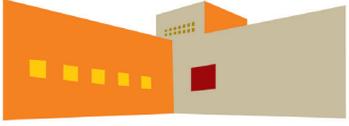


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# New Mexico Register

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

**Volume XXXVII - Issue 4 - February 24, 2026**

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## **The New Mexico Register**

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# New Mexico Register

Volume XXXVII, Issue 4

February 24, 2026

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**Notices of Rulemaking and Proposed Rules**

**HEALTH CARE  
AUTHORITY  
BEHAVIORAL HEALTH  
SERVICES DIVISION**

**NOTICE OF RULEMAKING**

The New Mexico Health Care Authority (HCA), through the Behavioral Health Services Division (BHSD), is proposing to repeal and replace the New Mexico Administrative Code (NMAC) rule 8.321.10 Opioid Treatment Programs.

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

Notice Date: February 24, 2026  
Hearing Date: March 24, 2026  
Adoption Date: April 24, 2026  
Technical Citations: Part 8 of Title 42 Code of Federal Regulations (CFR)

**Background**

HCA is re-promulgating these rules to align with federal regulations outlined in Part 8 of Title 42 Code of Federal Regulations (CFR), which went into effect on April 2, 2024. This rule expands access to medications for opioid use disorder treatment, reduces stigmatizing language and practices, supports a patient-centered approach, and promotes provider flexibility in providing care. These rules specify the standards identified as essential for effective treatment in OTPs.

**The Health Care Authority is proposing to repeal and replace the rule as follows:  
8.321.10 NMAC**

Sections 1 - 32 have been amended to reflect updated CFR changes.

**I. RULE**

These proposed rule changes will be contained in 8.321.10 NMAC. This register and the proposed rule are available on the HCA website at: <https://www.hca.nm.gov/>

lookingforinformation/registers/ and <https://www.hca.nm.gov/comment-period-open-2025/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

**II. EFFECTIVE DATE**

The Health Care Authority proposes to implement this rule effective **April 24, 2026**.

**III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on **March 24, 2026** at 10:00am. The hearing will be held at the Behavioral Health Services Division at 39 Plaza la Prensa, Santa Fe, NM 87505 and via Zoom.

**Join Zoom Meeting**

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact BHSD in Santa Fe at (505) 470-8378. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

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

**IV. ADDRESS**

Interested persons may address written comments to:

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

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [HCA-madrules@hca.nm.gov](mailto:HCA-madrules@hca.nm.gov). Written mail, electronic

mail and recorded comments must be received **no later than 5 p.m. MT on March 24, 2026**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/comment-period-open-2025/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

**HEALTH CARE  
AUTHORITY  
INCOME SUPPORT DIVISION**

**NOTICE OF PROPOSED  
RULEMAKING**

On July 4, 2025, President Donald J. Trump signed into law House of Representatives (H.R. 1), which included Section 10102 (SNAP Work Requirements), Section 10105 (SNAP Matching Funds Requirements), and Section 10108 (Immigration SNAP Eligibility). Under H.R. 1, Section 10102 and 10108, the federal requirements were to be implemented no later than November 1, 2025. However, the Authority received formal notification and detailed federal guidance from the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) on:

- October 3, 2025: Received SNAP Provisions for Section 10102
- October 30, 2025: Received SNAP Provisions for Section 10108

These changes became effective upon enactment. Due to the untimely receipt of federal guidance, the Authority was unable to meet November 1, 2025. The Health Care Authority (HCA) Income Support Division (ISD) implemented a temporary emergency rule effective January 1, 2026. This emergency rule does not permanently amend or repeal

the existing rule and will remain in effect only until a permanent rule is adopted through the regular rulemaking process.

HCA is also proposing amendments to 8.100.130 NMAC to eliminate client self-attestation as verification for shelter, utility, and dependent care expenses. H.R. 1 Section 10105, *SNAP Matching Funds*, establishes a SNAP Quality Control incentive requiring states to contribute matching funds toward SNAP benefit allotments based on their payment error rate. The required state share ranges from 0 to 15 percent depending on the States SNAP Payment Error Rate (PER) and begins in Fiscal Year 2028.

HCA is working to reduce its payment error rate to below 6 percent to minimize the State’s required match. Eliminating client self-attestation for shelter, utility and dependent care expenses is expected to reduce the error rate.

HCA’s analysis found that client self-attestation significantly contributes to payment errors, particularly client-caused errors that could have been prevented with documentation. Error data from federal fiscal years 2023 and 2024 and October 2024–July 2025 indicate the overall payment error rate could have been reduced by an average of 3–6%. This corrective action is essential to protect program integrity, accuracy, and State resources.

The Authority is proposing rule to implement the following sections of the New Mexico Administrative Code (NMAC):

**8.100.130 NMAC**

**Section 26**

*Revises the language in accordance with H.R.1 Section 10105:*

- A. The applicant/recipient is required to provide verification to determine if the household can claim the shelter expense:
  - (1) An obligation to pay for monthly shelter expenses is considered a deduction for SNAP. If

verification of a shelter expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for shelter expenses. Documents which may be used to verify the obligation to pay for shelter include:

- (2) If documentary evidence is not readily available, a collateral contact may be selected to verify the obligation to pay for shelter or the use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

B. An obligation to pay for the utility expense is considered a deduction for SNAP. If verification of a utility expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for the utility expenses. Documents which may be used to verify the obligation to pay for the utility expense include:

- (5) if documentary evidence is not readily available, a collateral contact may be selected to verify the obligation to pay for utilities or the use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

**Section 28**

*Revises the language in accordance with H.R.1 Section 10105:*

A. An obligation to pay for the dependent care expense is considered a deduction for SNAP. If verification of a dependent care expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for the dependent care expenses. Documents which may be used to verify the obligation to pay for the dependent care expenses include:

- B. (4) if documentary evidence is not readily available, a collateral contact may be selected as verification of dependent care cost or use the other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

**8.139.410 NMAC**

**Section 9:**

*Revises the language in accordance with H.R.1 Section 10108:*

“The authority will determine

- eligibility for non-citizens.
  - A. a resident of the United States; and
  - B. one of the following:
    - (1) a citizen or national of the United States; or
    - (2) an individual who lawfully resides in the United States in accordance with
      - Compacts of Free Association (COFA) citizens referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; or
    - (3) a non-citizen who has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422); or
    - (4) a non-citizen lawfully admitted for permanent residence (LPR) as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act, excluding, among others, visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign county must meet one of the following requirements:
      - (a) Have resided in the United States with a qualified non-citizen status for a period of 5 years or more beginning on the date of their entry into the United States; or
      - (b) Exempt from the five-year waiting period by meeting one of the following below:
        - (i) under 18 years of age; or
        - (ii) individual with 40 qualifying quarters; or
        - (iii) lawfully residing in the U.S. and 65 or older on August 22, 1996; or
        - (iv) individuals with a military connection including veterans, active-duty personnel, and their spouses and dependents, the spouse or unmarried dependent child of an individual; or
        - (v) Hmong or Highland Laotian tribal members; or
        - (vi) blind or disabled; or
        - (vii) Certain American Indians born abroad; or
        - (viii) a non-citizen admitted as a refugee under section 207 of INA; or

- (ix) a non-citizen granted asylum under section 208 INA; or
  - (x) a non-citizen’s deportation is withheld under section 243(h) INA or section 241(b)(3) INA; or
  - (xi) a non-citizen admitted to the United States as an Amerasian; or
  - (xii) a non-citizen admitted to the United States as an Iraqi or Afghan special immigrant (SIV-Special Immigrant Visa); or
  - (xiii) a non-citizen is a victim of human trafficking; or
  - (xiv) certain Afghan Nationals granted parole between July 31, 2021, and September 30, 2023; or
  - (xv) certain Ukrainian Nationals granted parole between February 24, 2022, and September 30, 2024.
- C.** Verification of immigrant status is determined in accordance with 7 CFR 273.2(f) and reasonable opportunity is provided pursuant to 7 CFR 273.2(f)(1)(c).
- D.** Reporting undocumented non-citizens:
- (1) HCA shall inform the local DHS office only when an official determination is made that any individual who is applying for or receives benefits is present in the U.S. in violation of the INA. An official determination that an undocumented immigrant is in the U.S. in violation of the INA is only made when:
    - (a) the undocumented non-citizens unlawful presence is a finding of fact or conclusion of law that is made by HCA as part of a formal determination about the individual’s eligibility; and
    - (2) HCA finding is supported by a determination by DHS or the executive office of immigration review (EOIR) that the non-citizen is unlawfully residing in the US, such as a final order of deportation. A systematic alien verification for entitlements (SAVE) response showing no service record on an individual or an immigration status making the individual ineligible for a benefit is not a finding of fact or conclusion of law that the individual is not lawfully present.
    - (3) Undocumented immigrant

status is considered reported when ISD enters the information about the non-citizen into the household’s computer file.

(4) When a household indicates inability or unwillingness to provide documentation of immigrant status for any household member, HCA must classify that member as an ineligible immigrant. In such cases HCA must not continue efforts to obtain that documentation.”

**Section 14:**

*Revises the language in accordance with H.R. 1 Section 10102:*

- Subsection A. by:
  - o Adding language “are ages 18-64” to clarify the applicable age range
  - o Removing the table with “age limit” and “date ends”.
- Subsection D. by:
  - o Adding “Upon approval from United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), ISD will waive the three-month time limit requirement for the following individuals in accordance with 7 CFR 273.24(f)”
  - o Removing language in “(1)” and “(2)”.
- Subsection F. by:
  - o Removing the following individuals “(3) homeless, (4) Veterans, (5) 24 years or younger”.
  - o Adding the following language:
    - “The time limit does not apply to an individual if he or she is:
      - (1) Under 18 or 65 years of age or older;
      - (2) (c) applying for or receiving disability benefits such as Supplemental Security Income (SSI) or General Assistance (GA) Disability.
      - (3) a parent or other member of a household with responsibility for a dependent child under the age of 14 or an incapacitated person;
      - (4) otherwise exempt from the SNAP general work rules under 7 U.S.C. 2015(d)(2) which includes a person who is:
        - (a) currently subject to and complying with a work registration

- requirement under title IV of the Social Security Act or the Federal-State unemployment compensation system; or
  - (b) a student enrolled at least half time in any recognized school, training program, or institution of higher education unless ineligible; or
  - (c) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; or
  - (d) employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), multiplied by thirty hours; or
  - (e) a person between the ages of 16 and 18 who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis.
- (5) Indians, also referred to as Native Americans, Alaska Natives, Indigenous Peoples, and Tribal Members:
- (a) a member of a federally recognized tribe, or
  - (b) an “Indian” as defined in 25 U.S.C 1603 (13); or
  - (c) an “Urban Indian” as defined in 25 U.S.C 1603 (18); or
  - (d) an “California Indian” as defined in 25 U.S.C 1679 (a).
    - a pregnant woman. Adding the following language to subsection G: “discretionary”

The HCA-ISD implemented a temporary emergency rule effective January 1, 2026. This emergency rule does not permanently amend or repeal the existing rule and will remain in effect only until a permanent rule is adopted through the regular rulemaking process.

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 rules to make them effective no later than May 1, 2026, to be in compliance

with 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.

A hybrid public hearing to receive testimony on HCAR Vol. 49 No. 3, will be held pursuant to Section 14-4-5.6 NMSA 1978, on Thursday March 26, 11:00 am-12:00 pm. You may join in person, virtually, or by phone. You may join in person at: HCA Income Support Division, Santa Fe County Field Office, 39B Plaza La Prensa, Santa Fe NM 87507.

You may join virtually from your computer, tablet or smartphone: **Microsoft Teams** Need help? **Join the meeting now** +1 505-312-4308,,759633655# United States, Albuquerque (888) 506-1357,,759633655# United States (Toll-free) Meeting ID: 245 216 900 398 50  
Passcode: qD3gT9KG Find a local number Phone conference ID: 759 633 655#

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

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

- Drop of at HCA Income

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

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

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, March 26, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

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

**HEALTH CARE  
AUTHORITY  
MEDICAL ASSISTANCE  
DIVISION**

**NOTICE OF RULEMAKING**

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.308.2, *Managed Care Program, Provider Network*. This proposed amendment ensures members’ preferences are honored by directing Turquoise Care Managed Care Organizations (MCOs) to reassign the member to a different primary care provider when their claims history reflects they prefer a different provider.

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

Notice Date: February 24, 2026  
Hearing Date: March 26, 2026  
Adoption Date: Proposed as July 1, 2026  
Technical Citations: Section 9-8-6 NMSA 1978

**Background**

The reconciliation of Managed Care Organization (MCO) member primary care provider (PCP) assignments is an essential component to supporting member choice.

The reconciliation process serves to align the member’s assigned PCP with their actual choice of provider, should it differ from the initial assignment made by the MCO. This ensures that members’ preferences are accurately reflected in the system. It also enables PCPs to have a clear understanding of their assigned member panels, which can assist with providing effective and coordinated patient care.

Within value-based care models, such as HCA’s Primary Care Payment Reform Program, the methodologies used for member attribution can be significantly influenced by the accuracy of member assignments. Ensuring that member assignments are consistent with actual member choices strengthens the integrity of value-based arrangements.

Currently, two MCOs are piloting a reconciliation process, and have demonstrated long-standing success and high levels of member satisfaction. The proposed amendment is designed to extend the reconciliation process so that it is implemented uniformly across all four MCOs.

**NMAC 8.308.2**

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

Section 10 has been updated to add a claims-based utilization analysis which indicates the member’s preference for a different PCP.

Throughout the NMAC the following changes have been made:

1. Revising references to “his

or her” to “their”.

2. Changed HSD to HCA.

**I. RULE**

These proposed rule changes will be contained in 8.308.2 NMAC. This register and the proposed rule are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

**II. EFFECTIVE DATE**

The HCA proposes implementing this rule effective July 1, 2026.

**III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on March 26, 2026, at 1:30 pm. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

**Join Teams Meeting Join the meeting now**

Meeting ID: 264 516 477 014 4  
Passcode: YM9FM3it

**Dial in by phone**

+1 505-312-4308,,688187291#  
United States, Albuquerque Find a local number  
Phone conference ID: 688 187 291#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodation. Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

**IV. ADDRESS**

Interested persons may address written comments to:

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

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [HCA-madrules@hca.nm.gov](mailto:HCA-madrules@hca.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m., Mountain Time (MT), on March 26, 2026**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

**X. PUBLICATION**

Publication of this rule approved by:



KARI ARMIJO, SECRETARY  
NEW MEXICO HEALTH CARE  
AUTHORITY

**PUBLIC DEFENDER  
COMMISSION**

**NOTICE OF PROPOSED  
RULEMAKING**

**Public Notice:** The Public Defender Commission provides notice that it will conduct a public hearing at the Law Offices of the Public Defender, 505 Marquette Ave NW, 17th Floor, Albuquerque, NM on Friday, April 17, 2026 at 9:00 a.m. Virtual participation

will also be available via Zoom. Log-in details for the Zoom meeting will be available on the Law Offices of the Public Defender website ([www.lopdnm.us](http://www.lopdnm.us)) beginning Wednesday, April 15, 2026. The purpose of the public hearing is to receive public input on proposed amendments to 10.12.6 NMAC – General Working Conditions

**Authority:** Paragraph (6) of Subsection B of Section 31-15-2.4 NMSA 1978, Section 31-15-7 NMSA 1978, Section 12-5-2 NMSA 1978 and Sections 24-2B-1 to 24-2B-9 NMSA 1978, 5 U.S.C. Sections 1501 to 1508.

**10.12.6.12 – Rescission of Resignation**

**Purpose:** The purpose of the repeal to 10.12.6.12 NMAC is to make an employee resignation effective immediately. Under the current rule, an employer must allow an employee three (3) days to rescind their resignation, and the repeal of this section will eliminate that time requirement.

Summary of Proposed Repeal to 10.12.6.12 NMAC:

This is an amendment to 10.12.6 NMAC, repealing Section 12, effective xx/xx/2026.

**10.12.6.12 [RESCISSION OF RESIGNATION:** An employee may rescind a letter of resignation within three workdays of its submission and the agency must honor the rescission if it is submitted within the prescribed time limit. **[RESERVED]** [10.12.6.12 NMAC - N, 7/1/2015; Repealed, xx/xx/2025]

**10.12.6.13 – Employee Complaints**

**Purpose:** The purpose of the rule change to 10.12.6.13 NMAC is to provide a ten (10) day deadline for an employee to appeal a Level Two decision to the Chief Public Defender.

Summary of Proposed Amendments to 10.12.6.13 NMAC:

**10.12.6.13 EMPLOYEE COMPLAINTS:**

**A.** Employees are provided with an in-house method for resolving complaints. All employees are encouraged to resolve complaints at the lowest level and informally if possible. Employees are encouraged to contact the human resource director before filing a formal written complaint. A complaint may be withdrawn at any time by the initiating party. Employees who utilize the formal complaint procedure or participate in the investigation of any complaint will not be subject to retaliation for participation. The employee filing the complaint is responsible for ensuring all the time limits are followed. Time limits may be waived by the complainant at any time.

**B.** Complaints pursuant to these sections must be submitted in writing and must include the following information:

(1) Employee name, job title, work location, date the complaint is filed and work phone number.

(2) A description and the date of the alleged incident for which the complaint is filed.

(3) The relief requested.

(4) The employee signature.

**C.** The complaint procedure has three levels:

(1) Level One.  
(a)

The employee shall present the complaint in writing to the immediate supervisor or to the district defender if the complaint is against the immediate supervisor, within 10 calendar days after the complainant became aware or reasonably could have been aware, of the incident giving rise to the complaint.

(b) The supervisor or district defender notifies the human resource director to coordinate investigation of the

complaint and the response to the employee. The response is due 10 calendar days from the date that the supervisor is made aware of the complaint. This response will be made in writing after review by the human resource director.

(c) If the complainant determines that the supervisor or district defender's decision is unsatisfactory, the employee may appeal directly to the deputy chief. The appeal is due within 10 calendar days of the level one response.

(d) If the level one complaint does not receive a response within 10 calendar days, the complaint shall be deemed denied and the employee may submit the complaint to the next level.

(2) Level Two.  
(a)

If the complaint is against the district defender or seeks to appeal the response in level one the employee may submit the complaint to the deputy chief within 10 calendar days after the complainant became aware or reasonably could have been aware, of the incident giving rise to the complaint or after the response, if any, is provided in level one.

(b) The complaint should include the response received in level one, if any, and the reasons that the response was unsatisfactory.

(c) The employee or the deputy chief sends a copy of the complaint to the human resources human resource director.

(d) Where appropriate the deputy chief reviews the level one complaint and response.

(e) The deputy chief determines if additional information is necessary or if an informal meeting is appropriate and attempts to resolve the matter.

(f) The deputy chief's decision will be returned within 14 calendar days.

(g) A copy of the response will be send to the human resources human resource director.

(h) If the complainant determines that the deputy chief's decision is unsatisfactory, the employee may appeal directly to the chief. The appeal is due within [14] 10 calendar days of the level two response.

(i) If the level two complaint does not receive a response within 14 calendar days, the complaint shall be deemed denied and the employee may submit the complaint to the next level.

(3) Level Three.

(a) If the complaint is against the deputy chief or seeks to appeal the response in level two the employee may submit the complaint to the chief within 10 calendar days after the complainant became aware or reasonably could have been aware, of the incident giving rise to the complaint or after the response, if any, is provided in level two.

(b) The complaint should include the previous response(s), if any, and the reason that the previous responses were unsatisfactory.

(c) A copy of the appeal is sent to the human resources human resource director.

(d) The chief determines if additional information or informal meetings are needed prior to making a final decision and responds to the complaint in writing within 21 days.

(e) A copy of the response is sent to the human resource director.

**D.** After exhausting internal procedures, a complainant may appeal to outside agencies.

(1) Complaints alleging discrimination may be appealed to the department of workforce solutions, human rights division within 180 calendar days of the alleged act; or

(2) to the equal employment opportunity commission within 300 calendar days of the alleged act.

[10.12.6.13 NMAC - N, 7/1/2015; A, XX/XX/2026]

How to Comment on the Proposed Rules:

Interested individuals may provide comments at the public hearing and/or submit written or electronic comments to Abby Adamo, via email at [abby.adamo@lopdm.us](mailto:abby.adamo@lopdm.us) or mail to Attn: Abby Adamo – Rule Changes to 10.12.6.12 & 13 NMAC, 505 Marquette Ave NW, Ste 1720, Albuquerque, NM 87102.

Written comments must be received no later than 5:00 pm on April 16, 2026. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at the public hearing.

Copies of Proposed Rules:

Copies of the proposed rules are available for download on the LOPD’s website at <http://www.lopdm.us>. A copy of the proposed rules may also be requested by contacting Abby Adamo, via email at [abby.adamo@lopdm.us](mailto:abby.adamo@lopdm.us)

Special Needs:

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Abby Adamo at (505) 796-4402 as soon as possible to provide requested special accommodations.

**PUBLIC DEFENDER COMMISSION**

**NOTICE OF PROPOSED RULEMAKING**

**Public Notice:** The Public Defender Commission provides notice that it will conduct a public hearing at the Law Offices of the Public Defender, 505 Marquette Ave NW, 17th Floor, Albuquerque, NM on Friday, April 17, 2026 at 9:00 a.m. Virtual participation will also be available via Zoom. Log-in details for the Zoom meeting will

be available on the Law Offices of the Public Defender website ([www.lopdm.us](http://www.lopdm.us)) beginning Wednesday, April 15, 2026. The purpose of the public hearing is to receive public input on proposed amendments to 10.12.7 NMAC – Absence and Leave.

**Authority:** Paragraph (6) of Subsection B. of Section 31-15-2.4 NMSA 1978; Section 31-15-7 NMSA 1978, Section 10-7-10 NMSA 1978; Section 13:29 U.S.C. Sections 201 and 2601 et seq.; Section 15: Section 1-12-42 NMSA 1978, Section 17 NMSA 1978, Sections 20-4-7, 20-5-14 and 20-7-5 NMSA 1978.

**Purpose:** The purpose of the amendment to 10.12.7.10 NMAC of Subsection A, would permit Law Offices of the Public Defender employees to accrue 4.00 hours of sick leave per pay period when working 80 hours a pay period with qualifying working or leave hours.

Summary of Proposed Amendments to 10.12.7 NMAC:

**10.12.7.10 – Sick Leave**

**A.** Employees, except those on full-time educational leave with pay, absence without leave, leave without pay, unpaid FMLA leave, or suspension without pay, shall accrue sick leave at the rate of [3.69] 4.00 hours per pay period.

How to Comment on the Proposed Rules:

Interested individuals may provide comments at the public hearing and/or submit written or electronic comments to Abby Adamo, via email at [abby.adamo@lopdm.us](mailto:abby.adamo@lopdm.us) or mail to Attn: Abby Adamo – Rule Changes to 10.12.7.10 NMAC, 505 Marquette Ave NW, Ste 1720, Albuquerque, NM 87102.

Written comments must be received no later than 5:00 pm on April 16, 2026. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at the public hearing.

Copies of Proposed Rules:

Copies of the proposed rules are available for download on the LOPD’s website at <http://www.lopdm.us>. A copy of the proposed rules may also be requested by contacting Abby Adamo, via email at [abby.adamo@lopdm.us](mailto:abby.adamo@lopdm.us)

Special Needs:

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Abby Adamo at (505) 796-4402 as soon as possible to provide requested special accommodations.

**End of Notices of Rulemaking**

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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

**TITLE 20 ENVIRONMENTAL  
PROTECTION  
CHAPTER 2 AIR QUALITY  
(STATEWIDE)  
PART 68 REGIONAL  
HAZE REQUIREMENTS**

**20.2.68.1 ISSUING**  
**AGENCY:** Environmental Improvement Board.  
[20.2.68.1 NMAC – N, 04/01/2026]

**20.2.68.2 SCOPE:** All geographic areas within the jurisdiction of the Environmental Improvement Board.  
[20.2.68.2 NMAC – N, 04/01/2026]

**20.2.68.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Sections 74-1-1 to 74-1-18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to 74-2-17 NMSA 1978, including specifically Paragraph (1) of Subsection D of Section 74-2-5 NMSA 1978.  
[20.2.68.3 NMAC – N, 04/01/2026]

**20.2.68.4 DURATION:** Permanent.  
[20.2.68.4 NMAC – N, 04/01/2026]

**20.2.68.5 EFFECTIVE DATE:** April 1, 2026, except where a later date is cited at the end of a section.  
[20.2.68.5 NMAC – N, 04/01/2026]

**20.2.68.6 OBJECTIVE:** The objective of this Part is to establish enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress during the

second regional haze implementation period, and provisions to make these measures practicably enforceable, including averaging times, monitoring requirements, and recordkeeping and reporting requirements.  
[20.2.68.6 NMAC – N, 04/01/2026]

**20.2.68.7 DEFINITIONS:**  
In addition to the terms defined in 20.2.2 NMAC – Definitions, as used in this Part, the following definitions apply:

**A. “Agency interest number” or “AI #”** means the unique identification number assigned to every facility that is regulated by the department.

**B. “Calendar year”** means a year beginning January 1 and ending December 31.

**C. “CFR”** means the Code of Federal Regulations.

**D. “Continuous emission monitoring system” or “CEMS”** means all of the equipment required to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

**E. “Environmental protection agency” or “EPA”** means the United States environmental protection agency.

**F. “g/bhp-hr”** means grams per brake horsepower-hour.

**G. “lb/hr”** means pounds per hour.

**H. “Operator”** means the person or persons responsible for the overall operation of a stationary source.

**I. “Owner”** means the person or persons who own a stationary source or part of a stationary source.

**J. “ppmvd”** means parts per million by volume, dry.

**K. “Reasonable progress unit” or “RP unit”** means

an emissions unit selected for an analysis of emission control measures during the second regional haze implementation period for which the department has determined an emission limitation or other measures are necessary to make reasonable progress.

**L. “Rolling average”** means the weighted average of all data, meeting this Part’s quality assurance and quality control requirements, collected during the applicable averaging period. For reasonable progress units equipped with CEMS, a 30-operating-day rolling average is calculated by adding the hourly mass emissions over the previous 30 operating days and dividing that sum by the total operating hours during the same period.

**M. “Rolling sum”** means the sum of all data, meeting this part’s quality assurance and quality control requirements, collected during the applicable summation period. For reasonable progress units not equipped with CEMS and subject to a multi-unit emission limitation, a 12-month rolling sum is calculated by multiplying each individual unit’s hourly mass emission rate by its total operating hours over the previous 12 months and summing the results for all units subject to the multi-unit limit.  
[20.2.68.7 NMAC – N, 04/01/2026]

**20.2.68.8 SEVERABILITY:** If any provision of this part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.  
[20.2.68.8 NMAC – N, 04/01/2026]

**20.2.68.9 CONSTRUCTION:** This part shall be liberally construed to carry out its purpose.  
 [20.2.68.9 NMAC – N, 04/01/2026]

**20.2.68.10 SAVINGS CLAUSE:** Repeal or supersession of prior versions of this part shall not affect administrative or judicial action initiated under those prior versions.  
 [20.2.68.10 NMAC – N, 04/01/2026]

**20.2.68.11 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve a person from the responsibility to comply with other applicable federal, state, or local laws, rules or regulations, including more stringent controls.  
 [20.2.68.11 NMAC – N, 04/01/2026]

**20.2.68.12 DOCUMENTS:** Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau.  
 [20.2.68.12 NMAC – N, 04/01/2026]  
 [As of February 2026, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico 87505]

**20.2.68.13-20.2.68.100 [RESERVED]**

**20.2.68.101 APPLICABILITY:** This part applies to reasonable progress units as defined in 20.2.68.7 NMAC.  
 [20.2.68.101 NMAC – N, 04/01/2026]

**20.2.68.102 EMISSION LIMITATIONS AND COMPLIANCE DEADLINES:**

**A.** The reasonable progress units listed in Table 1 of Subsection A of 20.2.68.102 NMAC shall not emit or cause to be emitted oxides of nitrogen (NO<sub>x</sub>) in excess of the emission limitations shown. The emission limitations must be met as expeditiously as practicable, but in no event later than their respective compliance deadlines.

Table 1 – EMISSIONS LIMITATIONS AND COMPLIANCE DEADLINES

Facility	AI #	RP Unit	Emission Limitation	Compliance Deadline
Bitter Lake Compressor Station	14	C-891	3 g/bhp-hr	0 years
		C-893	3 g/bhp-hr	0 years
Blanco Compressor Station A	1147	A11	0.5 g/bhp-hr	3 years
		A13	0.5 g/bhp-hr	3 years
Blanco C&D Compressor Station	3552	T-C01	13.04 lb/hr	3 years
		T-C02	13.32 lb/hr	3 years
		T-D01	24.22 lb/hr	3 years
Chaco Gas Plant	1148	14	0.5 g/bhp-hr	2 years
Cunningham Station Power Plant	604	1	12.07 lb/hr	3 years
		2	30.05 lb/hr	3 years
Eunice Gas Processing Plant	609	B-01	9 ppmvd @ 3% O <sub>2</sub>	2 years
		B-02	9 ppmvd @ 3% O <sub>2</sub>	2 years
		C-01	0.5 g/bhp-hr	3 years
		C-02	0.5 g/bhp-hr	3 years
		C-03	0.5 g/bhp-hr	3 years
		C-04	0.5 g/bhp-hr	3 years
		C-05	0.5 g/bhp-hr	3 years
		C-06	0.5 g/bhp-hr	3 years
		C-07	0.5 g/bhp-hr	3 years

Indian Basin Gas Plant	197	ES 06/07	25 ppmvd @ 15% O <sub>2</sub>	2 years
		ES 08/09	25 ppmvd @ 15% O <sub>2</sub>	2 years
		ES 10/11	25 ppmvd @ 15% O <sub>2</sub>	2 years
Kutz Canyon Processing Plant	1158	1	3.34 lb/hr	3 years
		2	3.54 lb/hr	3 years
		4	2.82 lb/hr	3 years
		5	2.38 lb/hr	3 years
		6	2.36 lb/hr	3 years
		19	3.12 lb/hr	3 years
		20	3.12 lb/hr	3 years
Linam Ranch Gas Plant	589	29	15 ppmvd @ 15% O <sub>2</sub>	0 years
		30	25 ppmvd @ 15% O <sub>2</sub>	0 years
		31	25 ppmvd @ 15% O <sub>2</sub>	0 years
		32B	25 ppmvd @ 15% O <sub>2</sub>	1 year
Monument Gas Plant	610	C-01	0.5 g/bhp-hr	3 years
		C-02	0.5 g/bhp-hr	3 years
		C-05	0.5 g/bhp-hr	3 years
		C-06	0.5 g/bhp-hr	3 years
		C-24	0.5 g/bhp-hr	3 years
Mountainair Compressor Station No. 7	1569	701	44.74 ton/yr	3 years
		702		
		703		
		721	9 ppmvd @ 15% O <sub>2</sub>	3 years
		722	9 ppmvd @ 15% O <sub>2</sub>	3 years
Pecos River Compressor Station	194	A-02	7.28 lb/hr	3 years
		A-03	8.1 lb/hr	3 years
Roswell Compressor Station No. 9	10	903	29 ton/yr	3 years
		904		
San Juan Basin Gas Plant	1177	1	3.96 lb/hr	3 years
		2	4.24 lb/hr	3 years
		3	3.88 lb/hr	3 years
		4	2.78 lb/hr	3 years
		5	2.74 lb/hr	3 years
		6	3.04 lb/hr	3 years
		7	2.88 lb/hr	3 years
South Carlsbad Compressor Station	218	1	15 ppmvd @ 15% O <sub>2</sub>	2 years
		2	15 ppmvd @ 15% O <sub>2</sub>	2 years
Washington Ranch Storage Facility	220	1	3 g/bhp-hr	0 years
		2	3 g/bhp-hr	0 years

**B.** The compliance deadlines in Table 1 of Subsection A of 20.2.68.102 NMAC are expressed in years after approval of New Mexico’s state implementation plan revision for the second regional haze implementation period by the environmental protection agency.

**C.** The emission limitation in Table 1 of Subsection A of 20.2.68.102 NMAC for reasonable progress units 701, 702, and 703 at Mountainair Compressor Station No. 7 is a multi-unit limit applicable to all three units

combined. Similarly, the emission limitation in Table 1 of Subsection A of 20.2.68.102 NMAC for reasonable progress units 903 and 904 at Roswell Compressor Station No. 9 is a multi-unit limit applicable to both units combined. In the event compliance with either of these multi-unit limits is achieved by replacing the subject units, and the replacement ratio is not 1:1, the limit will apply to all of the replacement units combined, regardless of their number.

**D.** The owner or operator of a reasonable progress unit that complies with the emission limitations in Table 1 of Subsection A of 20.2.68.102 NMAC using an emission control technology that uses ammonia or urea as a reagent shall ensure that the exhaust ammonia slip is limited to 10 ppmvd or less, corrected to fifteen percent oxygen. [20.2.68.102 NMAC – N, 04/01/2026]

**20.2.68.103 OTHER MEASURES:** The reasonable progress units listed in Table 2 of 20.2.68.103 NMAC have been retired and removed from their facilities’ respective construction permits (or were located at a facility that has permanently ceased operations and closed its construction permit) and shall not be reauthorized as a regulated emission source in any future construction permit modification issued by the department without a new analysis of the emission control measures necessary to make reasonable progress and an EPA-approved regional haze state implementation plan revision.

Table 2 – RETIRED UNITS PROHIBITED FROM REAUTHORIZATION

Facility	AI #	RP Unit	Date Removed from Permit or Permit Closed
Denton Gas Plant	568	005	February 4, 2022
		007	February 4, 2022
Eunice Gas Plant	595	17A	November 5, 2021
		18B	November 5, 2021
		19A	November 5, 2021
		25A	November 5, 2021
		26A	November 5, 2021
		Amine-01	November 5, 2021
		31	November 5, 2021
		111	November 5, 2021
Eunice Gas Processing Plant	609	113	November 5, 2021
		C-08	August 20, 2024
		C-09	May 31, 2024
		C-10	May 31, 2024
		C-11	May 31, 2024
		C-12	May 31, 2024
Jal #3 Gas Plant	569	C-13	May 31, 2024
		4A	November 7, 2022
Kutz Canyon Processing Plant	1158	5A	November 7, 2022
		16	May 11, 2021
		17	May 11, 2021
Prewitt Escalante Generating Station	911	18	May 11, 2021
		S111	June 16, 2021
San Juan Generating Station	1421	S301/E301	December 27, 2022
		S304/E304	December 27, 2022

Saunders Gas Plant	612	C-01	May 31, 2024
		C-02	May 31, 2024
		C-03	May 31, 2024
		C-04	May 31, 2024
		C-05	May 31, 2024
		C-06	May 31, 2024
		C-07	May 31, 2024
		C-08	May 31, 2024
		C-09	May 31, 2024
		G-01	May 31, 2024
		G-02	May 31, 2024
		G-03	May 31, 2024
		A-01	May 31, 2024
		F-01	May 31, 2024
		F-03	May 31, 2024
		I-01	May 31, 2024

[20.2.68.103 NMAC – N, 04/01/2026]

**20.2.68.104 MONITORING REQUIREMENTS:** Compliance with the emission limitations in Table 1 of Subsection A of 20.2.68.102 NMAC shall be demonstrated as follows.

**A.** For reasonable progress units one and two at Cunningham Station Power Plant, compliance shall be determined on a 30-operating-day rolling average basis within seven days of the end of each 30-operating-day period, and shall be demonstrated using data from a NO<sub>x</sub> continuous emission monitoring system complying with the performance requirements in 40 CFR 75.

**B.** For reasonable progress units 701, 702, and 703 at Mountainair Compressor Station No. 7 and reasonable progress units 903 and 904 at Roswell Compressor Station No. 9, compliance shall be determined on a 12-month rolling sum basis within seven days of the end of each month, and shall be demonstrated by monitoring operating hours and conducting annual emissions tests using a portable analyzer or EPA reference methods in accordance with the requirements of Subsection D of 20.2.68.104 NMAC. The results of the most recent annual emissions test shall be used to calculate the 12-month rolling sum used to determine compliance.

**C.** For all other reasonable progress units, compliance shall be demonstrated by conducting annual emissions tests using a portable analyzer or EPA reference methods in accordance with the requirements of Subsection D of 20.2.68.104 NMAC. The arithmetic mean of the results from three separate test runs shall be used to determine compliance pursuant to Paragraph (5) of Subsection D of 20.2.68.104 NMAC.

**D.** The following requirements apply to annual emissions testing used to demonstrate compliance with the emission limitations in Table 1 of Subsection A of 20.2.68.102 NMAC:

(1) For units with g/bhp-hr emission limits, load shall be calculated using the following equation:

$$\text{Load (hp)} = \frac{\text{Fuel consumption (scf/hr)} \times \text{Measured lower heating value of fuel (btu/scf)}}{\text{Manufacturer's rated brake-specific fuel consumption (btu/bhp-hr) at 100\% load or best efficiency}}$$

If the manufacturer's rated brake-specific fuel consumption is not available, an alternative load calculation methodology based on available data may be used.

(2) Emissions testing shall be conducted within ten percent of one hundred percent peak (or the highest achievable) load. The load and the parameters used to calculate it shall be recorded to document operating conditions at the time of testing and shall be included with the test report.

(3) Emissions testing utilizing a portable analyzer shall be conducted in accordance with the requirements of the current version of ASTM D6522. If a portable analyzer has met a previously approved department criterion, the analyzer may be operated in accordance with that criterion until it is replaced.

(4) The default time period for a test run shall be at least 20 minutes.

(5) An emissions test shall consist of three separate runs, with the arithmetic mean of the results from the three runs used to determine compliance with the applicable emission limitation.

(6) During emissions tests, pollutant and diluent concentration shall be monitored and recorded.

Fuel flow rate shall be monitored and recorded if stack gas flow rate is determined utilizing EPA reference method 19. This information shall be included with the test report.

(7) Stack gas flow rate shall be calculated in accordance with EPA reference method 19 utilizing fuel flow rate (scf) determined by a dedicated fuel flow meter and fuel heating value (btu/scf). The owner or operator shall provide a contemporaneous fuel gas analysis (preferably on the day of the test, but no earlier than three months before the test date) and a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report. Alternatively, stack gas flow rate may be determined by using EPA reference methods one through four or through the use of manufacturer provided fuel consumption rates.

(8) Emissions testing shall be conducted at least once per calendar year. Emissions testing required by Subparts GG, IIII, JJJJ, or KKKK of 40 CFR 60, or Subparts ZZZZ or DDDDD of 40 CFR 63, may be used to satisfy the emissions testing requirements of this part if it meets the requirements of 20.2.68.104 NMAC and is conducted at least once per calendar year. [20.2.68.104 NMAC – N, 04/01/2026]

**20.2.68.105 RECORDKEEPING REQUIREMENTS:**

A. For reasonable progress units one and two at Cunningham Station Power Plant, the owner or operator shall maintain records of all NO<sub>x</sub> CEMS data. The owner or operator shall also maintain records of periods that the CEMS are inoperative and of all CEMS performance test measurements, performance evaluations, calibration checks, adjustments, and maintenance.

B. For all other reasonable progress units, the owner or operator shall maintain records of all annual emissions tests and operating data used to determine compliance with the emission limitations in Table 1 of Subsection A

of 20.2.68.102 NMAC. The records shall include:

- (1) make, model, and serial number for the tested engine, turbine, or boiler;
- (2) the date and time stamp(s), including GPS of the location, of any monitoring event, including sampling or measurements;
- (3) date analyses were performed;
- (4) name of the person(s) and the qualified entity that performed the analyses;
- (5) analytical or test methods used;
- (6) results of analyses or tests;
- (7) calculated emissions of NO<sub>x</sub> in lb/hr, g/bhp-hr, or ppmvd as appropriate; and
- (8) operating conditions at the time of sampling or measurement, including load and the parameters used to calculate it.

C. All records required to be maintained pursuant to Subsections A and B of 20.2.68.105 NMAC shall be kept for a period of at least five years. [20.2.68.105 NMAC – N, 04/01/2026]

**20.2.68.106 REPORTING REQUIREMENTS:**

A. Test reports for annual emissions tests required by Subsections B and C of 20.2.68.104 NMAC shall be submitted to the department no later than 30 days after completion of the test.

B. If a 30-operating-day rolling average for reasonable progress units one and two at Cunningham Station Power Plant, a 12-month rolling sum for reasonable progress units 701, 702, and 703 at Mountainair Compressor Station No. 7 or reasonable progress units 903 and 904 at Roswell Compressor Station No. 9, or the results of an annual emissions test for any other reasonable progress unit reveals NO<sub>x</sub> emissions in excess of the emission limitations in Table 1 of Subsection A of 20.2.68.102 NMAC, the owner or operator shall submit reports of excess emissions in accordance with Subsection A of 20.2.7.110 NMAC.

Reports of excess emissions shall be submitted by the means and in the format specified by the department.

C. The owner or operator of a reasonable progress unit shall respond within three business days to a request for information by the department under this part. The response shall provide the requested information for each reasonable progress unit subject to the request by the means and in the format specified by the department in its request. If the department requests information pertaining to reasonable progress units at multiple facilities with the same owner or operator, additional time will be given as appropriate. [20.2.68.106 NMAC – N, 04/01/2026]

**HISTORY OF 20.2.68 NMAC: [RESERVED]**

**ENVIRONMENT DEPARTMENT**

**This is an amendment to 20.6.4 NMAC, Section 97, effective 3/14/2026.**

**20.6.4.97 EPHEMERAL WATERS: Ephemeral surface waters of the state as identified below and additional ephemeral waters as identified on the department’s water quality standards website pursuant to Paragraph (2) of Subsection D of 20.6.4.15 NMAC are subject to the designated uses and criteria as specified in this section. Ephemeral waters classified in 20.6.4.101-899 NMAC are subject to the designated uses and criteria as specified in those sections.**

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

B. **Criteria:** the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses.

C. **Waters:**  
(1) the following waters are designated in the Rio Grande basin:

(a)

Cunningham gulch from Santa Fe county road 55 upstream 1.4 miles to a point upstream of the Lac minerals mine, identified as Ortiz mine on U.S. geological survey topographic maps;

(b)

an unnamed tributary from Arroyo Hondo upstream 0.4 miles to the Village of Oshara water reclamation facility outfall;

(c)

an unnamed tributary from San Pedro creek upstream 0.8 miles to the PAA-KO community sewer outfall;

(d)

Inditos draw from the crossing of an unnamed road along a power line one-quarter mile west of McKinley county road 19 upstream to New Mexico highway 509;

(e) an

unnamed tributary from the diversion channel connecting Blue canyon and Socorro canyon upstream 0.6 miles to the New Mexico firefighters academy treatment facility outfall;

(f)

an unnamed tributary from the Albuquerque metropolitan arroyo flood control authority (AMAFCA) Rio Grande south channel upstream of the crossing of New Mexico highway 47 upstream to I-25;

(g)

the south fork of Cañon del Piojo from Cañon del Piojo upstream 1.2 miles to an unnamed tributary;

(h) an

unnamed tributary from the south fork of Cañon del Piojo upstream 1 mile to the Resurrection mine outfall;

(i)

Arroyo del Puerto from San Mateo creek upstream 6.8 miles to the Ambrosia Lake mine entrance road;

(j)

an unnamed tributary from San Mateo creek upstream 1.5 miles to the Roca Honda mine facility outfall;

(k)

San Isidro arroyo, including unnamed tributaries to San Isidro arroyo, from Arroyo Chico upstream to its headwaters;

(l)

Arroyo Tinaja, including unnamed tributaries to Arroyo Tinaja, from San Isidro arroyo upstream to 2 miles

northeast of the Cibola national forest boundary;

(m)

Mulatto canyon from Arroyo Tinaja upstream to 1 mile northeast of the Cibola national forest boundary; ~~and~~

(n)

Doctor arroyo, including unnamed tributaries to Doctor arroyo, from San Isidro arroyo upstream to its headwaters, and excluding Doctor Spring and Doctor arroyo from the spring to its confluence with the unnamed tributary approximately one-half mile downstream of the spring; and

(o)

Tijeras arroyo from Rio Grande to Four Hills bridge.

(2) the

following waters are designated in the Pecos river basin:

(a) an

unnamed tributary from Hart canyon upstream 1 mile to South Union road;

(b)

Aqua Chiquita from Rio Peñasco upstream to McEwan canyon; and

(c)

Grindstone canyon upstream of Grindstone reservoir.

(3) the

following waters are designated in the Canadian river basin:

(a)

Bracket canyon upstream of the Vermejo river;

(b)

an unnamed tributary from Bracket canyon upstream 2 miles to the Ancho mine; and

(c)

Gachupin canyon from the Vermejo river upstream 2.9 miles to an unnamed west tributary near the Ancho mine outfall.

(4) in the San

Juan river basin an unnamed tributary of Kim-me-ni-oli wash upstream of the mine outfall.

(5) the

following waters are designated in the Little Colorado river basin:

(a)

Defiance draw from County Road 1 to upstream of West Defiance Road; and

(b)

an unnamed tributary of Defiance

draw from McKinley county road 1 upstream to New Mexico highway 264.

(6) the

following waters are designated in the closed basins:

(a)

in the Tularosa river closed basin San Andres canyon downstream of South San Andres canyon; and

(b)

in the Mimbres river closed basin San Vicente arroyo from the Mimbres river upstream to Maudes canyon. [20.6.4.97 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 12/17/2019; A, 4/23/2022; A, 3/14/2026]

## STATE PERSONNEL OFFICE

**This is an amendment to 1.7.1 NMAC, Section 15, effective 2/24/2026**

### 1.7.1.15 TRAINING AND DEVELOPMENT:

A. The SPO Director shall establish, pursuant to direction from the board, and maintain a training and development work plan. The board will review the training and development work plan on an annual basis.

B. The SPO Director is authorized to prescribe mandatory training courses for classified service employees and to establish the frequency with which such courses must be completed.

[1.7.1.15 NMAC - Rp, 1 NMAC 7.1.15, 1/1/2020; A, 1/14/2025; A, 2/24/2026]

## STATE PERSONNEL OFFICE

**This is an amendment to 1.7.3 NMAC, Sections 7, 8, 9, and 10, effective 2/24/2026.**

### 1.7.3.7 DEFINITIONS:

“**Classification plan**” means a document developed by the state

personnel office (SPO) Director and approved annually by the board, that describes the board’s classification philosophy and is the foundation for ensuring consistent application of the philosophy.

[1.7.3.7 NMAC - Rp, 1 NMAC 7.3.7, 7/7/2001; A, 11/14/2002; A, 7/15/2005; A, 6/15/2010; A, 2/24/2026]

**1.7.3.8 CLASSIFICATION PLAN:**

**A.** The SPO Director, pursuant to direction from the board, shall establish, maintain and, in conjunction with state agencies, administer a classification plan for all positions throughout the classified service.

**B.** The board establishes a classification through the review, approval and adoption of new or revised classification descriptions.

**C.** The SPO Director may authorize the deletion of unused classification descriptions and revisions to classification descriptions if the revision does not necessitate a study.

**D.** The SPO Director shall provide affected parties an opportunity to comment on the creation, revision, and deletion of classification descriptions prior to implementation. The SPO shall appoint a job evaluation review committee. The SPO will provide training in the job evaluation review process. The committee shall submit recommendations to the SPO Director for consideration.

**E.** Agencies may request classification reviews, classification studies and/or classification re-evaluations.

[1.7.3.8 NMAC - Rp, 1 NMAC 7.3.8, 7/7/2001; A, 11/14/2002; A, 7/15/2005; A, 6/15/2010; A, 2/24/2026]

**1.7.3.9 POSITION ASSIGNMENT:**

**A.** The SPO Director, in conjunction with state agencies, shall ensure that each position in the classified service is assigned to the classification that best represents the

duties assigned by the employer and performed by the employee.

**B.** When a filled position is assigned a classification with a lower pay band, in accordance with the provisions Subsection A of 1.7.3.9 NMAC, the employee may elect to take a reduction in accordance with Subsection EE of 1.7.1.7 NMAC, or overfill the position in their current classification.

**C.** A position assignment decision as a result of a classification study may be appealed to the SPO Director through the agency’s chain-of-command. Appeals to the SPO Director must be in writing and include the agency’s analysis of the reasons for the appeal. Appeals must be submitted within 60 days of the implementation of the class study. The SPO Director’s decision is final and binding.

[1.7.3.9 NMAC - Rp, 1 NMAC 7.3.9, 7/7/2001; A, 11/14/2002; A, 7/15/2005; A, 12/30/2005; A, 10/15/2008; A, 2/24/2026]

**1.7.3.10 IMPLEMENTATION OF CLASSIFICATION STUDY RESULTS:**

On a date determined by the SPO Director, employees affected by a classification study shall be assigned to the resulting new classification which best represents the job performed without having to meet the established requirements, unless minimum qualifications are required by law.

[1.7.3.10 NMAC - Rp, 1 NMAC 7.3.10, 7/7/2001; A, 7/15/2005; A, 2/24/2026]

**STATE PERSONNEL OFFICE**

**This is an amendment to 1.7.4 NMAC, Sections 9, 12, and 13, effective 2/24/2026.**

**1.7.4.9 ASSIGNMENT OF PAY BANDS:**

~~[The SPO shall appoint a job evaluation committee consisting of 10 members. The SPO will provide training in the job evaluation and measurement process. The committee shall apply~~

~~the job evaluation and measurement process to all newly created or revised classifications:~~

~~**A.** The committee shall submit the results of the job evaluation(s) as recommendations to the SPO director. The SPO director shall submit the pay band assignment results to the board for adoption.~~

~~**B.** Agencies may request a re-evaluation of a classification which, based upon their analysis, is inappropriately valued. Re-evaluations may be conducted no more than once every 24 months unless otherwise approved by the SPO director.] The SPO will conduct a market-based analysis to determine the assignment of pay bands. The SPO Director shall submit the pay band assignment results to the board for consideration and adoption.~~

[1.7.4.9 NMAC - Rp, 1.7.4.9 NMAC, 8/1/2021; A, 07/29/2025; A, 2/24/2026]

**1.7.4.12 ADMINISTRATION OF THE SALARY SCHEDULES:**

**A. Entrance salary:** Upon entrance to a classified position, a newly hired employee’s salary, subject to budget availability, should reflect appropriate placement within the pay band. Any entrance salary at or above one hundred and fifteen percent compa-ratio must receive approval from the SPO Director prior to hire.

**B. Legislative authorized salary increase:**  
(1) Subject to specific statutory authorization for each state fiscal year, employees may be eligible for a salary increase within their assigned pay band.

(2) Employees with a salary at or above the maximum of the position’s pay band shall not be eligible for an increase unless authorized by statute.

**C. Salary upon in pay band adjustment:** Agencies may increase an employee’s base salary within the assigned pay band [once per fiscal year], subject to SPO Director approval, budget availability and reflective of appropriate placement. In pay band adjustments

may not result in the employee's base salary exceeding the maximum of the assigned pay band. When reviewing requests for in pay band adjustments the SPO Director will take into consideration those instances where the requesting agency has employees with a current rate of pay that falls below the minimum of their pay band. In pay band adjustments for demonstrated performance, or skill and competency development shall be capped at ten percent per fiscal year.

**D. Salary upon promotion:** Upon promotion, an employee's salary subject to budget availability should reflect appropriate placement within the pay band. A salary increase of less than five percent shall require approval of the SPO Director. A salary increase greater than ten percent per pay band increase shall require approval of the SPO Director. A salary increase greater than ten percent to bring an employee's salary to the minimum of the pay band or less than five percent to prevent an employee's salary from exceeding the maximum of the pay band does not require the approval of the SPO Director. The salary of a promoted employee shall be in accordance with Subsection B of 1.7.4.11 NMAC.

**E. Salary upon demotion:** Upon demotion, an employee's salary shall be decreased by no more than fifteen percent, unless a greater decrease is required to bring the salary to the maximum of the new pay band.

**F. Salary upon transfer:**

(1) Upon transfer an employee's salary, subject to budget availability and reflective of appropriate placement, may be increased or decreased by up to ten percent. The SPO Director may approve a salary increase greater than ten percent due to special circumstances that are justified in writing.

(2) Employees shall be compensated, in accordance with agency policy, for all accumulated leave, other than sick, annual, or personal leave, prior to inter-agency transfer.

**G. Salary upon pay band change:** When a change of pay band is authorized in accordance with the provisions of 1.7.4.9 NMAC, 1.7.4.10 NMAC, or 1.7.4.11 NMAC the salaries of affected employees shall be determined in accordance with Subsection C of 1.7.4.11 NMAC. Employees whose pay band is adjusted upward or downward shall retain their current salary in the new pay band. Employees' salaries may be addressed through in pay band adjustment unless otherwise allowed by statute.

**H. Salary upon reduction:** The salary of employees who take a reduction may be reduced by up to fifteen percent. An employee's salary should reflect appropriate placement within the pay band. The SPO Director may approve a salary reduction greater than fifteen percent due to special circumstances that are justified in writing.

**I. Salary upon return to work or reemployment:** The salary of former employees who are returned to work or re-employed in accordance with the provisions of 1.7.10.10 NMAC, 1.7.10.11 NMAC, 1.7.10.12 NMAC, or 1.7.10.14 NMAC shall not exceed the hourly rate of their base salary at the time of separation, unless a higher salary is necessary to bring the employee to the minimum of the pay band.

**J. Salary upon temporary promotion:** Pay for a temporary promotion under Subsection F of 1.7.5.12 NMAC, will be administered in accordance with Subsection D of 1.7.4.12 NMAC, except that payment of a temporary promotion increase shall be separate from the employee's base salary. The agency shall discontinue the temporary promotion increase when the temporary conditions cease to exist or at the end of the 12-month period, whichever occurs first.

**K. Temporary salary increase:** An agency may, with the approval of the SPO Director, grant a temporary salary increase of an employee's base pay for a period not to exceed 1 year, from the effective date of the salary increase,

for temporarily accepting and consistently performing additional duties which are characteristic of a job requiring greater responsibility/accountability or a higher valued job. The SPO Director may approve temporary salary increases above the maximum of the employee's current pay band. Payment of a temporary salary increase shall be separate from the employee's base salary. The agency shall discontinue the temporary salary increase when the temporary conditions cease to exist or at the end of the 12-month period, whichever occurs first.

**L. Salary adjustment to minimum:** An employee whose salary falls below the minimum of the pay band will be adjusted in accordance with Paragraph (2) of Subsection C of 1.7.4.11 NMAC. [1.7.4.12 NMAC - Rp, 1.7.4.12 NMAC, 8/1/2021; A, 07/29/2025; A, 2/24/2026]

#### 1.7.4.13 PAY DIFFERENTIALS:

**A. Temporary recruitment differential:** The SPO Director may authorize, in writing, a pay differential of up to fifteen percent of an employee's base pay to an employee who fills a position which has been documented as critical to the effective operation of the agency and has been demonstrated and documented to be a severe recruitment problem for the agency.

(1) A temporary recruitment differential authorized under this provision shall be tied to the position and may not transfer with the employee should the employee leave that position. Payment of this differential shall be separate from the employee's base salary. Agencies shall demonstrate to the office, at least biennially, the circumstances which justified the differential to determine the necessity for its continuance.

(2) A temporary recruitment differential of more than fifteen percent of an employee's base pay or that results in an employee's pay exceeding the maximum of the pay band may be authorized by the SPO Director.

**B. Temporary retention differential:** The SPO Director may authorize, in writing, a pay differential of up to fifteen percent of an employee’s base pay to an employee in a position which the agency has documented and has been designated as critical to the effective operation of the agency and the employee’s departure would disrupt the agency’s ability to fulfill its mission.

(1) A temporary retention differential authorized under this provision may be approved up to one year. The agency shall demonstrate to the office, at least annually, the circumstances which justify the continuance of the differential. The agency must provide a detailed plan that outlines how they intend to resolve the problems associated with the retention difficulties. Payment of this differential shall be separate from the employee’s base salary and may not transfer with the employee should the employee leave that position.

(2) A temporary retention differential of more than fifteen percent of an employee’s base pay or that results in an employee’s pay exceeding the maximum of the pay band may be authorized if approved by the SPO director.

C. The temporary recruitment differential and the temporary retention differential are separate and distinct pay differentials that are administered separately.

**D. Pay for dusk to dawn work:** Employees shall be paid, in addition to their hourly pay rate, no less than \$0.60 per hour for each hour of regularly scheduled work between 6:00 p.m. and 7:00 a.m.

(1) Agencies shall notify the SPO Director of any change to the dusk to dawn differential or hours of eligibility.

(2) Agencies may choose not to pay the dusk to dawn differential to an employee whose alternative work schedule request results in the employee working any hours between 6:00 p.m. and 7:00 a.m.

**E. Multi-lingual**  
**Pay:** An agency may authorize a pay differential of \$0.35 per hour to an employee who has been assigned to perform multi-lingual duties in a facility, office or worksite where it is deemed necessary to facilitate multi-lingual communications with members of the public.  
 [1.7.4.13 NMAC - Rp, 1.7.4.13 NMAC, 8/1/2021; A, 07/29/2025; A, 2/24/2026]

**REGULATION AND LICENSING DEPARTMENT  
 PHYSICAL THERAPY BOARD**

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING  
 CHAPTER 20 PHYSICAL THERAPISTS  
 PART 14 IMAGING**

**16.20.14.1 ISSUING AGENCY:** New Mexico Physical Therapy Board.  
 [16.20.14.1 NMAC - N, 2/24/2026]

**16.20.14.2 SCOPE:** All individuals who wish to practice physical therapy in the state of New Mexico.  
 [16.20.14.2 NMAC - N, 2/24/2026]

**16.20.14.3 STATUTORY AUTHORITY:** Section 61-12-10 NMSA 1978.  
 [16.20.14.3 NMAC - N, 2/24/2026]

**16.20.14.4 DURATION:** Permanent.  
 [16.20.14.4 NMAC - N, 2/24/2026]

**16.20.14.5 EFFECTIVE DATE:** February 24, 2026, unless a later date is cited at the end of a section.  
 [16.20.14.5 NMAC - N, 2/24/2026]

**16.20.14.6 OBJECTIVE:** The objective of Part 14 of Chapter 20 is to establish regulations for physical therapists completing imaging in New Mexico.  
 [16.20.14.6 NMAC - N, 2/24/2026]

**16.20.14.7 DEFINITIONS:**  
**A. “Imaging”** is defined as medical techniques and technologies used by doctors to create detailed pictures of the inside of the body to diagnose and monitor medical conditions, injuries, or diseases. Techniques available to Physical Therapists include X-Ray, MRI or CT scan.

**B. “Ordering physical therapist”** is defined as physical therapist holding an entry-level clinical doctorate or transitional clinical doctorate degree in physical therapy from a college or university that has a physical therapy program accredited by the commission on accreditation in physical therapy education or a successor organization. This therapist must have passed the NPTE and licensed within the state of New Mexico.

**C. “Interpretation”** is defined the process by which a specially trained physician, typically a radiologist, examines and explains medical images like X-rays, CT scans, MRIs to identify injuries, abnormalities, or diseases. Must be completed by a qualified provider, such as a licensed physician, physician assistant, nurse practitioners, dentist, or podiatrist.  
 [16.20.14.7 NMAC - N, 2/24/2026]

**16.20.14.8 REQUIREMENTS FOR PHYSICAL THERAPIST WHO ORDERS IMAGING:**

**A.** The ordering physical therapist will send the results to the qualified provider within 30 days.

**B.** Physical therapy must document clinical justification for ordering imaging including interpretation.  
 [16.20.14.8 NMAC - N, 2/24/2026]

**HISTORY of 16.20.14 NMAC:**  
**[RESERVED]**

**REGULATION  
AND LICENSING  
DEPARTMENT  
PHYSICAL THERAPY BOARD**

**This amendment to 16.20.1 NMAC, Sections 10, 11, and 14, effective 2/24/2026**

**16.20.1.10 USE OF TITLES:**

**A.** Only a person holding a license as a physical therapist may use the title “physical therapist,” “licensed physical therapist”, or the letters “P.T.” “MPT,” “MSPT,” “DPT”

**B.** Only a person holding a license as a physical therapist assistant may use the title “physical therapist assistant”, “licensed physical therapist assistant”, or the letters “P.T.A.” or “L.P.T.A”

**C.** Only a student in a college program accredited or actively pursuing accreditation by the American physical therapy association may use the title “student physical therapist”, or the letters “S.P.T.”

**D.** Only a student in a college program accredited or actively pursuing accreditation by the American physical therapy association may use the title “student physical therapist assistant”, or the letters “S.P.T.A.” [12/15/1997; 16.20.1.10 NMAC - Rn, 16 NMAC 20.1.10, 08/31/2000; A, 02/24/2026]

**16.20.1.11 BOARD MEMBER REQUIREMENTS:**

**A.** Board members are required to attend board meetings as scheduled by the board. Any board member failing to attend three consecutive board meetings shall automatically be recommended for removal from the board.

**B.** Board members may be excused from attending board meetings for any of the reasons set forth below:

- (1) illness;
- (2) death in the immediate family;
- (3) military service;

(4) inclement weather;

(5) any other reason deemed appropriate by the [president] chair of the board. [12-15-97; 16.20.1.11 NMAC - Rn, 16 NMAC 20.1.11, 08/31/2000; A, 02/24/2026]

**16.20.1.14 CODE OF ETHICS:** The New Mexico [physical therapy board] Physical Therapy Board adopts the current New Mexico [physical therapy] Physical Therapy and [physical therapy assistant code] Physical Therapist Assistant Code of [ethics] Ethics as per Section 61-12D-13L NMSA 1978, and adopts the American Physical Therapy Association Code of Ethics.

**A.** Physical therapists and physical therapist assistants will honor the significance of patients and their families’ needs, rights, and dignity. When addressing patients’ needs, rights, and dignity, all will be adhered to with confidentiality and compassion.

**B.** Physical therapists and physical therapist assistants will make appropriate and [well-informed] well-informed decisions, regarding patient care, that are within their scope of practice.

**C.** Physical therapists and physical therapist assistants should avoid conflicts of interest that would impact negatively on a patient’s care.

**D.** Physical therapists and physical therapist assistants will have integrity in all dealings with patients and others associated with their care.

**E.** Physical therapists and physical therapist assistants will fulfill all professional duties, as required.

**F.** Physical therapists and physical therapist assistants will seek new ways of improving patient care and encourage best practice skills through continuing education and interaction with other providers.

**G.** Physical therapists and physical therapist assistants will

participate in sound and reasonable business practice.

**H.** Physical therapists and physical therapist assistants will use proper utilization practice patterns to meet the needs of those they serve. [16.20.1.14 NMAC - N, 02/15/2004; A, 1/12/2008; A, 9/30/2014; A, 02/24/2026]

**REGULATION  
AND LICENSING  
DEPARTMENT  
PHYSICAL THERAPY BOARD**

**This amendment to 16.20.5 NMAC, Section 8, effective 2/24/2026**

**16.20.5.8 SCHEDULE OF FEES:** The following fees shall be nonrefundable.

**A.** Application for full licensure:

- (1) physical therapist: [~~\$250.00~~] \$160.00
- (2) physical therapist assistant: [~~\$200.00~~] \$120.00

**B.** Request for temporary license: \$35.00; revised temporary license: \$10.00.

**C.** Jurisprudence exam: \$25.00; applicants who fail to pass this exam will need to pay the fee for each subsequent exam taken.

**D.** National physical therapy examination: contact the board for the current fees set by the testing contractor for both physical therapists and physical therapist assistants.

**E.** Biennial renewal:

- (1) physical therapist: [~~\$160.00~~] \$85.00
- (2) physical therapist assistant: [~~120.00~~] \$60.00

**F.** Penalty for late renewal:

- (1) physical therapist: \$250.00;
- (2) physical therapist assistant: \$200.00.

**G.** Replacement license: \$25.00; a replacement license may be provided subject to administrative review.

**H.** Mailing list (paper copy): \$250.00.

**I.** Electronic list: \$250.00.

**J.** Verification of licensure by endorsement: [~~\$30.00~~] Electronic administrative processing \$10.00 (per year).

**K.** Continuing education approval for course provider: to be determined by board designee.

**L.** Copy charge for public records (per page): \$0.25.

**M.** Returned check and e-check charge (per check): [~~\$25.00~~] \$35.00

**N.** Other administrative fees, i.e., credit card transactions, bank fees.

**O.** Inactive status fees:  
**(1)** inactive status fee: \$20.00;  
**(2)** reactivation fee for physical therapists: \$160.00;  
**(3)** reactivation fee for physical therapist assistants: \$120.00;

**P.** Instructor license fee: \$50.00  
 [10/15/1997; 16.20.5.8 NMAC - Rn & A, 16 NMAC 20.5.8, 08/31/2000; A, 11/01/2004; A, 03/02/2006; A, 1/12/2008; A, 8/1/2009; A, 8/16/2010; A, 2/24/2026]

**REGULATION AND LICENSING DEPARTMENT PHYSICAL THERAPY BOARD**

**This amendment to 16.20.7 NMAC, Sections 8 and 9, effective 2/24/2026**

**16.20.7.8 SUPERVISION OF LICENSED PERSONNEL:**

**A.** A physical therapist may not be responsible for the direction and supervision of more than three full-time physical therapist assistants, or three FTE's (full-time equivalency totaling 120 work hours per week) requiring supervision, including temporary physical therapists, temporary physical therapist assistants, and licensed physical therapist assistants.

**B.** A physical therapist may supervise three or more physical therapist assistants provided combined FTE's do not exceed more than 120 hours per week.

**C.** When physical therapy services are being provided, a licensed physical therapist must be on call and readily available for consultation by phone or electronic mail when the referring physical therapist leaves the area or facility, for any length of time or the referring physical therapist must appoint a stand in physical therapist as a supervising therapist until such time the referring physical therapist returns to the facility.

**D.** A physical therapist supervising a temporary licensee must notify the New Mexico physical therapy licensing board, in writing, when they are no longer responsible for supervision of a temporary licensee.

**E.** The referring physical therapist must hold documented conferences with the physical therapist assistant regarding the patient. The physical therapist is responsible for determining the frequency of the conferences consistent with accepted standards of practice within the facility in which they work.

**F.** The New Mexico Telehealth Act does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

**G.** Nothing in the New Mexico Telehealth Act shall be construed to alter supervision requirements set forth by a healthcare provider's applicable licensing board. A health care provider shall provide telehealth services under the same level of supervision required for in-person practice.  
 [10/15/1997; 16.20.7.8 NMAC - Rn, 16 NMAC 20.7.8, 8/31/2000; A, 03/02/2006; A, 1/12/2008; A, 8/1/2009; A, 9/30/2014; A, 7/28/2019; A, 2/24/2026]

**16.20.7.9 SUPERVISION OF UNLICENSED ASSISTIVE PERSONNEL (PHYSICAL THERAPY AIDE/TECHNICIAN/ ATTENDANT):**

**A.** A licensed physical therapist may only supervise unlicensed aides working as care-giving assistive personnel, provided the assistive personnel's combined [~~full-time~~] full-time equivalency does not exceed 120 hours per week.

**B.** Physical therapy aides and other assistive personnel shall perform patient care activities under on-site supervision of a physical therapist. "On-site supervision" means the supervising physical therapist:

**(1)** be continuously on-site and present in the department or facility where the assistive personnel are performing services;

**(2)** be immediately available to assist the person being supervised in the services being performed; and

**(3)** maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.  
 [10/15/1997; 16.20.7.9 NMAC - Rn, 16 NMAC 20.7.9, 8/31/2000; A, 1/12/2008; A, 8/1/2009; A, 8/16/2010; A, 9/30/2014; A, 7/28/2019; A, 2/24/2026]

**REGULATION AND LICENSING DEPARTMENT PHYSICAL THERAPY BOARD**

**This amendment to 16.20.8 NMAC, Sections 7, 8, 9, 10, 11 and 12, effective 2/24/2026**

**16.20.8.7 DEFINITIONS:**

**A.** One "contact hour" requires 60 minutes.

**B.** "Lecture" means an educational talk given by a qualified individual.

**C.** "Continuing professional education" means learning experiences which enhance

and expand the skills, knowledge, and abilities of physical therapists and physical therapist assistants to enable them to remain current and render competent professional service to clients, the profession, and the public.

**D. “Fellowship”**

means a planned program designed to provide greater depth in a specialty or subspecialty area and requires a minimum of 1000 hours of instruction.

**E. “Panel”** means the presentation of ~~[a number of]~~ views by several qualified individuals on a given subject.

**F. “Workshop”**

means a series of meetings designed for intensive study, skill development, or discussion in a specific field of interest.

**G. “Seminar/In-service”** means directed study for a group for advanced study, work or discussion in a specific field of interest.

**H. “Symposium”** means a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

**I. “Qualified Individual”** means a qualified licensed health professional who demonstrates or possesses the education, skill and experience in a particular area, or is an individual licensed to practice medicine, meaning they have completed the necessary education, training, and licensing requirements to diagnose, prescribe, and administer treatment for illnesses or injuries.

[16.20.8.7 NMAC – Rp, 16.20.8.7 NMAC, 2/24/2022; A, 2/24/2026]

**16.20.8.8 RENEWAL REQUIREMENT:**

**A.** Renewal of license.

**(1)** A licensed physical therapist and a physical therapist assistant shall apply for license renewal and pay the renewal fee as set forth in 16.20.5 NMAC, Schedule of Fees.

**(2)** Licenses will be renewed biennially. Licenses

will expire on February 1 following no more than two years of licensure.

**B.** The board office will ~~[mail]~~ send a renewal notice, in writing via electronic communication, to each licensee no later than December 15 at the electronic mail address on record. Timely renewal of license is the full and complete responsibility of the licensee. If the licensee does not receive the renewal notification within a reasonable time after December 15, it is the responsibility of the licensee to contact the board office. Non-receipt of the renewal form by the licensee will not exempt licensure expiration or late penalty fees.

**C.** Each licensee is responsible for submitting the required renewal fee by the expiration date whether or not a renewal notice is received by the licensee and licensee shall not practice if license is expired.

**D.** All license renewals postmarked after February 1 will be subject to a late fee of \$250 for a physical therapist and ~~[\$200.00]~~ \$120 for a physical therapist assistant. (Refer to 16.20 5 NMAC, Schedule of Fees.) [16.20.8.8 NMAC – Rp, 16.20.8.8 NMAC, 2/24/2022; A, 2/24/2026]

**16.20.8.9 CONTINUING EDUCATION REQUIREMENT:**

Continuing education is required for license renewal of physical therapists and physical therapist assistants ~~[in order]~~ to ensure that New Mexico licensees are providing the highest quality professional services.

**A.** Thirty hours of continuing education ~~[will be]~~ is required biennially, except those who will renew their license for the first time. No continuing education is required of those who are renewing for the first time. All continuing education hours must be earned during the current two year renewal period of February 1 through January 31.

**B.** The board shall audit a percentage of renewal applications each year to verify the continuing education requirement.

If the licensee is audited, proof of ~~[participation in or presentation of]~~ continuing education activity must be submitted ~~[along with a renewal form]~~.

**(1)** If a notice of audit is received ~~[with the license renewal notice,]~~ the licensee must submit evidence of continuing education hours earned during the current biennial renewal cycle to the board as requested and as required in the Physical Therapy Act and by this rule.

**(2)** ~~[If the licensee is not audited, the licensee will have to]~~ In the renewal application, all licensees must sign an affidavit. ~~[attesting to the completion of the required hours of continuing education and the licensee shall retain all documentation of attendance for the previous cycle immediately preceding the current renewal.]~~ confirming completion of the required continuing education hours. It is recommended that licensees keep records of attendance from the previous renewal cycle.

**(3)** The board reserves the right to audit continuing education attendance certificates whenever there is reasonable doubt the courses submitted, dates, or hours may be incorrect.

**C.** Licensees serving in the armed forces reserve or national guard.

**(1)** The license of a physical therapist or physical therapist assistant who does not earn the required continuing education contact hours as provided in this section due to his or her call to active duty in the armed forces reserves or the New Mexico national guard, will not lapse for failure to earn continuing education hours.

**(2)** A physical therapist or physical therapist assistant who was or is called to active duty in the armed forces reserves or New Mexico national guard is required to provide official documentation that the licensee is a member of the armed forces reserves or the national guard and was or is being called to active duty.

(3) Upon the physical therapist or physical therapist assistant's return to civilian status, the licensee shall pay the license renewal fee and resume earning continuing education contact hours prorated according to the licensee's months of service as required to maintain his or her licensure as a physical therapist or physical therapist assistant. The amount of prorated hours shall be at the discretion of the board.

[16.20.8.9 NMAC – Rp, 16.20.8.9 NMAC, 2/24/2022; A, 2/24/2026]

**16.20.8.10 CONTINUING EDUCATION CREDIT**

**CARRYOVER:** No carryover hours will be permitted. ~~[Thirty continuing education hours must be earned during the current two-year renewal period of February 1 through January 31.]~~

[16.20.8.10 NMAC – Rp, 16.20.8.10 NMAC; A, 2/24/2022]

**16.20.8.11 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS:**

Failure to ~~[meet]~~ fulfill continuing education requirements will ~~[cause]~~ result in the board ~~[to refuse]~~ declining to renew ~~[the]~~ a physical therapist or physical therapist assistant license ~~[in accordance with]~~ under the Uniform Licensing Act.

[16.20.8.11 NMAC – Rp, 16.20.8.11 NMAC, 2/24/2022; A, 2/24/2026]

**16.20.8.12 APPROVAL OF CONTINUING EDUCATION CONTACT HOURS:**

A. The process for approval of continuing education is as follows:

(1) ~~[the board or its designee will approve each request for continuing education credit; course approval must be requested by the course sponsor prior to the course or retroactively; however, licensees are not required to obtain approval but can request approval prior to a course or retroactively to ascertain that a course is acceptable as continuing education]~~ The board designates the New Mexico American physical therapy

association (NMAPTA), a chapter of the American physical therapy association (APTA), to approve each request for continuing education credit prior to completing or holding the course. Should the licensee or applicant not receive a response to their continuing education course application within six months, the licensee or applicant may request course review from the board.

(2) the party requesting approval will be informed of the board's or designee's determination within 30 calendar days of receipt of the request;

(3) the course sponsor or licensee whose request has been denied may appeal the denial at the next board meeting; and

(4) the same program may be provided more than one time and at different locations within the calendar year in which the fee was paid without the payment of additional fees.

**B.** Programs must follow the criteria and guidelines established by the board as follows to receive continuing education credit:

(1) each program or any course(s), with board approval that are sponsored by the APTA/NMAPTA will automatically be accepted for CEU approval without the need to apply for such approval;

(2) each program addresses ~~[needs]~~ (problems and issues) faced by physical therapists and physical therapist assistants;

(3) each program has specific written learning outcomes (objectives) based on identified needs;

(4) each program is planned and conducted by qualified individuals;

(5) program content and instructional methods for each program are based on learning objectives; and

(6) participants demonstrate their attainment of the learning outcomes, (i.e., various methods can be used such as: questions, discussions, written oral exercises, problems, case

studies, etc.); and

~~[(7) — programs approved by the APTA will be automatically accepted by the board.]~~

C. Final determination of values of continuing education will remain at the discretion of the board.

D. Programs considered appropriate for continuing education, include, but are not limited to those listed below.

(1) **Live programs**, (i.e., various programs such as workshops, in-service two-way video conferencing, etc.) awarded by providing the board with the following:

- (a) certificate of completion;
- (b) course schedule;
- (c) learning outcomes (objectives); and
- (d) name of instructor and credentials; 30 contact hours will be accepted).

(2) In the case of **university or college courses** taken for credit, provide the board with:

- (a) name of course;
- (b) number of course credit hours;
- (c) inclusive dates of attendance;
- (d) name of instructor and instructor's credentials;
- (e) published course description from college or university;
- (f) completed transcript or grade report with a passing grade of "C" or better;
- (g) name of institution; and
- (h) brief course summary demonstrating the course's relationship to physical therapy; (maximum 30) contact hours are awarded for each three credit course).

(3) **Physician in-service programs** or regular physical therapy staff in-service programs, provide the board with:

- (a) name of program;

(b) number of hours spent in program;  
 (c) inclusive dates of attendance;  
 (d) name of instructor or supervisor of program; documentation of instructor background and expertise;  
 (e) name of institution; and  
 (f) brief course summary demonstrating the course’s relationship to physical therapy; (maximum allowed biennially is 30 contact hours).

(4) **Management courses:** (maximum allowed biennially is 15 contact hours.)

(5) **Preparation or presentation of a workshop/in-service,** awarded on a case by case basis for any one given presentation, by providing the board the following:

(a) proof of preparation may be an outline, copy of handouts, copy and  
 (b) a copy of the agenda showing name of licensee as presenter; (maximum allowed biennially is 15 contact hours);  
 (c) contact hours for the presenter will be calculated at three times the number of hours of audience participation (e.g., a two hour workshop equals six hours for the presenter).

(6) **Certificate courses for an advanced specialty,** provide the board a certificate of completion signed by the program sponsor. (Maximum allowed biennially is 30 contact hours.)

(7) **Reading journal articles,** provide the board the following:

(a) title of article and journal;  
 (b) author and author’s credentials; and  
 (c) summary (subject of article, what was learned, and how it relates to the physical therapy scope of practice or the licensee’s position; (maximum allowed per article is one-half contact

hour); (maximum allowed biennially is 15 contact hours).

(8) **Conducting physical therapy research,** provide the board the following:

(a) title and description of research project, including brief timeline;  
 (b) names of other persons involved in project (i.e., co-investigators or supervisors);  
 (c) a brief statement indicating how participation in the project is related to the licensee’s present or future position in the field of physical therapy;

(d) a brief statement indicating how participation in the project is benefiting the applicant’s therapy skills or research skills; and

(e) provide a copy of the research report (if project has been completed); (if report is incomplete), credit will be allowed by providing the listed information or by receipt of the college transcript; (the board will determine the number of contact hours allowed); (maximum allowed biennially is 30 contact hours).

(9) **Home study courses,** awarded by providing the board with the following:

(a) certificate of completion;  
 (b) course schedule;  
 (c) learning outcomes (objectives); and  
 (d) name of instructor and credentials; (maximum allowed biennially is 30 contact hours).

(10) **Internet courses,** awarded by providing the board with the following:

(a) certificate of completion;  
 (b) course schedule;  
 (c) learning outcomes (objectives); and  
 (d) name of instructor and credentials;

(maximum allowed biennially is 30 contact hours).

(11) **Alternative medicine seminars,** provide the board a letter from the licensee explaining how the course relates to the physical therapy scope of practice. The board will approve these courses on a case by case basis.

(12) **Courses where certificates of attendance are not issued,** provide the board the following:

(a) [~~a canceled check for the course registration fee (submit copy of front and back of check)]~~ Proof of registration or proof of attendance.

(b) proof of transportation (i.e., copy of plane ticket and hotel receipt); and  
 (c) list of courses attended and hours attended (i.e., copy descriptions of courses and hours from program agenda).

(13) **Credit for supervising a student in clinical education,** provide the board with a copy of the cover and signature page (with student’s name blacked out to maintain confidentiality) of the student evaluation completed by the licensee-supervisor. One continuing education contact hour may be approved for each 40 contact hours of supervision in clinical education. The maximum number of continuing education contact hours approved for supervision in clinical education is 15 contact hours biennially.

(14) **Residencies, fellowships, and examinations.**  
 (a) Successful completion of a specialty examination may be submitted for continuing education consideration. A list of the specialty examinations that qualify for continuing education will be maintained by the board. The maximum number of continuing education contact hours is 30 biennially.

(b) Successful completion of an American physical therapy association (APTA) credentialed residency or fellowship

program may be submitted for continuing education consideration. The maximum number of continuing education contact hours is 30 biennially.

(c) Successful completion of an examination of the federation of state boards of physical therapy pertaining to continued competence may be submitted for continuing education consideration. The maximum number of continuing education contact hours is 30 biennially.

(15) [physical-therapy-association] **The American physical therapy association code of ethics for physical therapists and standards of ethical conduct for physical therapist assistants**, online course or live program, awarded by providing the board with the following:

- (a) certificate of completion;
- (b) course schedule;
- (c) learning outcomes (objectives); and
- (d) name of instructor and credentials; (the maximum number of contact hours awarded will be accepted).

(16) **Education presentations on state and federal legislative updates, and APTA house of delegates at NMAPTA business meetings**, awarded by providing the board with the following:

- (a) proof of attendance;
- (b) outline of agenda; and
- (c) name of instructor and instructor’s credentials; (maximum allowed biennially is eight contact hours or four contact hours annually).

**E. Ineligible activities** include, but are not limited to:

- (1) orientation and in-service programs dealing with organizational structures, processes, or procedures;
- (2) meetings for purposes of policy making;
- (3) annual association, chapter, district, or

- organizational and non-educational meetings;
- (4) entertainment or recreational meetings or activities;
- (5) committee meetings, holding of offices, serving as an organizational delegate;
- (6) visiting exhibits; and
- (7) CPR education.

[16.20.8.12 NMAC – Rp, 16.20.8.9 NMAC, 2/24/2022; A, 2/24/2026]

**REGULATION AND LICENSING DEPARTMENT  
PHYSICAL THERAPY BOARD**

**This amendment to 16.20.12 NMAC, Sections 7, 12 and 13, effective 2/24/2026**

**16.20.12.7 DEFINITIONS:**

**A. “Eligible jurisdiction”** means any state or territory of the United States except those included in the list of disapproved licensing jurisdictions under 16.20.12.8 NMAC

**B. “Expedited license”** means a [provisional] full license that confers the same rights, privileges and responsibilities as a regular license issued by the board.

**C. “Good standing”** means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.

**D. “Jurisdiction”** has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.

**E. “Licensing fee”** has the same meaning as defined in Subsection E of Paragraph (1) of Section 61-1-34 NMSA 1978.

**F. “Military service member”** has the same meaning as defined in Subsection E of Paragraph (2) of Section 61-1-34 NMSA 1978.

**G. “Qualified applicant”** means an applicant who:

(1) holds a current license in good standing in another jurisdiction, as defined by Subsection D of this rule;

(2) does not have a disqualifying criminal conviction, as defined by Subsection C of 16.20.3.8 NMAC of the Board’s rules; and

(3) is not subject to pending disciplinary action in New Mexico.

**H. “Veteran”** has the same meaning as defined in Subsection E of Paragraph (3) of Section 61-1-34 NMSA 1978. [16.20.12.7 NMAC - Rp, 16.20.12.7 NMAC, 6/27/2023; A, 2/24/2026]

**16.20.12.12 EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES, DEPENDENTS AND VETERANS; APPLICATION REQUIREMENTS:**

**A.** A candidate for expedited licensure must submit to the board a complete application containing all of the following:

(1) A completed and signed application form;

(2) Proof of current unrestricted license in good standing held by the applicant in another jurisdiction, including a branch of the United States armed forces;

(3) Submission of fingerprints and other information necessary for a state criminal background check;

(4) Submission of the following documentation:

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

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

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

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

(e) for veterans (retired or separated): proof of honorable discharge, such as a copy of DD Form 214, DD Form 215, DD Form 256, DD Form 257, NGB Form 22, military ID card, driver's license or state ID card with a veteran's designation, or other documentation verifying honorable discharge.

B. An expedited license application shall not be deemed complete until the applicant has submitted and the board's staff is in receipt of all of the materials, including documentation from third parties, required by subsection A.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant is not a qualified applicant as defined by this rule and has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-12D-13 of the Physical Therapy Act:

(1) The matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;

(2) The license may not be issued within 30 days of submission of the complete application; and

(3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

E. A military service member, spouse, dependent or veteran who is issued an expedited license

shall not be charged a any initial licensing fees or renewal fees for the first three years of licensure with the board;  
[16.20.12.12 NMAC; N, 6/27/2023; A, 2/24/2026]

**16.20.12.13 EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES, DEPENDENTS AND VETERANS; DURATION AND RENEWAL:**

A. An expedited license issued to an applicant under this rule shall be valid for one year from the date of issuance.

B. A licensee holding an expedited license may apply for license renewal in the manner provided by the board's rules. If the licensee holding an expedited license was not required by the licensee's original jurisdiction outside of New Mexico to pass the national physical therapy examination and the New Mexico jurisprudence exam, the licensee ~~shall~~ will be required by the New Mexico physical therapy board to take and pass the national physical therapy examination and the New Mexico jurisprudence exam in accordance with as a prerequisite to license renewal.

C. Upon renewal, the board shall issue a regular license to a licensee holding an expedited license granted under this rule.  
[16.20.12.13 NMAC; N, 6/27/2023; A, 2/24/2026]

**REGULATION AND LICENSING DEPARTMENT PHYSICAL THERAPY BOARD**

**This amendment to 16.20.13 NMAC, Sections 7 and 8, effective 2/24/2026**

**16.20.13.7 DEFINITIONS:**

A. "Dry needling" is defined as a skilled technique performed by a physical therapist using filiform needles to penetrate the skin or underlying tissues or both to effect change in body structures and functions for the evaluation and

management of neuromusculoskeletal conditions, pain, movement impairments, functional limitations and disability.

B. "High risk areas" are defined as any area that the physical therapist has not been formally trained to needle, via a New Mexico American physical therapy association (NMAPTA) board approved course.  
[16.20.13.7 NMAC - N, 7/28/2019; A, 2/24/2026]

**16.20.13.8 REQUIREMENTS FOR PHYSICAL THERAPIST TO PROVIDE DRY NEEDLING**

A. Dry needling may be performed by a physical therapist who meets the following requirements:

(1) the physical therapist must complete and maintain documentation of a board approved or New Mexico American physical therapy association (NMAPTA) dry needling course that includes, but is not limited to, training in indications, contraindications, potential risks, proper hygiene, proper use and disposal of needles, and appropriate selection of clients.

(2) the physical therapist must complete a minimum of 24 hours of a dry needling course, with both a written and practical (in-person) training.

(3) dry needling in a high-risk area, without formal training, is not to be performed until the physical therapist has received appropriate training.

(4) a licensed physical therapist must have at least six months of experience [~~as a licensed physical therapist before providing~~] before administering dry needling to any patients.

(5) the physical therapist bears the burden of proof of sufficient education and training to ensure competence. If requested by the board or a member of the public, the physical therapist practicing dry needling shall provide documentation of completion of the training required by this regulation. Failure to provide written document

to the board of meeting the training requirement shall be deemed prima facie evidence that the physical therapist is not competent and shall not be permitted to perform dry needling.

**B.** Dry needling shall only be performed by a competent and licensed physical therapist and may not be delegated to a physical therapist assistant, or student, aide or assistive personnel.

~~[C. — Gradual implementation of this dry needling provision (16.20.13.8 NMAC) will allow all physical therapists who are currently practicing dry needling to continue while they submit the required documentation during the 2019-2020 licensing renewal period. The transition period will be completed by 2021. All physical therapists practicing dry needling thereafter, will be required to follow the provision outlined in this document, prior to implementing this treatment technique on patients.]~~

[16.20.13 NMAC - N, 7/28/2019; A, 2/24/2026

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## End of Adopted Rules

# 2026 New Mexico Register

## Submittal Deadlines and Publication Dates

### Volume XXXVII, Issues 1-24

<b>Issue</b>	<b>Submittal Deadline</b>	<b>Publication Date</b>
<b>Issue 1</b>	<b>January 2</b>	<b>January 13</b>
<b>Issue 2</b>	<b>January 15</b>	<b>January 27</b>
<b>Issue 3</b>	<b>January 29</b>	<b>February 10</b>
<b>Issue 4</b>	<b>February 12</b>	<b>February 24</b>
<b>Issue 5</b>	<b>February 26</b>	<b>March 10</b>
<b>Issue 6</b>	<b>March 12</b>	<b>March 24</b>
<b>Issue 7</b>	<b>March 26</b>	<b>April 7</b>
<b>Issue 8</b>	<b>April 9</b>	<b>April 21</b>
<b>Issue 9</b>	<b>April 23</b>	<b>May 5</b>
<b>Issue 10</b>	<b>May 7</b>	<b>May 19</b>
<b>Issue 11</b>	<b>May 21</b>	<b>June 10</b>
<b>Issue 12</b>	<b>June 11</b>	<b>June 23</b>
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