, drugs, animal feeds, commercial fertilizers, seeds or clothing will not be contaminated.

C. Pesticides in leaking, broken, corroded or otherwise damaged containers or with damaged or obscured labels, shall not be displayed or offered for sale.

[21.17.50.15 NMAC – Rp,
21.17.50.15 NMAC, 10/07/2025]

21.17.50.16 IDENTIFICATION OF VEHICLES:

A. All service vehicles used by a commercial applicator for distributing pesticides or devices shall be marked with:

(1) name of the firm;

(2) commercial applicator's license number.

B. All letters and numerals shall be of bold lettering at least one and one-half (1-1/2) inches high with a contrasting color as background. Markings shall be visible on both the right and left side of the service vehicle.

[21.17.50.16 NMAC – Rp,
21.17.50.16 NMAC, 10/07/2025]

21.17.50.17 PESTICIDE DEALERS:

A. Each applicant for a pesticide dealer license for outlets within New Mexico shall provide adequate facilities for the storage and distribution of restricted-use pesticides.

B. Each pesticide dealer shall keep a record of the sale of all restricted-use pesticides.

Information to be recorded shall include:

(1) name and license number of the certified applicator;

(2) date of sale;

(3) brand name of the pesticide product and its EPA registration number;

(4) quantity of restricted-use pesticide sold.

C. A pesticide dealer license shall be, in addition to any other license or permit, required by law for offering or supplying technical advice, supervision or aid or making a recommendation to the user of highly toxic pesticides, restricted use pesticides, or both, by a dealer or his employees.

D. It shall be unlawful for a pesticide dealer to knowingly sell any restricted-use pesticide to any person who is not a licensed certified applicator, provided individuals under the direct supervision of a certified applicator may receive and transport restricted-use pesticides for a certified applicator.

[21.17.50.17 NMAC – Rp,
21.17.50.17 NMAC, 10/07/2025]

21.17.50.18 LICENSE APPLICATION AND EXAMINATION: CERTIFICATION AND LICENSING:

A. The applicant may elect to be examined in one or more of the classifications of pest control shown on the application. The examination fee, if applicable, shall be paid prior to administering any examination. If the applicant fails to pass any required examination, he may request, to take such failed examination at another date provided an additional examination fee, if applicable, is paid. A grade of 70 shall be passing on all examinations.

B. If an applicant has not completed all license requirements within 60 days from the date of the original application, then said applicant will be subject to the fees and requirements of a new applicant.

C. The director shall not consider any license application by any individual during the effective period of the license suspension or revocation of any license issued under the Pesticide Control Act.
[21.17.50.18 NMAC – Rp,
21.17.50.18 NMAC, 10/07/2025]

21.17.50.19 REVIEW OF CERTIFICATION AND LICENSES: The director may review any certification, license, or permit to determine if there are grounds for denial, suspension, or revocation action. A review shall be warranted in the case of:

A. violation of some provision of the Pesticide Control Act or regulations promulgated thereunder;

B. criminal conviction under Section 14(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended;

C. a final order imposing civil penalty under Section 14(a) of amended FIFRA;

D. certification obtained by cheating on an examination or providing false information about attendance or completion of required training or continuing education;

E. a license is obtained or utilized for reasons other than the intended purpose of allowing purchase or use of pesticides as required under the New Mexico Pesticide Control Act or regulations promulgated thereunder.
[21.17.50.19 NMAC – Rp,
21.17.50.19 NMAC, 10/07/2025]

21.17.50.20 OPERATOR/TECHNICIAN TRAINING PERMITS: A new employee of a licensed commercial applicator may work up to 60 calendar days under a operator/technician training permit provided another commercial applicator or technician licensed in New Mexico at least six months is present on the application site. Prior to expiration of the operator/technician training permit, permittees shall take the required examination(s).

The permit shall be issued on the request of a licensed commercial applicator. The operator/technician training permit can not be extended.
[21.17.50.20 NMAC – Rp,
21.17.50.20 NMAC, 10/07/2025]

21.17.50.21 PROOF OF FINANCIAL RESPONSIBILITY:

A. A commercial applicator license shall not be issued until the applicant has furnished proof of financial responsibility acceptable to the director. This requirement may be satisfied by:

(1) a certificate of liability insurance signed by an authorized insurance representative; or

(2) a certified copy of a liability insurance policy; or

(3) a surety bond.

B. Proof of financial responsibility by any means other than a certified copy of the policy shall be provided by the issuing company on forms provided by or approved by the director.

C. Proof of financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

D. The director shall be notified in writing by the issuing company 10 days prior to any reduction or cancellation of insurance coverage.

E. The insurer or surplus line broker shall be authorized to do business in New Mexico.
[21.17.50.21 NMAC – Rp,
21.17.50.21 NMAC, 10/07/2025]

21.17.50.22 MINIMUM COVERAGE REQUIREMENTS:

A. Surety bond -- \$100,000.

B. Liability insurance:
(1) Aircraft.

(a) Bodily injury -- \$25,000 each occurrence, \$50,000 aggregate.

(b) Property damage -- \$50,000 each occurrence.

(c) Single limit bodily injury and property damage -- \$100,000.

(2) Ground or manual.

(a) Bodily injury -- \$10,000 each occurrence -- \$25,000 aggregate.

(b) Property damage -- \$25,000 each occurrence.

(c) Single limit bodily injury and property damage -- \$50,000.

(3) Maximum amount of deductible (if applicable) -- \$1,000.

[21.17.50.22 NMAC – Rp,
21.17.50.22 NMAC, 10/07/2025]

21.17.50.23 STORAGE AND DISPOSAL OF PESTICIDES AND PESTICIDE WASTES:

A. Pesticide waste and pesticides intended for use by commercial pesticide applicators shall be stored in enclosed, secured areas and shall be posted with warning signs in English and Spanish.

B. Pesticide wastes, provided they are not also hazardous pesticide wastes, shall be disposed of in an approved sanitary landfill.

C. Hazardous pesticide waste shall be disposed of in a permitted hazardous waste disposal site or in a designated area of an approved sanitary landfill under the supervision of the operator; provided, the department shall have the power to disallow disposal in an approved sanitary landfill if the hazardous pesticide waste is determined to be of such a nature that disposal should only be in a permitted hazardous waste disposal site.

D. Waste pesticide containers shall be crushed or rendered non-serviceable and disposed of in an approved sanitary landfill.

E. Rinsings and waste waters from the cleaning of pesticide apparatuses which can reasonably be expected to contain pesticide contaminants shall be contained in the cleanup area and not allowed to contaminate water or neighboring land.

F. Waste pesticides from livestock dipping vats shall be placed in evaporation ponds so as to avoid contamination of any surface or ground waters.

G. Pesticide waste or waste pesticide containers shall not be disposed of by open dumping, open burning, or water dumping in the state of New Mexico.

H. No pesticide waste shall be disposed of in any sewer or storm drain.

I. No pesticide waste or waste pesticide containers shall be disposed of in a manner inconsistent with its label or labeling.
[21.17.50.23 NMAC – Rp,
21.17.50.23 NMAC, 10/07/2025]

21.17.50.24 VARIANCE:

A. The director may grant a variance from any provision of 21.17.50.23 NMAC under special circumstances, provided such variance does not violate other state or federal laws.

B. A request for a variance shall be made to the director in writing and shall contain such information as the department deems necessary.
[21.17.50.24 NMAC – Rp,
21.17.50.24 NMAC, 10/07/2025]

21.17.50.25 FEES:

A. The annual registration fee for each pesticide or device registered shall be one hundred and fifty dollars (\$150.00).

B. The annual pesticide dealer license fee for each location or outlet within the state, or if there is no outlet within the state, for the principal out-of-state location or outlet, shall be one hundred dollars (\$100.00).

C. The annual pest management consultant license fee shall be one hundred dollars (\$100.00).

D. The annual commercial applicator license fee shall be one hundred dollars (\$100.00).

E. The annual operator/agricultural pilot/serviceman license fee shall be seventy five dollars (\$75.00).

F. The annual non-commercial applicator license fee shall be one hundred dollars (\$100.00).

G. The private applicator certification fee, or renewal thereof, shall be twenty-five dollars (\$25.00).

H. The fee for each additional inspection required to certify a unit of aircraft, ground or manual equipment that fails to pass inspection shall be twenty-five dollars (\$25.00).

I. The examination fee for each examination needed to qualify the applicant as a pest management consultant, commercial applicator, non-commercial applicator or operator/agricultural pilot/serviceman shall be twenty dollars (\$20.00) per examination.
[21.17.50.25 NMAC – Rp,
21.17.50.25 NMAC, 10/07/2025]

HISTORY OF 21.17.50 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMDA Rule 67-2, Pesticide Regulations, Regulatory Order No. 1, filed 6/12/1967.

NMDA Rule 68-1, Pesticide Regulations, Regulatory Order No. 1, Amended, filed 6/12/1967.

NMDA Rule 70-1, Pesticide Regulations, Regulatory Order No. 1, Section 3, filed 3/4/1970.

NMDA Rule 70-2, Pesticide Regulations, Regulatory Order No. 2, filed 3/4/1970.

NMDA Rule 70-3, Pesticide Regulations, Regulatory Order No. 1, filed 12/24/1970.

NMDA Rule 71-4, Pesticide Regulations, Regulatory Order No. 2, filed 12/15/1971.

NMDA Rule 72-2, Pesticide Regulations, Regulatory Order No. 3, filed 3/6/1972.

NMDA Rule 73-8, Pesticide Regulations, Regulatory Order No. 1, filed 9/13/1973.

NMDA Rule 74-5, Pesticide Regulations, Regulatory Order No. 2, filed 7/10/1974.

NMDA Rule 75-5, Pesticide

Regulations, Regulatory Order No. 3, filed 9/15/1975.

NMDA Rule 78-3, Regulatory Order No. 4, Storage/Disposal of Pesticides, filed 9/21/1978.

NMDA Rule 79-2, Regulatory Order No. 5, Definitions, Licensing, Equipment Inspections, Record Keeping of Pesticides by Regulated Applicators, filed 11/21/1979.

NMDA Rule 79-4, Regulatory Order No. 7, Establishes Financial Responsibility for Commercial Applicators, filed 11/21/1979.

NMDA Rule 79-5, Regulatory Order No. 8, Establishes Fee for Pesticide Registration and Licenses, filed 11/21/1979.

NMDA Rule 81-2, Regulatory Order No. 10, Establishes Fee for Pesticide Registration and Licenses, filed 5/21/1981.

NMDA Rule 85-4, Fees for Pesticide Registrations and Licenses, filed 8/7/1985.

NMDA Rule 88-2, Fees for Pesticide Registrations and Licenses, filed 3/23/1988.

History of Repealed Material:

21.17.50 NMAC – Pesticides, filed 7/1/1997, was repealed and replaced by 21.17.50 NMAC – Pesticides, effective 10/07/2025.

AGRICULTURE DEPARTMENT

TITLE 21 AGRICULTURE AND RANCHING CHAPTER 18 SEEDS, FEEDS, AND FERTILIZERS PART 4 SEED STANDARDS AND CLASSIFICATIONS

21.18.4.1 ISSUING

AGENCY: New Mexico State University, New Mexico Department of Agriculture

[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.2 SCOPE: Part 4 shall apply to any person selling commercial seeds in New Mexico.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the New Mexico Seed Law, Chapter 76, Article 10, Sections 11 through 22, New Mexico Statutes Annotated 1978 Compilation.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.4 DURATION: Permanent.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.5 EFFECTIVE DATE: October 7, 2025, unless a later date is cited at the end of the history note at the end of a section.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.6 OBJECTIVE: The objective of Part 4 of Chapter 18 is to establish a list of prohibited and restricted noxious weed seeds, set germination standards for vegetable seeds, set tolerances for the testing of seeds, set guidelines for the sampling and testing of seeds, and set fees to be charged for seed testing when done at the request of or for the benefit of persons, firms or individuals, and designate the seed certification agency for New Mexico.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.7 DEFINITIONS: [RESERVED]

21.18.4.8 PROHIBITED NOXIOUS WEED SEEDS: The following weed seeds are declared to be prohibited noxious weed seeds. Seeds containing any of the weed seeds listed herein shall not be sold in New Mexico.

- A. Field Bindweed (*Convolvulus arvensis*)
- B. Camelthorn (*Alhagi camelorum*)
- C. Halogeton (*Halogeton glomeratus*)
- D. Nutgrass, Purple Nutgrass (*Cyperus esculentus*, *C. rotundus*)
- E. Poverty Weed (*Ambrosia tomentosa*)
- F. Quackgrass (*Elymus repens*)
- G. Russian Knapweed (*Rhaponticum repens*)
- H. Thistle, Canada (*Cirsium arvense*)
- I. Whitetop (*Cardaria draba*)

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.9 RESTRICTED NOXIOUS WEED SEEDS: The following weed seeds are declared to be restricted noxious weed seeds. Seeds containing any of the weed seeds listed herein shall not be sold in New Mexico if the number of restricted noxious weed seeds exceeds those established in this section.

	Maximum allowed per pound
dodder (<i>Cuscuta</i> spp.)	45
goatgrass (<i>Aegilops</i> spp.)	1
Johnsongrass (<i>Sorghum halepense</i>) and other perennial sorghums	45
morning glory (<i>Ipomoea</i> spp.)	45
Texas blueweed (<i>Helianthus ciliaris</i>)	45
white horsenettle (Bullnettle) (<i>Solanum elaeagnifolium</i>)	90
wild oat (<i>Avena fatua</i>)	90

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.10 GERMINATION STANDARDS FOR VEGETABLE SEEDS: The germination standards for vegetable seeds shall be as found in 7 CFR 201.31.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.11 METHODS OF SAMPLING AND TESTING: The methods of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed shall be the methods adopted by the Federal Seed Act 7 CFR Part 201. Methods of testing seeds for which the Federal Seed Act 7 CFR Part has not adopted methods of testing shall be determined by the state seed analyst or methods adopted by the association of official seed analysts.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.12 TOLERANCES: Tolerances shall be the applicable tolerances established by the Federal Seed Act 7 CFR Part 201. In the case of prohibited noxious weed seeds, the tolerance shall be based on declaration of "none". In the case of vegetable seed in amounts of one pound or less not labeled as to actual germination, it will be interpreted that vegetable seeds must meet or exceed the minimum germination established by Section 10, germination standards for vegetable seeds.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.13 FEE SCHEDULE FOR SEED TESTING:

A. The following fees shall be charged to persons bringing seed into the laboratory for testing:

	Complete Test	Purity Only	Germ Only	Weed Only
grass seed	\$45.00	\$24.00	\$24.00	\$16.00
seed other than grass	\$25.00	\$15.00	\$15.00	\$16.00

B. Special charges.

Tetrazolium test for viability	\$30.00
Vigor/cold test	\$25.00

C. Hourly charges. Whenever the seed to be tested is unusually dirty or poses other problems so as not to be routine in its testing, the state seed analyst may elect to charge for the testing at the rate of \$45 per hour for the time involved in testing for purity and/or conducting the germination test, but not to include the time in the germinator. Special testing requests not listed charged at the hourly rate.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.14 SEED CERTIFICATION AGENCY: New Mexico state university seed certification is hereby designated to be the seed certification agency for the state.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

HISTORY OF 21.18.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 67-3, Seed Law Regulations, Regulatory Order No. 1, filed 12/5/67.

NMDA Rule 67-3 Amendment No. 1, Seed Lab Fees, Regulatory Order No. 1, Regulation No. 6, filed 5/19/1971.

NMDA Rule 67-3 Amendment No. 2, Seed Lab Fees, Regulatory Order No. 3, filed 9/28/1976.

NMDA Rule 67-6, Seed Certifying Committee, Resolution No. 1, filed 12/26/1967.

NMDA Rule 72-3, Regulatory Order No. 2, Seed Corn Labeling, filed 9/19/1972.

NMDA Rule 86-1, Seed Standards and Classifications, filed 5/14/1986.

NMDA Rule 86-2, Fees for Seed Tests, filed 7/9/1986.

History of Repealed Material:

21.18.4 NMAC – Seed Standards and Classifications, filed 7/1/1997, was repealed and replaced by 21.18.4 NMAC – Seed Standards and Classifications, effective 10/7/2025.

**AGRICULTURE
DEPARTMENT****TITLE 21 AGRICULTURE
AND RANCHING
CHAPTER 34 DAIRY AND
EGG PRODUCERS
PART 7 EGG
INSPECTION FEES****21.34.7.1 ISSUING**

AGENCY: New Mexico State University, New Mexico Department of Agriculture
[MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.2 SCOPE: All producers, dealers and retailers of shell eggs sold or offered for sale in New Mexico.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university, under the Egg Grading Act, Chapter 25, Article 6, Sections 1 through 16, New Mexico Statutes Annotated, 1978 Compilation.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.4 DURATION: Permanent.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.5 EFFECTIVE DATE: October 7, 2025, unless a later date is cited in the history note at the end of a section.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.6 OBJECTIVE: This part establishes the inspection fee on eggs sold to the retailer or to the consumer.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.7 DEFINITIONS: "Egg dealer" means any person,

firm, partnership or corporation that buys eggs directly from the farmers or from any other source for the purpose of reselling them at wholesale.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.8 [RESERVED]

**21.34.7.9 EGG
INSPECTION FEE:**

A. The inspection fee on eggs sold in New Mexico to the retailer or to the consumer shall be fifteen cents (.15) per case of 30 dozen.

B. The fee shall be paid by the egg dealer or producer who packages the eggs for sale to the retailer or consumer.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.10 [RESERVED]

HISTORY OF 21.34.7 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMDA Rule No. DOA 71-2, Regulatory Order No. 2, Egg Inspection Fees, filed 5/19/1971. NMDA Rule No. 83-4, Egg Inspection Fees, filed 5/12/1983. NMDA Rule No. 85-7, Egg Inspection Fees, filed 9/24/1985.

History of Repealed Material: 21.34.7 NMAC – Egg Inspection Fees, filed 7/1/1997, was repealed and replaced by 21.34.7 NMAC – Egg Inspection Fees, effective 10/7/2025.

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

This is an amendment to 20.80.200 NMAC, Section 20, effective October 7, 2025.

2.80.200.20 OFFICERS:

A. [At the first regular meeting of each calendar year, the] The board shall elect a chair and a vice-chair in accordance with

policies adopted by the board. The duties of the officers shall include the following.

(1) The chair shall preside at all regular and special meetings of the board.

(2) The vice-chair shall serve as chair in the absence of the chair.

B. In the absence of the chair and vice-chair, the board may elect a temporary chair to preside at a meeting from which both officers are absent.
[2.80.200.20 NMAC - Rp, 2.80.200.20 NMAC, 12/30/2015, A, 10/07/2025]

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

At its 7/11/2025 meeting, the New Mexico Board of Social Work Examiners repealed the following rules:

16.63.1 NMAC - General Provisions, filed 01/05/1995;
16.63.4 NMAC - Examinations, filed 01/05/1995;
16.63.7 NMAC - Provisional License, 01/05/1995;
16.63.8 NMAC - Fees, , filed 06/22/1992;
16.63.12 NMAC - Continuing Education, filed 06/22/1992;
16.63.14 NMAC - Inactive Status, filed 1/5/1995;
16.63.15 NMAC - Retirement, filed 1/5/1995;
16.63.16 NMAC - Code of Conduct, filed 4/24/2006;

and replaced all of the above rules, respectively, with the following rules, all effective on 10/07/2025:

16.63.1 NMAC - General Provisions;
16.63.4 NMAC – Examinations;
16.63.7 NMAC - Provisional License;
16.63.8 NMAC – Fees;
16.63.12 NMAC - Continuing Education;
16.63.14 NMAC - Inactive Status;
16.63.15 NMAC – Retirement;
16.63.16 NMAC - Code of Conduct.

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

At its 7/11/2025 meeting, the New Mexico Board of Social Work Examiners repealed 16.63.5 Emergency Licensure, filed 11/09/20225, effective 10/07/2025.

At its 7/11/2025 meeting, the New Mexico Board of Social Work Examiners repealed 16.63.6 NMAC – Licensure by Credentials; Reciprocity, filed 3/1/2022, effective 10/07/2025, effective 10/07/2025.

At its 7/11/2025 meeting, the New Mexico Board of Social Work Examiners repealed 16.63.17 NMAC – Temporary License, filed 11/30/2006, effective 10/07/2025.

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING
CHAPTER 63 SOCIAL
WORKERS
PART 1 GENERAL
PROVISIONS**

16.63.1.1 ISSUING

AGENCY: Regulation and Licensing Department – Board of Social Work Examiners, P.O Box 25101, Santa Fe, NM 87504

[16.63.1.1 NMAC - Rp, 16.63.1.1 NMAC, 10/07/2025]

16.63.1.2 SCOPE: All baccalaureate social workers, masters social workers, clinical social workers, and independent social workers.

[16.63.1.2 NMAC - Rp, 16.63.1.2 NMAC, 10/07/2025]

16.63.1.3 STATUTORY AUTHORITY: These parts are promulgated to the Social Work Practice Act, Sections 61-31-1 to 25 NMSA 1978.

[16.63.1.3 NMAC - Rp, 16.63.1.3 NMAC, 10/07/2025]

16.63.1.4 DURATION: Permanent.

[16.63.1.4 NMAC - Rp, 16.63.1.4 NMAC, 10/07/2025]

16.63.1.5 EFFECTIVE DATE: October 7, 2025, unless a different date cited at the end of this section.

[16.63.1.5 NMAC - Rp, 16.63.1.5 NMAC, 10/07/2025]

16.63.1.6 OBJECTIVE: To define terms relevant to social work licensing, public versus non-public records, license display, and board governance.

[16.63.1.6 NMAC - Rp, 16.63.1.6 NMAC, 10/07/2025]

16.63.1.7 DEFINITIONS:
A. Appropriate supervision:

(1) Supervision shall be provided by an individual qualified by the board of social work examiners. Applicants and supervisors will engage in the process of supervision in accordance with the guidelines established by the board.

(2) Subject to Paragraph (3), below supervision for an LMSW seeking licensure as an LCSW or LISW shall be provided by an LISW or LCSW or by a licensed psychiatrist psychologist or a license professional clinical counselor who has been approved by the Board.

(3) Any clinical work done by a LMSW must be completed under supervision.

(4) The relationship between the supervisor and supervisee must be designed to promote the development of professional social work skills for the delivery of social work services. These skills include the integration of theory and practice, the development

and application of intervention techniques, the development and constant improvement of social work standards and ethics, and the continued acquisition of professional knowledge. Within the limits set forth by the board, teleconferencing and group supervision will be accepted.

(5)

Supervisors shall evaluate and oversee the manner in which the above skills development is reflected in the supervisee's practice. The supervisor's responsibility insures that the supervisee acquires the necessary skills required for advanced and professional social work practice. Supervisors shall immediately notify the board if there is a problem in the supervisory process or the supervisor sees the applicant as unsuitable for this highest level of licensure.

(6)

Supervisors who are overseeing supervision of individuals as masters social workers (LMSW) after aspiring to achieve licensure at the independent clinical level must comply with the board's supervisory requirements as follows:

(a)

Complete a minimum six hour board approved supervision course for initial approval. This course for initial approval may not be included as part of continuing education required for license renewal;

(b)

Submit an application to become a board approved supervisor, prior to commencing supervision of the applicant; and

(c)

Execute a contract with a supervisee that includes the frequency of supervision, type of supervision, education goals, and a schedule for evaluation. The contract shall be maintained by the supervisor for four years following the completion of supervision. The contract may be requested by the board or the regulation and licensing department for review during the period of supervision or for a period of four years following the completion of supervision.

(7) Direct

supervision: means face to face

supervision between two licensees, which may include supervision through video-conferencing platforms that comply with ethical and confidentiality rules. At least 70 of the 100 required hours must be obtained through direct supervision.

(8) Group

Supervision: means supervision other than direct supervision, rendered to no more than eight individual per group at a time. No more than 50 hours of the 100 required hours may be obtained through group supervision.

(9)

Interdisciplinary supervision: The board may accept supervision by other licensed clinical professionals to include, clinical psychologist, psychiatrists and professional clinical counselors. The supervising individual must be in good standing with their own professional licensing board. Board approval must be received prior to the commencement of supervision and no more than 30 hours of the required 100 hours may be obtained through non LISW/ LCSW supervision. When the board approved supervisor is outside of the employing agency or organization, final decisions regarding clinical rest with the employment agency or organization.

B. Qualified

applicants:

(1) means

graduates from those programs having received accreditation by CSWE and those programs having candidacy status, conditional status, or under review status with CSWE.

(2) For those

applicants who graduated from an institution of higher education before CSWE began to accredit programs (prior to 1974), the New Mexico board of social work examiners will require:

(a)

a letter from university's registrar's office stating that the applicant's course of study culminated in a degree which was the equivalent of an emphasis or major in social work;

(b)

demonstrated social work experience;

(c)

documentation of social work licensure in a previous state; and

(d)

concurrence among the majority professional members of the board that the transcripts reflect sufficient coursework in social work.

C. CSWE (council on social work education) accreditation: means those programs having received accreditation by CSWE and those programs having candidacy status or under review status with CSWE.

D. ASWB (association of social work board) refers to the organization composed of state and other jurisdictional boards and is responsible for administering licensing examinations and certifying continuing education course.

E. LBSW: a licensed baccalaureate social worker.

F. LMSW: a licensed masters social worker.

G. LISW: a licensed independent social worker.

H. LCSW: a licensed clinical social worker.

I. Cultural Awareness: Knowledge and sensitivity regarding cultural and impact of age, sex, sexual orientation, gender identification or expression, race, color, ethnicity, national origin, oppression immigration status, political beliefs, physical or mental disability, class, economic status and marital status while treating issues that clients present.

J. NASW: National Association of Social Workers.

[16.63.1.7 NMAC - Rp, 16.63.1.7 NMAC, 10/07/2025]

16.63.1.8 SCOPE OF

PRACTICE: The scope of practice of any licensed social workers is set forth at 61-31-6 of the Act. The scope of practice for the clinical and independent social worker is further defined as set forth in 16.63.11. The scope of practice for masters social worker is further defined as set forth in 16.63.10 NMAC. The scope of practice for the baccalaureate social worker is further defined as set in

16.63.9.NMAC.

[16.63.1.8 NMAC - Rp, 16.63.1.8 NMAC, 10/07/2025]

16.63.1.9 AREA OF

SPECIALIZATION: The board does not license by specialization. Licensee may request that the board's website reflect a licensee's area or areas of specialization based upon proof of accreditation by ASWB or NASW.

[16.63.1.9 NMAC - Rp, 16.63.1.9 NMAC, 10/07/2025]

16.63.1.10 COOPERATION WITH THE BOARD:

A. A social worker shall give full cooperation and assistance to the board of social work examiners and its committees, functions and duties with respect to licensing and disciplinary matters. Applicants and licensees shall respond promptly to any matters or inquiry by the board.

B. Failure to cooperate with the board in an investigation as required by 16.63.1.13 NMAC herein will constitute unprofessional behavior and may result in disciplinary action, including but not limited to suspension, revocation or denial of license, as provided by the Social Work Practice Act, Sections 61-31-1 through 61-31-25 NMSA 1978, as amended.

[16.63.1.10 NMAC - Rp, 16.63.1.1 NMAC, 10/07/2025]

16.63.1.11 [RESERVED]

[16.63.1.11 NMAC - Repealed, 10/07/2025]

16.63.1.12 [RESERVED]

[16.63.1.12 NMAC - Repealed, 10/07/2025]

16.63.1.13 [RESERVED]

[16.63.1.13 NMAC - Repealed, 10/07/2025]

HISTORY OF 16.63.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records- States Records

Center and Archives:

Rule 1, General Provisions, 12/1/89.
Rule 1, General Provisions, 8/13/90.
Rule 1, General Provisions, 4/15/91.
Rule 1, General Provisions, 5/22/92.
Rule 1, General Provisions, 12/5/94.
Rule 2, Definitions, 12/1/89.
Rule 2, Definitions, 4/15/91.
Rule 2, Definitions, 5/22/92.
Rule 2, Definitions, 12/5/94.

History of Repealed Material:

16.63.1 NMAC, General Provisions, filed 01/05/1995, was repealed and replaced with 16.63.1 NMAC, General Provisions, effective 10/07/2025.

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING
CHAPTER 63 SOCIAL
WORKERS
PART 4 EXAMINATIONS**

16.63.4.1 ISSUING

AGENCY: Regulation and Licensing Department, Board of Social Work Examiners P.O Box 25101, Santa Fe, NM 87504

[16.63.4.1 NMAC - Rp, 16.63.4.1 NMAC, 10/07/2025]

16.63.4.2 SCOPE: All baccalaureate social workers, masters social workers, clinical social workers, and independent social workers.

[16.63.4.2 NMAC - Rp, 16.63.4.2 NMAC, 10/07/2025]

16.63.4.3 STATUTORY

AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-1 et seq NMSA 1978.

[16.63.4.3 NMAC - Rp, 16.63.4.3 NMAC, 10/07/2025]

16.63.4.4 DURATION:
Permanent

[16.63.4.4 NMAC - Rp, 16.63.4.4 NMAC, 10/07/2025]

16.63.4.5 EFFECTIVE

DATE: October 7, 2025, unless a different date is cited at the end of a section.

[16.63.4.5 NMAC - Rp, 16.63.4.5 NMAC, 10/07/2025]

16.63.4.6 OBJECTIVE: To outline the examination requirements and process.

[16.63.4.6 NMAC - Rp, 16.63.4.6 NMAC, 10/07/2025]

16.63.4.7 DEFINITIONS:
[RESERVED]

16.63.4.8 EXAMINATIONS:

The board adopts as its examination as administered by the association of social work boards at the appropriate license level.

[16.63.4.8 NMAC - Rp, 16.63.4.8 NMAC, 10/07/2025]

16.63.4.9 [RESERVED]

[16.63.4.9 NMAC - Repealed, 10/07/2025]

16.63.4.10

REQUIREMENTS: Applicants must submit, to the board, completed application and supporting documentation. The Board will notify the applicant of their appropriate approval.

[16.63.4.10 NMAC - Rp, 16.63.4.10 NMAC, 10/07/2025]

16.63.4.11 PASSING

SCORES: The Board will accept passing scores as defined by the AWSB.

[16.63.4.11 NMAC - Rp, 16.63.4.11 NMAC, 10/07/2025]

16.63.4.12 REPEATED

EXAMINATIONS: Qualified applicants who fail to obtain the minimum required score may retake the exam an unlimited number of times. A new application must be submitted and applicants must pay the examination fee for each administration of the examination. Qualifications for examination will

be evaluated based on the most recent application.

[16.63.4.12 NMAC - Rp, 16.63.4.12 NMAC, 10/07/2025]

16.63.4.13 SPECIAL

ACCOMODATIONS: Applicants for examination may request special Facilities to accommodate those with disabilities or those of whom English is a second language. Special requests must be submitted to ASWB at the time of registration for the exam.

[16.63.4.13 NMAC - Rp, 16.63.4.13 NMAC, 10/07/2025]

16.63.4.14 NOTIFICATION:

The applicant will receive the results of the national exam immediately from ASWB.

[16.63.4.14 NMAC - Rp, 16.63.4.14 NMAC, 10/07/2025]

HISTORY OF 16.63.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

Rule 7, Examinations, 12/1/89.

Rule 7, Examinations, 8/13/90.

Rule 4, Examinations, 4/15/91.

Rule 4, Examinations, 5/22/92.

Rule 4, Examinations, 12/5/94.

History of Repealed Material:

16.63.4 NMAC, Examinations, filed 01/05/1995, was repealed and replaced with 16.63.4 NMAC, Examinations, effective 10/07/2025.

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING
CHAPTER 63 SOCIAL
WORKERS
PART 7 PROVISIONAL
LICENSE**

16.63.7.1 ISSUING

AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O Box 25101, Santa Fe, NM 87504

[16.63.7.1 NMAC – Rp., 16.63.7.1 NMAC, 10/07/2025]

16.63.7.2 SCOPE: All

baccalaureate social workers, masters social worker, clinical social workers, and independent social workers.

[16.63.7.2 NMAC -Rp., 16.63.7.2, NMAC, 10/07/2025]

16.63.7.3 STATUTORY

AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Sections 61-31-1 to 25 NMSA 1978.

[16.63.7.3 NMAC – Rp., 16.63.7.3 NMAC, 10/07/2025]

16.63.7.4 DURATION:

Permanent

[16.63.7.4 NMAC, Rp., 16.63.7.4 NMAC, 10/07/2025]

16.63.7.5 EFFECTIVE

DATE: October 07, 2025, unless a different date is cited at the end of a section.

[16.63.7.5 NMAC -Rp., 16.63.7.5, NMAC, 10/07/2025]

16.63.7.6 OBJECTIVE: To

state the minimum requirements for a provisional license, the duration of the license, and the process to reapply.

[16.63.7.6 – Rp., 16.63.7.6 NMAC, 10/07/2025]

16.63.7.7 DEFINITIONS:

[RESERVED]

16.63.7.8 APPLICABILITY:

A. When an applicant has submitted all documentation required for the license sought and the application is complete expect that the applicant has not completed the licensure exam or the required course in New Mexico cultures, the board may issue a provisional license to the applicant at the level sought.

B. The board will accept, in the absence of an official transcripts, certification

bearing official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution.

[16.63.7.8 NMAC – Rp., 16.63.7.8 NMAC, 10/07/2025]

16.63.7.9 DURATION:

The provisional license shall be valid for 12 months.

A. The provisional license shall become immediately invalid if the provisional licensee fails to submit an official transcript of certification.

B. During this 12 months period the provisional licensee must provide documentation that the individual has passed the national examination and provide documentation that verifies the individual has completed the requirement course in New Mexico cultures.

C. Only one provisional license will be issued for each level of licensure.

[16.63.7.9 NMAC – Rp., 16.63.7.9 NMAC, 10/07/2025]

16.63.7.10 FEES: The

applicant shall pay a provisional license fee as set forth in Part 8.

16.63.7.10 NMAC – Rp., 16.63.7.10 NMAC, 10/07/2025]

16.63.7.11 SUPERVISION

HOURS: All supervised hours while practicing with a provisional license pursuant to this part shall be accepted for purposes of receiving a non-provisional license as otherwise provided in 16.63.12 NMAC, subject to the time limitations in Subsection C and F of 16.63.11.8 NMAC.

[16.63.7.11 NMAC – Rp., 16.63.7.11 NMAC 10/07/2025]

HISTORY OF 16.63.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

Rule 8, Provisional License, 12/1/89.
Rule 7, Provisional License, 4/15/91.
Rule 7, Provisional License, 12/5/94.

History of Repealed Material:

16.63.7 NMAC, Provisional License, filed 06/22/1992, was repealed and replaced with 16.63.7 NMAC, General Provisions, effective 10/07/2025.

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING**

**CHAPTER 63 SOCIAL
WORKERS**

PART 8 FEES

16.63.8.1 ISSUING

AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O Box 25101, Santa Fe, NM 87504.

[16.63.8.1 NMAC – Rp., 16.63.8.1 NMAC, 10/07/2025]

16.63.8.2 SCOPE: All

baccalaureate social workers, masters social workers, clinical social workers, and independent social workers.

[16.63.8.2 NMAC – Rp., 16.63.8.2 NMAC, 10/07/2025]

16.63.8.3 STATUTORY

AUTHORITY: These parts are promulgated to the Social Work Practice Act, Sections 61-31-1 to 25 NMSA 1978.

[16.63.8.3 NMAC – Rp., 16.63.8.3 NMAC, 10/07/2025]

16.63.8.4 DURATION:

Permanent

[16.63.8.4 NMAC – Rp., 16.63.8.4 NMAC, 10/07/2025]

16.63.8.5 EFFECTIVE

DATE: October 07, 2025, unless a different date is cited at the end of a section.

[16.63.8.5 NMAC – Rp., 16.63.8.5 NMAC, 10/07/2025]

16.63.8.6 OBJECTIVE:
To outline fees for examinations, application, renewal, late penalty fee, duplicate license, retired, and administrative fees.
[16.63.8.6 NMAC – Rp., 16.63.8.6 NMAC, 10/07/2025]

16.63.8.7 DEFINITIONS:
[RESERVED]

16.63.8.8 EXAMINATIONS:
The Board does not charge a fee for examinations. The cost of examinations by ASWB for any level of licensure is determined and collected by ASWB.
[16.63.8.8 NMAC – Rp., 16.63.8.8 NMAC, 10/07/2025]

16.63.8.9 INITIAL LICENSURE BACCALAUREATE:
The fee for applications as a baccalaureate social worker is seventy-five dollars (\$75.00), to be submitted with the application.
[16.63.8.9 NMAC – Rp., 16.63.8.9 NMAC, 10/07/2025]

16.63.8.10 INITIAL LICENSURE MASTER: The fee for application as a master social worker in one hundred dollars (\$100.00), to be submitted with the application.
[16.63.8.10 NMAC – Rp., 16.63.8.9 NMAC, 10/07/2025]

16.63.8.11 INITIAL LICENSURE INDEPENDENT OR CLINICAL: The fee for application as an independent social worker is one hundred twenty-five (\$125.00), to be submitted with the application.
[16.63.8.11 NMAC – Rp., 16.63.8.11 NMAC 10/07/2025]

16.63.8.12 PROVISIONAL LICENSE: For a provisional license, the fee is commensurate for each license level as stated in this part.
[16.63.8.12 NMAC – Rp., 16.63.8.12 NMAC 10/07/2025]

16.63.8.13 RENEWAL BACCALAUREATE: For renewal of license as a baccalaureate social worker, on hundred dollars (\$100.00).

[16.63.8.13 NMAC – Rp., 16.63.8.13 NMAC, 10/07/2025]

16.63.8.14 RENEWAL MASTERS: For renewal of a license as a master social worker, one hundred fifty dollars (\$150.00).
[16.63.8.14 NMAC – Rp., 16.63.8.14 NMAC, 10/07/2025]

16.63.8.15 RENEWAL INDEPENDENT: For renewal of a license as an independent social worker, two hundred dollars (\$200.00).
[16.63.8.15 NMAC – Rp., 16.63.8.15 NMAC, 10/07/2025]

16.63.8.16 LATE PENALTY FEE: License renewal deadline is July 1. Penalty fee for late renewal license is seventy-five dollars (\$75.00).
[16.63.8.16 NMAC – Rp., 16.63.8.16 NMAC, 10/07/2025]

16.63.8.17 DUPLICATE LICENSE: The fee for a duplicate license is twenty-five (\$25.00). The fee for a duplicate pocket card is five dollars (\$5.00). The fee for a duplicate renewal certificate is five dollars (\$5.00).
[16.63.8.17 NMAC – Rp., 16.63.8.17 NMAC, 10/07/2025]

16.63.8.18 APPLICATION RETIRED: The application fee for retired social worker is one half the regular fee.
[16.63.8.18 NMAC – Rp., 16.63.8.18 NMAC 10/07/2025]

16.63.8.19 [RESERVED]
[16.63.8.19 NMAC – Repealed, 10/07/2025]

16.63.8.20 REASONABLE ADMINISTRATIVE FEES
[16.63.8.20 NMAC – Rp., 16.63.8.20 NMAC, 10/07/2025]

16.63.8.21 ALL FEES ARE NON REFUNDABLE
[16.63.8.21 NMAC – Rp., 16.63.8.21 NMAC, 10/07/2025]

16.63.8.22 INSUFFICIENT FUNDS: Any returned check or electronic payment will be subject to a thirty-five (\$35.00) fee.
[16.63.8.22 NMAC – N, 16.63.8.22 NMAC, 10/07/2025]

HISTORY OF 16.63.8 NMAC:
Pre-NMAC History: The material in this part was derived from that previously file with the commission of Public Records-State Records Center and Archives:

Rule 10, Fees, 12/1/89.

Rule 10, Fees, 8/13/90.

Rule 8, Fees, 4/15/91.

Rule 8, Fees, 5/22/92.

History of Repealed Material:
16.63.8 NMAC, Fees, filed 06/22/1992, was repealed and replaced with 16.63.8 NMAC, Fees, effective 10/07/2025.

REGULATION AND LICENSING DEPARTMENT SOCIAL WORK EXAMINERS, BOARD OF

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING
CHAPTER 63 SOCIAL
WORKERS
PART 12 CONTINUING
EDUCATION**

16.63.12.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners P.O Box 25101, Santa Fe, NM 87504.
[16.63.12.1 NMAC – Rp., 16.63.12.1 NMAC, 10/07/2025]

16.63.12.2 SCOPE: All baccalaureate social workers, masters social workers, clinical social workers, and independent social workers.
[16.63.12.2 NMAC – Rp., 16.63.12.2 NMAC, 10/07/2025]

16.63.12.3 STATUTORY AUTHORITY: These parts are

promulgated pursuant to the Social Work Practice Act, Section 61-31-1-25 NMSA 1978.

[16.63.12.3 NMAC – Rp., 16.63.12.3 NMAC, 10/07/2025]

16.63.12.4 DURATION:

Permanent

[16.63.12.4 NMAC – Rp., 16.63.12.4 NMAC 10/07/2025]

16.63.12.5 EFFECTIVE

DATE: October 07, 2025, unless a different date is cited at the end of a section.

[16.63.12.5 NMAC – Rp., 16.63.12.5 NMAC, 10/07/2025]

16.63.12.6 OBJECTIVE:

To inform licensee of continuing education hours required for license renewal, and the reporting process.

[16.63.12.6 NMAC – Rp., 16.63.12.6 NMAC, 10/07/2025]

16.63.12.7 DEFINITIONS:

[RESERVED]

16.63.12.8 CONTINUING EDUCATION REQUIREMENT:

Continuing of education is required for social workers to be re-licensed at any level. Continuing education is required by the New Mexico board of social work examiners to ensure that social workers in New Mexico are providing the highest quality professional services.

[16.63.12.8 NMAC – Rp., 16.63.12.8 NMAC, 10/07/2025]

16.63.12.9 CONTINUING

EDUCATION CREDIT: 30 hours of continuing education will be required biennially. Six of the 30 hours must be in the subject area of cultural awareness. Three of the 30 hours shall be in the subject area of professional ethics. Proof of participation in or presentation of continuing education activity must be submitted with the license renewal request of the licensee is audited. All continuing education hours must be earned during the current two year renewal period of July 1 thru June 30. [16.63.12.9 NMAC – Rp., 16.63.12.9 NMAC 10/07/2025]

16.63.12.10 CONTINUING EDUCATION PARTICIPATION/ FORMAL SOCIAL WORK

EDUCATION: A three-hour college level course in social work or courses which are designed to enhance the skills relevant to the social worker's professional activity will be accepted as equivalent to 30 hours. The social worker shall submit transcripts directly to the board with renewal.

[16.63.12.10 NMAC – Rp., 16.63.12.10 NMAC, 10/07/2025]

16.63.12.11 CONTINUING

EDUCATION AGENTS: The board may identify and authorized any continuing education agents. The agents will report directly to the board concerning continuing education activity.

[16.63.12.11 NMAC – Rp., 16.63.12.11 NMAC, 10/07/2025]

16.63.12.12 CONTINUING EDUCATION CREDIT

CARRYOVER: All continuing education hours must be earned during the current two-year renewal period of July 1 thru June 30; no carryover will be permitted.

[16.63.12.12 NMAC – Rp., 16.63.12.12 NMAC, 10/07/2025]

16.63.12.13 DOCUMENTATION OF PARTICIPATION:

The board shall audit a percentage of renewal applications each renewal period to verify the continuing education requirement. The licensee must maintain proof of continuing education courses taken for the past four years.

A. If a notice of audit letter sent to the licensee evidence of proof continuing education hours earned during the renewal period must be submitted to the board as requested and as required in the Social Work Practice Act and by this rule.

B. If the licensee is not audited, all documentation of attendance and agendas must be retained by the licensee for a minimum of four years immediately preceding the current renewal.

C. The board reserves the right to audited a licensee's continuing education records as it deems necessary.

D. The board does not maintain a list of continuing education providers. The licensee must determine where to obtain the required continuing education.

E. Each licensee will maintain documentation of all completed continuing education, including contact information for the provider of each course.

F. If all continuing education requirements are not met by the expiration date of the licensee or granted extension date, the licensee shall ne subject to disciplinary action;

(1) renewing licensee will be randomly selected for audit; the board may audit continuing education records at any time before the next schedule license renewal or when deemed appropriate by the board;

(2) the licensee will be notified by email when selected for audit and will be given a deadline to submit the continuing education proof of completion;

(3) Failure to respond to request by the board may be subject to fine and other penalties determined appropriate by the board;

(4) The board may, at its discretion, accept a sworn affidavit of evidence of certificate/ license holder compliance with continuing education requirements in support of renewal application in lieu of documented evidence of such.

G. An individual who submits records or a sworn affidavit on their renewal application to demonstrate compliance with continuing education requirements but is found to be non-compliant during a random audit will be subject to fines and other penalties determined appropriate by the board.

[16.63.12.13 NMAC – Rp., 16.63.12.13 NMAC, 10/07/2025]

16.63.12.14 CONTINUING EDUCATION PROFESSIONAL DISCRETION: The social worker

may choose up to seven hours per renewal which is self-directed. The social worker may select education programs, reading and audio or video-taped materials which are in the domain of social work. Preparation time, not to exceed the length of the presentation and time accumulated in presenting a social work seminar or workshop is included in this section. Documentation of discretionary continuing education hours will be in accordance with guidelines established by the board of social work examiners. Activities which include personal scope such as sports, hobbies, etc. are not acceptable for credit nor is person therapy. The social worker seeking re-licensure shall report continuing education hours directly to the board upon application for license renewal. Approval of credit under this section is within the board's discretion. [16.63.12.14 NMAC – Rp., 16.63.12.14 NMAC, 10/07/2025]

16.63.12.15 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS: Failure to meet continuing education requirements will cause the board to refuse to renew the social work license in accordance with the Uniform Licensing Act. [16.63.12.15 NMAC – N, 16.63.12.15 NMAC, 10/07/2025]

HISTORY OF 16.63.12 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

Rule 12, Continuing Education, 4/15/91.

Rule 12 Continuing Education, 5/22/92.

History of Repealed Material: 16.63.12 NMAC, Continuing Education, filed 06/22/1992, was repealed and replaced with 16.63.12 NMAC, Continuing Education, effective 10/07/2025.

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL
LICENSING
CHAPTER 63 SOCIAL
WORKERS
PART 14 INACTIVE
STATUS**

16.63.14.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[16.63.14.1 NMAC – Rp., 16.63.14.1 NMAC, 10/07/2025]

16.63.14.2 SCOPE: All baccalaureate social workers, masters social workers, clinical social worker, and independent social workers.
[16.63.14.2 NMAC – Rp., 16.63.14.2 NMAC 10/07/2025]

16.63.14.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Sections 61-31-1 to 25 NMSA 1978.
[16.63.14.3 NMAC – Rp., 16.63.14.3 NMAC 10/07/2025]

16.63.14.4 DURATION: Permanent
[16.63.14.4 NMAC – Rp., 16.63.14.4 NMAC 10/07/2025]

16.63.14.5 EFFECTIVE DATE: October 07, 2025, unless different date is cited at the end of a section.
[16.63.14.5 NMAC – Rp., 16.63.14.5 NMAC, 10/07/2025]

16.63.14.6 OBJECTIVE: To inform the licensee of the procedure to change their license to inactive status, and the reinstatement process.
[16.63.14.6 NMAC – Rp., 16.63.14.6 NMAC, 10/07/2025]

16.63.14.7 DEFINITIONS:
[RESERVED]

16.63.14.8 PROCEDURE
A. Any person licensed under the Social Work Practice Act (Sections 61-31-1 to 61-31-24 NMSA 1978) who wishes to assume inactive status in the practice of social work shall notify the board's administrator in writing postmarked on or before July 1st of the year the license expires. As part of the written request for inactive status, the licensee must show proof of having completed the required continuing education hours defined in 16.63.12 NMAC for the current year. If the licensee has not met the continuing education requirements, inactive status may be granted but the licensee will be subject to all rules related to continuing education if reinstatement of license is requested.

B. The practice of social work in New Mexico under an inactive license is strictly prohibited.

C. Any person licensed under the Social Work Practice Act who has assumed inactive status as provided in this section, may notify the board in writing, of his desire to resume active practice.

D. Upon receipt of the notice required in Subsection D of 16.63.14.8 NMAC, the administrator shall send to the licensee an application for reinstatement of license.

E. The fee for reinstatement of a license shall be in accordance with 16.63.8 NMAC.

F. The applicant must, in addition, provide satisfactory proof of:

(1) completion of no less than 10 hours of continuing education for each year of inactive status; such continuing education to be accumulated in accordance with 16.63.12 NMAC

(2) completion of all continuing education requirements determined to have been unmet at the time inactive status was granted.

G. If the board finds the application in order and is satisfied that the applicant has fulfilled his continuing education requirements as outlined in Subsection G of

16.63.14.8 NMAC, the board shall reinstate the applicant's license.

H. No person licensed under the Social Work Practice Act who has assumed inactive status shall reactive his practice until he receives notification from the board that his license is active.

I. The board will not accept applications for inactive status from licensees who are under investigation for violations of the Social Work Practice Act or who have an active complaints pending with the board.

J. The board will accept applications under this section from any social worker who is impaired as defined in the Impaired Health Care Provider Act, 61-7-1 et seq. NMSA 1978, and who is participating in a rehabilitation plan approved by the board.

K. The board may, in its discretion, require that an applicant for reinstatement take and pass a written or oral examination as prescribed by the board.
[16.63.14.8 NMAC – Rp., 16.63.14.8 NMAC, 10/07/2025]

HISTORY OF 16.63.14 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

Rule 14, Inactive Status, 5/22/92.
Rule 14, Inactive Status, 12/5/94.

History of Repealed Material:

16.63.14 NMAC, Inactive Status, filed 1/5/1995, was repealed and replaced with 16.63.14 NMAC, Inactive Status, effective 10/07/2025.

REGULATION AND LICENSING DEPARTMENT SOCIAL WORK EXAMINERS, BOARD OF

**TITLE 16 OCCUPATION
AND PROFESSIONAL
LICENSING
CHAPTER 63 SOCIAL**

WORKERS

PART 15 RETIREMENT

16.63.15.1 ISSUING:

Regulation and Licensing Department, Board of Social Worker Examiners, P.O. Box 25101, Santa Fe, NM 87504.

[16.63.15.1 NMAC – Rp., 16.63.15.1 NMAC, 10/07/2025]

16.63.15.2 SCOPE: All

baccalaureate social workers, master social worker, clinical social worker, and independent social workers.

[16.63.15.2 NMAC – Rp., 16.63.15.2 NMAC 10/07/2025]

16.63.15.3 STATUTORY

AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Sections 61-31-1 to 25 NMSA 1978.

[16.63.15.3 NMAC – Rp., 16.63.15.3 NMAC 10/07/2025]

16.63.15.4 DURATION:

Permanent

[16.63.15.4 NMAC – Rp., 16.63.15.4 NMAC, 10/07/2025]

16.63.15.5 EFFECTIVE

DATE: October 07, 2025, unless a different date is cited at the end of a section.

[16.63.15.5 NMAC – Rp., 16.63.15.5 NMAC 10/07/2025]

16.63.15.6 OBJECTIVE: To

inform the licensee of the procedure to change their license to retirement status, and the reinstatement process.

[16.63.15.6 NMAC – Rp., 16.63.15.6 NMAC 10/07/2025]

16.63.15.7 DEFINITION:

[RESERVED]

16.63.15.8 PROCEDURE:

A. Any person licensed under the Social Work Practice Act (NMSA 1978 Sections 61-31-1 to 61-31-24) who wishes to retire from practice shall notify the board's administrator in writing prior to the July 1 expiration of his license. As part of the written request for retirement status, the license must

show proof of having completed the required continuing education hours defined in 16.63.12 NMAC. If the licensee has not met the continuing education requirements, retirement status may be granted but the licensee will be subject to all rules related to continuing education if reinstatement of license is requested. The administrator shall acknowledge receipt of the request.

B. Upon approval by the board of the request, the licensee shall assume retirement status and shall be exempt from payment of the yearly renewal fees beginning in the year after the licensee's retirement.

C. The practice of social work in New Mexico under a retired license is strictly prohibited. Any person licensed under the Act has retired as provided in this section, may notify the board, in writing, of his desire to resume active practice.

D. Upon receipt of the notice required in Subsection C of 16.63.15.8 NMAC, the administrator shall send to the retired licensee an application for reinstatement of license.

E. Reinstatement of the retired license shall be determined by and subject to the procedure set forth at 16.63.14 NMAC for inactive licensees.

[16.63.15.8 NMAC – Rp., 16.63.15.8 NMAC 10/07/2025]

HISTORY OF 16.63.15 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

Rule 15, Retirement, 5/22/92.
Rule 15, Retirement, 12/5/94.

History of Repealed Material:

16.63.15 NMAC, Retirement, filed 1/5/1995, was repealed and replaced with 16.63.15 NMAC, Retirement, effective 10/07/2025.

REGULATION AND LICENSING DEPARTMENT

SOCIAL WORK EXAMINERS, BOARD OF	RESPONSIBILITIES TO CLIENTS:	(7) limited access to client information; a social worker shall make reasonable efforts to limited access to client information in a social worker's agency to appropriate agency staff whose duties require access'
TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 63 SOCIAL WORKERS PART 16 CODE OF CONDUCT	A. Commitment to clients. Social workers' primary responsibility is to promote the well being of clients. In general, client's interest are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients shall be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)	(8) supervision or consultation; a social worker receiving supervision shall inform the client that the social worker may be reviewing the client's case with the social worker's supervisor or consultant; upon request, the social worker shall provide the name of the supervisor and the supervisor's contact information;
16.63.16.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O Box 25101, Santa Fe, NM 87504. [16.63.16.1 NMAC - Rp, 16.63.16.1 NMAC, 10/07/2025]	B. Self-determination. Social workers respect and promote the right of clients to self- determination and assist clients in their efforts to identify and clarify their goals. Social workers may limit clients' right to self-determination when, in the social workers' professional judgment, clients' actions or potential actions pose a serious, foreseeable, and imminent risk to themselves or others.	(9) to be free from being the object of discrimination while receiving social work services; and
16.63.16.2 SCOPE: All baccalaureate social workers, masters social workers, clinical social workers, and independent social workers. [16.63.16.2 NMAC - Rp, 16.63.16.2 NMAC, 10/07/2025]	C. Professional disclosure statement. A social worker shall effectively communicate through handout or other means as appropriate for all clients and may display at the social workers' primary place of practice a statement that the client has the right to the following:	(10) to have access to records as allowed by law including retention and notification requirements in Paragraphs (4) and (5) of Subsection D of 16.63.16.10 NMAC.
16.63.16.3 STATUTORY AUTHORITY: These parts are promulgated to Social Work Practice Act, Sections 61-31-1 to 25 NMSA 1978. [16.63.16.3 NMAC - Rp, 16.63.16.3 NMAC, 10/07/2025]	that the social worker has met the minimal qualifications of education, training, and experience required by the law;	D. Informed consent. (1) Social workers shall provide services to clients only in the context of professional relationship based, when appropriate, on valid informed consent. Social workers should use clear and understandable language to inform clients of the purpose of the purpose of the services, risks related to the services, limits to services because of the requirements of a third-party payer, relevant costs, reasonable alternative, clients' right to refuse or withdraw consent, and the time frame covered by the consent. Social workers should provide clients with an opportunity to ask questions.
16.63.16.4 DURATION: Permanent [16.63.16.4 NMAC - Rp, 16.63.16.4 NMAC, 10/07/2025]	(1) to expect (2) to examine public records maintained by the board which contain the social worker's qualifications and credentials;	(2) In instance when clients lack are not literate or have difficulty understanding the primary language used in the practice setting, social workers shall take steps to ensure clients' comprehension. This may include providing clients with a detailed verbal explanation or arranging for a qualified interpreter or translator whenever possible.
16.63.16.5 EFFECTIVE DATE: April 24, 2006, unless a later date is cited at the end of a section. [16.63.16.5 NMAC - Rp, 16.63.16.5 NMAC, 10/07/2025]	(3) to be given a copy of the standards pf practice upon request;	(3) In instances when clients lack the
16.63.16.6 OBJECTIVE: To inform the licensee of the social work code of conduct and ethical obligations. [16.63.16.6 NMAC - Rp, 16.63.16.6 NMAC, 10/07/2025]	(4) to report a complaint about the social worker's practice to the board;	
16.63.16.7 DEFINITIONS: [RESERVED]	(5) to be informed of the cost of professional services before receiving the services;	
16.63.16.8 SOCIAL WORKERS' ETHICAL	(6) to privacy as allowed by law, and to be informed of the limits of confidentiality;	

capacity to provide informed consent, social workers shall protect client's interests by seeking consent from an appropriate third party, informing clients consistent with the clients' level of understanding. Social workers should take reasonable steps to enhance such clients' ability to give informed consent.

(4) In instances when clients are receiving services involuntarily, social workers shall provide information about the nature and extent of services and about the extent of clients' right to refuse services.

(5) Social workers who provide services via electronic media (such as computer, telephone, radio, and television) shall inform recipients of the limitation and risks associated with such services.

(6) Social workers shall obtain clients' informed consent before audiotaping or videotaping clients or permitting observation of services to client by a third party. The written informed consent shall explain to the client the purpose of the taping or recording will be used, how it will be stored and when it will be destroyed.

(7) If the client, the legal guardian, or other authorized representative does not consent, the social worker shall discuss with the client that referral to other resources may be in the client's best interest.

E. Competence.

(1) Social workers shall provide services and represent themselves as competent only within the boundaries of their education, training, license, certification received, supervised experience, or other relevant professional experience.

(2) Social workers shall provide services in substantive areas or use intervention techniques or approaches that are new to them only after engaging in appropriate study, training, consultation, or supervision from people who are competent in those interventions or techniques.

(3) When generally recognized standards

do not exist with respect to an emerging area of practice, social workers shall exercise careful judgment and take responsible steps (including appropriate education, research, training, consultation, and supervision) to ensure the competence of their work and to protect clients from harm.

F. Cultural competence and social diversity.

(1) Social workers shall understand cultural and its function in human behavior and society, recognizing the strengths that exist in all cultures.

(2) Social workers shall have a knowledge base of their cultures and be able to demonstrate competence in the provision of services that are sensitive to clients' cultures and to difference among people and cultural group.

(3) Social workers shall obtain education about and seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

G. Conflicts of interest.

(1) Social workers shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgement. Social workers shall inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interest to the greatest extent possible. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client.

(2) Social workers shall not take unfair advantage of any professional or exploit others to further their personal, religious, political, or business interests.

(3) Social workers shall not engage in dual or multiple relationships with clients

or former clients in which there is a risk of exploitation or potential harm to the client. In instance when dual or multiple relationships are unavoidable, social workers shall take steps to protect client and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationship occur when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

(4) When social workers provide services to two or more people who have a relationship with each other (for example, couples, family members), social workers shall clarify with all parties which individuals will be considered clients and the nature of social workers' professional obligations to the various individuals who are receiving services. Social workers who anticipate a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles (for example, when a social worker is asked to testify in a child custody dispute or divorce proceedings involving clients) shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest.

H. Privacy and confidentiality.

(1) Social workers shall respect clients' right to privacy. Social workers shall not solicit private information from clients unless it is essential to providing services or conducting social work evaluation or research. Once private information is shared, standards of confidentiality apply.

(2) Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.

(3) Social workers shall protect the confidentiality of all information obtained in the course of professional

service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person. In all instances, social workers shall disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made shall be revealed.

(4) Social workers shall inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether social workers disclose confidential information on the basis of a legal requirement or client consent.

(5) Social workers shall discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Social workers shall review with clients circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion shall occur as soon as possible in the social worker-client relationship and as needed throughout the course of the relationship.

(6) When social workers provide counseling services to families, couples, or groups, social workers shall seek agreement among the parties involved concerning each individual's right to confidentiality and obligation to preserve the confidentiality of information shared by others. Social workers shall inform participants in family, couples, or group counseling that social workers cannot guarantee that all participants will honor such agreements.

(7) Social workers shall inform clients involved in family, couples, marital, or group counseling of the social worker's, employer's, and agency's policy

concerning the social worker's disclosure of confidential information among the parties involved in the counseling.

(8) Social workers shall not disclose confidential information to third-party payers unless clients have authorized such disclosure.

(9) Social workers shall not discuss confidential information in any setting unless privacy can be ensured. Social workers shall not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.

(10) Social workers shall protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders social workers to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, social workers shall request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.

(11) Social workers shall protect the confidentiality of clients when responding to requests from members of the media.

(12) Social workers shall protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers shall take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.

(13) Social workers shall take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information shall be avoided whenever possible.

(14) Social workers shall transfer or dispose of clients' records in a manner that protects clients' confidentiality and is consistent with state statutes governing records and social work licensure.

(15) Social workers shall take reasonable precautions to protect client confidentiality in the event of the social worker's termination of practice, incapacitation, or death.

(16) Social workers shall not disclose identifying information when discussing clients for teaching or training purposes unless the client has consented to disclosure of confidential information.

(17) Social workers shall not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.

(18) Social workers shall protect the confidentiality of deceased clients consistent with the preceding standards.

I. Access to records.

(1) Social workers shall provide clients with reasonable access to records concerning the clients. Social workers who are concerned that clients' access to their records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. Social workers shall limit clients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both clients' requests and the rationale for withholding some or all of the record shall be documented in clients' files.

(2) When providing clients with access to their records, social workers shall take steps to protect the confidentiality of other individuals identified or discussed in such records.

J. Sexual relationships.

(1) Social workers shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

(2) Social workers shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain a personal relationship has the potential to be harmful to the client and may make it difficult for the social worker and client to maintain appropriate professional boundaries. Social workers--not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship--assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

(3) Social workers shall not engage in sexual activities or sexual contact with former clients because of the potential for harm to the client. If social workers engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is social workers--not their clients--who assume the full burden of demonstrating that the former client has not been exploited, coerced, or manipulated, intentionally or unintentionally.

(4) Social workers shall not provide clinical services to individuals with whom they have had a prior sexual relationship. Providing clinical services to a former sexual partner has the potential to be harmful to the individual and is likely to make it difficult for the social worker and individual to maintain appropriate professional boundaries.

K. Physical contact. Social workers shall not engage in physical contact with clients when there is a possibility of psychological

harm to the client as a result of the contact (such as cradling or caressing clients). Social workers who engage in appropriate physical contact with clients are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

L. Sexual harassment. Social workers shall not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

M. Derogatory language. Social workers shall not use derogatory language in their written or verbal communications to or about clients. Social workers shall use accurate and respectful language in all communications to and about clients.

N. Payment for services.

(1) A social worker who provides a service for fee shall inform a client of the fee at the initial session or meeting with the client. Payment must be arranged at the beginning of the professional relationship, and the payment arrangement must be provided to a client in writing. A social worker shall provide, upon request from a client, a client's legal guardian, or other authorized representative, a written explanation of the charges for any services rendered.

(2) When setting fees, social workers shall ensure that the fees are fair, reasonable, and commensurate with the services performed. Consideration should be given to clients' ability to pay.

(3) Social workers shall avoid accepting goods or services from clients as payment for professional services. Bartering arrangements, particularly involving services, create the potential for conflicts of interest, exploitation, and inappropriate boundaries in social workers' relationships with clients. Social workers shall explore and may participate in bartering only in very limited circumstances when it can be

demonstrated that such arrangements are an accepted practice among professionals in the local community, considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Social workers who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this arrangement will not be detrimental to the client or the professional relationship.

(4) Social workers shall not solicit a private fee or other remuneration for providing services to clients who are entitled to such available services through the social workers' employer or agency.

O. Clients who lack decision-making capacity. When social workers act on behalf of clients who lack the capacity to make informed decisions, social workers shall take reasonable steps to safeguard the interests and rights of those clients.

P. Interruption of services. Social workers shall make reasonable efforts to ensure continuity of services in the event that services are interrupted by factors such as unavailability, relocation, illness, disability, or death.

Q. Termination of services.

(1) Social workers shall terminate services to clients and professional relationships with them when such services and relationships are no longer required or no longer serve the clients' needs or interests.

(2) Social workers shall take reasonable steps to avoid abandoning clients who are still in need of services. Social workers should withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects. Social workers should assist in making appropriate arrangements for continuation of services when necessary.

(3) Social workers in fee-for-service settings may terminate services to clients who are not paying an overdue balance if the financial contractual arrangements have been made clear to the client, if the client does not pose an imminent danger to self or others, and if the clinical and other consequences of the current nonpayment have been addressed and discussed with the client.

(4) Social workers shall not terminate services to pursue a social, financial, or sexual relationship with a client.

(5) Social workers who anticipate the termination or interruption of services to clients shall notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients' needs and preferences.

(6) Social workers who are leaving an employment setting shall inform clients of appropriate options for the continuation of services and of the benefits and risks of the options. [16.63.16.8 NMAC - Rp, 16.63.16.9 NMAC, 10/07/2025]

16.63.16.9 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO COLLEAGUES:

A. Respect.

(1)

Social workers should treat colleagues with respect and should represent accurately and fairly the qualifications, views, and obligations of colleagues.

(2)

Social workers should avoid unwarranted negative criticism of colleagues in communications with clients or with other professionals. Unwarranted negative criticism may include demeaning comments that refer to colleagues' level of competence or to individuals' attributes such as race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

(3)

Social workers shall cooperate with social

work colleagues and with colleagues of other professions when such cooperation serves the well-being of clients.

B. Confidentiality.

Social workers shall respect confidential information shared by colleagues in the course of their professional relationships and transactions. Social workers should ensure that such colleagues understand social workers' obligation to respect confidentiality and any exceptions related to it.

C. Interdisciplinary collaboration.

(1)

Social workers who are members of an interdisciplinary team shall participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the social work profession. Professional and ethical obligations of the interdisciplinary team as a whole and of its individual members shall be clearly established.

(2)

Social workers for whom a team decision raises ethical concerns should attempt to resolve the disagreement through appropriate channels. If the disagreement cannot be resolved, social workers shall pursue other avenues to address their concerns consistent with client well being.

D. Disputes involving colleagues.

(1)

Social workers shall not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance the social workers' own interests.

(2)

Social workers shall not exploit clients in disputes with colleagues or engage clients in any inappropriate discussion of conflicts between social workers and their colleagues.

E. Consultation.

(1)

Social workers should seek the advice and counsel of colleagues whenever such consultation is in the best interests of clients.

(2)

Social workers should keep themselves

informed about colleagues' areas of expertise and competencies. Social workers should seek consultation only from colleagues who have demonstrated knowledge, expertise, and competence related to the subject of the consultation.

(3)

When consulting with colleagues about clients, social workers should disclose the least amount of information necessary to achieve the purposes of the consultation.

F. Referral for services.

(1)

Social workers shall refer clients to other professionals when the other professionals' specialized knowledge or expertise is needed to serve clients fully or when social workers believe that they are not being effective or making reasonable progress with clients and that additional service is required.

(2)

Social workers who refer clients to other professionals shall take appropriate steps to facilitate an orderly transfer of responsibility. Social workers who refer clients to other professionals shall disclose, with clients' consent, all pertinent information to the new service providers.

(3)

Social workers are prohibited from giving or receiving payment for a referral when no professional service is provided by the referring social worker.

G. Sexual relationships.

(1)

Social workers who function as supervisors or educators shall not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(2)

Social workers shall avoid engaging in sexual relationships with colleagues when there is potential for a conflict of interest. Social workers who become involved in, or anticipate becoming involved in, a sexual relationship with a colleague have a duty to transfer professional responsibilities, when necessary, to avoid a conflict of interest.

H. Sexual harassment.

Social workers shall not sexually harass supervisees, students, trainees, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

I. Impairment of colleagues.**(1) Social**

workers who have direct knowledge of a social work colleague's impairment that is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties and that interferes with practice effectiveness shall consult with that colleague when feasible and assist the colleague in taking remedial action.

(2) Social

workers who believe that a social work colleague's impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment shall take action through appropriate channels established by employers, agencies, licensing and regulatory bodies, and other professional organizations.

J. Incompetence of colleagues.**(1) Social**

workers who have direct knowledge of a social work colleague's incompetence shall consult with that colleague when feasible and assist the colleague in taking remedial action.

(2) Social

workers who believe that a social work colleague is incompetent and has not taken adequate steps to address the incompetence shall take action through appropriate channels established by employers, agencies, NASW, licensing and regulatory bodies, and other professional organizations.

K. Unethical conduct of colleagues.**(1) Social**

workers shall take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.

(2) Social

workers shall be knowledgeable about established policies and procedures for handling concerns about colleagues' unethical behavior. Social workers shall be familiar with national, state, and local procedures for handling ethics complaints. These include policies and procedures created by licensing and regulatory bodies, employers, agencies, and other professional organizations.

(3) Social

workers who believe that a colleague has acted unethically shall seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.

(4) Social

workers who believe that a colleague has acted unethically shall take action through appropriate formal channels established by employers, agencies, licensing and regulatory bodies, and other professional organizations.

(5) Social

workers should defend and assist colleagues who are unjustly charged with unethical conduct.

[16.63.16.9 NMAC - Rp, 16.63.16.9 NMAC, 10/07/2025]

16.63.16.10 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS:

A. Supervision and consultation.**(1) Social**

workers who provide supervision or consultation shall have the necessary knowledge and skill to supervise or consult appropriately and shall do so only within their areas of knowledge and competence.

(2) Social

workers who provide supervision or consultation are responsible for setting clear, appropriate, and culturally sensitive boundaries.

(3) Social

workers shall not engage in any dual or multiple relationships with supervisees in which there is a risk of exploitation of or potential harm to the supervisee. In instances where dual or multiple relationships are

unavoidable social workers should take steps to protect supervisees and are responsible for setting clear, appropriate, and culturally sensitive boundaries.

(4) Social

workers who provide supervision shall evaluate supervisees' performance in a manner that is fair and respectful.

B. Education and training.**(1) Social**

workers who function as educators, field instructors for students, or trainers shall provide instruction only within their areas of knowledge and competence and shall provide instruction based on the most current information and knowledge available in the profession.

(2) Social

workers who function as educators or field instructors for students shall evaluate students' performance in a manner that is fair and respectful.

(3) Social

workers who function as educators or field instructors for students shall take reasonable steps to ensure that clients are routinely informed when services are being provided by students.

(4) Social

workers who function as educators or field instructors for students shall not engage in any dual or multiple relationships with students in which there is a risk of exploitation or potential harm to the student. In instances where dual or multiple relationships are unavoidable social work educators and field instructors are responsible for setting clear, appropriate, and culturally sensitive boundaries.

C. Performance

evaluation. Social workers who have responsibility for evaluating the performance of others shall fulfill such responsibility in a fair and considerate manner and on the basis of clearly stated criteria.

D. Client records.**(1) Social**

workers shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

(2) Social workers shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(3) Social workers' documentation shall protect clients' privacy to the extent that is possible and appropriate and shall include only information that is directly relevant to the delivery of services.

(4) Social workers shall store records following the termination of services to ensure reasonable future access. These records shall be maintained by the licensee or agency employing the licensee at least for a period of seven years after the last date of service, or for the time period required by federal or state law if longer.

(5) Prior to the destruction of a client record for any reason including when a social worker or social work practice anticipates to cease or ceases operations as a result of a suspension, retirement or death of the owner, sale or other cause, including insolvency, the licensee or other individual responsible for supervising the disposition of the practice, should make reasonable effort to notify the clients of their right to retrieve current records for a period of six months. Should any client fail to retrieve the records within the six month period and unless otherwise required by law, the responsible party shall arrange the destruction of such documents in a manner to ensure confidentiality.

E. Billing. Social workers shall establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting.

F. Client transfer.

(1) When an individual who is receiving services from another agency or colleague contacts a social worker for services, the social worker shall carefully consider the client's needs before agreeing to provide services. To

minimize possible confusion and conflict, social workers shall discuss with potential clients the nature of the clients' current relationship with other service providers and the implications, including possible benefits or risks, of entering into a relationship with a new service provider.

(2) If a new client has been served by another agency or colleague, social workers shall discuss with the client whether consultation with the previous service provider is in the client's best interest.

G. Administration.

(1) Social work administrators shall advocate within and outside their agencies for adequate resources to meet clients' needs.

(2) Social workers shall advocate for resource allocation procedures that are open and fair. When not all clients' needs can be met, an allocation procedure shall be developed that is nondiscriminatory and based on appropriate and consistently applied principles.

(3) Social workers who are administrators shall take reasonable steps to ensure that adequate agency or organizational resources are available to provide appropriate staff supervision.

(4) Social work administrators shall take reasonable steps to ensure that the working environment for which they are responsible is consistent with and encourages compliance with the code of conduct. Social work administrators should take reasonable steps to eliminate any conditions in their organizations that violate, interfere with, or discourage compliance with the code.

H. Continuing education and staff development. Social work administrators and supervisors should take reasonable steps to provide or arrange for continuing education and staff development for all staff for whom they are responsible. Continuing education and staff development shall address current knowledge and

emerging developments related to social work practice and ethics.

I. Commitments to employers.

(1) Social workers generally should adhere to commitments made to employers and employing organizations.

(2) Social workers should work to improve employing agencies' policies and procedures and the efficiency and effectiveness of their services.

(3) Social workers should take reasonable steps to ensure that employers are aware of social workers' ethical obligations as set forth in the code of conduct and of the implications of those obligations for social work practice.

(4) Social workers shall not allow an employing organization's policies, procedures, regulations, or administrative orders to interfere with their ethical practice of social work. Social workers should take reasonable steps to ensure that their employing organizations' practices are consistent with the code of conduct.

(5) Social workers shall act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and practices.

(6) Social workers should accept employment or arrange student field placements only in organizations that exercise fair personnel practices.

(7) Social workers should be diligent stewards of the resources of their employing organizations, wisely conserving funds where appropriate and never misappropriating funds or using them for unintended purposes.

J. Labor-management disputes.

(1) Social workers may engage in organized action, including the formation of and participation in labor unions, to improve services to clients and working conditions.

(2) The actions of social workers who are

involved in labor-management disputes, job actions, or labor strikes should be guided by the profession's values, ethical principles, and ethical standards. Reasonable differences of opinion exist among social workers concerning their primary obligation as professionals during an actual or threatened labor strike or job action. Social workers should carefully examine relevant issues and their possible impact on clients before deciding on a course of action.
[16.63.16.10 NMAC - Rp,
16.63.16.10 NMAC, 10/07/2025]

16.63.16.11 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES AS PROFESSIONALS:

A. Competence.

(1) Social

workers shall accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.

(2) Social

workers shall strive to become and remain proficient in professional practice and the performance of professional functions. Social workers should critically examine and keep current with emerging knowledge relevant to social work. Social workers should routinely review the professional literature and participate in continuing education relevant to social work practice and social work ethics.

(3) Social

workers shall base practice on recognized knowledge, including empirically based knowledge, relevant to social work and social work ethics.

B. Nondiscrimination.

A social worker shall not discriminate against a client, student or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of a concern about potential discrimination against a client, student or supervisee, the social worker shall make an appropriate and timely referral. When a referral is not possible the social

worker shall obtain supervision or consultation to address the concerns.

C. Private conduct.

Social workers shall not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

D. Dishonesty, fraud, and deception. Social workers shall not participate in, condone, or be associated with dishonesty, fraud, or deception.

E. Impairment.

(1) Social

workers shall not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility.

(2)

Social workers whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance shall immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.

F. Misrepresentation.

(1) Social

workers shall make clear distinctions between statements made and actions engaged in as a private individual and as a representative of the social work profession, a professional social work organization, or the social worker's employing agency.

(2) Social

workers who speak on behalf of professional social work organizations should accurately represent the official and authorized positions of the organizations.

(3) Social

workers shall ensure that their representations to clients, agencies, and the public of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved

are accurate. Social workers should claim only those relevant professional credentials they actually possess and take steps to correct any inaccuracies or misrepresentations of their credentials by others.

G. Solicitations.

(1) Social

workers shall not engage in uninvited solicitation of potential clients who, because of their circumstances, are vulnerable to undue influence, manipulation, or coercion.

(2)

Social workers shall not engage in solicitation of testimonial endorsements (including solicitation of consent to use a client's prior statement as a testimonial endorsement) from current clients or from other people who, because of their particular circumstances, are vulnerable to undue influence.

H. Acknowledging

credit.

(1) Social

workers shall take responsibility and credit, including authorship credit, only for work they have actually performed and to which they have contributed.

(2) Social

workers shall honestly acknowledge the work of and the contributions made by others.

[16.63.16.11 NMAC - Rp,
16.63.16.11 NMAC, 10/07/2025]

16.63.16.12 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO THE SOCIAL WORK PROFESSION:

A. Integrity of the profession.

(1) Social

workers shall work toward the maintenance and promotion of high standards of practice.

(2) Social

workers shall uphold and advance the values, ethics, knowledge, and mission of the profession. Social workers shall protect, enhance, and improve the integrity of the profession through appropriate study and research, active discussion, and responsible criticism of the profession.

(3) Social workers should contribute time and professional expertise to activities that promote respect for the value, integrity, and competence of the social work profession. These activities may include teaching, research, consultation, service, legislative testimony, presentations in the community, and participation in their professional organizations.

(4) Social workers should contribute to the knowledge base of social work and share with colleagues their knowledge related to practice, research, and ethics. Social workers should seek to contribute to the profession's literature and to share their knowledge at professional meetings and conferences.

(5) Social workers should act to prevent the unauthorized and unqualified practice of social work.

B. Evaluation and research.

(1) Social workers should monitor and evaluate policies, the implementation of programs, and practice interventions.

(2) Social workers should promote and facilitate evaluation and research to contribute to the development of knowledge.

(3) Social workers should critically examine and keep current with emerging knowledge relevant to social work and fully use evaluation and research evidence in their professional practice.

(4) Social workers engaged in evaluation or research shall carefully consider possible consequences and shall follow guidelines developed for the protection of evaluation and research participants. Appropriate institutional review boards shall be consulted.

(5) Social workers engaged in evaluation or research shall obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal

to participate; without undue inducement to participate; and with due regard for participants' well-being, privacy, and dignity. Informed consent shall include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits of participation in the research.

(6) When evaluation or research participants are incapable of giving informed consent, social workers shall provide an appropriate explanation to the participants, obtain the participants' assent to the extent they are able, and obtain written consent from an appropriate proxy.

(7) Social workers shall never design or conduct evaluation or research that does not use consent procedures, such as certain forms of naturalistic observation and archival research, unless rigorous and responsible review of the research has found it to be justified because of its prospective scientific, educational, or applied value and unless equally effective alternative procedures that do not involve waiver of consent are not feasible.

(8) Social workers shall inform participants of their right to withdraw from evaluation and research at any time without penalty.

(9) Social workers shall take appropriate steps to ensure that participants in evaluation and research have access to appropriate supportive services.

(10) Social workers engaged in evaluation or research shall protect participants from unwarranted physical or mental distress, harm, danger, or deprivation.

(11) Social workers engaged in the evaluation of services shall discuss collected information only for professional purposes and only with people professionally concerned with this information.

(12) Social workers engaged in evaluation or research shall ensure the anonymity or confidentiality of participants and of

the data obtained from them. Social workers shall inform participants of any limits of confidentiality, the measures that will be taken to ensure confidentiality, and when any records containing research data will be destroyed.

(13) Social workers who report evaluation and research results shall protect participants' confidentiality by omitting identifying information unless proper consent has been obtained authorizing disclosure.

(14) Social workers shall report evaluation and research findings accurately. They shall not fabricate or falsify results and shall take steps to correct any errors later found in published data using standard publication methods.

(15) Social workers engaged in evaluation or research shall be alert to and avoid conflicts of interest and dual relationships with participants, shall inform participants when a real or potential conflict of interest arises, and shall take steps to resolve the issue in a manner that makes participants' interests primary.

(16) Social workers shall educate themselves, their students, and their colleagues about responsible research practices. [16.63.16.12 NMAC - Rp, 16.63.16.12 NMAC, 10/07/2025]

16.63.16.13 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO THE BROADER SOCIETY:

A. Social welfare. Social workers should promote the general welfare of society, from local to global levels, and the development of people, their communities, and their environments. Social workers should advocate for living conditions conducive to the fulfillment of basic human needs and should promote social, economic, political, and cultural values and institutions that are compatible with the realization of social justice.

B. Public participation. Social workers should facilitate informed participation by the public

in shaping social policies and institutions.

C. Public emergencies. Social workers should provide appropriate professional services in public emergencies to the greatest extent possible.

D. Social and political action.

(1) Social workers should engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully. Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice.

(2) Social workers should act to expand choice and opportunity for all people, with special regard for vulnerable, disadvantaged, oppressed, and exploited people and groups.

(3) Social workers should promote conditions that encourage respect for cultural and social diversity within the United States and globally. Social workers should promote policies and practices that demonstrate respect for difference, support the expansion of cultural knowledge and resources, advocate for programs and institutions that demonstrate cultural competence, and promote policies that safeguard the rights of and confirm equity and social justice for all people.

(4) Social workers should act to prevent and eliminate domination of, exploitation of, and discrimination against any person, group, or class on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.
[16.63.16.13 NMAC - Rp, 16.63.16.13 NMAC, 10/07/2025]

16.63.16.14 ELECTRONIC THERAPY:

A. Any licensee

offering services online, or by other electronic virtual means, shall adhere to the entire code of conduct as it appears in this Part. In addition, the licensee providing services shall inform the client, in the process of securing informed consent for services that:

(1) professional services are considered to be rendered in the state of New Mexico;
(2.) complaints about professional services should be directed to the New Mexico Social Work Examiners Board; and
(3.) encryption and other technologies shall be used to insure confidentiality of the therapy session.

B. Licensee or registrants who provide professional service via electronic media (such as computer, telephone, radio, and television) should inform clients of limitations and risk associated with such services.

C. Electronic and telephonic supervision, social work services provided under supervision are considered contact hours and subject to face-to-face supervision requirements.
[16.63.16.14 NMAC-Rp, 16.63.16.14 NMAC, 10/07/2025]

HISTORY OF 16.63.16 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

Rule 16, Code of Conduct, 5/22/1992.

History of Repealed Material:
16.63.16 NMAC, Code of Conduct, filed 5/20/2002 - Repealed and replaced, effective 4/24/2006.
16.63.16 NMAC, Code of Conduct, filed 4/10/2006, was repealed and replaced with 16.63.16 NMAC, Code of Conduct, effective 10/07/2025.

REGULATION AND LICENSING DEPARTMENT

SOCIAL WORK EXAMINERS, BOARD OF

This is an amendment to 16.16.3. NMAC, Section 8 through 12, effective 10/07/2025.

16.63.3.8 APPLICATION FOR LICENSURE: Applicants, other than those applying for licensure by credentials, must submit or cause to be submitted the following documentation to the board:

A. completed online application;

~~[B.] two personal-character references;~~

~~C. one 2" x 2" original photograph of the applicant taken within the preceding six months affixed to the application;~~

~~[D.] B.~~ license fee as provided in Part 8;

~~[E.] C.~~ official transcripts [directly] from the university or college uploaded by applicant or by other means approved by the board verifying a bachelors or masters degree in social work;

~~[F.] D.~~ verification of supervision must be received [directly] from the supervisor and uploaded by applicant or by other means [approved] provided by the board;

~~[G.] E.~~ if currently or previously licensed in another state you must submit verification of licensure, which must be [sent-directly] provided to the board by the issuing jurisdiction;

~~[H.] F.~~ official exam scores; proof of passing the licensure exam must be received directly from the association of social work boards or from the jurisdiction in which the applicant is licensed; and

~~[I.] G.~~ verification the applicant has completed one of the following:

(1) a three credit hour course in New Mexico cultures listed on the applicants transcripts;

(2) a board approved course, workshop or seminar in New Mexico cultures;

(3) proof of

previously passing the New Mexico cultural examination.

~~[(J)] H.~~ proof of passing the jurisprudence examination with a grade of no less than seventy percent;

~~[(K)] L.~~ provide proof of any disqualifying criminal convictions as defined in 16.63.13.9 NMAC.

[16.63.3.8 NMAC – Rp, 16.63.3.8 NMAC, 3/13/2022; A, 10/07/2025]

16.63.3.9 PARAMETERS OF PRACTICE:

The scope of practice for the independent social worker is set forth ~~[in 16.63.11.9 NMAC]~~ as defined in Paragraph (2) of Subsection B of Section 61-31-6 NMSA 1978. The scope of practice for the clinical social worker is set forth as defined in Paragraph (1) of Subsection B of Section 61-31-6 NMSA 1978 (1996). The scope of practice for the master social worker is set forth in 16.63.10.9 NMAC. The scope of practice for the baccalaureate social worker is set forth in 16.63.9.9 NMAC.

[16.63.3.9 NMAC - Rp, 16.63.3.9 NMAC, 3/13/2022; A, 10/07/2025]

16.63.3.10 INITIAL LICENSE/RENEWAL OF LICENSE:

A. Initial license.

(1) Initial

licenses issued between January 1 and June 30 shall expire on July 1 of the next calendar year.

(2) Initial

licenses issued between July 1 and December 31 shall expire on July 1 of the second calendar year following the date of issuance.

B. No license will be issued for longer than 24 months.

C. Renewal of license.

~~[(H)]~~ Each

licensed social worker shall ~~[apply for license renewal]~~ renew and pay the renewal fee online not more than 75 days prior to expiration of the license as set forth in Part 8.

~~[(2)]~~ Licenses that expire July 1, 2007 will renew according to the following schedule:

~~(a)~~

If the last digit of the license number ends in an even number the license

will expire on July 1, 2008 and biennially thereafter. The renewal fee will be prorated.

~~(b)~~

If the last digit of the license number ends in an odd number the license will expire on July 1, 2009 and biennially thereafter.]

D. A 30-day grace period, running from July 1 - July 30, of the renewal year allows the social worker to submit a renewal without a late penalty fee. However, the social worker's license shall be considered expired and the social worker will refrain from practicing.

E. From July 31 to September 29 of the renewal year the social worker may renew the license, however a penalty fee will be assessed (16.63.8.17 NMAC).

F. If revoked for non-renewal, the licensee will be required to pay previous penalties, complete a new application and pay another application fee. ~~[Licensees revoked for non-renewal may be reinstated if revocation was due to extenuating circumstances. These extenuating circumstances include serious, physician-verified illness and military service. The extenuating circumstances must be presented in writing for the board's consideration and will be handled on a case-by-case basis. Licensees]~~ License will only be reinstated if ~~[licensees are]~~ licensee is up to date with all current continuing education requirements and pass ~~[an exam]~~ the jurisprudence exam as prescribed by the board.

G. Electronic signatures shall be accepted on all applications. [16.63.3.10 NMAC - Rp, 16.63.3.10 NMAC, 3/13/2022; A, 10/07/2025]

16.63.3.11 QUALIFIED APPLICANTS: As per 16.63.4.12 NMAC "Qualified applicants who fail to obtain the minimum required score may retake the (ASWB) exam an unlimited number of times. Applicants must pay the examination fee for each administration of the examination." ~~[Prior to the re-examination a]~~ A new application must be submitted to the board

by the applicant if exam approval has expired. A non-refundable application fee must accompany ~~[the]~~ a new application. Qualifications for examination will be evaluated based on the most recent application. ~~[Initial]~~ Applications are valid for a period of 12 months. ~~[additional, applications shall be valid for a period not to exceed 12 months from the date of initial submission].~~

[16.63.3.11 NMAC – Rp, 16.63.3.11 NMAC, 3/13/2022; A, 10/07/2025]

16.63.3.12 EXAMINATION REQUIRED:

No license, other than a provisional or expedited license will be issued without passing exam scores for ASWB at the appropriate level. The scores of ASWB examination may be submitted by ASWB, or by the state board from which the applicant is currently licensed, directly to the New Mexico board of social work examiners.

[16.63.3.12 NMAC - Rp, 16.63.3.12 NMAC, 3/13/2022; A, 10/07/2025]

REGULATION AND LICENSING DEPARTMENT SOCIAL WORK EXAMINERS, BOARD OF

This is an amendment to 16.63.9 NMAC, Sections 8 and 9, effective 10/07/2025.

16.63.9.8 QUALIFICATION OF LICENSURE:

Applicants for licensure as baccalaureate social worker must possess the following minimum qualifications:

A. be at least 18 years of age;

B. possess a bachelor's degree in social work from a program accredited by the council on social work education;

C. successfully pass the association of social work board examination and the jurisprudence examination;

D. documents completion of the required course in New Mexico cultures.

E. provide proof of

any disqualifying criminal convictions as defined in 16.63.13.9 NMAC.
[16.63.9.8 NMAC – Rp, 16.63.9.8 NMAC, 3/13/2022; A, 10/07/2025]

**16.63.9.9 [PARAMETERS]
SCOPE OF PRACTICE:**

A. This is the entry licensing level. The baccalaureate social worker (“LBSW”) is prepared to assume the beginning level professional role in public and private social service agencies.

B. LBSWs are prepared through beginning professional knowledge in human behavior in the social environment, generalist social work practice, knowledge of the history of social policy, knowledge of how to utilize social research findings in their practice and having had supervised field practicum experience. Baccalaureate social work is basic generalist practice that includes assessment planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, and the development, implementation, of policies, programs and activities. LBSWs may work with individuals, families, communities, groups and organizations at a beginning level.

C. The LBSW utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level, developing an intervention plan, implementing the plan and conducts follow-up. This process at the LBSW level requires the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning.

D. The LBSW must not practice [~~independently as a private practitioner~~] without approved supervision.

[16.63.9.9 NMAC – Rp, 16.63.9.9 NMAC, 3/13/2022; A, 10/07/2025]

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

This is an amendment to 16.63.10 NMAC, Sections 2, 3, 8, and 9, effective 10/07/2025.

6.63.10.2 SCOPE: All [~~baccalaureate social workers;~~] master social workers[~~and independent social workers~~].
[16.63.10.2 NMAC - Rp, 16.63.10.2 NMAC, 3/13/2022; A, 10/07/2025]

16.63.10.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, [~~Section 61-31-8A, 14-2-1, 61-31-19~~] Section 61-31-1 to 25, NMSA 1978.
[16.63.10.3 NMAC - Rp, 16.63.10.3 NMAC, 3/13/2022; A, 10/07/2025]

16.63.10.8 QUALIFICATION FOR LICENSURE: Applicants for licensure as master social worker must:

A. be at least 18 years of age;

B. possess a master’s degree in social work from a graduate program of social work accredited by the council on social work education;

C. successfully pass the [~~association of social work board~~] ASWB examination and the jurisprudence examination;

D. documents completion of the required course in New Mexico cultures.

E. provide proof of any disqualifying criminal convictions as defined in 16.63.13.9 NMAC.
[16.63.10.8 NMAC – Rp, 16.63.10.8 NMAC, 3/13/2022; A, 10/07/2025]

**16.63.10.9 [PARAMETERS]
SCOPE OF PRACTICE:**

A. The [~~licensed master social worker (“LMSW”)~~] LMSW provides a wide range of services. The LMSW has preparation as a generalist social worker, as found in the LBSW level in addition to specialization in either direct or indirect services such as work in a

field of practice or with a specific population.

B. The LMSW may provide diagnostic, preventive and treatment services. The [~~practice of master’s social work means the application of~~] LMSW may apply social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. [~~Master’s social work~~] LMSW practice [requires] includes the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, counseling, supervision, consultation, education, research, advocacy, community organization and the development, implementation and administration of policies, programs and activities;[~~The practice of master’s social~~] its work may include the practice of clinical social work under appropriate clinical social work supervision. The LMSW is able to explain and interpret the results of psychosocial evaluations in the problem-solving process. The LMSW is able to supervise LBSWs and practice in the areas of social work administration, community organization and policy analysis.

C. The LMSW may not practice independently as a private practitioner.

[16.63.10.9 NMAC - Rp, 16.63.10.9 NMAC, 3/13/2022; A, 10/07/2025]

**REGULATION
AND LICENSING
DEPARTMENT
SOCIAL WORK EXAMINERS,
BOARD OF**

This is an amendment to 16.63.11 NMAC, with a Part Name Change, Sections 2, 3, and 7 through 10, effective 10/07/2025.

**PART 11 CLINICAL AND
INDEPENDENT SOCIAL
[WORKER] WORKERS**

16.63.11.2 SCOPE: All [baccalaureate social workers, master social workers,] Clinical and independent social workers.
[16.63.11.2 NMAC - Rp, 16.63.11.2 NMAC, 3/13/2022; A, 10/07/2025]

16.63.11.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Subsection A of [Section 61-31-8A, 14-2-1, 61-31-19] Section 61-31-1 to 25, NMSA 1978.
[16.63.11.3 NMAC - Rp, 16.63.11.3 NMAC, 3/13/2022; A, 10/07/2025]

16.63.11.7 DEFINITIONS: [Licensed Clinical Social Worker "LCSW": A licensed independent social worker who has demonstrated to the board's satisfaction, sufficient experience and expertise in the practice of clinical social work by meeting the qualifications as outlined in 16.63.11.8 NMAC.]
[RESERVED]
[16.63.11.7 NMAC – Rp, 16.63.11.7 NMAC, 3/13/2022; Repealed, 10/07/2025]

16.63.11.8 QUALIFICATION FOR LICENSURE: Applicants for licensure as [independent/clinical] clinical and independent social workers must:

- A. be at least 18 years of age;
- B. possess an LMSW license;
- C. complete not less than two years of post-graduate direct/clinical social work experience, under appropriate supervision; as defined in 16.63.1.7 NMAC Applicants and supervisors will engage the process of supervision in accordance with the guidelines established by the board of social work examiners;
- D. documents completion of the required course in New Mexico cultures;[and]
- E. successfully pass the [association of social work board] ASWB examination clinical or advanced, as determined by the board and the jurisprudence examination.
- F. Individuals licensed as masters social workers (LMSW) and aspiring to achieve licensure at

the independent clinical level must complete and document 3,600 hours of licensed masters level social work experience which has been accumulated over no more than a 60 month period.

G. Applicants for licensure must document [90] 100 hours of supervision during this 3,600 hour period.

(1) One hour of supervision must be documented for every 40 hours worked,

(2) At least 70 of the [90] 100 required hours must be obtained through direct supervision,

(3) No more than [20] 50 hours of the [90] 100 required hours may be obtained through group supervision [and there shall be no more than six individuals per group at a time;]; and

(4) No more than 30 hours of the required [90] 100 hours may be obtained through interdisciplinary supervision.

H. provide proof of any disqualifying criminal convictions as defined in 16.63.13.9 NMAC.
[16.63.11.8 NMAC – Rp, 16.63.11.8 NMAC, 3/13/2022; A, 10/07/2025]

16.63.11.9 [PARAMETERS] SCOPE OF PRACTICE: [This is the highest level of licensure. The licensed clinical independent social worker (LCSW) / (LISW) is to function independently and demonstrate specialized knowledge and skills. The LISW must exercise independent judgment. The LCSW / LISW should be able to demonstrate skill and interventions directly related to individuals, couples, families, groups, communities or organizations. In at least one of these client groups, the LCSW / LISW shall demonstrate in-depth knowledge and skills. The LCSW / LISW should be able to employ practice theory and research findings in all aspects of their practice. The LCSW / LISW may supervise LBSWs, LMSWs and other LCSWs / LISWs] Clinical social work practice is the professional application of social work theory and methods in the diagnosis, treatment and prevention of psychosocial

dysfunction, disability or impairment, including but not limited to emotional mental health disorders. It is based on knowledge of one or more theories of human development within a psychosocial context. Clinical social work includes interventions directed to interpersonal interactions, intrapsychic dynamics or life support and management issues. Clinical social work services consist of assessment, diagnosis and treatment, including psychotherapy and counseling, client-centered advocacy, consultation and evaluation. Independent social work practice is the professional study of human capabilities and practice of social work specialties, including direct and indirect practice, through the formal organization and the methodology of data collection and the analysis and evaluation of social work data.

[16.63.11.9 NMAC - Rp, 16.63.11.9 NMAC, 3/13/2022; A, 10/07/2025]

16.63.11.10 [AREAS OF SPECIALIZATION: Applicants for specialization will be handled by the board on a case by case basis.]
[RESERVED]
[16.63.11.10 NMAC – Rp, 16.63.11.10 NMAC, 3/13/2022; Repealed, 10/07/2025]

REGULATION AND LICENSING DEPARTMENT SOCIAL WORK EXAMINERS, BOARD OF

This is an amendment to 16.63.13 NMAC, Sections 2, 3, 8, and 9, effective 10/07/2025

16.63.13.2 SCOPE: All baccalaureate social workers, master social workers, clinical social workers and independent social workers.
[16.63.13.2 NMAC - Rp, 16.63.13.2 NMAC, 3/13/2022; A, 10/07/2025]

16.63.13.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Subsection A of [Section 61-31-8A, 14-2-1, 61-31-19]

Section 61-31-1 to 25, NMSA 1978.
[16.63.13.3 NMAC - Rp, 16.63.13.3
NMAC, 3/13/2022; A, 10/07/2025]

16.63.13.8 PROCEDURES:

Upon receipt of a complaint against any person licensed under the Social Work Practice Act, Sections 61-31-1 to 61-31-24 NMSA 1978 the board may refer the complaint to the complaint committee.

A. The complaint committee shall review and investigate or cause to be investigated all complaints received by the board. ~~[Complaints shall remain confidential while investigations are pending and shall not be a matter of public record until the board takes disciplinary action pursuant to N.M. State. Ann. Section 61-31-17 NMSA 1978, as amended, and this part].~~

B. Upon completion of the investigation initiated pursuant to this part, the complaint committee or the board shall ~~[submit]~~ recommend to the board those matters ~~[it feels]~~ that may justify further disciplinary action.

C. The board may offer the licensee an informal type of discipline such as a letter of reprimand in lieu of initiating formal proceedings. The board shall notify the licensee:

(1) that a letter of reprimand has been officially proposed;

(2) that the respondent must accept or reject the offer in writing;

(3) that if accepted, a copy of the reprimand will remain in the private files of the board; and

(4) that if rejected, formal disciplinary action pursuant to the Uniform Licensing Act Sections 61-1-1 to 61-1-31 NMSA 1978 will be initiated.

D. If accepted, the letter of reprimand shall be personally issued to the licensee by the chairperson of the board at the next scheduled board meeting and served on the licensee by certified mail. Copies of the reprimand will be furnished to members of the board and to the board's attorney.

E. If a licensed social worker voluntarily surrenders their license or allows their license to expire in anticipation of, or during the course of an investigation, the complaint committee will complete its investigation and report the findings to the national database. Any publication or notification of action taken by the board of social work examiners will include the fact that the licensee voluntarily surrendered or allowed their license to expire during the investigation.

F. 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 processing;

(2) Failure to be in compliance with the Parental Responsibility Act Sections 40-5A-1-13 NMSA 1978;

(3) Fraudulent record keeping;

(4) failure to comply with continuing education audit. If all continuing education requirements are not met by the expiration date of the license or granted extension date, the license shall be subject to disciplinary action.
[16.63.13.8 NMAC - Rp, 16.63.13.8 NMAC, 3/13/2022; A, 10/07/2025]

16.63.13.9 POTENTIAL DISQUALIFYING CRIMINAL CONVICTIONS:

A. Felony convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board:

(1) homicide, manslaughter, great bodily harm, wounding, or maiming;

(2) trafficking, trafficking in, unlawful distribution of, or possession of controlled substances;

(3) human trafficking, stalking, kidnapping, false

imprisonment, assault, aggravated assault, battery, or aggravated battery;

(4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, sexual exploitation, or other related felony sexual offenses;

(5) crimes involving adult abuse, neglect or financial exploitation;

(6) crimes involving child abuse, neglect, abandonment or solicitation;

(7) crimes involving robbery, larceny, theft, extortion, burglary, bribery, fraud, forgery, embezzlement, breaking and entering, damage to property, identity theft, arson, perjury, false pretenses, credit card fraud, or receiving stolen property;

(8) practicing medicine without a license;

(9) failure to comply with a proclamation of the governor;

(10) crimes involving the unlawful possession, use, discharge, or sale of a firearm, weapon, or explosives;

(11) furnishing or bringing contraband or drugs into a prison, jail, or juvenile detention facility;

(12) driving under the influence of intoxicating liquor, substances or drugs;

(13) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

B. 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 Subsection A of this rule.

C. 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 Subsection A of this rule.

D. 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 Social Work Practice Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this rule.

E. 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 Subsection A of this rule.
- [16.63.13.9 NMAC – Rp, 16.63.13.9 NMAC, 3/13/2022; A, 10/07/2025]

REGULATION AND LICENSING DEPARTMENT SOCIAL WORK EXAMINERS, BOARD OF

This is an amendment to 16.63.18 NMAC, Section 2, 3, 6, 7, 8, and 10, effective 10/07/2025.

Explanatory sentence: In Section 8, at the direction of the Board, all abbreviations that refer to a licensed social worker in other jurisdictions have been capitalized.

16.63.18.2 SCOPE: [The provisions of Part 18 apply to a] All applicants [for] seeking expedited licensure pursuant to the Act.
[16.63.18.2 NMAC - Rp, 16.63.18.2 NMAC, 8/15/2023; A, 10/07/2025]

16.63.18.3 STATUTORY AUTHORITY: [These rules are promulgated pursuant to and in accordance with the Social Work Practice Act, Subsection A of Section 61-31-8, 14-2-1, 61-31-19 NMSA

1978 and the Uniform Licensing Act, Section 61-1-31.1 NMSA 1978.] These parts are promulgated pursuant to the Social Work Practice Act, 61-31-1 to 25 NMSA 1978.

[16.63.18.3 NMAC - Rp, 16.63.18.3 NMAC, 8/15/2023; A, 10/07/2025]

16.63.18.6 OBJECTIVE: To promote, preserve and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited and provisional licensures.

[16.63.18.6 NMAC - Rp, 16.63.18.6 NMAC, 8/15/2023; A, 10/07/2025]

16.63.18.7 DEFINITIONS:
A. **“Eligible jurisdiction”** means:

- (1) any state or territory of the United States except those included in the list of disapproved licensing jurisdictions in 16.63.18.8 NMAC [; and]
- (2) ~~any foreign country included in 16.63.18.8 NMAC.~~

B. **“Expedited license”** means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board pursuant to Section 61-31-13 NMSA 1978, issued on the basis of licensure in an eligible jurisdiction.

C. **“Good standing”** means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.

D. **“Licensing fee”** has the same meaning as defined in Paragraph (1) of Subsection E of Section 61-1-34 NMSA 1978.

E. **“Licensing Jurisdiction”** has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.

F. **“Military service member”** has the same meaning as defined in Paragraph (2) of Subsection E of Section 61-1-34 NMSA 1978.

G. **“Veteran”** has the same meaning as defined in Paragraph (3) of Subsection E of Section 61-1-

34 NMSA 1978.

[16.63.18.7 NMAC - Rp, 16.63.18.7 NMAC, 8/15/2023; A, 10/07/2025]

16.63.18.8 LIST OF APPROVED AND DISAPPROVED LICENSING JURISDICTIONS; ~~[REASONS FOR DISAPPROVAL]~~ FOR EXPEDITED LICENSURE:

A. Applicants for licensure ~~[as a licensed bachelor social worker (bbsw) in the following states and territories of the United States or the District of Columbia]~~ as an LBSW shall not be eligible for expedited licensure ~~[pursuant to Section 61-31-4.4 NMSA 1978 of the Social Work Practice Act]~~ based upon licensure as an LBSW in the following states and territories of the United States or the District of Columbia:

(1) California, Colorado, Connecticut, Florida, Georgia, New York, Rhode Island, Vermont, and Washington on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate bachelor level social workers; and

(2) American Samoa, Louisiana, Massachusetts (licensed social worker associate), Nebraska (certified social worker), New Hampshire (licensed social worker associate 1 and 2), New Jersey, Ohio (registered social work assistant), Puerto Rico (licensed social worker), South Dakota (social work associate), the US Virgin Islands (social worker associate), on the grounds that education, experience, and examination requirements cannot be determined or are not consistent with New Mexico.

B. ~~[Approved jurisdictions for expedited licensure as a licensed bachelor social worker (bbsw).]~~ Applicants for licensure as an LBSW shall be eligible for expedited licensure based upon licensure in the following states and territories of the United States or the District of Columbia with the jurisdiction's equivalent license in parentheses [are]: Alabama (LBSW), Alaska (LBSW), Arizona (LBSW), Arkansas (licensed social

worker), Delaware (LBSW), District of Columbia (licensed social work associate), Guam (LBSW), Hawaii (LBSW), Idaho (licensed social worker), Illinois (licensed social worker 2), Indiana (LBSW), Iowa (LBSW), Kansas (LBSW), Kentucky (licensed social worker), Maine (licensed social worker 1), Maryland (LBSW), Massachusetts (licensed social worker), Michigan (LBSW), Minnesota (licensed social worker), Mississippi (licensed social worker), Missouri (LBSW), Montana (LBSW), Nevada (social worker), New Hampshire (licensed social worker), North Carolina (certified social worker), North Dakota (LBSW), Northern Mariana Islands (LBSW), Ohio (licensed social worker), Oklahoma (licensed social work associate), Oregon (registered bachelor of social work), Pennsylvania (LBSW), South Carolina (LBSW), South Dakota (licensed social worker), Tennessee (LBSW), Texas (LBSW), US Virgin Islands (social worker 1 and 2), Utah (social worker 1 and 2), Virginia (LBSW), West Virginia (licensed social worker), Wisconsin (certified social worker), Wyoming (certified social worker).

C. Applicants ~~[licensed]~~ for licensure [as] an [a-licensed master social worker] (LMSW) shall not be eligible for expedited licensure based upon licensure in the following states and territories of the United States or the District of Columbia ~~[shall not be eligible for expedited licensure pursuant to Section 61-31-4.3 NMSA-1978 of the Social Work Practice Act]:~~

~~[(1)]~~ Nebraska, New Hampshire, Rhode Island, Washington, ~~[and]~~ Wyoming, ~~[on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate master level social workers; and]~~

~~[(2)]~~ American Samoa, California ~~[(associate clinical social worker — asw)]~~, Florida ~~[(registered clinical social worker intern)]~~, Louisiana ~~[(certified social worker)]~~, Michigan ~~[(limited license~~

~~master's social worker)]~~, and Puerto Rico ~~[on the grounds that education, experience, and examination requirements cannot be determined or are not consistent with New Mexico].~~

D. ~~[Approved jurisdictions for expedited licensure as a licensed master social worker (lmsw), with the jurisdictions equivalent license in parentheses, are]~~ Applicant for licensure as an LMSW shall be eligible for expedited licensure based upon licensure in the following state and territories of the United States or the District of Columbia, with the jurisdiction's equivalent license in parentheses:

Alabama (LMSW), Alaska (LMSW), Arizona (LMSW), Arkansas (LMSW), Colorado (licensed social worker), Connecticut (LMSW), Delaware (LMSW), District of Columbia (licensed graduate social work), Georgia (LMSW), Guam (LMSW), Hawaii (licensed social worker), Idaho (LMSW), Illinois (licensed social worker 1), Indiana (licensed social worker 1), Iowa (LMSW), Kansas (LMSW), Kentucky (certified social worker), Louisiana (LMSW), Maine (LMSW), Maryland (LMSW), Massachusetts (licensed certified social worker), Minnesota (licensed graduate social worker), Mississippi (LMSW), Missouri (LMSW), Montana (LMSW), Nevada (LMSW), New Jersey (licensed social worker), New York (LMSW), North Carolina (certified master social worker), North Dakota (LMSW), Northern Mariana Islands (LMSW), Ohio (licensed social worker), Oklahoma (LMSW), Oregon (LMSW), Pennsylvania (licensed social worker), South Carolina (LMSW), South Dakota (certified social worker), Tennessee (LMSW), Texas (LMSW), US Virgin Islands (certified social worker), Utah (certified social worker), Vermont (LMSW), Virginia (LMSW), West Virginia (licensed graduate social worker), Wisconsin (advanced practice social worker).

E. ~~[Applicants licensed as a licensed clinical social worker (lcsw) in the following states and territories of the United States or the District of Columbia shall not~~

~~be eligible for expedited licensure pursuant to Section 61-31-4.2 NMSA-1978 of the Social Work Practice Act]~~ Applicants for licensure as an LCSW shall not be eligible for expedited licensure based upon licensure in the following states and territories of the United States or the District of Columbia:

~~[(1)]~~ Ohio, ~~[and]~~ Puerto Rico, ~~[on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate clinical social workers; and]~~

~~[(2)]~~ American Samoa, North Carolina ~~[(licensed clinical social worker associate)]~~, and Rhode Island ~~[(licensed clinical social worker), on the grounds that education, experience, and examination requirements cannot be determined or are not consistent with New Mexico].~~

F. Approved jurisdictions for expedited licensure as a licensed clinical social worker (LCSW), with the jurisdiction's equivalent license in parentheses, are: Alabama (licensed independent clinical social worker), Alaska (LCSW), Arizona (LCSW), Arkansas (LCSW), California (LCSW), Colorado (LCSW), Connecticut (LCSW), Delaware (LCSW), District of Columbia (licensed independent clinical social work), Florida (LCSW), Georgia (LCSW), Guam (LCSW), Hawaii (LCSW), Idaho (LCSW), Illinois (licensed clinical social worker 1 and 2), Indiana (LCSW), Iowa (licensed independent social worker), Kansas (licensed specialist clinical social worker), Kentucky (LCSW), Louisiana (LCSW), Maine (licensed clinical social worker 1 and 2), Maryland (licensed certified social worker - clinical), Massachusetts (licensed independent clinical social worker), Michigan (licensed master social worker — clinical), Minnesota (licensed independent clinical social worker), Mississippi (LCSW), Missouri (LCSW), Montana (LCSW), Nebraska (licensed mental health practitioner and licensed independent mental health practitioner), Nevada (clinical social worker), New

Hampshire (licensed independent clinical social worker), New Jersey (LCSW), New York (LCSW), North Carolina (LCSW), North Dakota (LCSW), Northern Mariana Islands (LCSW), Oklahoma (LCSW), Oregon (LCSW), Pennsylvania (LCSW), Rhode Island (licensed independent clinical social worker), South Carolina (licensed independent social worker-cp), South Dakota (certified social worker private independent practice), Tennessee (LCSW), Texas (LCSW), Utah (LCSW), US Virgin Islands (certified independent social worker), Utah (LCSW), Vermont (licensed independent clinical social worker), Virginia (LCSW), Washington (licensed independent clinical social worker), West Virginia (licensed independent clinical social worker), Wisconsin (LCSW) and Wyoming (LCSW).

G. ~~[Applicants licensed as a licensed independent social worker (lisw) in the following states and territories of the United States or the District of Columbia shall not be eligible for expedited licensure pursuant to Section 61-31-4.1 NMSA-1978 of the Social Work Practice Act]~~ Applicants for licensure as an LISW shall not be eligible for expedited licensure based upon licensure in the following states and territories of the United States or District of Columbia:

~~[(H)]~~ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Montana, New Hampshire, New Jersey, New York, North Dakota, Northern Mariana Islands, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, US Virgin Islands, Utah, Vermont, Virginia, ~~[and] Wyoming and [on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate licensed independent social workers; and]~~

~~[(2)]~~ American Samoa ~~[on the grounds that education, experience, and examination requirements cannot be determined or are not consistent with New Mexico].~~

H. ~~[Approved jurisdictions for expedited licensure as a licensed independent social worker (lisw), with the jurisdictions equivalent license in parentheses, are]~~ Applicants for licensure as an LISW shall be eligible for expedited licensure based upon licensure in the following states and territories of the United States or the District of Columbia, with the jurisdictions equivalent license in parentheses District of Columbia (LISW), Florida (certified master social worker), Maryland (licensed certified social worker), Michigan (licensed master social worker – macro), Minnesota (LISW), Missouri (licensed advanced macro social worker), Nebraska (certified master social worker), Nevada (independent social worker), North Carolina (certified social work manager), Ohio (LISW), Oklahoma (licensed social worker), South Carolina (licensed independent social worker-advanced practice), Tennessee (licensed advanced practice social worker), Texas (licensed master social worker – advanced practice), Washington (licensed advanced social worker), West Virginia (licensed certified social worker), and Wisconsin (certified independent social worker).

I. In any instance where an applicant cannot seek expedited licensure based on the above provisions of this subpart, such applicant may apply for expedited licensure at lower level of licensure than obtained in the eligible jurisdiction. Such applications shall be considered by the board on a case-by-case basis.

[16.63.18.8 NMAC - Rp, 16.63.18.8 NMAC, 8/15/2023, A, 10/07/2025]

16.63.18.10 EXPEDITED LICENSURE APPLICATION REQUIREMENTS:

A. A candidate for expedited licensure under Section 61-1-31.1 NMSA 1978 and Section 61-31-13 NMSA 1978 must submit to the board a complete application containing all of the following:

(1) a completed and signed application form;

(2) proof of a current license in good standing in an eligible jurisdiction as defined; and

(3) payment of the required application fee.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of all the materials required by subsection A, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. No application for expedited licensure will be considered if the applicant has a pending disciplinary action in another jurisdiction, including any matter for which an investigation by the licensing board of that jurisdiction remains pending.

~~[(D)]~~ **E.** If the applicant has a potentially disqualifying criminal conviction ~~[or the board may have other cause to deny the application]~~ pursuant to Section 61-31-17 NMSA 1978 and 16.63.13.9 NMAC:

(1) the matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;

(2) the license may not be issued within 30 days of submission of the complete application; and

(3) the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

[16.63.18.10 NMAC - Rp, 16.63.18.10 NMAC, 8/15/2023; A, 10/07/2025]

SECRETARY OF STATE, OFFICE OF THE

Having been considered at its 9/05/2025 hearing, the Secretary of State's Office repeals its rule 1.10.23 NMAC, Procedures for Recounts, Audits, Rechecks and Contests, effective 10/2/2008, and replaces it with 1.10.23 NMAC, Procedures for Recounts, Audits, Rechecks and Contests, adopted on 9/19/2025 and effective 10/07/2025.

SECRETARY OF STATE, OFFICE OF THE

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS PART 23 PROCEDURES FOR RECOUNTS, AUDITS, RECHECKS AND CONTESTS

1.10.23.1 ISSUING

AGENCY: Office of the Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, New Mexico, 87503.
[1.10.23.1 NMAC – Rp, 1.10.23.1 NMAC, 10/7/2025]

1.10.23.2 SCOPE: This rule applies to recounts, rechecks, audits, and contests conducted pursuant to Sections 1-14-1 *et seq.* NMSA 1978.
[1.10.23.2 NMAC – Rp, 1.10.23.2 NMAC, 10/7/2025]

1.10.23.3 STATUTORY AUTHORITY: Election Code, Sections 1-2-1, and 1-14-1 *et seq.* NMSA 1978.
[1.10.23.3 NMAC – Rp, 1.10.23.3 NMAC, 10/7/2025]

1.10.23.4 DURATION: Permanent.
[1.10.23.4 NMAC – Rp, 1.10.23.4 NMAC, 10/7/2025]

1.10.23.5 EFFECTIVE DATE: October 7, 2025 unless a later date is cited at the end of a section.

[1.10.23.5 NMAC – Rp, 1.10.23.5 NMAC, 10/7/2025]

1.10.23.6 OBJECTIVE: The purposes of this rule is to provide procedures for conducting audits, contests, rechecks, and recounts pursuant to Sections 1-14-1 *et seq.* NMSA 1978.

[1.10.23.6 NMAC – Rp, 1.10.23.6 NMAC, 10/7/2025]

1.10.23.7 DEFINITIONS:

A. "Absentee ballot" means a method of voting by mail, accomplished by a voter who is absent from the voter's polling place on election day. "Absentee ballot" has the same definition under the Absent Voter Act as a mailed ballot.

B. "Absentee provisional ballot" means the paper ballot issued to a provisional absentee voter.

C. "Audit" means a check of the voting systems conducted pursuant to Section 1-14-13.2 NMSA 1978.

D. "Ballot" means a paper ballot card that is tabulated on an optical scan vote tabulating system or hand tallied.

E. "Contest" means court litigation that seeks to overturn the outcome of an election pursuant to Sections 1-14-1 *et seq.* NMSA 1978.

F. "County canvassing board" means the board of county commissioners in each county.

G. "Designated polling place" means the voting location assigned to a voter based on that voter's residence within a precinct of the county.

H. "High speed central count ballot tabulator" means a self-contained optical scan vote tabulating system that uses an automatic ballot feeder to process ballots placed in the tabulator in any orientation. Ballots are processed at high speed and the tabulator has a built in sorting system to divert processed ballots into appropriate bins.

I. "Observer" means a voter of a county who has been appointed by a candidate,

political party chair, or election related organization pursuant to the provisions of the Election Code.

J. "Optical scan" or "EVT ballot" means a ballot used on an optical scan vote tabulating system or EVT voting system.

K. "Optical scan vote tabulating system" or "electronic vote tabulating (EVT) voting system" means a voting system which records and counts votes and produces a tabulation of the vote count using one ballot imprinted on either or both faces with text and voting response areas, and includes a high-speed central count ballot tabulator. The optical scan vote tabulating system records votes by means of marks made in the voting response areas.

L. "Overvote" means the selection by a voter of more than the number of alternatives allowed in a voting response area.

M. "Provisional absentee voter" means a voter who votes on an absentee provisional ballot after initially attempting to vote by absentee ballot but whose name does not appear on the signature roster or has failed to meet the voter identification requirements in the Election Code.

N. "Provisional ballot" means a ballot that is marked by a provisional voter.

O. "Provisional voter" means a voter casting a provisional ballot pursuant to the provisions of the Election Code.

P. "Recheck" shall have the meaning given in Subsection A of Section 1-1-6 NMSA 1978.

Q. "Recount" shall have the meaning given in Subsection B of Section 1-1-6 NMSA 1978 and shall include hand recounts conducted pursuant to this part.

R. "Recount precinct board" means the voters of a county who are appointed by the county clerk to open, tabulate, tally and report absentee ballot results.

S. "Signature roster" means the certified list of voters at a polling place which is signed by a voter when presenting himself on election day.

T. "Tally sheet"

means a document prepared by the county clerk and used for the counting of ballots that are electronically tabulated.

U. "Undervote"

means the failure of a voter to select any of the alternatives in a voting response area.

V. "Vote" shall have the meaning given in Section 1-1-5.2 NMSA 1978.

W. "Voter" means any qualified elector or federal qualified elector who is registered under the provisions of the Election Code.

X. "Voting response area" means the place on a ballot where the voter is instructed to mark his preference for a candidate or question.

[1.10.23.7 NMAC – Rp, 1.10.23.7 NMAC, 10/7/2025]

1.10.23.8 PUBLIC NOTICE AND OBSERVATION OF AUDITS, VOTING SYSTEM CHECKS, RECHECKS AND RECOUNTS:

A. Public notice. In addition to the notice required to be provided by Section 1-14-16 NMSA 1978 for rechecks and recounts, at least three days prior to an audit, voting system check, recount or recheck, the county clerk shall post, in at least one conspicuous place in the county, the time and location of the audit, voting system check, recount or recheck. In addition, if the county clerk has a web site, at least three days prior to an audit, voting system check, recount or recheck, the county clerk shall post the time and location on its web site.

B. Public observation. Consistent with Subsection A of Section 1-14-13.2 NMSA 1978, county canvass observers may be present during the audit process and shall be subject to Section 1-2-31 NMSA 1978. Pursuant to Section 1-14-16 NMSA 1978, members of the public may be present during a recheck or recount. The county clerk shall provide instructions to all observers, watchers and members of the public regarding any rules governing their conduct during an

audit, voting system check, recheck, or recount. At all times during an audit process, those present to observe shall wear self-made badges designating themselves as an authorized observer of the organization or candidate which they represent or as a member of the public. Those present to observe shall not:

- (1) wear any identification other than the badge described above;
- (2) wear any party or candidate pins;
- (3) perform any duty of the recount, recheck, or audit workers;
- (4) handle any election material;
- (5) interfere with the orderly conduct of workers conducting the process; or
- (6) use cell phones, audio, or video tape equipment while observing the process.

[1.10.23.8 NMAC – Rp, 1.10.23.8 NMAC, 10/7/2025]

1.10.23.9 VOTING SYSTEM CHECK

PROCEDURES: This section applies to voting system checks for all federal offices, for governor, and for the statewide elective office other than the office of the governor for which the winning candidate won by the smallest percentage margin of all candidates for statewide office in New Mexico, as required by Section 1-14-13.2 NMSA 1978.

A. Auditor functions

(1) Selection of precincts for the voting system check. The number of precincts to be selected for each contest shall be based on the margin between the top two candidates as determined in Table 1 of Section 1-14-13.2 NMSA 1978. (The calculations for determining the number of precincts in the sample assume that the maximum margin shift in any precinct will not exceed thirty percent. Achieving the ninety percent probability of detection with the number of precincts in the sample as indicated in Table 1 requires that

the probability of selecting a precinct is proportional to the precinct size.)

(a)

By no later than 12 calendar days after the election, the auditor shall select the precincts for the voting system check pursuant to the precinct selection process set forth in Section 1-14-13.2 NMSA 1978.

(b)

The auditor will conduct an agreed upon procedures engagement in accordance with AICPA statements on standards for attestation engagements for procedures set forth in Section 1-14-13.2 NMSA 1978 and 1.10.23.9 NMAC.

(c)

Precincts will be randomly selected using a process that is visually observable, such as rolling dice or selecting pieces of paper from a box, with the probability of selection being proportional to the number of persons registered to vote in the last election in each precinct.

(d)

The random sampling process shall be open to public observation. At least seven days prior to the random sampling conducted pursuant to this subsection, the secretary of state shall post notice on its web site of the time, date, and location of the random sampling.

(2)

Notification of the county clerks:

By no later than 13 days after the election the auditor shall notify the county clerks of the precincts that have been selected for the voting system check.

(a)

The auditor shall provide the county clerks with tally sheets for the offices to be subjected to voting system checks in the selected precincts.

(b)

The auditor shall reference rules and guidelines that have been provided in advance by the secretary of state for conducting the hand counts and reporting the results to the auditor.

(3) Analysis

of results: The auditor shall compare the hand count results with the vote tabulator results to determine if further sampling or a full hand

count is needed for any office being subjected to the voting system check.

(a)

The auditor determines within 26 days after the election if further sampling is required. The determination is made by 1) calculating the difference between the vote tabulator counts divided by the votes cast for the office in the sample as reported by the vote tabulators and the hand counts divided by the votes cast for the office in the sample as reported by the hand counts for the putative first place candidate, 2) calculating the difference between the vote tabulator counts divided by the votes cast for the office in the sample as reported by the vote tabulators and the hand counts divided by the votes cast for the office in the sample as reported by the hand counts for the putative second place candidate, and 3) subtracting the result in 2) for the putative second place candidate from the result in 1) for the putative first place candidate. For any office being subjected to the voting system check, if the result in 3) exceeds ninety percent of the reported margin between the first and second place candidates, a voting system check must be conducted on an additional sample of the same size as the original sample. The procedures in subsection A are repeated for selecting the additional sample and notifying the county clerks. If the result in 3) does not exceed ninety percent of the reported margin between the first and second place candidates, the auditor reports to the secretary of state that no further checking of voting systems for that office pursuant to Section 1-14-13.2 NMSA 1978 is required.

(b)

If a second sample was required, the auditor determines within 39 days after the election if a full hand count is required. The determination is made by 1) calculating the difference between the vote tabulator counts divided by the votes cast for the office in both samples as reported by the vote tabulators and the hand counts divided by the votes cast for the office in both samples as reported by the hand counts for the putative

first place candidate, 2) calculating the difference between the vote tabulator counts divided by the votes cast for the office in both samples as reported by the vote tabulators and the hand counts divided by the votes cast for the office in both samples as reported by the hand counts for the putative second place candidate, and 3) subtracting the result in 2) for the putative second place candidate from the result in 1) for the putative first place candidate. For any office being subjected to the voting system check, if the result in 3) exceeds ninety percent of the reported margin between the first and second place candidates, a full hand count of all precincts must be conducted for the contest. If the result in 3) does not exceed ninety percent of the reported margin between the first and second place candidates, the auditor reports to the secretary of state that no further checking of voting systems for that office pursuant to Section 1-14-13.2 NMSA 1978 is required.

(4) Reporting

results: The auditor shall, within three days of receiving the hand counting results from the county clerks for the initial sample, an additional sample, if applicable, and a full hand recount, if applicable, submit a report to the secretary of state and to the public that shall include, for each office subject to the voting system check, the numbers and names of the precincts in the initial sample and, if applicable, the second sample for each office; the outcome of full recounts, if conducted; a comparison of the vote tabulator results with the hand counts in each precinct in the samples and the full recount, if conducted; a comparison of the vote tabulator results with the hand counts for all precincts; a comparison of the reported margin between the first and second place candidates with the error rates in the first sample and, if applicable, in both samples and for a full recount, if conducted. Within 30 days of receiving the hand counting results from the county clerks, a final report to the secretary of state and to the public shall also include a description

of the procedures used for the voting system check.

B. Secretary of

state functions: The secretary of state shall contract with an auditor whose firm name appears on the state auditor's list of independent public accountants approved to perform audits of New Mexico government agencies.

(1) Within

28 days of the closing of voter registration, the secretary of state shall provide the auditor with the number of registered voters in each precinct in the state.

(2) Upon

receipt of the county canvass results and no later than 10 days after the date of the election, the secretary of state shall provide the auditor with the voting results from each county to be used to determine the size of the random sample of precincts for the voting system check.

(3) The

secretary of state shall provide a venue and the necessary supplies and equipment for use by the auditor in publicly selecting precincts for each office subject to the voting system check.

(4) The

secretary of state shall provide the auditor with the forms or templates to be used by the county clerks and by the auditor for recording, reporting and analyzing results of the voting system check. These forms or templates may include those used for notifying county clerks of the precincts selected for each office, for tallying hand counts, for reporting hand count results to the auditor, for analyzing results of the voting system check by the auditor, and for reporting results of the voting system check to the secretary of state and state canvassing board. The secretary of state shall provide tally sheets to the auditor for only those precincts and offices being tallied as part of the voting system check.

(5) The

secretary of state shall arrange for the communications channels and terminals to be used by the auditor for communications of information

related to the voting system check to and from the county clerks.

(6) The secretary of state shall provide guidelines to the county clerks for conducting the hand counts and reporting the results to the auditor.

(7) The secretary of state shall post on the web the intermediate and final results reported by the auditor as soon as they are available.

C. County clerk functions

(1) Early voting, absentee voting and election day voting ballots counted by vote tabulators by the time of closing of the polls on election night will be subject to the voting system check. Therefore, it is recommended that sorting of these ballots by precinct should be done in advance.

(a) Within 14 days of the notice to conduct the voting system check, the county clerk shall report their results to the auditor.

(b) The county clerk shall choose a location for the voting system check that is accessible to the public.

(c) The county clerk or her designee shall arrange for transportation of ballots to the site of the voting system check and contact the sheriff or state police to move the ballot boxes from the current place of storage to the site of the voting system check.

(d) At least one person in addition to the county clerk shall witness all movement of ballots during the voting system check, and all movement of ballots from and to the ballot box during the voting system check shall be logged. Each time that ballots are removed from or returned to a ballot box, the number of ballots shall be determined and compared to the number of ballots that should be in that particular ballot box. Any discrepancies shall be noted and the identity of the witness shall be documented.

(e) While conducting the voting system

check, the county clerk shall have a district judge present when opening and closing those ballot boxes containing ballots from the precincts selected for the voting system check.

(f) The county clerk shall assign counting teams of at least two members (a reader and a marker) and preferably three, to particular precincts. The third member, if present, verifies that what the reader reads is correct and is what the marker marks. The team members shall consist of at least two distinct political parties, if possible.

(2) **Hand counting procedures.** The ballots from the precincts selected for auditing shall be hand tallied pursuant to the procedures in this subsection.

(a) For election day voting, and when possible, for absentee and early voting, the counting team shall ensure that the serial number for the voting system and the type of ballot to be counted are prominently displayed on the tally sheet. When multiple vote tabulators are used for a precinct as in early voting and absentee voting, this rule may be ignored.

(b) To count the votes by a two person team, the reader shall read the vote to the marker and the marker shall observe whether the reader has correctly read the vote; the marker shall then mark the tally sheet of the appropriate precinct, and the reader shall observe whether the marker correctly marked the tally sheet. With a three person team the third person verifies that the marker marks correctly and the reader reads correctly. Upon completion of the recount of a precinct, the marker shall add the total number of votes for each candidate as well as any undervotes or overvotes. The reader with the verifier shall confirm these amounts. The marker, the reader and, if present, the verifier shall sign the tally form.

(c) If a two person counting team is used, it is recommended that the ballots be counted again using the sort and stack method. With this method, the ballots are sorted into stacks by candidate, undervotes and overvotes. The stacks

are then hand counted. The results of the sort and stack method shall be compared to the hand tally method. Any discrepancies may require the processes in Subparagraphs (b) and (c) to be repeated. The reasons for the discrepancies shall be noted on the tally sheet.

(d) If a ballot is marked indistinctly or not marked according to the instructions for that ballot type, the counting team shall make the appropriate determination as provided for in Subsection A and Paragraphs (1) through (4) of Subsection B of Section 1-1-5.2 NMSA 1978. In no case, shall the counting team mark or re-mark the ballot.

(e) Upon completion of the hand counting of the initial sample of precincts included in the voting system check, and of subsequent samples, if conducted, the results of the hand counting shall be reported to the auditor within 10 days of the notice to conduct the voting system check. If a full hand count is required pursuant to Section 1-14-13.2 NMSA 1978, the results shall be reported as soon as practicable.

D. District judge functions:

(1) A district judge shall be present for the opening and closing of ballot boxes during the voting system check.

(2) The district judge may appoint a designee for this purpose, provided that the designee is an active member of the state bar of New Mexico. The appointment shall be made in writing.
[1.10.23.9 NMAC – Rp, 1.10.23.9 NMAC, 10/7/2025]

1.10.23.10 RECOUNT AND RECHECK PROCEDURES:

This section applies to rechecks and recounts conducted pursuant to Sections 1-14-14 and 1-14-24 NMSA 1978, and recounts resulting from audits performed under Section 1-14-13.2 NMSA 1978. The recheck and recount procedures in this section shall be used in conjunction with the procedures in Sections 1-14-16 and 1-14-18 through 1-14-23 NMSA

1978, along with guidance from the secretary of state.

A. Time and place; ballot security.

(1) Pursuant to Subsection A of Section 1-14-16 NMSA 1978, the recount or recheck shall be held at the county seat.

(2) The county clerk shall arrange for transportation of ballots to the recount or recheck site and contact the sheriff or state police to move the ballot boxes from the current place of storage to the recount or recheck site.

(3) The county clerk shall convene the recount precinct board no more than 10 days after the filing of the application for a recount or recheck, notice of an automatic recount, or notice of a recount required by Subsection B of Section 1-14-13.2 NMSA 1978.

(4) The presiding judge of the recount precinct board shall assign counting teams of at least two members, of opposite political parties if possible, to particular precincts.

(5) At least one person in addition to the district judge and presiding judge shall witness all movement of ballots during the recheck or recount, and all movement of ballots from and to the ballot box during the recheck or recount process shall be logged. Each time that ballots are removed from or returned to a ballot box, the number of ballots shall be determined and compared to the number of ballots that should be in that particular box. Any discrepancies shall be noted. The district judge may appoint a designee for this purpose, provided that the designee is an active member of the state bar of New Mexico. The appointment shall be made in writing.

B. Random selection of ballots to determine whether the recount shall be hand tallied or electronically tabulated. This subsection does not apply to recounts resulting from audits performed under Section 1-14-13.2 NMSA 1978. To determine whether votes shall be recounted using optical scan vote tabulating systems pursuant

to Section 1-14-23 NMSA 1978, the recount precinct board shall electronically tabulate recount ballots from the precincts to be recounted in accordance with the procedures in this subsection.

(1) A separate results cartridge programmed with ballot configurations for all precincts in the county or the ballot configuration for the precinct to be tabulated shall be inserted into an optical scan vote tabulating system. A summary zeros results report shall be generated and certified by the precinct board.

(2) Recount ballots equal to at least the number required by Subsection B of Section 1-14-23 NMSA 1978 shall be fed into the optical scan vote tabulating system. Any recount ballots rejected by the optical scan vote tabulating system shall be placed back into the ballot boxes and additional recount ballots shall be inserted until the number of ballots tabulated by the system is equal to at least the amount required by Subsection B of Section 1-14-23 NMSA 1978. If the recount precinct board uses a results cartridge programmed with only the ballot configuration for the precinct being tabulated, then the procedure in Paragraph (1) of this subsection shall be repeated for each precinct being tabulated.

(3) The recount precinct board shall then hand tally the votes from the same ballots counted by the optical scan vote tabulating system in accordance with the procedures in Section 1-14-23 NMSA 1978.

C. Electronic recount procedures.

(1) If the remaining ballots in a non-class A county are to be re-tabulated using optical scan vote tabulating systems, the recount precinct board shall use optical scan vote tabulating systems selected at random by the county clerk in accordance with the procedures in this paragraph.

(a) A separate results cartridge programmed with ballot configurations for all precincts in the county or the ballot

configuration for the precinct to be tabulated shall be inserted into the optical scan vote tabulating system chosen by the county clerk.

(b) A summary zeros report shall be generated and certified by the precinct board.

(c) The ballots for the ballot type (e.g., absentee ballots, election day ballots, early in-person ballots) and precincts to be recounted shall be fed into the optical scan vote tabulating system.

(d) All ballots rejected by the tabulator shall be tallied by hand in accordance with the procedures in Subsection E of this section.

(e) A machine report shall be generated and certified by the recount precinct board.

(f) If the recount precinct board uses a results cartridge programmed with ballot configurations for all precincts in the county, then the procedures in this paragraph shall be repeated for each ballot type being recounted. If the recount precinct board uses a results cartridge programmed with only the ballot configuration for the precinct being tabulated, then the procedures in this paragraph shall be repeated for each precinct being tabulated.

(2) If the voted ballots in a precinct are unavailable or incomplete for recount, the district judge, in consultation with the county clerk, may order that a results tape or report be regenerated from the results cartridge that was used to tabulate the voted ballots.

D. Review of rejected ballots and re-tally of provisional, ballots and other paper ballots in a recount.

(1) The district judge shall orally order that any ballot boxes, envelopes, or containers that hold provisional and absentee provisional ballots be opened one at a time.

(2) The presiding judge shall count the total number of provisional, absentee

provisional, and ballots in each precinct and the number shall be compared to the previously certified signature roster count in that precinct and noted. Any discrepancies shall be noted.

(3) The county clerk shall review the qualification of all rejected provisional, absentee, and provisional ballots pursuant to Section 1-12-25.4 NMSA 1978 and 1.10.22 NMAC.

(4) The recount precinct board shall review the qualification of all rejected absentee ballots in accordance with 1.10.12.15 NMAC and any other rejected ballots in accordance with applicable law.

(5) All previously and newly qualified ballots (including provisional, absentee provisional, absentee ballots and other paper ballots) shall be recounted and the votes shall be added to the tally of the appropriate precinct.

(6) If any voting data changes as a result of this review, the county clerk shall update the report required in Subsection I of 1.10.22.9 NMAC.

E. Hand counting procedures for recounts. This subsection applies to hand recounts. The secretary of state shall provide tally sheets for only those races being recounted, and shall include options for marking undervotes and overvotes.

(1) The counting team shall ensure that the precinct and the ballot type (eg., election day, early in-person, absentee, and provisional) being counted are prominently displayed on the tally sheet.

(2) To recount the votes, the reader shall read the vote to the marker and the marker shall observe whether the reader has correctly read the vote; the marker shall then mark the tally sheet of the appropriate precinct, and the reader shall observe whether the marker correctly marked the tally sheet. Upon completion of the recount of a precinct, the marker shall add the total number of votes for each candidate as

well as any undervotes or overvotes. The reader shall confirm these amounts. Both the marker and the reader shall sign the tally form.

(3) If a ballot is marked indistinctly or not marked according to the instructions for that ballot type, the counting team shall count a vote as provided for in Subsection A and Paragraphs (1) through (4) of Subsection B of Section 1-1-5.2 NMSA 1978. In no case, shall the counting team mark or re-mark the ballot. 1.10.23.12 NMAC contains illustrative examples of how to discern voter intent.

(4) If a recount for an office selected for a voting system check is conducted pursuant to the provisions of Chapter 1, Article 14 NMSA 1978, the vote totals from the hand count of ballots for that office in precincts selected for the voting system check may be used in lieu of recounting the same ballots for the recount.

F. Recount and recheck reconciliation procedures.

(1) Upon completion of a recheck or recount, the presiding judge shall tabulate the total vote count from the machine generated tapes or reports and the tally sheets from the hand recount.

(2) The county clerk or secretary of state in a statewide race shall compare the results of each recount or recheck to the results of the county or statewide canvass. County clerks shall make available to the public and provide to the secretary of state the results of the recount or recheck within five days of the completion of the recount or recheck. The secretary of state shall combine the county files and place the results on the secretary of state's website.

(3) Pursuant to Subsection A of Section 1-14-18 NMSA 1978, the recount precinct board shall send the certificate of recount or recheck executed pursuant to Subsection D of Section 1-14-16 NMSA 1978 to the proper canvassing board.

(4) In the event of a recount or recheck

conducted pursuant to Section 1-14-14 NMSA 1978, if no error or fraud appears to be sufficient to change the winner, the county clerk may provide documentation of costs to the secretary of state, or directly to the candidate, for reimbursement from the money provided pursuant to Section 1-14-15 NMSA 1978.

[1.10.23.10 NMAC – Rp, 1.10.23.10 NMAC, 10/7/2025]

1.10.23.11 CONTEST PROCEDURES:

A. An election contest shall be conducted pursuant to the provisions of the Election Code under Sections 1-14-1 *et seq.* NMSA 1978.

B. In any election contest the court may order the re-tallying of ballots. The county clerk shall provide tally sheets for the purpose of the contest.

C. In any election contest the court may order comparison of results cartridges from any optical scan vote tabulating systems.

D. No rejected ballot subject to review in an election contest shall be disqualified solely because the signature on the outer envelope or affidavit contains an abbreviated name, lack of a middle initial, or lack of a suffix, provided that the voter can be identified with information provided on the outer envelope or voter's affidavit.

E. If a tally of qualified provisional or other ballots is required in an election contest, the court may summon the county clerk to re-tally all qualified provisional or other ballots and review all rejected provisional or other ballots pursuant to Subsection D of 1.10.23.10 NMAC.

[1.10.23.11 NMAC – Rp, 1.10.23.11 NMAC, 10/7/2025]

HISTORY OF 1.10.23 NMAC:

Pre-NMAC History: None

History of Repealed Material:

1.10.22 NMAC, Provisional Voting Security, filed 8/1/2003 - Repealed effective 4/28/2006.

NMAC History:

1.10.22 NMAC, Provisional Voting, Recounting and Security, filed 4/17/2006.
 1.10.23 NMAC, Procedures for Recounts, Audits, Rechecks and Contests, filed 8/2/2008, replaces those portions of 1.10.22 NMAC, Provisional Voting, effective 8/2/2008.
 1.10.23 NMAC, Procedures for Recounts, Audits, Rechecks and Contests, filed 8/2/2008, was repealed and replaced by 1.10.23 NMAC, Procedures for Recounts, Audits, Rechecks and Contests, effective 10/7/2025.

**SECRETARY OF STATE,
OFFICE OF THE**

**TITLE 1 GENERAL
GOVERNMENT
ADMINISTRATION CHAPTER
CHAPTER 10 ELECTIONS AND
ELECTED OFFICIALS
PART 38 EMERGENCY
ELECTION PROCEDURES**

1.10.38.1 ISSUING

AGENCY: Office of the Secretary of State.

[1.10.38.1 NMAC – N, 10/7/2025]

1.10.38.2 SCOPE: This rule applies to election procedures during an emergency.

[1.10.38.2 NMAC – N, 10/7/2025]

1.10.38.3 STATUTORY

AUTHORITY: Section 1-2-1 NMSA 1978.

[1.10.38.3 NMAC – N, 10/7/2025]

1.10.38.4 DURATION:

Permanent.

[1.10.38.4 NMAC – N, 10/7/2025]

1.10.38.5 EFFECTIVE

DATE: October 7, 2025, unless a later date is cited at the end of a section.

[1.10.38.5 NMAC – N, 10/7/2025]

1.10.38.6 OBJECTIVE:

To establish emergency election procedures for the secretary of state

and county clerks.

[1.10.38.6 NMAC – N, 10/7/2025]

**1.10.38.7 DEFINITIONS:
[RESERVED]****1.10.38.8 EMERGENCY**

DECLARATIONS: Upon issuance of an executive order declaring a state of emergency or an executive order for an impending emergency, the secretary of state shall authorize county clerks in impacted counties to evaluate and develop emergency contingency plans to ensure maximum participation in the electoral process and provide a safe and orderly procedure for impacted elections.

[1.10.38.8 NMAC – N, 10/7/2025]

**1.10.38.9 POLLING
LOCATIONS:**

A. A county clerk shall notify the secretary of state in writing of any natural disasters impacting election operations. As soon as possible following the issuance of an executive order declaring an emergency, the county clerk shall identify the number of polling places that are functional and the number of polling places that are no longer functional.

B. A court order is required in order to change a designated polling location pursuant to Section 1-3-8 NMSA 1978. In addition, if a polling place is destroyed, inaccessible or unsafe, efforts should be made to work with federal, state and local emergency management agencies to permit the orderly establishment of a new polling place. An alternate emergency location shall be identified by the county clerk and authorized by the secretary of state prior to the clerk seeking a court order, provided that:

(1) a newly established voter convenience center shall meet the requirements for voter convenience centers in Section 1-3-4 NMSA 1978.

(2) a court may authorize the use of one county's voting location for use in another county.

(3) any contingency plans involving elimination or consolidation of a polling place or establishment of an alternative voting or mobile voting unit within an Indian nation, tribe or pueblo shall occur pursuant to Section 1-21A-9 NMSA 1978.

C. Upon receipt of a court order, the county clerk issue a press release and shall post any ordered changes to polling locations to the county clerk's website. The posting and press release shall include the address of the new location and its hours of operation.

[1.10.38.9 NMAC – N, 10/7/2025]

**1.10.38.10 MAILED
BALLOT DELIVERY:**

A. The county clerk shall notify the secretary of state in writing of any impact to mailed ballot delivery.

B. Any delays, closures of secured monitored containers or additional changes to the ability of voters to receive or return a mailed ballot shall be posted as soon as practicable on the county clerk's website with information on how voters may participate in the election; and

C. If necessary, the secretary of state may authorize the county clerk to transmit ballot and balloting materials by secured electronic transmission available to the county clerk to voters who have submitted an emergency mailed ballot request on a form prescribed by the secretary of state.

[1.10.38.10 NMAC – N, 10/7/2025]

1.10.38.11 ELECTION

TIMELINE: Nothing in this rule shall be interpreted as extending or as an extension of the time period for an election.

[1.10.38.11 NMAC – N, 10/7/2025]

**History of 1.10.38 NMAC:
[RESERVED]**

SECRETARY OF STATE, OFFICE OF THE

This is an amendment to 1.10.13 NMAC, Sections 8 and 9 effective 10/7/2025.

1.10.13.8 CANDIDATE CAMPAIGN COMMITTEE REGISTRATIONS:

A. A candidate for a non-statewide office shall register the candidate's campaign committee with the secretary of state within 10 days of receiving contributions or expending one thousand dollars (\$1,000) or more for campaign expenditures or filing a declaration of candidacy; whichever occurs earlier.

B. A candidate for statewide office shall register the candidate's campaign committee with the secretary of state within 10 days of receiving contributions or expending three thousand dollars (\$3,000) or more or filing a declaration of candidacy; whichever occurs earlier.

C. All candidates shall complete a campaign committee registration online via the registration process in the campaign finance information system (CFIS). Following acceptance of the campaign committee registration form, the secretary of state will create a user account for the candidate in CFIS and will issue the candidate a unique CFIS user identification.

D. A candidate is responsible for entering accurate and current contact information in CFIS, including mailing address and email address. Failure to provide accurate or current contact information does not limit the candidate's liability regarding fines and civil actions against the candidate or public official related to campaign reporting.

E. Section 1-19-27 NMSA 1978 requires that all campaign finance reports be filed electronically with the secretary of state's office. In order to file electronically, the candidate must, at all times, maintain a valid email address on file with the secretary of state.

F. A candidate may serve as the candidate's own treasurer. If the candidate does not serve as the candidate's own treasurer, then the candidate shall appoint a treasurer who shall be jointly responsible as a reporting individual with the candidate for the campaign committee.

G. If the candidate does not serve as the candidate's own treasurer, in the event of a vacancy in the position of treasurer, the candidate shall appoint a successor treasurer within 10 days of the vacancy by updating the information electronically in CFIS.

H. The candidate is deemed to have authorized and approved each report entry submitted to CFIS.

I. A candidate may only have one campaign committee at a time unless the candidate is seeking public financing and must keep a previous campaign account open and separated.

J. A candidate seeking re-election to the same office is not required to submit a new campaign committee registration form if the candidate already has an open campaign account.

K. A candidate seeking election to a new office covered by the campaign reporting act than what the candidate previously registered is required to submit a new campaign committee registration form. If a new candidate campaign committee registration form is submitted by a candidate with an open campaign committee for a new office, the candidates shall expend all funds in accordance with the Campaign Reporting Act or transfer any remaining funds from the old campaign committee to the new campaign committee and file a final report to close the old campaign committee ~~[within ten days from the date]~~ before the registration form is accepted by the secretary of state unless the candidate is seeking public financing and must keep a previous campaign account open and separated. [1.10.13.8 NMAC - N, 10/10/2017; A, 10/29/2019; A, 3/22/2022; A, 10/7/2025]

1.10.13.9 WITHDRAWING FROM CANDIDACY; DEATH OF A CANDIDATE:

A. If a candidate files a statement of withdrawal, the candidate must file a final report in CFIS no later than the next report deadline or continue to file CFIS reports pursuant the schedule defined by Section 1-19-29 NMSA 1978.

B. If a candidate dies, any remaining campaign committee funds do not become a part of the personal estate of the candidate. Upon receipt or discovery of a death certificate or an obituary for a candidate, the secretary of state shall change the committee's account status to "deceased" and permit the account's treasurer to report any outstanding transactions, expend all remaining funds pursuant to Section 1-19-29.1 NMSA 1978, and close the account in CFIS.

[1.10.13.9 NMAC - N, 10/10/2017; A, 10/7/2025]

SECRETARY OF STATE, OFFICE OF THE

This is an amendment to 1.10.37 NMAC, Sections 3, 7, 8, and 9 effective 10/7/2025.

1.10.37.3 STATUTORY AUTHORITY: Section 1-2-1 NMSA 1978; Section 10-16A-9 NMSA 1978; ~~[Chapter 39 of New Mexico Laws of 2023]~~ Section 1-1-27.1 NMSA 1978. [1.10.37.3 NMAC - N, 7/1/2023, A, 10/7/2025]

1.10.37.7 DEFINITIONS:

A. "Election-related disclosures" means records pertaining to a public official for campaign or election purposes and include nominating petitions, candidacy declarations, designations of confidential home address forms and voter registration forms.

B. "Financial-related disclosures" means records filed with a county clerk or secretary of state and includes disclosures pursuant to the Financial Disclosure Act, Chapter 10, Article 16A NMSA 1978, and the

Campaign Reporting Act, Chapter 1, Article 19 NMSA 1978.

C. “Public official” means a person elected or appointed to a federal, state, county or local office or a candidate thereof or a person appointed to a federal, state, county or local government position.

D. “Designated confidential address” means the address specified by a public official for non-disclosure on the designation of confidential home address form prescribed by the secretary of state, provided that the zip code of the address remains publicly available.

E. “Judicial proceeding” means a legal matter over which a judicial officer presides and includes, but is not limited to, challenges brought pursuant to the Election Code.

[1.10.37.7 NMAC - N, 7/1/2023; A, 10/7/2025]

1.10.37.8 CONFIDENTIAL HOME ADDRESS DESIGNATION:

A. A public official may submit a request for designation of confidential home address using a form prescribed by the secretary of state. A copy of the form shall be forwarded to the county clerk of the county in which the official is registered to vote within seven business days of submission.

B. After the initial request, a public official with designated confidential home addresses shall resubmit a confidential home address form every two years by February 1 of that calendar year to the secretary of state in order to maintain a confidential designation. A copy of the form shall be forwarded to the county clerk of the county in which the official is registered to vote within seven business days of submission.

C. Using a form prescribed by the secretary of state, a candidate for state, county or local office may file a designation of confidential home address with the proper filing officer when filing a declaration of candidacy. In cases where the county clerk is

the proper filing officer, the county clerk shall update the candidate’s voter registration record, marking the address as “confidential,” and send a copy of the designation to the secretary of state within one business day of the filing. In cases where the secretary of state is the proper filing officer, the secretary of state shall send a copy of the designation to the county clerk of the county where the candidate is registered to vote within one business day of the filing.

D. A designation of confidential home address for a public official shall be void upon failure to be elected or appointed to a federal, state, county or local office. The county clerk shall review the list of voters with designated confidential addresses in their county every six months to determine if the designation should remain active. In the event a voter is found to no longer be a public official, the county clerk shall update the voter record by removing the “Confidential Public Official” designation.

E. Upon submission of a request for designation of confidential home address, the public official shall provide a mailing address other than the confidential home address which shall be substituted on all election- and financial - related disclosures.

F. The secretary of state shall maintain a list of public officials who have designated confidential addresses, and the list shall be accessible by county clerks.

G. The home address of the public official shall not be publicly disclosed or published on a governmental website so long as a current request for designation of confidential home address has been filed and the public official maintains their status as a public official, or unless such request for designation is otherwise withdrawn in writing by the public official on a form prescribed by the secretary of state.

[1.10.37.8 NMAC - N, 7/1/2023; A, 10/7/2025]

1.10.37.9 PRESERVATION OF ORIGINAL RECORDS:

A. Original election- and financial- disclosures that contain a designated confidential address shall be preserved by the secretary of state and county clerks for the purposes of [any potential judicial review] a judicial proceeding.

B. Original election- and financial- disclosures that contain a designated confidential address shall not be redacted. When such records are requested by the public, a copy shall be provided, and the confidential address shall be redacted, except for the zip code, on the copy of the disclosure unless the requestor completes a form prescribed by the secretary of state that unredacted copies are being requested for the purposes of a judicial proceeding and that any address designated as confidential shall not be used or shared for any other purpose.

[1.10.37.8 NMAC - N, 7/1/2023; A, 10/7/2025]

End of Adopted Rules

Other Material Related to Administrative Law

**AGING AND LONG-TERM
SERVICES
DEPARTMENT****NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The Aging and Long-Term Services Department gives Notice of a Minor, Non-substantive Correction to 9.2.4 NMAC and 9.2.19 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rules, as follows:

9.2.4 NMAC, New Rule, Designation of Planning and Service Areas

Section 12: In Subsection A, there is a paragraph (1) without a paragraph (2). Paragraph (1) numbering was removed and sentences were merged into Subsection A.

9.2.19 NMAC, New Rule, Long-Term Care Ombudsman

Section 12: There is Subsection A without a Subsection B. Subsection A numbering was removed and paragraphs (1) through (4) have been re-numbered to Subsections A through D, respectively.

Section 32: There is Subsection A without a Subsection B. Subsection A numbering was removed and paragraphs (1) through (5) have been re-numbered to Subsections A through E, respectively and subparagraphs (a) through (c) have been re-numbered to paragraphs (1) through (3), respectively.

Section 40: There is Subsection A without a Subsection B. Subsection A numbering was removed and paragraphs (1) through (4) have been re-numbered to Subsections

A through D, respectively and subparagraphs (a) & (b) have been re-numbered to paragraphs (1) & (2), respectively.

A copy of this Notification will be filed with the official version of each rule.

**End of Other Material
Related to Administrative
Law**

2025 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXVI, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 3	January 14
Issue 2	January 16	January 28
Issue 3	January 30	February 11
Issue 4	February 13	February 25
Issue 5	February 27	March 11
Issue 6	March 13	March 25
Issue 7	March 27	April 8
Issue 8	April 10	April 22
Issue 9	April 24	May 6
Issue 10	May 8	May 20
Issue 11	May 22	June 10
Issue 12	June 12	June 24
Issue 13	June 26	July 15
Issue 14	July 17	July 29
Issue 15	July 31	August 12
Issue 16	August 14	August 26
Issue 17	August 28	September 9
Issue 18	September 11	September 23
Issue 19	September 25	October 7
Issue 20	October 9	October 21
Issue 21	October 23	November 4
Issue 22	November 6	November 18
Issue 23	November 20	December 9
Issue 24	December 11	December 23

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2026 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXVII, Issues 1-24

Issue	Submittal Deadline	Publication Date
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
Issue 13	June 25	July 14
Issue 14	July 16	July 28
Issue 15	July 30	August 11
Issue 16	August 13	August 25
Issue 17	August 27	September 9
Issue 18	September 11	September 22
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