

New Mexico Register

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

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Notices of Rulemaking and Proposed Rules

EDUCATIONAL RETIREMENT BOARD

NOTICE OF CHANGE OF RULE HEARING VENUE

Public Hearing: Notice is hereby given that the New Mexico Educational Retirement Board (hereafter, “NMERB”) will convene a Rule Hearing previously published September 23, 2025 in Issue 18 of the NM Register, was scheduled to be held at the NMERB’s Santa Fe office at 9:00am on October 24, 2025. The hearing will now be held at the same time and date, at the Albuquerque Public Schools Headquarters located at 6400 Uptown Blvd, NE, Albuquerque, NM 87110.

No other changes were made to the notice of proposed rulemaking information below:

Purpose: The purpose is to make rules consistent with changes made by the legislature to 22-11-25.1 NMSA 1978.

Statutory Authority: Educational Retirement Act, Paragraph (5) of Subsection A of Section 22-11-6 NMSA 1978.

Summary of Proposed Amendments:

Proposed Section 17 of 2.82.5 NMAC increases the Return to Work program earnings from less than fifteen thousand per fiscal year to twenty-five thousand per fiscal year.

Proposed Section 18 of 2.82.5 NMAC increases the Return to Work program limits from 36 consecutive or nonconsecutive months to 60 consecutive or nonconsecutive months.

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

A copy of the proposed rule amendments is available on the

NMERB website at <https://www.erb.nm.gov>. Hard copies are available for pick up at the NMERB offices located at 701 Camino de los Marquez, Santa Fe, NM 87505 or 8500 Menaul Blvd. NE, Suite B-450, Albuquerque, NM 87112 during regular business hours. The proposed rule amendments are also posted on the New Mexico Sunshine Portal at <https://ssp.nm.gov>. Interested individuals may provide oral comments at the public rule hearing or submit written comments by mail to Amanda Olsen, New Mexico Educational Retirement Board, P.O. Box 26129, Santa Fe, NM 87502 or by email to NMERB.RuleChange@erb.nm.gov or by fax to (505) 827-1855. Written comments must be received by 5:00 pm (MT) on October 23, 2025. All timely submitted written comments will be posted on the NMERB website at <https://www.erb.nm.gov>.

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 Amanda Olsen at (505) 531-6133 as soon as possible or at least ten business days before the public hearing.

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

NOTICE OF EMERGENCY RULEMAKING

July 4, 2025, President Donald J. Trump signed into law HR 1 2025. HR 1: Section 10103 amends how state agencies treat receipt of a payment under the Low-Income Home Energy Assistance Act of 1981 or other similar energy assistance programs for the purposes of the Heating and Cooling Standard Utility Allowance (HCSUA), depending on whether the household contains an elderly or disabled member. It also updates how SNAP treats Third-Party Energy Assistance Payments provided under State Law. The treatment of these

payments and how the HCSUA applies depends on whether the household contains an elderly or disabled household member.

On August 29, 2025, United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) provided guidance to States on the Implementation Section 10103 of the HR1 Act of 2025.

FNS will, as appropriate, hold States harmless for Quality Control (QC) purposes for 120 days from the implementation date of July 4, 2025, meaning States must adopt the new rule no later than November 1, 2025. For HCA to be compliant with HR1: Section 10103, the Income Support Division (ISD), will implement a temporary emergency rule effective November 1, 2025, to the following NMAC rules:

8.106.631.NMAC

Section 8:

- ☐ Removing “Benefits shall be processed annually at the beginning of the federal fiscal year dependent on the availability of funding.”
- ☐ Adding to B. Household: “(6) include an elderly or disabled household member.”
- ☐ Removing language “and” from section B
- ☐ Updating the language in C. “will receive the HCSUA in accordance with Subsection B of 8.139.631.8 NMAC”
- ☐ No other language in section 8 is under review at this time

Section 9:

- ☐ Updating language in A. to read “At the beginning of every federal fiscal year, a one-time energy assistance cash payment will be issued to eligible households as defined in Subsection B of 8.106.631.8 NMAC.

- ☐ Updating language in B. to read “The Heat and Eat benefit is a cash payment issued through a direct deposit onto the households EBT card and is issued one time per federal fiscal year. For new SNAP households the initial cash payment is issued upon approval of the SNAP benefits. A Heat and Eat benefit will not be issued if a payment was already received in the current federal fiscal year. For active and ongoing SNAP households, the cash payment will be issued at the start of each Federal Fiscal Year, on or about October 1. Cash payment benefits are issued and maintained pursuant to 8.106.610 NMAC.
- ☐ No other language in section 9 is under review at this time

8.139.520 NMAC**Section 6:**

- ☐ Updating language “the human services department” to “the health care authority”
- ☐ Updating the language “food stamp” to “SNAP”
- ☐ No other language in section 6 is under review at this time

Section 9:

- ☐ Updating C. (4) language to read “Any payment made to a household that does not contain an elderly or disabled household member, under a state law to provide energy assistance shall be considered money payable directly to the household, unless under the law the payment cannot be provided in cash.”
- ☐ Updating the language “food stamp” to “SNAP”
- ☐ Adding number “(17) Third party energy assistance payments: Any payment provided under a state law to a household that contains elderly or

disabled members shall be excluded as income.”

- ☐ No other language in section 9 is under review at this time

Section 10:

- ☐ Updating C. (4) (c) by removing the “HSD” and adding “HCA”
- ☐ No other language in section 10 is under review at this time

Section 11:

- ☐ Updating F. (7)
- ☐ Updating the language “food stamp” to “SNAP”
- ☐ Updating (b)
 - o “Removing the language “The household’s heating or cooling expense must be billed separately from other shelter expenses.”
 - o (ii) “with an elderly or disabled member that received a payment, or on behalf of which a payment was made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if in the current month or in the immediately preceding 12 months, the household either received such a payment, or such a payment was made on behalf of the household, that was greater than \$20 annually; or”
- ☐ No other language in section 11 is under review at this time

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

Regulations issued pursuant to the act are contained in 7 CFR 270-282. Administration of the HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Authority must promulgate these emergency rules and make them effective no later than November 1, 2025, to be in compliance with Federal law. The emergency

rulemaking process is necessary to avoid placing HCA in violation of federal law.

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

HEALTH, DEPARTMENT OF

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of rule 7.5.5 NMAC (“New Mexico Statewide Immunization Registry”). The hearing will be held on Tuesday, December 2, 2025 at 9:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the proposed repeal and replacement of the rule will be able to do so via video conference and via telephone during the hearing, and by submitting written comment.

Rule 7.5.5 NMAC implements the registry portion of the New Mexico Immunization Act, NMSA 1978, Sections 24-5-7 through 24-5-15, which requires physicians, nurses, pharmacists and other health care providers to report immunization information to the statewide registry. The Department proposes to repeal and replace the entirety of rule 7.5.5 NMAC, to incorporate new and modified provisions, including but not limited to the following:

- ☐ 7.5.5.7, Definitions: modified the definitions format;
- ☐ 7.5.5.9, Reporting Requirements: required additional reporting, to include the name of the administering provider location/clinic, gender, race, ethnicity, and phone number; and

□ 7.5.5.12, Procedures for Reviewing and Correcting Patient Records: replaced references to “NMDOH Helpdesk” with “NMSIIS held desk”, and modified the applicable website address.

The legal authority authorizing the proposed repeal and replacement of this rule is at the Department of Health Act, Subsection E of Section 9-7-6 NMSA 1978, which authorizes the Secretary of the Department of Health to “make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions”; the Immunization Act at Section 24-5-11 NMSA 1978, which requires the Secretary of the Department of Health to adopt rules for the Immunization Registry; and the Public Health Act at Subsection R of Section 24-1-3 NMSA 1978, which authorizes the Department of Health to maintain and enforce rules for immunization against conditions of public health importance.

A free copy of the full text of the proposed rule can be obtained online from the New Mexico Department of Health’s website at <http://nmhealth.org/about/asd/cmo/rules/> or by contacting the Department using the contact information below.

The public hearing will be conducted to receive public comments on the proposed rules. Any interested member of the public may attend the hearing and may submit data, views, or arguments on the proposed rule either orally or in writing during the hearing.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 215 128 164 548 1 and passcode ym3uW2WS and then click the “Join a meeting” button.

To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 916 819 731#.

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Jacob Clark at Jacob.Clark@doh.nm.gov or by U.S. postal mail to the following address:

Jacob Clark
NMDOH OGC
P.O. Box 26110
1190 St. Francis Dr., Suite N-4095
Santa Fe, NM 87502-6110

Written comments must be received by the close of the public rule hearing on December 2, 2025. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodation to attend or participate in the hearing, please contact Jacob Clark by telephone at (505) 827-2997. The Department requests at least ten (10) days’ advance notice to provide special accommodation.

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 25-00064-UT

The New Mexico Public Regulation Commission (“Commission”) gives notice of its initiation of a formal rulemaking to promulgate new rules, entitled “Inspection and Supervision Fee,” at Title 17, Chapter 3, Part 110, and “Inspection Fee,” at Title 17, Chapter 11, Part 29, of the New Mexico Administrative Code. The rules which may be adopted as the final rules by the Commission may include all, part, or none of the language in the proposed rules.

Summary and concise statement

of proposed rule: The objective of the proposed rule is to implement changes to the inspection and supervision fees statutes brought upon by Senate Bill 535 passed during the 2025 New Mexico Legislative Session. The proposed rules would allow the Commission to adjust the inspection and supervision fees for utilities, and telephone and transmission companies, subject to the Commission’s rate and service jurisdiction.

Legal authority: Sections 62-8-8 and 63-7-20 NMSA 1978.

How a copy of the full text of the

proposed rule may be obtained: A copy of the full text of the proposed rules and instructions on how to access the complete rulemaking record, reports, and other items filed in the commission’s e-docket system may be obtained from the Rulemaking Proceedings section of the Commission’s website at <https://www.prc.nm.gov/rulemaking-proceedings/> under Docket No. 25-00064-UT or by calling LaurieAnn Santillanes in the Office of General Counsel at (505) 670-4830.

How a person may comment on the proposed rule, where comments will be received, and when comments are due:

Written initial comments may be filed no later than **December 5, 2025**. Filed comments shall refer to Docket No. 25-00064-UT. Comments may be electronically filed by sending them in PDF format to prc.records@prc.nm.gov. All written comments will be posted on the Commission’s e-Docket website within three days of their receipt by the Commission’s Records Management Bureau.

The record of this case closes on **December 12, 2025**. From that date through the completion of this proceeding, rulemaking participants shall be forbidden from communicating with the Commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person may participate in the hearing: A public hearing on the proposed rule and any proposed alternatives, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on December 4, 2025** via the Zoom video-conferencing platform.

Any interested person who wishes to make a comment at the hearing may contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505) 490-7910 as soon as possible before the start of the hearing to sign up as a commenter to sign up as a commenter. The Commission shall email a Zoom invitation to all commenters. The Zoom invitation shall include a call-in number for those commenters who are unable to access Zoom's video-conferencing platform. The public comment hearing shall be held to receive oral comments. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson should be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public hearing. No testimony or other evidence shall be taken at the hearing as this is a rulemaking proceeding. The subject of public comments shall be relevant to matters within the Commission's jurisdiction. A court reporter shall prepare a transcript of the hearing for filing in this docket.

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

Technical information that served as a basis for the proposed rule and how the information can be obtained:
N/A.

REGULATION AND LICENSING DEPARTMENT CHIROPRACTIC, BOARD OF

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Chiropractic Board and the Regulation and Licensing Department will hold a rule hearing on Friday November 21, 2025, at 10:00 a.m., immediately followed by a meeting of the Chiropractic 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 Chiropractic 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: 250 950 697 278 9
Passcode: RR6WT6Xt

Dial in by phone
+1 505-312-4308, 704 763 509#
United States, Albuquerque
(888) 506-1357, 704 763 509# United States (Toll-free)

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

Rule 16.4.10 NMAC, Continuing Education
Rule 16.4.22 NMAC, Fees

On Tuesday, October 21, 2025, copies of the proposed rules may be obtained through the New Mexico Chiropractic Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/chiropractic-board/board-information/cb-board-meetings/>. Copies may also be obtained by contacting Jen

Rodriguez, Board Administrator, at chiropractic.board@rld.nm.gov

The New Mexico Chiropractic Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, October 21, 2025, at 8:00 a.m. and ending Friday, November 21, 2025, at 10:00 a.m. Written public comment may be submitted either by email to chiropractic.board@rld.nm.gov or by postal mail to the following address:

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

Written comments received during the public comment period (beginning October 21, 2025, and ending November 21, 2025) will be posted to the website page 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 Chiropractic 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 Chiropractic 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 above or by contacting the board administrator, Jen Rodriguez.

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 Jen Rodriguez 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 Chiropractic Physician Practice Act, §§61-4-1 through -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 amend the rules to provide for additional administrative fees and revise the continuing education audit 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 Chiropractic Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes: Rule 16.4.10 NMAC, Continuing Education - Changes to this rule will provide clarity on the audit of continuing education requirements and allow the board to impose disciplinary action on a licensee who is not compliant with the continuing education requirement.

Rule 16.4.22 NMAC, Fees - Changes to this rule will allow for a thirty-five dollar (\$35) fee for returned checks and e-checks, and 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 OPTOMETRY, BOARD OF

NOTICE OF PUBLIC RULE HEARING AND BOARD OF OPTOMETRY MEETING

The New Mexico Board of Optometry and the Regulation and Licensing Department will hold a rule hearing on Friday, November 21, 2025, 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, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

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

Meeting Link: <https://teams.microsoft.com/join/2612364332724?p=rRNLqsweJO221wScfl> or by Meeting ID: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 261 236 433 272 4
Passcode: fH9TF7bm
or
Join by Phone: +1 505-312-4308
Phone conference ID: 205 427 871#

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

Rule 16.16.2 NMAC –FEES

Rule 16.16.13 NMAC – CONTINUING EDUCATION

Rule 16.16.22 NMAC – DISCIPLINARY PROCEEDINGS

On Friday, October 21, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Optometry website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/optometry/board-information/> or by contacting the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

The New Mexico Board of Optometry and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, October 21, 2025, 9:00 a.m. and ending Friday, November 21, 2025, 9:00 a.m. Written public comment may be submitted either by email to optometry.bd@rld.nm.gov or by postal mail to the following address:

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

Written comments received during the public comment period (October 21, 2025 – November 21, 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 Optometry 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 Optometry 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 at (505) 470-2298.

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 Optometry Act, Sections 61-2-1 through -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 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 and allow for a thirty-five (\$35) returned check or returned electronic check processing fee for returned checks or electronic checks.

Rule 16.16.13 NMAC – Continuing Education

Changes to this rule will allow 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.

Rule 16.16.22 NMAC – Disciplinary Proceedings

Changes to this rule will allow for an individual who submits records or a sworn affidavits to demonstrate compliance with information requested by investigators or representatives of the board within a ten (10) day business day time period.

REGULATION AND LICENSING DEPARTMENT PSYCHOLOGIST EXAMINERS, BOARD OF

NOTICE OF PUBLIC RULE HEARING AND BOARD OF PSYCHOLOGIST EXAMINERS MEETING

The New Mexico Board of Psychologist Examiners and the Regulation and Licensing Department will hold a rule hearing on Friday November 21, 2025, at 9:00 a.m.,

immediately followed by a meeting of the Board of Psychologist Examiners 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, Rio Grande Conference Room.

The hearing and subsequent Board of Psychologist Examiners meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDlmMmZkMjltMzE0ZS00MzgyLTlkYTktNDhiNzQwN2U1MTg4%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: 220 292 620 357 5

Passcode: Dm3dC2tA

Dial in by phone

+1 505-312-4308,,196405084#

United States, Albuquerque

Find a local number

Phone conference ID: 196 405 084#

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

16.022.0013 - Fees

16.022.0023 - Requirements for Education and Conditional Prescription Certificate

On Tuesday, October 21, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Psychologist Examiners website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/psychologist-examiners/board-information/psychologist-examiners-board-meetings/> or by contacting the Board Administrator, Evan Ortega at (505) 476-4622.

The New Mexico Board of Psychologist Examiners and the

Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, October 21, 2025, 8:00 a.m. and ending Friday, November 21, 2025, at 9:00 a.m. Written public comment may be submitted either by email to psychologist.examiners@rld.nm.gov or by postal mail to the following address:

Attn: New Mexico Board of Psychologist Examiners
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (October 21, 2025 – November 21, 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 Psychologist Examiners 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 Psychologist Examiners 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 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 (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 Professional Psychologist Act (Act), Section 61-9-1 through 61-9-19 NMSA 1978, which provides explicit authority for the Board of Psychologist Examiners 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 Professional Psychologist Act, to provide greater clarity and align rules with changes to administrative processing as well as terminology changes rooted in statutory language.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.022.0013 NMAC - Fees – Amending the fees to include an administrative processing fee as well as fees for returned checks and e-checks.

16.022.0023 NMAC – Requirements for Education and Conditional Prescription Certificate – Amending the language from physicians to independently licensed prescribing clinician.

REGULATION AND LICENSING DEPARTMENT NUTRITION AND DIETETICS PRACTICES BOARD

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Nutrition and Dietetics Practice Board will hold a rule hearing on Monday, December 15, 2025, at 10:00 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rule listed below and take care of other business. 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, Rio Grande Conference Room, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The meeting will also be held via Microsoft Teams for those desiring to attend virtually.

<https://teams.microsoft.com/meet/2235936604183?p=qCtvCdiiIWpTJnXvaH>

Meeting ID: 223 593 660 418 3
Passcode: p79Lr3ay

Dial in by phone
+1 505-312-4308,,672501037#
United States, Albuquerque
Phone conference ID: 672 501 037#

The purpose of the rule hearing is to consider the proposed amendments to the following rules:

16.14.2 Fees

The agenda for the rule hearing and board meeting 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/nutrition-and-dietetics/board-information/nd-board-meetings>

. Copies of the agenda may also be obtained by contacting Roxann Ortiz at 505-795-5576.

The Nutrition and Dietetics Practice Board will begin accepting written public comments regarding the proposed rule changes on November 15, 2025. If submitting written public comment prior to the rule hearing, the Nutrition and Dietetics Practice Board will accept written public comments received by 10:00 a.m. on December 15, 2025. All written comments will be posted to the Board's website link above, no more than three business days following receipt to allow for public view. Written comments may be submitted by email to nutritiondieteticsbd@rld.nm.gov or by postal mail to the following address:

New Mexico Regulation and Licensing Department
Attn: Nutrition and Dietetics Practice Board
P.O. Box 25101
Santa Fe, NM 87504

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 Nutrition and Dietetics Practice 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 Roxann Ortiz at 505-795-5576.

Statutory Authority:

The proposed rule changes are authorized by the Nutrition and Dietetics Practice Act, Sections 61-7A-1 through 61-7A-15 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 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:

16.14.2.7 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 SOCIAL WORK EXAMINERS, BOARD OF

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Board of Social Work Examiners will hold a rule hearing on Thursday, December 11, 2025, at 10:00 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rule 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, Rio Grande Conference Room, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The meeting will also be held via Microsoft Teams for those desiring to attend virtually.

<https://teams.microsoft.com/meet/2242252073182?p=I6uB0rXnVYCGWzSBst>
Meeting ID: 224 225 207 318 2
Passcode: kr3kG2Pg

Dial in by phone
+1 505-312-4308, 433485593#
United States, Albuquerque
Phone conference ID: 433 485 593#

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

16.63.8 Fee

The agenda for the rule hearing and board meeting 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/social-work-examiners/board-information/>. Copies of the agenda may also be obtained by contacting Roxann Ortiz at 505-795-5576.

The Board of Social Work Examiners will begin accepting public comments regarding the proposed rule changes

on November 11, 2025. The Board of Social Work Examiners will accept written public comments received by 10:00 a.m. on December 11, 2025. Written comments may be submitted by email to socialworkboard@rld.nm.gov or by postal mail to the following address:

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

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 Board of Social Work Examiners 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 Roxann Ortiz at 505-795-5576.

Statutory Authority:

The proposed rule changes are authorized by the Social Work Practice Act, Sections 61-31-1 through 61-31-25 NMSA 1978 (2023), which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of

the Act. Section 61-31-8 specifically gives the Board authority to adopt and file rules necessary to carry out the provision 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 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.

Summary of Proposed Changes:

16.63.8 NMAC Fee:

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.

**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.

ENVIRONMENT DEPARTMENT

This is an amendment to 20.6.4 NMAC, Sections 126 and 141, effective 11/8/2025.

20.6.4.126 RIO GRANDE BASIN: Perennial waters within lands managed by the U.S. department of energy (DOE) within Los Alamos National Laboratory (LANL), including but not limited to: Cañon de Valle from LANL stream gage E256 upstream to Burning Ground spring, Sandia canyon [from Sigma canyon upstream to LANL NPDES outfall 001] at Sigma canyon upstream to Sandia canyon at Bedrock Road, Pajarito canyon from 0.5 miles below Arroyo de La Delfe upstream to Homestead spring, Arroyo de la Delfe from Pajarito canyon to Kieling spring, Starmers gulch and Starmers spring and Water canyon from Area-A canyon upstream to State Route 501.

A. Designated uses: coldwater aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.126 NMAC - N, 5/23/2005; A, 12/1/2010; A, 4/23/2022; A, 11/8/2025]

~~[20.6.4.141 - 20.6.4.200 —
[RESERVED]]~~

20.6.4.141 RIO GRANDE BASIN: Sandia canyon from Sandia canyon at Bedrock Road upstream to LANL NPDES outfall 001.

A. Designated uses: coolwater aquatic life, livestock

watering, wildlife habitat and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following additional segment-specific criterion applies: a 6T3 temperature of 25°C (77°F).
[20.6.4.141 NMAC - N, 11/8/2025]

20.6.4.142 - 20.6.4.200
[RESERVED]

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

This is an emergency amendment to 8.106.631 NMAC, Sections 8 and 9 effective 11/1/2025.

8.106.631.8 PROGRAM ELIGIBILITY: [Benefits shall be processed annually at the beginning of the federal fiscal year dependent on the availability of funding.]

A. Limited to current SNAP recipients: no application is needed for an individual or groups of individuals who reside together that do not pay separate heating or cooling costs and do not receive the heating and cooling standard utility allowance (HCSUA).

B. Household: Eligible household include those who:
(1) are receiving SNAP after being determined eligible as outlined in 8.139.110 NMAC;

(2) have gross income less than two hundred percent of the poverty level; [and]

(3) do not pay for any heating or cooling expenses, including the payment of a fee to use an air conditioner; [and]

(4) are not receiving the maximum SNAP benefit; [and]

(5) have an identifiable shelter cost; and

(6) include an elderly or disabled household member.

C. Eligible households: [will receive the HCSUA in accordance with 8.139.510.11 NMAC.] will receive the HCSUA in accordance with 8.139.520.11 NMAC.

[8.106.631.8 NMAC - Rp, 8.106.631.8 NMAC 3/1/2025; A/E 11/1/2025]

8.106.631.9 BENEFIT DELIVERY:

A. Effective date: [At the beginning of every federal fiscal year, October 1, a one-time energy assistance cash payment will be issued to eligible households as defined in Subsection A of 8.106.631.9 NMAC.] At the beginning of every federal fiscal year, a one-time energy assistance cash payment will be issued to eligible households as defined in Subsection B of 8.106.631.8 NMAC.

B. Benefit issuance: [Heat and Eat benefits are issued through a direct deposit into a household's EBT account. EBT cards are issued and maintained as defined at 8.139.610 NMAC. A Heat and Eat participating household has a definite issuance date so that benefits are received on or about the same time annually.] The Heat and Eat benefit is a cash payment issued through a direct deposit onto the households EBT card and is issued one time per federal fiscal year. For new SNAP households the initial cash payment is issued upon approval of the SNAP benefits. A heat and eat benefit will not be issued if a payment was already received in the current

federal fiscal year. For active and ongoing SNAP households, the cash payment will be issued at the start of each Federal fiscal year, on or about October 1. Cash payment benefits are issued and maintained pursuant to 8.106.610 NMAC.

C. Benefit amount:

Dependent on the availability of state general fund a cash payment of no less than \$20 will be issued.

D. Eligible uses for benefit:

This Cash benefit is intended to help the household meet their heating or cooling needs. Please refer to 8.106.610.8 NMAC for uses of Cash benefit.

[8.106.631.9 NMAC - Rp,
8.106.631.9 NMAC 3/1/2025; A/E
11/1/2025]

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

This is an emergency amendment to 8.139.520 NMAC, Section 6, 9, 10 and 11 effective 11/1/2025.

8.139.520.6 OBJECTIVE:

Issuance of the revised [~~food stamp program~~] SNAP policy manual is intended to be used in administration of the [~~food stamp program~~] SNAP program in New Mexico. This revision incorporated the latest federal policy changes in the [~~food stamp program~~] SNAP not yet filed. In addition, current policy citations were rewritten for clarification purposes or were simply reformatted. Issuance of the revised policy manual incorporated a new format which is the same in all income support division policy manuals. A new numbering system was designated so that similar topics in different programs carry the same number. The revised format and numbering standards were designed to create continuity among ISD programs and to facilitate access to policy throughout [~~the human services department~~] the health care authority. [8.139.520.6 NMAC - Rp,
8.139.520.6 NMAC, 11/21/2023; A/E
11/1/2025]

8.139.520.9 INCOME STANDARDS

A. Earned income:

Earned income includes the following:

(1) Wages

and salaries: All wages and salaries paid to an employee.

(2) Sick pay:

Sick pay is counted as earned income if the person receiving sick pay will be returning to work after recovery and is still considered an employee by the employer.

(3) Military

personnel: A household consisting of one or more military personnel receiving a basic allowance for quarters or basic allowance for subsistence instead of free housing or food shall have such funds counted as earned income.

(4) Self/

employment: The gross income from a self/employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, minus the costs of doing business, is considered earned income. This is the gross income of the self/employed individual.

(5) Rental

property: Income from rental property is considered earned only if a household member is actively engaged in the management of the property an average of at least 20 hours per week. The owner is allowed the cost of doing business.

(6) Roomer

or boarder: Payments from a roomer or boarder are considered self/employment income. The 20 hours per week provision applied to rental property does not apply to roomer or boarder situations.

(7) Training

allowances: A training allowance from a vocational and rehabilitative program recognized by federal, state or local governments, such as DVR, is considered earned income, to the extent the training allowance is not a reimbursement.

(8) VISTA

payments: Payments under Title I (VISTA, university year for action,

etc.) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93/113 Stat., as amended) are considered earned income to applicant households not receiving [~~food stamp~~] SNAP benefits at the time the household member joined VISTA.

(9) Workforce

Investment Act: Earnings of an individual participating in an on/the/ job training program under Section 204 (b) (1) (C) or Section 254 (c) (1) (A) of the Workforce Investment Act (WIA). This provision does not apply to household members under 19 years of age who are under the parental control of an adult member, regardless of school attendance or enrollment. Earnings include monies paid under the WIA and monies paid by the employer. This section includes adult and youth programs and summer youth employment and training programs, but does not include job corps, E&T programs for Native Americans, migrant and seasonal farm workers, and veterans employment programs.

B. Unearned income:

Unearned income includes, but is not limited to, the following:

(1) Federal

assistance programs: Assistance payments from federal or federally aided cash assistance programs, such as supplemental security income (SSI), Title IV/A (temporary assistance to needy families), general assistance (GA), or other assistance programs based on need. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

(2) Other

benefits: Annuities, pensions, retirement, veteran's or disability benefits, workman's compensation, unemployment compensation benefits (UCB), OASDI, and strike benefits are unearned income.

(3) Foster

care payments: Foster care payments for children or adults shall be counted in their entirety unless the household providing the foster care

chooses to exclude the foster child household member.

(4) Support

or alimony: Support or alimony payments made directly to the household from non/household members.

(5)

Educational funds: Scholarships, educational grants, fellowships, deferred payment loans for education, and veteran's educational benefits, are counted, after allowable deductions, unless the educational assistance is excluded in its entirety in Subsection E of 8.139.520.9 NMAC. Gifts or money a student may receive from parents or other private source on a periodic basis shall be counted as unearned income, including the portion used to pay for tuition and mandatory fees.

(6)

Government/sponsored programs: Payments to individuals from individual Indian monies and grants from the bureau of Indian affairs.

(7) Gain

or benefit: Dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or a benefit to the household. Interest income includes payments on a bank account that are simply posted in a bank book and not paid directly to a household.

(8) Trust

funds: Money withdrawn or dividends that are or could be received by a household from a trust fund considered an excludable resource. Such trust withdrawals shall be considered income in the month received, unless excluded in Subsection D of 8.139.520.9 NMAC. Dividends which the household has the option of either receiving as income or reinvesting in the trust shall be considered income in the month they become available to the household, unless excluded per Subsection D of 8.139.520.9 NMAC.

(9) Rental

property: Income from rental property shall be considered unearned when a household member engages in the management of the property less than 20 hours per week. The

gross income minus the cost of doing business is counted as household income.

(10) Sponsored

alien income: The amount of monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that is deemed to be that of the alien (Subsection G of 8.139.420.9 NMAC).

(11)

Termination pay: Severance pay (e.g., two weeks pay instead of notice) and supplementary unemployment benefits (a series of payments similar to UCB, but paid by the employer) received after termination shall be considered unearned income.

(12) Vacation

or sick pay: Unused vacation or sick pay paid in installments over a period of at least two months is considered unearned income in the months received. If paid as a lump sum at termination of employment, the income is considered a resource in the month received.

(13) Cash

awards, gifts, prizes: Cash awards, gifts, prizes and winnings shall be considered unearned income in the month received, subject to the \$30.00 per quarter exclusion, even if paid on a one/time basis.

(14) One/time

income: The distinction between one/time income and a one/time lump sum resource is that a lump sum is money owed the household from a past period and paid retroactively.

C. Other countable

income:

(1) Legal

entitlement: Any payment that a household is legally entitled to receive, but is diverted by the provider of the payment to a third party for an expense incurred or owed by the household shall be counted as income. The distinction is whether the individual or organization making a payment on behalf of a household is using funds that otherwise must be paid to the household, such as wages, cash assistance grant, or child support or alimony payments. In these cases, a household is legally entitled to the money. If an employer, agency, or

former spouse who owes such funds to a household diverts the money to a third party to pay for a household expense, the money is still counted as income, unless a court orders the money diverted.

(2) Garnished

wages: Wages earned by a household member that are garnished or diverted by an employer and paid to a third party for a household expense shall be counted as income.

(3) Public

assistance: All or part of a public assistance grant that is normally provided by a money payment to a household, but is diverted to a third party or to a protective payee for purposes of managing expenses, shall be counted as income.

(4) Third

party energy assistance payments: [Any payment made to a household under a state law to provide energy assistance shall be considered money payable directly to the household, unless under the law the payment cannot be provided in cash.] Any payment made to a household that does not contain an elderly or disabled household member, under a state law to provide energy assistance shall be considered money payable directly to the household, unless under the law the payment cannot be provided in cash.

D. Excluded income:

The following income shall be excluded in determining FS benefits:

(1) Federal

laws: Income excluded by federal laws. The comprehensive list is found in 8.139.527 NMAC.

(2) In/kind

benefits: Any gain or benefit which is not in the form of money paid directly to the household, including non/monetary or in/kind benefits such as meals, clothing, public housing, gifts for special occasions, or produce from a garden.

(3) Vendor

payments: Money payments that a household is not legally entitled to receive, and which are paid directly to a third party for a household expense are considered a vendor payment. A money payment made on behalf of

a household is considered a vendor payment whenever an individual or organization outside the household uses its own funds to make a direct payment to a household's creditors, or to a person or organization providing a service to a household. Vendor payments include but are not limited to:

- (a) rent paid directly to the landlord by a friend or relative, who is not a household member;
- (b) rent or mortgage payments made to landlords or the mortgagee by the department of housing and urban development (HUD) or by a state or local housing authority;
- (c) payments by a government agency to a child care institution to provide day care for a household member;
- (d) insurance company payments made directly to titleholders or loan companies when a household member becomes disabled or dies and is covered by credit life and disability insurance;
- (e) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless;
- (f) a rent payment by an employer made directly to the landlord, in addition to paying the household its regular wages, is considered a vendor payment and is excluded as income.

(4) Energy assistance: Any payment or allowance made for the purpose of providing energy assistance under any federal law, except for a payment or allowance provided under Title IV/A of the Social Security Act; any federal or state one/time assistance for weatherization or emergency repair or replacement of heating or cooling devices.

(5) State or local general assistance: Any general assistance provided to a household which cannot, under state law, be provided in cash directly to a household.

(6) Child care food program: Payments made to a household from the child care food program for child care, or any amount received as payment for care or reimbursement for costs incurred is excluded income.

(7) Plan for achieving self/support (PASS) program: Income of an SSI recipient necessary for the fulfillment of a plan for achieving self/support which has been approved under Sections 1612 (b)(4) (A)(iii) or 1612(b)(4)(B)(iv) of the Social Security Act. The income may be spent in accordance with an approved PASS or deposited into a PASS savings account for future use.

(8) Infrequent/irregular income: Any income received in the certification period which is received too infrequently or irregularly to be reasonably anticipated. The income received cannot exceed \$30.00 in a quarter.

(9) Lump/sum payment: Money received in the form of a nonrecurring lump sum payment, including but not limited to income tax refunds; rebates or credits; retroactive lump sum social security or SSI; cash assistance; railroad retirement; or other similar payments. Lump sum insurance settlements and refunds of security deposits on rental property or utilities are counted as resources in the month received, unless specifically excluded from consideration as a resource by federal law.

(10) TANF diversion: A TANF payment made to divert a family from becoming dependent on cash assistance shall be considered as a nonrecurring lump/sum payment if the payment is not defined as ongoing monthly assistance.

(11) Loans: All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(12) Charitable donations: Charitable cash donations based on need from one

or more private, nonprofit charitable organizations, not to exceed \$300 in a federal fiscal quarter (January through March, April through June, July through September, and October through December).

(13) Earned income tax credit (EITC): EITC payments received either as a lump sum, or advance payments of earned income tax credits received as part of a paycheck or as a reduction in taxes that otherwise would have been paid at the end of the year.

(14) Diverted retirement income: The portion of a civil service retirement annuity or military retirement payment that is diverted to a former spouse by court order in a divorce decree is excluded from the income of the retiree.

(15) Annual clothing allowance: The clothing allowance provided each year to an TANF household whose children are entering or returning to school.

(16) Utility reimbursements: Any amount paid by the department of housing and urban development (HUD) or farmers home administration (FmHA) to a household as a utility reimbursement, or to a utility provider on behalf of a household, is excluded income.

(17) Third party energy assistance payments: Any payment provided under a state law to a household that contains elderly or disabled members shall be excluded as income.

E. Educational expenses:

(1) Title IV/BIA: Cash assistance received under Title IV of the higher education amendments of 1992, including federal college work study authorized under Title IV, or cash assistance received from bureau of Indian affairs student assistance programs shall be excluded in determining eligibility and [food stamp] SNAP benefit amounts effective for award years beginning on or after July 3, 1993.

(2) Title XIII: Financial assistance received under Title XIII of the Tribal Development Student Assistance Act shall be

excluded in determining eligibility and food stamp benefit amounts effective October 1, 1992.

(3)

Earmarked funds: All educational assistance, including, but not limited to, educational loans on which payment is deferred, grants, scholarships, fellowships, veteran's educational benefits, and the like, provided for a student to participate in or attend a recognized institution of post/secondary education, school for the handicapped, vocational education program, or program that provides for the completion of a secondary (i.e., high school) diploma or equivalency (GED), shall be excluded to the extent that the assistance is either used or made available for:

(a)

tuition;

(b)

mandatory fees, including rental or purchase of any equipment, materials, and supplies required to pursue the course of study involved;

(c)

books and supplies;

(d)

transportation expenses;

(e)

origination fees and insurance premiums on student loans; and

(f)

miscellaneous personal expenses (other than living expenses) incidental to a student's attendance at a school, institution, or program.

(4)

Restrictions:

(a)

Educational assistance provided for normal living expenses (room, board, and dependent care) shall not be excluded as income.

(b)

Educational expenses in excess of the educational assistance provided may not be deducted from other income.

(c)

A student household eligible for a deduction for dependent care expenses may claim only the amount which exceeds the amount of educational assistance made available for dependent care.

(5) **Deferred**

payment educational loans: Any amount of state, local, or private deferred payment educational loans shall be excluded to the extent that the lender specifically earmarks or budgets part of or all of the loan for educational expenses. If the institution, school, program, or other lender does not earmark or budget amounts from the loan for educational expenses, students receive an exclusion for amounts verified as an educational expense.

F. Reimbursements:

(1) **Past or**

future expenses: Reimbursements for past or future expenses, to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household, shall be excluded.

(2) **Identified**

expense: Reimbursements made for an identified expense, other than normal living expenses, and used for the purpose intended, shall be excluded.

(3) **Normal**

living expenses: Reimbursements for normal living expenses, such as rent or mortgage, clothing, or food eaten at home, shall be considered a gain or benefit to a household and are not excluded.

(4) **Multiple**

expenses: If a reimbursement, including a flat allowance, covers multiple expenses, each expense does not need to be identified separately, as long as none of the reimbursement covers normal living expenses. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income.

(5)

Excludable reimbursements:

(a)

Job/training related:

Reimbursements or flat allowances for job or training/related expenses, such as travel, per diem, uniforms, and transportation to and from the job or training site. Reimbursements provided over and above the basic wages for such expenses are excluded. However, these expenses, if not reimbursed, are not otherwise deductible from income.

(b)

Migrant worker expenses:

Reimbursements for travel expenses incurred by migrant workers.

(c)

Volunteers: Reimbursements for out/of/pocket expenses incurred by volunteers in the course of their work.

(d)

Medical or dependent care:

Medical or dependent care reimbursements.

(e)

Nonfederal educational expense:

Nonfederal reimbursements or allowances for students for specific educational expenses, such as travel or books, but not allowances for normal living expenses such as food, rent, or clothing shall be excluded. Portions of a general grant or scholarship must be specifically earmarked by the grantor as an educational expense rather than for living expenses to be excludable as a reimbursement.

(f)

Title XX services: Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.

(g)

E&T program: Reimbursements for expenses necessary for participation in an education component to fulfill E&T work requirements in a work program.

(6)

Nonexcludable reimbursements:

(a)

Title IV/A grant: No portion of an title IV/A grant shall be excluded as a reimbursement if the grant is increased to adjust for work/related or child care expenses.

(b)

Educational funds: No portion of any federal or nonfederal (state, local, private) educational loan, grant, scholarship, fellowship, veteran's educational benefit and the like shall be excluded as a reimbursement, to the extent that it provides income assistance for normal living expenses.

G. Payments for

third party beneficiary: Payments received and used for the care and maintenance of a third/party

beneficiary who is not a household member shall be excluded as income. If the intended beneficiaries of a single payment include both household and non/household members, any identifiable portion of the payment intended and used for the care and maintenance of a nonmember is excluded. If the nonmember's share cannot be readily identified, the payment is divided equally among intended beneficiaries. The exclusion is applied to the nonmember's pro rata share, or the amount actually used for the nonmember's care and maintenance, whichever is less.

H. Earned income of a student: The earned income of an elementary or secondary school student living in the same [food stamp] SNAP household with a natural, adoptive or step/parent, or under the parental control of another member of the same [food stamp] SNAP household other than a parent, shall be excluded if the student is:

- (1) under age 18, and is
- (2) attending classes, including GED classes, at least half/time.

(3) **Temporary interruptions:** The exclusion shall continue to apply during temporary interruptions in school attendance for semester or vacation breaks, provided that the child's enrollment will resume following the break.

(4) **Child's/other members income:** If a child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be divided equally among the working members and the child's pro rata share shall be excluded.

(5) **Child turns 18 years old:** The earnings of students shall be counted beginning the month following the month the student turns 18.

I. Money owed to other sources:

(1) **Money withheld to repay previous**

overpayments: Money withheld to repay prior overpayments (recoupments) or money voluntarily or involuntarily returned from an assistance payment, earned income, or other income source shall be excluded from income, provided that:

- (a) repayment is made from the same income source, and
- (b) the income is from a countable income source.
- (c) this exclusion applies only to recoupment or repayment situations.

(2) **Other withholding:** Money withheld for any other purpose is considered income. Money withheld for other purposes include: Medicare premiums; processing fees for child support payments collected by CSED; and deductions (taxes, insurance, etc.) from unearned income, such as civil service, PERA, and military retirement benefits.

(3) **Failure to comply with another assistance program's requirements or fraud:**

A household's [food stamp] SNAP benefit amount shall not increase when benefits received from another program have been decreased (reduced, suspended or terminated) because of a determination by the other program of intentional failure to comply with a requirement of the other program or an act of fraud. This provision applies in cases where the other program is a means/ tested, federal, state or local welfare or public assistance program, which is governed by welfare or public assistance laws or regulations and which distributes public funds.

(a) **Conditions:**

(i) If the department is not able to obtain necessary cooperation from another federal, state or local means/ tested welfare or public assistance program to enable it to comply with the requirements of this provision, the department is not held responsible as long as a good faith effort to obtain the information has been made.

(ii) A household's current [food stamp] SNAP benefit amount shall not be reduced, suspended or terminated when the benefits under another assistance program have been decreased.

(iii) [food stamp] SNAP benefits shall be adjusted when eligible members are added to the [food stamp] SNAP household regardless of whether or not the household is prohibited from receiving benefits for the additional member under another federal, state, or local welfare or public assistance means/tested program.

(iv) Changes in household circumstances which are not related to a penalty imposed by another federal, state or local welfare or public means/ tested assistance program shall not be affected by this provision.

(b) This provision does not apply to individuals or households subject to disqualification for noncompliance with E & T work requirements which are comparable to Title IV or UCB work requirements in Subsection H of 8.139.410.12 NMAC. In such cases, an individual or household disqualification occurs and [food stamp] SNAP benefits are reduced.

(c) There is no time restriction on the application of this provision. The prohibition against increasing food stamp benefits shall apply for the duration of the penalty imposed by the welfare or public assistance program.

(d) **Recoupments:** [Food stamp] SNAP benefits shall not increase in cases where the household is subject to either a reduction in benefits or recoupment due to intentional failure to comply with the other program's requirements. [Food stamp] SNAP benefits shall not increase as long as a reduction or recoupment is in effect.

(e) This provision does not result in a reduction, termination, or suspension of a household's current [food stamp] SNAP benefit amount; therefore, a

caseworker need not send an adverse action notice. A caseworker may send adequate notice to a household affected by this provision.

(4) Child support payments transferred under title IV/D: A child support payment received by a cash assistance household that must be transferred to or retained by the child support enforcement division (title IV/D) to maintain cash assistance eligibility, shall be excluded as income.

J. Guaranteed Based Income: Guaranteed basic income provides an individual or household a one time or recurring cash payment or transfer funded from a public or private source intended to support the basic needs of individuals or households by reducing poverty, promoting economic mobility, or increasing the financial stability.

(1) Exempt: Any payments that is funded solely with private funds or a mixture of private and public funds will be excluded as income.

(2) Counted: Any payment that is funded solely with public funds will be counted as income.

K. Universal Basic Income: Universal basic income is a government-guaranteed program that provides a modest cash income at regular intervals (e.g., each month or year) to every individual or household to meet basic needs.

(1) Exempt: Any payments that is funded solely with private funds or a mixture of private and public funds will be excluded as income.

(2) Counted: Any payment that is funded solely with public funds will be counted as income.
[8.139.520.9 NMAC - Rp, 8.139.520.9 NMAC, 11/21/2023; A/E, 11/1/2025]

8.139.520.10 COUNTING INCOME:

A. Income averaging:
(1) Optional income averaging: Income received by a household may be averaged

at the household's option (See 8.139.500.10 NMAC) except as specified below.

(2) Mandatory income averaging: Averaging is mandatory for income received under the following circumstances:

(a) contract or self/employment income;
(b) educational monies.

B. Rounding off: Calculations shall be rounded to the nearest dollar. Figures between one cent and forty/nine cents are rounded down; figures between 50 cents and 99 cents are rounded up. When adding gross amounts received weekly, biweekly or semi/monthly to arrive at the monthly income, cents are retained until the total monthly amount is determined; the total monthly amount is rounded as the final step. Cents resulting from the computation of the twenty percent earned income deduction are rounded before being subtracted from earned income. Cents are retained in the computation of shelter and medical expenses until the final step.

C. Ineligible or disqualified household members: An ineligible or disqualified household member shall not be included when:

(1) determining the maximum [~~food stamp~~] SNAP benefit amount for the household's size;
(2) comparing the household's monthly income with the income eligibility standards; or
(3) comparing the household's resources with the resource eligibility limits.

(4) Intentional program violation (IPV) or work disqualified:

(a) The income and resources of individuals disqualified for IPV or noncompliance with E&T work requirements shall be counted in their entirety.

(b) A household's allowable deductions for earned income, medical expenses,

dependent care expenses, excess shelter expenses, and the standard deduction continue to apply to the remaining household members.

(c) [~~HSD~~] HCA shall make sure that a household's [~~food stamp~~] SNAP benefit amount is not increased as a result of the disqualification of one or more members.

(5) Ineligible alien or SSN disqualified:

(a) Resources: Resources of ineligible aliens, or individuals disqualified for failure or refusal to apply for or provide a social security number, shall be counted in their entirety.

(b) Income and deductions of ineligible aliens:

(i) Income belonging to the ineligible alien shall be counted on a pro rata basis to remaining eligible household members. The prorated share is calculated by first subtracting any allowable exclusions from the ineligible alien's income, then dividing the income evenly by all household members, including the excluded member(s). The result is multiplied by the number of eligible household members to determine countable income.

(ii) The twenty percent earned income deduction is applied to the countable income attributed to the remaining eligible household members.

(iii) The allowable expense(s) either billed to or paid by the ineligible alien shall be allowed in its entirety as a household expense.

(c) Income and deductions for ABAWD or SSN disqualified individuals:

(i) Income belonging to an individual disqualified because of ABAWD status or failure or refusal to provide a social security number shall be counted on a pro rata basis to remaining eligible household members. The prorated share is calculated by first subtracting any allowable exclusions from the

disqualified member's income, then dividing the income evenly by all household members, including the excluded member(s). The result is multiplied by the number of eligible household members to determine countable income.

(ii)

The twenty percent earned income deduction is applied to the countable income attributed to the remaining household members.

(iii)

The portion an allowable expense either paid by or billed to a disqualified individual(s) is divided evenly among all household members, including the disqualified individual(s). All but the disqualified individual's share is counted as a deductible expense for the remaining household members.

(6)

Reduction/termination during certification period: When an individual is excluded or disqualified during the certification period, the caseworker shall determine the eligibility of the remaining household members based on information already in the case record.

(7) Excluded

for IPV disqualification: If a household's benefits are reduced or terminated during the certification period because one of its members was disqualified for an IPV, the caseworker shall notify the remaining household members of changes in eligibility and [food stamp] SNAP benefit amount at the same time the excluded member is notified of the disqualification. The household is not entitled to an adverse action notice but may request a fair hearing to contest the reduction or termination of benefits, unless it has already had a fair hearing on the amount of the claim as a result of consolidation of the administrative disqualification hearing with the fair hearing.

(8) Excluded

for other causes: If a household's benefits are reduced or terminated during the certification period because one or more of its members is an ineligible alien, is disqualified for failure to comply with E&T

work requirements, disqualified for failing or refusing to apply for or provide a social security number, the caseworker shall issue an adverse action notice informing the household of the individual's ineligibility, the reason for the ineligibility, the eligibility and benefit amount of the remaining member(s), and the actions the household must take to end the disqualification.

D. Non-household members:

(1) Income

and resources: The income and resources of non-household members, such as certain students, roomers, and boarders, are not considered available. Cash payments from a non-household member to the household shall be counted as income (Subsection E of 8.139.520.8 NMAC). Vendor payments (Subsection D of 8.139.520.9 NMAC) shall be excluded as income.

(2)

Deductible expenses: If a household shares deductible expenses with a non-household member, only the amount actually paid or contributed by the household is deductible as an expense. If the payments or contributions cannot be differentiated, the expenses shall be divided evenly among individuals actually paying or contributing to the expense; only the household's pro rata share is deducted.

(3) Combined

income of household/non-household members: When the earned income of one or more household members and the earned income of a non-household member are combined as one wage, the income for the household shall be determined as follows.

(a)

If the household's share can be identified, it is counted as earned income.

(b)

If the household's share cannot be identified, the caseworker shall divide the earned income among all those whom it was intended to cover and count a prorated share to the household.

E. Self/employed

household: The following guidelines shall be used to determine eligibility and [food stamp] SNAP benefit amount for self/employed households, including those households that own or operate commercial boarding houses.

(1) Averaging

self/employment income:

(a)

Annualizing:

(i)

Households which by contract or self/employment derive their annual income in a period of time shorter than one year shall have income averaged over a 12 month period, provided that the income from the contract is not received on an hourly or piecework basis.

(ii)

Annualizing shall not apply to seasonal or migrant farm workers.

(iii)

Self/employment income representing a household's annual income shall be averaged over a 12 month period, even if the income is received within only a short period of time.

(iv)

The self/employment income shall be annualized even if the household receives income from other sources in addition to self/employment.

(v)

Self/employed households include, but are not limited to, school employees, sharecroppers, and farmers. Tenured teachers who may not actually have a signed contract shall have their income considered on this basis.

(vi)

For self/employed households that receive their annual income in a short period of time, an initial certification period is assigned to bring the household into the annual cycle.

(vii)

Households which receive their annual income from self/employment and have no other source of income may be certified for up to 12 months.

(b)

Anticipated income:

(i)

If the average annualized amount

or self/employment income received on a monthly basis does not accurately reflect a household's actual circumstances because it has experienced a substantial increase or decrease in business, self/employment income shall be calculated on anticipated earnings.

(ii)

Income shall not be calculated based on previous income (e.g., income tax returns) if a self/employed household has experienced a substantial increase or decrease in business.

(c)

Projected income: If a household's self/employment enterprise has been in existence for less than one year, the income from self/employment shall be averaged over the period of time the business has been in operation. The resulting monthly amount shall be projected for the coming year. If the business has been in operation for such a short time that there is insufficient information to make a reasonable projection, the household shall be certified for short periods of time until the business has been in operation long enough to make a longer projection.

(d)

Seasonal income: Self/employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover.

(2)

Determining monthly self/employment income:

(a)

For the period of time over which self/employment income is averaged, the caseworker shall add all self/employment income, including capital gains, exclude the cost of producing the self/employment income, and divide the self/employment income by the number of months over which the income shall be averaged.

(b)

A capital gain is defined as proceeds from the sale of capital goods or equipment. Capital gains are counted in full as income to determine self/employment income.

(c)

For households with self/employment income calculated on an anticipated basis, the caseworker shall add any capital gains the household anticipates receiving in the next 12 months, beginning with the date the application is filed. The resulting amount is counted in successive certification periods during the 12 months, except that a new average monthly amount is calculated if the anticipated amount of capital gains changes.

(3)

Determining net self/employment income:

(a)

A household's total self/employment income, minus the allowable costs of producing the income, shall be counted as gross income to the household. The gross self/employment income shall be added to any other earned income.

(b)

The total monthly gross earned income, after allowing the twenty percent earned income deduction, is added to all monthly unearned income to determine income eligibility.

(c)

For households anticipating income, the cost of producing income is calculated by anticipating allowable costs of producing the self/employment income.

(d)

Expenses exceeding self/employment income shall not be deducted from other income.

(e)

If a self/employment enterprise is a farming or ranching operation, expenses exceeding self/employment income may be offset against any other countable household income, provided that the farming or ranching operation grosses or is anticipated to gross at least \$1,000 annually.

(4) **Allowable**

costs: Allowable costs of producing self/employment income include, but are not limited to:

(a)

identifiable costs of labor, stock, raw material, seed and fertilizer.

(b)

payments on the principal of the purchase price of income/producing real estate and capital assets, equipment, machinery, and other durable goods;

(c)

interest paid to purchase income/producing property;

(d)

insurance premiums, and taxes paid on income/producing property;

(e)

transportation costs necessary to produce self employment income, such as farmers carrying grain to elevators, or trips to obtain needed supplies, are allowable costs of doing business; costs are allowed at twenty-five cents per mile;

(f)

payment of gross receipts taxes.

(5) **Costs not**

allowed: In determining net self/employment income, the following shall not be allowed as a cost of doing business:

(a)

net losses from previous periods;

(b)

federal, state, and local personal income taxes, money set aside for retirement purposes, and other work/related personal expenses (such as transportation to and from work), since these expenses are accounted for by the twenty percent earned income deduction (Paragraph (3) of Subsection E of 8.139.520.10 NMAC);

(c)

charitable contributions and entertainment; and

(d)

depreciation.

F. Boarders:

(1) **Individuals**

paying a reasonable amount for room and board shall be excluded from a household when determining the household's eligibility and [food stamp] SNAP benefit amount.

(2) **Payments**

from a boarder shall be counted as self/employment income.

(3) **Household**

income eligibility is determined as follows.

(a)

Income from a boarder includes all direct payments to the household for room and meals, including contributions for shelter expenses.

(b)

Shelter expenses paid by a boarder directly to someone outside the household shall not be counted as income. Such payments are considered vendor payments and are not used to determine reasonable compensation (Paragraph (4) of Subsection C of 8.139.400.11 NMAC), or as a shelter expense for the household.

(4) After

determining the income received from a boarder, the caseworker shall exclude the portion of the boarder payment which is a cost of doing business. The cost of doing business is equal to either of the following, provided that the amount allowed as a cost of doing business does not exceed the payment the household receives from the boarder for lodging and meals:

(a)

the amount of the maximum [food stamp program] SNAP allotment for a household size that is equal to the number of boarders (Subsection E of 8.139.500.8 NMAC); or

(b)

the actual documented cost of providing room and meals if the actual cost exceeds the appropriate maximum [food stamp] SNAP allotment; if actual costs are used, only separate and identifiable costs of providing room and meals to boarders are excluded.
[8.139.520.10 NMAC - Rp, 8.139.520.10 NMAC, 11/21/2023; A/E, 11/1/2025]

8.139.520.11 GENERAL DEDUCTIONS:

A. Use of deductions:

A household must qualify for deductions by first meeting a gross income test. A household is not eligible if gross income is more than the standard listed in Subsection E of 8.139.500.8 NMAC for a household size. If income falls below the gross income limit, a household shall be

allowed deductions, where applicable, to make a final eligibility and benefit amount determination. Households that include elderly or disabled members, as defined, automatically qualify for deductions; eligibility is determined based on net rather than gross income.

B. Standard

deduction: All households are allowed a standard deduction from income. The standard deduction is listed in Paragraph (3) of Subsection F of 8.139.500.8 NMAC, tables, and is adjusted effective every October 1st.

C. Earned income

deduction: Twenty percent of gross earned income shall be deducted. Excluded income is not used for purposes of computing the earned income deduction.

(1)

Computing an over issuance: The earned income deduction (EID) shall not be allowed when calculating the income to be used in determining an over issuance which is due to the failure of a household to report earned income in a timely manner.

(2) Work

supplementation programs: The EID shall not be allowed for any amount of income which is earned under a work supplementation or support program and is attributable to public assistance.

D. Medical

deductions: Allowable medical deductions include:

(1) Elderly/

disabled: Medical expenses in excess of \$35.00 per month, excluding special diets, incurred by any household member who is elderly or disabled.

(2)

Emergency SSI: Individuals receiving emergency SSI benefits based on presumptive eligibility shall be eligible for the medical deduction.

(3) Death:

A medical expense incurred by a household member who dies shall be allowed as a deduction if the member was eligible for the deduction at the time of death and if the remaining household members are legally responsible for payment.

(4) Hospital/

outpatient/nursing home: Medical expenses, such as hospitalization or outpatient treatment, nursing care and nursing home care, including payments by a household for an individual who was an eligible household member immediately before entering a hospital or nursing home facility recognized by the state, are allowable deductions.

(5) Not

eligible: Spouses, children or other individuals in the household who are not elderly or disabled, shall not be entitled to claim the medical deduction.

(6) Allowing

medical expenses:

(a)

One/time only expense:

(i)

A household may choose to have a one/time only expense, reported at certification, deducted in a lump sum or averaged over the certification period.

(ii)

If a household incurs a one/time medical expense and has made arrangements with the provider to make monthly installments (beyond the current certification period), the expense may be allowed each month as arranged.

(iii)

A household reporting a one/time only medical expense during its certification period may choose to have a one/time deduction or to have the expense averaged over the remaining months of the certification period.

(b)

Households certified for 24 months:

A household certified for 24 months cannot have a one/time medical expense averaged over the 24/month certification period.

(i)

A one/time medical expense may be deducted in the first month of the 24/month certification period; or the one/time medical expense may be deducted and averaged over the first 12 months of the 24/month certification period.

(ii) One/time medical expenses reported after the first 12 months of the certification period shall be averaged over the remaining months.

(c) **Expense in last month of certification:** If a household is billed for and reports an expense during the last month of its certification period, the deduction shall not be allowed. If the expense will be paid in installments during the following certification period, the deduction shall be allowed during the appropriate number of months in the subsequent certification period.

(d) **Fluctuating expenses:** Fluctuating medical expenses shall be allowed as deductions if regularly recurring, reasonably anticipated, and verified. Once determined, the household is not required to report changes of \$25 or less or reverify expenses each month.

(e) **Anticipated changes in expenses:** At certification and recertification the household must report and verify all medical expenses. The household's monthly medical deduction for the certification period shall be based on:

(i) anticipated changes in the household's medical expenses that can reasonably be expected to occur during the certification period based on available information about the recipient's medical condition, public or private insurance coverage, and current verified medical expenses; and

(ii) expenses that occurred during the certification period that will continue in the new certification period; and

(iii) consideration of unpaid and past due medical expenses that will continue in the certification period.

(f) If a household reports an allowable medical expense at the time of certification but cannot provide verification at that time, and if the amount of the expense cannot be reasonably anticipated based upon available information about the recipients' medical condition and

public or private medical insurance coverage, the household shall have the non-reimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.

(g) A household shall not be required to file reports about its medical expenses during the certification period. If a household voluntarily reports a change in its medical expenses, the caseworker shall act on the change in accordance with regulations in Subparagraph (c) of Paragraph (1) of Subsection B of 8.139.120.10 NMAC.

(7) **Past due and unpaid medical expenses:** The medical expense deduction shall not be determined by averaging past due or unpaid monthly medical expenses. Such expenses shall be used only as an indicator of what can reasonably be anticipated. Medical expenses which the household might reasonably anticipate receiving include but are not limited to costs of medical services and treatment received regularly, but less often than monthly, and prescription drugs.

(8) **Medical and dental care:** Medical and dental care, psychotherapy, and rehabilitation services, provided by licensed practitioners authorized by state law, or other qualified health professional, shall be allowed as medical expense deductions. State licenses in New Mexico are authorized by occupational licensing boards. A state/licensed practitioner has such a license. Native American practitioners (medicine men) are not licensed, but are recognized as health practitioners for this purpose.

(9) **Prescription drugs and medical supplies:** Prescription drugs, when prescribed by a licensed practitioner authorized under state law, and over-the-counter medications (including insulin) when approved by a licensed practitioner or other qualified health professional, shall be allowed as deductions. In addition, costs for medical supplies, sick/room equipment (including rental), or other prescribed equipment are deductible.

(10) **Health and hospitalization/medicare premiums:** Health and hospitalization insurance premiums, and medicare premiums, as well as any cost sharing or spend/down expenses incurred by medicaid recipients, are allowable deductions. If a medical insurance policy includes benefits for household members not eligible for a deduction, only that portion of the premium assigned to the eligible member(s) may be considered a deduction. In the absence of specific information about how much of the premium is for the eligible member(s), a pro rata amount may be used. This system may be used even if the policy holder does not qualify for the deduction but the policy includes a person(s) who does qualify. The cost of life or health and accident policies, such as those payable in lump sum settlements for death or dismemberment, or income maintenance policies that continue mortgage or loan payments while the beneficiary is disabled, are not deductible.

(11) **Transportation and lodging costs:** Reasonable costs of transportation and lodging to obtain medical treatment or services are deductible. The allowance for mileage in privately owned vehicles is the same as the amount allowed state employees. Lodging costs may not exceed the daily expense amount allowed (per diem) for state employees.

(12) **Maintaining an attendant:** Costs of maintaining an attendant, homemaker or home health aide, child care services, or housekeeper that are necessary because of age, infirmity, or illness are deductible medical expenses. In addition, an amount equal to the [food stamp] SNAP benefit amount for one person is deductible if the household furnishes the majority of the attendant's meals. The [food stamp] SNAP benefit amount for the meal/related deduction is the one in effect at the time of initial certification. The caseworker shall update the [food stamp] SNAP benefit amount for meals at the

next scheduled recertification. If a household incurs attendant care expenses that could qualify under both the medical deduction and the dependent care deduction, the caseworker shall treat the expense as a medical expense.

(13) Other expenses: Other deductible expenses include but are not limited to:

- (a)** dentures, hearing aids, prosthetics;
- (b)** securing and maintaining a seeing/ eye or hearing dog, or other service animal, including the cost of dog food and veterinary bills; and
- (c)** eyeglasses or contact lenses prescribed by an ophthalmologist or an optometrist.

(14) Prescription drug card expense:

(a) An individual participating in the [food stamp] SNAP program who has enrolled for the medicare/approved drug discount card shall have \$23.00 credited to the monthly medical expense allowed for that individual.

(b) An individual participating in the [food stamp] SNAP program who receives a \$600.00 transitional assistance credit on the medicare/ approved drug discount card for the calendar years 2004 and 2005 shall have \$50.00 credited to the monthly medical expense allowed for that individual for each month after September 2004, through December 2005, and not beyond that month.

E. Dependent care expenses:

(1) Deductible amounts: Payments may be deducted for the actual cost of the care of children or other dependents when necessary for a household member to accept or continue employment, comply with E&T work requirements, or an equivalent effort by those not required to comply with E&T work requirements, or attend training or pursue education which is preparatory to employment or leads to a degree. Allowable costs include:

- (a)** the costs of care given by an individual care provider or care;
- (b)** transportation costs to and from the care facility; and
- (c)** activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.

(2) Household member provides care: If a household member provides dependent care, the payment is neither income to the payee nor a deduction for the payor (see Subsection A of 8.139.500.11 NMAC).

F. Household expenses:

(1) Shelter expenses:

(a) Definition: Continuing charges for the shelter occupied by a household include rent, mortgage payment, or other continuing charges leading to the ownership of the shelter, such as loan repayments for the purchase of a mobile home and interest on such payments. If payments are made on more than one mortgage on the home, each payment is counted for the period the payment is intended to cover. Security deposits on rental property and downpayments for the purchase of a home are not allowed as shelter expense deductions. Closing costs shall not be allowed as a shelter expense, unless the closing costs can be itemized to identify costs that are allowable deductions, such as insurance and property taxes.

(b) Excess shelter expense deduction: Monthly shelter expenses in excess of fifty percent of a household's income, after all other deductions have been allowed may be deducted, subject to the following restrictions:

- (i)** The shelter deduction may not exceed the maximum amount indicated in Paragraph (3) Subsection F of 8.139.500.8 NMAC, unless the household contains a member who is elderly or disabled, as defined.

(ii) Households may not claim shelter expenses if the expense shall be paid as a vendor payment by an individual or organization outside the household.

(iii) The household must be responsible for payment of the shelter expense; however, the household need not have paid the expense to claim the deduction. A current billing statement is used to establish the expense. The expense may not be allowed more than once.

(2) Taxes and insurance: Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings, are deductible expenses.

(3) Natural disasters: Expenses for the repair of a home that has been substantially damaged or destroyed by a natural disaster such as fire or flood may be deducted. Expenses shall not be allowed if the household has been or will be reimbursed by public or private relief agencies, insurance companies, or any other source. Expense deductions are limited to the repair of the home and not its furnishings.

(4) Costs of temporarily unoccupied home:

(a) If the home is temporarily unoccupied by a household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss, the shelter costs for the home may be deducted. However, a household may claim only one SUA.

(b) For costs of a home vacated by the household to be included in its shelter costs:

- (i)** the household must intend to return to the home;
- (ii)** the current occupants of the home, if any, cannot be claiming shelter expenses for [food stamp] SNAP purposes;
- (iii)** the home cannot be leased or rented during the household's absence.

(c)
Verification is required of households claiming this deduction if the cost is questionable or would result in a deduction.

(5) **Maximum deduction limit adjustment:** The maximum deduction limit for excess shelter expenses will be revised as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as follows: effective January 1, 1997 through September 30, 1998, the deduction will be \$250; from October 1, 1998 through September 30, 2000 the deduction will be \$275; and effective from October 1, 2000 the deduction will be \$300; and will remain so indefinitely.

(6) **Homeless shelter standard:** A household in which all household members are defined as homeless, within the definition at Paragraph (40) of Subsection A of 8.139.100.7 NMAC, shall be allowed the homeless shelter standard if the household incurs any shelter expenses at any time during the month.

(a)
The homeless household may claim actual shelter expenses if the expenses exceed the homeless shelter standard and the expenses are verified. Verification standards at Subsection A of 8.100.130.15 NMAC and 8.100.130.9 NMAC shall be used to verify shelter expenses, as well as other reasonable documentation determined to establish the homeless household's actual expenses.

(b)
The caseworker shall assist the homeless household in determining whether claiming the homeless shelter standard or actual expenses would be most beneficial to the household.

(c)
The homeless shelter standard shall be deducted from the household's countable net income.

(7) **Utility expenses:**

(a)
Allowable expenses for the mandatory utility standards:
Allowable expenses that may be

used to determine the mandatory utility standards include the cost of home heating or cooling; cooking fuel; electricity; water and sewerage; garbage and trash collection fees; the service fee for one telephone, including but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, taxes; and fees charged by the utility provider for initial installation of the utility.

(i)
A one/time deposit is not allowed as a utility expense.

(ii)
Expenses billed to a landlord or housing unit, but separately identifiable from the rent as an expense to the household, are allowable expenses.

(iii)
A household shall not be allowed actual utility expenses, even if the expenses exceed the amount of the mandatory utility standard for which the household is eligible.

(iv)
A household that is determined eligible for a mandatory utility standard deduction shall receive only one standard deduction during the household's [food stamp] SNAP certification period.

(b)
Mandatory heating or cooling standard: A [food stamp] SNAP household shall be allowed the heating/cooling standard utility allowance (HCSUA) during the household's certification period. The HCSUA includes all utility expenses for heating or cooling the household's home. ~~[The household's heating or cooling expense must be billed separately from other shelter expenses.]~~ The HCSUA shall be allowed if the household:

(i)
incurs a heating or cooling expense separate from other shelter expenses; or

(ii)
~~[receives or received a direct payment or a payment is made on behalf of the household under the Low Income Home Energy Assistance Act of 1981; or]~~ with an elderly or disabled

member that received a payment, or on behalf of which a payment was made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if in the current month or in the immediately preceding 12 months, the household either received such a payment, or such a payment was made on behalf of the household, that was greater than \$20 annually; or

(iii)
receives or received a payment or a payment is made on behalf of the household under any other similar energy assistance program as long as the household still incurs out/of/ pocket heating or cooling expenses in excess of the energy assistance provided; or

(iv)
lives in a public housing unit that has central utility meters, incurs a heating or cooling expense, and the household is charged only for excess heating or cooling usage.

(c)
Mandatory limited utility standard:
A [food stamp] SNAP household shall be allowed a limited utility allowance (LUA) if the household does not incur a heating or cooling expense but does incur two or more of the following expenses:

(i)
electricity or fuel, for purposes other than heating or cooling;

(ii)
water;

(iii)
sewerage;

(iv)
well and septic tank installation or maintenance;

(v)
garbage or trash collection; and

(vi)
one telephone.

(d)
Mandatory telephone standard: A [food stamp] SNAP household shall be allowed the telephone standard if the household incurs an expense only for the telephone used by the household. The telephone standard shall be allowed for only one telephone charge for the residence.

G. Child support

deduction: A deduction shall be allowed for child support payments paid by a household member to or for a non/household member, provided that the household member has a legal obligation to pay child support and such payments are being made.

(1) Legal

obligation and verification: The household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays shall be verified. Any document that verifies the household's legal obligation to pay child support, such as a court or administrative order, or legally enforceable separation agreement shall be acceptable verification. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments. Actual payment of child support shall be verified by documentation including, but not limited to, cancelled checks, wage withholding statements, verification of withholding from unemployment compensation, and statements from the custodial parent regarding direct payments or third party payments the non/custodial parent pays or expects to pay on behalf of the custodial parent. The department shall be responsible for obtaining verification of the household's child support payments if the payments are made to the child support enforcement division.

(2)**Determining the deduction amount:****(a)****Household with at least three months of payment history:**

Average the last three month period, taking into account any anticipated changes in the legal obligation. This average is the child support deduction amount. In the event that the client has at least a three month payment history and the payment includes arrearages, the amount paid toward arrearages shall be used in the average.

(b)**Household with less than three months of payment history:**

The department shall estimate the anticipated payments according to the obligation and discussion with the client. This anticipation shall not include payments toward arrearages.

H. Non-deductible**expenses:****(1) Excluded****reimbursement/vendor payments:****(a)**

That portion of any allowable expense that is reimbursed to the household or that is paid through a vendor payment to a third party is not allowable as a deduction.

(b)

Actual utility expense deductions or the SUA, as appropriate, shall be allowed for households receiving payments from LIHEAP, or receiving energy assistance payments under a program other than LIHEAP, as long as the household continues to incur out/of/pocket expenses for home heating or cooling.

(c)

A reimbursement paid by HUD or FHA to a household, or indirectly to a utility provider, is not allowed as a deductible expense.

(d)

A household receiving HUD or FHA utility reimbursements shall be entitled to the SUA if it incurs heating or cooling costs exceeding the amount of excluded utility reimbursements.

(2) Household**member provides service:****(a)**

When one household member pays another household member to provide a product or service, the money that is exchanged is neither an expense for one nor income for the other household member. Expenses are deductible only when a product or service is provided by someone outside the household and the household makes a money payment for the product or service.

(b)

Similarly, income is not counted for one household member who is paid by another household member to obtain wood for home heating. The

actual cost of the wood is allowed as a utility expense if an outside money payment is made. Money exchanged between household members is not considered income to the individual receiving the money and is not an expense to the member paying it.

(3) Past

due shelter expenses: Payment on delinquent rent, mortgage, property taxes or utilities are not allowed as deductible expenses even if not previously billed.

[8.139.520.11 NMAC - Rp, 8.139.520.11 NMAC, 11/21/2023; A/E, 11/1/2025]

**HEALTH CARE
AUTHORITY
MEDICAL ASSISTANCE
DIVISION**

This is an amendment to 8.281.600 NMAC, Sections 10, 12, and 14, effective 11/1/2025.

**8.281.600.10 BENEFIT
DETERMINATION:**

A. Application for institutional care Medicaid is made using the HSD 100 application. Completed applications must be acted upon and notice of approval, denial, or delay sent out within 45 days from the date of registration. The income support division (ISD) worker explains time limits to the applicant and informs ~~[him or her]~~ them of the date by which the application should be processed.

B. Representatives applying on behalf of individuals: If a representative makes application on behalf of an institutionalized individual, the representative is relied upon for information. The ISD worker sends all notices to the applicant/recipient in care of the representative. If the individual who makes an application is an employee of the institution, the ISD worker contacts the applicant's family or other involved individuals. The ISD worker focuses on the applicant/recipient's current circumstances and on past circumstances which may

provide clues to existing or potential resources.

[8.281.600.10 NMAC - Rp, 8.281.600.10 NMAC, 1/1/2019; A, 11/1/2025]

8.281.600.12 ONGOING

BENEFITS: A complete redetermination of eligibility must be performed by the ISD worker for each open case at least annually.

A. Regular reviews:

For each regular yearly review, the ISD worker must determine:

(1) whether medical care credit payments are up to date; an overdue balance may indicate a change in circumstances that is unreported, particularly where rental property is involved; and

(2) whether the deposit to the recipient's personal fund is consistently no more than the applicable personal needs allowance amount per month; a larger deposit may indicate an increase in income that is unreported or a previously unidentified source of income.

B. ~~[Level of care reviews are required to be completed at least annually. Level of care determinations are made by the utilization review contractor or a member's selected or assigned managed care organization.]~~ Level of care (LOC) determinations are made by a member's selected or assigned managed care organization or by New Mexico medicaid's designated third party accessor or utilization review contractor. LOC reviews are required to be completed at least annually for institutional care medicaid programs. [8.281.600.12 NMAC - Rp, 8.281.600.12 NMAC, 1/1/2019; A, 11/1/2025]

8.281.600.14 CHANGES IN ELIGIBILITY:

A. The following procedures apply when an institutional care medicaid recipient leaves an institution:

(1) the recipient is notified in writing that [his/her] their eligibility for institutional care medicaid has terminated;

(2) the institutional care medicaid case is closed;

(3) the recipient is screened for other medicaid program eligibility; or

(4) the recipient is referred to the social security administration for determination of eligibility for SSI benefits if appropriate; if a recipient dies in an institution, the case is closed the following month.

B. Discharge

status: Discharge status continues after the utilization review (UR) contractor determines that there is no medical necessity for a high nursing facility (NF) or low NF placement. Discharge status does not apply to an acute care placement. After placement in discharge status, the recipient continues to be eligible for institutional care medicaid since ~~[he/she requires]~~ they still require institutional care.

(1) Abstract submission: Discharge status requires a new abstract be submitted at regular intervals. The institution must attach verification to the abstract that adequate placement has been and is being sought.

(2) Case closure: The ISD worker takes no action to close a case until the recipient is actually discharged from the institution. If the recipient is transferred from high NF to low NF, medicaid coverage is not interrupted, unless the recipient is ineligible for other reasons.

[8.281.600.14 NMAC - Rp, 8.281.600.14 NMAC, 1/1/2019; A, 11/1/2025]

HEALTH CARE AUTHORITY MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.290.600 NMAC, Sections 10, 12, and 14, effective 11/1/2025.

8.290.600.10 BENEFIT DETERMINATION: Application

for the waiver programs is made using the [HSD] HCA 100 application. Upon notification by the appropriate program manager that an unduplicated recipient (UDR) is available for waiver services, applicants are registered on the income support division (ISD) eligibility system. Applications must be acted upon and notice of approval, denial, or delay sent out within 45 calendar days from the date of application, or within 90 calendar days if a disability determination is required from the disability determination unit (DDU). The eligible recipients must assist in completing the application, may complete the form themselves, or may receive help from a relative, friend, guardian, or other designated representative.

A. Representatives applying on behalf of individuals:

If a representative makes application on behalf of the eligible recipient, that representative will continue to be relied upon for information regarding the eligible recipient's circumstances. The ISD caseworker will send all notices to the eligible recipient in care of the representative.

B. Additional forms: The following forms are also required as part of the application process:

(1) the eligible recipient or representative must complete and sign the primary freedom of choice (PFOC) form at the time of allocation; and

(2) the eligible recipient or representative must sign the applicant's statement of understanding at the time waiver services are declined or terminated.

C. Additional information furnished during application:

The ISD caseworker provides an explanation of the waiver programs, including, but not limited to, income and resource limits and possible alternatives, such as institutionalization. The ISD caseworker refers potentially eligible recipients to the social security administration to apply for supplemental security income (SSI) benefits. If a disability decision by the DDU is required, but has not

been made, the ISD caseworker must follow established procedures to refer the case for evaluation.

[8.290.600.10 NMAC - Rp, 8.290.600.10 NMAC, 1/1/2019; A, 11/1/2025]

8.290.600.12 ONGOING BENEFITS:

A. A complete redetermination of eligibility must be performed annually by the ISD caseworker for each open case.

B. ~~[Level of care determinations are made by the utilization review contractor or a member's selected or assigned managed care organization, as applicable to the centennial care, community benefit program. Level of care reviews are required to be completed at least annually except for certain community benefit members whose chronic condition is not expected to improve. These individuals may be eligible for an ongoing nursing facility (NF) level of care (LOC). To qualify for ongoing NF LOC, the community benefit member must have met a NF LOC for the previous three years. The ongoing NF LOC status must be reviewed and approved annually by the managed care organization's medical director and must be supported in documentation by the member's physician. The complete criteria for an ongoing NF LOC can be found in the New Mexico medicaid nursing facility level of care criteria and instructions document]~~ Level of care (LOC) determinations are made by the member's selected or assigned managed care organization or by New Mexico medicaid's designated third party assessor or utilization review contractor. LOC reviews are required to be completed annually for home and community-based waiver programs. Certain community benefit members whose chronic condition is not expected to improve may be eligible for an ongoing nursing facility LOC.

C. 90 day reconsideration period: [HSD] HCA will reconsider in a timely manner the waiver eligibility of an individual

who is terminated for failure to submit the renewal form or necessary information, if the individual subsequently submits the renewal form within 90 days after the date of termination without requiring a new application per 42 CFR 435.916(C) (iii).

[8.290.600.12 NMAC - Rp, 8.290.600.12 NMAC, 1/1/2019; A, 11/1/2025]

8.290.600.14 CHANGES IN ELIGIBILITY: If the eligible recipient ceases to meet any of the eligibility criteria, the case is closed following provision of advance notice as appropriate. See Section 8.200.430.9 NMAC and following subsections for information about notices and hearing rights.

A. Non-provision of waiver services: To continue to be eligible for waiver services, an eligible recipient must be receiving waiver services, early and periodic screening, diagnostic and treatment (EPSDT) benefits or managed care services, other than case management, (42 CFR Section 435.217). If at any time waiver services are no longer being provided (e.g., a suspension) and are not expected to be provided for 90 consecutive days, the recipient is **ineligible** for the waiver category and the case must be closed after appropriate notice is provided by the ISD caseworker.

B. Admission to a hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities (ICF-IID): If an eligible waiver recipient enters an acute care hospital, a nursing facility, or an ICF-IID and remains for more than 90 consecutive days, the waiver case must be closed and an application for institutional care medicaid (ICM) must be processed. The eligible recipient is not required to complete a new application if the periodic review on the waiver case is not due in either the month of entry into the institution or the following month. If the waiver recipient is institutionalized within less than 90 consecutive days and still receives waiver services within

that time frame, the waiver case is not closed and an application for ICM need not be processed.

C. Reporting changes in circumstances: The primary responsibility for reporting changes in the eligible recipient's circumstances rests with the eligible recipient or [his/her] their representative. At the initial eligibility determination and all on-going eligibility redeterminations, the ISD caseworker must explain the reporting responsibilities requirement to the eligible recipient or [his/her] their representative and document that such explanation was given. In the event that waiver services cease to be provided, the case manager or the waiver program manager (or designee) must immediately notify the income support division office of that fact by telephone. The telephone call is to be followed by a written notice to the ISD caseworker.

[8.290.600.14 NMAC - Rp, 8.290.600.14 NMAC, 1/1/2019; A, 11/1/2025]

HEALTH CARE AUTHORITY MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.308.12 NMAC, Sections 1, 7, 8, 9, 12, 13, 15, 16, 18, 20, and 21, effective 11/1/2025.

8.308.12.1 ISSUING

AGENCY: New Mexico Health Care Authority (HCA).

[8.308.12.1 NMAC - Rp, 8.308.12.1 NMAC, 3/1/2017; A, 7/1/2024; A, 11/1/2025]

8.308.12.7 DEFINITIONS:

A. Agency based community benefit (ABCB): The community benefit (CB) services offered to a member who does not wish to self-direct [his or her] their CB services.

B. ABCB care plan: For a member who is participating in the ABCB approach, the care plan outlines the specific community benefit services that the member and

the care coordinator have identified as needed services through the comprehensive needs assessment (CNA).

C. Authorized representative: The individual designated to represent and act on the member's behalf. The member or authorized representative must provide formal documentation authorizing the named individual or individuals to access the identified case information for a specified purpose and time frame. An authorized representative may be an attorney representing a person or household, a person acting under the authority of a valid power of attorney, a guardian, or any other individual or individuals designated in writing by the member.

D. Budget: The maximum budget allotment available to a self-directed community benefit (SDCB) member, determined by ~~his or her~~ their CNA. Based on this maximum amount, the eligible member will develop a care plan in collaboration with their support broker to meet ~~his or her~~ their assessed functional, medical and habilitative needs to enable that member to remain in the community.

E. Care coordinator: The care coordinator provides care coordination activities that comply with all state and federal requirements. This includes, but is not limited to: assigning an appropriate care coordination level; performing a CNA a minimum of annually to determine physical, behavioral and long-term care needs; developing a comprehensive care plan and budget based on those needs; and delivering on-going care coordination services based on the member's assessed need and in accordance with the care plan and contractual obligations.

F. Community benefits (CB): Services that allow a member to receive care in ~~his or her~~ their home or in the community as an alternative to being placed in a long-term care facility. Services are intended to supplement natural supports and are not available 24-hours per day.

G. Comprehensive care plan: A comprehensive plan that includes community benefit services that meet the member's long-term, physical and behavioral health care needs which must include, but is not limited to: the amount, frequency and duration of the community benefit services, the cost of goods and services; the type of provider who will furnish each service; other services the member will access; and the member's available supports that will complement community benefit services in meeting the member's needs. The member works with ~~his or her~~ their care coordinator, support broker or both to develop a care plan which is submitted to the managed care organization (MCO) for review and approval.

H. Comprehensive needs assessment (CNA): The comprehensive needs assessment will be conducted in person, in the member's primary place of residence, by the MCO care coordinator for a member who is assigned a care coordination level of two or three. The CNA will assess the physical health, behavioral health, and long-term care needs; identify potential risks and provide social and cultural information. The results of the CNA will be used to create the care plan which is based on the member's assessed needs.

I. Electronic Visit Verification (EVV): A telephone and computer based system that electronically verifies the occurrence of ~~HSD~~ HCA selected services visits and documents the precise time the service begins and ends.

J. Eligible member: A medical assistance programs (MAP) enrolled MCO member who meets a specific level of care (LOC) and who selects to receive ~~his or her~~ their MCO community benefits either through the ABCB or the self-directed community benefit (SDCB) approach. The eligible member must continue to meet a specific LOC and financial eligibility to continue accessing ~~his or her~~ their MCO community benefits.

K. Employer of record (EOR): The employer of record is the individual responsible for directing the work of the member's SDCB employees, including recruiting, hiring, managing and terminating all employees. The EOR tracks expenditures for employee payroll, goods, and services. The EOR authorizes the payment of timesheets by the financial management agency (FMA). A member through the use of the EOR self-assessment instrument is either deemed able to be ~~his or her~~ their own EOR or the member must assign the EOR duties to another eligible individual meeting specific EOR qualifications. A member who is a minor or a member who has a plenary or limited guardianship or conservatorship over financial matters in place is not able to be ~~his or her~~ their own EOR. If the recipient is ~~his or her~~ their own EOR and delegates any EOR responsibilities through a power of attorney (POA) or other legal instrument, the delegate must be the designated EOR. A POA or other legal instrument shall not be used to assign the responsibilities of an EOR, in part or in full, to another individual and shall not be used to circumvent the requirements of the EOR as designated in this rule.

L. Financial management agency (FMA): An entity that contracts with a ~~HSD~~ HCA MCO to provide the fiscal administration functions for members participating in the SDCB approach.

M. Individual Plan of Care (IPoC): The plan for the provision of an ABCB member's personal care services. The plan is developed by the personal care services (PCS) agency and approved by the member's MCO.

N. Legally responsible individual (LRI): A legally responsible individual is any person who has a duty under state law to care for another person. This category typically includes: the parent (biological, legal, or adoptive) of a minor child; the guardian of a minor child who must provide care to the child; or a spouse.

O. Nursing Facility level of care (NF LOC): The member's functional level is such that [(2)] two or more activities of daily living (ADLs) cannot be accomplished without consistent, ongoing, daily provision, of some or all of the following levels of service: skilled, intermediate or assistance. A member must meet the NF LOC to be eligible for community benefit services.

P. Self-directed community benefit (SDCB): The CB services offered to a member who is able to and who chooses to self-direct [~~his or her~~] their CB services.

Q. SDCB care plan: For a member who selected the SDCB approach, the care plan includes the services that the member and the support broker have identified through the CNA that will be purchased with the member's budget.

R. Support broker: The function of the support broker is to directly assist the member in implementing the care plan and budget to ensure access to SDCB services and supports and to enhance success with self-direction. The support broker's primary function is to assist the member with employer or vendor related functions and other aspects of implementing [~~his or her~~] their care plan and budget. [8.308.12.7 NMAC - Rp, 8.308.12.7 NMAC, 3/1/2017; A, 1/1/2019; A, 11/1/2025]

8.308.12.8 [RESERVED] MISSION: We ensure that New Mexicans attain their highest level of health by providing whole-person, cost-effective, accessible, and highly-quality health care and safety-net services.

[8.308.12.8 NMAC - Rp, 8.308.12.8 NMAC, 3/1/2017; A, 11/1/2025]

8.308.12.9 MANAGED CARE COMMUNITY BENEFIT OPTIONS: A MCO member, meeting a specific LOC, can select the approach to receiving [~~his or her~~] their community benefit services. The MCO offers two approaches to the delivery of these services:

agency based (ABCB) or self-directed (SDCB). The MCO shall use the nursing facility (NF) LOC criteria for determining medical eligibility for community benefits. [8.308.12.9 NMAC - Rp, 8.308.12.9 NMAC, 3/1/2017; A, 11/1/2025]

8.308.12.12 ELIGIBLE ABCB MEMBERS: A member must meet NF LOC and be determined through a CNA or reassessment to need MCO CB services. Additional details for each covered service, including member eligibility criteria, can be found in the health care authority managed care organization policy manual.

[8.308.12.12 NMAC - Rp, 8.308.12.12 NMAC, 3/1/2017; A, 11/1/2025]

8.308.12.13 COVERED SERVICES IN AGENCY BASED COMMUNITY BENEFIT (ABCB):

A. Adult day health: adult day health services provide structured therapeutic, social and rehabilitative services designed to meet the specific needs and interests of a member that are incorporated into the member's care plan.

(1) Adult day health services are provided by a licensed community-based adult day-care facility that offers health and social services to assist a member to achieve [~~his or her~~] their optimal functioning.

(2) Private duty nursing services and skilled maintenance therapies (physical, occupational and speech) may be provided within the adult day health setting and in conjunction with adult day health services but are reimbursed separately from adult day health services.

(3) Adult day health settings must be integrated and support full access of individuals receiving medicaid home and community-based services (HCBS) to the greater community, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving medicaid HCBS.

B. Assisted living is a residential service that provides a homelike environment, which may be in a group setting, with individualized services designed to respond to the member's needs as identified and incorporated in the care plan.

(1) Core services are a broad range of activities of daily living (ADL) including: personal support services (homemaker, chore, attendant services, meal preparation); companion services; medication oversight (to the extent permitted under state law); 24-hour on-site response capability:

(a) to meet scheduled or unpredictable member's needs; and

(b) to provide supervision, safety, and security.

(2) Services include social and recreational programming. Coverage does not include 24-hour skilled care or supervision or the cost of room or board. Nursing and skilled therapy services are incidental, rather than integral to, the provision of assisted living services. Services provided by third parties must be coordinated with the assisted living provider.

(3) Assisted living settings must be integrated and support full access of individuals receiving [~~Medicaid~~] medicaid home and community-based services (HCBS) to the greater community, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving medicaid HCBS.

(4) Assisted living settings must meet CMS requirements for residential settings as outlined in the MAD MCO policy manual.

C. Behavior support consultation is the provision of assessment, treatment, evaluation and follow-up services to assist the member, [~~his or her~~] their parents, family, and primary caregivers with coping skills which promote maintaining the member in a home environment.

(1) Behavior support consultation: (a) informs and guides the member's paid and unpaid caregivers about the services and supports that relate to the member's medical and behavioral health condition; (b) identifies support strategies for a member that ameliorate contributing factors with the intention of enhancing functional capacities, adding to the provider's competency to predict, prevent and respond to interfering behavior and potentially reducing interfering behavior; (c) supports effective implementation based on a member's functional assessment; (d) collaborates with medical and ancillary therapists to promote coherent and coordinated services addressing behavioral issues and to limit the need for psychotherapeutic medications; and (e) monitors and adapts support strategies based on the response of the member and [his or her] <u>their</u> services and supports providers. (2) Based on the member's care plan, services are delivered in an integrated, natural setting or in a clinical setting. D. Community transition services are non-recurring set-up expenses for a member who is transitioning from an institutional or another provider-operated living arrangement (excluding assisted living) to a living arrangement in a private residence where the member is directly responsible for [his or her] <u>their</u> own living expenses. (1) Allowable expenses are those necessary to enable the member to establish a basic household that does not constitute room and board and may include: (a) security deposits that are required to obtain a lease on an apartment or home; (b) essential household furnishings	required to occupy and use a community domicile, including furniture, window coverings, food preparation items, and bed and bath linens; (c) set-up fees or deposits for utility or service access, including telephone, electricity, heating and water; (d) services necessary for the member's health and safety, such as, but not limited to, pest eradication and one-time cleaning prior to occupancy; (e) moving expenses; and (f) security deposit for an assisted living facility placement up to \$500. (2) Community transition services do not include monthly rental or mortgage expenses, food, regular utility charges, household appliances, or items that are intended for purely diversional or recreational purposes. (3) Community transition services are limited to [three thousand five hundred dollars (\$3500)] \$4,000 per member every five years. In order to be eligible for this service, the member must have a NF stay of at least 90-consecutive days prior to transition to the community. E. Emergency response services provide an electronic device that enables a member to secure help in an emergency at [his or her] <u>their</u> home, avoiding institutionalization. The member may also wear a portable "help" button to allow for mobility. The system is connected to the member's phone and programmed to signal a response center when the "help" button is activated. The response center is staffed by trained professionals. Emergency response services include: testing and maintaining equipment; training the member, [his or her] <u>their</u> caregivers and first responders on use of the equipment; 24-hour monitoring for alarms; checking systems monthly or more frequently (if warranted by electrical outages, severe weather, etc.); and reporting member	emergencies and changes in the member's condition that may affect service delivery. F. Employment supports include job development, job seeking and job coaching supports after available vocational rehabilitation supports have been exhausted. (1) The job coach provides: (a) training, skill development; (b) employer consultation that a member may require while learning to perform specific work tasks on the job; (c) co-worker training; (d) job site analysis; (e) situational and vocational assessments and profiles; (f) education of the member and co-workers on rights and responsibilities; and (g) benefits counseling. The service must be tied to a specific goal in the member's care plan. (2) Job development is a service provided to a member by skilled staff. The service has five components: (a) job identification and development activities; (b) employer negotiations; (c) job restructuring; (d) job sampling; and (e) job placement. (3) Employment supports are provided by staff at current or potential work sites. When supported employment services are provided at a work site where persons without disabilities are employed, payment is made only for the adaptations, supervision and training required by the member receiving services as a result of [his or her] <u>their</u> disabilities, and does not
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include payment for the supervisory activities rendered as a normal part of the business setting.

(4) Payment shall not be made for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

(a) incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;

(b) payments that are passed through to users of supported employment programs; or

(c) payments for training that is not directly related to a member's supported employment program.

(5) Federal financial participation cannot be claimed to defray expenses associated with starting up or operating a business.

(6) Employment supports settings must be integrated and support full access of individuals receiving medicaid HCBS to the greater community, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving medicaid HCBS.

G. Environmental modification services include: the purchase of, the installation of equipment for the physical adaptations to a member's residence that are necessary to ensure the health, welfare, and safety of the member or enhance the member's level of independence.

(1) Adaptations include the installation of:

(a) ramps and grab-bars;

(b) widening of doorways and hallways;

(c) installation of specialized electric and plumbing systems to accommodate medical equipment and supplies;

(d) lifts and elevators;

(e) modification of bathroom facilities (roll-in showers, sink, bathtub, and toilet modifications, water faucet controls, floor urinals and bidet adaptations and plumbing);

(f) turnaround space adaptations;

(g) specialized accessibility/safety adaptations/additions;

(h) trapeze and mobility tracks for home ceilings;

(i) automatic door openers/doorbells;

(j) voice-activated, light-activated, motion-activated and electronic devices;

(k) fire safety adaptations; air filtering devices;

(l) heating and cooling adaptations;

(m) glass substitute for windows and doors; modified switches, outlets or environmental controls for home devices; and

(n) alarm and alert systems, including signaling devices.

(2) All services shall be provided in accordance with applicable federal and state statutes, regulations and rules and local building codes.

(3) Non-covered adaptations or improvements to the member's home include:

(a) adaptations for general utility which are not for direct medical or remedial benefit to the member; and

(b) adaptations that add to the total square footage of the member's resident except when necessary to complete an approved adaptation.

(4) The environmental modification provider must:

(a) ensure proper design criteria is addressed in planning and design of the adaptation;

(b) provide or secure the appropriate licensed contractor or approved vendor to provide construction and remodeling services;

(c) provide administrative and technical oversight of construction projects;

(d) provide consultation to members, family members, providers and contractors concerning environmental modification projects to the member's residence; and

(e) inspect the final environmental modification project to ensure that the adaptations meet the approved plan submitted for environmental adaptation.

(5) Environmental modification services to a member are limited to [~~five-thousand dollars (\$5,000)~~] \$6,000 every five years. Additional services may be requested if the member's health and safety needs exceed the specified limit.

H. Home delivered meals are provided on a regularly scheduled basis, for one or more days per week, as specified in the service plan.

(1) The member must reside in a non-institutional, community-based setting.

(2) Meals should be medically tailored and based on assessed need and the member's preference.

(3) Meals provided as part of these services shall not constitute a "full nutritional regimen" (three meals per day).

[H:] I. Home health aide services provide total care or assist the member in all ADLs.

(1) Total care includes: the provision of bathing (bed, sponge, tub, or shower); shampoo (sink, tub, or bed); care of nails and skin; oral hygiene; toileting and elimination; safe transfer techniques and ambulation; normal range of motion and positioning; and adequate oral nutrition and fluid intake.

(2) The home health aide services assist the member in a manner that promotes an improved quality of life and a safe environment for him or her. Home health aide services can be provided outside the member's home.

(3) Home health aides may provide basic non-invasive nursing assistant skills within the scope of their practice. Home health aides perform an extension of therapy services including:

- (a) bowel and bladder care;
- (b) ostomy site care;
- (c) personal care;
- (d) ambulation and exercise;
- (e) household services essential to health care at home;
- (f) assisting with medications that are normally self-administered;
- (g) reporting changes in patient conditions and needs; and
- (h) completing appropriate records.

(4) Home health aide services must be provided under the supervision of a registered nurse (RN) licensed by the New Mexico board of nursing, or other appropriate professional staff. Such staff must make a supervisory visit to the member's residence at least every two weeks to observe and determine whether the member's goals are being met.

[F.] J. Nutritional counseling services include assessment of the member's nutritional needs, development and revision of the member's nutritional plan, counseling and nutritional intervention, and observation and technical assistance related to implementation of the nutritional plan.

[F.] K. Personal care services (PCS) are provided to a member unable to perform a range of ADLs and instrumental activities of daily living (IADL). PCS shall

not replace natural supports such as the member's family, friends, individuals in the community, clubs, and organizations that are able and consistently available to provide support and service to the member. Use of the ~~[Electronic-Visit-Verification]~~ electronic visit verification (EVV) system is required for payment of PCS. The managed care organizations shall collaborate to offer a single EVV vendor for PCS and monitor compliance with the federal 21st Century Cures Act.

(1) PCS is a benefit for a member 21 years of age or older who meets the eligibility for CB services. A member under 21 years of age must access PCS through the EPSDT program.

(2) PCS delivery models: A member may select either the consumer-delegated or the consumer-directed delivery of ~~[his-or-her]~~ their PCS. The PCS consumer-delegated or consumer-directed agency must be certified as such by MAD or ~~[it]~~ its designee to perform such duties and to be reimbursed for the delivery model of those services. The MCO's care coordinator is responsible for explaining both models to each member, initially, and annually thereafter.

(a) The consumer delegated (PCS/ CDelegated) model allows the member to select ~~[his-or-her]~~ their PCS agency to perform all PCS employer-related tasks. This agency is responsible for ensuring all PCS are delivered to the member.

(b) The consumer-directed (PCS/ CDirected) model allows the member to oversee ~~[his-or-her]~~ their own PCS delivery, and requires that the member work with ~~[his-or-her]~~ their PCS agency who then acts as a fiscal intermediary agency to process all financial paperwork to be submitted to the MCO.

(c) If a member is unable to select or unable to communicate which PCS delivery model ~~[he-or-she-selects, then his-or-her]~~ they select, then their authorized

representative will select on behalf of the member. The member's authorized representative status must be properly documented with the member's PCS agency.

(d) For both models, the member may select ~~[his-or-her]~~ their family member, with the exception of the member's spouse. A friend; neighbor; or other person may also be selected as ~~[his-or-her]~~ their PCS attendant. A family member shall not be reimbursed for a service ~~[he-or-she]~~ they would have otherwise provided as a natural support. A PCS attendant, regardless of family relationship, who resides with the member shall not be paid to deliver household services, or supports such as shopping, errands, or meal preparation that are routinely provided as part of the household division of chores, unless those services are specific to the member.

(e) A member may have a relative, friend, or other spokesperson assisting ~~[him-or-her]~~ them with communicating information or instructions to the member's attendant, providing information concerning the member's natural services or supports needs during the member's assessment, or fulfilling additional roles as designated by the member or the member's authorized representative in writing. A spokesperson may not make decisions on behalf of a member, which is the member or member's authorized representative's sole responsibility, unless the member's authorized representative is also the member's spokesperson.

(3) Eligible PCS agencies: PCS agencies electing to provide PCS must obtain agency certification. A PCS agency provider, must comply with the requirements as listed in the MAD MCO policy manual PCS agencies must be an enrolled MAD provider.

(4) Bladder and bowel care: PCS must be related to the member's functional level to perform ADLs and IADLs as indicated in the members CNA. PCS will not include those services, or supports the member does not need

or is already receiving from other sources including tasks provided by natural supports.

(a) A member who has a signed statement by ~~his or her~~ their primary care provider (PCP) stating ~~he or she is~~ they are medically stable and able to communicate and assess ~~his or her~~ their bladder and bowel care needs may access this service when included in ~~his or her~~ their individual care plan.

(i) bowel care includes the evacuation and ostomy care, changing and cleaning of such bags and ostomy site skin care;

(ii) bladder care includes the attendant cueing the member to empty ~~his or her~~ their bladder at timed intervals to prevent incontinence; and

(iii) catheter care, including the changing and cleaning of such bag.

(b) A member who is determined by ~~his or her~~ their PCP in a signed statement to not be medically stable and not able to communicate and assess ~~his or her~~ their bladder and bowel care needs may access these services:

(i) perineal care including cleansing of the perineal area and changing of feminine sanitary products;

(ii) toileting including assisting with bedside commode or bedpan;

(iii) cleaning perineal area,

(iv) changing adult briefs or pads;

(v) cleaning changing of wet or soiled clothing; and

(vi) assisting with adjustment of clothing before and after toileting.

(5) Meal preparation and assistance: Meal preparation includes cutting ingredients to be cooked, cooking meals, placing and presenting the meal in front the member to eat, cutting up food into bite-sized portions for the member, or assisting

the member as stated in ~~his or her~~ their individual plan of care (IPoC). This includes provision of snacks and fluids and may include mobility assistance and prompting or cueing the member to prepare meals.

(6) Eating: Feeding or assisting the member with eating a prepared meal using a utensil or specialized utensils is a covered service. Eating assistance may include mobility assistance and prompting or cueing a member to ensure appropriate nutritional intake and monitor for choking. If the member has special needs in this area, the PCS agency will include specific instruction in the member's IPoC on how to meet those needs. Gastrostomy feeding and tube feeding are not covered services.

(7) Household support services: This service is for assisting and performing interior household activities and other support services that provide additional assistance to the member. Interior household activities are limited to the upkeep of the member's personal living areas to maintain a safe and clean environment for the member, particularly a member who may not have adequate support in ~~his or her~~ their residence. Assistance may include mobility assistance and prompting and cueing a member to ensure appropriate household support services.

(a) An attendant who resides in the same household as the member may not be paid for household support services routinely provided as part of the household division of chores, unless those services are specific to the member such as, changing the member's linens, and cleaning the member's personal living areas.

(b) Services include:

- (i) sweeping, mopping, or vacuuming;
- (ii) dusting furniture;
- (iii) changing linens;
- (iv) washing laundry;

(v) cleaning bathrooms includes tubs, showers, sinks, and toilets;

(vi) cleaning the kitchen and dining area including washing dishes, putting them away; cleaning counter tops, and eating areas, etc.; household services do not include cleaning up after other household members or pets;

(vii) minor cleaning of an assistive device, wheelchair and durable medical equipment (DME) is a covered service. A member must have an assistive device requiring regular cleaning that cannot be performed by the member and is not cleaned regularly by the supplier of the assistive device to be eligible to receive services under this category;

(viii) shopping or completing errands specific to the member with or without the member;

(ix) cueing a member to feed and hydrate ~~his or her~~ their documented personal assistance animal or feed and hydrate such an animal when the member is unable;

(x) assistance with battery replacement and minor, routine wheelchair and DME maintenance is a covered service. A member must have an assistive device that requires regular maintenance, that is not already provided by the supplier of the assistive device, and that the member cannot maintain in order to be eligible to receive services under this category;

(xi) assisting a member self-administering: assistance with self-administering physician ordered (prescription) medications is limited to prompting and reminding only. The use of over the counter medications does not qualify for this service. A member must meet the definition of "ability to self-administer" defined in this section, to be eligible to receive time for this task. A member who does not meet the definition of ability to self-administer is not eligible for this service. This assistance does not

include administration of injections, which is a skilled/nursing task; splitting or crushing medications or filling medication boxes. Assistance includes: getting a glass of water or other liquid as requested by the member for the purpose of taking medications; at the direction of the member, handing the member ~~his~~their daily medication box or medication bottle; and at the direction of the member, helping a member with placement of oxygen tubes for members who can communicate to the caregiver the dosage or route of oxygen; and

(xii)

transportation of the member: transportation shall only be for non-medically necessary events and may include assistance with transfers in and out of vehicles. Medically necessary transportation services may be a covered PCS service when the MCO has assessed and determined that other medically necessary transportation services are not available through other state plan services.

(8) Hygiene

and grooming: The attendant may perform for the member or the attendant may cue and prompt the member to perform the following services:

(a)

bathing to include giving a sponge bath in the member's bed, bathtub or shower; transferring in and out of the bathtub or shower, turning water on and off; selecting a comfortable water temperature; bringing in water from outside or heating water for the member;

(b)

dressing to include putting on, fastening, and removing clothing including shoes;

(c)

grooming to include combing or brushing hair, applying make-up, trimming beard or mustache, braiding hair, shaving under arms, legs or face;

(d)

oral care for a member with intact swallowing reflex to include brushing teeth, cleaning dentures or partials including the use of floss, swabs, or mouthwash;

(e)

nail care to include cleaning, filing to trim, or cuticle care for member's without a medical condition. For a documented medically at-risk member; nail care is not covered under PCS; it is a skilled nurse service. Medically at risk conditions include, but are not limited to venous insufficiency, diabetes, peripheral neuropathy;

(f)

applying lotion or moisturizer to intact skin for routine skin care;

(g)

physician ordered skin care is limited to the application of skin cream when a member has a documented chronic skin condition and is determined by ~~his or her~~their PCP unable to self-administer the medication. The member's PCP must order a prescription or over-the-counter medication to treat the condition.

(i)

When the PCP determines the member is able to self-administer the prescribed or over-the-counter medication the attendant is limited to prompting and reminding the member.

(ii)

PCS does not include the care of a member's wounds, open sores, debridement or dressing of open wounds.

(h)

prompting or cueing to ensure appropriate bathing, dressing, grooming, oral care, nail care and application of lotion for routine skin care; and

(i)

mobility assistance to ensure appropriate bathing, dressing, grooming, oral care and skin care.

(9) Supportive

mobility assistance: Physical or verbal prompting and cueing mobility assistance provided by the attendant that is not already included as part of other PCS includes assistance with:

(a)

ambulation to include moving around inside or outside the member's residence or living area with or without an assistive device such as a walker, cane or wheelchair;

(b)

transferring to include moving to and from one location or position to another with or without an assistive device such as in and out of a vehicle;

(c)

toileting to include transferring on or off a toilet; and

(d)

repositioning to include turning or changing a bed-bound member's position to prevent skin breakdown.

(10) Non-

covered services: The following services are not covered as PCS:

(a)

services to an inpatient or resident of a hospital, NF, ICF-IID, mental health facility, correctional facility, or other institutional settings, with the exception when a member is transitioning from a NF;

(b)

services that are already provided by other sources, including natural supports;

(c)

household services, support services such as shopping, errands, or meal preparation that are routinely provided as part of the household division of chores;

(d)

services provided by a person not meeting the requirements and qualifications of a personal care attendant; including but not limited to, training and criminal background checks;

(e)

services not approved in the member's IPoC;

(f)

childcare, pet care, or personal care for other household members. This does not include the member's documented assistant service animal;

(g)

retroactive services;

(h)

services provided to an individual who is not a MCO member or does not meet the eligibility criteria for CB services;

(i)

member assistance with finances and budgeting;

(j) member appointment scheduling;	(k) health education;	an institutional provider, the member is not considered a resident of the institution.
(k) member range of motion exercises;	(l) health screening;	(2) Respite
(l) wound care of open sores and debridement or dressing of open wounds;	(m) infection control;	care services include:
(m) filling of medication boxes, cutting or grinding pills, administration of injections, assistance with over-the-counter medication or medication that the member cannot self-administer;	(n) environmental management for safety;	(a) medical and non-medical health care;
(n) skilled nail care for a member documented as medically at-risk;	(o) nutrition management;	(b) personal care; bathing;
(o) medically necessary transportation when available through the member's MCO general benefit services;	(p) oxygen management;	(c) showering; skin care;
(p) bowel and bladder services that include insertion or extraction of a catheter or digital stimulation; and	(q) seizure management and precautions;	(d) grooming;
(q) gastrostomy feeding and tube feeding.	(r) anxiety reduction;	(e) oral hygiene;
[K.] L. Private duty nursing services include activities, procedures, and treatment for a physical condition, physical illness, or chronic disability for a member who is 21 years of age and older with intermittent or extended direct nursing care in [his-or-her] <u>their</u> home.	(s) staff supervision; and	(f) bowel and bladder care;
(1) Services include:	(t) behavior and self-care assistance.	(g) catheter and supra-pubic catheter care;
(a) medication management;	(2) All services are provided under a written physician's order and must be rendered by a New Mexico board of nursing licensed RN or a licensed practical nurse (LPN) who provides services within [his-or-her] <u>their</u> scope of practice.	(h) preparing or assisting in preparation of meals and eating;
(b) administration and teaching;	[L.] M. Respite services are provided to a member unable to care for [him-or-herself] <u>themselves</u> and are furnished on a short-term basis to allow the member's primary caregiver a limited leave of absence in order to reduce stress, accommodate a caregiver illness, or meet a sudden family crisis or emergency. Respite provides a temporary relief to the primary caregiver of a CB member during times when [he/she] <u>they</u> would normally provide unpaid care.	(i) administering enteral feedings;
(c) aspiration precautions;	<u>Use of electronic visit verification (EVV) system is required for payment of respite. The managed care organizations shall collaborate to offer a single EVV vendor for respite and monitor compliance with the federal 21st Century Cures Act.</u>	(j) providing home management skills;
(d) feeding tube management;	(1) Respite care is furnished at home, in a private residence of a respite care provider, in a specialized foster care home, in a hospital or NF, that meet the qualifications for MAD provider enrollment requirements. For purposes of ABCB eligibility, when respite services are delivered through	(k) changing linens;
(e) gastrostomy and jejunostomy;		(l) making beds;
(f) skin care;		(m) washing dishes;
(g) weight management;		(n) shopping; errands;
(h) urinary catheter management;		(o) calls for maintenance;
(i) bowel and bladder care;		(p) assisting with enhancing self-help skills, such as promoting use of appropriate interpersonal communication skills and language, working independently without constant supervision or observation;
(j) wound care;		(q) providing body positioning, ambulation and transfer skills;
		(r) arranging for transportation to medical or therapy services;
		(s) assisting in arranging health care needs and follow-up as directed by primary care giver, physician, and care coordinator; and
		(t) ensuring the health and safety of the member at all times.

(3) Respite may be provided on either a planned or an unplanned basis and may be provided in a variety of settings. If unplanned respite is needed, the appropriate agency personnel will assess the situation, and with the caregiver, recommend the appropriate setting for respite services to the member. Services must only be provided on an intermittent or short-term basis because of the absence or need for relief of those persons normally providing care to the member.

(4) Respite services are limited to a maximum of 300 hours annually per care plan year. Additional hours may be requested if a member's health and safety needs exceed the specified limit.

[M:] N. Skilled maintenance therapy services for a member 21 years and older are provided when [his-or-her] their MCO's general physical health benefit skilled therapy services are exhausted or are not a MCO covered benefit. The community benefit skilled maintenance therapy services include physical therapy, occupational therapy or speech language therapy. Therapy services focus on improving functional independence, health maintenance, community integration, socialization, and exercise, and enhance the support and normalization of the member's family relationships.

(1) Physical therapy services promote gross and fine motor skills, facilitate independent functioning and prevent progressive disabilities. Specific services may include but are not limited to:

(a) professional assessment, evaluation and monitoring for therapeutic purposes;

(b) physical therapy treatments and interventions;

(c) training regarding PT activities;

(d) use of equipment and technologies or any other aspect of the member's physical therapy services;

(e) designing, modifying or monitoring use of related environmental modifications;

(f) designing, modifying, and monitoring use of related activities supportive to the care plan goals and objectives; and

(g) consulting or collaborating with other service providers or family enrollees, as directed by the member.

(2) Occupational therapy (OT) services promote fine motor skills, coordination, sensory integration, and facilitate the use of adaptive equipment or other assistive technology. Specific services may include but are not limited to:

(a) teaching of daily living skills;

(b) development of perceptual motor skills and sensory integrative functioning;

(c) design, fabrication, or modification of assistive technology or adaptive devices;

(d) provision of assistive technology services;

(e) design, fabrication, or applying selected orthotic or prosthetic devices or selecting adaptive equipment;

(f) use of specifically designed crafts and exercise to enhance function; training regarding OT activities; and

(g) consulting or collaborating with other service providers or family enrollees, as directed by the member.

(3) Speech and language therapy (SLT) services preserve abilities for independent function in communication; facilitate oral motor and swallowing function; facilitate use of assistive technology; and prevent progressive disabilities. Specific services may include but are not limited to:

(a) identification of communicative or oropharyngeal disorders and delays in

the development of communication skills;

(b) prevention of communicative or oropharyngeal disorders and delays in the development of communication skills;

(c) development of eating or swallowing plans and monitoring their effectiveness;

(d) use of specifically designed equipment, tools, and exercises to enhance function;

(e) design, fabrication, or modification of assistive technology or adaptive devices;

(f) provision of assistive technology services;

(g) adaptation of the member's environment to meet [his-or-her] their needs;

(h) training regarding SLT activities; and

(i) consulting or collaborating with other service providers or family enrollees as directed by the member.

(4) A signed therapy referral for treatment must be obtained from the member's PCP. The referral will include frequency, estimated duration of therapy and treatment, and procedures to be provided.

[8.308.12.13 NMAC - Rp, 8.308.12.13 NMAC, 3/1/2017; A, 1/1/2019; A, 11/1/2025]

8.308.12.15 SELF-DIRECTED COMMUNITY BENEFIT (SDCB):

The MCO shall offer the SDCB approach to a member who meets a NF LOC and is determined through a CNA or reassessment to need CB services. Self-direction affords a member the opportunity to have choice and control over how [his-or-her] their CB services are provided and who provides the services. Although a member's assessment for the amount and types of services may vary, SDCB services are not provided 24 hours per day. Services are

reimbursed according to the MAD fee schedule that has a range of allowable reimbursement rates to a provider of a specific service. The member's MCO approves the final reimbursement rate for each provider of a CB service. A member has the option of choosing the ABCB or the SDCB approach. A member cannot participate in both community benefit approaches concurrently.

[8.308.12.15 NMAC - Rp, 8.308.12.15 NMAC, 3/1/2017; A, 11/1/2025]

8.308.12.16 ELIGIBLE PROVIDERS:

A. The FMA, member or ~~[his or her]~~ their EOR shall verify that a potential provider meets all applicable qualifications prior to rendering a service. If a provider or employee is unable to pass a nationwide criminal history screening pursuant to NMSA 1978, 29-12-2 et seq. or is listed in the abuse registry as defined in 27-7a-1 et seq., NMSA 1978 ~~[he or she]~~ they may not be employed to render any service to the member. Following formal approval from the MCO, LRIs may serve as a SDCB provider under extraordinary circumstances in order to assure the health and welfare of the member and to avoid ~~[his or her]~~ their institutionalization. The MCO shall make decisions regarding LRIs serving as providers for members on a case by case basis. Following formal approval from the MCO, a spouse of a member may serve as a provider under extraordinary circumstances in order to assure the health and welfare of the member and to avoid institutionalization. The MCO shall provide such approval on a case by case basis. SDCB providers must meet all Federal and state requirements for home and community based providers.

B. An EOR shall have an employment agreement or vendor agreement with each of the member's providers. The employee or vendor agreement template shall be prescribed by MAD. Prior to a payment being made to a provider for SDCB services, the FMA shall

ensure that: the provider meets all qualifications; and an employee agreement or vendor agreement is signed between the EOR and the provider. A member's employee agreement shall be updated anytime there is a change in any of the terms or conditions specified in the agreement. Employee agreements and vendor agreements shall be signed by the new EOR when there is a change in EORs. A copy of each employee agreement or vendor agreement shall be provided to the member and EOR. Refer to the MAD MCO policy manual for a complete listing of all SDCB provider qualifications and responsibilities.

[8.308.12.16 NMAC - Rp, 8.308.12.16 NMAC, 3/1/2017; A, 1/1/2019; A, 11/1/2025]

8.308.12.18 COVERED SERVICES IN SELF-DIRECTED COMMUNITY BENEFIT SDCB:

MAD and the member's MCO cover certain procedures, services, and miscellaneous items. For those services that are the same in ABCB and SDCB, detailed descriptions are found in 8.308.12.13 NMAC. Other services may be available to a member in the SDCB approach and detailed descriptions are included in each subsection of this section.

A. Behavior support consultation is the provision of assessment, treatment, evaluation and follow-up services to assist the member, ~~[his or her]~~ their parents, family, and primary caregivers with coping skills which promote maintaining the member in a home environment. See Subsection C of Section 8.308.12.13 NMAC for a detailed description of this service.

B. Customized community supports include participation in community congregate day programs and centers that offer functional meaningful activities that assist with acquisition, retention or improvement in self-help, socialization and adaptive skills. Customized community supports may include day support models. Customized community supports are provided in community day

program facilities and centers and can take place in non-institutional and non-residential settings. These services are provided at least four or more hours per day one or more days per week as specified in the member's care plan. Customized community supports settings must be integrated and support full access of individuals receiving medicaid HCBS to the greater community, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving medicaid HCBS.

C. Emergency response services provide an electronic device that enables a member to secure help in an emergency at ~~[his or her]~~ their home, avoiding institutionalization. The member may also wear a portable "help" button to allow for mobility. The system is connected to the member's phone and programmed to signal a response center when the "help" button is activated. The response center is staffed by trained professionals. See Subsection E of Section 8.308.12.13 NMAC for a detailed description of this service.

D. Employment supports include job development, job seeking and job coaching supports after available vocational rehabilitation supports have been exhausted. Employment supports settings must be integrated and support full access of individuals receiving medicaid HCBS to the greater community, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving medicaid HCBS. See Subsection F of Section 8.308.12.13 NMAC for a detailed description of this service.

E. Environmental modification services include: the purchase of, the installation of equipment for the physical adaptations to a member's residence that are necessary to ensure the health, welfare, and safety of the member or enhance the member's level of independence. See Subsection G of

Section 8.308.12.13 NMAC for a detailed description of this service.

F. Home health aide services provide total care or assist the member in all ADLs. See Subsection H of Section 8.308.12.13 NMAC for a detailed description of this service.

G. Self-directed personal care services (SD PCS) are provided on an episodic or continuing basis to assist the member with ADLs, performance of general household tasks, provide companionship to acquire, maintain, or improve social interaction skills in the community, and enable the member to accomplish tasks ~~[he or she]~~ they would normally do for ~~[him or herself if he or she]~~ themselves if they did not have a disability.

(1) Self-directed PCS are provided in the member's home and in the community, depending on the member's needs. The member identifies the caregiver's training needs, and, if the member is unable to do the training ~~[himself or herself]~~ themselves, the member arranges for the needed training.

(2) Self-directed PCS are not intended to replace supports available from a primary caregiver. Self-directed PCS are not duplicative of home health aide services.

(3) Home health aides may provide basic non-invasive nursing assistant skills within the scope of their practice. Self-directed PCS caregivers do not have this ability to perform such tasks.

(4) Use of the ~~[Electronic Visit Verification]~~ electronic visit verification (EVV) system is required for payment of ~~[Self-directed]~~ self-directed PCS.

H. Non-medical transportation services are offered to enable a member to gain access to services, activities, and resources, as specified by ~~[his or her]~~ their care plan. Payment for non-medical transportation is limited to the costs of transportation needed to access community benefit services, activities, and resources identified in

the member's care plan. Payment for SDCB non-medical transportation services is made to the member's individual transportation employee or to a public or private transportation service vendor. Payment cannot be made to the member. Non-medical transportation services for minors is not a covered service. Non-medical transportation for members entering the SDCB on or after January 1, 2019, is limited to a maximum of \$1,000 annually per care plan year.

I. Nutritional counseling services include assessment of the member's nutritional needs, development and revision of the member's nutritional plan, counseling and nutritional intervention, and observation and technical assistance related to implementation of the nutritional plan.

J. Private duty nursing services include activities, procedures, and treatment for a physical condition, physical illness, or chronic disability for a member who is 21 years of age and older with intermittent or extended direct nursing care in ~~[his or her]~~ their home. See Subsection K of Section 8.308.12.13 NMAC for a detailed description of this service.

K. Related goods are equipment, supplies or fees and memberships, not otherwise provided through the member's MCO general benefits.

(1) Related goods must address a need identified in the member's CNA including improving and maintaining the member's opportunities for full membership in the community, and meet all the following requirements:

(a) be responsive to the member's qualifying condition or disability;

(b) accommodate the member in managing ~~[his or her]~~ their household;

(c) facilitate the member's ADL;

(d) promote the member's personal safety and health;

(e) afford the member an accommodation for greater independence;

(f) advance the desired outcomes in the member's care plan; and

(g) decrease the need for other medicaid services.

(2) Related goods will be carefully monitored by the member's MCO to avoid abuses or inappropriate use of this benefit.

(3) Services and goods that are recreational or diversional in nature are excluded. Recreational and diversional in nature is defined as inherently and characteristically related to activities done for enjoyment.

(4) Related goods for members entering the SDCB on or after January 1, 2019, are limited to a maximum of \$2,000 annually per care plan year.

L. Respite services are provided to a member unable to care for ~~[him or herself]~~ themselves and are furnished on a short-term basis to allow the member's primary caregiver a limited leave of absence in order to reduce stress, accommodate a caregiver illness, or meet a sudden family crisis or emergency. See Subsection L of Section 8.308.12.13 NMAC for a detailed description of this service.

M. Skilled maintenance therapy services for a member 21 years and older are provided when ~~[his or her]~~ their MCO's general physical health benefit skilled therapy services are exhausted or not a covered MCO benefit. The community benefit skilled maintenance therapy services include physical therapy, occupational therapy or speech language therapy. Therapy services focus on improving functional independence, health maintenance, community integration, socialization, and exercise, and enhance the support and normalization of the member's family relationships. See Subsection M of 8.308.12.13 NMAC for a detailed description of this service.

N. Specialized therapies are non-experimental therapies or techniques that have been proven effective for certain

conditions. A member may include specialized therapies in [his or her] their care plan when the services enhance opportunities to achieve inclusion in community activities and avoid institutionalization. Services must be related to the member's disability or condition, ensure the member's health and welfare in the community, supplement rather than replace the member's natural supports and other community services for which the member may be eligible, and prevent the member's admission to institutional services.

(1)

Acupuncture is a distinct system of primary health care with the goal of prevention, cure, or correction of any disease, illness, injury, pain or other physical or behavioral health condition by controlling and regulating the flow and balance of energy, form, and function to restore and maintain physical health and increased mental clarity to a member. Acupuncture may provide effective pain control, decreased symptoms of stress, improved circulation and a stronger immune system, as well as other benefits to the member.

(2)

Biofeedback uses visual, auditory or other monitors to feed back physiological information of which the member is normally unaware. This technique enables a member to learn how to change physiological, psychological and behavioral responses for the purposes of improving emotional, behavioral, and cognitive health and performance. The use of biofeedback may assist in strengthening or gaining conscious control over the above processes in order for the member to self-regulate. Biofeedback therapy is also useful for muscle re-education of specific muscle groups or for treating the member's pathological muscle abnormalities of spasticity, incapacitating muscle spasm, or weakness.

(3)

Chiropractic care for a member is designed to locate and remove interference with the transmissions or expression of nerve forces in the

human body by the correction of misalignments or subluxations of the vertebral column and pelvis for the purpose of restoring and maintaining health for treatment of human disease primarily by, but not limited to, the adjustment and manipulation of the human structure. Chiropractic therapy may positively affect neurological function, improve certain reflexes and sensations, increase range of motion, and lead to improved general health of the member.

(4) Cognitive

rehabilitation therapy services for a member are designed to improve cognitive functioning by reinforcing, strengthening, or reestablishing previously learned patterns of behavior, or establishing new patterns of cognitive activity or compensatory mechanisms for impaired neurological systems. Treatments may be focused on improving a particular cognitive domain such as attention, memory, language, or executive functions. Alternatively, treatments may be skill-based, aimed at improving performance of ADL. The overall goal is to restore the member's function in a cognitive domain or set of domains, or to teach compensatory strategies to overcome specific cognitive problems.

(5)

Hippotherapy is a physical, occupational, and speech-language therapy treatment strategy that utilizes equine movement as part of an integrated intervention program to achieve functional outcomes. Hippotherapy applies multidimensional movement of a horse for a member with movement dysfunction and may increase mobility and range of motion, decrease contractures and aid in normalizing muscle tone. Hippotherapy requires that the member use cognitive functioning, especially for sequencing and memory. A member with attention deficits and maladaptive behaviors is redirecting attention and behaviors by focusing on the activity. Hippotherapy involves therapeutic exercise, neuromuscular education, kinetic activities, therapeutic

activities, sensory integration activities, and for individual speech therapy. The activities may also help improve respiratory function and assist with improved breathing and speech production of the member.

(6) Massage

therapy for a member is the assessment and treatment of soft tissues and their dysfunctions for therapeutic purposes primarily for comfort and relief of pain. It includes gliding, kneading, percussion, compression, vibration, friction, nerve strokes, stretching the tissue and exercising the range of motion, and may include the use of oils, salt glows, hot or cold packs or hydrotherapy. Massage increases the circulation, helps loosen contracted, shortened muscles and can stimulate weak muscles to improve posture and movement, improves range of motion and reduces spasticity. Massage therapy may increase, or help sustain, a member's ability to be more independent in the performance of ADL; thereby, decreasing dependency upon others to perform or assist with basic daily activities.

(7)

Naprapathy focuses on the evaluation and treatment of neuromusculoskeletal conditions, and is a system for restoring functionality and reducing pain in muscles and joints. The therapy uses manipulation and mobilization of the spine and other joints, and muscle treatments such as stretching and massage. Based on the concept that constricted connective tissue (ligaments, muscles and tendons) interfere with nerve, blood and lymph flow, naprapathy uses manipulation of connective tissue to open these channels of body function for a member.

[(8)] A native-

American healer is an individual who is recognized as a healer within his or her respective native American community. A native American member may be from one of the 22 sovereign tribes, nations and pueblos in New Mexico or may be from other tribal backgrounds. A native American healer delivers a wide variety of culturally appropriate

therapies that support the member by addressing the member's physical, emotional and spiritual health. Treatments delivered by a native American healer may include prayer, dance, ceremony and song, plant medicines and foods; participation in sweat lodges; and the use of meaningful symbols of healing, such as the medicine wheel or other sacred objects. A native American healer provides opportunities for the member to remain connected with his or her tribal community. The communal and spiritual support provided by this type of healing can reduce pain and stress and improve quality of life. It is also important to note that some tribes, nations and pueblos prefer to keep these healing therapies and practices safeguarded due to the significance of their religious ties.]

(9) (8) Specialized

therapies for members entering the SDCB on or after January 1, 2019, are limited to a maximum of \$2,000 annually per care plan year.

O. Start-up goods are used when a member is transitioning from the ABCB model to the SDCB model. Start-up goods enable a member to begin to self-direct [his/her] their services. Start-up goods include, but are not limited to, computers, printers and fax machines. Start-up goods are provided one-time during the member's first full or prorated care plan year and are limited to \$2,000.

[8.308.12.18 NMAC - Rp, 8.308.12.18 NMAC, 3/1/2017; A, 1/1/2019; A, 11/1/2025]

8.308.12.20 TRANSITION TO THE SELF-DIRECTED COMMUNITY BENEFIT: A

member who meets a NF LOC and who qualifies for MCO CB must first access services through [his-or-her] their MCO's ABCB approach. After 120 calendar days, the member may continue [his-or-her] their CB services provided through the MCO's ABCB or may select the MCO's SDCB approach. The member's MCO shall obtain a signed statement from the member regarding [his-or-her] their decision to participate in the SDCB

approach. The signed statement will include member attestation that [he-or-she-understands] they understand the responsibilities of self-directing [his-or-her] their CB services, including the management of [his-or-her] their care plan. For a member transitioning from a NF: and the member continues to meet NF LOC; the member selects [his-or-her] their MCO's SDCB approach; the member must access CB services through the MCO's ABCB approach for the first 120 calendar days of eligibility; and after 120 calendar days, the member may transition to the MCO's SDCB.

A. Self-assessment:

The member's care coordinator shall provide [him-or-her] them with the MAD self-assessment instrument. The self-assessment instrument shall be completed by the member with assistance from the member's care coordinator upon request. The care coordinator shall file the completed self-assessment in the member's file.

B. Employer of

record (EOR): A member who is an unemancipated minor or has an authorized representative over financial matters in place cannot serve as [his-or-her] their own EOR. When the member's care coordinator, based on the results of the member's self-assessment, determines the member requires assistance to direct [his-or-her] their SDCB services, the member must designate in writing an EOR to assume the functions on behalf of the member. A member that serves as [his-or-her] their EOR has the option to do so or may, on [his-or-her] their own, designate a person to serve as [his-or-her] their EOR in writing. A designated EOR may not also be an employee of the member. The member's file must have documentation of either the member acting as [his-or-her] their EOR or of the designated EOR. The member's MCO will make the final determination on whether the member may be [his-or-her] their own EOR.

C. Supports for

self-direction: A member or [his-or-her] their authorized representative may designate a person to provide support to the member's self-directed

functions. The member or [his-or-her] their authorized representative may act as [his-or-her] their EOR. A member's authorized representative may function as the member's spokesperson. The member's care coordinator shall include a copy of any EOR or spokesperson forms in the member's file and provide copies to the member, the member's authorized representative, spokesperson and the FMA.

(1) Care

coordination for self-direction: The MCO shall ensure that the member or the member's authorized representative fully participates in developing and administering SDCB services and that sufficient supports, such as care coordinators and support brokers, are made available to assist the member or the member's authorized representative who requests or requires assistance. In this capacity, the care coordinator shall fulfill, in addition to contractual requirement, the following tasks:

(a)

understand member and EOR roles and responsibilities;

(b)

identify resources outside the member's MCO SDCB, including natural and informal supports, that may assist in meeting the member's long term care needs;

(c)

understand the array of SDCB services;

(d)

assign the annual SDCB budget based on the member's CNA to address the needs of the member;

(e)

monitor utilization of SDCB services on a regular basis;

(f)

conduct employer-related activities such as assisting a member in identifying a designated EOR as appropriate;

(g)

identify and resolve issues related to the implementation of the member's SDCB care plan;

(h)

assist the member with quality assurance activities to ensure

implementation of the member's SDCB care plan and utilization of [~~his or her~~] their authorized budget;

(i)

recognize and report critical incidents, including abuse, neglect, exploitation, emergency services, law enforcement involvement, and environmental hazards;

(j)

monitor quality of services provided by the member's support broker; and

(k)

work with the member to provide the necessary assistance for successful SDCB implementation.

(2) A support

broker is a qualified vendor for a SDCB member who is either employed by or contracted by the member's MCO. At a minimum, the support broker shall perform the following functions:

(a)

educate the member on how to use self-directed supports and services and provide information on program changes or updates;

(b)

review, monitor and document progress of the member's SDCB care plan;

(c)

assist in managing budget expenditures, complete and submit SDCB care plan and revisions;

(d)

assist with employer functions such as recruiting, hiring and supervising SDCB providers;

(e)

assist with developing and approving job descriptions for SDCB direct supports;

(f)

assist with completing forms related to the member's employees;

(g)

assist with approving timesheets, purchase orders or invoices for goods, obtain quotes for services and goods, as well as identify and negotiate with vendors;

(h)

assist with problem solving of an employee or vendor payment issue with the FMA and other appropriate parties;

(i)

facilitate resolution of any disputes regarding payment to a provider for services rendered;

(j)

develop the care plan for SDCB based on the member's budget amount as determined by the CNA; and

(k)

assist in completing all documentation required by the FMA.

(3) The FMA

acts as the intermediary between the member and the member's MCO's payment system and assists the member or the member's EOR with employer-related responsibilities. The FMA pays employees and vendors based upon the member's approved SDCB care plan and budget. The FMA assures member and program compliance with state and federal employment requirements, monitors, and makes available to the member and MAD reports related to utilization of services and budget expenditures. Based on the member's approved individual care plan and budget, the FMA must:

(a)

verify that the member is eligible for SDCB services prior to making payment for services;

(b)

receive and verify that all required employee and vendor documentation and qualifications are in compliance with applicable NMAC rules and the MAD MCO policy manual;

(c)

establish an accounting for each member's budget;

(d)

process and pay invoices for goods, services, and supports approved in the member's SDCB care plan and supported by required documentation; and

(e)

process all payroll functions on behalf of the member and EOR including:

(i)

collects and processes timesheets of employees in accordance with the MAD approved payment schedule;

(ii)

processes payroll, withholding, filing, and payment of applicable federal,

state and local employment-related taxes and insurance;

(iii)

tracks and reports disbursements and balances of the member's budget and provides a monthly report of expenditures and budget status to the member and [~~his or her~~] their support broker, and quarterly and annual documentation of expenditures to MAD;

(iv)

receives and verifies a provider's agreement, including collecting required provider qualifications;

(v)

monitors hours billed for services provided and the total amounts billed for all goods and services during the month;

(vi)

answers inquiries from the SDCB member and solves problems related to the FMA's responsibilities; and

(vii)

reports any concerns related to the health and safety of the member or when the member is not following [~~his or her~~] their approved SDCB care plan to the MCO and MAD as appropriate.

D. Budget: The

member's MCO will determine the maximum annual budget allotment based on the member's CNA. The member may request a revision to the SDCB care plan and budget when a change in circumstances warrants such revisions, such as a change in health condition or loss of natural supports. All changes are subject to assessment and approval by the MCO.

E. SDCB care plan:

The support broker and the member shall work together to develop an annual SDCB care plan for the SDCB services the member is identified to need as a result of [~~his or her~~] their CNA. The SDCB care plan will not exceed the MCO determined budget. The support broker and member shall refer to the rates specified by [HSD] HCA in selecting payment rates for qualified providers and vendors. The care plan for SDCB services shall be based upon the member's assessed needs and approved by the member's MCO. The support broker shall

closely monitor the utilization of SDCB care plan services to ensure that the member does not exceed the approved annual budget.

(1) SDCB care plan review criteria: Services and goods identified in the member's requested SDCB care plan may be considered for approval by the MCO if all of the following requirements are met:

(a) the services or goods must be responsive to the member's qualifying condition or disability;

(b) the services or goods must address the member's clinical, functional, medical or habilitative needs;

(c) the services or goods must facilitate the member's ADL per [his-or-her] their CNA;

(d) the services or goods must promote the member's personal health and safety;

(e) the services or goods must afford the member an accommodation for greater independence;

(f) the services or goods must support the member to remain in the community and reduce [his-or-her] their risk for institutionalization;

(g) the need for the services or goods must be approved and documented in the CNA and advance the desired outcomes in the member's SDCB care plan;

(h) the services or goods are not available through another source;

(i) the service or good is not prohibited by federal regulations, applicable NMAC rules, supplements, the MAD MCO policy manual, service standards, and instructions;

(j) the proposed rate for each service is within the MAD approved rate range for that chosen service;

(k) the proposed cost for each good is reasonable, appropriate and reflects

the lowest available cost for that chosen good; and

(1) the estimated cost of the service or good is specifically documented in the member's SDCB care plan.

(2) SDCB care plan revisions: The SDCB care plan may be revised based upon a change in the member's needs or circumstances, such as a change in the member's health status or condition or a change in the member's support system, such as the death or disabling condition of an individual who was providing services. The member or the EOR is responsible for assuring that all expenditures are in compliance with the most current determination of need. SDCB care plan revisions involve requests to add new goods or services to a care plan or to reallocate funds from any line item to another approved line item. SDCB care plan revisions must be submitted to the member's MCO for review and determination. Other than for critical health and safety reasons, SDCB care plan revisions may not be submitted to the MCO for review within the last 60 calendar days of the care plan year. Prior to submitting a SDCB care plan revision request, the member is responsible for communicating any utilization of services that are not in compliance with the care plan to the support broker. At the MCO's discretion, a revision to the SDCB care plan may require another CNA. If the SDCB care plan revision includes a request for additional services, another CNA must be performed by the MCO to determine whether the change in circumstance or need warrants additional funding for additional services prior to SDCB care plan revision approval.

F. SDCB back-up plan: The support broker shall assist the member and [his-or-her] their EOR in developing a back-up plan for the member's SDCB services that identifies how the member and EOR will address situations when a scheduled provider is not available or fails to show up as scheduled. The member's support broker shall

assess the adequacy of the member's back-up plan at least on an annual basis and when changes in the type, amount, duration, scope of the SDCB or the schedule of needed services, or a change of providers (when such providers also serve as back-up to other members) or change in availability of paid or unpaid back-up providers to deliver needed care.

G. Member and EOR training: The member's MCO shall require the member electing to enroll in the SDCB approach and [his-or-her] their EOR to receive relevant training. The support broker shall be responsible for arranging for initial and ongoing training of the member and [his-or-her] their EOR.

(1) At a minimum, self-direction training for member and [his-or-her] their EOR shall address the following issues:

(a) understanding the role of the member and EOR with SDCB;

(b) understanding the role of the care coordinator, support broker, the MCO, and the FMA;

(c) selecting providers and vendors;

(d) critical incident reporting;

(e) member abuse and neglect prevention and reporting;

(f) being an employer, evaluating provider performance and managing providers;

(g) fraud and abuse prevention and reporting;

(h) performing administrative tasks, such as, reviewing and approving electronically captured visit information and timesheets and invoices; and

(i) scheduling providers and back-up planning.

(2) The member's MCO shall arrange for ongoing training for the member and [his-or-her] their EOR upon request or if a support broker, through

monitoring, determines that additional training is warranted.

H. Claims submission and payment: The EOR shall review and approve timesheets of the member's providers and invoices from the member's vendors to determine accuracy and appropriateness. No SDCB provider shall exceed 40 hours paid work in one work week per EOR. Timesheets must be submitted and processed on a two-week pay schedule according to the FMA's prescribed payroll payment schedule. The FMA shall be responsible for processing the member's timesheets and invoices for approved SDCB services and goods. [8.308.12.20 NMAC - Rp, 8.308.12.20 NMAC, 3/1/2017; A, 1/1/2019; A, 11/1/2025]

8.308.12.21 TERMINATION FROM ABCB PCS/CDIRECTED OR SDCB: The MCO may involuntarily terminate a member from the PCS/CDirected or the SDCB approach under any of the following circumstances.

A. The member, the member's authorized representative or ~~[his-or-her]~~ their EOR refuses to follow NMAC rules, the MAD MCO policy manual, or ~~[his-or-her]~~ their MCO policies after receiving focused technical assistance on multiple occasions and support from ~~[his-or-her]~~ their care coordinator, PCS agency or FMA, which is supported by documentation of the efforts to assist the member. For purposes of this rule, focused technical assistance is defined as a minimum of three separate occasions where the member, authorized representative or ~~[his-or-her]~~ their EOR have received training, education or technical assistance, or a combination of both, from the MCO, the FMA, the PCS agency or MAD.

B. There is an immediate risk to the member's health or safety by continued consumer direction or self-direction of services, i.e., the member is in imminent risk of death or serious bodily injury. Examples include but are not limited to the following:

(1) the member refuses to include and maintain services in ~~[his-or-her]~~ their PCS/CDirected or SDCB care plan that would address health and safety issues identified in the member's CNA or challenges the assessment after repeated and focused technical assistance and support from program staff, the care coordinator, PCS agency or the FMA;

(2) the member is experiencing significant health or safety needs and, refuses to incorporate the care coordinator's recommendations into ~~[his-or-her]~~ their IPoC or care plan, or exhibits behaviors that endanger ~~[him-or-her]~~ them or others;

(3) the member misuses ~~[his-or-her]~~ their SDCB budget following repeated and focused technical assistance and support from the care coordinator and the FMA, which is supported by documentation;

(4) the member expends ~~[his-or-her]~~ their entire SDCB budget prior to the end of the care plan year; or

(5) the member or authorized representative intentionally misuses the member's PCS/CDirected or SDCB services or goods.

C. The MCO shall submit to MAD any requests to terminate a member from the PCS/CDirected or the SDCB approach with sufficient documentation regarding the rationale for termination. Upon MAD approval, the MCO shall notify the member regarding termination in accordance with NMAC rules and MCO policies. The member shall have the right to appeal the determination by requesting a MCO appeal and, if the termination is still upheld by the MCO, a ~~[HSD]~~ HCA administrative hearing. Within 120 days of the final decision, the MCO shall facilitate a seamless transition from the PCS/CDirected to PCS/CDelegated or SDCB to ABCB to ensure there are no interruptions or gaps in services. Involuntary termination of a member from SDCB shall not

affect a member's eligibility for ABCB covered services or continued MCO membership. However, a member that has been involuntarily terminated from SBCB must access PCS from the PCS/CDelegated model for at least one year. Involuntary termination of a member from PCS/CDirected shall not affect a member's eligibility for other CB services or PCS/CDelegated services.

D. A member who has voluntarily switched to PCS/CDelegated or ABCB or who has been involuntarily terminated from PCS/CDirected or from SDCB may request to be reinstated in the PCS/CDirected or the SDCB approach to ~~[his-or-her]~~ their MCO. Such requests may not be made more than once in a calendar year. The member's PCS/CDirected or SDCB reinstatement when ~~[he-or-she-was]~~ they were involuntarily terminated is at the discretion of ~~[his-or-her]~~ their MCO. The care coordinator shall work with the member's PCS agency or FMA to ensure that the issues previously identified as reasons for termination have been adequately addressed prior to such reinstatement. A member shall be required to participate in SDCB training programs prior to ~~[his-or-her]~~ their SDCB reinstatement. A member shall be required to participate in PCS/CDirected training programs and the MCO may request the member's PCP provide a signed statement that the PCS/CDirected approach is appropriate for the member prior to ~~[his-or-her]~~ their PCS/CDirected reinstatement. [8.308.12.21 NMAC - Rp, 8.308.12.21 NMAC, 3/1/2017; A, 1/1/2019; A, 11/1/2025]

WORKFORCE SOLUTIONS, DEPARTMENT OF

This is an amendment to 11.1.2 NMAC Sections 7 and 18 to be effective 10/21/2025 and 11.1.2 NMAC Sections 20 and 21 to be effective 1/1/2026.

11.1.2.7 DEFINITIONS:

A. “Alteration” means any change made to any part of any system within an existing public building, public work, or public road other than a “repair” as hereinafter defined.

B. “Base wage rate” means the straight time hours and hourly rate paid each laborer or mechanic.

C. “Contract” means any written agreement made by the state or any political subdivision of the state for or including provisions for the alteration, construction, demolition, maintenance, or repair of any public building, public work, or public road that makes use of any public funds.

D. “Craft” means a particular construction trade.

E. “Director” means the director of the division.

F. “Division” means the labor relations division of the workforce solutions department.

G. “Fringe benefit” means payments made by a contractor, subcontractor, employer or person acting as a contractor, if the payment has been authorized through a negotiated process or by a collective bargaining agreement, for: holidays; time off for sickness, injury, personal reasons or vacation; bonuses; authorized expenses incurred during the course of employment; health, life and accident or disability insurance; profit-sharing plans; contributions made on behalf of an employee to a retirement or other pension plan; zone, incentive, and subsistence pay and any other compensation paid to an employee, or for the direct benefit of an employee. Payments made to an approved apprentice program are not fringe benefits.

H. “Labor organization” means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

I. “Locality” means one or more counties in the state of New Mexico.

J. “Prevailing wage and benefits” means the hourly wage rate and other benefits as determined by the director to be paid to, or for the benefit of, employees for work performed by the employee on public works projects, including any apprentice training contributions.

K. “Project” means any coordinated activity involving the alteration, construction, demolition, installation, maintenance, or repair of any public building, public work, or public road, and shall include all contracts related to, and employers involved in, the work to be done as a result of the coordination.

L. “Public funds” means every contract or project in excess of \$60,000 that the state or any political subdivision thereof if a party to for construction, alteration, demolition, or repair, or any combination thereof.

M. “Public works” means any facility for the use, enjoyment, or benefit of the public that is altered, constructed, demolished, installed, maintained, or repaired and is funded in whole or in part with public funds or public financing, public grant, and including any form of tax bond financing.

N. “Repair” means to correct any damage or defects within, or to replace any obsolete system, part or portion, of a public building, public work or public road.

O. “Secretary” means the secretary of the department of workforce solutions.

P. “Similar nature” means contract work performed on projects as defined in 11.1.2.18 NMAC.

Q. “Site of the project” means the physical location of a public works project as well as any off-site fabrication locations that engage in the fabrication of heating, cooling, ventilation, or exhaust duct systems that are part of the public works project.

[Q] R. “State” means the state of New Mexico.

[R] S. “Wage” means the basic hourly rate of pay.

[S] T. “Willfully” means an intentional or deliberate violation of a known duty, and shall include the failure to rectify a violation within a reasonable time after notice of the violation, or repeated violations after receiving notice of a violation.

[11.1.2.7 NMAC - Rp, 11.1.2.7 NMAC, 12/30/2016; A, 11/10/2020; A, 10/21/2025]

11.1.2.18 JOB CLASSIFICATIONS AND DESCRIPTIONS:

The job classifications and descriptions for public works projects shall be as follows:

A. [Asbestos-worker or heat and frost insulator: The preparation, alteration, application, erection, assembling, molding, spraying, pouring, mixing, hanging, adjusting, repairing, dismantling, reconditioning, maintenance, finishing or weatherproofing of cold or hot thermal insulations with such materials as may be specified when those materials are to be installed for thermal purpose in voids, or to create voids, or on either piping, fittings, valves, boilers, ducts, flues, tanks, vats and equipment, or on any hot or cold surfaces for the purpose of thermal control, or to be installed for sound control on mechanical devices; equipment; piping and surfaces related in an integral way to the thermal insulation of such mechanical devices, except for materials applied inside sheet metal ducts and fittings. This work also includes all labor connected with:

(1) insulation for: temperature control (excluding batt and blown-in); personnel protection or safety; prevention of condensation; fire proofing of building penetrations:

(2) distribution of, cleanup of, and removal from surfaces as described above, which surfaces will be reinsulated with (excluding demolition which is covered under the laborers-classification) the materials they apply.

[B:] Boilermaker:
Assembles prefabricated boiler parts and fittings to build steam boilers, tanks, vats and other vessels made of ten gauge or heavier metal, and installs catwalks, platforms, stairways and ladders which are erected on, and supported by storage tanks for liquid or gas when such tanks were erected by boilermakers, and installs all catwalks, platforms, stairways and ladders which are erected on and exclusively supported by a pressure vessel.

[C:] B. Bricklayer, blocklayer, stonemason: Constructs partitions, fences, walks, fireplaces, chimneys, smokestacks, etc., using brick, structural tile, concrete and other types of structural block. This classification shall include the setting of stone, marble, slate, and artificial stone. All cutting, grouting and pointing of materials listed above shall be a part of this classification. May also build or repair brick, block, or stone retaining walls, cutting or placing of brick in mortar or other similar material.

[D:] C. Carpenter or lather: Sets batterboards, builds and sets forms for concrete, or structural stud except as provided elsewhere. Builds and erects wood and metal products for the framing of structure or building, including bearing and non-bearing walls, framework in buildings, including partitions, floor and ceiling joists, studding, and rafters. Installs wood subflooring and hardwood flooring. Builds wood stairways, cabinets, steps, etc. Installs wood or premanufactured molding, paneling, doors, windows, etc., products and components related to office interiors - partitions, draperies, shelving, panels, doors, (metal, wood, etc.); including hardware; insulation around concrete slabs. Install pin metal or steel studs and wood furring (except on roofs). Carpenters may shoot grades for surveying and attaches "sheetrock" and similar wallboard materials to walls and ceilings. Installs insulation material in walls, ceilings, and under floors of buildings where such insulation is not laid in cement or other plastic

materials. Sets all woodworking equipment and operates same. Builds forms and structural element for pre-cast and pre-stressed concrete of all types and shapes on project site. Erects self-supporting scaffolding. Installs light iron and metal furring such as rods, channels and other bars or systems to which metal lath, rock lath or other materials used as a substitute for lath are to be attached. Installs metal lath, rock lath, and other materials used as a substitute for lath. Installs metal plastering accessories such as corner beads, door and window casing beads, metal picture mold, chair rails and other metal plastering accessories which are covered and serve as a ground or guard, except that metallic corner beads, when installed by using plastic material, shall be installed under the "plasterer" classification. Cuts wood materials using a stationary or portable power saw of one or more horsepower. Sharpens by use of files, all types of saws and saw blades used for the cutting of wood materials.

[E:] D. Carpenter (millwright): Performs work necessary to assemble, level, align, secure, dismantle, adjust and maintain permanent stationary pumps, motors, generators, turbines, fans, compressors or torque converters which require precision leveling and alignment of such equipment. Installs reduction gear boxes, fluid drives, and speed increasers, including the connection of same to pump or compressor coupling. May align and secure other direct drive motors and machines requiring precision alignment. Installation, repair, or removal of all pulleys, sheaves, sprockets, gears and flywheels including all belts, cables and chains. Fabricates or installs all templates, soleplates, grout pads and wedge blocks for all machinery requiring foundation or bolts. Installs all machinery, equipment and conveying devices in all classes of plants, factories, buildings, amusement parks, mills, shops stores, warehouses and construction or mining sites.

[F:] E. Carpenter (piledriver): Rigs piledriving

equipment, signals pile rig and guides pile and leads to point pile is driven, aligns and plumbs pile using tape and level during driving; splices piles before, during and after driving, cuts off piles, realigns piles after driving. In "piledriving" operations, handles wood, metal, sheetpiling, steel H-beams, concrete, or pipe, fastens them to cable of wench or piledriver, shifts timber piles with cant hook, cleans and points pile with axe or shovel. May drill pilot holes.

[G:] F. Cement mason (composition or mastic - finishing machine operator): Finishes concrete to a specified finish and grade on footings, floors, walks, steps and all concrete surfaces by using tools of the trade such as trowels, floats, screeds, etc. Sets to grade and aligns screeds one board high. Sets to grade and aligns forms for sidewalk, curbs and gutters. Fabricate, cut, bend and tie reinforcing steel and mesh to be placed within the forms for sidewalk, curbs and gutters. Patching, filling of voids and rubbing of concrete to a specified finish, which requires the use of power tools and tools of the trade. Bushhammer and related finish procedure. Concrete saw operation when used on new construction to saw control joints. Vibrating screeds and rollers to achieve final level of concrete. Gunite, in cement mason operation, when it is less than one and one-half inches in thickness, the handling and control of the nozzle shall be the work of the "cement mason." All work involving the laser screed including the ride-on, laser-guided, vibratory screeding machine that establishes grades by laser which disperses concrete by auger and thoroughly vibrates and consolidates the concrete. Applies coloring material to concrete, also uses mastic to level and waterproof concrete, where tools of the trade are involved. Operates troweling and floating machines which are used in the finishing of concrete. Cementitious insulation, screed wet material to required thickness and darby joints to leave a surface suitable for roofing.

[H:] G. Electrician
classifications and description -

Outside:

(1)

Groundman (outside): Assists “lineman” and “equipment operator” in their tasks except that the “groundman” does not climb poles or towers.

(2)

Equipment operator (outside): Operates power driven equipment used in the erection and installation of materials and apparatus outlined under the “lineman” classification. Includes directional boring to install underground pipe, conduit or cable.

(3)

Lineman or technician (outside):

(a)

Performs all electrical construction work outside of isolated plants and the property lines of any given property, but not electric signs, and not street electrical decorations, except when messenger or guy wire is necessary for support and when fed and controlled from the street.

(b)

Street lighting, traffic signalization, and related wiring when fed and controlled from the street. All line work consisting of wood, concrete or metal (or substitutes therefore), poles or towers, including wires, cables or other apparatus supported therefrom. Line work in public, private or amusement parks.

(c)

All work necessary to the assembling, installation, erection, operation, maintenance, repair, control, inspection and supervision of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts and raceways when part of distributing systems outside of buildings, railroads and outside and directly related railroad property and yards. Installing and maintaining the catenary and trolley work on railroad property, and bonding of rails. All underground ducts and cables when they are installed by and are part of the system of a distributing company, except in power stations during new construction, including ducts and cables to adjacent switch racks or substations. All outdoor substations and electrical connections up to and

including the setting of transformers and all connecting of the secondary buses thereto, and all other related work.

(4)

Cable splicer (outside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminate gas or liquid filled power cables, when part of a distribution system outside of buildings.

(5)

Journeyman technician (outside): Limited to performing only street lighting, traffic signals, and wiring when fed and controlled from the street.

(6)

Journeyman – substation technician: Non-energized, installation, removal and replacement of electrical substation systems and structures only.

(7)

Journeyman – transmission technician: non-energized, installation, removal and replacement of electrical transmission systems and structures only.

[F:] H. Electrician

classifications and descriptions - Inside:

(1)

Wireman or technician (inside): Installs wiring for automatic doors. Plans and executes the layout and installation of electrical conduit, switch panels, buss bars, outlet boxes, electrical wires and cables, lighting standards, lighting fixtures, receptacles, switches, and other electrical devices and apparatus necessary for the complete installation of wiring systems on commercial, industrial, and residential jobs, except electrical work which is incidental to the installation of elevators and escalators and is described under “elevator constructor”. Analyzes proposed telephone and communication systems during the pre-installation stage to detect any basic conflicts in either equipment arrangements or plant facilities. Isolated trouble conditions in inoperable telephone communications systems. Installs a variety of equipment relating to telephone

interconnect communication systems and devices including private branch exchange (PBX-PABX), key equipment and associated devices.

(2)

Cable splicer (inside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminates gas or liquid filled power cables.

[F:] L.

Low voltage electrician classification: Low Voltage Technician: Installs pathways (j-hooks) and wiring for low voltage cabling coax or fiber optic and terminates ends of the different types of cables levels and tests. This work includes voice, data security, access control, building automation and video surveillance. Repairs and services inter-communications systems, i.e. speakers, buzzers, microphones, signal lights or other units or components that are an integral part of such system.

[K:] J.

Elevator constructor: Assembles and installs machinery and devices incidental to a complete elevator or escalator installation, including elevator cars, cables, counterweights, guide rails, hoisting machinery, etc. Installs all electrical wiring which is incidental to the installation of automatic elevators and escalators with the exception of power feed wires to the controller, which shall be classified as a task of “electricians”. Steel trusses, girders, and supports for escalators, where riveted or welded and metal frames and bucks for elevator door openings shall be installed under the “ironworker” classification.

[F:] K.

Elevator constructor helper: Assist elevator constructor in the performance of all phases of their work.

[M:] L.

Glazier: Installs metal window and door frames without glass, curtain wall systems, window wall systems, cable net systems, canopy systems, structural glazing systems, unitized systems, interior glazing systems, photovoltaic panels and systems, suspended glazing systems, louvers, skylights, entranceway systems including doors and hardware, revolving and

automatic door systems, patio doors, store front systems including the installation of all metals, column covers, panels and panel systems, glass hand rail systems, decorative metals as part of the glazing system, and the sealing of all architectural metal and glass systems for weatherproofing and structural reasons, using vinyl, molding, rugger, lead, sealants, silicone and all types of mastics in wood, iron, aluminum, sheet metal or vinyl sash, doors, frames or any materials of the above systems as part of the glazing systems. Installs glass, including plate and window glass, mirrors, beveled plate, rough ribbed, wire, figured, colored, art and other type glass or substitute for glass when set in sash, frames, doors, skylights, etc., when set with putty, molding or other methods which are common to the glazing trade.

M. Heat and frost insulator: The preparation, alteration, application, erection, assembling, molding, spraying, pouring, mixing, hanging, adjusting, repairing, dismantling, reconditioning, maintenance, finishing or weatherproofing of cold or hot thermal insulations with such materials as may be specified when those materials are to be installed for thermal purpose in voids, or to create voids, or on either piping, fittings, valves, boilers, ducts, flues, tanks, vats and equipment, or on any hot or cold surfaces for the purpose of thermal control, or to be installed for sound control on mechanical devices; equipment; piping and surfaces related in an integral way to the thermal insulation of such mechanical devices, except for materials applied inside sheet metal ducts and fittings. This work also includes all labor connected with:

(1) insulation for: temperature control (excluding batt and blown-in); personnel protection or safety; prevention of condensation; fire proofing of building penetrations.

(2) distribution of, cleanup of, and removal from surfaces as described above, which

surfaces will be reinsulated with (excluding demolition which is covered under the laborers classification) the materials they apply.

**N. Ironworker:
(1)**

Journeyman Ironworker: Installs reinforcing iron and steel for concrete structures. Installs fabricated steel members such as girders, columns, beams, and bracing in structures to form the steel framework. Installs metal stairways, catwalks, ladders, and decking. Installs ornamental iron and steel. Erects structural steel radio and television towers. Sets wall bearing steel bar joists in building structures. Performs layout work for rods within project area. Fastens rods in place with wire or fasteners; bends or adjusts as required. Selects and places steel bars or spirals in concrete forms to reinforce concrete; fastens rods together with wire or patented fasteners; may cut rods with hack-saw or oxyacetylene torch. May bend rod, using rod bending machine, performs layout work and proper placing of steel in the concrete forms. May prefabricate reinforcement assembly for placement complete in forms. Works as a member of a group that raises and places fabricated or precast concrete beams or structural steel members, such as girders, plates, columns, and units them permanently to form a completed structural steel framework. Heats rivets, signals erection crane, splices cables, rigs equipment. May include dismantling and erecting large units of equipment. May suspension bridge cables. Erects, trims, and fits together by means of bolts and clamps, iron grills, grating, and special stairways. Erects ornamental enclosures and other iron work not included in structural ironwork. Fastens ironwork to walls of buildings by means of bolts, brackets or anchors. Fastens newel posts, balauser, and other parts of stairways by fastening to supports or embedding them in sockets. Forges, welds, drills and cuts as needed.

(2)

Probationary Ironworker:
Probationary ironworkers shall be

paid at the rate of eighty percent of the journeyman ironworker wage rate and may only work under this classification for no more than 30 days.

O. Painter (brush):

Applies paint, stain, lacquer, varnish, etc., to surfaces in, on or around building structures, using appropriate brushes, rollers, sprayers or trowels. Does preparation of surfaces to receive paint, including sandblasting, small patching, sanding and spackling. Mixes and prepares paints and other materials which are to be applied by painters. Seals, sands and varnishes hardwood flooring. Paints structural steel framework of bridges; guard rails and cables of bridges; and all other surfaces requiring paint. May erect and rig stages and platforms from which painters are to work, including swing stage scaffolding, bosun's chairs, mechanical, staging, cornice or roof hooks, scaffolding, and other devices and apparatus necessary to provide safe forking conditions for painters. Operates gasoline-powered compressor striping machine and walking type sprayers for striping parking lots, etc.

P. Paperhanger:

Applies wallpaper, fabric, or other materials used in the same manner as wallpaper, to the interior of rooms. Performs work necessary to prepare surfaces to receive wallpaper or other similar material including removal of old wall paper.

Q. Drywall finisher

or taper: Prepares drywall type construction to receive paint, textone, etc. by pointing, taping, bedding, texturing, skimming, wire brushing, stripping, wax, or acid application and finishing.

R. Plasterer:

Applies interior and exterior plastering of cement, stucco and stone imitation or any patented materials when cast. Applies acoustical plaster or materials used as substitutes for acoustical plaster, as well as the preparatory pointing and taping of drywall surfaces to receive these finishes. Applies scratch and brown coats on walls and ceilings where tile,

mosaic or terrazzo is to be applied. Molds and sets ornamental plaster and trim and runs ornamental plaster cornice and molding. Install metal corner beads when stuck by using plastic materials. Applies gunite, in plastering operations, when it is one and one-half inches in thickness, the handling and control of the nozzle should be the work of the plasterer. Spray fire proofing material on steel beams or columns. Trowel or sprayed on foam insulation on walls before stucco, etc. Patching outside concrete walls.

S. Plumbers and pipefitters: Fabricates and installs piping, and tubing systems, including installation of all necessary hangers and supports, which are to conduct water, steam, air, and other fluids or gases in and around buildings. Also installs vacuum piping systems. Installs drainage and sewage lines (laterals) from buildings to the point of attachment to mains. Installs plumbing fixtures, such as sinks, faucets, drinking fountains, commodes, etc. Installs refrigeration equipment. Performs cutting, welding and burning which is incidental to the work of plumbing or pipefitting, except as is described under "lead burner". May do other work in connection with the installation and testing of heating and cooling apparatus and control devices.

T. Plumbers and pipefitters (lead burner): Performs cutting, burning and welding operations on lead pipes, tanks, reservoirs, etc.

U. Roofer:

(1) Roofer

Journeyman: Installs alters or repairs roof systems on new or existing roof decks to create a weatherproof and waterproof protective membrane, with or without insulation, using asphalt, pitch, tar, sealants, single ply or multiple ply materials, felt, shakes, shingles, roof tile, slate, coatings, urethane, urethane foam, metal or any other approved roofing materials, including the preparatory work necessary to bring such surfaces to a condition where roofing can be installed, sealed, or repaired.

Includes cutting, shaping fabricating and installing or wood, metal or other approved materials for fascias, soffits, copings, cornices, canals, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, at or near roof lines, metal flues, prefabricated roof curbs. Installs roofing insulation, and other necessary waterproofing and damp proofing on walls and floors below ground. May perform other waterproofing operations using methods which are common to the roofing trade. Handles all roofing materials at job site and performs all roofing clean-up. Tears off old roof when roof is to be replaced.

(2) Roofer

Helper: Roofer helpers shall be paid at the rate of sixty percent of the journeyman roofer wage rate. There is no restriction on the type of work that the roofer helper may perform. The ratio of helper to journeyman is one helper for every three journeymen.

V. Sheet metal worker:

Fabricates and installs heating and air conditioning ducts and other ductwork. Fabricates and installs hangers, brackets, etc., used in the installation of sheet metal, and installs grills, registers, etc., which are part of duct systems. Fabricates or installs architectural sheet metal in and around buildings, including metal panel systems, canopies, awnings, exhaust louvers, and cupolas. Installs warm air furnaces except where necessary piping for gas or oil is performed under the plumbing and pipefitting classification. Performs the testing, measuring, adjusting of air and hydronic flows in a building to meet design specifications and local building codes to ensure thermal comfort, indoor air quality, and system energy efficiency are optimized, performs periodic inspections of fire, smoke and combination fire and smoke dampers and conducts differential pressure measurements across, and force testing of stairwell egress doors and performs the functional testing and general required maintenance of smoke control systems and is responsible for recognizing the proper

installation, application, and usage of smoke control systems. May install other heating and cooling devices which are in connection with duct systems. Ductwork fabricated in accordance with engineered and stamped approved drawings for public works projects shall be subject to prevailing wage requirements.

W. Soft floor layer:

Cleans and prepares floors and other surfaces to which linoleum and floor tile is to be applied. Lays carpets. Applies appropriate cement to floors and surfaces and installs materials such as sheet rubber, sheet vinyl, asphalt tile, cork tile, linoleum, rubber tile, artificial turf and other resilient floor coverings. Rolls finished floors and surfaces to smooth and press down coverings which have been applied. Mixes and pours liquid seamless floor covering on floor, gyms, etc. Installs decorative or protective trim to and adjoining the above materials including the attaching of cap strips, nosing, and slats.

X. Sprinkler fitter:

Fabricates, assembles, and installs all piping and auxiliary devices which are necessary for the complete installation of sprinkling systems for fire protection in buildings.

Y. Tile setter: Applies glazed, unglazed, mosaic, and other ceramic tiles which are used as a surface on floors, walls, ceilings and other surfaces and which must be set to a specified grade. Applies and floats all setting beds which these tiles are set into. Levels and plumbs these tiles to the specified grade.

Z. Tile setter helper:

Handles and mixes materials to be used in floating beds, generally assists tile setter by delivering materials, cleaning and caring for tools.

AA. Power equipment operators - group I performs the following tasks or operate the following equipment:

(1) Concrete

paving curing machine (Bridge type): Operates self-propelled machine and operates pump on the machine which sprays curing compound on freshly poured concrete. May oil, grease or

otherwise service and make necessary adjustments to equipment as needed.

(2) Fireman:
Hand strokes or fires by gas or oil, a portable or semi-portable steam boiler, such as is used on steam shovels, pile drivers, cranes, dredges, hoisting equipment and asphalt plants.

(3) Oiler:
A service man who lubricates mechanical equipment, gives signals to operator when applicable, changes oil, greases and filters, refuels equipment. May assist mechanic, head oiler or operator in assembling, setting up, adjusting, maintaining (including operation of steam cleaners) and repairing all types of construction equipment. May, when servicing equipment, drive a truck which carries fuels, oils and greases. May use the tools of the trade at and under the direction of a mechanic, head oiler or operator.

(4) Screedman: Manipulates handwheels or other devices to raise or lower screeds of asphalt machine. Regulated width of screed and depth of material. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(5) Scale operator such as (bin-a-batch).

(6) Tractor (under 50 drawbar h.p. without attachments): Operates a small diesel or gasoline powered rubber-tired, farm -type tractor, with no attachments, to pull by drawbar, seed drills, etc. May oil, grease, or otherwise service and make necessary adjustments.

(7) Industrial locomotive brakeman: A semi-skilled operator who hooks and unhooks various cars, throws switches, operates car dumps, signals locomotive operator, manipulates controls of loading devices (hopper conveyors, etc.) and assists locomotive operator. May oil, grease or otherwise service and make necessary adjustments.

(8) Helpers: mechanic, welder, grease truck and crane oiler.

AB. Power equipment operators - group II performs the following tasks or operate the following equipment:

(1) Tractor (under 50 drawbar h.p. with attachments): Operates a small diesel or gasoline powered rubber-tired or crawler tractor. May be used with attachments such as dozer, tampers, posthole diggers, postdrivers, etc. May be used to pull brooms, sleds, trailers, etc. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Air compressor (315 c.f.m. and over): Keeps compressor fueled, oiled, clean and ready for service. Keeps oilers and air lines working properly, full of proper oil, sets and checks valves on oiler, sets and checks air pressure, cut off valve and gauges, checks and maintains air tools, keeps moisture drained from air tanks, checks governor, sets throttle to avoid compressor damage. Checks and repairs air brakes on compressor and repairs air hose.

(3) Pumps (six inch intake or over): Operates water pump which pumps water for roadway, prewetting, pumping by transmission line from water source to job area or other use. May oil, grease, prime, or otherwise service and make necessary adjustment to equipment as needed.

(4) Mixer, concrete (one cubic yard and less): Operates a small, portable concrete mixing machine to mix sand, gravel, cement and water to make concrete. Starts power unit and does or oversees loading of materials. Controls the mixing by levers to discharge concrete from drum. This small machine is sometimes charged by shoveling in the proportions of materials directly into the mixing drum and some others have a skip into which materials are shoveled before being hoisted into the mixing drum. Rinses drum with water to remove adhering concrete. May oil, grease or otherwise service and make necessary adjustments as needed.

(5) Roller (sheepsfoot or pneumatic self-propelled without dozer): Operates a diesel or gasoline driven self-propelled machine used for compaction. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(6) Service truck operator (head oiler-type B or C work): An operator of a truck equipped with high pressure grease and oil dispensing equipment. Maintains service records and performs preventative maintenance and visual inspection. Reports vehicle discrepancies to foreman or mechanic.

(7) Screening plants: Operates a screening plan to sort and segregate material. Regulates flow of material through chute to screener. May perform other related work. May oil, grease, or otherwise service and make necessary adjustments or repairs to equipment as needed.

(8) Belt type conveyors (material and concrete): Operates an endless belt-type conveyor that is a machine designed so the belt operates between a head pulley and tail pulley which are located on the opposite ends of the conveyor frame. The belt rides on carrier rollers so formed in shape and positioned that the belt forms a trough to carry the loose material. The operator starts and stops the belt as necessary, maintains the carrier rollers and belt splices, regulates belt speed for correct loading for efficient operation and belt life, maintains belt alignment to insure the belt is not loaded on one side which results in excessive belt wear. Conveyors are used efficiently in confined areas particularly in the placement of concrete with portable type conveyors. (Conveyor systems which are part of a plant shall be operated by the plant operator). May oil, grease or otherwise service and make necessary adjustments.

(9) Concrete paving joint or saw machine or grinder span type: Operates a self-propelled machine which travels on

paving form or pavement and cuts grooves for expansion and contraction joints in freshly poured concrete or cured pavement. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(10) Hoist

(one drum): Operates a single drum machine powered by air, electric, gasoline or diesel. Actuates valves, levers, brakes or other control devices which regulates linepull, hold or line release in accordance with signals received by sight, hearing or other signaling devices as necessary. Machines are used for various pulling and hoisting operations on construction work such as to hoist and lower material in various elevations or to hoist and lower material in construction and assembly. May oil, grease or otherwise service and make necessary adjustments.

(11) Air tugger

(12) Elevating

belt type loaders: Operates a self-propelled or tractor-drawn elevating grader, bucket, or belt loader. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(13) Lumber

stacker: Operates machine designed to straddle bundles or stacks of lumber or other objects suitable to be handled by this specialized machine, hoists and moves materials to various locations. May oil, grease or otherwise service and make necessary adjustments.

(14) Winch

truck: Drive a heavy duty gasoline or diesel truck equipped with a winch and gin poles or other hoisting devices. Shifts winch gears in accordance with signals from helper on ground. May service and make necessary adjustments for proper operation of equipment.

(15) Front

end loader (under two cubic yards): Operates a runner tired or crawler-type tractor with an attached bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(16) Fork lift:

Operates a machine powered by gasoline, diesel or electric power that is equipped with a vertical hoisting and lowering device that may be canted forward and reverse of vertical center by means of control devices. Machine is equipped with fork lifting and designed to slide under loads, machine is used for lifting and transporting loads. May oil, grease or otherwise service and make necessary adjustments.

(17) Power

plant (electric generator or welding machine): Operates a diesel or gasoline driven machine that generates A.C or D.C. current of 15 K.W. or more used for lighting and electrical power. Keeps cycle and synchronization control board in adjustment adhering to manufacturers specifications. Keeps governor relay in adjustment. Operates welding machine in bank, for arc-welding, uses armature dressing stone as required and resets welding heats as required. May oil grease or otherwise service and make necessary adjustment. May perform other related duties. (Electric power plants, when the principal use is to furnish electric power for camp sites, shall be excluded).

(18) Cat head

winch

(19) Oiler with

CDL

(20) Concrete

curbing machine

(21) Inside

and outside material and personnel elevators

(22) Industrial

locomotive motorman: An operator of gasoline, diesel or electric powered railroad locomotive used to push, pull or switch railroad cards of various designs loaded with muck, concrete, aggregate, or other applications suitable for rail transport. May oil, grease or otherwise service and make necessary adjustments.

AC. Power equipment operators - group III performs the following tasks or operate the following equipment:

(1)

Bituminous distributors

(2) Boilers

(3) Asphalt

Retort heater: Operates a stationary or portable piece of equipment designed to apply heat to a tank, tank car, or tank truck containing asphalt. Starts fire, controls heat applied to tank by regulating burners. Starts, stops and controls flow of recirculating pumps. Maintains desired temperature in asphalt, regulates valves for discharge of asphalt from tank. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(4) Mixer,

concrete (over one cubic yard):

Operates a large, portable or sometimes stationary concrete mixing machines to mix sand, gravel, cement and water to make concrete. Starts power unit and oversees the loading of proper proportions of materials into the skip and then manipulates levers that control feeding of material into mixing drum. Starts drum rotating to mix materials; manipulates lever to discharge concrete from drum, either by tilting drum forward or by opening a discharge chute. Rinses drum with water to remove adhering concrete. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(5) Concrete

paver mixer (single drum): Operates a paving machine that mixes and dumps concrete, the machine consisting primarily of a skip, concrete mixer, and a boom equipped with a traveling bucket and a power plant, all mounted upon a crawler or wheel unit. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(6) Drilling

machine (cable, core or rotary): Sets up and operates a portable cable, core, diamond or rotary drill for the purpose of drilling water wells or exploratory drilling. May drill pilot holes for piling. May oil, grease, or otherwise service and make necessary adjustments.

(7) Shaft and

tunnel type equipment:

(a)
Refrigeration: Operates a plant designed to circulate brine or other refrigerant through piping system to freeze specified areas for purpose of drilling, trenching, boring, blasting and stabilizing formations to permit such operations. Maintains pressures, vacuum, intercooling and other related functions. May keep brine or other refrigerants at proper levels in supply tanks.

(b)
Slusher operator: Operates hoist as described under one or two drum hoist to raise and lower, drag and release a bucket similar to dragline bucket without a bottom in it. To move loose material into dump chute or other purposes. Sheaves to control line direction are usually secured to roof, side or face of excavation by rock bolts. May oil, grease or otherwise service and make necessary adjustments.

(c)
Jumbo form or drilling stage: Operates a specialized machine usually mounted on rails or rubber-tired wheels which has surrounding it, expandable, retractable forms. Drilling stage consists of one or more drilling stages from which drilling operations at the phase are performed for blasting. The operator positions machine for drilling, removes it for blasting, connects and disconnects air and water lines from the source as needed. May oil, grease or otherwise service and make necessary adjustments.

(8) Trenching machine: Operates a power-driven machine that digs trenches for sewer, water, drainage, oil and gas pipelines, footings, etc. The trenching machine is mounted on crawler treads or rubber tires with the digging equipment usually consisting of an endless chain or wheel or edged buckets that excavate and deposit the material on a conveyor belt which in turn discharges the material at the side of the trench. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(9) Pumpcrete machine: Operates a concrete

pumping machine that pumps fresh concrete from mixer to forms that mold fresh concrete. Sets up pump, operates power unit of pump and allows fresh concrete to flow into hopper or pump. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(10) Guniting machine: Operates a machine designed to pump dry sand and cement mixture forced under high air pressure to various areas specified for guniting treatment. May oil, grease or otherwise service and make necessary adjustments.

(11) Concrete slip-form paving machine: Operates a self-propelled machine with long forms attached which move along with the machine. Machine vibrates, screeds, spreads and finishes the surface. Operates a roto-mill machine (machine with plane to smooth). May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(12) Mechanical bull floats

(13) Concrete paving spreader: Operates a self-propelled machine that rides on the paving forms. Operates controls to spread fresh concrete evenly over subgrade or in concrete forms. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(14) Concrete paving finishing machine: Operates self-propelled machine which travels on subgrade or paving forms and levels fresh concrete to approximate grade and contour by pushing and pulling screeds over the surface. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(15) Subgrade or base finisher: Sets and adjusts machine to grade or string line. Operates necessary controls for grading, cutting and finishing subgrade or treated and untreated base material. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(16) Concrete paving sub grader: Operates a machine that finishes subgrade. Machine runs on concrete paving forms or subgrade and is equipped with knives or blades to loosen material and eject same from subgrade. May oil, grease or otherwise service equipment as needed.

(17) Concrete paving form grader: Operates a machine that controls subgrade under forms used in concrete paving and is equipped with knives or blades to loosen dirt and eject same from the form line grade. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(18) Concrete paving gang vibrator: Operates a self-propelled machine which travels on paving forms and operates levers to lower multiple vibrator heads into freshly poured concrete. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(19) Concrete paving longitudinal float: Operates a self-propelled machine which travels on paving forms and moves levers to strike off the concrete to correct elevation. Machine has one or more screeds traveling longitudinally. Operates milling machine (makes ridges). May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(20) Bituminous finishing machines

(21) Certified forklift

(22) Asphalt distributor: Sets spray bar and operates valves and levers of distributor to control distribution of oil or bituminous liquid, also may drive truck on one-man operated distributor. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(23) Asphalt paving or laydown machine: Manipulates controls of paving machine that spreads and levels asphaltic concrete. May oil, grease, or otherwise service and make

necessary adjustments to equipment as needed.

AD. Power equipment operators-group IV performs the following tasks or operates the following equipment:

(1) Front end loader (two through ten cubic yards): Operates a rubber tired or crawler-type tractor with an attached bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(2) Rollers steel wheeled (all types): Operates a self-propelled machine with steel flat wheels which is used to compact and smooth earth fills, flexible bases, bituminous roads surfaces. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Bulldozer: Operates a tractor with a concave steel scraper blade mounted in front of the chassis to level, distribute and push earth; regulates height of blade. Uses tractor as a pusher in loading earth carrying equipment. May oil, grease or otherwise service and make minor repairs to equipment as needed.

(4) Scrapers (motor or towed): Operates a tractor or self-propelled machine to pull a steel bowl-like scoop (scraper) mounted on wheels that scrapes up earth and transports it to a designated place; manipulates necessary scraper controls. May oil, grease or otherwise service and make necessary adjustments to equipment as needed, twin bowl scraper and quad eight or nine pushers (\$.35 over base rate). Three bowl scraper (\$.60 over base rate).

(5) Batch or continuous mix plant (concrete, soil, cement or asphalt): Sets up and operates a large portable or stationary plant for batching concrete, soil-cement or asphaltic materials and aggregates; responsible for control of mixture and plant. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(6) Bobcat with hydraulic backhoe with buckets up to one (1) and one quarter cubic yards.

(7) Backhoes with buckets up to ¾ cubic yard-Type B or C work.

(8) Small Articulating Truck

AE. Power equipment operators-group V performs the following tasks or operates the following equipment:

(1) Concrete paver (double drum): Operates a paving machine that mixes and dumps concrete, the machine consisting primarily of a skip, concrete mixer and a boom equipped with a traveling bucket and a power plant, all mounted upon a crawler or wheel unit. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(2) Hoist (two drums): Operates a two drum machine powered by air, electric, gasoline or diesel. Actuates valves, levers, brakes or other control devices which regulates linepull, hold or line release in accordance with signals received various pulling and hoisting operations on construction work such as: to hoist and lower material in various elevations; to hoist and lower material in construction and assembly. May oil, grease or otherwise service and make necessary adjustments.

(3) Cat cranes

(4) Hysters

(5) Forklifts over 20,000 lbs. lifting capacity

(6) Auto fine grader

AF. Power equipment operators-group VI performs the following tasks or operates the following equipment:

(1) Mucking machine (all types): Operates a machine designed especially to work in confined spaces, generally operated by air or electric power to minimize air pollution, underground. Rocker shovel types have front-mounted buckets that are loaded by being pushed into the material and lifted over the machine and dumped into

an attached car, or lifted to a point that gravity dumps the material from the back of the loaded bucket onto a conveyor belt that runs over the machine to a dumping point or into attached car. This type mucking machine usually operates on tracks or are crawler mounted. The bucket is hinged to a boom which in turn is hinged to a turntable on the main frame which allows the main frame to travel in one direction while the swinging action of the bucket can reach out to the sides to remove such loose material generally called muck. These machines are especially suited for underground, emptying into conveyors or into cars. May oil, grease or otherwise service and make necessary adjustments.

(2) Tractor with hydraulic backhoe.

(3) Backhoes with buckets up to one and one quarter cubic yards- Type B or C work.

(4) Service truck operator (head oiler-type A or H work): An operator of a truck equipped with high pressure grease and oil dispensing equipment, which may have gasoline and diesel fuel tanks, who lubricates, changes oil and filters and refuels equipment. Maintains service records and performs preventative maintenance and visual inspection. Reports vehicle discrepancies to foreman or mechanic.

(5) Motor grader (rough): Operates motor grader. Blade is mounted on a carrying and turning circle under the frame of the machine. Equipment is used in leveling dirt to grade and in laying asphalt and flexible base materials. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

AG. Power equipment operators-group VII performs the following tasks or operates the following equipment:

(1) Steam engineers

(2) Front end loader (over 10 cubic yards): Operates a rubber tired or crawler-

type tractor with an attached bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(3) Concrete pump (snorkel type)

(4) Mining machine

(5) Concrete batching plant operator

(6) Asphalt plant operator

(7) Crushing plant operator- Operates a crusher to control flow of materials through plant. Regulates flow of rock through chute to crusher. May perform other related work. May oil, grease, or otherwise service and make necessary adjustments or repairs to equipment as needed.

(8) Hot plant operator

(9) Roof bolting machine

(10) Shuttle car operator

AH. Power equipment operators-group (VIII-All shovel type equipment that does not require a State of New Mexico crane license) performs the following tasks or operates the following equipment:

(1) Side boom: Operates a diesel or gasoline powered rubber-tired or crawler-tractor on which is mounted a side boom attachment with necessary hoisting devices. Positions tractor, manipulates control levers, clutches, brakes, and other controls to raise or lower boom, raise or lower load. By tractor motivation, loads may be transported to desired location. May oil, grease or otherwise service and make necessary adjustments.

(2) Crane (crawler or mobile under ten tons): Operates crane type equipment to hoist and move materials and perform other related operations. Such equipment is used for pouring concrete, setting steel or other miscellaneous tasks for which crane type equipment is required. May oil,

grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Backhoes with buckets over one and one quarter cubic yards- Type B or C work.

(4) Backhoes over a 3/4 yard bucket—Type A or H work.

(5) Derrick, cableway: Operates guy, stiff leg or other derrick, cableway. (Derricks are distinguished from cranes by being stationary and being supported by cables, or structural member, but may be repositioned to higher levels as construction progresses). Derricks use a hoist as described in building hoists, two drums and up, but may vary with different designs, as the source of power for line pull, hold or release through sheaves on the particular derrick or cableway for lifting and moving materials to higher, lower, or the same levels in construction. The operator controls in accordance with signals received by sight, hearing or other signaling devices. If necessary may oil, grease or otherwise service and make necessary adjustments.

(6) Track or excavator backhoe

(7) Pipemobile

(8) Pile driver:

Operates the basic machine, and applicable hammer controls to which pile driving attachments are attached. Pile driving attachments normally consists of leads, to service as a guide for the weight, hammer or extractor. The drop hammer is a weight hoisted by cable along the leads and released to fall by gravity onto the pile. Steam, compressed air, hydraulic, sonic and diesel hammers ride along the leads resting on top of pile or pile cap striking blows on the down stroke of the hammer, from its power source, onto the pile being driven. The extractor is a steam or air hammer that strikes its blows on the upstroke of the hammer equipped with devices for attachment onto the piling to be pulled. May drill or jet pilot holes. May oil, grease or otherwise service and make necessary adjustments.

(9) Mine hoists: Operates hoists used in mining operations and in compliance with the department of mines regulations. Hoists and lowers men and materials in shafts and inclines in accordance to authorized signals. May oil, grease or otherwise service and make necessary adjustments.

(10) Motor grader (finish)

(11) Mechanic and welder: Assembles, sets up, adjust and maintains and repairs all types of construction equipment, such as internal combustion engines, air compressors, pumps, concrete mixers, heavy earth moving equipment, rock crushers and paving equipment.

(12) Mole operator: Operates a horizontal boring machine which is the vertical rotating cutter head which deposits muck onto conveyor that passes over the machine to a dump point. The operator controls the elevation and direction and travel by hydraulic rams. The machine is a specialized piece of machinery for tunnel boring. May oil, grease or otherwise service and make necessary adjustments.

(13) Mobile pipeline inspection camera

(14) Operator or rigger

(15) Crane inspector

(16) Continuous mining machine

(17) VAC jet

(18) Equipment

(19) Heavy

equipment robotics operator or

mechanic

(20) Ultra high

pressure waterjet cutting tool system

operator/mechanic

(21) Vacuum

blasting machine operator or

mechanic

(22) Master

environmental maintenance mechanic

AI. Power equipment

operators-group IX: operate

hydraulic cranes with less than 150

feet of boom and over 10 tons but

less than 100 tons lifting capacity including boom trucks (NM, Class II, license required).

AJ. Power equipment operators-group X: operate hydraulic cranes and boom trucks (100 tons and over); cranes and draglines with booms and jibs over 150 feet through 199 feet; \$.75 above base rate per hour additional; cranes 200 feet and over \$1.00 additional; tower cranes (NM, Class I Crane License Required).

AK. Truck drivers group I:

(1) Pickup truck 3/4 ton or under: Drives a light truck for transporting small loads of construction materials, tools or equipment. May service and make necessary adjustments for proper operation of equipment.

(2) Service station attendant: Maintains service station. Washes, lubricates, fuels and otherwise services vehicles and equipment. Changes and repairs tires and tubes. Operates and maintains service station equipment.

(3) Swamper or rider helper: Assists truck driver. Shares with a driver the duties of loading and unloading a truck, shifting articles about on truck, handling cumbersome articles and may drive to relieve driver.

AL. Truck drivers-group II:

(1) Bus or taxi: Drives a bus or taxi to transport employees to and from construction project. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(2) Dump or batch truck: Drives a truck, under eight cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(3) Flatbed (bobtail) two ton and under: Drives a truck for transporting loads of construction materials or equipment. May load and unload truck. May service and make necessary adjustments for proper operation of equipment.

AM. Truck drivers-group III:

(1) Dump trucks (including all highway and off highway): Drives a truck, eight cubic yards and under 16 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(2) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank, under 3,000 gallons, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Flatbed (bobtail) over two tons: Drives a truck for transporting loads of construction materials or equipment. May load and unload truck. May service and make necessary adjustments for proper operation of equipment.

AN. Truck driver-group IV:

(1) Distributor (asphalt): Only drives truck equipped with tank and controls for regulating distribution of bituminous materials. Does not operate levers or valves (See Power Equipment Operators-Group III). May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Heavy tire repairman

(3) Lumber carrier: Drives truck that hauls logs and lumber with truck trailer or bobtail.

(4) Transit mix or agitator (two or three axle bobtail equipment): Drives a truck upon which is mounted a concrete mixer. Drives truck under loading hopper to receive sand, gravel and cement. Fills water tank and starts and stops mixer. Drives truck to location for unloading. Dumps concrete into chute leading to forms. Cleans mixer drum. May service and make necessary adjustments for proper operation of equipment.

(5) Scissor truck

(6) Trailer or semi-trailer dump: Drives a truck to which is attached a trailer or semi-trailer dump used in transporting construction materials.

(7) Field equipment servicemen

AO. Truck driver-group V:

(1) Dumpster or dumptor: Operator of a self-propelled, four-wheeled, rubber-tired truck type machine which is used in hauling of materials. Machine is normally used off the highway, working around rock crushers or excavation. Being reverse steer, the operator rides facing the dump-bed which is dumped by release of safety lock and sudden stop of machine, which causes off center loading of truck bed to dump. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank, 3,000 to 6,000 gallons, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Lowboy, light equipment: Drives a truck to which is attached a trailer with a low frame or bed upon which light equipment or material is hauled. May service and make necessary adjustments for proper operation of equipment.

(4) Euclid type tank wagon under 6,000 gallons.

AP. Truck driver-group VI:

(1) Vacuum truck

(2) Dump trucks (including all highway and off highway): Drives truck, 16 cubic yards and under 22 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

AQ. Truck driver VII:

(1) Transit mix or agitator (semi or four axle equipment): Drives a truck upon which is mounted a concrete mixer. Drives truck under loading hopper to receive sand, gravel and cement. Fills water tank and starts and stops mixer. Drives truck to location for unloading. Dumps concrete into chute leading to forms. Cleans mixer drum. May service and make necessary adjustments for proper operation of equipment.

(2) Flaherty truck type spreader box: Drives a self-propelled vehicle, consisting primarily of a hopper mounted on pneumatic-tired wheels, used to spread crushed aggregate on bituminous roadway material. May service and make necessary adjustments for proper operation of equipment.

(3) Slurry truck driver

(4) Bulk cement driver

(5) Semi doubles driver

(6) Four axle bobtail driver

(7) Dump trucks (including all highway and off highway): Drives truck, 22 cubic yards and under 36 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(8) Head field equipment servicemen.

AR. Truck driver VIII: (1) Diesel-powered transport (non-self-loading) 10 yards and over: Drives diesel powered Euclid Turnarocker, Terra Cobra, D.W.-10, D.W.-20 Le Tourneau pulls and similar diesel powered equipment when used to haul material and assigned to a "teamster".

(2) Lowboy, heavy equipment: Drives a truck to which is attached a trailer with a low frame or bed upon which light equipment or material is hauled. May service and make necessary adjustments for proper operation of equipment.

(3) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank 6,000 gallons and over, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(4) Semi-trailer drivers (flatbed or van, tandems)

(5) Light equipment mechanic

(6) Dump trucks (including all highway and off highway): Drives truck, 36 cubic yards and over, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

AS. Truck driver IX: (1)

Warehouseman: Maintains warehouse for construction supplies and materials. May operate necessary equipment and machinery within warehouse area.

(2) Cardex men

(3) Expediter

(4) Lowboy (heavy equipment double gooseneck

(5) Heavy equipment mechanic

(6) Welder (body and fender man)

AT. Semi-skilled laborers Group II:

(1) Carpenter tender: Performs labor such as hand handling of materials used by carpenters. Assists in erecting and removing of forms, removes nails and clears lumber.

(2) Concrete worker or buggy operator: Pours and performs other work in relation to the lining with concrete. Operates buggy by pushing or pulling by hand between mixer or other source to site of work.

(3) Curbing machine, asphalt or cement: Operates a machine which applies asphalt or concrete along the edge of highways or parking aprons to form a small curb.

(4) Scaffold tender: Tends to the scaffold builder.

(5) Certified flagman: Supervises flag and signing personnel. Prepares revision to the traffic control plan.

(6) Bleacher seating: Unloads, moves to place of erection, assembles and installation of all stadium seating.

(7) Fence builder: Digs post holes, pours concrete for posts, sets posts, stretches fencing material.

(8) Guardrail builder: Attaches and assists in the installation of guardrails, (other than guardrails on bridges) guardrail posts, informational signs and metal fencing; including barb wire, woven wire, and chain link which is used to define right of way, medians or driving lanes or provide safety for such areas. May require the use of small hand tools such as hammer and spud wrench.

(9) Form stripper: Strips, cleans and oils all types of concrete forms.

(10) Gabian basket builders: Assembles wire baskets for rip rap.

(11) Rip rap stoneman: One who places stones into gabian baskets.

(12) Drywall, stocking and handling: Carries and handles of all materials by hand to a point adjacent to place of erection. Assists in placement of materials.

(13) Fly ash vacuum operator: Installs vacuum lines and operates nozzle of vacuum hose at power plants in the cleanup of ash.

(14) Landscaping and planter: Duties include site development, soil preparation, rototilling, fine grading, soil amending, installation of plants, seeded and sodded grasses, gravel and bark mulches. Installation of landscape sprinkler systems including landscape irrigation backflow preventers, and all components downstream including pipe, valves, low voltage control wiring, irrigation controllers, sprinkler heads, and drip

components. May operate small behind and stand-on only landscape equipment (including miniskid steers with attachments). Maintenance of landscapes including weeding, mowing, and irrigation repair. Duties do not include electrical work, fencing, concrete retaining walls or other work that is generally performed by skilled craftsmen.

(15) Manhole builder: Constructs a means of permanent access to water, electrical and sewer lines for maintenance purposes.

(16) Tool room person: manages, inspects and coordinates all tool room activities and exchanges.

(17) Rodmen: holds survey rod.

(18) Tenderers (to cement mason and plasterer): Assists in the pouring of concrete by spreading concrete, cleaning and caring of cement mason's tools, mixes mortar used in the patching of concrete. Mixes mortar for plasterers and delivers same to location where plasterers are working. Sets up scaffolding as directed by foreman where necessary, and cleans and cares for tools and equipment used in the preparation and application of plaster.

AU. Skilled laborers:
Group III:

(1) Air and power tool man (not a carpenter's tool): A worker who uses a tool driven by compressed air, gas or electric power to perform such work as breaking old pavement, loosening or digging hard earth, trimming bottom and sides of trenches, breaking large rocks, driving sheeting, chipping concrete, trimming or cutting stone, calking steel plates, or compaction of earthen backfill. Install plastic and PVC linings on ponds. Rotary man operates a hand-held device to make cuts on road with a person holding a nozzle to fill cuts with oil.

(2) Asphalt raker: Distributes asphaltic road-building materials evenly over road surface by raking and brushing materials to correct thickness; may control straight edge to regulate

width and depth of materials; directs "asphalt shovelers" when to add or take away material to fill low spots or to reduce high spots. Applies color to tennis courts, etc. by using a squeegee. Applies epoxy on concrete floors to seal.

(3) Asphalt heaterman: Tends a stationary or portable liquid asphalt kettle, starts fires (usually fuel oil) under the kettle, controls heat applied to the kettle by regulating dials or burners, maintains desired temperature in asphalt, and regulates valves for discharge of asphalt from kettle.

(4) Asphalt jointman: Cleans and pours asphalt joints in concrete paving with nozzle or can. Takes care of asphalt kettle heaters.

(5) Chain sawman: Operates a power driven chain saw to clear areas of timber. Fells trees, and sometimes cuts the fallen trees into short sections to facilitate their removal.

(6) Oxy or Gasoline torch operators: Uses cutting torch only for demolition work on steel or other metal structures.

(7) Cutting torch or welding torch operator or burner person: Uses cutting torch only for demolition work on steel or other metal structures.

(8) Gunite rebound men: A laborer who shoots gunite into place.

(9) Concrete power buggy operator: Drives self-propelled buggy to transport concrete from mixer or source of supply to place of deposit. Operates levers to dump load.

(10) Sandblaster: Cleans and prepares surfaces by the use of sandblasting equipment other than preparation for painting (see painter).

(11) Potman: Cleans screens and feeds sand to hopper or pot of sandblasting machine.

(12) Wagon, air track, drill and diamond driller (outside): Sets up and operates air driven drilling mechanism that drills

holes into concrete or rock. Levels machine by placing timbers under wheels. Inserts and fastens drill steel in chuck. Adjusts angle of drill tower and bolts into position. Controls drilling and speed of drill by moving levers. May make other adjustments to equipment as needed.

(13) Multi-plate setter: Assembles large diameter metal culverts by bolting together semi-circular pieces of metal to form a complete circle, and bolts each section of this circle to similar sections which are placed adjacently, repeating these processes until the required length of culvert is formed.

(14) Concrete burner: Operates a device used to burn holes, etc., through concrete. This device consists of a consumable aluminum-magnesium rod inside a small iron pipe. Oxygen is forced through the pipe under pressure, and the end of the assembly is lighted. The concrete is melted by the intense heat of the device.

(15) Mortar mixer and mason tender: Mechanically mixes mortar ingredients to proper consistency and delivers to mason on scaffold or at site of work. Keeps materials supplied to mason.

(16) Batching plant scaleman: Manually operates a stationary or portable batching scale that weighs out concrete materials. Adjusts scales for required weight of the materials. Operates controls that admit materials separately from storage hoppers to weighing bins. Observes scales or indicators that show when proper amount of materials have been made. Discharges materials from weighing bin into truck or other carrier or mixer. He may measure materials by volume instead of weight.

(17) Concrete touch-up man: Prepares the surfaces of concrete masonry which is not to be finished (using tools other than those normally used by "cement masons") by patching holes and broken corners, and removing high spots and defective concrete.

(18) Concrete sawman - coring machine: Operates a power driven, hand guided, water-cooled saw or diamond driller which is used to cut through slabs of concrete, except as otherwise provided elsewhere.

(19) Metal form setter-road: Fits together, aligns and grades metal road forms for holding concrete in place on road and street surfaces. Dismantles, moves and cleans forms after concrete hardens.

(20) Grade setter or checker: Keeps stakes and stringline set in place out in front of trenching machine so that machine will cut ditch in correct location. Sets stakes so that pipelayers can fine-grade ditch and measure from the batter board down to correct depth of ditch.

(21) Guniting, pumpcrete man and nozzleman: Assists operator and handles the equipment and directs the placing of concrete or mortar that is moved by pressures or pneumatic equipment, such as guniting. May fine-grade and place wire mesh at times.

(22) Vibrator operator (hand type): Lowers hose-like flexible shaft of vibrator into newly poured concrete. Starts power unit and holds shaft, allowing hammerhead on shaft to vibrate, thus compacting the concrete. Air, electric or gasoline operated vibrators are used.

(23) Vibratory compactor (hand type): Operates hand guided vibratory or impact compactor. Adjusts levers, throttles and other devices necessary for operation.

(24) Hod carrier: Assists brickmasons, stonemasons and blockmasons by preparing mortar mix, either by hand or machine, delivers material to masons on scaffold, operates small material moving equipment such as power buggy, hoists, mortar mix pumps and other similar equipment. May erect and dismantle bricklayer scaffolds.

(25) Pipelayer: Unloading, handling, distribution

and installation, concrete, corrugated metal pipe and corrugated and smooth wall plastic pipe, PVC and polyethylene pipe. Receives pipe lowered from top of trench; joins pipe ends; adjusts pipe to line and grade; seals joints with cement or other sealing compound. Lowers pipe.

(27) Plaster spreader operator: Mixes plaster to be used in a machine which is designed to apply plaster to surfaces by means of a hose. Handles and maintains hose, places and moves machine, and services and maintains machine.

(28) Jack hammer and chipping hammer operator: Operates jackhammer, chipping hammer, whether powered by air or electric or any other means.

(29) Tamper operator: Performs the compacting of soil using walk or stand behind equipment.

(30) Scaffold builder: Erects and dismantles all types of scaffolding, except wood scaffolding, for job site.

(31) Powderman tender: Carries powder or other explosive to blaster or powderman and assists by placing prepared explosive in hole, connecting lead wire to blasting machine, and performing other duties as directed.

(32) Water pump tender: fuels and tends to all water pumps under 6" for the purpose of moving water on the job site.

(33) Certified scissor lift or man lift operator: Person who completes competent person training certification in the operation of scissor and man lifts.

AV. Specialty laborer: Group IV:

(1) Asbestos abatement remover: A person who has proper certifications for removal of asbestos from pipes, ceiling and other parts of existing buildings, either by scraping or by using pressure by water. In addition, this definition includes a person who cleans up and disposes of asbestos after it has been removed.

(2) Toxic and hazardous waste remover: Person who has the proper certification for the removal of toxic and hazardous materials.

(3) Lead base paint remover: Person who has the proper certifications for the removal of lead base paints.

(4) Powderman and blaster: Prepares blasting material and inserts this material into predrilled holes. Performs electrical wiring necessary for detonation and assures that all charges have detonated before other workmen resume work in the area made hazardous by the charges.

(5) Pest technician (Licensed by the Bureau of Rodent Management): Technician certified for the removal and handling of rodents and pests.

(6) Radiation worker II: Person that completes proper training for work in areas containing radiation.

AW. Unskilled laborers: Group I:

(1) Chainman, stake driver, stake hopper: Carries supplies, drags chain, holds survey rod, drives stakes and assists surveyor in other related duties.

(2) Building and common laborer: A general term used on construction work covering many unskilled occupations. A laborer works with all crews doing everything from pick and shovel work to cleaning up lumber with hammer; shoveling and placing concrete; applying coats of oil to inside face of forms; stripping forms; working on rock crusher to feed trap; opening cement sacks at batch plant; working with dirt crew to move construction layout stakes; working as flagman, signalman or spotter to control traffic; serving as dumpman; spreading hot asphaltic material over roadbed with shovel; operating hand concrete buggy or wheelbarrow; helping painter to prepare surfaces for painting and cleaning paint equipment. Does not include roofing cleanup.

- (3) Concrete buggy operator (hand): Operating buggy by pushing or pulling by hand between mixer or other source to site of work.
- (4) Fire watch: a laborer who watches the work area for fires when craftsmen are cutting or welding.
- (5) Flagman: Flagman is stationed at strategic locations to control flow of traffic by hand held flags or other hand held warning device.
- (6) Window washer: Cleans and washes windows.
- (7) Unloading of furniture and fixtures: Unloads furniture and fixtures from trucks and moves them to the place of installation or storage.
- (8) Heat tenders: Fuels and tends to heaters use on the job sites.
- AX.** Underground laborers: Group I: Tunnel workers: Outside laborer, minimum tunnel, labor, dry houseman and hand muckers, top landers, trackmen.
- AY.** Underground laborers: Group II: Chuck tender, cable or base tenders, concrete laborers, dumpmen, whirley pump operators, tenders on shotcrete, gunniting and sandblasting, tenders core and diamond drills, pot tenders, concrete specialist (1) including finishing, grouting, patching, and curing, concrete specialist tender (2), applying of concrete processing materials, concrete worker, (including all chipping and finishing underground).
- AZ.** Underground Laborers: Group III: Shaft miner, tunnel miner, air tugger operators, collapsible form movers and setters, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required), tunnel liners, plate setters, all cutting and welding incidental to miners' work, vibrator men, internal and external, unloading, stopping and starting of moran agitator cars, diamond and core drill operators, shotcrete operator, gunnite nozzlemen.
- [11.1.2.18 NMAC - Rp, 11.1.2.17 NMAC, 12/30/2016; A, 1/1/2023; A, 5/19/2023; A, 1/1/2024; A, 10/21/2025]

11.1.2.20 PREVAILING WAGE AND FRINGE BENEFIT AND APPRENTICESHIP CONTRIBUTION

RATES: Pursuant to 11.1.2.13 NMAC, the director of the labor relations division of the department of workforce solutions hereby publishes the [2025] 2026 prevailing wage and fringe benefit rates and apprenticeship contributions that will apply to all wage rate decisions issued from January 1, [2025] 2026 through December 31, [2025] 2026.

A. TYPE A: STREET, HIGHWAY, UTILITY AND LIGHT ENGINEERING			
Trade Classification	Base Rate	Fringe Rate	Apprenticeship
Bricklayer/block layer/stonemason	[27.03] <u>33.41</u>	[10.99] <u>12.04</u>	
Bricklayer/block layer/stonemason: Curry, DeBaca, Quay and Roosevelt counties	23.10	8.98	
Bricklayer/block layer/stonemason: Dona Ana, Otero, Eddy, and Lea counties	29.56	14.10	
Carpenter/lather	[30.89] <u>32.12</u>	[13.26] <u>14.28</u>	
Carpenter: Los Alamos county	37.39	14.18	
Cement mason	[20.52] <u>21.75</u>	[7.61] <u>7.43</u>	
Drywall Finisher/Taper	[29.60] <u>31.60</u>	[9.63] <u>9.58</u>	
<u>Drywall Finisher/Taper: Los Alamos County</u>	<u>34.70</u>	<u>12.42</u>	
Glazier/Fabricator	[22.25] <u>22.75</u>	[7.40] <u>7.70</u>	
<u>Glazier/Fabricator: Los Alamos County</u>	<u>22.75</u>	<u>7.70</u>	
Ironworker			
Ironworker journeyman	[28.96] <u>29.45</u>	[19.51] <u>19.51</u>	
Probationary ironworker	[23.17] <u>23.56</u>	[19.51] <u>19.51</u>	
Painter [Commercial]	21.00	5.75	
<u>Painter: Los Alamos county</u>	<u>34.70</u>	<u>12.42</u>	
Paper Hanger	21.00	5.75	
<u>Paper Hanger: Los Alamos county</u>	<u>35.66</u>	<u>12.42</u>	

Plumber/pipefitter	[43.07] <u>44.32</u>	[17.25] <u>18.00</u>	
Roofer			
<u>Roofer journeyman</u>	<u>31.20</u>	<u>9.36</u>	
<u>Roofer helper</u>	<u>18.72</u>	<u>9.36</u>	
Electricians – outside classifications: Zone 1			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	
Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	
Lineman	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	
Journeyman technician	[45.86] <u>48.15</u>	[19.97] <u>20.53</u>	
<u>Journeyman- Substation Technician</u>	<u>48.15</u>	<u>20.53</u>	
<u>Journeyman – Transmittor Technician</u>	<u>47.58</u>	<u>20.40</u>	
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	
Electricians – outside classifications: Zone 2			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	
Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	
Lineman	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	
Journeyman technician	[45.86] <u>48.15</u>	[19.97] <u>20.53</u>	
<u>Journeyman – Substation Technician</u>	<u>48.15</u>	<u>20.53</u>	
<u>Journeyman – Transmittor Technician</u>	<u>47.58</u>	<u>20.40</u>	
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	
Electricians – outside classifications: Los Alamos County			
Ground man	[27.95] <u>29.35</u>	[13.34] <u>13.38</u>	
Equipment Operator	[40.11] <u>42.12</u>	[17.70] <u>17.76</u>	
Lineman/Technician	[50.54] <u>53.07</u>	[21.14] <u>21.77</u>	
Journeyman technician – Substation	[47.19] <u>49.55</u>	[20.29] <u>20.89</u>	
Cable Splicer	[55.50] <u>58.28</u>	[22.38] <u>23.07</u>	
Laborers			
Group I – Unskilled	[17.39] <u>18.41</u>	[7.51] <u>7.74</u>	
Group II – Semi-Skilled	[17.39] <u>19.41</u>	[7.51] <u>7.74</u>	
Group III – Skilled	[18.89] <u>19.91</u>	[7.51] <u>7.74</u>	
Group IV - Specialty	[19.39] <u>20.41</u>	[7.51] <u>7.74</u>	
Operators			
Group I	[23.00] <u>23.69</u>	6.95	
Group II	[24.00] <u>24.72</u>	6.95	
Group III	[25.50] <u>27.03</u>	6.95	
Group IV	[27.03] <u>28.65</u>	6.95	
Group V	[27.16] <u>28.79</u>	6.95	
Group VI	[27.41] <u>29.05</u>	6.95	

Group VII	[27.62] <u>29.28</u>	6.95	
Group VIII	[28.56] <u>30.27</u>	6.95	
Group IX	[37.81] <u>40.08</u>	6.95	
Group X	[42.19] <u>44.72</u>	6.95	
Soft Floor Layer	[21.00] <u>21.52</u>	[9.20] <u>9.40</u>	
<u>Soft Floor Layer: Los Alamos county</u>	<u>34.72</u>	<u>12.52</u>	
Truck drivers			
Group I – IX	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	
B. TYPE B: GENERAL BUILDING			
Trade Classification	Base Rate	Fringe Rate	Apprenticeship
[Asbestos workers/heat] <u>Heat & frost insulators</u>	[36.36] <u>39.23</u>	[12.46] <u>12.16</u>	.60
[Asbestos workers/heat] <u>Heat & frost insulators: Los Alamos county</u>	[38.79] <u>41.36</u>	[12.46] <u>12.16</u>	.60
Boilermaker/blacksmith	35.88	32.28	.60
Boilermaker/blacksmith: San Juan County	36.83	31.88	.60
Bricklayer/block layer/stonemason	[27.03] <u>33.41</u>	[10.99] <u>12.04</u>	.60
Bricklayer/block layer/stonemason: Curry, DeBaca, Quay, and Roosevelt counties	23.10	8.98	.60
Bricklayer/block layer/stonemason: Dona Ana, Otero, Eddy, and Lea	26.42	8.98	.60
Carpenter/lather	[30.89] <u>32.12</u>	[13.26] <u>14.28</u>	.60
Carpenter: Los Alamos county	37.39	14.18	.60
Millwright/pile driver	[50.00] <u>51.77</u>	[21.15] <u>22.13</u>	.60
Cement mason	[25.26] <u>26.26</u>	[11.48] <u>11.61</u>	.60
Electricians – outside classifications: Zone 1			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	.60
Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	.60
[Lineman/technician] <u>Lineman or technician</u>	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	.60
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	.60
Electricians – outside classifications: Zone 2			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	.60
Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	.60
[Lineman/technician] <u>Lineman or technician</u>	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	.60
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	.60
Electricians – outside classifications: Los Alamos County			
Ground man	[27.95] <u>29.35</u>	[13.34] <u>13.38</u>	.60
Equipment operator	[40.11] <u>42.12</u>	[17.70] <u>17.76</u>	.60
[Lineman/technician] <u>Lineman or technician</u>	[50.54] <u>53.07</u>	[21.14] <u>21.77</u>	.60
Cable splicer	[55.50] <u>58.28</u>	[22.38] <u>23.07</u>	.60
Electricians – inside classifications: Zone 1			
Wireman/low voltage technician	[40.30] <u>42.30</u>	[13.01] <u>13.42</u>	.60
Cable splicer	[44.33] <u>46.53</u>	[13.13] <u>13.55</u>	.60

Electricians – inside classifications: Zone 2			
Wireman/low voltage technician	[43.93] <u>46.11</u>	[13.11] <u>13.53</u>	.60
Cable splicer	[47.96] <u>50.34</u>	[13.25] <u>13.67</u>	.60
Electricians – inside classifications: Zone 3			
Wireman/low voltage technician	[46.35] <u>48.65</u>	[13.19] <u>13.60</u>	.60
Cable splicer	[50.38] <u>52.88</u>	[13.32] <u>13.74</u>	.60
Electricians – inside classifications: Zone 4			
Wireman/low voltage technician	[50.78] <u>53.30</u>	[13.32] <u>13.75</u>	.60
Cable splicer	[54.81] <u>57.53</u>	[13.44] <u>13.87</u>	.60
Electricians – inside classifications: Dona Ana, Hidalgo, Luna and Otero counties			
Wireman/low voltage technician	[32.82] <u>40.00</u>	[9.85] <u>9.92</u>	.60
Cable splicer	[32.82] <u>40.00</u>	[9.85] <u>9.92</u>	.60
Electricians – inside classifications: Los Alamos County			
Wireman/low voltage technician	[46.35] <u>48.65</u>	[15.50] <u>16.04</u>	.60
Cable splicer	[50.38] <u>52.88</u>	[15.83] <u>16.38</u>	.60
Elevator constructor	[51.49] <u>53.27</u>	[40.04] <u>40.89</u>	.60
Elevator constructor helper	[36.04] <u>37.30</u>	[40.04] <u>40.89</u>	.60
Glazier/Fabricator	[22.25] <u>22.75</u>	[7.40] <u>7.70</u>	
Glazier: Los Alamos county	[22.25] <u>22.75</u>	[7.40] <u>7.70</u>	.60
Ironworker			
Ironworker journeyman	[28.96] <u>29.45</u>	[19.11] <u>19.51</u>	.60
Probationary ironworker	[23.17] <u>23.56</u>	[19.11] <u>19.51</u>	.60
Painter	21.00	5.75	.60
Painter: Los Alamos county	[33.70] <u>34.70</u>	[12.00] <u>12.42</u>	.60
Paper Hanger	21.00	5.75	.60
Paper Hanger: Los Alamos county	[34.64] <u>35.66</u>	[12.00] <u>12.42</u>	.60
Drywall Finisher/Taper	[29.60] <u>31.60</u>	[9.63] <u>9.58</u>	.60
Drywall Finisher/Taper: Los Alamos County	[33.72] <u>34.70</u>	[12.00] <u>12.42</u>	.60
Plasterer	[24.76] <u>27.16</u>	[9.99] <u>9.59</u>	.60
Plumber/pipefitter	[38.92] <u>39.92</u>	[16.10] <u>16.85</u>	.60
Roofer			
Roofer journeyman	[29.71] <u>31.20</u>	9.36	.60
Roofer helper	[17.83] <u>18.72</u>	9.36	.60
Sheet metal worker			
Zone 1	[39.13] <u>40.74</u>	[19.33] <u>19.29</u>	.60
Zone 2 – Industrial	[40.13] <u>41.74</u>	[19.33] <u>19.29</u>	.60
Zone 3 – Los Alamos county	[41.13] <u>42.74</u>	[19.33] <u>19.29</u>	.60
Soft floor layer	[21.00] <u>21.52</u>	[9.20] <u>9.40</u>	.60
Soft floor layer: Los Alamos County	[31.20] <u>34.74</u>	[11.62] <u>12.52</u>	.60
Sprinkler fitter	[37.39] <u>39.94</u>	[25.14] <u>28.08</u>	.60
Tile setter	24.46	8.81	.60

Tile setter helper/finisher	16.53	8.81	.60
Laborers			
Group I – Unskilled	[20.44] <u>22.37</u>	[7.96] <u>8.48</u>	.60
Group II – Semi-Skilled	[20.44] <u>22.37</u>	[7.96] <u>8.48</u>	.60
Group III – Skilled	[21.44] <u>23.37</u>	[7.96] <u>8.48</u>	.60
Group IV – Specialty	[23.69] <u>25.62</u>	[7.96] <u>8.48</u>	.60
Operators			
Group I	[24.49] <u>26.61</u>	8.22	.60
Group II	[26.75] <u>29.07</u>	8.22	.60
Group III	[27.24] <u>29.61</u>	8.22	.60
Group IV	[27.70] <u>30.11</u>	8.22	.60
Group V	[27.96] <u>30.33</u>	8.22	.60
Group VI	[28.12] <u>30.57</u>	8.22	.60
Group VII	[28.23] <u>30.68</u>	8.22	.60
Group VIII	[31.43] <u>34.14</u>	8.22	.60
Group IX	[33.94] <u>36.89</u>	8.22	.60
Group X	[37.51] <u>40.77</u>	8.22	.60
Truck drivers			
Group I – VII	16.65	8.27	.60
Group VIII	16.71	8.27	.60
Group IX	18.65	8.27	.60
C. TYPE C: RESIDENTIAL			
Trade classification	Base rate	Fringe rate	Apprenticeship
[Asbestos workers/heat] <u>Heat & frost insulators</u>	[36.36] <u>39.23</u>	[12.46] <u>12.16</u>	.60
[Asbestos workers/heat] <u>Heat & frost insulators:</u> Los Alamos County	[38.79] <u>41.36</u>	[12.46] <u>12.16</u>	.60
Boilermaker/blacksmith	35.88	32.28	.60
Boilermaker/blacksmith: San Juan County	36.83	31.88	.60
Bricklayer/block layer/stonemason	[27.03] <u>33.41</u>	[10.99] <u>12.04</u>	.60
Bricklayer/block layer/stonemason: Curry, DeBaca, Quay, and Roosevelt counties	23.10	8.98	.60
Bricklayer/block layer/stonemason: Dona Ana, Otero, Eddy and Lea counties	26.42	8.98	.60
Carpenter/lather	[30.89] <u>32.12</u>	[13.26] <u>14.28</u>	.60
Carpenter: Los Alamos county	37.39	14.18	.60
Cement mason	[25.26] <u>26.26</u>	[11.48] <u>11.61</u>	.60
Electricians – outside classifications: Zone 1			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	.60
Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	.60
[Lineman/technician] <u>Lineman or technician</u>	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	.60
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	.60
Electricians – outside classifications: Zone 2			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	.60

Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	.60
[Lineman/technician] <u>Lineman or technician</u>	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	.60
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	.60
Electricians – outside classifications: Los Alamos county			
Ground man	[27.95] <u>29.35</u>	[13.34] <u>13.38</u>	.60
Equipment operator	[40.11] <u>42.12</u>	[17.70] <u>17.76</u>	.60
[Lineman/technician] <u>Lineman or technician</u>	[50.54] <u>53.07</u>	[21.14] <u>21.77</u>	.60
Cable splicer	[55.50] <u>58.28</u>	[22.38] <u>23.07</u>	.60
Electricians – inside classifications: Zone 1			
Wireman/low voltage technician	[40.30] <u>42.30</u>	[13.01] <u>13.42</u>	.60
Cable splicer	[44.33] <u>46.53</u>	[13.13] <u>13.55</u>	.60
Electricians – inside classifications: Zone 2			
Wireman/low voltage technician	[43.93] <u>46.11</u>	[13.11] <u>13.53</u>	.60
Cable splicer	[47.96] <u>50.34</u>	[13.25] <u>13.67</u>	.60
Electricians – inside classifications: Zone 3			
Wireman/low voltage technician	[46.35] <u>48.65</u>	[13.19] <u>13.60</u>	.60
Cable splicer	[50.38] <u>52.88</u>	[13.32] <u>13.74</u>	.60
Electricians – inside classifications: Zone 4			
Wireman/low voltage technician	[50.78] <u>53.30</u>	[13.32] <u>13.75</u>	.60
Cable splicer	[54.81] <u>57.53</u>	[13.44] <u>13.87</u>	.60
Electricians – inside classifications: Dona Ana, Hidalgo, Luna and Otero counties			
Wireman/low voltage technician	[32.82] <u>40.00</u>	[9.85] <u>9.92</u>	.60
Cable splicer	[32.82] <u>40.00</u>	[9.85] <u>9.92</u>	.60
Electricians – inside classifications: Los Alamos County			
Wireman/low voltage technician	[46.35] <u>48.65</u>	[15.50] <u>16.04</u>	.60
Cable splicer	[50.38] <u>52.88</u>	[15.83] <u>16.38</u>	.60
Elevator constructor	[51.49] <u>53.27</u>	[40.04] <u>40.89</u>	.60
Elevator constructor helper	[36.04] <u>37.30</u>	[40.04] <u>40.89</u>	.60
Glazier/Fabricator	[22.25] <u>22.75</u>	[7.40] <u>7.70</u>	.60
<u>Glazier/Fabricator: Los Alamos County</u>	<u>22.75</u>	<u>7.70</u>	<u>.60</u>
Ironworker			
Ironworker journeyman	[28.96] <u>29.45</u>	[19.11] <u>19.51</u>	.60
Probationary ironworker	[23.17] <u>23.56</u>	[19.11] <u>19.51</u>	.60
Painter [—Residential]	19.00	5.75	.60
<u>Painter: Los Alamos County</u>	<u>34.70</u>	<u>12.42</u>	<u>.60</u>
Drywall Finisher/Taper – Light commercial & residential	[25.99] <u>27.78</u>	[9.63] <u>9.58</u>	.60
Drywall Finisher/Taper: Los Alamos County	<u>34.70</u>	<u>12.42</u>	<u>.60</u>
Paper hanger	19.00	5.75	.60
<u>Paper Hanger: Los Alamos County</u>	<u>35.66</u>	<u>12.42</u>	<u>.60</u>
Plasterer	[24.76] <u>27.16</u>	[9.99] <u>9.59</u>	.60

Plumber/pipefitter	[29.47] <u>31.94</u>	[7.60] <u>8.40</u>	.60
Roofer			
Roofer Journeyman	[29.71] <u>31.20</u>	9.36	.60
Roofer Helper	[17.83] <u>18.72</u>	9.36	.60
Sheet metal worker			
Zone 1	[39.13] <u>40.74</u>	[19.33] <u>19.29</u>	.60
Zone 2 – Industrial	[40.13] <u>41.74</u>	[19.33] <u>19.29</u>	.60
Zone 3 – Los Alamos county	[41.13] <u>42.74</u>	[19.33] <u>19.29</u>	.60
Soft floor layer	[21.00] <u>21.52</u>	[9.20] <u>9.40</u>	.60
Soft floor layer: Los Alamos County	<u>34.72</u>	<u>12.52</u>	
Sprinkler fitter	[37.39] <u>39.94</u>	[25.14] <u>27.08</u>	.60
Tile setter	24.46	8.81	.60
Tile setter [helper] finisher	16.53	8.81	.60
Laborers			
Group I – Unskilled	[13.44] <u>15.37</u>	[8.16] <u>8.43</u>	.60
Group II – Semi-skilled	[13.44] <u>15.37</u>	[8.16] <u>8.43</u>	.60
Group III – Skilled	[14.44] <u>16.37</u>	[8.16] <u>8.43</u>	.60
Group IV – Specialty	[15.44] <u>17.37</u>	[8.16] <u>8.43</u>	.60
Operators			
Group I	[19.50] <u>21.20</u>	[8.82] <u>8.22</u>	.60
Group V	[21.33] <u>23.18</u>	[8.82] <u>8.22</u>	.60
Group VII	[25.75] <u>27.99</u>	[8.82] <u>8.22</u>	.60
Group VIII	[27.95] <u>30.38</u>	[8.82] <u>8.22</u>	.60
Truck drivers			
Group I – IX	20.75	6.27	.60
D. TYPE H: HEAVY ENGINEERING			
Trade Classification	Base Rate	Fringe Rate	Apprenticeship
[Asbestos workers/heat] <u>Heat & frost insulators</u>	[36.36] <u>39.23</u>	[12.46] <u>12.16</u>	.60
[Asbestos workers/heat] <u>Heat & frost insulators:</u> Los Alamos County	[38.79] <u>41.36</u>	[12.46] <u>12.16</u>	.60
Boilermaker/blacksmith	35.88	32.28	.60
Boilermaker/blacksmith: San Juan County	36.83	31.88	.60
Bricklayer/block layer/stonemason	[27.03] <u>33.41</u>	[10.99] <u>12.04</u>	.60
Bricklayer/block layer/stonemason: Curry, DeBaca, Quay and Roosevelt counties	23.10	8.98	.60
Bricklayer/block layer/stonemason: Dona Ana, Otero, Eddy, and Lea counties	26.42	8.98	.60
Carpenter/lather	[30.89] <u>32.12</u>	[13.26] <u>14.28</u>	.60
Carpenter: Los Alamos county	37.39	14.18	.60
Millwright/pile driver	[50.00] <u>51.77</u>	[21.15] <u>22.13</u>	.60
Cement mason	[25.08] <u>26.31</u>	[7.41] <u>7.43</u>	.60
Electricians - outside classifications: Zone 1			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	.60

Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	.60
[Lineman/technician] Lineman or technician	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	.60
Journeyman- Substation Technician	<u>48.15</u>	<u>20.53</u>	.60
Journeyman – Transmittor Technician	<u>47.58</u>	<u>20.40</u>	.60
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	.60
Electricians - outside classifications: Zone 2			
Ground man	[27.18] <u>28.54</u>	[13.32] <u>13.36</u>	.60
Equipment operator	[38.99] <u>40.94</u>	[17.67] <u>17.73</u>	.60
[Lineman/technician] Lineman or technician	[49.25] <u>51.71</u>	[20.82] <u>21.43</u>	.60
Journeyman- Substation Technician	<u>48.15</u>	<u>20.53</u>	.60
Journeyman – Transmittor Technician	<u>47.58</u>	<u>20.40</u>	.60
Cable splicer	[50.46] <u>52.98</u>	[21.11] <u>21.75</u>	.60
Electricians – outside classifications: Los Alamos County			
Ground man	[27.95] <u>29.35</u>	[13.34] <u>13.38</u>	.60
Equipment operator	[40.11] <u>42.12</u>	[17.70] <u>17.76</u>	.60
[Lineman/technician] Lineman or technician	[50.54] <u>53.07</u>	[21.14] <u>21.77</u>	.60
Cable splicer	[55.50] <u>58.28</u>	[22.38] <u>23.07</u>	.60
Electricians – inside classifications: Zone 1			
Wireman/low voltage technician	[40.30] <u>42.30</u>	[13.01] <u>13.42</u>	.60
Cable splicer	[44.33] <u>46.53</u>	[13.13] <u>13.55</u>	.60
Electricians - inside classifications: Zone 2			
Wireman/low voltage technician	[43.93] <u>46.11</u>	[13.11] <u>13.53</u>	.60
Cable splicer	[47.96] <u>50.34</u>	[13.25] <u>13.67</u>	.60
Electricians - inside classifications: Zone 3			
Wireman/low voltage technician	[46.35] <u>48.65</u>	[13.19] <u>13.60</u>	.60
Cable splicer	[50.38] <u>52.88</u>	[13.32] <u>13.74</u>	.60
Electricians - inside classifications: Zone 4			
Wireman/low voltage technician	[50.78] <u>53.30</u>	[13.32] <u>13.75</u>	.60
Cable splicer	[54.81] <u>57.53</u>	[13.44] <u>13.87</u>	.60
Electricians – inside classifications: Dona Ana, Hidalgo, Luna and Otero counties			
Wireman/low voltage technician	[32.82] <u>40.00</u>	[9.85] <u>9.92</u>	.60
Cable splicer	[32.82] <u>40.00</u>	[9.85] <u>9.92</u>	.60
Electricians – inside classifications: Los Alamos County			
Wireman/low voltage technician	[46.35] <u>48.65</u>	[15.50] <u>16.04</u>	.60
Cable splicer	[50.38] <u>52.88</u>	[15.83] <u>16.38</u>	.60
Glazier/Fabricator	[22.25] <u>22.75</u>	[7.40] <u>7.70</u>	.60
Glazier/Fabricator: Los Alamos County	<u>22.75</u>	<u>7.70</u>	.60
Ironworker			
Ironworker journeyman	[28.96] <u>29.45</u>	[19.11] <u>19.51</u>	.60
Probationary ironworker	[23.17] <u>23.56</u>	[19.11] <u>19.51</u>	.60

Painter – Industrial	24.00	6.70	.60
<u>Painter – Industrial: Los Alamos County</u>	<u>34.70</u>	<u>12.42</u>	<u>.60</u>
Paperhanger	24.00	6.70	.60
<u>Paperhanger: Los Alamos County</u>	<u>35.66</u>	<u>12.42</u>	<u>.60</u>
Drywall Finisher/Taper – Industrial	[30.51] <u>32.57</u>	[9.63] <u>9.58</u>	.60
<u>Drywall Finisher/Taper – Industrial: Los Alamos County</u>	<u>34.70</u>	<u>12.42</u>	<u>.60</u>
Plumber/pipefitter	[43.07] <u>44.32</u>	[17.25] <u>18.00</u>	.60
Roofer			
Roofer journeyman	[29.71] <u>31.20</u>	9.36	.60
Roofer helper	[17.83] <u>18.72</u>	9.36	.60
Sheet metal worker	[39.13] <u>41.74</u>	[19.33] <u>19.29</u>	.60
Operators			
Group I	[26.32] <u>27.02</u>	6.95	.60
Group II	[26.46] <u>27.25</u>	6.95	.60
Group III	[26.71] <u>28.31</u>	6.95	.60
Group IV	[27.27] <u>28.91</u>	6.95	.60
Group V	[27.39] <u>29.03</u>	6.95	.60
Group VI	[27.65] <u>29.31</u>	6.95	.60
Group VII	[27.67] <u>29.33</u>	6.95	.60
Group VIII	[30.56] <u>32.39</u>	6.95	.60
Group IX	[36.83] <u>39.15</u>	6.95	.60
Group X	[41.06] <u>43.52</u>	6.95	.60
Laborers			
Group I – Unskilled	[19.74] <u>20.76</u>	[7.51] <u>7.74</u>	.60
Group II – Semi-Skilled	[21.19] <u>22.21</u>	[7.51] <u>7.74</u>	.60
Group III – Skilled	[22.00] <u>23.02</u>	[7.51] <u>7.74</u>	.60
Group IV- Specialty	[22.40] <u>23.42</u>	[7.51] <u>7.74</u>	.60
Laborers – Underground			
Group I	[21.85] <u>22.87</u>	7.12	.60
Group II	[22.65] <u>23.67</u>	7.12	.60
Group III	[22.37] <u>24.39</u>	7.12	.60
Soft Floor Layer	[21.00] <u>21.52</u>	[9.20] <u>9.40</u>	.60
<u>Soft Floor Layer: Los Alamos County</u>	<u>34.72</u>	<u>12.52</u>	<u>.60</u>
Truck drivers			
Group I	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60
Group II	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60
Group III	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60
Group IV	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60
Group V	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60
Group VI	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60
Group VII	[20.55] <u>21.70</u>	[9.40] <u>9.65</u>	.60

Group VIII	[20:55] 21.70	[9:40] 9.65	.60
Group IX	[26:55] 27.70	[9:40] 9.65	.60

[11.1.2.20 NMAC - N, 02/29/2016; Rp, 1/1/2017; A, 1/1/2018, A, 1/1/2019; A, 1/1/2020; A, 1/1/2021; A, 1/1/2022; A, 1/1/2023; A, 1/1/2024; A, 1/1/2025; A, 1/1/2026]

11.1.2.21 Subsistence, zone, and incentive pay rates. All contractors are required to pay subsistence, zone, and incentive pay according to the particular trade.

A. ~~[Asbestos workers or heat and frost insulators]~~

~~(1) Zone 1 shall consist of the area lying within the city limits of a circle whose radius is 66 miles from the city hall in Albuquerque or the city hall in El Paso - \$0.00 per day.~~

~~(2) Zone 2 shall consist of Los Alamos county - \$40.00 per day if not furnished a company-owned vehicle.~~

~~(3) Zone 3 shall consist of the area lying beyond a circle whose radius is over 66 miles from the city hall in Albuquerque or the city hall in El Paso - \$85.00 per day.~~

~~**B.]** Boilermakers/blacksmiths~~

~~(1) Per diem is calculated from city hall of the dispatch city or the employee's home address, whichever is closer to the job location.~~

~~(2) Per diem is \$55.00 per day for travel between 70 and 120 miles and \$85.00 per day for travel over 120 miles.~~

~~**[C.] B.** Bricklayers~~

~~(1) For Albuquerque area contractors, the starting point shall be at the intersection of I-40 and I-25 and shall continue to the job site. All other areas, the starting point shall be the employer's main office address.~~

~~(2) Between 50 and 75 miles from the starting point, \$35.00 per day.~~

~~(3) 76 or more miles from the starting point, \$55.00 per day.~~

~~(4) All covered refractory work over 75 miles from the intersection of I-40 and I-25, \$80.00 per day.~~

~~**[D:] C.** Cement masons~~

~~(1) [For employees who travel to Santa Fe from Albuquerque or vice versa,] For employees traveling more than 50 miles to a job site in Santa Fe, \$20.00 per day.~~

~~(2) In all other work performed more than 50 miles from the employer's main office, \$50.00 per day.~~

~~(3) Mutually agreed-upon lodging or transportation paid for by the employer will substitute for subsistence pay.~~

~~**[E:] D.** Drywall finishers and tapers:~~

~~(1) All zones are measured from the Albuquerque city hall.~~

~~(2) Up to 70 miles is a free zone.~~

~~(3) Between 71 and 100 miles shall be paid a \$30.00 expense allowance per day worked.~~

~~(4) Over 101 miles shall be paid \$80.00 expense allowance per day worked.~~

~~(5) Employees who travel from Santa Fe to Albuquerque will be paid \$30.00 per day or other mutually agreed upon lodging or transportation.~~

~~(6) An area within a 50-mile radius of the address where an employee permanently resides at the time of hire, outside of Santa Fe or Albuquerque, shall be a free zone.~~

~~(7) When the employer pays for the hotel for out-of-town work, the employee shall receive \$30.00 per day for expenses. Each room shall not house more than two people per room.~~

~~**[F:] E.** Electricians (inside classifications)~~

~~(1) For Albuquerque only:~~

~~(a) Zone 1 is classified as being within 40 miles from the main post office.~~

~~(b) Zone 2 shall extend up to 10 miles beyond zone 1. Work performed within zone 2 shall be compensated nine percent above the journeyman rate for zone 1.~~

~~(c) Zone 3 shall extend up to 20 miles beyond zone 1. Work performed within zone 3 shall be compensated fifteen percent above the journeyman rate for zone 1.~~

~~(d) Zone 4 shall extend 20 miles or more beyond zone 1. Work performed within zone 4 shall be compensated twenty six percent above the journeyman rate for zone 1.~~

~~(2) For Los Alamos county only: work performed within the county shall be compensated fifteen percent above the zone 1 journeyman rate.~~

~~(3) For all other counties:~~

~~(a) Zone 1 is:~~

~~(i) within six miles from the main post office for Raton, Tucumcari, and Farmington.~~

~~(ii) within eight miles from the main post office for Las Vegas.~~

~~(iii) within 10 miles from the main post office for Santa Fe and Gallup.~~

~~(iv) within 12 miles from the main post office for Belen, Carrizozo, Clovis, Los Lunas, Portales, Roswell, Ruidoso, Artesia, Carlsbad, Hobbs, and Lovington.~~

~~(v) within fourteen miles from the main post office for Espanola.~~

~~(b) Zone 2 shall extend up to 20 miles beyond zone 1. Work performed within zone 2 shall be compensated nine percent above the journeyman rate for zone 1.~~

(c)
Zone 3 shall extend up to 30 miles from zone 1. Work performed within zone 3 shall be compensated fifteen percent above the journeyman rate for zone 1.

(d)
Zone 4 shall extend beyond 30 miles from zone 1. Work performed within zone 4 shall be compensated twenty six percent above the journeyman rate for zone 1.

(4)
Commuting time to and from a job site at the beginning and end of each workday is not compensable. However, if workers are required to report to the shop at the start of the day or return to the shop at the end of the day, then that time spent traveling is compensable. Similarly, time spent traveling from job to job is compensable. In both cases, workers shall be paid for the time spent traveling and shall be furnished transportation by the employer. Under these conditions the Zone 1 rate and any applicable overtime will be paid.

[G.] E. Electricians (outside classification – Zone 2): \$50.00 per diem to be paid for work 30 miles outside of Santa Fe and 60 miles outside of Albuquerque. No per diem in Los Alamos county.

[H.] G. Glaziers:
(1) When out-of-town travel is required, the employer shall provide suitable lodging with no more than two people per room and \$30.00 per day for expenses, or;

(2) Pay \$100 per day for expenses, plus their regular rate of pay.

(3) Employees required to use a personal vehicle for travel to a jobsite beyond a 50-mile radius from their residence or the employer's shop, whichever is closest to the job, shall be compensated at the current IRS rate for actual mileage incurred beyond the 50-mile radius, plus their regular rate of pay for travel time.

H. Heat and frost insulators:

(1) Zone 1 shall consist of the area lying within

the city limits of a circle whose radius is 66 miles from the city hall in Albuquerque or the city hall in El Paso - \$0.00 per day.

(2) Zone 2 shall consist of Los Alamos county - \$40.00 per day if not furnished a company owned vehicle.

(3) Zone 3 shall consist of the area lying beyond a circle whose radius is over 66 miles from the city hall in Albuquerque or the city hall in El Paso - \$85.00 per day.

I. Ironworkers:
(1) Travel more than 50 miles from the interchange of Interstate 25 and Interstate 40 or from the employee's home should be paid at [\$9.00] \$10.00 per hour.

(2) If travel is within Santa Fe county, travel should be paid at \$3.00 per hour.

J. Laborers:
(1) Type A:
(a) Work travel between 50 and 85 miles from the [employer's primary address]-union halls of Albuquerque, Espanola, Farmington or Las Cruces should be compensated at \$3.50 per hour.

(b) Work travel 86 miles or greater from the [employer's primary address] union halls of Albuquerque, Espanola, Farmington or Las Cruces should be compensated at \$5.00 per hour.

(2) Types B and C:

(a) Work travel over 70 miles from the union halls of Albuquerque, Espanola, Farmington or Las Cruces shall be paid at \$7.00 per hour in travel pay, not to exceed 10 hours per day.

(b) If an overnight stay is necessary, the employer shall pay \$40.00 per day for meals, in addition to travel pay.

(3) Type H – no zone subsistence pay.

(4) If an employer provides the employee transportation and mutually agreeable, suitable lodging in areas where overnight stays are necessary, subsistence rates do not apply.

K. Millwrights
(1) All zone pay shall be calculated from the address of the city hall of the respective dispatch point using the "shortest route" filter on Google Maps.

(2) Zone 1: Work traveled up to 45 miles from the address of the city hall of the respective dispatch points is a free zone.

(3) Zone 2: Work traveled between 45 miles and 100 miles shall be compensated at \$4.00 per hour above base wage.

(4) Zone 3: Work traveled 101 miles or more shall be compensated at \$6.00 per hour above base wage.

(5) If employer fails to provide suitable lodging, employer shall pay \$110.00 per diem.

(6) If an employee's principal place of residence is within 45 road miles from the project, no subsistence or travel time shall be paid.

L. Operating Engineers

(1) Type A operators should be compensated for zone and subsistence as follows:

(a) Work travel between 50 and 85 miles from the interchange of Interstate 25 and Interstate 40 in Albuquerque, or from the Farmington city hall in Farmington, should be compensated at \$2.50 per hour.

(b) Work travel 86 miles or more from the interchange of Interstate 25 and Interstate 40 in Albuquerque or from the Farmington city hall in Farmington, should be compensated at \$4.00 per hour.

(2) Type B and C operators:

(a) Base points for operators are 30 miles and beyond from the following base points or the employee's home, whichever is closer:

(i) Bernalillo county courthouse in Albuquerque;

(ii) state capital building in Santa Fe;

(iii) city hall in Farmington.

(b) Zone and subsistence for Albuquerque, Santa Fe and Farmington are as follows:

(i) work travel between 30 and 50 miles from the base point compensated at \$20.00 per day;

(ii) work travel between 51 and 100 miles from the base point compensated at \$50.00 per day;

(iii) work travel over 100 miles from the base point that involves an overnight stay compensated at \$100.00 per day.

(c) Zone and subsistence for Los Alamos county, \$100.00 per day. This takes precedence of the 50-mile radius for Santa Fe zone and subsistence.

(d) If an employer provides the employee transportation and mutually agreeable, suitable lodging in areas where overnight stays are necessary, subsistence rates do not apply.

(3) Type H operators are not eligible for zone and subsistence pay.

M. Painters

(1) When out-of-town travel is required, the employer shall provide suitable lodging with no more than two people per room and \$30.00 per day for expenses.

(2) When out-of-town travel is required and employer does not provide lodging, employer shall pay \$100 per day for expenses, plus their regular rate of pay.

(3) Employees required to use a personal vehicle for travel to a jobsite beyond a 60-mile radius from their residence or the employer's shop, whichever is closest to the job, shall be compensated at the current IRS rate for actual mileage incurred beyond the 60-mile radius, plus their regular rate of pay for travel time.

N. Paper hangers

(1) When out-of-town travel is required, the employer shall provide suitable lodging with no more than two people per room and \$30.00 per day for expenses.

(2) When out-of-town travel is required and employer does not provide lodging, employer shall pay \$100 per day for expenses, plus their rate of pay.

(3) Employees required to use a personal vehicle for travel to a jobsite beyond a 60-mile radius from their residence or the employer's shop, whichever is closest to the job, shall be compensated at the current IRS rate for actual mileage incurred beyond the 60-mile radius, plus their regular rate of pay for travel time.

O. Plasterers

(1) Employees who travel from Albuquerque to Santa Fe should be compensated at \$20.00 per day or other mutually agreed suitable lodging.

(2) Except for employees who travel from Santa Fe to Albuquerque, work travel over 75 miles ~~[or more]~~ from the employer's office over the most typically traveled route should be compensated at \$5.00 per hour and capped at \$40.00 per day or mutually agreed suitable lodging.

P. Plumbers and pipefitters

(1) Work travel for 90 or more miles from an employee's primary residence, and involving an overnight stay, should be compensated at ~~[\$80.00]~~ \$120.00 per day.

(2) No zone or subsistence pay is required should the employer elect to cover the room cost.

Q. Roofers ~~[work travel requiring an overnight stay should be compensated at \$35.00 per day for food. Employer should provide and pay for a suitable hotel. When employees are assigned to jobs located 60 or more miles from the employer's place of business, transportation to and from the job site must be provided.]~~

(1) Employees assigned to jobs located more than 60 miles from the employer's place of business shall received transportation to and from the job.

(2) Overnight stays required by employer, \$90.00 or more per diem per day to cover all room and board expenses.

R. Sheet metal workers

(1) Subsistence will be paid in any area outside the employer's home zone unless the jobsite is within 90 miles, by most direct regularly traveled route, of an employee's principal place of residence, in which case the employer will not be required to pay subsistence to that employee while working on that jobsite.

(2) If an overnight stay is required, \$120.00 subsistence will be paid for each day worked outside of the employer's home zone. If no overnight stay is required, travel time will be paid both ways during each day worked outside of the employer's home zone.

(3) No subsistence pay is required should employer decide to cover room costs at a suitable location and no more than two workers are in a room.

(4) Zone 1: any area within an employer's home zone. An employer's home zone shall consist of 90 miles by most direct regularly traveled route from the main post office in the municipality of the employer's primary place of business, and including Los Alamos and Espanola, regardless of mileage.

(5) Zone 2 (Industrial):

(a) Industrial work will be defined as all new construction work performed on the following types of facilities: electrical generation plants, co-generation plants 50 megawatts and over, refineries, natural and LP gas plants, mills, mines, and concentrators. Maintenance and retrofit work are excluded.

(b) the minimum rate of pay for all work described in Subsection A of this section will be as indicated under

zone 2 of the public works prevailing wage rates in 11.1.2.20 NMAC.

(6) Zone 3

(Los Alamos):

(a)

All work on Los Alamos National Laboratory property, and all prevailing wage work within the county of Los Alamos.

(b)

The minimum rate of pay for all work described in Subsection A of this section will be as indicated under zone 3 of the public works prevailing wage rates in 11.1.2.20 NMAC.

(7) Travel:

(a)

All time spent traveling during the regular workday will be considered time worked and will be paid at the zone 1 rate of pay, provided such travel is directed by the employer. Travel before or after the regular workday will not be considered time worked and will not be paid unless required by federal or state law. If required by law, all time spent traveling outside the regular workday will be paid at the overtime rate of time and a half times two thirds the regular zone 1 rate of pay.

(b)

If an employer sends an employee to perform work outside the territorial jurisdiction of the United States or Canada, travel pay and subsistence arrangements shall be negotiated locally.

S. Soft floor layer

(1) Zone 1:

Base pay for an area within a 30-mile radius from the main post office in the city or town where the employee permanently resides. Albuquerque, Santa Fe, and Belen shall be considered Zone 1.

(2) Zone 2:

Work travel between 30 and 75 miles from the main post office in the town where an employee permanently resides shall be compensated at \$1.00 per hour above base pay.

(3) Zone 3:

Work travel 75 miles or more from the main post office in the town where an employee permanently resides shall be compensated at \$3.13 per hour above base pay.

(4) Employer

will furnish transportation or gasoline for all work performed beyond the 30 mile radius that encompasses the free cities of Albuquerque, Santa Fe, or Belen.

(5) When the

employee is directed to report to a job site and the distance to the job site requires the employee to stay out of town overnight, the employer shall provide housing arrangements.

T. Sprinkler fitters

(1) Work

travel between 60 and 80 miles from the employee's primary residence should be compensated at [~~\$23.00~~] \$30.00 per day.

(2) Work

travel between 81 and 100 miles from the employee's primary residence should be compensated at [~~\$33.00~~] \$39.00 per day.

(3) Work

travel of 101 miles or more from the employee's primary residence should be compensated at [~~\$125.00~~] \$150.00 per day.

(4) No zone

or subsistence pay shall be paid when the employer provides daily transportation and the employee elects to travel back and forth from home. [11.1.2.21 NMAC - N, 1/1/2019; A, 1/1/2020; A, 1/1/2021; A, 1/1/2022; A, 1/1/2023; A, 1/1/2024; A, 1/1/2025; A, 1/1/2026]

End of Adopted Rules

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Other Material Related to Administrative Law

AGRICULTURE,
DEPARTMENT OF

NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION

The Department of Agriculture gives Notice of a Minor, Non-substantive Correction to 21.17.50 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 rule, as follows:

Section 7: In Subsections E and H, the term “and/or” was changed to “and” to conform to correct legislative style.

Section 8: In Subsection B, paragraph (15), the term “and/or” was changed to “and” to conform to correct legislative style.

A copy of this Notification will be filed with the official version of the above amendment.

**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

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. The New Mexico Register is available free online at: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941

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
Issue 19	September 24	October 6
Issue 20	October 8	October 20
Issue 21	October 22	November 3
Issue 22	November 5	November 17
Issue 23	November 19	December 8
Issue 24	December 10	December 22

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