

New Mexico Register

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

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The New Mexico Register

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New Mexico Register

Volume XXXVI, Issue 23

December 9, 2025

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Notices of Rulemaking and Proposed Rules

GAME AND FISH DEPARTMENT

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") will be hosting a meeting and rule hearing on Friday January 9, 2026, beginning at 9:00 a.m. at the New Mexico State Library, 1209 Camino Carlos Rey, Santa Fe, NM 87507. The purpose of this meeting is to hear and consider action as appropriate on the presentation of proposed changes to the Game and Fish Licenses/Permits Rule 19.30.9 NMAC.

Synopsis

The proposal is to amend the Game and Fish License/Permits Rule 19.30.9 NMAC which will become effective April 1, 2026.

PROPOSED CHANGES TO THE HUNTING AND FISHING LICENCES APPLICATION RULE

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

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

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

Individuals may also submit written comments to the physical address below. Comments are due by 1:00 p.m. on January 8, 2026. The final proposed rules will be voted on by the Commission during a public meeting on January 9, 2026. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearings to be held on January 9, 2026.

Full copies of text of the proposed new rules, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

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

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

establish rules and regulations 17-1-26, et seq. NMSA 1978.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Tuesday, December 9, 2025, that it will conduct a public hearing for the following proposed rulemakings on Monday, January 12, 2026, from 1:30 p.m. to 2:30 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501.

**Amendment of 6.30.15 NMAC, Community Schools
Repeal and Replace of 6.63.2 NMAC, Licensure for School Nurses, Grades Pre K-12
Repeal and Replace of 6.64.10 NMAC, Competencies for Entry-Level Bilingual Education Teachers**

The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemakings. Attendees who wish to provide public comments on the record will be given three minutes to make a statement concerning the proposed rulemaking. To submit written comments, please see the Public Comment section of this notice.

Explanation of Purpose of Rulemaking, Summary of Text, and Statutory Authority

6.30.15 NMAC, Community Schools

Explanation: Make updates based on amendments to the Community Schools Act, per SB387 from the

2025 Legislative Session and for the implementation of community school programs that reflect current practice.

Summary: The proposed amendment would update definitions and provisions pertaining to community schools. It would incorporate the current community school key practices, implement requirements for community school strategic plans, and simplify provisions on the appointment and duties of the community school coordinator and the coalition for community schools.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, and 22-32-1 et seq. NMSA 1978.

6.63.2 NMAC, Licensure for School Nurses, Grades Pre K-12

Explanation: Make updates based on changes to the School Personnel Act, per HB195 from the 2025 Legislative Session.

Summary: The proposed rulemaking would restructure the school nurse licensure system to include three licensure levels. It would define provisions for obtaining a license, competencies for each licensure level, exigent circumstances for keeping a license past its allotted time period, and procedures for mentorship of level one school nurses.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-8.2, 22-10A-10.1, 22-10A-11.11, 22-10A-17, and 22-10A-24 NMSA 1978.

6.64.10 NMAC, Competencies for Entry-Level Bilingual Education Teachers

Explanation: Update competency requirements for bilingual education teachers to align with current department practices and recommendations from the bilingual competencies workgroup.

Summary: The proposed rulemaking would detail the testing and coursework requirements for

beginning bilingual education teachers. It would also make changes to competency requirements to reflect tribal standards for tribal language proficiency and require teacher knowledge of translanguaging, theories of appropriately teaching heritage learners, oracy, biliteracy, and multiliteracies.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-31 NMSA 1978.

No technical information served as a basis for these proposed rule changes.

Public Comment

Interested parties may provide comments at the public hearing or may submit written comments by mail or e-mail.

Mailing Address

Policy and Legislative Affairs
Division
New Mexico Public Education
Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address

Rule.Feedback@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Monday, January 12, 2026. The PED encourages early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, December 9, 2025, to Monday, January 12, 2026, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Policy

and Legislative Affairs webpage titled, "Proposed Rules," at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Terrazas at (505) 470-5303 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 25-00039-PL

The New Mexico Public Regulation Commission ("Commission") gives notice of its initiation of a formal rulemaking to repeal and replace Title 18, Chapter 60, Part 4 entitled "Pipeline Safety Enforcement Procedures" and Part 5 entitled "Pipeline Safety Excavation Damage Prevention." The Rules which may be adopted as the final rules by the Commission may include all, part, or none of the language in the proposed rules.

Summary and concise statement of proposed rules: The objectives of the proposed rules are to replace language that references the Transportation Division, as the Division is no longer under the jurisdiction of the Commission, to revise outdated and superseded practices to conform with practices and procedures currently utilized in the field, and to provide authority to the Commission to approve agreements and decisions that arise out of settlement conferences, mediation, and arbitration between Pipeline Safety Bureau staff and respondents.

Legal authority: 62-14-7.1, 62-14-9.1, 62-14-10, 62-19-21, 70-3-4, and 70-3-13 NMSA 1978.

How a copy of the full text of the proposed rule may be obtained: A copy of the full text of the proposed rule and instructions on how to access the complete rulemaking record, reports, and other items filed in the Commission's e-docket system may be obtained from the Rulemaking Proceedings section of the Commission's website at <https://www.prc.nm.gov/rulemaking-proceedings/> under Docket No. 25-00039-PL or by calling LaurieAnn Santillanes in the Office of General Counsel at (505) 670-4830.

How a person may comment on the proposed rule, where comments will be received, and when comments are due: Written initial comments may be filed no later than **January 9, 2026**. Filed comments shall refer to Docket No. 25-00039-PL. Comments may be electronically filed by sending them in PDF format to prc.records@prc.nm.gov. All written comments will be posted on the Commission's e-Docket website within three days of their receipt by the Commission's Records Management Bureau.

The record of this case closes on **January 23, 2026**. From that date through the completion of this proceeding, rulemaking participants shall be forbidden from communicating with the Commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person may participate in the hearing: A public hearing on the proposed rules and any proposed alternatives, to be presided over by the Commission or its designee, shall be held beginning at **1:30 pm on January 14, 2026**, via the Zoom video-conferencing platform.

Any interested person who wishes to make a comment at the hearing may contact Patrick Rodriguez via email

at public.comment@prc.nm.gov or by phone at (505) 490-7910 as soon as possible before the start of the hearing to sign up as a commenter to sign up as a commenter. The Commission shall email a Zoom invitation to all commenters.

The Zoom invitation shall include a call-in number for those commenters who are unable to access Zoom's video-conferencing platform. The public comment hearing shall be held to receive oral comments. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson should be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public hearing. No testimony or other evidence shall be taken at the hearing as this is a rulemaking proceeding. The subject of public comments shall be relevant to matters within the Commission's jurisdiction. A court reporter shall prepare a transcript of the hearing for filing in this docket.

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

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

**REGULATION
AND LICENSING
DEPARTMENT
ACUPUNCTURE AND
ORIENTAL MEDICINE,
BOARD OF**

**NOTICE OF PUBLIC RULE
HEARING AND BOARD
MEETING**

The New Mexico Board of
Acupuncture and Oriental Medicine

and the Regulation and Licensing Department will hold a rule hearing on Friday, January 16th, 2026, immediately followed by a meeting of the board for adoption of the proposed rules listed below. Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya Building, 2nd Floor - Hearing Room #1 located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The hearing and subsequent Board of Acupuncture and Oriental Medicine meeting may also be accessed virtually via Microsoft Teams. Meeting Link: <https://teams.microsoft.com/meet/2859042124541?p=TEheHmQd2WWbgBz9SL> or by Meeting ID: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> Meeting ID: 244 013 587 539 3 Passcode: HV7CL3Cn or
Join by Phone: +1 505-312-4308
Phone conference ID: 144 882 947#

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

**Rule 16.2.9 NMAC -
CONTINUING EDUCATION
Rule 16.2.14 NMAC - GENERAL
REQUIREMENTS FOR
EXTERNS
Rule 16.2.16. NMAC - CERTIFIED
AURICULAR DETOXIFICATION
SPECIALIST RENEWAL
Rule 16.13.2 NMAC -
APPLICATION PROCESSING
FEE**

On Friday, December 9, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Acupuncture and Oriental Medicine website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/acupuncture-and-oriental-medicine/> or by contacting the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

The New Mexico Board of Acupuncture and Oriental Medicine and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, December 9, 2025, 9:00 a.m. and ending Friday, January 9, 2026, 9:00 a.m. Written public comment may be submitted either by email to acuorndboard@rld.nm.gov or by postal mail to the following address:

Attn: New Mexico Board of Acupuncture and Oriental Medicine
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (December 9, 2025 - January 9, 2026) will be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person by January 9, 2026.

The members of the New Mexico Board of Acupuncture and Oriental Medicine will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Board of Acupuncture and Oriental Medicine regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website above or by contacting the board Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Senior Manager of Business Operations, Dr. Arthur Culpepper at (505) 470-2298 at least 7 days prior

to the rules hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

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

Statutory Authority:

The proposed rule changes are authorized by the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-1 through - 22 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

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

Summary of Proposed Changes:

Rule 16.13.2.8 NMAC - Application Processing Fees

Changes to this rule will allow for a ten dollar (\$10) administrative fee for electronic processing per year

and (\$35) returned electronic check or electronic checks processing fee to fund the ongoing maintenance and licensing of the NM-Plus system.

Rule 16.2.9.8 NMAC - Continuing Education

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

Rule 16.2.14.8 NMAC - General Requirements for Externs

Changes to this rule will allow an extern to extend the timeframe from twelve (12) months to twenty-four (24) months, from both the date of graduation (from Board approved program) to beginning to externships; and from beginning of an externship.

Rule 16.2.16.13 NMAC - Certified Auricular Detoxification Specialist Renewal

Changes to this rule will allow a certified auricular detoxification specialist (CADS) to not require supervision after five (5) years of certification.

REGULATION AND LICENSING DEPARTMENT PHARMACY, BOARD OF

NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene on January 15th and 16th, 2026 at 9:00 a.m. and continue until finished in the Board of Pharmacy Conference Room located at 5500 San Antonio Dr., NE, Albuquerque, NM 87109 for the purpose of conducting a regular board meeting and rule hearing.

The agenda is posted 72 hours prior to the scheduled meeting. You may view and download a copy of the

agenda through the board's website: <https://www.rld.nm.gov/pharmacy/pharmacy-board-information/pharmacy-board-meetings/>. All proposed language regarding rule hearings is linked to the *Agenda*, the *Notice to the Public* on our website and the *New Mexico Sunshine Portal*.

Individuals petitioning the board regarding requests/waivers must submit documentation for presentation; via fax (505) 222-9845, mail or email to the Board Administrator, at the general e-mail pharmacy.board@rld.nm.gov at least one week in advance of the scheduled meeting.

Interested persons wishing to comment on proposed language regarding rule hearings may submit documentation for presentation prior to the hearing; via fax (505) 222-9845, mail or email to the Board Administrator, at the general e-mail pharmacy.board@rld.nm.gov in advance of the scheduled meeting. Public comment is also allowed during the rule hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, or if you are in need of a translator to attend or participate in the hearing or meeting, please contact Board Administrator at 505-222-9830 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Board Administrator at 505-222-9830 or e-mail pharmacy.board@rld.nm.gov if a summary or other type of accessible format is needed.

The full text of Proposed Rule Amendments for Rule Hearing on January 15th, 2026, at 9:10 a.m. is available for each rule via the hyperlinks below, agenda hyperlinks, and Sunshine Portal notice hyperlinks. If you are unable to access the full text of Proposed Rule Amendments via the links provided, please contact

pharmacy.board@rld.nm.gov for a copy.

Short explanation of the Purpose of Proposed Rule Amendments: see below.

16.19.4 NMAC – PHARMACIST

Section 11, Subsection B, streamline and clarify provision for return to pharmacy stock of dispensed patient medication packages from institutional settings. Subsection D, update allowance for stock dangerous drugs in custodial care facilities – remove reference to advisory committee on immunization practices, add epinephrine nasal spray as allowable dosage form, and add provision for authorized dangerous drugs for medically monitored withdrawal management pursuant to (16.19.11.9 NMAC, a pending rule update). Subsection E, streamline provision for repackaging, relabeling and reuse of prescription drugs in correctional facilities.

The purpose of the proposed amendments is to facilitate compliance through clear and streamlined requirements and align stock medication availability allowances with current standards and upcoming rule changes.

STATUTORY AUTHORITY:

Paragraph (1) of Subsection A of Section 61-11-6 NMSA, 1978 authorizes the board of pharmacy to adopt, regularly review and revise rules and regulations necessary to carry out the provisions of the Pharmacy Act, Sections 61-11-1, 61-11-2, 61-11-4 to 61-11-28 NMSA 1978. Those provisions include the authority to:

A. deny or take disciplinary action with respect to any certificate of registration or license held or applied for under the Pharmacy Act, Section 61-11-20 NMSA 1978;

B. require and establish criteria for continuing education as a condition of renewal of a pharmacist license, Paragraph (4)

of Subsection A of Section 61-11-6 NMSA 1978;

C. issue permits or licenses, as defined and limited by board regulation, to nursing homes, industrial and public health clinics and home care services, Paragraph (6) of Subsection A of Section 61-11-6 and 61-11-14 NMSA 1978;

D. provide for the issuance and renewal of licenses for pharmacists, Paragraph (3) of Subsection A of Section 61-11-6, and 61-11-13 NMSA 1978;

E. provide for the registration of pharmacist interns, their certification, annual renewal of certification, training, supervision, and discipline, Paragraph (5) of Subsection A of Section 61-11-6 NMSA 1978; and

F. adopt rules and regulations that establish patient counseling requirements, Paragraph (18) of Subsection A of 61-11-6 NMSA 1978. Under the Pharmacist Prescriptive Authority Act, Sections 61-11B-1 to 61-11B-3 NMSA 1978, the board is required to establish regulations governing certification as a pharmacist clinician. The Impaired Pharmacists Act, Sections 61-11A-1 to 61-11A-8 NMSA 1978, requires the establishment by the board of a plan for treatment and rehabilitation of impaired pharmacists. Subsection B of Section 61-1-36 NMSA 1978 authorizes the board of pharmacy to promulgate rules relating to listing specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction. Subsection B of Section 28-2-3 NMSA 1978 prohibits the board of pharmacy from considering certain criminal records to be used, distributed or disseminated in connection with an application for a license. Section 28-2-4 NMSA 1978 authorizes the board of pharmacy the power to refuse to grant or renew, or suspend or revoke a license where the applicant or licensee has been convicted of a felony and the criminal conviction directly relates to the particular profession and other convictions specified.

<https://www.rld.nm.gov/wp-content/uploads/2025/11/pharm-16.019.0004-Jan-2026-short.pdf>

16.19.26 NMAC - PHARMACIST PRESCRIPTIVE AUTHORITY

Section 3, remove reference to pharmacist prescriptive authority act in context of pharmacist clinician regulations, which are not applicable to the subject part.

Section 7, administrative update.

Section 9, remove reference to centers for disease control (CDC) guidelines. Sections 9 and 10, decrease required continuing education (CE) from two to one hour and allow the hour to count toward CE requirements for pharmacist license renewal.

Section 11, require CE appropriate to maintain competence (rather than as specified by the CDC).

Section 12, replace naloxone with opioid antagonist throughout. Decrease required CE from two hours live to one hour (not live), which may count toward CE requirements for pharmacist license renewal.

Section 13, decrease required CE from two to one, and CE may count toward requirements for pharmacist license renewal.

Section 14, CE may count toward requirements for pharmacist license renewal and point of care testing categories are as determined by the board.

The purpose of the proposed changes is to minimize administrative burden and barriers while supporting competence and continuing education relevancy to promote availability of these services for patients.

STATUTORY AUTHORITY:

Paragraph (1) of Subsection A of Section 61-11-6 NMSA 1978 authorizes the board of Pharmacy to adopt, regularly review and revise rules and regulations necessary

to carry out the provisions of the Pharmacy Act. Paragraph (7) of Subsection A of Section 61-11-6 NMSA 1978 gives the board authority to enforce the provisions of all laws of the state pertaining to the distribution of drugs. Paragraph (19) of Subsection A of Section 61-11-6 NMSA 1978 authorizes the board to adopt rules and protocols for the prescribing of dangerous drug therapy.

<https://www.rld.nm.gov/wp-content/uploads/2025/11/pharm-16.019.0026-Jan-2026.pdf>

16.19.34 NMAC – PRESCRIPTION DRUG DONATIONS

Sections 1 through 13, repeal and replace.

The purpose of the repeal and replace is pursuant to statutory mandate for establishment of rules for the safe redistribution of unused prescription drugs.

STATUTORY AUTHORITY: Section 26-1-3.2 of the New Mexico Drug, Device and Cosmetic Act mandates the Board of Pharmacy to establish rules for the safe redistribution of unused prescription drugs.

<https://www.rld.nm.gov/wp-content/uploads/2025/11/pharm-16.19.34-Jan-2026-repeal-replace.pdf>

Disciplinary Hearing(s):

There are no disciplinary hearings scheduled at time of submission for publication.

If additional scheduling occurs, the final hearing date and time for each case will be included in the agenda posted to the board's website at least 72 hours before the meeting.

Executive Director's Report:

Published in NM Register:
December 9, 2025

Published in Albuquerque Journal:
December 9, 2025

SUPERINTENDENT OF INSURANCE, OFFICE OF

NOTICE OF PROPOSED RULEMAKING

The OSI eDocket Number for this rulemaking is: 2025-0171

NOTICE IS HEREBY GIVEN

that the Office of Superintendent of Insurance (OSI or Superintendent) will hold a public hearing in person, via video conference, and via telephone conference regarding a repeal and replace of 13.10.27 NMAC, Uniform Definitions and Standardized Methodologies for Calculating the Medical Loss Ratio. **The hearing in this rulemaking will commence on Tuesday, January 13, 2026, at 10:00 a.m., MDT.**

PURPOSE OF THE PROPOSED RULE:

The purpose of this rulemaking is to: **1)** clarify the objective of the rule; **2)** update the text of the rule to reflect updated data gathering requests to carriers from OSI; and **3)** amend and update the definitions section of the rule.

STATUTORY AUTHORITY:

Sections 14-4-1 *et seq.*, NMSA 1978, State Rules Act, and Sections 59A-2-8, 59A-2-9, 59A-22-50, and 59A-23C-10 NMSA 1978.

TO ATTEND THE HEARING IN PERSON:

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

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

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

Meeting ID: 252 973 864 971 57 -
Passcode: Bj9EH9WV

**Please copy the link below into
your browser to get to the video
conference meeting**

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDMxNDQyMjMtMWVINi00OTZiLTk5OWUtZWMyYTJiMjg2Nzc3%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22b76166d2-adf5-4b1b-b66b-732b2019af27%22%7d

**TO ATTEND THE HEARING
DIAL BY PHONE:**

+1 505-312-4308,,474983462#
United States, Albuquerque - Phone
conference ID: 474 983 462#

PUBLIC COMMENT: The Superintendent designates Dr. Monica Snowden, as the hearing officer for this hearing. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or via electronic video conference. Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access if you are not already registered. You may also request copies if the Notice of Proposed Rulemaking and proposed rule by emailing Gloria Regensberg at: gloria.regensberg@osi.nm.gov or by phone at: 505-500-9079, email communication is preferred. To view all filings in OSI's rulemaking information, please visit the **OSI website** at: <https://www.osi.state.nm.us/en/legal-information/rulemaking/>, the OSI rulemaking record is filed on the eDocket (please follow the instructions on the web page for using the eDocket, there is no charge for using the eDocket, to find this rulemaking use the following eDocket Number: 2025-0171), or

on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (from the "Agency" drop down menu, select "Office of Superintendent of Insurance")

Written comments will be accepted through 4:00 p.m. on Thursday, January 8, 2026. Responses to written comments or to oral comments delivered at the hearing will be accepted through 4:00 p.m. on Wednesday, January 14, 2026. All comments shall be filed electronically through the OSI eDocket. Please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access. **To find this rulemaking use the following Docket Number: 2025-0171.**

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

**OSI Records and Docketing
NM Office of Superintendent of
Insurance
P.O. Box 1689, Santa Fe, NM
87504-1689**

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

**Docket Number: 2025-0171
IN THE MATTER OF
REPEAL AND REPLACE
OF 13.10.27 NMAC,
UNIFORM DEFINITIONS
AND STANDARIZED
METHODOLOGIES FOR
CALCULTING THE MEDICAL
LOSS RATIO**

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

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

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Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

GAME AND FISH DEPARTMENT

TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING PART 4 FISHERIES

19.31.4.1 ISSUING

AGENCY: New Mexico Department of Game and Fish.

[19.31.4.1 NMAC – Rp, 19.31.4.1 NMAC, 4/1/2026]

19.31.4.2 SCOPE:

Sportfishing. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 30 through 34 of Title 19 NMAC.

[19.31.4.2 NMAC – Rp 19.31.4.2 NMAC, 4/1/2026]

19.31.4.3 STATUTORY

AUTHORITY: 17-1-14 and 17-1-26, and 17-2-1 NMSA 1978, provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.

[19.31.4.3 NMAC – Rp 19.31.4.3 NMAC, 4/1/2026]

19.31.4.4 DURATION: April

1, 2026 through March 31, 2030.

[19.31.4.4 NMAC - Rp 19.31.4.4 NMAC, 4/1/2026]

19.31.4.5 EFFECTIVE

DATE: April 1, 2026, unless a later date is cited at the end of a section.

[19.31.4.5 NMAC - Rp 19.31.4.5 NMAC, 4/1/2026]

19.31.4.6 OBJECTIVE:

Establishing open seasons, bag limits, and other rules pertaining

to management and harvest of the fisheries resources of New Mexico.
[19.31.4.6 NMAC - Rp 19.31.4.6 NMAC, 4/1/2026]

19.31.4.7 DEFINITIONS:

Specific terms as used in this regulation are defined.

A. “Angling” shall mean taking or attempting to take fish by hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended. “Fishing” shall be synonymous to “angling”.

B. “Bait fish” is defined as those nongame fish which are not otherwise protected by statute or regulation.

C. “Barbless lure or fly” shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or other foods are not considered barbless lures or flies.

D. Boundary descriptions

(1) “U.S.”, as used in boundary descriptions herein, shall mean United States highway.

(2) “N.M.”, as used in boundary descriptions herein, shall mean New Mexico state road.

(3) “I”, as used in boundary descriptions herein, shall mean interstate highway.

E. “Chum” as used herein, is organic material that is not injurious to aquatic life and is used to attract fish.

F. “Daily bag limit” shall mean the number of fish that can

be legally harvested within a calendar day.

G. “Daylight hours” shall mean from one-half hour before sunrise to sunset.

H. “Snagging” as used herein, is the intentional taking of fish with hooks, gang hooks, or similar devices where the fish is hooked in a part of the body other than the mouth.

I. “Special trout waters” as used herein, are managed to enhance the unique angling opportunities available in New Mexico.

[19.31.4.7 NMAC - Rp 19.31.4.7 NMAC, 4/1/2026]

19.31.4.8 [RESERVED]

[19.31.4.8 NMAC - Rp 19.31.4.8 NMAC, 4/1/2026]

19.31.4.9 SEASON DATES:

A. General seasons: All waters in New Mexico shall be open for the taking of game fish from April 1 through March 31 of the effective years, with the following exceptions:

(1) Special waters

(a) The following waters shall be open between 12 noon March 1 through 12 noon October 31: upper and lower Charette lakes, Maxwell lakes 13 and 14, and Clayton lake.

(b) All waters in the Valle Vidal (Vermejo tract of the Carson national forest) shall be open from July 1 through December 31.

(c) Laguna del Campo at Los Ojos state fish hatchery shall be open from May 1 through October 31.

(d) Red River city ponds shall be open from March 1 through November 15.

(e)

Black Canyon creek from the forest road 150 (North Star Mesa road) crossing upstream to its headwaters and Mogollon creek in Grant and Catron counties upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon shall be open from July 1 through October 31.

(f)

All waters on the Valles Caldera national preserve shall be open from May 1 to October 15.

(2) Waters

on national wildlife refuges waters on U.S. national wildlife refuges shall be open for the taking of game fish in accordance with regulations of the U.S. fish and wildlife service; provided that season dates shall be from April 1 through March 31, on those national refuges for which the fish and wildlife service has not regulated season dates.

B. Special Kokanee salmon seasons, dates, and location:

(1) The

following waters shall be open October 1 through December 31 for the special Kokanee salmon season: Chama river from El Vado lake upstream to the west boundary of the Rio Chama wildlife and fishing area, Eagle Nest lake, El Vado lake, and Navajo lake including the Pine river except as otherwise specified in Paragraph (3) of Subsection B of 19.31.4.9 NMAC.

(2) Heron lake

shall be open for the special Kokanee salmon season from November 11 through December 31.

(3) Heron

lake, including the Willow creek tributary shall be closed to Kokanee salmon fishing between October 1 and November 10. The buoyed "no wake" areas, as posted by New Mexico State Parks, at the Pine boat ramp and Sims mesa boat ramp at Navajo lake, including the shoreline within the "no wake" areas, shall be closed to Kokanee salmon fishing October 1 through December 31. It shall be unlawful to fish for, snag, or possess Kokanee salmon in these areas during the closure period.

[19.31.4.9 NMAC - Rp 19.31.4.9 NMAC, 4/1/2026]

19.31.4.10 HOURS OF FISHING: Day and night fishing for all species of game fish shall be permitted in all waters during the open season, except it shall be unlawful to fish in any water outside of hours and dates posted by any local, state, or federal agency.
[19.31.4.10 NMAC - Rp 19.31.4.10 NMAC, 4/1/2026]

19.31.4.11 DAILY BAG, POSSESSION LIMITS AND REQUIREMENTS OR CONDITIONS:

A. Trout:

(1) Waters

with reduced bag limit: No person shall fish waters regulated for reduced limits while having in excess of that limit in possession.

(2) Brown,

rainbow, cutthroat, Gila, lake, brook trout and Kokanee salmon:

(a)

The daily bag limit shall be five trout and no more than 10 trout shall be in possession, unless otherwise specified in Paragraph (4) of Subsection A of 19.31.4.11 NMAC.

(b)

The daily bag limit for cutthroat trout shall be two trout and no more than two cutthroat trout may in possession. Cutthroat trout are included in the bag and possession limits for trout explained in Subparagraph (a) of Paragraph (2) of Subsection A of 19.31.4.11 NMAC.

(c)

The daily bag limit for lake trout shall be two trout and no more than four lake trout shall be in possession. Lake trout are included in the bag and possession limits for trout explained in Subparagraph (a) of Paragraph (2) of Subsection A of 19.31.4.11 NMAC.

(3) Special

Kokanee salmon season: During the special Kokanee salmon season, the daily bag limit shall be 12 Kokanee salmon in addition to the daily bag limit for trout, and no more than 24 Kokanee salmon may be possessed in addition to the possession limit for

trout. It shall be unlawful to possess Kokanee salmon at Heron lake during the closed Kokanee salmon season.

(4) On certain

waters the following exceptions shall apply:

(a)

Special trout waters - waters, hereafter referred to as "Special Trout Waters", the following exceptions shall apply:

(i)

No fish may be kept or held in possession while fishing in the portions of the following waters:

**Continued
Next Page**

Water name	Portion	County	Exception
Tingley beach south pond	Within the Albuquerque conservancy park	Bernalillo	
Mogollon creek	Upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon	Catron and Grant	
Cimarron river	From the lower end of Tolby campground downstream approximately 1.4 miles to the first bridge of N.M. 64	Colfax	
Leandro creek	Within the Valle Vidal (Vermejo tract-Carson national forest	Colfax	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Any stream on the Valle Vidal	Vermejo tract-Carson national forest	Colfax and Taos	
Black canyon	From the forest road 150 (North Star Mesa road) crossing upstream to its headwaters	Grant	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Pecos river	In the Pecos wilderness, above Pecos falls	Mora	
Rio Valdez	In the Pecos wilderness from the waterfall barrier 0.8 miles below FS trail 239 upstream to its headwaters	Mora	
Rito del Padre	From fish migration barrier located about 0.3 miles upstream of the confluence with the Rito Sebadilloses upstream to its headwaters including Rito de los Chimayosos	Mora	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
West fork Luna creek	From the Carson national forest property boundary upstream to its headwaters	Mora	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Jack's creek	From the water falls located 0.25 mile downstream of NM highway 63 crossing upstream to its headwaters	Mora and San Miguel	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Canada Tio Grande	Within the Carson national forest excluding private land	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Nabor creek and Nabor lake	Within the Edward Sargent wildlife area	Rio Arriba	
Rio Chama	From the United States geological survey gaging station located 1.3 miles downstream of El Vado lake dam downstream approximately 3 miles to its confluence with the Rio Nutrias	Rio Arriba	
Rio de Las Vacas	From fish migration barrier located about 0.2 miles upstream of FS road 70 crossing to its headwaters	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Tanques creek	From FS road 93 crossing upstream to its headwaters	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio Cebolla	From the Seven Springs day use area upstream to the headwaters including McKinney pond	Rio Arriba and Sandoval	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited

Rio Santa Barbara	From the west fork and middle fork confluence upstream to its headwaters including the east fork	Rio Arriba and Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
San Juan river	From Navajo dam downstream approximately 3.75 miles to the Crusher Hole day use are (east side of section 16)	San Juan	
Capulin creek	From its confluence with the Rio Grande to its headwaters	Sandoval	
Rio las Animas	Within the Gila national forest, Black range ranger district excluding private land	Sierra	
Cabresto creek	From Cabresto canyon upstream to its headwaters not including lake fork and Cabresto lake	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Columbine creek	From its confluence with the Red river upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Frijoles creek	From its confluence with Rito de la Olla upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Gavilan creek	From its confluence with the Rio Hondo upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Italianos creek	From its confluence with the Rio Hondo upstream its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Palociento creek	From its confluence with Rito de la Olla upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio Costilla	From its confluence with Latir creek upstream approximately 2.4 miles to the Valle Vidal tract of the Carson national forest	Taos	
South fork Rio Hondo	From its confluence with the Rio Hondo upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Yerba creek	From the its confluence with the Rio Hondo upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio San Antonio	From forest road 93 crossing upstream to its headwaters including Lagunitas creek	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio Chiquito	From forest road 438 crossing upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited

(ii) The daily bag limit shall be two trout and no more than two trout shall be in possession while fishing in the portions of the following waters. Anglers must stop fishing in those waters when the daily bag limit is reached.

Water name	Portion	County	Exception
Gilita creek and tributaries	From its confluence with Snow creek upstream to its headwaters including Willow and Little Turkey creek	Catron	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited

Mineral creek	From its confluence with San Francisco river to its headwaters	Catron	
Whitewater creek	From Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries	Catron	
Shuree lakes	Within the Valle Vidal (Vermejo tract-Carson national forest)	Colfax	
Vermejo river and its tributaries	From the Vermejo Park ranch boundary upstream to its headwaters	Colfax	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio Ruidoso	From Fridenbloom drive upstream to the boundary between the Mescalero Apache reservation and the city of Ruidoso	Lincoln	
All waters within or adjacent to the Edward Sargent wildlife area	Including the Rio Chamita, Sexton creek, and Rio Chama, excluding Nabor creek and Nabor lake	Rio Arriba	
Rio Chama	Within the boundaries of the Rio Chama wildlife and fishing area from Heron reservoir outlet 2.9 miles upstream to Cottonwood Flats	Rio Arriba	
Rio Chama	From the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam	Rio Arriba	
Rio de Los Pinos	From FS road 284 and 87A, 2.5 miles upstream to the private property boundary	Rio Arriba	
Pecos river	From approximately 0.5 mile upstream of its confluence with the Mora river (Mora-Pecos) upstream to approximately 0.2 miles downstream of the bridge crossing at Cowles	San Miguel	
All waters of the Valles Caldera national preserve		Sandoval	
Rio Guadalupe	From its confluence with Deer creek upstream 6.0 miles to Stable canyon	Sandoval	
Rio San Antonio	From the San Antonio hot springs pedestrian bridge upstream approximately 2.0 miles to the Valles Caldera National Preserve boundary	Sandoval	
Red River	From its confluence with Goose creek 1.1 miles upstream to the Carson national forest boundary	Taos	
Red River	From its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery	Taos	
Rio Grande	From the New Mexico/Colorado state line downstream to the Taos junction bridge at NM highway 567	Taos	

(b) In Sandoval county; brood pond at Seven Springs state fish hatchery, the daily bag limit shall be five cutthroat trout and no more than 10 cutthroat may be in possession.

(c) On the following waters the daily bag limit shall be three trout and no more than three trout shall be in possession; In Rio Arriba county: Laguna del Campo at Los Ojos state fish hatchery.

B. Warm-water

fishes: The daily bag limit for game fish other than trout shall be as listed below and the possession limit shall be twice the daily bag limit.

- (1) striped bass one fish;
- (2) largemouth, smallmouth, and spotted bass five fish;
- (3) walleye five fish;
- (4) crappie 20 fish;
- (5) white bass and white bass x striped bass hybrid 25 fish;
- (6) northern pike 10 fish;
- (7) catfish (all species, except bullheads) 15 fish;
- (8) yellow perch 30 fish;
- (9) tiger muskie (*Esox lucius* x *E. masquinongy*) one fish
- (10) all other warm-water game species 20 fish.

C. The following exception shall apply:

- (1) At Alto lake (Lincoln county); Alumni pond (Dona Ana county); Bataan lake (Eddy county); Blue Hole park pond (Guadalupe county); Bosque Redondo (De Baca county); Burn lake (Dona Ana county); Carrizozo lake (Lincoln county); Chaparral lake (Lea county); Conoco lake (Lea county); Conservancy park/Tingley beach (Bernalillo county); Corona lake (Lincoln county); Dennis Chavez pond (Curry county); Escondida lake (Socorro county); Estancia Park lake (Torrance county); Eunice lake (Lea county); Grants city pond (Cibola county); Green Meadow lake (Lea county); Greene Acres lake (Curry county); Harris Pond (San Miguel county); Jal lake (Lea county); lake Van (Chaves county); Liam Knight pond (Sandoval county); McGaffey lake (McKinley county); Ned Houk lakes (Curry county); Oasis state park (Roosevelt county); Pecos River within the Villanueva state park (San Miguel county); Perch lake (Guadalupe county); Rancho Grande

ponds (Catron county); Roswell kids pond (Chavez county); Timberon ponds (Otero county); Trees lake (Luna county); and Young pond (Dona Ana county): the daily bag limit for channel catfish will be two fish and the possession limit shall be twice the daily bag limit.

(2) In San Juan county, in the San Juan and Animas rivers, not including Navajo lake, there is no daily bag limit or possession limit for channel catfish and striped bass.

(3) In Colfax county, Eagle Nest lake there is no bag or possession limit for northern pike. All northern pike caught at Eagle Nest lake must be kept in possession. No northern pike shall be intentionally returned to Eagle Nest lake.

(4) In Union county: Clayton Lake; In Grant county: Bill Evans lake; In Grant county: lake Roberts the daily bag limit for largemouth bass shall be two fish and no more than two shall be in possession.

[19.31.4.11 NMAC - Rp 19.31.4.11 NMAC, 4/1/2026]

19.31.4.12 SIZE LIMITS:

A. Black basses

(1) Any largemouth or spotted bass taken which is less than 14 inches long shall be immediately returned to the water.

(2) Any smallmouth bass taken which is less than 12 inches long shall be immediately returned to the water with the following exceptions:

(a) In San Miguel and Quay counties: Ute and Conchas reservoirs, any smallmouth bass taken which is less than 14 inches long shall be immediately returned to the water.

(b) In Rio Arriba and Taos counties: Rio Grande, there shall be no size limit on smallmouth bass.

B. Tiger muskie (*Esox lucius* x *E. masquinongy*): Any tiger muskie taken which is less than 40 inches long shall be immediately returned to the water.

[19.31.4.12 NMAC - Rp 19.31.4.12 NMAC, 4/1/2026]

19.31.4.13 GILA TROUT

PERMIT REQUIRED: Every person angling for fish on those sections of the following waters must be in possession of a Gila trout permit, issued in their name by the department or its designee. In Grant county: Black canyon upstream of its confluence with the East fork Gila River and Sapillo creek; In Catron county: West fork Gila river, Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries, Mineral creek including all tributaries, and waters upstream from the confluence of Gilita creek and Snow creek including Gilita, Willow and Little Turkey creeks; In Grant and Catron counties: the area from the Middle fork Gila river and West fork Gila river confluence downstream to the East fork Gila river confluence and Mogollon creek upstream from the waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon. A photocopy, duplicate copy or computer printout of this permit will suffice as evidence of receiving such permit.

[19.31.4.13 NMAC - Rp 19.31.4.13 NMAC, 4/1/2026]

19.31.4.14 WATERS WITH AGE OR INDIVIDUALS WITH DISABILITIES USE RESTRICTIONS:

A. Only persons 11 years of age and younger may fish in the following waters: Harris Pond; brood pond at Seven Springs state fish hatchery; Shuree kids' pond on Valle Vidal (Vermejo tract-Carson national forest); Spring river park pond in Roswell; Conservancy park/Tingley beach kids' pond; hatchery settling ponds located at the Rock Lake state fish hatchery; and Alto Kids' Pond.

B. Only persons 11 years of age and younger, those 65 years and older, and individuals with disabilities may fish in the following waters: Blue Hole park pond; posted small pond at Cowles; Harry McAdams park ponds; Red River city

middle kids' pond; and Red River hatchery pond located at the Red River state fish hatchery.

C. Laguna del

Campo: Only persons 14 years of age and younger, those 65 years and older, individuals with disabilities, or up to two parents/guardians in direct supervision of a child or children 14 years of age and under who are fishing, may fish in Laguna del Campo located near Los Ojos trout hatchery.

[19.31.4.14 NMAC - Rp 19.31.4.14 NMAC, 4/1/2026]

19.31.4.15 CLOSED WATERS:

A. Waters closed to fishing:

(1) In Catron county: Big Dry creek from Golden link cabin upstream through its headwaters.

(2) In Catron county: Little creek from the "barrier" upstream through all tributaries.

(3) In Catron county: Spruce creek.

(4) In Catron and Sierra counties: Main Diamond creek above the point of confluence with south Diamond creek.

(5) In Catron and Sierra counties: South Diamond creek drainage.

(6) In Colfax county: a posted area lying within 300 feet of Eagle Nest dam, which is closed to entry.

(7) In Colfax county: a posted area of Stubblefield and Laguna Madre lakes lying within 150 feet of the outlet structures.

(8) In Grant county: east fork of Mogollon creek upstream of Trail canyon including Woodrow canyon.

(9) In Grant county: Sheep Corral creek.

(10) In Lincoln county: posted areas of Alto reservoir and Bonito lake near the outlets.

(11)

In Catron county: All tributaries of the West fork of the Gila river above waterfalls between FS Trail No. 151

crossing of the West fork of the Gila river near White creek cabin and FS Trail No. 151 crossing of the West fork of the Gila river near Liley canyon. Mainstem of the West fork of the Gila river will be open to fishing.

(12) In

Catron county: Iron creek in the Gila wilderness upstream of the constructed waterfall barrier located in T12SR17WSec16NE.

B. Taking fish from hatchery waters: It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned and operated by state or federal agencies. During open season, however, angling for trout shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, and Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

C. Taking fish from or through the ice: Ice fishing is permitted in all waters unless closed by any local, state, or federal agency due to safety concerns or unsafe ice conditions.

D. It is unlawful to fish from the boat ramp at the Crusher Hole Day Use Area and Texas Hole Day Use Area located in Navajo Lake State Park, San Juan County.

[19.31.4.15 NMAC - Rp 19.31.4.15 NMAC, 4/1/2026]

19.31.4.16 ESTABLISHING FREE FISHING WEEKENDS:

The first consecutive Saturday and Sunday in June and the last consecutive Saturday and Sunday in September during the effective dates of this regulation, are established as free fishing weekends whereby anglers may fish public waters in New Mexico as otherwise provided by regulation without a fishing license, stamps or paying any license fees. Anglers must abide by all other fishing laws including but not limited

to bag limits, tackle restrictions, age restrictions and hours during each free fishing weekend.

[19.31.4.16 NMAC - Rp 19.31.4.16 NMAC, 4/1/2026]

HISTORY OF 19.31.4 NMAC:

The material in this part was derived from that previously filed with the State Records Center & Archives under: Regulation No. 488, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of The Fisheries Resources of New Mexico 1968-1969 License Year, April 1, 1968 Through March 31, 1969, filed 12/15/1967; Regulation No. 500, Concerning Method & Manner of Hunting, Taking, Possessing, Disposing & Transporting of Game Animals, Birds, Fish Or Bullfrogs, Or Parts Thereof, Taken In NM, filed 5/25/1967; Regulation No. 525, Concerning the Method And Manner of Hunting, Taking, Possessing, Disposing And Transporting of Game Animals, Game Birds, Game Fish Or Bullfrogs, Or Parts Thereof, Taken In New Mexico, filed 8/21/1968; Regulation No. 499, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1969-1970 License Year, April 1, 1969 Through March 31, 1970, filed 12/10/1968; Regulation No. 509, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1970-1971 License Year, April 1, 1970 Through March 31, 1971, filed 12/8/1969; Regulation No. 518, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1971-1972 License Year, April 1, 1971 Through March 31, 1972, filed 1/14/1971; Regulation No. 530, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico, 1972-1973 License Year, April 1, 1972 Through March 31, 1973, filed 1/11/1972; Regulation No. 535,

Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1972 Through March 31, 1973, filed 5/31/1972; Regulation No. 550, Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting And Fishing, And Use of Department Lands, Filed 5/31/1972; Regulation No. 543, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1973 Through March 31, 1974, filed 12/11/1972; Regulation 552, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of Mexico For the Period April 1, 1974 Through March 31, 1975, filed 1/11/1974; Regulation No. 562, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1975 Through March 31, 1976, filed 1/3/1975; Regulation No. 571, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1976 Through March 31, 1977, filed 2/10/1976; Regulation No. 579, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1977, Through March 31, 1978, filed 9/21/1976; Regulation No. 581, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 12/20/1976; Regulation No. 586, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 5/24/1977; Regulation No. 589, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the

Fisheries Resources of New Mexico For the Period April 1, 1978, Through March 31, 1979, filed 10/5/1977; Regulation No. 595, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1979, Through March 31, 1980, filed 10/3/1978; Regulation No. 602, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1980, Through March 31, 1981, filed 11/21/1979; Regulation No. 607, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1981, Through March 31, 1983, filed 10/22/1980; Regulation No. 612, Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, filed 3/2/1982; Regulation No. 619, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1983, Through March 31, 1985, filed 12/8/1982; Regulation No. 632, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1985, Through March 31, 1987, filed 11/28/1984; Regulation No. 647, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1987, Through March 31, 1989, filed 1/5/1987; Regulation No. 662, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1989, Through March 31, 1991,

filed 12/19/1988; Regulation No. 677, Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, filed 6/25/1990; Regulation No. 681, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1991, Through March 31, 1993, filed 1/11/1991; Regulation No. 694, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1993, Through March 31, 1995, filed 3/11/1993

NMAC History:

19 NMAC 31.4, Hunting and Fishing Regulations - Fisheries, 4/1/1995.
19.31.4 NMAC, Hunting and Fishing Regulations - Fisheries, 11/15/2000.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4/15/2002.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 3/10/2010.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 12/30/2015.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 12/15/2016.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 12/12/2017.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4/1/2018.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4/1/2022.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4/1/2026.

History of Repealed Material: [RESERVED]

GAME AND FISH DEPARTMENT

**TITLE 19 NATURAL
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 5 UPLAND GAME**

19.31.5.1 ISSUING

AGENCY: New Mexico department of wildlife.

[19.31.5.1 NMAC - Rp, 19.31.5.1 NMAC, 4/1/2026]

19.31.5.2 SCOPE:

Sportspersons interested in upland game management and hunting. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.

[19.31.5.2 NMAC - Rp, 19.31.5.2 NMAC, 4/1/2026]

19.31.5.3 STATUTORY

AUTHORITY: Sections 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state wildlife commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds and fish. [19.31.5.3 NMAC - Rp, 19.31.5.3 NMAC, 4/1/2026]

19.31.5.4 DURATION:

April 1, 2026 through March 31, 2030.

[19.31.5.4 NMAC - Rp, 19.31.5.4 NMAC, 4/1/2026]

19.31.5.5 EFFECTIVE

DATE: April 1, 2026 unless a later date is cited at the end of a section.

[19.31.5.5 NMAC - Rp, 19.31.5.5 NMAC, 4/1/2026]

19.31.5.6 OBJECTIVE:

Establishing seasons on dusky grouse, Eurasian collared-dove, pheasant, Gambel's quail, Montezuma quail, northern bobwhite, scaled quail, tree squirrels and setting falconry seasons. [19.31.5.6 NMAC - Rp, 19.31.5.6 NMAC, 4/1/2026]

19.31.5.7 DEFINITIONS:**A. "Department"**

shall mean the New Mexico department of wildlife.

B. "Falconry"

shall mean hunting game mammals or game birds using raptors.

C. "North zone"

shall mean north of Interstate 40.

D. "Possession limit"

shall mean the number of game mammals or game birds in a person's possession regardless of the location stored.

E. "South zone"

shall mean south of Interstate 40.

F. "Tree squirrels"

shall mean squirrels in the genera *Sciurus* and *Tamiasciurus*, including Abert's squirrel, red squirrel, Arizona gray squirrel, fox squirrel and eastern gray squirrel.

G. "Wildlife

management areas" or "WMAs"

shall mean those areas as described in 19.34.5 NMAC Wildlife Management Areas.

[19.31.5.7 NMAC - Rp, 19.31.5.7 NMAC, 4/1/2026]

19.31.5.8 MANNER AND METHODS FOR UPLAND GAME:**A. Upland game may**

be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset, unless otherwise allowed or restricted by rule.

B. Double E, Water

canyon, LBar/Marquez, Navajo, prairie-chicken areas, River ranch and Socorro-Escondida WMAs shall be open for upland game hunting during established quail seasons.

C. Bluebird, Edward

Sargent, W.A. Humphries, Pine River, Rio Chama, Urraca, Colin Neblett and Elliot Barker WMAs shall be open for upland game hunting during established tree squirrel and dusky grouse seasons.

D. Bernardo, Casa

Colorada, La Joya, Jackson Lake and W.S. Huey WMAs shall be open to pheasant hunting by special permit.

E. Hunting hours for

special permit pheasant hunts on Bernardo, Casa Colorada and La Joya WMAs shall be from one-half hour before sunrise to 1:00 p.m.

F. The W.S. Huey

WMA shall be open for quail hunting on Mondays, Wednesdays and Saturdays during established quail seasons. Hunting hours for quail shall

be from one-half hour before sunrise to 1:00 p.m.

G. Eurasian collared-dove**(1) Eurasian**

collared-dove hunting shall be allowed on WMAs open during established mourning and white-winged dove seasons as defined in 19.31.6 NMAC Migratory Game Bird, and on those WMAs that are open during established quail, tree squirrel and dusky grouse seasons as listed above.

(2) All

Eurasian collared-dove must have an identifiable feathered wing attached until the bird has arrived at the person's residence, processor or place of final storage.

[19.31.5.8 NMAC - Rp, 19.31.5.9 NMAC, 4/1/2026]

**Continued
Next Page**

19.31.5.9 UPLAND GAME HUNTING SEASONS: Hunting seasons shall be as indicated below.

SPECIES	OPEN AREAS	DATES	DAILY BAG (POSSESSION) LIMITS
Eurasian collared-dove	Statewide	April 1 - March 31	no bag or possession limit
dusky grouse	North Zone	Sept. 1 - Dec. 31 annually	3 (6 in possession)
dusky grouse	South Zone	Sept. 1 - Dec. 31 annually	1 (2 in possession)
pheasant	Statewide	Dec. 10-13, 2026 Dec. 9-12, 2027 Dec. 7-10, 2028 Dec. 6-9, 2029	3 males (6 in possession)
Quail	Statewide	Nov. 15 - Feb. 15 annually	15, singly or in aggregate; no more than 5 shall be Montezuma quail (possession shall be 30 singly or in aggregate - no more than 10 shall be Montezuma quail)
tree squirrel	Statewide	Sept. 1 - Dec. 31 annually	8, singly or in aggregate (possession shall be 16 singly or in aggregate)

[19.31.5.9 NMAC - Rp, 19.31.5.10 NMAC, 4/1/2026]

19.31.5.10 HUNT CODES AND PERMIT NUMBERS FOR SPECIAL DRAW PHEASANT HUNTS:

HUNT LOCATION	2026 SEASON	2027 SEASON	2028 SEASON	2029 SEASON	HUNT CODE	NO. OF PERMITS	BAG LIMIT
youth-only Bernardo, Casa Colorada and La Joya WMAs	Oct. 17	Oct. 16	Oct. 21	Oct. 20	PHE-0-001	20	3 males
youth-only W.S. Huey WMA	Dec. 5	Dec. 4	Dec. 2	Dec. 1	PHE-0-002	40	3 males
W.S. Huey WMA	Dec. 12	Dec. 11	Dec. 9	Dec. 8	PHE-0-003	40	3 males
youth-only Jackson Lake WMA	TBD	TBD	TBD	TBD	PHE-0-004	10	3 males

[19.31.5.10 NMAC - Rp, 19.31.5.12 NMAC, 4/1/2026]

19.31.5.11 FALCONRY SEASONS:

A. Open areas and season dates: The season for dusky grouse, pheasants, quail and tree squirrels shall be statewide and shall be open September 1 through February 28 annually. For Eurasian collared-dove, all areas statewide are open year-round, except as prohibited by rule.

B. Daily bag and possession limits: Daily bag limits for dusky grouse, pheasant and quail shall be three birds (in the aggregate) and three tree squirrels (in the aggregate). Possession limits shall be: dusky grouse-six; pheasant-six; quail-30 (singly or in the aggregate); tree squirrels-16 (singly or in the aggregate). There is no bag or possession limit for Eurasian collared-dove.

[19.31.5.11 NMAC - Rp, 19.31.5.13 NMAC, 4/1/2026]

HISTORY OF 19.31.5 NMAC:

Pre-NMAC Regulatory Filing

History: The material in this Part was derived from that previously filed with the State Records Center & Archives under: Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, and Barbary Sheep, filed 5/31/1967; Regulation No. 486, Establishing 1967 Seasons On Quail, Pheasants, Prairie Chickens, and Lesser Sandhill (Little Brown) Crane And Additional Seasons On Migratory Waterfowl, filed 9/22/1967; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968; Regulation No. 493, Establishing 1968 Seasons On Mourning And White-Winged Doves, Band-Tailed Pigeons, And Sora And Virginia Rails, filed 8/9/1968; Regulation No. 494, Establishing 1968 Seasons On Migratory Waterfowl, Wilson's Snipe, Lesser Sandhill Crane, Scaled, Gambel's, And Bobwhite Quail, Pheasants, And Prairie Chickens, filed 10/2/1968; Regulation 504, Establishing Seasons On Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/1969; Regulation No. 505, Establishing 1969 Seasons On Teal, Band-Tailed Pigeons, Sora And Virginia Rails, Mourning And White-Winged Doves, And Wilson's Snipe, filed 8/26/1969; Regulation No. 508, Establishing 1969 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Scaled, Gambel's And Bobwhite Quail, Pheasants, And Prairie Chickens, filed 9/19/1969; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970; Regulation No. 516 Establishing 1970 Seasons On Quail, Pheasants, And Prairie Chickens, filed 8/24/1970; Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk,

Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/1971; Regulation No. 524, Establishing 1971 Seasons On Band-Tailed Pigeons And Mourning And White-winged Doves, filed 8/13/1971; Regulation No. 526, Establishing 1971 Seasons On Blue-Winged, Green-winged And Cinnamon Teal, filed 8/13/71; Regulation No. 527, Establishing 1971 Seasons On Migratory Waterfowl And Lesser Sandhill Cranes, filed 9/10/71; Regulation No 529, Establishing 1971 Seasons On Quail, Pheasants, And Prairie Chickens, filed 9/24/1971; Regulation No. 536, Establishing Seasons on Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/1972; Regulation No. 538, Establishing 1972 Seasons On Blue-winged, Green-winged, And Cinnamon Teal And On Band-tailed Pigeons And Mourning And White-winged Doves, filed 8/15/1972; Regulation No. 540, Establishing 1972 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, And Wilson's Swipe, filed 9/26/1972; Regulation No. 541, Establishing 1972 Seasons On Quail, Pheasants, And Prairie Chickens, filed 9/26/72; filed; Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/1973; Regulation No. 548, Establishing 1973 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons And Mourning And White-winged Doves, filed 8/20/1973; Regulation No. 549, Establishing 1973 Seasons On Quail, Pheasants, And Prairie Chickens, filed 8/20/1973; Regulation No. 551, Establishing 1973 Seasons On Migratory Waterfowl And Lesser Sandhill Crane, filed 8/20/73; Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed

5/29/1974; Regulation No. 559, Establishing 1974 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, And Mourning And White-winged Doves, filed 7/2/1974; Regulation No. 560, Establishing 1974 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 8/21/1974; Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/1975; Regulation No. 569, Establishing 1975 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, And Mourning And White-winged Doves, filed 7/31/1975; Regulation No. 570, Establishing 1975 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Common Snipe, Quail, Pheasants, And Prairie Chickens, filed 9/5/1975; Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1976; Regulation No. 577, Establishing 1976 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, and Mourning and White-winged Doves, filed 8/3/1976; Regulation No. 578, Establishing 1976 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Common Snipe, Quail, Pheasants, And Prairie Chickens, filed 8/31/1976; Regulation No. 587, Establishing 1977 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, And Mourning And White-winged Doves, Squirrel And Grouse, filed 7/29/1977; Regulation No. 588, Establishing 1977 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Common Snipe, Quail, Pheasants, And Prairie Chickens, filed 9/6/1977; Regulation No. 593, Establishing 1978 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, And Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe

And Falconry Seasons, filed 8/30/1978; Regulation No. 594, Establishing 1978 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 9/11/1978; Regulation No. 600, Establishing 1979 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, And Falconry Seasons, filed 7/27/1979; Regulation No. 601, Establishing 1979 Seasons on Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens Regulation No. 605, Establishing 1980 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, And Falconry Seasons, filed 7/29/1980; Regulation No. 606, Establishing 1980 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 9/3/80; Regulation No. 610, Establishing 1981 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, And Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, And Falconry Seasons, filed 8/19/81; Regulation No. 611, Establishing 1981 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 9/4/1981; Regulation No. 615, Establishing 1982 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, Sandhill Crane, And Falconry Seasons, filed 7/28/82; Regulation No. 616, Establishing 1982 Seasons On Migratory Waterfowl, Quail, Pheasants, And Prairie Chickens, filed 9/3/1982; Regulation No. 625, Establishing 1983 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, Sandhill Crane, And Falconry Seasons, filed 7/29/1983; Regulation No. 630, Establishing 1984 Seasons On Blue-

winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, Sandhill Crane, Quail, Pheasant, Prairie Chicken, And Falconry Seasons, filed 8/2/1984; Regulation No. 637, Establishing 1985 Seasons On Blue-winged, Green-winged, And Cinnamon Teal, Band-tailed Pigeons, Mourning And White-winged Doves, Squirrel, Grouse, Rail, Snipe, Sandhill Crane, Quail, Pheasant, Prairie Chicken, And Falconry Seasons, filed 8/26/1985; Regulation No. 642, Establishing 1986-87 Seasons On Grouse, Squirrel, Quail, Pheasant, Prairie Chicken, And Setting Falconry Seasons, filed 8/1/1986; Regulation No. 652, Establishing 1987-88 Seasons On Blue Grouse, Ring-necked Pheasants (And All Other Races Of Pheasants), Lesser Prairie Chickens, Montezuma Quail, Northern Bobwhite, Scaled Quail, Gambel's Quail, Abert's Squirrels, Red Squirrels And Setting Falconry Seasons, filed 8/24/1987; Regulation No. 661, Establishing 1988-1989 Seasons On Blue Grouse, Ring-necked Pheasants (And All Other Races Of Pheasants), Lesser Prairie Chickens, Montezuma Quail, Northern Bobwhite, Scaled Quail, Gambel's Quail, Abert's Squirrels, Red Squirrels And Setting Falconry Seasons, filed 6/28/1988; Regulation No. 668, Establishing 1989-1990 Seasons On Pheasants..., Blue Grouse, Lesser Prairie Chicken, Quail (...Shall Mean Montezuma Quail, Northern Bobwhite, Scaled Quail, And Gambel's Quail), Abert's Squirrel, Red Squirrel And Setting Falconry Seasons, filed 9/1/1989; Regulation No. 678, Establishing 1990-1991 Seasons On Pheasants..., Blue Grouse, Lesser Prairie Chicken, Quail..., Dove..., Band-tailed Pigeon, Sandhill Crane, Albert's And Red Squirrel And Setting Falconry Seasons, filed 7/26/1990; Regulation No. 686, Establishing 1991-92 Seasons On Pheasants..., Blue Grouse, Lesser Prairie Chicken, Quail..., Dove..., Band-tailed Pigeon, Sandhill Crane, Abert's And Red Squirrel And Setting Falconry

Seasons, filed 8/6/1991; Regulation No. 699, Establishing 1992-1993 Seasons On Teal..., Pheasants..., Blue Grouse, Lesser Prairie Chicken, Quail..., Dove..., Band-tailed Pigeon, Sandhill Crane, Abert's And Red Squirrel And Setting Falconry Seasons, filed 8/19/1992; Regulation No. 703, Establishing 1993-1994 Seasons On Teal..., Pheasants..., Blue Grouse, Lesser Prairie Chicken, Quail..., Dove..., Band-tailed Pigeon, Sandhill Crane, Abert's And Red Squirrel And Setting Falconry Seasons, filed 3/11/1993; Regulation No. 706, Establishing 1994-1995, 1995-1996, 1996-1997 Seasons On Blue-winged Teal, Green-winged Teal, Cinnamon Teal, Pheasants, Blue Grouse, Lesser Prairie Chicken, Montezuma Quail, and Northern Bobwhite, filed 7/28/1994.

NMAC History:

19 NMAC 31.5, Upland Game, filed 7/18/1995.
19.31.5 NMAC, Upland Game, filed 8/15/2000.
19.31.5 NMAC, Upland Game, filed 7/24/2002.
19.31.5 NMAC, Upland Game, filed 8/12/2003.
19.31.5 NMAC, Upland Game, filed 7/30/2004.
19.31.5 NMAC, Upland Game, filed 8/8/2005.
19.31.5 NMAC, Upland Game, filed 7/18/2006.
19.31.5 NMAC, Upland Game, filed 7/26/2007.
19.31.5 NMAC, Upland Game, filed 7/30/2008.

History of Repealed Material:

19.31.5 NMAC, Upland Game, filed 8/15/2000 - duration expired 3/31/2002.
19.31.5 NMAC, Upland Game, filed 7/24/2002 - duration expired 3/31/2003.
19.31.5 NMAC, Upland Game, filed 8/12/2003 - duration expired 3/31/2004.
19.31.5 NMAC, Upland Game, filed 7/30/2004 - duration expired 3/31/2005.
19.31.5 NMAC, Upland Game, filed 8/8/2005 - duration expired 3/31/2006.

19.31.5 NMAC, Upland Game, filed 7/18/2006 - duration expired 3/31/2007.
 19.31.5 NMAC, Upland Game, filed 7/26/2007 - duration expired 3/31/2008.
 19.31.5 NMAC, Upland Game, filed 7/30/2008 - duration expired 3/31/2010.
 19.31.5 NMAC, Upland Game, filed 8/2/2010 - duration expired 3/31/2014.
 19.31.5 NMAC, Upland Game, filed 4/1/2014 - duration expired 3/31/2018.
 19.31.5 NMAC, Upland Game, filed 8/15/2017 - duration expired 3/31/2022.
 19.31.5 NMAC, Upland Game, filed 10/27/2021 - duration expired 3/31/2026.

GAME AND FISH DEPARTMENT

**This is an amendment to 19.31.3
Section 11, effective 4/1/2026**

19.31.3.11 RESTRICTIONS/ REQUIREMENTS:

A. One license per big game species per year: It shall be unlawful for anyone to hold more than one permit or license for any one big game species during the current license year unless otherwise allowed by rule.

B. Improper license and permit: Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any big-game, small game or fur-bearing animal, turkey or game fish other than in accordance with the specified hunt code or dates, legal sporting arm, bag limit allowance or area designated on a license or permit issued by the department to that person is deemed to be hunting, fishing or trapping without a proper license as required by Section 17-3-1 NMSA 1978 unless otherwise exempted by a valid commission rule.

C. Transfer of permits or licenses: The director may grant the transfer of a hunting license or permit once it has been

determined that prior to the hunt start date, a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. Transfer requests must be submitted in writing prior to the hunt start date. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit.

D. Refunds: The director may grant the refund of a hunting license once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. Refund requests must be submitted in writing prior to the hunt start date.

E. Donation of permits or licenses: Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a youth 17 years of age or younger, a New Mexico resident veteran of the United States military as approved by the New Mexico department of veterans' services, or a "first responder" who is a resident of the state of New Mexico as defined by Subsection B of Section 12-10D-2 NMSA 1978 who has been qualified through an approved nonprofit organization that promotes hunting, fishing and trapping activities. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any

nonprofit organizations prior to their participation in receiving, identifying or submitting recipients for donated licenses or permits. In order to be an approved nonprofit organization, the organization must demonstrate to the state game commission their history and ability to promote hunting, fishing, and trapping activities. A once-in-a-lifetime licensee may be reinstated as eligible to participate in future drawings for the same species and hunt type if the licensee donated his or her license to an individual qualified by an approved nonprofit organization. Donation of a once-in-a-lifetime license will not prohibit the donor from applying for and receiving another license for the same species and restrictions in the future.

F. More than one application: It shall be unlawful to submit more than one application per species for any license or permit issued through a special drawing, unless otherwise permitted by regulation.

G. Handicapped fishing or handicapped game hunting license qualifications: To hold a handicapped fishing or handicapped game hunting license, the individual must be a resident of New Mexico and must attest to having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation may be made, relating to these licenses, upon request.

H. Mobility-impaired (MI) deer, elk, oryx, or pronghorn license qualifications: To hold a mobility impaired deer, elk, oryx, or pronghorn license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a permanent mobility restriction which limits their activity to a walker, wheelchair, or crutches; or one or more permanent disabilities or conditions which substantially limit the individual's ability to walk; and then obtain department approval for MI hunt eligibility. Every person

qualified as MI shall have their card/eligibility expire 48 months from the issuance date, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

I. Youth-only hunts:

Only applicants who are 17 years of age or younger on the opening day of the hunt are eligible to apply for or participate in any youth-only hunt, including federal youth waterfowl hunt days. Applicants must have a valid hunter education certificate number, or mentor youth number for appropriate species.

J. Required

information: An individual making license application shall supply the department on the appropriate form with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.

K. Military-only

hunts: Applicants must be full time active military and proof of military status must be received by the department prior to applying for any military only hunt.

L. Veteran oryx

hunts: Only New Mexico resident veterans who served a minimum of 90 days active duty service in the U.S. military, or six continuous years in the national guard or military reserve component, or who were commissioned officers of the U.S. Public Health or National Oceanic and Atmospheric Administration are eligible to apply for veteran oryx licenses. Applicants must have been honorably discharged from the U.S. military, and must provide a valid DD-214 prior to applying for any Veteran oryx hunt.

M. NMDGF customer identification number: It shall be unlawful for an applicant to use another person's NMDGF customer identification number or to provide false information to obtain a NMDGF customer identification number.

N. Application fee: Prior to the drawing, all applicants

for special hunt drawings for public draw licenses shall pay the applicable species license fees including depredation damage stamp, the required game hunting license fee and the non-refundable draw application fee as defined by 19.30.9.9 NMAC.

Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings.

O. License, permit and stamp requirements:

A game hunting or game hunting and fishing license is required to hunt any small game species, and an annual game hunting or game hunting and fishing license is required to apply for or purchase any big-game or turkey license (exception: disabled veteran card holders). A habitat management and access validation is required in conjunction with any hunting, fishing, or trapping license (exceptions: persons under age 18, free fishing license holders over age 70, and disabled veteran card holders). A habitat stamp is required in conjunction with any hunting, fishing, or trapping license on forest service or bureau of land management (BLM) properties (exceptions: anglers and trappers under age 12, free fishing license holders over age 70, and disabled veteran card holders). Migratory bird hunters must possess a Harvest Information Program (HIP) number. Waterfowl hunters must also possess a federal duck stamp. Nonresidents must have a nongame hunting license or any valid hunting license to hunt unprotected or nongame species.

Draw permits must be accompanied by the appropriate hunting license(s) and stamp(s). Additional permits may be required for specific hunting and fishing activities pursuant to 19.31.6.9 NMAC, 19.31.5.8 NMAC and 19.31.4.13 NMAC.

P. Penalty

assessments: When a person is issued a penalty assessment citation for fishing without a license, hunting small game without a license, or failing to possess an applicable habitat management and access validation, habitat stamp or second rod

validation; the citation will serve as a license for that specific activity for 15 calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within 30 days of the date of citation issuance.

Q. Foster family

fishing license: To qualify for a free fishing license pursuant to Subsection A of 32A-3A-12 NMSA, proof of eligibility must be provided to the department in person. Proof of eligibility includes documentation of New Mexico residency and status as a foster parent; a child in the custody of a foster parent, the children, youth and family department (CYFD) or tribal custody; or a young adult enrolled in the fostering connections program.

R. Supplemental

nutrition assistance program

discount: New Mexico residents with existing online licensing system (OLS) accounts who also participate in the supplemental nutrition assistance program are eligible to receive a twenty-five percent discount on all license purchases for the following license year if qualified by the department between January 1 and January 10 annually, or upon account creation in OLS. Applicants not automatically qualified for the discount in January may prove eligibility in person at any department office to have the discount applied. No refunds will be offered for full-fee purchases made prior to verification of eligibility.

[19.31.3.11 NMAC – Rp, 19.31.3.11 NMAC, 1/1/2023; A, 4/1/2026]

GAME AND FISH DEPARTMENT

This is an amendment to 19.31.10 NMAC, Sections 14 and 17, effective 4/1/2026.

19.31.10.14 FISHING:

A. Angling: Game fish may be taken by angling in all waters that are open for fishing.

B. Season and hours: It is unlawful to fish in any water during a closed season or to fish in

any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.

C. Closed waters: It is unlawful to fish in any water closed by state game commission rule.

D. Ice fishing: ~~[It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.] Ice fishing is permitted in all waters unless closed by any local, state or federal agency due to safety concerns or unsafe ice conditions.~~

E. Hatchery waters: It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, angling shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

F. Trotlines: Game fish may be taken by use of trotlines ~~[-in any water except those listed below]~~, however:

- (1) It is unlawful for any person to set more than one trotline at a time.
- (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
- (3) It is unlawful for any trotline to have more than 25 angling hooks.
- (4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.
- (5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.
- (6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or marked as follows:

(a) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

(7) It is unlawful to set or use a trotline in any ~~[public]~~ water ~~[with]~~ except the following ~~[exceptions]~~ areas or waters:

Drainage:	Rivers:	Lakes:
Rio Grande drainage	Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/ Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake	Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake
Pecos river drainage	Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties	Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir
Canadian river drainage	Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/ Texas state line	Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake
San Juan river drainage	San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion	Navajo lake
Gila river and San Francisco river drainage	Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line	None
<u>[Statewide] Private Property</u>	<u>[As described above]</u>	Class A lakes and [lakes, ponds, and ranch tanks] <u>waters</u> not fed by public [waters] <u>water</u> and not open to public fishing

(8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. Spearfishing and bow fishing:

(1) Game fish may be taken by spearfishing and bow fishing only in lakes and reservoirs open to fishing. It is unlawful to spearfish or bow fish in any special trout water as designated in 19.31.4 NMAC or in any river or stream.

(2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

H. Noodling or hand fishing: It is unlawful to catch any game fish by hand without the use of angling equipment.

I. Use of nets: It is unlawful to use cast nets, dip nets, seines or gill nets to capture and retain any protected species of fish from any water unless specifically allowed by permit or state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

J. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.

K. Bait:

(1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.

(2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.

L. Use of bait fish: It is unlawful to use or possess any baitfish while angling except as follows:

(1) The following baitfish species can be used live or dead unless otherwise prohibited:

Water:	Approved bait fish species:
Rio Grande drainage	Fathead minnow, red shiner and shad
Elephant Butte and Caballo reservoirs	Fathead minnow, red shiner, shad and golden shiner
Pecos river drainage except for Bitter lake national wildlife refuge, [and] Bottomless lakes state park, and the bureau of land management overflow wetlands	Fathead minnow red shiner, and shad
Canadian river drainage	Fathead minnow, red shiner, white sucker and shad
San Juan river drainage	Fathead minnow and red shiner
Gila river and San Francisco river drainages	Fathead minnow

(2) The following bait fish species can only be used as dead bait unless otherwise prohibited:

Water:	Approved dead baitfish species:
Statewide	Common carp
Heron reservoir	White sucker

(3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.

M. Methods for taking bait fish for personal use: Licensed anglers and children 11 years of age and younger may take bait fish for personal use only in waters containing game fish by angling, nets, traps, spears, arrows and seines. All protected species of fish taken in seines, nets and traps shall be immediately returned to the water.

N. Illegal taking of bait fish:

(1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.

(2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.

(3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.

O. Permits for taking bait fish: The director may issue permits for the use of nets, seines, traps or cast nets in taking bait fish in waters containing protected species of fish. The permit shall specify methods of taking, places for taking and duration of the permit. The permittee shall report monthly, to the department, the species, numbers and poundage of bait fish taken during the preceding month.

P. Limit on angling hooks: It is unlawful to angle with more than two barbless lures or flies with single point angling hooks on a single line when fishing the special trout water on the San Juan river designated in Subsection A of 19.31.4.11 NMAC.

Q. ~~[Eradication of fish]~~ Suspension of fish daily and possession limits: In waters where fish are being eradicated, ~~[or]~~ where water shortage warrants reduction of fish numbers, or where removal of a protected fish species serves an urgent management purpose the director may permit licensed anglers and children 11 years of age and younger to take and possess game fish in numbers exceeding current bag limits, ~~[and]~~ possession limits, and size limits. In granting such permission the director may specify bag limits, ~~[and]~~ possession limits, size limits and manner and method of taking for such waters for up to six months.

R. Emergency closure of angling: The director may restrict angling including current bag limits, possession limits, and size limits in waters where water shortage or fish population decline warrants additional protection of a fish species. The director may specify bag limits, possession limits, size limits, and manner and method of taking for such waters for up to six months.

[R:] S. Possession and release of live game fish:

(1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

[S:] T. Possession of undersized fish: It is unlawful for any person to have game fish in their possession which do not meet the minimum length requirements as specified in 19.31.4 NMAC.

[T:] U. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

[U:] V. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

[V:] W. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

[W:] X. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

[X:] Y. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

[Y:] Z. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait may be used: the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters.

It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

[Z:] AA. Attracting or concentrating fish:

(1) **Artificial lights:** Use of artificial lights is permitted for attracting game fish.

(2) **Disturbing the bottom:** It is unlawful in all special trout waters defined in Subsection A of 19.31.4.11 NMAC, to disturb or dislodge aquatic plant growth, sediment, or rocks for the purpose of attracting or concentrating fish. It shall also be unlawful to angle in the immediate vicinity where such disturbance has occurred.

(3) **Chumming:** Chumming is legal in all waters which have no tackle restrictions.

[AA:] AB. Violation of age or disability restrictions: It is unlawful for any person to fish in any water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2023; A, 4/1/2026]

19.31.10.17 BOATS, OTHER FLOATING DEVICES, AND

MOTORS: It is unlawful to operate, control or ride in any boat or other floating device contrary to sections A-D below.

A. Electric or gas motors allowed: On the following lakes controlled by the department, boats and other floating devices with electric or gas motors shall be permitted only during the season and hours when fishing is permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed: Clayton lake WMA, and McAllister lake WMA

B. Electric motors only: On the following lakes controlled by the department, only boats and other floating devices using electric motors or with gas motors that are not in use shall be permitted: Bear canyon lake WMA, Bill Evans lake WMA, Green Meadow, Fenton

lake WMA, Hopewell, Jackson lake WMA, Lake Roberts WMA, Morphy, Quemado, Snow, Conoco lakes and Tucumcari lake WMA.

C. No motors

allowed: On the following lakes controlled by the department, only boats and other floating devices using no motors shall be permitted: Bernardo WMA, La Joya WMA, [Jackson lake WMA,] McGaffey, San Gregorio, Shuree ponds and Wagon Mound WMA.

D. No boats or

floating devices allowed: On the following lakes controlled by the department, no boats or other floating devices shall be permitted: Bonito lake, Monastery lake, and Red River hatchery pond.

E. Department

personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties.

[19.31.10.17 NMAC - Rp,

19.31.10.17 NMAC, 4/1/2023; A, 4/1/2026]

HEALTH CARE AUTHORITY

Note: The above rule was filed and should have been published in issue 22 on November 18, 2025. Due to errors in our agency's publishing process, that rule did not publish. In order to correct that error and in order to conform to Subsection A of Section 14-4-5 NMSA 1978, the history notes for every section have been changed to 12/9/2025. The effective date in Section 5 will remain December 1, 2025, as that would have been the correct effective date by your agency, had this rule been properly published in issue 22.

TITLE 8 SOCIAL SERVICES CHAPTER 321 SPECIALIZED BEHAVIORAL HEALTH SERVICES PART 12 CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS

8.321.12.1 ISSUING

AGENCY: New Mexico Health Care Authority (HCA).

[8.321.12.1 NMAC - N, 12/9/2025]

8.321.12.2 SCOPE: The rule applies to agencies certified as New Mexico certified community behavioral health clinics (CCBHCs).

[8.321.12.2 NMAC - N, 12/9/2025]

8.321.12.3 STATUTORY

AUTHORITY: The New Mexico medicaid program and other health care programs are administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by the state statute. See Section 27-2-12 et seq., NMSA 1978. New Mexico CCBHCs participating in the federal CCBHC demonstration program are subject to Section 223 of the Protecting Access to Medicare Act of 2022, Public Law 117-159.

[8.321.12.3 NMAC - N, 12/9/2025]

8.321.12.4 DURATION:

Permanent.

[8.321.12.4 NMAC - N, 12/9/2025]

8.321.12.5 EFFECTIVE

DATE: December 1, 2025, unless a later date is cited at the end of a section.

[8.321.12.5 NMAC - N, 12/9/2025]

8.321.12.6 OBJECTIVE:

These rules establish the CCBHC program, define the criteria and process that HCA and the New Mexico children, youth and families department (CYFD) shall use to recognize and verify CCBHCs and provides instruction for service provision under the New Mexico medical assistance program (MAP). These rules specify the standards for the CCBHC application, certification, payment and oversight.

[8.321.12.6 NMAC - N, 12/9/2025]

8.321.12.7 DEFINITIONS:

A. "Access site"

means a CCBHC alternative facility-based location, that provides some CCBHC services, within a designated catchment area.

B. "CCBHC" means a

certified community behavioral health clinic, a specialty designated clinic that provides a comprehensive range of community-based and outpatient mental health, substance use disorder, and primary care screening services across the lifespan. New Mexico CCBHCs must be certified by the HCA and the CYFD.

C. "Catchment area"

means a predetermined service area that includes at least one New Mexico county.

D. "Certification"

means the process the HCA and CYFD use to determine if a program has substantially met the federal and state CCBHC certification criteria.

E. "Certification

team" means a multi-disciplinary team that reviews a prospective or existing CCBHC's readiness, including conducting the site review and visit, performance, and reviews of any site improvement plans.

F. "Certified" means

the HCA and CYFD have affirmed that a practice substantially meets the federal and New Mexico CCBHC certification criteria and related standards.

G. "CLIA" means

clinical laboratory improvement amendments of 1988 as amended.

H. "Cost report"

means the centers for medicare and medicaid services (CMS) developed tool used by CCBHCs and HCA to determine the clinic-specific prospective payment system (PPS) rate and to annually report demonstration costs.

I. "CYFD" means

the New Mexico children, youth and families department.

J. "DCO" means

designated collaborating organization. It is a separate entity not under the direct supervision of a CCBHC that has a contractual relationship with a CCBHC to provide any of the authorized core services on behalf of the CCBHC.

K. "Eligible agency"

means a provider that meets the criteria set forth in 8.321.12.10 NMAC.

L. “HCA” means the New Mexico health care authority.

M. “MAP” means the New Mexico medical assistance program.

N. “MAT” means medication-assisted treatment, the use of food and drug administration (FDA) approved medications for the treatment of substance use disorder(s).

O. “MCO” means managed care organization.

P. “PPS” means prospective payment system and is a reimbursement method where a CCBHC receives a fixed, clinic-specific cost-based rate for delivering qualifying services to MAP eligible beneficiaries.

Q. “Satellite facility” means a facility, established by a CCBHC after April 1, 2014, operated under the governance and financial control of that CCBHC, which provides all or more of the following services; crisis services; screening, diagnosis, and risk assessment; person and family centered treatment planning; and outpatient mental health and substance use services, as defined in the CCBHC certification criteria.

R. “SIP” means site improvement plan, a plan developed by the CCBHC to address any deficiencies related to the certification criteria identified during a site review or visit, or a tool used for ongoing CCBHC performance monitoring and correction.

S. “SUD” means substance use disorder, which is a pattern of use of substances leading to clinical or functional impairment, in accordance with the definition in the diagnostic and statistical manual of mental disorders (DSM-5 TR) of the American psychiatric association, or any subsequent editions.
[8.321.12.7 NMAC - N, 12/9/2025]

8.321.12.8 MISSION

STATEMENT: We ensure New Mexicans attain their highest level of health by providing whole-person, cost-effective, accessible, and high-quality health care and safety-net services.

[8.321.12.8 NMAC - N, 12/9/2025]

8.321.12.9 GENERAL PROVIDER INSTRUCTIONS:

A. CCBHCs are required to provide the full array of outpatient mental health, substance use treatment and primary care screening services outlined in Subsection C of 8.321.12.9 NMAC to all New Mexicans seeking care.

B. CCBHC services and supports must be responsive to the needs of the local community. The purpose of a CCBHC is to:

(1) Provide access to integrated, evidence-based SUD and mental health services, including MAT and 24-hour seven days a week crisis response services.

(2) Ensure timely access to integrated, coordinated, and responsive treatment and services including during evenings and weekends.

(3) Provide coordination of care across settings and providers to ensure seamless transitions for individuals being served across the full spectrum of health and social services.

C. CCBHCs must provide, at a minimum, all the following core services:

(1) crisis services;

(2) outpatient mental health and substance use services;

(3) person- and family-centered treatment planning;

(4) community-based mental health care for veterans;

(5) peer, family support, and counselor services;

(6) targeted case management;

(7) outpatient primary care screening and monitoring;

(8) psychiatric rehabilitation services; and

(9) screening, diagnosis, and risk assessment.

[8.321.12.9 NMAC - N, 12/9/2025]

8.321.12.10 CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC:

A. An eligible agency seeking to become a CCBHC must:

(1) meet and continuously meet HCA published New Mexico CCBHC certification criteria.

(2) have the necessary certifications, licenses, or enrollments to provide the specified MAP covered services and be in good standing.

(3) be certified by the HCA and the CYFD in accordance with the New Mexico CCBHC certification criteria. The CCBHC certification criteria sets standards for service delivery and consists of six program requirements:

(a) staffing;

(b) availability and accessibility services;

(c) care coordination;

(d) scope of services;

(e) quality and other reporting; and

(f) organizational authority and governance.

(4) provide or ensure the provision of the nine core services, as defined in Subsection C of 8.321.12.9 NMAC, to all individuals, of all ages, within their designated catchment area(s).

(5) provide services with fidelity to evidence-based practice requirements, as published by HCA.

(6) serve catchment area(s) that are defined as New Mexico county boundaries. CCBHCs may elect to serve more than one county but must serve the entire county or counties.

(7) CCBHCs may provide services at additional facility-based locations within their designated catchment areas, known as “access sites.” Access sites must not meet the definition of a “satellite facility,” as defined in Subsection Q of 8.321.12.7 NMAC.

(a)

All access sites must be approved by HCA and CYFD during the certification process.

(b)

Agencies may request changes to access sites during recertification.

(8) Ensure

locations are accessible and recipients receive care in a safe and functional environment.

(9) Complete

a community needs assessment and staffing plan prior to program implementation to identify and integrate community-specific treatment needs to CCBHC strategic planning and service delivery, ensuring services are delivered per the needs and preferences of the population served. The community needs assessment and the staffing plan must be updated every three years thereafter.

(10) Meet

minimum staffing requirements detailed in the CCBHC certification criteria.

(11) Regularly

assess, train, and develop skills and competencies of staff in accordance with a training plan in alignment with the certification criteria and any training standards for specialty behavioral health services required by the state.

(12) Provide

primary care screening and diagnostic services.

(a)

The CCBHC medical director must establish protocols that conform to screening recommendations with scores of A and B per the U.S. preventative services task force, focusing on HIV, Hepatitis C Virus, CCBHC quality measures, and community needs, as identified in the needs assessment.

(b)

CBHCs must ensure developmentally appropriate screenings for early childhood (ages zero to five), children and youth, and other primary care screenings appropriate for the population served, including appropriate screenings and preventative interventions for older adults.

(c)

All laboratory procedures will be conducted in accordance with acceptable standards of practice. A CLIA certificate, or waiver will be appropriately maintained if required by federal CLIA standards.

(13) Establish

care coordination agreements across services and providers as indicated in the certification criteria, and render care coordination in accordance with the certification criteria.

(14) Establish

a sliding fee scale for individuals not MAP enrolled, to ensure services are not denied or limited due to an individual's inability to pay for services.

(15) Report

incidents for adults aged 18 years and above, such as adverse events, client safety issues, and breaches to the appropriate authorities in accordance with adult protective services, and pursuant to 8.370.9 NMAC and 8.308.21.13 NMAC. Report incidents for children ages zero up to 18 years of age such as adverse events, client safety issues, and breaches to the appropriate authorities in accordance with CYFD, pursuant to 8.10.2.1 NMAC. Reports must comply with all incident intake, processing, training, and reporting requirements, as specified.

(a)

CCBHCs must have protocols in place for managing incidents, including conducting investigations, documenting findings, and implementing corrective action.

(b)

Protocols should be regularly reviewed and updated to ensure they remain effective.

(16) Comply

with quality assurance reporting, quality improvement, and other reporting requirements as indicated in 8.321.12.13 NMAC.
[8.321.12.10 NMAC - N, 12/9/2025]

8.321.12.11 DESIGNATED COLLABORATING ORGANIZATIONS (DCO):

CCBHCs may partner with a DCO to deliver any of the nine core

services, identified in Subsection C of 8.321.12.9 NMAC, through a formal agreement.

A. During certification, CCBHCs must submit a listing of DCOs and a valid and current copy of a legally binding contractual agreement that adheres to New Mexico's CCBHC certification criteria.

B. The CCBHC must provide at least fifty-one percent of all CCBHC encounters directly per year.

C. The CCBHC maintains programmatic, clinical, payments, and regulatory responsibility for the services provided by the DCO to CCBHC clients.

D. DCOs must secure the appropriate license(s), certification(s), and approval(s) to provide the associated MAP reimbursable services.

E. DCOs are prohibited from separately billing HCA or MCOs for CCBHC services provided to CCBHC clients.
[8.321.12.11 NMAC - N, 12/9/2025]

8.321.12.12 APPLICATION AND CERTIFICATION PROCESS:

A. HCA shall establish a process to receive and review applications from eligible agencies interested in CCBHC certification.

B. Applicants seeking CCBHC certification must complete and apply within the parameters and timelines set forth by HCA.

C. The CCBHC certification team will review all applications submitted against the CCBHC certification criteria, see Subsection A of 8.321.12.10 NMAC.

(1) Applicants found to be in full or substantial compliance with CCBHC certification criteria will be advanced to a readiness review.

(2) Applicants that demonstrate a reasonable plan to achieve compliance with CCBHC certification criteria within designated timelines may receive a request for a readiness review site visit, at HCA and CYFD discretion.

(3) Denial of advancing to a readiness review may be issued if the applicant does not have the capacity or a reasonable plan to meet CCBHC certification criteria or if there is a history of revocation, suspension, non-renewal or denial of certification, sanction(s) or penalties, or other similar disciplinary actions taken by regulatory bodies in any state and country, regardless of whether any of those actions resulted in a settlement in a lieu of a sanction.

D. The readiness review will assess fidelity to the CCBHC model including, but not limited to, provision of the core services, coverage of eligible populations, use of agreement(s) with DCOs, use and fidelity of evidence-based practices, appropriate staffing, proposed location(s) suitability and safety, and adherence to the CCBHC certification criteria.

(1) HCA will assign a preliminary readiness assessment score and issue a written summary of the findings to the applicant prior to the site visit.

(2) Applicants may dispute reviewer findings or present additional information to substantiate compliance during the site visit and up to 10 calendar days after the site visit.

(3) Applicants demonstrating a sufficient level of readiness may be invited to complete a site improvement plan to address how the CCBHC will remediate any areas of non-compliance noted during the review.

(a) Site improvement plans must be submitted within the format and timeliness expectations established by HCA.

(b) Agencies must submit regular updates to site improvement plans demonstrating ongoing remediation or compliance on a timeline dictated by HCA.

E. HCA and CYFD will render a joint certification decision.

(1) Approval will be issued if the applicant is found

to be ready to implement pursuant to the CCBHC certification criteria, rating scale and submission and acceptance of the site improvement plan.

(2) Denial of certification may be issued if the agency does not sufficiently demonstrate readiness, capacity to implement with fidelity, or a reasonable plan to meet CCBHC certification criteria.

(a) A denial of certification does not mean permanent denial of participation. With HCA's and CYFD's agreement, an agency that was denied certification may submit a site improvement plan to address areas of non-compliance and receive technical assistance to support program readiness.

(b) HCA and CYFD reserves the right to deny certification after all remediation steps are taken and the agency still, at the determination of HCA and CYFD, does not meet the CCBHC certification criteria.

F. Certification may be issued for one year or up to three years depending on the agency's demonstrated level of readiness.

G. Agencies must seek recertification from HCA and CYFD to maintain CCBHC status and retain eligibility to receive a PPS payment.

H. HCA and CYFD may decertify a CCBHC in the event a certified CCBHC no longer meets the performance, fidelity, or certification criteria. HCA and CYFD must allow for corrective action before decertification of a CCBHC that no longer meets the requirements in Subsection E of 8.321.12.12 NMAC. [8.321.12.12 NMAC - N, 12/9/2025]

8.321.12.13 PERFORMANCE MEASUREMENT AND OVERSIGHT:

A. CCBHCs must work with the HCA, MCOs, CYFD, and any designates, and participate in operation support, programmatic oversight and monitoring. This includes, but is not limited to:

(1) Participation in all performance oversight and quality improvement efforts, including coordination on any corrective action, performance oversight and quality improvement efforts, quarterly monitoring, audits, onsite reviews, and certification or re-certification.

(2) HCA and CYFD may conduct unannounced site visits or reviews at any time to ensure compliance and the delivery of high-quality care under the CCBHC model.

B. CCBHCs must:

(1) Provide accurate and timely reporting of all CCBHC quality metrics and supporting information, as designated by HCA.

(2) Participate in the review of CCBHC quality metrics, cost reports, level of care/ service utilization data, or other performance data.

(3) Implement continuous improvement processes to identify and remediate deficiencies or areas of need and ensure quality provision of services to CCBHC members.

(4) Ensure that all data or information submissions are accurate, timely, and comply with established reporting guidelines.

(5) Participate in training and technical assistance activities to support expansion, quality improvement, and the effective delivery of CCBHC services. [8.321.12.13 NMAC, N - 12/9/2025]

8.321.12.14 PAYMENT:

A. CCBHC PPS rates for newly certified CCBHCs shall be established by HCA using a provider-specific rate based on the submission and acceptance of the CMS cost report.

B. PPS rates are subject to review and approval by the HCA.

C. HCA shall reimburse CCBHCs for eligible services provided to a MAP beneficiary on a per day basis for each day that an eligible service is delivered using the CCBHC daily PPS

rate. A CCBHC visit is eligible for reimbursement if at least one of the CCBHC payment triggering services listed in the CCBHC scope of services list, published on HCAs website, is furnished to a MAP enrollee by a CCBHC or DCO.

D. HCA shall rebase CCBHC rates in accordance with federal criteria. HCA shall allow a 30-day review period after notice of the results of the rebasing.

E. Only agencies with an active CCBHC certification from HCA are eligible to receive the CCBHC PPS. [8.321.12.14 NMAC - N, 12/9/2025]

8.321.12.15 RETENTION OF RECORDS AND PROGRAM INTEGRITY:

A. CCBHCs shall maintain oversight of all activities and shall maintain adequate records, documents, papers, and files specific to the CCBHCs activities, including application, certification, and program implementation. CCBHCs must comply with all HCA provider participation agreement requirements and NMAC rules and requirements, including but not limited to 8.302.1, 8.310.2, and 8.321.2 NMAC.

B. Eligible agencies and CCBHCs must submit to monitoring of its activities by HCA, CYFD, or MCOs as necessary to ensure the CCBHC program is operating in accordance with New Mexico policies, procedures, standards, and federally established criteria.

C. Eligible agencies and CCBHCs shall permit HCA, CYFD, and designees to have timely access to its records and financial statements as necessary for monitoring, oversight, and audit. [8.321.12.15 NMAC - N, 12/9/2025]

History of 8.321.12 NMAC:
[RESERVED]

HEALTH CARE AUTHORITY

TITLE 8 SOCIAL SERVICES

CHAPTER 401 HEALTH CARE AUTHORITY - HEALTH CARE AFFORDABILITY FUND PART 2 HEALTH CARE AFFORDABILITY PLAN

8.401.2.1 ISSUING AGENCY: Health Care Authority (“HCA”).
[8.401.2.1 NMAC - N/E, 11/7/2025]

8.401.2.2 SCOPE: These rules govern the establishment and provision of a health care affordability plan and administration of the health care affordability fund (the “fund”), including new programs for individuals losing other coverage. These rules do not change any program guidance issued prior to these rules.
[8.401.2.2 NMAC - N/E, 11/7/2025]

8.401.2.3 STATUTORY AUTHORITY: Section 59A-23F-12 NMSA 1978 (the “health care affordability plan”).
[8.401.2.3 NMAC - N/E, 11/7/2025]

8.401.2.4 DURATION: Temporary emergency rule until permanent rules are promulgated.
[8.401.2.4 NMAC - N/E, 11/7/2025]

8.401.2.5 EFFECTIVE DATE: Effective November 7, 2025 unless a later date is cited at the end of a section.
[8.401.2.5 NMAC - N/E, 11/7/2025]

8.401.2.6 OBJECTIVE: These rules establish policies, procedures, and controls for the establishment and maintenance of a “*health care affordability plan*” as funded by the “*health care affordability fund*” to achieve the public policy purposes in the manner prescribed under Sections 59A-23F-11 and 59A-23F-12 NMSA 1978.
[8.401.2.6 NMAC - N/E, 11/7/2025]

8.401.2.7 DEFINITIONS:
A. “Actuarial Value” means the percentage of total average

costs for covered benefits that a health insurance plan will cover.

B. “Advance state payments” means marketplace affordability program payments by the fund to a participating health insurance issuer on a monthly basis to lower premium and state out-of-pocket assistance for consumers.

C. “Affordability criteria” means the factors used to determine the amount of premium assistance or state out-of-pocket assistance that will be provided from the fund on behalf of an eligible individual.

D. “DACA” means deferred action for childhood arrivals.

E. “DACA coverage program” means a coverage affordability program established to provide financial assistance for eligible DACA recipients.

F. “Eligible plan” means a health plan sold on the New Mexico health insurance exchange (the “exchange” or “marketplace”) that meets the requirements for the marketplace affordability program or a plan that the HCA designates as an eligible plan under the DACA coverage program.

G. “Federal poverty level or FPL” means the federal poverty level issued annually by the U.S department of health and human services for the applicable coverage year for the health insurance exchange.

H. “Income criteria” means parameters to establish eligibility for marketplace affordability programs or programs to maintain coverage for individuals losing coverage due to federal changes.

I. “Lawfully present individual” means a non-citizen who has an immigration status that allows them to purchase a QHP on the exchange.

J. “Modified adjusted gross income or MAGI” means modified adjusted gross income as defined in 42 CFR § 435.60.

K. “Marketplace affordability program” means a program of the fund that reduces

premiums out-of-pocket costs for individuals and families who purchase individual or family coverage on the exchange.

L. “Participating health insurance issuer” means a health insurance issuer who is authorized to sell a QHP on the exchange, in the fully-insured individual market, or in the fully-insured small group market who has confirmed in writing its intention to participate in a program of the fund prior to the commencement of the plan year.

M. “Plan year” means the year for which a participating health insurance issuer offers a health plan that meets QHP standards.

N. “Premium assistance” means a program of the fund that pays a participating health insurance issuer to cover a portion of the premium obligation of a person who meets premium assistance affordability criteria.

O. “Program of the fund” means a financial offering allocated by the health care affordability fund including initiatives such as the marketplace affordability fund and small business premium relief.

P. “QHP” means a qualified health plan that meets established requirements for certification by the exchange.

Q. “Small business health insurance premium relief initiative” means a program of the fund to reduce premiums for small businesses that purchase plans that meet QHP standards in the small group health insurance market.

R. “Small group plan purchaser” means an employer who purchases one or more plan that meets QHP standard for any of its employees or owners through the small business health options program or directly from a health insurance issuer selling plans that meet QHP standards in the small group health insurance market.

S. “State benchmark plan” means a qualified health plan that has been approved for sale on the exchange and that is identified by

the secretary as the plan to be used in developing affordability criteria. “State benchmark plan” does not refer to the essential health benefits benchmark plan established by the superintendent of insurance.

T. “State out-of-pocket assistance program” means a program of the fund that reduces out-of-pocket costs for households that meet eligibility and income criteria established by the secretary. [8.401.2.7 NMAC - N/E, 11/7/2025]

8.401.2.8 MARKETPLACE AFFORDABILITY PROGRAM PREMIUM AND OUT-OF-POCKET ASSISTANCE: This rule governs the annual state premium assistance and out-of-pocket assistance programs offered on the state exchange.

A. Affordability criteria: Annually, the secretary will publish guidance specifying affordability criteria for the ensuing plan year. If the federal government changes policies that will affect the cost of the program to the state or the cost to enrollees after the issuance of the guidance, the secretary may adjust the affordability criteria.

(1) These are the affordability criteria that the secretary may consider in determining premium assistance eligibility for a plan year. The secretary will use these criteria to establish a premium sliding scale based on household income:

(a) the percentage of an enrollee’s MAGI as computed according to federal standards;

(b) the percentage of enrollee’s MAGI that would be needed to purchase the state benchmark plan as established by the secretary;

(c) the percentage of New Mexico residents with income at or below a given FPL percentage; and

(d) The federal premium sliding scale for marketplace coverage.

(2) These are the affordability criteria that the

secretary will consider to determine state out-of-pocket assistance eligibility. The secretary will use these criteria to establish state out-of-pocket assistance variants that adjust the actuarial value of certain QHPs offered on the exchange:

(a) an enrollee’s MAGI as computed according to federal standards;

(b) plan type and metal level tiers that qualify for state out-of-pocket assistance; and

(c) actuarial values for plans that qualify for state out-of-pocket assistance.

(d) the availability of sufficient appropriations to support the program.

B. Income eligibility parameters: Annually, the secretary will publish guidance specifying income eligibility parameters for the ensuing plan year. If the federal government changes policies that will affect the cost of the program to the state or the cost to enrollees after the issuance of the guidance, the secretary may adjust the income eligibility parameters. The income eligibility parameters may differ for the premium assistance program, state out-of-pocket assistance program or premium assistance for state residents who are members of a federally-recognized tribes. In developing the criteria, the secretary may consider the following factors:

(1) the income distribution of current marketplace enrollees;

(2) the income distribution of uninsured individuals who qualify for coverage on the New Mexico health insurance exchange; or

(3) health insurance market stability issues and year-over-year trends in premium rate affordability.

C. General eligibility requirements:

(1) To qualify for state out-of-pocket and premium assistance, consumers must:

(a) be eligible to purchase a QHP on the exchange;

(b) be eligible for the federal premium tax credit or meet all eligibility criteria for the federal premium tax credit except for household income requirements; and

(c) meet income criteria established annually by the secretary.

(2) The secretary will issue criteria for premium assistance that is available to members of federally-recognized tribes. To qualify, individuals must:

(a) meet all other criteria for state premium assistance; and

(b) be a member of a federally-recognized tribe.

D. Premium and state out-of-pocket assistance payment disbursements: This rule governs disbursements to participating health insurance issuers for premium assistance or state out-of-pocket assistance provided to eligible enrollees who purchase eligible plans. Monthly, by the 15th of each month, the exchange shall report to the secretary the total amount due to each participating health insurance issuer for premium assistance and state out-of-pocket assistance for coverage of its eligible enrollee(s) for the applicable calendar month.

(1) The monthly payment amount due to a participating health insurance issuer for premium assistance will be the monthly aggregate amount of premium assistance for all eligible enrollees of the health insurance issuer for the month.

(a) Monthly state premium assistance amounts will be calculated using the following formula: gross monthly premium for state benchmark plan minus monthly federal premium tax credit minus applicable percentage of income established by the secretary multiplied by expected annual household income as outlined in 45 C.F.R. § 155.305(f)(i) divided by 12.

(b) To the greatest extent possible, within 10 days of receiving the monthly accounting from the exchange, the

secretary will, by voucher, request that the secretary of finance and administration issue warrants as necessary to ensure payment to each participating health insurance issuer for the monthly amount determined to be due by the secretary.

(2) The monthly payment amount to a participating health insurance issuer for state out-of-pocket assistance will be determined as a percentage of gross monthly premiums for enrollees of an eligible plan in a specified income tier, aggregated across all qualifying income tiers.

(3) To facilitate reconciliation, a health insurance issuer must track or accurately estimate claim costs in accordance with guidance published by the secretary to allow for the determination of actual out-of-pocket assistance amounts for the applicable plan year.

E. Eligibility appeals: Appeals for this program shall follow the same process that the exchange uses for federal subsidies. [8.401.2.8 NMAC - N/E, 11/7/2025]

8.401.2.9 MINIMIZING COVERAGE DISRUPTIONS: This rule governs the agency's efforts to ensure a smooth transition into a QHP offered on the New Mexico health insurance exchange for individuals who no longer qualify for medicaid and the availability of sufficient appropriations to support the program.

A. Medicaid transition premium relief program: The secretary will issue a notice of program guidance establishing a program that fully covers the cost of the first month's premium for any QHP sold on the individual health insurance exchange for eligible individuals and their families. This premium payment will also cover any premium cost non-essential health benefits no later than plan year 2027. The premium relief will be available to all members of a household that meet the eligibility requirements in Subsection B of this section. The payment may be used to effectuate coverage.

B. Eligibility for medicaid transition premium relief program: To qualify, a person in the household must:

(1) be a resident of the state of New Mexico who is eligible to purchase a QHP on the exchange;

(2) enroll in a QHP on the exchange within 120 calendar days of losing medicaid coverage.

(3) no longer be enrolled in medicaid at the time their QHP coverage begins;

(4) be determined eligible for federal premium tax credits; and

(5) have an expected household income at or below four hundred percent of the FPL.

C. Eligibility appeals: Appeals for this program shall follow the same process that the exchange uses for federal subsidies. [8.401.2.9 NMAC - N/E, 11/7/2025]

8.401.2.10 SMALL BUSINESS HEALTH INSURANCE PREMIUM RELIEF INITIATIVE: This rule governs the agency's small business health insurance premium relief initiative, which applies to plans that meet QHP standards sold through the small business health options program or purchased directly from a health insurance issuer selling plans that meet QHPs standards in the small group health insurance market.

A. Premium reduction percentage guidance: Annually, based on available funding, the secretary will issue guidance establishing a premium reduction percentage that will apply to all plans that meet QHP standards sold in the small group health insurance market. Health insurance issuers participating in the market shall discount charges to small group plan purchasers by the percentage established by the secretary and show the amount of the discount in all invoices to the purchaser. The secretary will allow issuers to apply the discount directly or through a credit on the following month's premium. The guidance will

establish the percentage reduction, reporting requirements, timetable and process for issuer reimbursement, and other requirements. The secretary may issue additional guidance, if needed.

B. Reporting requirements and annual verification of accurate payments:

Health insurance issuers selling plans that meet QHP standards in the small group health insurance market must report data related to enrollment, premiums, and reimbursement from the health care affordability fund to the health care authority on a regular basis, based on the requirements of the guidance. Following each calendar year, on a date established by the secretary, issuers must report data requested by the agency to verify the accuracy of payments made from the fund. The secretary will require issuers to replenish the fund if it is determined that any overpayment has been issued.

C. Payments to participating issuers: On a regular basis, as established in the guidance, HCA will make payments from the health care affordability fund to issuers for the remainder of the gross premium that would otherwise be owed by small group plan purchasers if the small business health insurance premium relief initiative were not in effect. The data received by HCA pursuant to Subsection B of 8.401.2.11 NMAC of this rule serves as the basis for HCA's regular payments to issuers from the health care affordability fund. Issuers must invoice the agency in accordance with the HCA's instructions in order to receive payment.

D. Notification of small group plan purchasers: The secretary will specify a date before the initiative goes into effect by which health insurance issuers must notify their small group plan purchasers about the premium reductions provided by the initiative. Issuers subject to the rule should reflect the premium reduction amount in all invoices.

E. Treatment as third-party payment: For

the purposes of the federal risk adjustment program and federal medical loss ratio requirements, the state payment under this section should be considered a third-party payment that is part of the gross premium.

[8.401.2.10 NMAC - N/E, 11/7/2025]

8.401.2.11 MAINTAINING COVERAGE FOR THOSE LOSING ELIGIBILITY FOR FEDERAL FINANCIAL ASSISTANCE DUE TO SECTION 71301 AND 71302 OF PUBLIC LAW 119-21: This rule governs the agency's coverage protection program for certain lawfully present individuals.

A. Affordability criteria: Annually, the secretary will publish guidance specifying affordability criteria for the ensuing plan year. If the federal government changes policies that will affect the cost of the program to the state or the cost to enrollees after the issuance of the guidance, the secretary may adjust the affordability criteria.

(1) These are the affordability criteria that the secretary may consider in determining premium assistance eligibility for a plan year. The secretary will use these criteria to establish a household income based on:

(a) the percentage of an enrollee's MAGI as computed according to federal standards;

(b) the percentage of an enrollee's MAGI that would be needed to purchase the state benchmark plan as established by the secretary;

(c) the number of individuals projected to enroll in the benefit; and

(d) the availability of appropriations to support the program.

(2) These are the affordability criteria that the secretary will consider to determine state out-of-pocket assistance eligibility. The secretary will use these criteria to establish state out-of-pocket assistance variants that adjust

the actuarial value of certain QHPs offered on the exchange:

(a) an enrollee's MAGI as computed according to federal standards;

(b) plan type and metal level tiers that qualify for state out-of-pocket assistance;

(c) actuarial values for plans that qualify for state out-of-pocket assistance; and

(d) the availability of sufficient appropriations to support the program.

B. Income eligibility parameters: Annually, the secretary will publish guidance specifying income eligibility parameters for the ensuing plan year. The secretary shall prioritize households under two hundred percent of the federal poverty level if appropriations are not sufficient to cover populations above that level. If the federal government changes policies that will affect the cost of the program to the state or the cost to enrollees after the issuance of the guidance, the secretary may adjust the income eligibility parameters.

C. General eligibility requirements:

(1) To qualify for state premium and out-of-pocket assistance under this coverage protection program, consumers must:

(a) be eligible to purchase a QHP on the exchange;

(b) be a lawfully present individual who has become ineligible for the federal premium tax credit due to the enactment of Section 71301 and 71302 of Public Law 119-21; and

(c) meet income criteria established annually by the secretary.

D. Premium and state out-of-pocket assistance payment disbursements: This rule governs disbursements to participating health insurance issuers for premium assistance or state out-of-pocket assistance provided to eligible enrollees who purchase eligible plans. Monthly, by the 15th of each month, the exchange shall report to

the secretary the total amount due to each participating health insurance issuer for premium assistance and state out-of-pocket assistance for coverage of its eligible enrollee(s) for the applicable calendar month.

(1) The monthly payment amount due to a participating health insurance issuer for premium assistance will be the monthly aggregate amount of premium assistance for all eligible enrollees of the health insurance issuer for the month.

(a) Monthly state premium assistance amounts will be calculated using the following formula: gross monthly premium for state benchmark plan minus applicable percentage of income established by the secretary multiplied by expected annual household income as outlined in 45 C.F.R. § 155.305(f)(i) divided by 12.

(b) To the greatest extent possible, within 10 days of receiving the monthly accounting from the exchange, the secretary will, by voucher, request that the secretary of finance and administration issue warrants as necessary to ensure payment to each participating health insurance issuer for the monthly amount determined to be due by the secretary.

(2) The monthly payment amount to a participating health insurance issuer for state out-of-pocket assistance will be determined as a percentage of gross monthly premiums for enrollees of an eligible plan in a specified income tier.

(3) To facilitate reconciliation, a health insurance issuer must track or accurately estimate claim costs in accordance with guidance published by the secretary to allow for the determination of actual out-of-pocket assistance amounts for the applicable plan year.

E. Eligibility appeals: Appeals for this program shall follow the same process that the exchange uses for federal subsidies.
[8.401.2.11 NMAC - N/E, 11/7/2025]

8.401.2.12 PROGRAM FOR UNINSURED DACA RECIPIENTS LOSING ELIGIBILITY FOR EXCHANGE COVERAGE AND FEDERAL FINANCIAL ASSISTANCE:

This rule governs the DACA coverage program for certain individuals with DACA status. Coverage options for the DACA coverage program are to be provided through off-exchange plans offered by issuers selling plans that meet QHP standards on the exchange and are funded through appropriations authorized by the legislature for the purpose of providing “resources for planning, design and implementation of health care coverage initiatives for uninsured New Mexico residents.” The secretary may establish enrollment caps if necessary to ensure program sustainability. To enroll in the DACA coverage program, individuals must be determined eligible through HCA’s approved vendor.

A. Affordability criteria: Annually, the secretary will publish guidance specifying affordability criteria for the ensuing plan year. If the federal government changes policies that will affect the cost of the program to the state or the cost to enrollees after the issuance of the guidance, the secretary may adjust the affordability criteria.

(1) These are the affordability criteria that the secretary may consider in determining premium assistance eligibility for a plan year. The secretary will use these criteria to establish a premium sliding scale based on household income:

(a) the percentage of an enrollee’s MAGI as computed according to federal standards;

(b) the percentage of an enrollee’s MAGI that would be needed to purchase the state benchmark plan as established by the secretary;

(c) the number of individuals projected to enroll in the benefit;

(d) the off-exchange plans eligible for state assistance; and

(e) the availability of appropriations to support the program.

(2) The secretary shall establish affordability criteria for the out-of-pocket assistance program no later than the 2027 plan year and consider the following criteria in establishing such a program:

(a) an enrollee’s MAGI as computed according to federal standards;

(b) plan type and metal level tiers that qualify for state out-of-pocket assistance;

(c) actuarial values for plans that qualify for state out-of-pocket assistance; and

(d) the availability of sufficient appropriations to support the program.

(3) The secretary may establish a temporary out-of-pocket assistance program during the 2026 plan year to help eligible individuals under two hundred percent of the FPL with deductible costs.

B. Income eligibility parameters: Annually, the secretary will publish guidance specifying income eligibility parameters for the ensuing plan year. The secretary shall prioritize households under two hundred percent of the federal poverty level if appropriations are not sufficient to cover populations above that level. If the federal government changes policies that will affect the cost of the program to the state or the cost to enrollees after the issuance of the guidance, the secretary may adjust the income eligibility parameters.

C. General eligibility requirements:

(1) To qualify for state premium and out-of-pocket assistance under the DACA coverage program, consumers must:

(a) DACA recipient as established by federal guidelines;

(b) not have access to other health coverage that meets federal minimum essential coverage standards or other third-party payor programs;

(c) be a resident of New Mexico;

(d) not be incarcerated;

(e) meet income criteria established annually by the secretary.) meet income criteria established annually by the secretary.

D. Premium and state out-of-pocket assistance payment disbursements: This rule governs disbursements to participating health insurance issuers for premium assistance or state out-of-pocket assistance provided to eligible enrollees who purchase eligible plans. Monthly, by a date established by the secretary in guidance, issuers shall report to the secretary the total amount due for premium assistance for coverage of its eligible enrollees for the applicable calendar month.

(1) The monthly payment amount due to a participating health insurance issuer for premium assistance will be the monthly aggregate amount of premium assistance for all eligible enrollees of the health insurance issuer for the month.

(a) The methodology for calculating monthly state premium assistance amounts shall ensure similar affordability criteria as premium assistance under the marketplace affordability program.

(b) To the greatest extent possible, within 10 days of receiving the monthly accounting from the issuer, the secretary will, by voucher, request that the secretary of finance and administration issue warrants as necessary to ensure payment to each participating health insurance issuer for the monthly amount determined to be due by the secretary.

(2) The monthly payment amount to a participating health insurance issuer

for state out-of-pocket assistance will be determined as a percentage of gross monthly premiums for enrollees of an eligible plan in a specified income tier, aggregated across all qualifying income tiers.

(3) To facilitate reconciliation, a health insurance issuer must track or accurately estimate claim costs in accordance with guidance published by the secretary to allow for the determination of actual out-of-pocket assistance amounts for the applicable plan year.

E. Appeal rights and process:

(1) Applicants or their authorized representatives may appeal any adverse program eligibility or assistance decision, including eligibility status, income/residency findings, assistance tier, or effective date.

(2) The authorized eligibility determination vendor shall issue a written notice that states the decision and effective date, the reasons, how to appeal, the filing deadline, and the availability of free language services and disability accommodations.

(3) Appeals must be filed within 30 calendar days of the notice date. Late appeals may be accepted for good cause. Appeals may be filed by methods specified in guidance. An authorized representative may be designated at any time.

(4) An impartial member of the agency's eligibility vendor shall decide first-level appeals. A written decision is due within 20 calendar days of receipt, or within three business days if expedited due to risk of care disruption. If no timely decision is issued, the appellant may proceed to a final appeal.

(5) A final appeal may be filed with the Health Care Affordability Bureau within 30 calendar days of the vendor decision or a vendor delay. The Bureau will conduct review and issue a written decision within 45 calendar days, or within five business days if expedited.

The Bureau's decision is the final administrative action. [8.401.2.11 NMAC - N/E, 11/7/2025]

History of 8.401.2 NMAC:
[RESERVED]

MEDICAL BOARD PODIATRY

REPEALS

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.4 NMAC, Podiatrists - Expedited License by Reciprocity, effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.5 NMAC, Podiatrists - Temporary License and Emergency License effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.6 NMAC, Podiatrists - Licensure for Military Service Members, Spouses and Veterans effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.9

NMAC, Podiatrists - Management of Pain with Controlled Substances effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.11 NMAC, Podiatrists - Disciplinary Proceedings effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.12 NMAC, Podiatrists - Management of Medical Records, effective December 9, 2025.

REPEAL/REPLACE

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.1 NMAC, Podiatrists - General Provisions and replacing it with 16.10.23 NMAC, Medicine and Surgery Practitioners - General Provisions, effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.2 NMAC, Podiatrists - Fees and replacing it with 16.10.24 NMAC, Medicine and Surgery Practitioners - Fees, effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.3 NMAC, Podiatrists - License By Exam and replacing it with 16.10.25 NMAC, Medicine and Surgery Practitioners - Licensure By Examination, Expedited Reciprocity, Expedited Licensure Military Service Members And Veterans, Temporary Licensure, And Emergency Licensure, effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.7 NMAC, Podiatrists - License Expiration and Renewal, replacing it with 16.10.29 NMAC, Medicine and Surgery Practitioners - License Expiration and Renewal, effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.8 NMAC, Podiatrists - Continuing Education and replacing it with 16.10.30 NMAC, Medicine and Surgery Practitioners - Continuing Education, effective December 9, 2025.

Pursuant to HB83 passed during the 2023 Legislative Session and signed by Governor Lujan Grisham on April 5, 2023, the Podiatry Board was transferred from Regulation and Licensing Department to the New Mexico Medical Board. New Mexico Medical Board is repealing 16.21.10 NMAC, Podiatrists - Lapse of License and Reinstatement and replacing

it with 16.10.32 NMAC, Medicine and Surgery Practitioners - Lapse of License and Reinstatement, effective December 9, 2025.

MEDICAL BOARD PODIATRY

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS PART 23 GENERAL PROVISIONS

16.10.23.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the podiatry advisory committee, hereafter called the committee.

[16.10.23.1 NMAC - Rp, 16.21.1.1 NMAC 12/9/2025]

16.10.23.2 SCOPE: The provisions in 16.10.23 NMAC apply to all parts of Chapter 10 and provide information for applicants, licensed podiatric physician, board members, and members of the public.

[16.10.23.2 NMAC - Rp, 16.21.1.2 NMAC 12/9/2025]

16.10.23.3 STATUTORY

AUTHORITY: Podiatry Act, Subsection E of Section 61-8-6 NMSA 1978 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.

[16.10.23.3 NMAC - Rp, 16.21.1.3 NMAC 12/9/2025]

16.10.23.4 DURATION:

Permanent.

[16.10.23.4 NMAC - Rp, 16.21.1.4 NMAC 12/9/2025]

16.10.23.5 EFFECTIVE

DATE: December 9, 2025, unless a later date is cited at the end of a section.

[16.10.23.5 NMAC - Rp, 16.21.1.5 NMAC 12/9/2025]

16.10.23.6 OBJECTIVE:

This part provides general provisions

for the practice of podiatry, licensee responsibility, and requirements for the conduct of board business.
[16.10.23.6 NMAC - Rp, 16.21.1.6 NMAC 12/9/2025]

16.10.23.7 DEFINITIONS:

A. "APMLE" means American podiatric medical licensing examination.

B. "Board" means board The New Mexico medical board.

C. "Committee" means podiatry advisory committee

D "CPME" means the council on podiatric medical education.

E. "NBPME" means the national board of podiatric medical examiners.

F. "Practice of podiatry": means engaging in that primary health care profession, the members of which examine, diagnose, treat and prevent by medical, surgical and biomechanical means ailments affecting the human foot and ankle and the structures governing their functions, but does not include amputation of the foot or the personal administration of a general anesthetic.

G. "Podiatric physician" is defined as a physician, pursuant to the laws of this state, and defined as a physician and surgeon within the scope of the podiatric physician license.

H. "Foot and ankle radiation technologist" means a person who takes x-rays of the foot and ankle under supervision of the podiatric physician.
[16.10.23.7 NMAC - Rp, 16.21.1.7 NMAC 12/9/2025]

16.10.23.8 SCOPE OF PRACTICE:

A. For the purpose of clarification of the Podiatry Act, Subsection C of Section 61-8-2 NMSA 1978, the practice of podiatry:

(1) in regard to surgical treatment shall include the skin and subcutaneous tissues of the thigh and all structures distal to the knee.

(2) does include amputation of any portion of the foot;

(3) does allow the use of the services of a certified registered nurse anesthetist; and

(4) a licensed podiatrist may assist a licensed medical or osteopathic physician in the performance of any surgery of the lower extremities.

B. A podiatric physician shall be recognized and permitted to supervise and administer hyperbaric oxygen following the published recommendations of the undersea and hyperbaric medical society, inc. "UHMS" and within the credentials and bylaws of the facility that operates the hyperbaric unit with the following stipulation; prior to administering hyperbaric oxygen, a podiatric physician must have on file with the, board, documentation certifying compliance with the above requirements.

[16.10.23.8 NMAC - Rp, 16.21.1.8 NMAC 12/9/2025]

16.10.23.9 LICENSE

DISPLAY: A valid license must be displayed and must be visible to the public in each place of business.

[16.10.23.9 NMAC - Rp, 16.21.1.9 NMAC 12/9/2025]

16.10.23.10 RESPONSIBILITY OF LICENSEE:

It is the responsibility of the licensed podiatrist to keep the board informed of a current mailing address and email within 30 days of changes. All correspondence, including renewal forms, will be mailed or emailed to the last address on file. The board assumes no responsibility for renewal applications or other correspondence not received because of a change of mailing address or email address.

[16.10.23.10 NMAC - Rp, 16.21.1.10 NMAC 12/9/2025]

16.10.23.11 SEVERABILITY:

The provisions of these regulations are severable. If any parts of these regulations are held invalid, the remaining provisions shall remain in force and effect.

[16.10.23.11 NMAC - Rp, 16.21.1.11 NMAC 12/9/2025]

16.10.23.12 COMMITTEE ORGANIZATION, POWERS AND DUTIES:

A. The committee shall consist of three members, one member who shall be the executive director of the New Mexico podiatric medical association serving as an ex-officio member and two members who shall be podiatric physicians licensed to practice in New Mexico who have been actively engaged in the practice of podiatry for at least three consecutive years immediately prior to their appointments.

B. Members of the committee shall be appointed by the board from a list of names submitted to the board by the New Mexico podiatric medical association or its authorized governing body or council. The list shall be submitted to the board within thirty days of a vacancy and shall contain at least three qualified podiatric physicians for each member appointed. Member vacancies shall be filled in the same manner. Committee members shall serve until their successors have been appointed and qualified.

C. The Committee shall hold meetings in a frequency necessary to conduct business and shall meet at the request of the board. Meetings of the committee shall be subject to the Open Meetings Acts.

D. The board, with the advice of the committee, shall administer and enforce the provisions of the podiatry act.

[16.10.23.12 NMAC -Rp, 16.21.1.12 NMAC 12/9/2025]

16.10.23.13 ADVERTISING GUIDELINES:

A. All advertisements shall include the podiatrist's name or medical group name, address and telephone number consistent with the Health Care Advertising Act, Section 57-27-1 NMSA 1978.

B. Specialty practice: A podiatrist may only advertise a specialty practice if they qualify under one of the following provisions:

(1) the licensee is board certified or board eligible by a recognized certifying board; if an abbreviation of the certifying board is used then the name of the certifying board must be included in the advertisement;

(2) the licensee is a fellow or an associate of a specialty organization which admits fellows and associates on the basis of an examination; if an abbreviation of the certifying board is used then the name of the certifying board must be included in the advertisement.

[16.10.23.13 NMAC - Rp, 16.21.1.14 NMAC 12/9/2025]

16.10.23.15 [RESERVED]

16.10.23.16 [RESERVED]

HISTORY of 16.21.1 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

Rule I, Conduct of Board Business, filed 7/21/1980;

Rule IX, Scope of Practice, filed 7/21/1980;

Rule XI, Advertising by Licensees, filed 7/21/1980;

Rule XII, Inspection of Board Records, filed 11/29/1990;

Rule XIV, Severability, filed 11/29/1990.

History of Repealed Material:

Rule I, Conduct of Board Business (filed 7/21/1980); Rule IX, Scope of Practice (filed 7/21/1980); Rule XI, Advertising by Licensees (filed 7/21/1980); Rule XII, Inspection of Board Records (filed 11/29/1990); and Rule XIV, Severability, (filed 11/29/1990), repealed 10/15/2004. 16.21.1 NMAC, Podiatrists - General Provisions filed 9/15/2004, Repealed effective 12/9/2025.

Other History:

Rule I, Conduct of Board Business (filed 7/21/1980); Rule IX, Scope of Practice (filed 7/21/1980); Rule XI, Advertising by Licensees (filed 7/21/1980); Rule XII, Inspection of Board Records (filed 11/29/1990);

and Rule XIV, Severability, (filed 11/29/1990) all replaced by 16.21.1 NMAC, effective 10/15/2004.

16.21.1 NMAC, Podiatrists - General Provisions filed 9/15/2004 was replaced by 16.10.23 NMAC, Medicine and Surgery Practitioners - General Provisions effective 12/9/2025.

MEDICAL BOARD PODIATRY

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING

CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS PART 24 FEES

16.10.24.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the podiatry advisory committee, hereafter called the committee.

[16.10.24.1 NMAC - Rp, 16.21.2.1 NMAC, 12/9/2025]

16.10.24.2 SCOPE: Apply to all parts of Chapter 10 and provide information for applicants, licensed podiatric physician and members of the public.

[16.10.24.2 NMAC - Rp, 16.21.2.2 NMAC, 12/9/2025]

16.10.24.3 STATUTORY

AUTHORITY: Podiatry Act, Section 61-8-10 NMSA 1978 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.

[16.10.24.3 NMAC - Rp, 16.21.2.3 NMAC, 12/9/2025]

16.10.24.4 DURATION:

Permanent.

[16.10.24.4 NMAC - Rp, 16.21.2.4 NMAC, 12/9/2025]

16.10.24.5 EFFECTIVE

DATE: December 9, 2025 unless a later date is cited at the end of a section.

[16.10.24.5 NMAC - Rp, 16.21.2.5 NMAC, 12/9/2025]

16.10.24.6 OBJECTIVE: To establish fees to fund the cost of board operation.

[16.10.24.6 NMAC - Rp, 16.21.2.6 NMAC, 12/9/2025]

16.10.24.7 DEFINITIONS: [RESERVED]

[16.10.24.7 NMAC - Rp, 16.21.2.7 NMAC]

16.10.24.8 FEES:

A. Application fee for licensure by examination is \$400.00.

B. Application fee for licensure by reciprocity is \$600.00.

C. Duplicate license fee is \$25.00.

D. Temporary license fee is \$100.00.

E. Bi-annual renewal fee is \$600.00.

F. Late fee for license renewal applications that are received but not complete, or not received or postmarked by December 31, is \$50 per month for each month or part thereof.

G. Reinstatement fee is \$200.00 for the first twelve months of delinquency and \$500.00 for a license that has lapsed more than one year but not more than three years.

H. Application for foot and ankle radiation technologists initial license fee in an amount not to exceed \$250. Renewal fee not to exceed \$100 per year.

I. Fees for requests for copies of public records will be charged reasonable administrative fees.

[16.10.24.8 NMAC - Rp, 16.21.2.8 NMAC, 12/9/2025]

HISTORY of 16.21.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

Rule II, Initial Application For License, filed 7/21/1980;

Rule II, Initial Application For License, filed 8/18/1989;

Rule II, Initial Application For License, filed 11/29/1990;

Rule II, Initial Application For

License, filed 12/10/1990;
 Rule III, Licensure By Reciprocity, filed 7/21/1980;
 Rule III, Licensure By Reciprocity, filed 8/18/1989;
 Rule IV, Temporary Licenses, filed 7/21/1980;
 Rule IV, Temporary License, filed 10/6/1987;
 Rule IV, Temporary License, filed 8/18/1989;
 Rule IV, Temporary License, filed 11/29/1990;
 Rule VI, Renewal Of License, filed 7/21/1980;
 Rule VI, Renewal Of License, filed 8/18/1989.
 Rule XIII, Duplicate/Replacement License, filed 11/29/1990.

History of the Repealed Material:

16 NMAC 21.3, Podiatry - Application For License By Examination (filed 6/17/1996);
 16 NMAC 21.4, Podiatry - Application For License By Reciprocity (filed 6/17/1996);
 16 NMAC 21.5, Podiatry - Application For Temporary License (filed 6/17/1996) - Repealed 10/15/2004.
 16.21.2 NMAC, Podiatry - Fees, filed 9/15/2024 Repealed effective 12/9/2025.

Other History:

Those applicable portions of Rule VI, Renewal Of License (filed 8/18/1989); 16 NMAC 21.3, Podiatry - Application For License By Examination (filed 6/17/1996); 16 NMAC 21.4, Podiatry - Application For License By Reciprocity (filed 6/17/1996); 16 NMAC 21.5, Podiatry - Application For Temporary License (filed 6/17/1996) replaced by 16.21.2 NMAC, Fees, effective 10/15/2004.
 16.21.2 NMAC, Podiatry - Fees, filed 9/15/2024 Replaced by 16.10.24 NMAC, Podiatry Fees effective 12/9/2025

MEDICAL BOARD PODIATRY

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS PART 25 LICENSURE BY EXAMINATION, EXPEDITED RECIPROCITY, EXPEDITED LICENSURE MILITARY SERVICE MEMBERS AND VETERANS, TEMPORARY LICENSURE, AND EMERGENCY LICENSURE

16.10.25.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the podiatry advisory committee, hereafter called the committee.

[16.10.25.1 NMAC - Rp, 16.21.3.1 NMAC 12/9/2025]

16.10.25.2 SCOPE:

Applicants for licensure as a podiatric physician.

[16.10.25.2 NMAC - Rp, 16.21.3.2 NMAC 12/9/2025]

16.10.25.3 STATUTORY

AUTHORITY: Podiatry Act, Section 61-8-6 through 61-8-9, and 61-8-14, NMSA 1978 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.

[16.10.25.3 NMAC - Rp, 16.21.3.3 NMAC 12/9/2025]

16.10.25.4 DURATION:

Permanent.

[16.10.25.4 NMAC - Rp, 16.21.3.4 NMAC 12/9/2025]

16.10.25.5 EFFECTIVE

DATE: December 9, 2025 unless a later date is cited at the end of a section.

[16.10.25.5 NMAC - Rp, 16.21.3.5 NMAC 12/9/2025]

16.10.25.6 OBJECTIVE:

This part lists the requirements and documentation, which must be submitted to the board to obtain licensure as a podiatric physician.

[16.10.25.6 NMAC - Rp, 16.21.3.6 NMAC 12/9/2025]

16.10.25.7 DEFINITIONS:

A. "APMLE" means American podiatric medical licensing examination.

B. "Background findings" the board may deny, or otherwise limit a license if it is determined the applicant hold or has held a license in another jurisdiction that is not in good standing, if proceedings are pending against the applicant in another jurisdiction, or information is received indicating the applicant is of danger to patients or is guilty of violating any of the provisions of the Podiatric Act, the Uniform Licensing Act, Impaired Health Care Providers Act. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may formally accept the approval of the application at the next scheduled meeting.

C. "Complaint/review committee" means a committee established by the board to review all complaints and applicants with background findings and to report to the board at its next scheduled meeting.

D. "CPME" means the council on podiatric medical education.

E. "Eligible jurisdiction" means:

(1) any state or territory of the United States except those included in the list of disapproved licensing jurisdictions in of 16.21.4.8 NMAC; and

(2) any foreign country included in 16.21.4.9 NMAC.

F. "Emergency" for purposes of this rule means any sudden or unforeseen situation that requires immediate action. The sudden onset of physical or mental illness, injury, impairment, or other incapacitating condition by a New Mexico licensed podiatrist is considered an emergency.

G. "Expedited license by reciprocity" means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.

H. “Fellowship” the period of medical training a podiatrist may undertake after completing residency.

I. “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.

J. “Jurisprudence exam” means an examination concerning the laws and rules of the New Mexico medical board and the Podiatry Act.

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

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

M. “NBPME” means the national board of podiatric medical examiners.

N. “Preceptorship” a period of practical experience and training for a podiatric medical school or college that is not defined as a residency program approved by the council podiatric medical education (CPME) and supervised by a New Mexico licensed podiatric physician.

O. “Qualified applicant” means an applicant who:

- (1) holds a current license in good standing in another jurisdiction, provided that an applicant who is not a military service member or veteran must hold a current license in good standing in an eligible jurisdiction.

- (2) does not have a disqualifying criminal conviction, as defined in the board’s rules; and

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

P. “Veteran” has the same meaning as defined in Paragraph (3) of Subsection E of 61-1-34 NMSA 1978.

[16.10.25.7 NMAC - Rp, 16.21.3.7 NMAC 12/9/2025]

16.10.25.8 REQUIREMENTS

FOR ALL LICENSEES: Each applicant for licensure as a podiatric physician shall furnish evidence satisfactory to the board that the applicant:

A. has reached the age of maturity. (Note statute states majority);

B. has graduated and been awarded a doctor of podiatric medicine degree from a college of podiatric medicine accredited by the American podiatric medical association council on podiatric medical education; and

C. has completed, at a minimum, a one-year residency program at a hospital accredited by the American podiatric medical association council on education;

D. has completed an application under oath on forms supplied by the board with a signature and a passport quality photo taken within the past six months; applications are valid for one year from the date of receipt shall pay the required fees;

E. The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources. Each applicant for a license by examination must submit the required fees and following documentation: [16.10.25.8 NMAC - Rp, 16.21.3.8 NMAC 12/9/2025]

16.10.25.9 LICENSURE BY

EXAMINATION: An applicant for licensure by examination shall submit evidence to the board that the applicant has passed the examinations administered by the national board of podiatry medical examiners for students graduating from colleges of podiatry and shall furnish the board an official transcript and take clinical and written examinations as the board deems necessary. The examinations shall be in English and the subjects covered by the examinations shall be determined by the board and taken from subjects taught in accredited colleges of podiatric medicine. No

applicant for licensure by examination shall be licensed who has not received a passing score on all board-approved examinations.

[16.10.25.9 NMAC - N, 12/9/2025]

16.10.25.10 DOCUMENTATION REQUIREMENTS:

A. official transcripts from the school of podiatric medicine or college, to be sent directly to the board office from the accredited program;

B. certificate or letter from residency director verifying completion of residency program approved by the CPME and has completed, at a minimum, a one-year residency program at a hospital accredited by the American podiatric medical association council on education residency program;

C. proof that the applicant has passed the NBPME examinations sent directly from the NBPME;

D. verification of licensure in all states where the applicant holds or has held a license to practice podiatry, or other health care profession; verification from the other state(s) must be received electronically, and must attest to the status, issue date, license number, and other information contained in the form; and

E. electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through Section 14-16-19 NMSA 1978.

[16.10.25.10 NMAC - Rp, 16.21.3.9 NMAC]

16.10.25.11 EXPEDITED LICENSURE BY RECIPROCITY:

A. A candidate for expedited licensure by reciprocity under Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act must submit to the board a complete application containing all the following:

- (1) proof of current licensure in an eligible jurisdiction as defined in these rules;

- (2) certificate of good standing for the license

held by the applicant in an eligible jurisdiction;

(3) official transcripts from the school of podiatric medicine or college, to be sent directly to the board office from the accredited program;

(4) certificate or letter from residence director verifying completion of residence program approved by the CPME;

(5) proof of active practice for the three consecutive years immediately preceding the date of application (such proof may include a letter from an accountant, the professional society, tax forms, or other documentation approved by the board);

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 required by 16.10.3.11 NMAC, including documentation from third parties.

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

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-8-11 NMSA 1978:

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

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

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

[16.10.25.11 NMAC - N, 12/9/2025]

16.10.25.12 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS.

Applicants licensed in the following

states and territories of the United States shall not be eligible for expedited licensure by reciprocity under Section 61-8-9 NMSA 1978 of the Podiatry Act:

A. American Samoa, on the grounds that the board cannot determine the education or examination requirements in this jurisdiction;

B. Guam, on the grounds that this jurisdiction does not require licensees to pass any examination;

C. Kentucky and Pennsylvania, on the grounds that these jurisdictions do not require licensees to complete a residency program;

D. Minnesota, New Jersey, and Puerto Rico, on the grounds that these jurisdictions do not require licensees to pass Part III of the NBPME AMPLE exam considered by New Mexico to be an integral portion of the national examinations to determine competency to practice podiatry;

E. Montana, North Carolina and North Dakota, on the grounds that the boards cannot determine sufficiency of residency requirements in these jurisdictions; and

F. Virgin Islands, on the grounds that the board cannot determine the examination requirements in this jurisdiction. [16.10.25.12 NMAC N, 12/9/2025]

16.10.25.13 LIST OF APPROVED FOREIGN JURISDICTIONS. Applicants licensed in the following foreign countries outside of the United States may be eligible for expedited licensure under Section 61-8-9 NMSA 1978 of the Podiatry Act:

A. Spain; and

B. Canada.

[16.10.25.13 NMAC N, 12/9/2025]

16.10.25.14 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS:

A. A candidate for expedited licensure by reciprocity under Section 61-1-34 NMSA 1978

must submit to the board a complete application containing all of the following:

(1) a completed and signed application form;

(2) proof of current license in another jurisdiction;

(3) certificate of good standing for the license held by the applicant in another jurisdiction, including a branch of the United States armed forces;

(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 214, DD 215, DD 256, DD 257, NGB Form 22, Military ID card, a driver's license or state ID card with a veterans designation, or other documentation as provided by a governmental entity verifying an 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 required by 16.21.4.20 NMAC, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff

shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-8-11 NMSA 1978:

(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 or veteran who is issued an expedited license shall not be charged a licensing fee for the first three years of licensure with the board.
[16.10.3.14 NMAC – N 12/9/2025]

16.10.25.15 TEMPORARY LICENSE: A temporary license may be issued by the board in the following situations.

A. In cases of emergency as determined by the board; a temporary license to practice as a podiatric physician may be issued under this rule for practice in the office of a New Mexico licensed podiatrist who is unable to continue his or her practice due to an emergency.

B. To facilitate educational programs; a temporary license to practice podiatry in New Mexico may be issued to:

(1) a participant in a residency training program located in New Mexico accredited by the "CPME" and insure that at all times throughout the program the temporary license holder is supervised by a New Mexico licensed podiatrist; or

(2) a participant in a residency program that is located in the United States

accredited by the "CPME" and insure that at all times the temporary license holder is supervised by a New Mexico licensed podiatrist, if the program offers part of its program residency in New Mexico;

(3) a participant in a post-graduate one year preceptorship program in New Mexico that at all times throughout the program is supervised by a New Mexico licensed podiatrist(s) in good standing and without restriction(s) of license; the board requires the supervising podiatrist(s) of this preceptorship to have notified the board in writing of the start and end dates for this post-graduate training position;

(4) a participant in a Fellowship program known and listed by a recognized medical specialty organization provided that at all times the temporary license holder is supervised by a New Mexico Licensed podiatrist.

C. In cases to assist or perform surgical procedures with a licensed New Mexico podiatrist which is beyond the training and experience available in New Mexico
[16.10.25.15 NMAC - N, 12/9/2025]

16.10.25.16 TEMPORARY LICENSE DOCUMENTATION REQUIREMENTS:

Each applicant for a temporary license must submit the required fees and submit or provide for the following documentation set forth in 16.10.3.8 NMAC.

[16.10.25.16 NMAC - N, 12/9/2025]

16.10.25.17 DISASTER RELATED LICENSE: Podiatric physician currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure, in a state in which a disaster has been declared by federal authorities, may apply for a license in New Mexico during the four months following the date the disaster was declared, at no cost.

[16.10.25.17 NMAC - N, 12/9/2025]

16.10.25.18 DISASTER RELATED LICENSE

DOCUMENTATION

REQUIREMENTS: Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.10.3.8 NMAC. Upon receipt of a completed application, including all required documentation designee of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be reviewed by the complaint/review committee. The board may formally accept the recommendation of the complaint/review committee at the next scheduled meeting.

[16.10.25.18 NMAC - N, 12/9/2025]

16.10.25.19 REPORTS: The board requires obtainment of reports from the national practitioners data bank or other national reporting organization and the federation of podiatric medical boards disciplinary data bank.

[16.10.25.19 NMAC - Rp/E, 16.21.10 NMAC 12/9/2025]

16.10.25.20 LICENSURE

PROCEDURE: Upon receipt of a completed application, including all required documentation and fees, the designee of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may ratify the approval of the application at the next scheduled board meeting. Any application which cannot be approved by the designee of the board will be reviewed by the board at the next scheduled meeting.

[16.10.25.20 NMAC - Rp, 16.21.3.11 NMAC 12/9/2025]

HISTORY of 16.21.3 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives: Rule II, Initial Application for License, filed 7/21/1980;

Rule II, Initial Application for License, filed 8/18/1989;
Rule II, Initial Application for License, filed 11/29/1990;
Rule II, Initial Application for License, filed 12/10/1990;
Rule V, Examinations, filed 9/11/1989.

History of the Repealed Material:

16 NMAC 21.3, Podiatry - Application for License by Examination, repealed 10/15/2004.
16.21.3 NMAC, Podiatrists - License by Exam filed 9/15/2004, Repealed effective 5/3/2019.
16.21.3 NMAC, Podiatrists - License by Exam filed 4/3/2019, Repealed effective 12/9/2025.

Other History:

Rule II, Initial Application for License (filed 12/10/1990) was renumbered, reformatted and replaced by 16 NMAC 21.3, Podiatry - Application for License By Examination, effective 7/1/1996.
Rule V, Examinations, (filed 9/11/1989) and 16 NMAC 21.3, Podiatry - Application for License by Examination (filed 6/17/1996) were replaced by 16.21.3 NMAC, License by Exam, effective 10/15/2004.
16.21.3 NMAC, Podiatrists - License by Exam filed 9/15/2004 was Replaced by 16.21.3 NMAC, Podiatrists - License by Exam effective 5/3/2019.
16.21.3 NMAC, Podiatrists - License by Exam filed 4/3/2019 was replaced by 16.10.25 NMAC, Medicine And Surgery Practitioners - Licensure By Examination, Expedited Reciprocity, Expedited Licensure Military Service Members And Veterans, Temporary Licensure, And Emergency Licensure effective 12/9/2025.

**MEDICAL BOARD
PODIATRY**

**TITLE 16
OCCUPATIONAL AND
PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND
SURGERY PRACTITIONERS**

**PART 29 LICENSE
EXPIRATION AND RENEWAL**

16.10.29.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the podiatry advisory committee, hereafter called the committee.

[16.10.29.1 NMAC - Rp, 16.21.7.1 NMAC 12/9/2025]

16.10.29.2 SCOPE: The provisions in 16.10.29.2 NMAC apply to all parts of Chapter 10 and provide information for applicants, licensed podiatric physician, board members, council and members of the public.
[16.10.29.2 NMAC, - Rp, 16.21.7.2 NMAC 12/9/2025]

16.10.29.3 STATUTORY AUTHORITY: Podiatry Act, Section 61-8-10 NMSA 1978 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.
[16.10.29.3 NMAC - Rp, 16.21.7.3 NMAC 12/9/2025]

16.10.29.4 DURATION: Permanent.
[16.10.29.4 NMAC - Rp, 16.21.7.4 NMAC 12/9/2025]

16.10.29.5 EFFECTIVE DATE December 9, 2025 unless a later date is cited at the end of a section.
[16.10.29.5 NMAC - Rp, 16.21.7.5 NMAC 12/9/2025]

16.10.29.6 OBJECTIVE: To establish procedures for license expiration and renewal.
[16.10.29.6 NMAC - Rp, 16.21.7.6 NMAC 12/9/2025]

16.10.29.7 DEFINITIONS: [RESERVED]
[16.10.29.7.NMAC - Rp, 16.21.7.7 NMAC 12/9/2025]

16.10.29.8 LICENSE EXPIRATION: Podiatric licenses expire on January 1 of every second year.
[16.10.29.8 NMAC - Rp, 16.21.7.8 NMAC 12/9/2025]

16.10.29.9 RENEWAL

DEADLINE: All licensee shall renew their licenses on or before January 1 of every second year. A completed renewal application accompanied by the required fees, documentation of 32 hours of continuing education as defined in 16.10.8.13 NMAC, must be received electronically on or before January 1 of each renewal year. Fourteen hours of CE is required for the renewal years before January 2, 2105 on or after January 2, 2015 the CE requirement is 32 hours of CE, including 2 hours of pain management for each year of the renewal cycle. As a condition of renewal, all applicants shall furnish the board with evidence of completion of postgraduate study as required by board rule.
[16.10.29.9 NMAC - Rp, 16.21.7.9 NMAC -12/9/2025]

16.10.29.10 LICENSEE RESPONSIBILITY: The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to make timely request for the renewal form if one has not been received thirty days prior to license expiration.
[16.10.29.10 NMAC - Rp, 16.21.7.10 NMAC 12/9/2025]

16.10.29.11 LATE RENEWAL: Renewal applications that are not received electronically or hand-delivered to the board office by January 1 must be accompanied by the completed renewal application as defined in [16.21.7.9] 16.10.7.9 NMAC and late fees defined in Subsection F of 16.10.2.8 NMAC.
[16.10.29.11 NMAC - Rp, 16.21.7.11 12/9/2025]

16.10.29.12 SUMMARY SUSPENSION: A license that is not renewed by March 1 may be summarily suspended by the board.
[16.10.29.12 NMAC - Rp, 16.21.7.12 12/9/2025]

HISTORY of 16.21.7 NMAC:
Pre-NMAC History:
The material in this part was derived

from that previously filed with the commission of public records - state records center and archives:

Rule VI, Renewal of License, filed 7/21/1980;

Rule VI, Renewal of License, filed 8/18/1989.

History of Repealed Material:

Rule VI, Renewal of License (filed 8/18/1989), Repealed 10/15/2004. 16.21.7 NMAC, Podiatrists - License Expiration And Renewal (filed 9/15/2004), Repealed effective 12/9/2025.

Other History:

Rule VI, Renewal of License (filed 8/18/1989) was renumbered, reformatted and replaced by 16.21.7 NMAC, License Expiration and Renewal, effective 10/15/2004. 16.21.7 NMAC, Podiatrists - License Expiration And Renewal (filed 9/15/2004), Replaced by 16.10.29 NMAC, Podiatrists - License Expiration And Renewal effective 12/9/2025.

MEDICAL BOARD PODIATRY

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS PART 30 CONTINUING EDUCATION

16.10.30.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the podiatry advisory committee, hereafter called the committee.

[16.10.30.1 NMAC - Rp, 16.21.8.1 NMAC 12/9/2025]

16.10.30.2 SCOPE: The provisions in 16.10.30.2 NMAC apply to all parts of Chapter 10 and provide information for applicants, licensed podiatric physician, board members, council and members of the public. [16.10.30.2 NMAC - Rp, 16.21.8.2 NMAC 12/9/2025]

16.10.30.3 STATUTORY

AUTHORITY: Podiatry Act, Section 61-8-6 NMSA 1978 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978. [16.10.30.3 NMAC - Rp, 16.21.8.3 NMAC 12/9/2025]

16.10.30.4 DURATION:

Permanent. [16.10.30.4 NMAC - Rp, 16.21.8.4 NMAC 12/9/2025]

16.10.30.5 EFFECTIVE

DATE: December 9, 2025 unless a later date is cited at the end of a section. [16.10.30.5 NMAC - Rp, 16.21.8.5 NMAC 12/9/2025]

16.10.30.6 OBJECTIVE:

To establish the criteria, standards, approval requirements, verification and waiver requirements, for post-graduate study required by the board for license renewal. [16.10.30.6 NMAC - Rp, 16.21.8.6 NMAC 12/9/2025]

16.10.30.7 DEFINITIONS:

[RESERVED] [16.10.30.7 NMAC - Rp, 16.21.8.7 NMAC 12/9/2025]

16.10.30.8 HOURS

REQUIRED: Thirty-two hours of continuing education are required bi-annually, with two hours specifically related to pain management for each year of the renewal cycle as defined in 16.10.30.11 NMAC. Initial licenses issued for a period of less than six months do not require any continuing education for the initial licensing period. Licenses issued for more than six months but less than 12 months require eight hours of continuing education for the initial licensing period.

A. Continuing education coursework must contribute directly to the practice of podiatric medicine.

B. One hour of credit will be granted for every contact hour of instruction. This credit shall apply to either academic or clinical instruction.

[16.10.30.8 NMAC - Rp, 16.21.8.8 NMAC 12/9/2025]

16.10.30.9 APPROVED

COURSES: Continuing education courses offered or sponsored by the following organizations are automatically approved by the board:

A. a college of podiatric medicine which is accredited by the council podiatric medical education (CPME) of the American podiatric medical association;

B. constituent society of the American podiatric medical association;

C. an organization or sponsor approved by the "CPME" of the American podiatric medical association; or

D. hospital or other health care organizations sponsored in-service programs related to the practice of podiatry. [16.10.30.9 NMAC - Rp, 16.21.8.9 NMAC 12/9/2025]

16.10.30.10 APPROVAL

REQUIREMENTS: Any course not sponsored by a recognized provider may be approved by the designee of the board. The application for approval must include the name of the course, the sponsor, course outline, date, location, hours, names and qualifications of presenters, and the method that will be used to certify attendance.

[16.10.30.10 NMAC - Rp, 16.21.8.10 NMAC 12/9/2025]

16.10.30.11 ALLOWED COURSES AND PROVIDERS:

The following courses and activities are acceptable for CME credit for each year of the renewal cycle:

A. Post Graduate Education: This category includes internships, residencies and fellowships, 14 hours of credit allowed for full time participants.

B. Specialty Training/ Certifications: Four hours of credit per certificate for specialty training with a maximum of 10 hours per year. A maximum of 10 hours of credit is allowed for certification with a CPME approved board initially obtained or

renewed within the license renewal cycle.

C. Teaching: One credit hour is allowed for each hour of teaching medical students or physicians in a United States medical school, an approved residency/fellowship or for teaching in other programs approved by the board with maximum of 10 hours per reporting.

D. Physician Preceptors/Mentors: A maximum of five hours of credit during a year reporting period is acceptable for licensed podiatrists who are acting as preceptors/mentors for students enrolled in an accredited medical degree program or as preceptors/mentors for students enrolled in a combined bachelor of arts and medical degree program.

E. Papers and Publications: 10 hours of credit are allowed for each original scientific medical paper or publication written by a licensee. For acceptance, papers must have been presented to a recognized national, international, regional or state society or organization whose membership is primarily physicians; or must have been published in a recognized medical or medically related scientific journal.

F. Advanced Life Support: A maximum of eight hours of credit may be claimed during reporting period for successful completion of advanced cardiac life support (ACLS), pediatric advanced life support (PALS), advanced trauma life support (ATLS) and neonatal advanced life support (NALS) courses.

[16.10.30.11 NMAC - Rp/E, 16.21.8.11 NMAC 12/9/2025]

16.10.30.12 VERIFICATION OF COURSE ATTENDANCE: The following documents, or combination of documents, may be used to verify attendance in required continuing education.

A. Course certificate with the course title, content, presenter, sponsor and hours.

B. Course attendance sheet submitted by the sponsor.

C. Course code or statement of attendance from presenter or sponsor.
[16.10.30.12 NMAC - Rp, 16.21.8.12 NMAC 12/9/2025]

16.10.30.13 VERIFICATION OF CONTINUING EDUCATION HOURS: Each podiatrist renewing a license shall attest that they have obtained the required hours of continuing medical education (CME). Documentation of CME is not required unless you are selected for the annual CME compliance audit. If you are selected for audit you will be notified and provided with instructions for compliance. The board may audit CME records at any time, so CME records must be maintained for at least one year following the renewal cycle in which they are earned.
[16.10.30.13 NMAC - Rp, 16.21.8.13 NMAC 12/9/2025]

16.10.30.14 ACCEPTABLE DOCUMENTATION OF CME INCLUDES:

A. Photocopies of original certificates or official letters from course sponsors or online providers.

B. Postgraduate CME hours must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.

C. Advanced degree studies must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.

D. Teaching hours must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.

E. Preceptor hours must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.

F. Papers or publications must be documented with a copy.

[16.10.30.14 NMAC - Rp, 16.21.8.14 NMAC 12/9/2025]

16.10.30.15 WAIVER OF REQUIREMENTS: Waivers of the continuing education requirement may be considered for the following situations for licensees.

A. During periods of prolonged illness or physical incapacity.

(1) For the purposes of this rule, the duration of a prolonged illness or physical incapacity period will be defined as longer than six months.

(2) Any licensee who wishes to apply for this type of waiver of continuing education must submit in writing a letter detailing the nature of the illness or incapacity and its probable duration. The board will review this waiver request and allow the licensee or the licensee's representative to attend board meeting to present evidence of support of this waiver request and to speak to the board concerning the petition for waiver. The burden shall be on the licensee to prove to the board the necessity of the waiver. The decision of the board on the waiver shall be final.

B. Any licensee who believes that the licensee is entitled to a waiver of a continuing education requirement for reasons of prolonged illness or physical incapacity shall request such a waiver by sending the board a letter from his or her physician setting out in detail the nature of the illness or incapacity and its probable duration. The board shall notify the licensee in writing of the date on which the application will be considered by the board. The licensee or the licensee's representative may attend the meeting, present evidence on behalf of a petition for waiver, and to speak to the board concerning the petition. The burden shall be on the licensee to satisfy the board of the necessity of the waiver. The decision of the board on the waiver shall be final.

C. Licensee in the United States military practicing or residing outside the United States shall not be required to fulfill the continuing education requirements for the period of the absence.

(1) The board must be notified prior to license expiration that the licensee will be outside the United States, including the period of the absence.

(2) Upon return to the United States, the licensee shall complete the continuing education required for the years of practice within the US during the renewal cycle, or apply in writing to the board detailing reason for deferral of this requirement.

D. Applications for waiver under this section must be filed as soon as the licensee has reason to believe that grounds for the waiver exist.
[16.10.30.15 NMAC - Rp, 16.21.8.15 NMAC 12/9/2025]

16.10.30.16 EXTENSION TO MEET REQUIREMENTS: The board may extend the time in which a licensee may meet the required continuing education requirements.

A. A licensee unable to fulfill the continuing education requirements may apply to the board for an extension of time in which to meet educational requirements. Extensions of up to three months may be granted by the board or its designee. Licensees granted an extension must pay the late fee defined in Subsection F of 16.10.24.2 NMAC to cover the cost of additional processing requirements.

B. A licensee who is unable to fulfill the requirements within the three month extension must apply to the board for an additional extension.
[16.10.30.16 NMAC - Rp, 16.21.8.16 NMAC 12/9/2025]

HISTORY of 16.21.8 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:
Rule VII, Continuing Education, filed 7/21/1980.
Rule VII, Continuing Education, filed 10/6/1987.
Rule VII, Continuing Education, filed 8/18/1989.

History of Repealed Material:

Rule VI, Renewal Of License (filed 8/18/1989), repealed 10/15/2004.
16.21.8 NMAC, Podiatrists - Continuing Education filed 9/15/2004, Repealed effective 5/3/2019.
16.21.8 NMAC, Podiatrists - Continuing Education filed 4/3/2019, Repealed effective 12/9/2025.

Other History:

Rule VII, Continuing Education (filed 8/18/1989) was renumbered, reformatted and replaced by 16.21.8 NMAC, Continuing Education, effective 10/15/2004.
16.21.8 NMAC, Podiatrists - Continuing Education filed 9/15/2004 was replaced by 16.21.8 NMAC, Podiatrists - Continuing Education effective 5/3/2019.
16.21.8 NMAC, Podiatrists - Continuing Education filed 4/3/2019, Replaced by 16.10.30 NMAC, Medicine And Surgery Practitioners - Continuing Education effective 12/9/2025.

MEDICAL BOARD PODIATRY

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS PART 32 LAPSE OF LICENSE AND REINSTATEMENT

16.10.32.1 ISSUING

AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the podiatry advisory committee, hereafter called the committee.

[16.10.32.1 NMAC - Rp, 16.21.10.1 NMAC 12/9/2025]

16.10.32.2 SCOPE: Podiatric physicians licensed in New Mexico who do not submit an application for license renewal within 60 days of the expiration date.

[16.10.32.2 NMAC - Rp, 16.21.10.2 NMAC 12/9/2025]

16.10.32.3 STATUTORY

AUTHORITY: This rule is promulgated pursuant to the Podiatry Act, 61-8-10 and 61-8-10.1 NMSA 1978 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.
[16.10.32.3 NMAC - Rp, 16.21.10.3 NMAC 12/9/2025]

16.10.32.4 DURATION:

Permanent.
[16.10.32.4 NMAC - Rp, 16.21.10.4 NMAC 12/9/2025]

16.10.32.5 EFFECTIVE

DATE: December 9, 2025 unless a later date is cited at the end of a section.
[16.10.32.5 NMAC - Rp, 16.21.10.5 NMAC 12/9/2025]

16.10.32.6 OBJECTIVE: To establish the procedures and policies for podiatric licenses that are not renewed within 60 days of the date of expiration.
[16.10.32.6 NMAC - Rp, 16.21.10.6 NMAC 12/9/2025]

16.10.32.7 DEFINITIONS:
[RESERVED]

**16.10.32.8 LICENSE
SUSPENSION FOR NON-
RENEWAL:** Unless an application for license renewal is received by the board office, or post-marked, before March 1, the license may be summarily suspended.
[16.10.32.8 NMAC - Rp, 16.21.10.8 NMAC 12/9/2025]

**16.10.32.9 REINSTATEMENT
OF SUSPENDED LICENSE:** A podiatrist may request reinstatement of a lapsed license within three years from the date the license expired by notifying the board in writing. Upon receipt of the request for reinstatement, board staff will send a reinstatement application. The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources. The following

information is required for the request to be considered:

A. a completed application, payment of the reinstatement fee, any delinquent renewal fees, and proof of sixteen hours of continuing education per the year of renewal and each full year the license was allowed to lapse;

B. the application may be approved by the designee of the board if the application is complete and all requirements have been fulfilled;

C. verification of licensure in all states where the applicant holds or has held a license to practice podiatry, or other health care profession; verification must be sent directly to the board office from the other state(s) and must attest to the status, issue date, license number, and other information contained in the form;

D. the board required reports from the national practitioners data bank, or other national reporting organization, and the federation of podiatric medical boards disciplinary data bank if the applicant is currently licensed, or has previously been licensed as a podiatrist in another state;

E. no podiatrist shall reactivate or resume their podiatric practice until his or her lapsed license is reinstated and a new license is issued;

F. upon receipt of a completed application, including all required documentation and fees, the designee of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may formally accept the approval of the application at the next scheduled meeting.

[16.10.32.9 NMAC - Rp, 16.21.10.9 NMAC 12/9/2025]

16.10.32.10 REINSTATEMENT FOR LICENSEES WHO PRACTICE AS MEDICAL OFFICERS IN THE UNITED STATES SERVICE: Licensed

podiatrists who practice podiatry in the uniformed services may reinstate their expired New Mexico license within three months after the termination of such service without payment of any renewal, late or reinstatement fees as per the Podiatry Act, Subsection C of Section 61-8-10 NMSA 1978. Individuals using this option must notify the board prior to the expiration date of their license that they will not renew until the time they terminate their uniformed service practice.

[16.10.32.10 NMAC - Rp, 16.21.10.10 NMAC 12/9/2025]

HISTORY of 16.21.10 NMAC: Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

Rule VI, Renewal of License, filed 7/21/1980;

Rule VI, Renewal of License, filed 8/18/1989.

History of the Repealed Material:

Rule VI, Renewal of License (filed 8/18/1989), repealed 10/15/2004.
16.21.10 NMAC, Podiatrists - Lapse of License and Reinstatement filed 4/3/2013, Repealed effective 12/9/2025.

Other History:

That applicable portion of Rule VI, Renewal of License (filed 8/18/1989) was replaced by 16.21.10 NMAC, Lapse of License and Reinstatement, effective 10/15/2004.

16.21.10 NMAC, Podiatrists - Lapse of License and Reinstatement filed 4/3/2013 was replaced by 16.10.32 NMAC, Medicine And Surgery Practitioners - Lapse of License and Reinstatement effective 12/9/2025.

PUBLIC SAFETY, DEPARTMENT OF

This is an amendment to 10.8.2 NMAC, Sections 7, 10 through 17, 21 through 24, 26, 27, 30, 31, and 32, effective 12/09/2025.

10.8.2.7 DEFINITIONS:

In addition to the definitions in Section 29-19-2 NMSA 1978, unless the context clearly indicates otherwise, as used in this rule:

A. act means the Concealed Handgun Carry Act, Sections 29-19-1 through 29-19-15 NMSA 1978;

B. approved instructor means a person to whom the department has issued a permit to provide all or any part of classroom and firing range instruction;

C. controlled substance means controlled substance as defined in the New Mexico Controlled Substances Act, Sections 30-31-4 et seq. NMSA 1978, or a similar act of any other jurisdiction;

D. conviction means an adjudication of guilt, and includes a guilty plea, judgment, or verdict, no contest, nolo contendere, conditional plea of guilty, or any other plea that would result in an adjudication of guilt in any court of competent jurisdiction. A conviction includes a deferred sentence and a conditional discharge prior to satisfaction of the conditions and after satisfaction of conditions where required by the act;

E. court means any federal, state, county, municipal, or tribal court;

F. days means business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more;

G. department means the New Mexico department of public safety;

H. instructor applicant means a person seeking a permit as an approved instructor;

I. mounted patrol means a current member of the New Mexico mounted patrol who has successfully completed a law enforcement academy basic law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978;

J. military service person means a person who:

(1) is on active

duty with the United States armed forces;

(2) is on reserve or guard duty with the United States armed forces;

(3) is a veteran or a retiree who received an honorable discharge as indicated on a United States department of defense form 214; or

(4) is his or her dependent.

K. peace officer means any public official or public officer vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;

L. permit means the authorization granted by the department to teach firearms qualification courses as an approved instructor;

M. range qualification means the performance requirements that must be met by an applicant or licensee for his or her approved caliber of handgun;

N. reciprocity means permission granted for an out of state license issued to a person who is not a New Mexico resident to be used in the state of New Mexico by a licensee visiting or passing through the state;

O. resident means: (1) a person who, for a period of not less than 90 days immediately preceding the date of application for the license, has been domiciled in New Mexico, does not claim residence elsewhere for any purpose, and is not otherwise entitled to claim residence in another state; or

(2) a person who is a member of the armed forces of the United States and permanently assigned to a military installation located within this state. A military person's dependent may be considered a resident for the purposes of this rule.

P. respondent means, in the context of 10.8.2.27 NMAC, an applicant, instructor applicant, approved instructor, or licensee who responds to a department denial of their application seeking a hearing on a decision;

Q. retired peace officer means a New Mexico resident who has retired in good standing from any law enforcement agency with at least 15 years as a certified police officer or by work related disability;

R. revocation means the involuntary termination of a license or permit by the department for cause for an indefinite period of time;

S. secretary means the secretary of the department of public safety or his designee;

T. suspension means the involuntary termination of a license or permit by the department for cause for a specified period of time;

U. transfer means issuance of a permit in New Mexico under the act when the applicant holds a valid concealed carry permit or license issued by another state with which New Mexico has reciprocity, and the other conditions prescribed in this rule have been satisfied. [10.8.2.7 NMAC - Rp, 10.8.2.7 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.10 DEPARTMENT-PRESCRIBED FORMS:

A. Use required. The department has prescribed forms to carry out certain requirements of this rule. The most current version of a department form must be used when a form exists for that purpose, unless the department waives this requirement.

B. How to obtain. Department-prescribed forms may be obtained:

(1) at New Mexico state police offices throughout the state; [or]

(2) from the department's website at [www.dps.state.nm.org] www.dps.nm.gov; or

(3) from the concealed carry unit, located in Albuquerque, NM.

[10.8.2.10 NMAC - Rp, 10.8.2.10 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.11 APPLICATION REQUIREMENTS FOR A LICENSE:

A. Filing. An applicant must file an application for a license with the department in person [or] by mail or online at dps.nm.gov.

B. Fees. All fees are non-refundable and are required by the act or this rule to be paid to the department and shall be in the form of [cash,] credit card, a personal check, cashier's check, certified check, or money order made payable to the New Mexico department of public safety.

C. Completeness. All applications must be complete and legible.

(1) If an application is incomplete, the department will [~~return the application and a letter outlining the deficiencies in the application to the applicant by regular mail~~] notify the applicant and outline deficiencies in the application. The applicant will have 45 days from the date of written notification [~~the letter is postmarked~~] to cure the deficiencies. If the applicant fails to [~~return the~~] remedy the deficiencies of their application [to] with the department within 45 days from the date [~~the letter was postmarked~~] of written notification, the application will be deemed abandoned, the application file will be closed, and all fees paid will be forfeited to the state. The department will [~~send a letter notifying~~] notify the applicant in writing that the application has been deemed abandoned, the file has been closed, and all fees paid have been forfeited to the state.

(2) If the applicant [~~returns~~] submits corrections to the application to the department within 45 days from the date of the initial [~~letter was postmarked~~] notification, but the application is still deficient, the department will [~~return the application and~~] notify the applicant in writing a second [~~letter~~] time outlining the deficiencies in the application [~~to the applicant by regular mail~~]. The applicant will have 30 days from the date the second [~~letter is postmarked~~] written notification to cure the deficiencies. If the applicant fails to [~~return~~] correct the deficiencies in the application

and submit them to the department within 30 days from the date of the second ~~[letter was postmarked, or returns]~~ written notification, but the application ~~[but it]~~ is still deficient, the application will be deemed abandoned, the application file will be closed, and all fees paid will be forfeited to the state. The department will send a letter notifying the applicant that the application has been deemed abandoned, the file has been closed, and all fees paid have been forfeited to the state.

(3) An applicant may contact the concealed carry unit to inquire about the status of his or her application. Agents may provide the information to the applicant after the applicant has supplied sufficient identifiers such as address, social security number, date of birth, etc.

[10.8.2.11 NMAC - Rp, 10.8.2.11 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE:

In addition to the application form, each applicant shall submit copies of other documents required by the act or this rule to the department as set forth below. The copies must clearly show the name of the applicant and all signatures and pertinent information. The department will not accept copies that are too dark, too light, blurry, or otherwise unreadable. An applicant may request the return of original documents by so stating and enclosing a self-addressed stamped envelope.

A. Proof of residency.

(1) An applicant may prove residency in New Mexico by submitting a copy of a valid New Mexico driver's license or personal identification card issued by the motor vehicle division of the taxation and revenue department ~~[and]~~ or the following:

~~[(a) — proof that the applicant is registered to vote in New Mexico;]~~

~~[(b) — a state or government issued license with name and address;]~~

~~[(c) (a) a United States armed forces~~

identification card and orders of permanent duty station in New Mexico or a U.S. armed forces dependent ID card and orders of the individual claiming the applicant as a dependent; or

~~[(d) (b)]~~

other proof acceptable to the department.

(2) Possession

by an applicant of a driver's license issued by another state shall create a rebuttable presumption of residency in such other state.

B. Proof of age.

An applicant may prove that ~~[he or she is]~~ they are 21 or more years of age by filing:

(1) a copy of a valid government-issued identification card stating the ~~[person's]~~ applicant's age;

(2) a copy of ~~[a]~~ the applicant's passport; or

(3) a certified copy of ~~[his or her]~~ the applicant's birth certificate.

C. Proof of handgun competency.

An applicant must submit a certified copy of a certificate of completion for a firearms training course which is approved by the department and issued by an approved instructor. It must be submitted not more than 90 days prior to the date the application is submitted, as required by 10.8.2.15 NMAC.

D. Proof of

disposition of charges. The burden of proof is on the applicant or licensee to show that the applicant or licensee has a pending or successful completion of any conditional discharge, or that the conviction of any charge has been overturned on appeal. Documentation sufficient to prove the applicant's or licensee's contention related to a conviction or discharge must be provided by the applicant or licensee to the department.

E. Photographs.

To streamline the application process, the department may obtain digital color photographs of an applicant from the motor vehicle division of the taxation and revenue department or another government agency. If the department requests an applicant

to provide photographs pursuant to Paragraph (5) of Subsection B of Section 29-19-5 NMSA 1978, the photographs shall be in color, be a minimum of ~~[three]~~ two inches by ~~[three]~~ two inches and be a full frontal view of the applicant without hat, sunglasses, or any other item that would obstruct or alter the features of the applicant. The department will not accept photographs that are too dark, too bright, fuzzy, ~~[or]~~ out of focus, or unclear.

F. Fingerprints.

All ~~[new]~~ applicants shall submit electronic fingerprints via the department standards that comply with the requirements of Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC. ~~[Applicants who have electronic fingerprints on file shall not be required to resubmit fingerprints.]~~

G. Application fee.

An applicant shall submit a non-refundable application fee of \$100 for new applications and \$75 for renewal applications. Current and retired ~~[law-enforcement officers]~~ peace officers, military, and mounted patrol officers are exempt from this fee.

[10.8.2.12 NMAC - Rp, 10.8.2.12 NMAC, 11/30/2016; A/E, 5/22/2025; A, 12/09/2025]

10.8.2.13 LICENSE APPLICATION REVIEW AND ISSUANCE:

A. Time period

for review. In accordance with Subsection A of Section 29-19-6 NMSA 1978, the department shall review the application, conduct a national criminal background check of each applicant, and make a determination within 30 days of the date the department receives a complete application and background check.

B. Determination by department.

(1) Approval.

If the department finds that the applicant meets the requirements in the act and this rule for issuance of a license, the department shall issue a license.

(2) Denial.

If the department finds that the applicant

does not meet the requirements for issuance of a license, the department shall issue a notification of denial in accordance with 10.8.2.21 NMAC. The notification of denial shall cite requirement(s) of the act or this rule that the applicant has failed to meet.

C. Information on license. In addition to the information required by Subsection C of Section 29-19-6 NMSA 1978, a license to carry a concealed handgun may include:

(1) a physical description of the licensee, including the licensee's sex, hair color, eye color, height, and weight;

(2) the state seal;

(3) instructions to the licensee; and

(4) other information as determined by the department.

D. Term of license. Original and renewed licenses are effective ~~[for four years]~~ from the date of issuance by the department. Civilian licenses are issued for a period of four years. Military and law enforcement licenses are issued for five-year periods. Replacement licenses and licenses that have been endorsed to add another category or highest caliber of handgun shall expire on the date the replaced license would have expired.

E. Dual licenses prohibited. A licensee ~~[may]~~ shall not ~~[own or]~~ possess more than one New Mexico license to carry a concealed handgun. A license to carry a concealed handgun shall indicate all categories and highest calibers of handguns the licensee is authorized to carry concealed in New Mexico. [10.8.2.13 NMAC - Rp, 10.8.2.13 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.14 FINGERPRINTING OF APPLICANTS: All applicants shall submit electronic fingerprints. The department may refuse to accept fingerprints it determines are not legible and classifiable. New fingerprints must be submitted with each new application and renewal application.

A. Responsibilities of applicant. The applicant must present a valid government-issued photographic identification card. The applicant must submit their concealed carry license application within 30 days of being fingerprinted.

B. Responsibilities of person recording the fingerprints. The person who records the applicant's fingerprints shall verify that the government-issued photographic identification card is of the person being fingerprinted. [10.8.2.14 NMAC - Rp, 10.8.2.14 NMAC, 11/30/2016; A/E, 5/22/2025; A, 12/09/2025]

10.8.2.15 FIREARMS TRAINING FOR APPLICANTS AND LICENSEES:

A. ~~[A]~~ New Mexico ~~[residents]~~ resident applicants must attend a department approved firearms training course taught by a department approved instructor unless ~~[he or she received the license by transfer of an out of state license]~~ the applicant is on active military status, a military veteran who is within 20 years of separation from the military, an active peace officer, or a peace officer who is less than 10 years separated from a law enforcement agency.

(1) ~~[An applicant]~~ Civilian applicants, military veterans with honorable discharge who are separated 20 plus years from the military, or retired peace officers separated more than 10 years from a law enforcement agency seeking a license shall satisfactorily complete an initial firearms training course approved by the department that includes at least 15 hours of classroom and firing range instruction as specified in Subsection (A) of Section 29-19-7 NMSA 1978 except:

(a) a department approved instructor;

(b) a current ~~[law enforcement]~~ peace officer;

(c) a retired ~~[law enforcement]~~ peace officer who has been retired 10 years or less at ~~[the]~~ time of application;

(d) active military personnel;

(e) military service persons who have been discharged within 20 years prior to the time of application; or

(f) mounted patrol members who have successfully completed a law enforcement training program for New Mexico mounted patrol.

(2) Two years after the issuance of an initial license, a licensee shall complete a refresher course which consists of ~~[either]~~ range qualification of ~~[his or her]~~ the licensee's approved caliber of handgun ~~[or an online training course of instruction approved by the department]~~, except as listed in Subsection A of 10.8.2.15 NMAC.

(3) ~~[Four years after the issuance of an initial license, a]~~ A licensee seeking renewal of a license shall satisfactorily complete a [refresher] four-hour renewal firearms training course approved by the department that includes at least four hours of classroom and firing range instruction as specified in Subsection A of Section 29-19-7 NMSA 1978, except as listed in Subsection A of 10.8.2.15 NMAC.

(4) The department may suspend a license if the licensee does not comply with the two-hour refresher course requirements. Upon compliance, the licensee shall submit a \$5 reinstatement fee.

B. Competency demonstration.

(1) An applicant or licensee shall demonstrate competency in the safe use of each category and highest caliber of handgun for which he or she seeks certification by firing the handgun with live ammunition at a target no larger than 12 inches wide and 18 inches high.

(2) An applicant or licensee shall fire 15 rounds from three yards and 10 rounds from seven yards.

(3) An applicant or licensee shall score four points for each shot that hits within

the scoring line and zero points for each shot that hits outside the scoring line. An applicant must obtain a score of seventy-two percent of the total score to pass the competency demonstration.

C. Determination of competency. An approved instructor shall determine whether or not an applicant is to be issued a certificate of completion based on the applicant's or licensee's score on the competency demonstration and the applicant's or licensee's knowledge and understanding of the subjects specified in the act.

D. Certificates of completion. An approved instructor shall issue a certificate of completion to each applicant who demonstrates competency in the safe use of the categories and calibers of handguns for which he or she seeks licensure as prescribed in Subsections B and C of this section. The certificate of completion shall include the name and date of birth of the applicant, the printed name and signature of the approved instructor who scored the competency demonstration, the date the applicant completed the firearms training course, all categories and calibers of handguns for which the applicant demonstrated competency, and a unique number consisting of the instructor number assigned by the department and a sequential number that corresponds with the order in which the instructor has issued certificates. Instructors may deny certificates of completion to students who have demonstrated unsafe handgun handling practices or who have demonstrated adverse behavior during the training course or on the firing range.

[10.8.2.15 NMAC - Rp, 10.8.2.15 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.16 TERMS AND CONDITIONS OF LICENSE:

A. Carrying only handguns listed on license. No person shall carry a concealed handgun of a different category or higher caliber than is indicated on the license issued to that person by the department. A licensee shall only

carry one concealed handgun at any given time.

B. Consumption of alcohol prohibited. No person shall consume alcohol while carrying a concealed handgun.

C. Carrying while impaired. No person shall carry a concealed handgun while impaired by the use of alcohol, controlled substances including cannabis, or over-the-counter or prescribed medications.

D. Display of license on demand. A licensee carrying a concealed handgun on or about his person in public shall, upon demand by a peace officer, display [his] their valid license to carry a concealed handgun.

E. Prohibited acts. A licensee shall not deface, alter, mutilate, reproduce, lend, transfer, or sell a license. A licensee shall adhere to Section 30-7-4 NMSA 1978 as it pertains to negligent use of a deadly weapon.

F. Carrying prohibited on private property. In addition to other limitations stated in the act, a licensee [may] shall not carry a concealed handgun on or about his person on private property that has signs posted prohibiting the carrying of concealed weapons or when verbally told so by a person lawfully in possession of the property.

G. Carrying prohibited in preschools. No licensee shall carry a concealed handgun on the premises of a preschool that provides care to infants, toddlers, and children aged five and younger, which includes child care facilities, home-based or center-based, and whether or not the facility is licensed, registered, or regulated.

H. Schools. Carrying of a deadly weapon on school premises is prohibited except as allowed by the law.

I. University. Carrying of a firearm on university premises is prohibited except as allowed by the law.

J. Liquor establishments. Carrying of a

firearm in an establishment licensed to dispense alcoholic beverages is prohibited except as allowed by the law.

K. Indicia of licensure. Only a ~~[law-enforcement-officer]~~ peace officer ~~[may]~~ shall carry a badge, patch, card, or any other indication of authority to carry a concealed handgun in New Mexico other than the license issued by the department or a license issued by a state that has been accepted by reciprocity by New Mexico pursuant to the act.

L. Notice of change in circumstances. A licensee shall, within 10 days, both notify the department in writing and return the license to it within 10 days upon the occurrence of any of the following:

(1) adjudication of mental incompetence has been entered or issued against the licensee;

(2) the licensee has been committed to a facility for the treatment of mental illness;

(3) the licensee has been committed to a facility for treatment of addiction to alcohol, controlled substances, or other drugs;

(4) an order of protection has been issued by a court against the licensee;

(5) an indictment or criminal information for ~~[or charge with]~~ a felony criminal offense or a criminal complaint for a disqualifying misdemeanor offense described in Subsection B of Section 29-19-4 NMSA 1978 has been issued against the licensee;

(6) is no longer a full-time salaried ~~[law-enforcement-officer]~~ peace officer; or

(7) the licensee is other than honorably discharged from the military.
[10.8.2.16 NMAC - Rp, 10.8.2.16 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

A. To renew a New Mexico license. A licensee may

submit an application for a renewed license ~~on~~ in the ~~form~~ manner prescribed by the department.

(1) The licensee may submit the application anytime from 60 days before ~~and~~ until 60 days after the license expires. If the license has expired, a licensee shall not carry a concealed handgun until he or she receives a renewed license.

(2) The licensee shall complete a ~~refresher~~ four-hour firearms training course prior to filing the application, unless exempt.

(3) The licensee shall submit to the department:

(a) electronic fingerprints as required by Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC ~~[unless electronic fingerprints are already on file with the department]~~. New fingerprints must be submitted with each renewal application;

(b) a certified copy of a certificate of completion for a ~~refresher~~ four-hour firearms training course approved by the department issued by an approved instructor not more than 90 days prior to the date the application is filed;

(c) a nonrefundable \$75 renewal fee; and

(d) a copy of New Mexico driver's license or other government issued identification which contains a picture.

B. To transfer a license from another state. A person establishing New Mexico residency must transfer his or her license from another state. The license holder has 90 days from establishing New Mexico residency to file an application for a New Mexico renewed license on the form prescribed by the department. An applicant for transfer shall not carry a concealed handgun in New Mexico until the applicant receives a New Mexico license unless he or she has a license from a state that has been accepted by reciprocity by New Mexico.

(1) In addition to the items required by Paragraph (3) of Subsection A of this section, the applicant for license transfer shall file:

(a) proof of residency as provided in Subsection A of 10.8.2.12 NMAC;

(b) proof of age as provided in Subsection B of 10.8.2.12 NMAC; and

(c) a photocopy of the license being transferred.

(2) The applicant for transfer shall complete:

(a) a ~~refresher~~ four-hour firearms training course if the firearms training required by the other state meets or exceeds New Mexico firearms training requirements and the licensee completed firearms training not more than one year prior to filing the application; or

(b) an initial firearms training course if the firearms training required by the other state does not meet New Mexico firearms training requirements or the licensee completed firearms training more than ~~[one year]~~ 180-days prior to filing the application.

(3) The applicant for transfer must meet all other requirements for obtaining a license in New Mexico by showing either that:

(a) the requirements for licensure in the other state meet or exceed the requirements for issuance of a license in New Mexico; or

(b) the applicant has satisfactorily completed the requirements for issuance of a license in New Mexico that were not applicable in the other state.

C. Time period for review. The department shall review the application for a renewed license, conduct a national criminal background check for each applicant for a renewed license or transfer of a license from another state, and make a determination within 30 days of the date the department receives a complete application and background check.

D. Determination by department.

(1) **Approval.** If the department finds that the applicant for a renewed license or transfer of a license from another state meets the requirements in the act and this rule for a renewed license, the department shall issue a license.

(2) **Denial.** If the department finds that the applicant does not meet the requirements for a renewed license or transfer of a license from another state, the department shall issue a notification of denial in accordance with 10.8.2.21 NMAC. The notification of denial shall cite the particular requirements of the act or this rule that the applicant has failed to meet. [10.8.2.17 NMAC - Rp, 10.8.2.17 NMAC, 11/30/2016; A/E, 5/22/2025; A, 12/09/2025]

10.8.2.21 DENIAL, SUSPENSION AND REVOCATION OF A LICENSE:

A. Grounds. The department may deny, suspend or revoke a license if the licensee:

(1) is found to have violated any provision of the act or this rule;

(2) is a fugitive from justice, in accordance with Paragraph (4) of Subsection A of Section 29-19-4 NMSA 1978;

(3) is convicted of a felony, in accordance with Paragraph (5) of Subsection A of Section 29-19-4 NMSA 1978, including a conditional discharge until discharged, a diversion until its terms are completed, a deferment, a guilty plea, a plea of nolo contendere, or Alford plea;

(4) is currently under indictment, or charged by criminal information ~~[eited, or summoned to Court]~~ to answer for a felony criminal offense, in accordance with Paragraph (6) of Subsection A of Section 29-19-4 NMSA 1978;

(5) is prohibited by law from purchasing or possessing a firearm, in accordance with Paragraph (7) of Subsection A of Section 29-19-4 NMSA 1978 or any federal database or law;

(6) is adjudicated mentally incompetent or committed to a mental institution, in accordance with Paragraph (8) of Subsection A of Section 29-19-4 NMSA 1978;

(7) is addicted to alcohol or controlled substances, in accordance with Paragraph (9) of Subsection A of Section 29-19-4 NMSA 1978;

(8) receives a conditional discharge, a diversion or a deferment or is convicted of, pleads guilty to or enters a plea of nolo contendere to a misdemeanor offense involving a crime of violence within 10 years immediately preceding the application, in accordance with Paragraph (1) of Subsection B of Section 29-19-4 NMSA 1978, other than crimes of violence that are offenses of assault or assault against a household member, battery or battery against a household member discussed in Paragraph (11) of Subsection A of 10.8.2.21 NMAC;

(9) is convicted of a misdemeanor offense of driving while under the influence of intoxicating liquor or drugs within five years immediately preceding the application, in accordance with Paragraph (2) of Subsection B of Section 29-19-4 NMSA 1978;

(10) is convicted of a misdemeanor offense of the possession or abuse of a controlled substance within 10 years immediately preceding the application, in accordance with Paragraph (3) of Subsection B of Section 29-19-4 NMSA 1978;

(11) is convicted of a misdemeanor offense of assault or assault against a household member, battery or battery against a household member, in accordance with Paragraph (4) of Subsection B of Section 29-19-4 NMSA 1978; or

(12) is subject to a valid protective order issued by a court.

B. Affidavit of violation by a licensee. If a peace officer believes there is probable cause to suspend or revoke a license,

the peace officer shall prepare an affidavit on a form prescribed by the department. The affidavit shall cite the provision of law that was violated. The peace officer shall file the affidavit and any other reports or information relating to the licensee available to the officer with the department within 10 days of the date the peace officer learns of the violation. A police report may be submitted in lieu of the affidavit.

C. Notice of suspension or revocation and surrender of license. The department shall review the affidavit and attachments, and, if the department finds probable cause to suspend or revoke the license, ~~may~~ shall issue a notification of the suspension or revocation to the licensee advising the licensee of his or her right to a hearing in accordance with 10.8.2.27 NMAC. If the licensee elects not to request a hearing, the licensee shall surrender ~~his or her~~ their license to the department within 15 days of the expiration of the period allowed to request a hearing.

D. Term of suspension or revocation and reapplication.

(1) The department ~~may~~ shall suspend a license ~~when~~ while the outcome of a disqualifying matter is pending. Suspended licenses may be reinstated when suspension was due to a rule violation, from an arrest/charge, and the final court disposition shows no conviction. A two-page application, with final disposition and \$5 reinstatement fee must be submitted; additional training is not required. ~~[The licensee may file an application to reapply for a concealed carry license renew the license upon]~~ Upon expiration of the original four or five year license term [of suspension], a licensee may reapply for a concealed carry license by submitting an application for a renewed license in the manner prescribed by the department, as specified in Subsection A of 10.8.2.17 NMAC.

(2) The department may revoke a license for a period required by the law up to and including a lifetime revocation. The

person will not be eligible for a new license until the revocation period required by law has passed, if ever.

(3) The license of a current ~~law enforcement officer~~ peace officer shall expire on the date the officer leaves employment unless the officer provides the department with written proof of hiring by another law enforcement agency in New Mexico.

[10.8.2.21 NMAC - Rp, 10.8.2.21 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.22 DEPARTMENT APPROVAL OF INSTRUCTORS AND FIREARMS TRAINING COURSES:

A. Application required. Any person seeking to instruct firearms training courses pursuant to this rule shall file an application with the department to become an approved instructor. Application shall be made on the form prescribed by the department and shall be typewritten or legibly handwritten in ink. A person who is not an approved instructor ~~may~~ shall not instruct a firearms training course pursuant to this rule.

B. Requirements for approval. In order to be approved as an instructor, an instructor applicant must:

(1) agree to be subject to New Mexico jurisdiction for the purpose of enforcing the act and this rule;

(2) submit a resume of experience instructing firearms training courses, handgun experience, or both;

(3) submit electronic fingerprints that comply with the requirements in Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC for positive identification purposes. New fingerprints must be submitted with each application and renewal application;

(4) submit an authorization for release of information form provided by the department;

(5) submit an affidavit or cover page of an acceptable firearms instruction insurance policy;

(6) submit to the department the curriculum and course materials, meeting the department's core requirements, for a firearms training course that has been certified or sponsored by a federal or state law enforcement agency, an accredited college or university, a firearms training school or a nationally recognized organization approved by the department that customarily offers firearms training, and a copy of the letter or other document approving the course from the certifying or sponsoring entity. An instructor applicant may develop his own curriculum and materials but must have them certified or sponsored by one of the entities identified in Subsection A of Section 29-19-7 NMSA 1978;

(7) The instructor applicant must submit to the department a list of all persons the instructor applicant proposes to engage in any training aspect of the concealed carry weapons class at least 10 days prior to the first class, including the individual's name, date of birth, social security number, and concealed carry license number, if applicable;

(8) provide a description of the instructor applicant's experience in offering firearms training; if any. An instructor-applicant who wishes to conduct firing range instruction must possess a certificate of completion of a firearms instructor-training program approved by the department that was issued or renewed not more than ~~[three]~~ four years prior to the date the application is filed;

(9) be a currently certified law enforcement instructor employed by a law enforcement agency; or

(10) be 21 years of age and agree to be responsible for the actions and omissions of all persons engaged by the approved instructor for the purpose of conducting firearms training courses pursuant to this rule.

C. Time period for review. As prescribed in Subsection A of Section 29-19-6 NMSA

1978, the department shall review the application of each instructor applicant and make a determination within 30 days of the date the department receives a complete application and background check.

D. Determination by the department.

(1) Approval.

Instructor. If the department finds that the instructor applicant meets the requirements specified in Subsection B of this section, the department shall issue a concealed carry weapon instructor permit that shall be valid for four years. The concealed carry weapon instructor permit shall include the approved instructor's name, ~~[business address, and date of birth,]~~ the expiration date of the permit, and the instructor number assigned by the department.

(b)

Curriculum. If the department finds that the proposed curriculum and course materials for the firearms training course meet the requirements of Section 29-19-7 NMSA 1978 and this rule, the department shall approve the proposed firearms training course in writing. The department's approval shall remain in effect for the shortest of:

- (i) one year;
- (ii) until the approved instructor substantially changes the curriculum or course materials; or
- (iii) the requirements in the act or this rule are changed.

(2) Denial.

If the department finds either that the instructor applicant or the proposed firearms training course does not meet the requirements of Section 29-19-7 NMSA 1978 or this rule, the department shall issue a notification of denial. The notification of denial shall cite the particular requirements of the act or this rule that the instructor applicant or proposed firearm training course has failed to meet.

E. Renewal. An approved instructor seeking to renew

his or her permit shall file with the department at least 60 days before the date his or her permit expires:

(1) an application for renewal on the form prescribed by the department;

(2) the curriculum and course materials for a firearms training course that is certified or sponsored by a federal or state law enforcement agency, an accredited college or university, a firearms training school, or a nationally recognized organization approved by the department that customarily offers firearms training and a copy of the letter or other document approving the course from the certifying or sponsoring entity; and

(3) a list of all persons the instructor applicant intends to engage in any training aspect of conducting a concealed carry weapons class.

F. No authority to carry. An approved instructor is not authorized to carry a concealed handgun unless the approved instructor obtains a license from the department pursuant to Section 29-19-4 NMSA 1978 of the act and this rule. If an instructor applicant wishes to apply for a concealed carry license at the same time he or she applies for an instructor's permit, he or she ~~[may]~~ shall do so by ~~[checking the appropriate boxes on the instructor application form]~~ submitting a concealed carry application, complying with all requirements for a license in the act and this rule, and enclosing the license application fee and all documents required by this rule with the application for an instructor's certificate.

G. List of approved instructors. The department shall maintain and make available to the public a list of approved instructors. An approved instructor may request to be removed from the list but shall remain subject to a request for inspection of public records pursuant to Chapter 14, Article 2 NMSA 1978. [10.8.2.22 NMAC - Rp, 10.8.2.23 NMAC, 11/30/2016; A/E, 5/22/2025; A, 12/09/2025]

10.8.2.23 BACKGROUND INVESTIGATIONS OF APPLICANTS AND INSTRUCTOR APPLICANTS:

The department shall conduct a state and national criminal background check, and a court records check for protective orders, of each applicant for an original, transferred or renewed license. The department shall conduct a state and national criminal background check, and a court records check for protective orders, for each instructor applicant for an original or renewed instructor's permit. The department may require certain applicants to provide information or execute documents to enable the department to obtain criminal history records of disposition of charges. The department ~~[may]~~ shall conduct such other investigation of an applicant as the department deems necessary to determine an applicant's suitability for a license or instructor's permit. [10.8.2.23 NMAC - Rp, 10.8.2.23 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.24 RESPONSIBILITIES OF APPROVED INSTRUCTORS:

A. Minimum standards for instruction. An approved instructor shall:

- (1) engage as instructors only those persons who have been issued a permit by the department, except as provided in Subsection C of this section;
- (2) have no more students in the classroom or on an indoor firing range than the maximum occupancy allowed by the state or local fire code;
- (3) use classroom facilities that comply with all federal, state, and local laws relating to persons with disabilities, public health, safety, and sanitation, including restroom facilities;
- (4) use only the curriculum, course materials, handouts, and videos approved by the department;
- (5) display the permit issued by the department in an appropriate and visible location;
- (6) not permit a student to begin a firearms training

course until the student has received written information stating all fees, including incidental costs, charged for the course, policies for passing and failing, refund and reschedule policies, and attendance requirements.

B. Minimum standards for firing range instruction. An approved instructor shall:

- (1) not allow a student to participate in firing range instruction until the student has completed the classroom portion of the firearms training that covers safe handgun shooting fundamentals;
- (2) conduct firing range instruction under various light conditions when possible;
- (3) have no more students firing a handgun on the firing range than the instructor can effectively and safely instruct and monitor, including no more than five students per instructor during daylight training, no more than three students per instructor for lowlight training, and no more than one student per instructor for dynamic training such as shooting on the move.

C. Guest instructors.

(1) An approved instructor may use guest instructors who are ~~[on the department approved instructor list]~~ qualified to teach various parts of a firearms training course, but only with written approval of the department. An approved instructor must file a request for approval to use a guest instructor at least 10 days prior to the date the guest instructor will teach for the first time. The department will conduct background investigations of guest instructors.

(2) no guest instructor shall teach the approved instructor's entire firearms training course.

(3) An approved instructor shall maintain a file on each guest instructor who teaches any portion of the firearms training course. The file shall include a list of the dates and portions of the course each guest instructor has taught, and appropriate documents showing the education, experience,

licenses or certifications that qualify the guest instructor to teach the portions of the course he or she has taught.

D. Monitoring by the department. The department may monitor all aspects of firearms training courses. Approved instructors shall cooperate with department employees in ~~[its]~~ their efforts to monitor the training of applicants.

(1) Should a department employee determine that an instructor is not compliant with these rules or is placing ~~[his or her]~~ their students in danger, the employee shall have the authority to end the class. The employee shall obtain the approved instructor's permit, make a written report and submit both to the secretary. The approved instructor may then file an appeal pursuant to the act and these rules.

(2) Failure to adhere to any provisions of Subsection D, these rules, or the act shall be grounds for temporary or permanent loss of an instructor's permit.

E. After action reports (AAR). An approved instructor shall file the following information with the department within 10 days after the end of each firearms training course on the form prescribed by the department:

- (1) the name, address, and date of birth of each applicant who attended the course;
- (2) the score each applicant achieved in the handgun competency demonstration;
- (3) the category and highest caliber of each handgun for which the applicant demonstrated competency; and
- (4) whether or not the approved instructor issued a certificate of completion and each category and caliber for which each applicant's certificate was issued.

F. Records. An approved instructor shall maintain the records required by this subsection for a period of five years from the date of completion of each firearms training course. The records shall

be stored in a safe and secure place and shall be available for inspection by the department promptly upon request. An approved instructor shall maintain:

- (1) a record of each handgun competency certificate issued;
 - (2) a record of the following information for each course:
 - (a) name, address, and date of birth of each applicant who attended the course;
 - (b) the score the applicant achieved in the handgun competency demonstration;
 - (c) the category and caliber, of each handgun for which the applicant demonstrated competency; and
 - (d) an indication of whether or not the approved instructor issued a certificate of completion to that person;
 - (3) a record of the dates and number of hours of each firearms training course;
 - (4) a record of the curriculum and course materials used in each course; and
 - (5) copies of documents and correspondence filed with the department.
- [10.8.2.24 NMAC – Rp, 10.8.2.24 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.26 SUSPENSION AND REVOCATION OF AN INSTRUCTOR PERMIT:

A. Grounds. The department may suspend or revoke a permit if the approved instructor:

- (1) is the subject of valid complaints from applicants, licensees, or other approved instructors;
- (2) violates any of the grounds stated in Subsection A of 10.8.2.21 NMAC with respect to a license;
- (3) violates any provision of the act or these rules; or
- (4) fails to improve after having been sanctioned.

B. Notice of suspension or revocation and surrender of instructor permit.

The department shall investigate all allegations concerning grounds for suspension or revocations of permits. If the department finds there is a preponderance of evidence supporting the complaint, and there exists cause to suspend or revoke the permit, the department ~~may~~ shall issue a notification of suspension or revocation of the permit to the approved instructor and ~~advising~~ advise the approved instructor of ~~his or her~~ their right to a hearing in accordance with 10.8.2.26 NMAC. If the approved instructor elects not to request a hearing, the approved instructor shall surrender ~~his or her~~ their permit to the department within 15 days of the expiration of the period for requesting a hearing and shall cease offering firearms training courses pursuant to this rule.

C. Immediate suspension of firearms training course and refund of tuition.

(1) The department may immediately suspend, without notice or a prior hearing, a firearms training course whenever the department finds that the person teaching the course:

- (a) is not an approved instructor;
- (b) is impaired by the use of alcohol, controlled substances, or over-the-counter or prescribed medications;
- (c) has committed a misdemeanor or felony under the New Mexico criminal code or law of another jurisdiction; or
- (d) is teaching something that is contrary to law or accepted safety practices.

(2) The approved instructor shall be given the opportunity to request a hearing before the department pursuant to 10.8.2.26 NMAC.

(3) If the department finds, after notice and a hearing, that the person teaching the course was not an approved instructor, was impaired, has committed a

misdemeanor or felony under the criminal code, or was teaching something contrary to law or accepted safety practices, the department may order the person to refund to every student in the class the person was teaching any fees paid by the student to take the class. If the department finds that all or any portion of the firearms training course was deficient because the instructor was not an approved instructor, was impaired, has committed a misdemeanor or felony under the criminal code, or was teaching something contrary to law or safety, the department may require the students in that class to retake the portions that were deficient. The department may also initiate proceedings to suspend or revoke the approved instructor's permit.

D. Term of suspension or revocation and reapplication.

(1) The department ~~may~~ shall suspend a permit for up to one year while the outcome of a disqualifying matter is pending. The approved instructor may file an application to renew the permit upon expiration of the term of suspension.

(2) The department may revoke a permit for a period required by law up to and including a lifetime revocation. The instructor whose permit is revoked will not be eligible for a new permit until the revocation period required by law has passed, if ever.

[10.8.2.26 NMAC - Rp, 10.8.2.25 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.27 HEARING PROCEDURES:

A. Written notice required. The department shall mail a notification of the decision to deny, suspend, or revoke a permit and instructions for requesting a hearing to the respondent in accordance with Subsection B of 10.8.2.8 NMAC. The notice shall become final on the 30th day after the date the notice was postmarked unless the department receives a request for a hearing, or the notice is returned to the department as undeliverable, before that date, in which case it is

immediately final. A notice becoming final is not considered a final order for purposes of an appeal in Subsection P of 10.8.2.27 NMAC; by the filing of a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA.

B. Request for hearing. A respondent who seeks reconsideration of a notification of denial, suspension, or revocation shall file a request for hearing. The request for hearing shall:

- (1) be in writing;
- (2) be received by the department within 30 days from the date on the notification;
- (3) state with specificity the basis for challenging the notification; and
- (4) provide any additional documentation to support the challenge.

C. Hearing date. Within 30 days of receipt of a timely request for hearing, the department shall mail a notice of hearing to the respondent. The hearing shall be held within a reasonable period of time, but within 180 days from the date the department receives request for the hearing. The department may extend the time for a hearing one time for up to an additional 60 days upon its own discretion. The department shall not unreasonably deny a request for postponement of the hearing made by a respondent when good cause exists for the request.

D. Contents of notice. The notice shall include:

- (1) the date, time, place, and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction pursuant to which the hearing is being held;
- (3) reference to the section(s) of the act or this rule that were cited as the basis for the denial, suspension, or revocation;
- (4) a general statement of the matters or issues involved; [and]
- (5) a statement of the rights specified in [Subsection F] Subsection L of this section;
- (6) notice that exhibits from the department must be

forwarded to the applicant at least 72 hours before the hearing, and notice that exhibits from the respondent must be submitted to the department at least 48 hours before the scheduled hearing;

(7) notice that respondents are represented by counsel must be submitted to the department at least 24 hours prior the scheduled hearing;

(8) notice that all communications by respondents represented by an attorney with the department shall be made through respondent's attorney or a person appearing pro se during and following the hearing, unless otherwise provided for by the hearing examiner;

(9) notice that for respondents represented by an attorney during and after the hearing, routine procedural questions may be addressed to the department by respondents directly. However, other questions from respondents must be made by their attorney unless the respondent signs a waiver or their attorney sends the department written communication authorizing the respondent to communicate directly with the department; and

(10) instructions on how to request ADA accommodations, which must be requested at least 10 business days in advance of the hearing.

E. Nature of hearing. The hearing shall be conducted in an informal manner. The hearing [may] shall be conducted in person or by telephone conference call, video conferencing, or other appropriate technology.

F. Hearing examiner. The department shall designate a hearing examiner who shall conduct the proceedings and perform all acts and take all measures necessary or proper for the efficient conduct of the hearing. The hearing examiner may:

- (1) administer oaths;
- (2) issue subpoenas for the attendance of witnesses and the production of relevant books, documents, and records;

(3) exclude any irrelevant, immaterial, or unduly repetitious evidence;

(4) take notice of facts and of recognized technical or scientific facts within the department's specialized knowledge;

(5) hear evidence and admit documentary evidence from the parties. The department may introduce into evidence copies of government records needed to establish the existence of certain facts which could result in denial, suspension, or revocation of a license or permit, including but not limited to records regarding convictions, judgments regarding mental competency or chemical dependency, or other matters that may be established by government records;

(6) call and examine the respondent or other witnesses; and

(7) utilize the department's experience, technical competence, and specialized knowledge in evaluating the evidence.

G. Testimony. Testimony at the hearing shall be taken under oath.

H. Exhibits. Exhibits from the department shall be forwarded to the applicant at least 72 hours before the hearing. Exhibits from the respondent shall be submitted to the department at least 48 hours before the hearing.

I. Entry of appearance and substitutions of counsel. Counsel who will represent a respondent at the hearing shall submit an entry of appearance to the department 24 hours before the hearing. Withdrawal or substitution of counsel shall be by notice to the department, and all issues relating to withdrawal or substitution of counsel shall be resolved in a form and manner at the discretion of the hearing examiner.

J. Communications with the department. Communications by respondents represented by an attorney with the department shall be made through respondent's attorney or a person

appearing pro se during and following the hearing, unless otherwise provided for by the hearing examiner. For respondents represented by an attorney during and after the hearing:

(1) routine procedural questions may be addressed to the department by respondents directly; and

(2) other questions must be made by respondent's attorney unless the respondent signs a waiver, or their attorney sends the department written communication authorizing the respondent to communicate directly with the department.

[H:] K. Record of hearing.

The hearing shall be recorded at the department's expense. No recording devices other than the official hearing recording device shall be allowed. In addition, the department shall make a written record of:

(1) the nature of the proceedings including copies of the affidavit or other documents of grounds for the notification of denial, suspension, or revocation, and the notice of hearing;

(2) the place, date, and time of the hearing and all continuances or recesses of the hearing;

(3) the appearance or nonappearance of the respondent;

(4) if the respondent appears with an attorney, the name and address of the attorney;

(5) all evidence and testimony and a copy of all exhibits introduced into evidence;

(6) the findings of fact, conclusions of law, and recommended decision of the hearing examiner; and

(7) the decision of the secretary.

[H:] L. Rights of applicant, instructor applicant, approved instructor, or licensee.

The respondent has the right to:

(1) attend the hearing;

(2) enter evidence into the record, but only in open hearing;

(3) a single request to recuse a hearing examiner for cause;

(4) be assisted or represented by an attorney at his or her own expense; and

(5) call, examine and cross-examine witnesses.

[J:] M. Stipulation.

The respondent, or respondent's attorney in respondent's absence, shall stipulate in writing on a form prescribed by the department that the hearing examiner shall be released from civil liability for all communications, findings, opinions, and conclusions made in the course and scope of the hearing. Failure to [se] stipulate shall result in termination of the hearing and [continuation] finalization of the notification issued by the department. A finalized notice is not considered a final order for purposes of an appeal in Subsection P of 10.8.2.27 NMAC by the filing of a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA.

[K:] N. Deliberation. At the close of the hearing, the hearing examiner shall review and consider the entire record, prepare findings of fact, conclusions of law, and a recommended decision, and submit them to the secretary within 20 days after the close of the hearing. The hearing examiner shall make a finding on each ground for denial, suspension, or revocation alleged. The recommended decision shall be based upon substantial, competent, and relevant evidence and testimony appearing in the record of hearing.

[L:] O. Final order.

Within 20 days of receipt of the recommended decision, the secretary shall review the record of the hearing and issue a final order affirming the denial of an application for, or suspension or revocation of, a license or permit or reversing the denial, suspension, or revocation and authorizing issuance or reinstatement of a license or permit. The department shall mail a copy of the final order to the respondent. The final order shall be based upon

substantial, competent, and relevant evidence and testimony appearing in the record of hearing.

[M:] P. Appeals.

A respondent adversely affected by a final order of the department may file a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA, in the district court in the county where the respondent resides within 30 days of the date the final order was postmarked. The appellant shall bear the costs of the appeal.

[10.8.2.27 NMAC - Rp, 10.8.2.26 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.30 CURRENT [LAW-ENFORCEMENT OFFICERS] PEACE OFFICERS OR MOUNTED PATROL OFFICERS:

A. Any current [law-enforcement officer] peace officer residing in New Mexico shall be allowed to obtain a five-year concealed handgun carry license by submitting:

(1) all forms as required in 10.8.2.11 NMAC;

(2) a letter from his or her agency head verifying that the applicant is employed in good standing and is qualified under Section 29-19-4 NMSA 1978;

(3) a copy of his or her law enforcement certification [and number]; and

(4) a copy of his or her latest firearms qualification score with category and caliber designated, signed and dated by the authorized firearms instructor conducting the course.

B. An application may be denied if:

(1) the head of the law enforcement agency employing the officer requests in writing that a license not be issued and supplies sufficient information to enable the department to determine if the denial should be granted; or

(2) if the applicant has pending criminal charges or serious administrative allegations involving his or her conduct as a [law-enforcement officer] peace officer.

C. The agency and applicant will be notified in writing of the department's decision. If denied, the applicant may follow the process contained in 10.8.2.27 NMAC.

D. The applicant's agency will be notified of any disqualifying information that may become known during the background check.

E. A license issued under this section ~~[may]~~ shall not be used and must be turned in to the department's concealed carry unit, ~~[when]~~ immediately upon the officer ~~[is]~~ no longer being employed by a law enforcement agency. [10.8.2.30 NMAC - Rp, 10.8.2.30 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.31 RETIRED ~~[LAW ENFORCEMENT OFFICERS]~~ PEACE OFFICERS: Any retired ~~[law enforcement officer]~~ peace officer shall be allowed to obtain a five-year concealed handgun carry license if the retired ~~[law enforcement officer]~~ peace officer:

A. has submitted all forms as required in these rules, including 10.6.2.12 NMAC;

B. is a resident of the state of New Mexico;

C. has retired from a law enforcement agency after a minimum of 15 years employment, unless the retirement was due to a job related disability;

D. has submitted a letter from the agency verifying employment if the 15 years is with more than one agency;

E. has submitted a letter from the agency verifying employment he or she retired from which indicates he or she retired in good standing with the effective date of retirement;

F. has submitted a copy of his or her last firearms qualification scores indicating category and caliber designation, dated and signed by the department's firearms instructor;

G. has taken a firearms course in accordance with the act if the officer has been retired longer than ten years at the time of application;

H. has submitted a copy of his or her law enforcement certification ~~[and number]~~; and

I. has qualified and adheres to the provisions of the act and these rules.

[10.8.2.31 NMAC - Rp, 10.8.2.31 NMAC, 11/30/2016; A, 12/09/2025]

10.8.2.32 MILITARY SERVICE PERSONS:

A. Eligibility. ~~[Any]~~ Active military service persons or honorably discharged veterans, shall be allowed to obtain a five-year concealed handgun carry license under the following requirements:

~~[A.]~~ **(1)** by submitting all forms as required in these rules, including 10.8.2.12 NMAC; and

~~[B.]~~ **(2)** documentation satisfactory to the department that the applicant is a military service person; or

~~[C.]~~ **(3)** documentation satisfactory to the department that the applicant was a prior military service person honorably discharged. Military service persons beyond 20 years of military separation are required to complete a refresher course as required by Paragraph (2) of Subsection A of 10.8.2.15 NMAC and for licensee renewals as required in Paragraph (3) of Subsection A of 10.8.2.15 NMAC.

B. Dependents. For military service persons seeking a concealed carry handgun license:

(1) out of state military dependents are eligible to apply for a New Mexico concealed carry permit, with an out of state driver license, when the dependent's name is listed on the active-duty service members orders which indicate the duty station of the service member in New Mexico; and,

(2) dependents listed on military orders must pay the application fee and complete the required training course and will receive a four-year, civilian license. [10.8.2.31 NMAC - N, 11/30/2016; A, 12/09/2025]

REGULATION AND LICENSING DEPARTMENT COUNSELING AND THERAPY PRACTICE BOARD

This is an amendment to 16.27.17 NMAC, Section 16, effective 12/9/2025.

16.27.17.16 ADMINISTRATIVE FEES: The board will charge the following administrative fees, which are non-refundable:

A. \$10.00 for file copies.

B. \$10.00 for written license verification.

C. \$300.00 for electronic list of New Mexico licensed counselors and therapists.

D. \$35.00 charge for returned checks.

E. \$100.00 for pre-approved continuing education provider number.

F. \$25.00 administrative NCE, NCMHCE, marriage and family therapist, art therapist, and NCAC examinations fees.

G. \$25.00 ~~[(twenty-five dollars)]~~ per CEU credit hour fee for CEU credit hours incorrectly issued by the CEU provider.

H. \$10.00 Initial electronic application process fee.

I. \$10.00 Renewal electronic application process fee per year.

[16.27.17.16 NMAC - Rp, 16.27.17.16 NMAC, 7/30/2024; A, 11/18/2025; A, 12/9/2025]

REGULATION AND LICENSING DEPARTMENT SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD

This is an amendment to 16.26.2 NMAC, Sections 14 and 16, effective 12/9/2025.

16.26.2.14 QUALIFICATIONS AND APPLICATION FOR LICENSURE FOR A HEARING AID DISPENSER BY EXAMINATION:

Application for licensure by examination as a hearing aid dispenser must be accompanied by documentation of the following:

- A. proof that the applicant is 18 years of age or older;
- B. proof that the applicant has a high school education or the equivalent;
- C. proof that the applicant has a business location in New Mexico;
- D. a notarized letter from the qualified sponsor verifying completion of all training requirements as outlined for the temporary hearing aid dispensing trainee permit;
- E. proof of having passed the ~~[current HHS administered HLE within the previous 24 months]~~ board approved written exam;
- F. [passing] proof of having passed the board administered practical exam ~~[with a score of no less than seventy percent];~~
- G. proof of having passed the jurisprudence examination with an overall score of no less than seventy percent; and
- H. have no disciplinary actions taken against any professional license they hold in any state or jurisdiction.

[16.26.2.14 NMAC - Rp, 16 NMAC 26.3.11, 2/3/2006; A, 6/7/2010; A, 1/15/2015; A, 4/6/2016; A, 2/14/2017; A, 1/8/2023; A, 12/9/2025]

16.26.2.16 HEARING AID DISPENSER TRAINEE EXAMINATION FOR COMPETENCE:

Following the board's acceptance of the 320 hours of certified direct supervision in three months, persons with a temporary training permit are eligible to:

- A. Take the ~~[HHS-administered HLE]~~ board approved written exam;
- B. Take the board-administered practical exam which evaluates proficiency in the following areas:

- (1) Puretone audiometry including air conduction and bone conduction;
- (2) recorded voice speech audiometry;
- (3) masking when indicated;
- (4) recording and evaluation of audiograms and speech audiometry;
- (5) determining proper selection and adjustment of hearing aids;
- (6) verification of efficacy of hearing aids; and
- (7) taking earmold impressions

C. The board office will schedule practical examinations once each quarter; the schedule will be posted on the board website, and applicants must register for the examination a minimum of 30 days prior to the scheduled exam;

D. an applicant who fails the written or the practical portion of the examination must pay the application fee before being allowed to retake the examination;

E. applicants who cannot sit for the examinations due to circumstances beyond their control must submit a written request prior to the scheduled examination; extenuating circumstances include illness, death in the immediate family, military service, or other severe circumstances which do not allow an applicant to attend the scheduled examination; applicant must provide documentation of extenuating circumstances; and

F. applicants who fail to sit for scheduled examinations without prior notification must submit a new application, including the fee and all documentation.

[16.26.2.16 NMAC - Rp, 16 NMAC 26.3.13, 2/3/2006; A, 6/7/2010; A, 2/14/2017; A, 12/9/2025]

**REGULATION
AND LICENSING
DEPARTMENT
SPEECH-LANGUAGE
PATHOLOGY, AUDIOLOGY
AND HEARING AID**

DISPENSING PRACTICES BOARD

This is an amendment to 16.26.4 NMAC, Section 9, effective 12/9/2025.

16.26.4.9 RENEWAL OF CLINICAL FELLOW LICENSE:

The CFY must be completed within a maximum period of 36 consecutive months. Prior to or during the first 12 months of clinical fellow licensure, the clinical fellow must take and pass a nationally recognized examination in the clinical fellow's field. Proof of passing this exam is required for renewing the CFY license. If the exam is not passed within the first year of CFY licensure, the CFY license cannot be renewed or extended.

A. The clinical fellowship license shall be renewed annually on a form supplied by the board office and shall expire annually one year after the date of initial licensure. The renewal must be postmarked no later than the expiration date.

B. A late penalty fee will be assessed if the license is not renewed by the expiration date.

C. If a licensee fails to renew within 60 days of expiration of the license, the licensee must reapply, meet all applicable requirements, meet CEU requirements and pay the application fee, renewal fee and late penalty fee.

[11/7/1998; 16.26.4.9 NMAC - Rn & A, 16 NMAC 26.4.9, 2/3/2006; A, 1/29/2015; A, 11/28/2017; A, 12/9/2025]

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REGULATION AND LICENSING DEPARTMENT
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING
PRACTICES BOARD

This is an amendment to 16.27.6 NMAC, Section 8, effective 12/9/2025.

16.26.6.8 FEES: All fees are payable to the board and are non-refundable. Fees are as follows:

	Initial fee	Renewal fee
A. Hearing aid dispenser trainee temporary permits	\$175.00	
B. Temporary paraprofessional license (apprentice)	\$50.00	\$50.00
C. Clinical fellow license	\$50.00	\$50.00
D. Speech-language pathologist [and] or audiologist license	\$100.00	[\$170.00] <u>200.00</u>
E. Hearing aid dispensers	\$175.00	\$360.00
F. Hearing aid practical exam	[\$200.00] <u>215.00</u>	
G. Endorsement to dispense hearing aids	\$100.00	\$190.00
H. Processing continuing education offerings per offering	\$50.00	
I. Bilingual-Multicultural Endorsement	\$50.00	
J. Late renewal fee	\$75.00	
K. All application packet fees	\$10.00	
[L.] [Dual licensure (SLP/audiology)]	[\$200.00]	[\$150.00]
[M.] L. Verification of licensure	\$15.00	
[N:] M. Paper list	\$125.00	
[O:] N. Mailing labels	\$150.00	
[P:] O. Electronic list	\$175.00	
[Q:] P. Duplicate license	\$10.00	
[R:] Q. Insufficient funds, returned checks, or electronic checks	\$35.00	\$35.00
R. Electronic Application Process Fee	<u>\$10.00</u>	<u>\$10.00 per year</u>

[10/25/1991; 11/09/1996; 11/7/1998; 11/27/1999; 16.26.6.8 NMAC - Rn & A, 16 NMAC 26.6.8, 2/3/2006; A, 6/7/2010; A, 1/29/2015; A, 11/28/2017; A, 07/15/2025; A, 12/9/2025]

**REGULATION
AND LICENSING
DEPARTMENT
SPEECH-LANGUAGE
PATHOLOGY, AUDIOLOGY
AND HEARING AID
DISPENSING
PRACTICES BOARD**

This is an amendment to 16.26.7 NMAC, Section 8, effective 12/9/2025.

16.26.7.8 DISCIPLINARY

**GROUND AND DENIAL OF
LICENSURE:**

In accordance with the provisions of the Uniform Licensing Act, the board may take disciplinary action if the board determines that the applicant or licensee has violated the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act or the board's rules. The following may subject the applicant or licensee to disciplinary action by the board.

A. Engaging in unprofessional conduct:

Unprofessional conduct includes, but is not limited to, the following:

(1) violations of the principles of ethics or the ethical proscriptions as set forth in board regulations concerning its Code of Ethics (16.26.9 NMAC);

(2) for an audiologist or dispensing otorhinolaryngologist to accept a case referred from a hearing aid dispenser and not return the case to the referring professional unless the person seeking the hearing aid refuses to return to the referring professional or if the

professional determines, using his best professional judgement, the return of the case would not be in the person's best medical or audiological interest.

B. Engaging in acts that constitute incompetence: Incompetence includes, but is not limited to, the following:

(1) failure to possess the knowledge, apply the skill or provide the care required by generally accepted standards of the professions of speech-language pathology, audiology or hearing aid dispensing; or

(2) violation of the principles of ethics II or the ethical proscriptions thereunder as set forth in board regulations relating to professional competence (Subsections D and E of 16.26.9.8 NMAC);

(3) a finding of incompetence may be based upon a single act or omission of competence or upon a course of conduct or series of acts or omissions which extend over a period of time and which, taken as a whole, demonstrate incompetence.

C. Aiding or abetting the practice by a person not licensed by the board. Aiding or abetting the practice of speech language pathology by a person not licensed by the board includes, but is not limited to, the following:

(1) A licensee shall not authorize or otherwise permit a speech language paraprofessional or assistant working under his or her supervision to diagnose, conduct diagnostic testing, interpret diagnostic testing, develop a plan of care or deviate from a plan of care.

(2) A licensee shall ensure that a speech language paraprofessional or assistant working under his or her supervision follows the plan of care.

(3) A licensee shall not authorize or otherwise permit an apprentice in speech-language pathology working under his or her supervision to conduct any of the duties set forth in Subsection E of 16.26.2.18 NMAC of the

boards rules and shall ensure that the apprentice only engages in those duties authorized in Subsection D of 16.26.2.18 NMAC of the boards rules.

D. Failing to deliver to any person supplied with a hearing aid a receipt which contains the following information:

(1) licensee's license number and signature;

(2) the sponsor's/supervisor's signature approving of the fitting if the seller is a clinical fellow, graduate student or trainee;

(3) address of the licensee's regular place of business;

(4) make and model of the hearing aid;

(5) full financial terms of the sale;

(6) statement as to whether the hearing aid is new, used or reconditioned;

(7) statement that the purchaser was advised that the licensee was not a licensed physician and that the examination and recommendation was made as a hearing aid dispenser, audiologist, clinical fellow, trainee or graduate student and not as a medical diagnosis or prescription;

(8) terms of guarantee, if any.

(9) Hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems.

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

F. Failure to appear before the board when requested by the board in any disciplinary proceeding.

G. ~~[(1) — failure]~~
Failure to be in compliance with the Parental Responsibility Act Section 40-5A-3 NMSA 1978 et seq.

H. ~~[(2) — fraudulent]~~
Fraudulent record keeping.

I. ~~[(3) — failure]~~
Failure to comply with Continuing Education Audit. If all continuing

education requirements are not met by the expiration date of the license or granted extension date, the licensee shall be subject to disciplinary action.

[G.] J. Convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board:

(1) homicide or manslaughter;

(2) trafficking, or trafficking in controlled substances;

(3) human trafficking, kidnapping, false imprisonment, use of force or threats of force against school employees or healthcare workers, arson, aggravated assault or aggravated battery;

(4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, failure to register as a sex offender, or other related felony sexual offenses;

(5) crimes involving adult abuse, neglect or financial exploitation;

(6) crimes involving child abuse or neglect;

(7) crimes involving robbery, larceny, extortion, burglary, bribery, fraud, tax fraud or evasion, forgery, embezzlement, credit card fraud, misuse of public funds or benefits, making false statements, offering or soliciting an illegal kickback or government action, tampering with public records, perjury;

(8) escape from a custody or possession of deadly weapons in custody;

(9) practicing healthcare without a license;

(10) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

[H:] K. The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in ~~[Subsection G]~~ Subsection J of this rule.

~~[F.] L.~~ The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in ~~[Subsection G]~~ Subsection J of this rule.

~~[F.] M.~~ Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in ~~[Subsection A]~~ Subsection J of this rule.

~~[K.] N.~~ In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in ~~[Subsection A]~~ Subsection J of this rule.

[11/7/98, 11/27/99, 12/5/99; 16.26.7.8 NMAC - Rn & A, 16 NMAC 26.7.8, 2/3/06; A, 11/28/2017; A, 2/10/2022; A, 7/15/2025; A, 12/9/2025]

WORKFORCE SOLUTIONS, DEPARTMENT OF

TITLE 11 LABOR AND WORKERS COMPENSATION CHAPTER 1 LABOR GENERAL PROVISIONS PART 7 CAREGIVER LEAVE

11.1.7.1 ISSUING

AGENCY: Labor Relations Division (LRD) of the New Mexico Department of Workforce Solutions (NMDWS).

[11.1.7.1 NMAC – N, 1/01/2026]

11.1.7.2 SCOPE:

Employers and employees within the state of New Mexico.

[11.1.7.2 NMAC – N, 1/01/2026]

11.1.7.3 STATUTORY

AUTHORITY: Section 50-16-3 NMSA 1978 authorizes the LRD of the NMDWS to promulgate rules to implement the provisions of the Caregiver Leave Act.

[11.1.7.3 NMAC – N, 1/01/2026]

11.1.7.4 DURATION:

Permanent.

[11.1.7.4 NMAC – N, 1/01/2026]

11.1.7.5 EFFECTIVE

DATE: January 1, 2026, unless a later date is cited at the end of a section.

[11.1.7.5 NMAC – N, 1/01/2026]

11.1.7.6 OBJECTIVE:

To implement grievance procedures articulated in Section 50-16-1 NMSA 1978 providing eligible employees recourse for violations of the Caregiver Leave Act.

[11.1.7.6 NMAC – N, 1/01/2026]

11.1.7.7 DEFINITIONS:

All definitions contained in Section 50-16-2 NMSA 1978, are incorporated herein by reference. As used in these rules:

A. “eligible employee” means, except as provided pursuant to Section 50-16-4 NMSA 1978, an individual who is in the employ of an employer and who, in accordance with the employer's policies, is eligible to accrue sick leave;

B. “employer” means a person that employs one or more employees and that offers eligible employees sick leave;

C. “family member” means an individual who is the spouse or domestic partner of or by blood, marriage or legal adoption a parent,

grandparent, great-grandparent, child, foster child, grandchild, greatgrandchild, brother, sister, niece, nephew, aunt or uncle of an eligible employee; and

D. “sick leave” means a leave of absence from employment for which an employer pays an eligible employee due to illness or injury to receive care from a licensed or certified health professional. “Sick leave” does not include leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993, regardless of whether the employee uses sick leave during that leave.

[11.1.7.7 NMAC – N, 1/01/2026]

11.1.7.8 ACCRUAL AND USAGE

A. An employer that provides eligible employees with sick leave for the employee's own illness or injury shall permit eligible employees to use this same accumulated leave to care for family members in accordance with the same terms and procedures the employer uses for any other use of sick leave by eligible employees.

B. An eligible employee's employer shall not discharge or threaten to discharge, demote, suspend, or retaliate or discriminate in any manner, including using the employee's use of caregiver leave as a factor in the employee's performance evaluation, against an employee because that employee requests or uses caregiver leave in accordance with the employer's general sick leave policy, files a complaint with the workforce solutions department for the violation of the Caregiver Leave Act, cooperates in an investigation or prosecution of an alleged violation of the Caregiver Leave Act or opposes any policy or practice established pursuant to the Caregiver Leave Act.

[11.1.7.8 NMAC – N, 1/01/2026]

**11.1.7.9 COMPLIANCE
MEASURES:** Compliance assurance measures available to the LRD include the following:

A. Investigations of alleged violations of the Caregiver Leave Act upon complaints filed by individuals;

B. Interviews of employers, their managers and employees and any other witness who may have relevant information;

C. Requests for production of records and other information from employers;

D. Administrative subpoenas for records and other information from employer, or for the taking of depositions from employers, their manager and other potential witnesses;

E. Audits of employer records; and

F. Education and outreach efforts regarding the requirements of the Caregiver Leave Act.

[11.1.7.9 NMAC – N, 1/01/2026]

11.1.7.10 NOTICE BY EMPLOYERS:

A. Employers shall give written or electronic notice to an employee at the commencement of employment of the employee's rights to earned sick leave; the matter in which sick leave is accrued and calculated; the terms of use of earned sick leave as guaranteed by the Caregiver Leave Act; that retaliation against employees for using sick leave is prohibited; that the employee's right to file a complaint with the LRD if earned sick leave accrual or use is denied or if the employee is retaliated against; and all means of enforcing the Caregiver Leave Act. This notice must be in English, Spanish, or any other language that is the first language spoken by at least ten percent of the employer's workforce, as requested by the employee

B. Employers shall display a poster containing the information required in Section A, above, in a conspicuous and accessible place in each establishment where employees are employed. The poster should be in English, Spanish and in any language that is the first language spoken by at least ten

percent of the employer's workforce.
[11.1.7.10 NMAC – N, 1/01/2026]

11.1.7.11 COMPLAINTS:

Individuals may file complaints alleging violations of the Caretaker Leave Act or these rules, including retaliation, with the LRD.

A. Complaints must be submitted using a form approved by the LRD.

B. Complainants may complete the form on their own or have an LRD employee assist in completing the form based on the complainant's statements in-person or by telephone. If the LRD provides assistance in completing the form by telephone, it shall mail or email the unsigned form to the complainant to be reviewed, approved, signed, and submitted to the LRD for filing. The complaint form does not need to be notarized. The complainant may attach additional information or documentation supporting the complaint, but this is not a requirement.

C. Upon receipt of the completed complaint form, the LRD will:

(1) Review the complaint to determine whether the LRD has jurisdiction;

(2) Determine if more information is needed from the complainant; and

(3) Interview the complainant, if necessary, to clarify any discrepancies, omissions, or errors in the complaint form, and obtain additional information regarding the complaint.

(4) If a complainant is represented by an attorney, the attorney shall submit a written notice of the representation to the NMDWS of said representation and shall also indicate in that notice whether the NMDWS may communicate with the complainant directly without the attorney being present.

(5) The complaint form will give the complainant the opportunity to choose to correspond with the LRD by email or regular mail. If the complainant

does not make a choice, the correspondence with the complainant will be by regular mail.

(6) The LRD shall send complainants written notification summarizing the status of the investigation by complainant's chosen correspondence method no less frequently than every 90 days starting from the date the complaint is received by the LRD.

(7) The LRD shall provide limited English proficient (LEP) complainants, employers and witnesses with free language assistance services according to the NMDWS language access plan throughout the complaint process.

[11.1.7.11 NMAC – N, 1/01/2026]

11.1.7.12 JURISDICTION:

The LRD's authority is limited to the enforcement of the laws of the state of New Mexico. The LRD does not have authority to enforce the laws of any other state. The LRD may close a complaint that alleges violations of the Caregiver Leave Act for work performed outside the state of New Mexico, including work performed entirely on tribal land.

[11.1.7.12 NMAC – N, 1/01/2026]

11.1.7.13 DEADLINE FOR FILING A COMPLAINT:

All complaints alleging violations of the Caregiver Leave Act must be filed with the LRD within three years of when the last alleged violation occurred. The LRD will accept complaints for investigation in which any portion of the alleged violation falls within the three-year time limit.

[11.1.7.13 NMAC – N, 1/01/2026]

11.1.7.14

CONFIDENTIALITY: The LRD will maintain the complainant's identity as confidential unless disclosure is necessary to facilitate investigation or resolve the complaint or is otherwise required by law.

[11.1.7.14 NMAC – N, 1/01/2026]

11.1.7.15 CLOSURE OF COMPLAINTS: The LRD may close any complaint alleging violations

of the Caregiver Leave Act after the initial screening with no further investigation if the LRD determines that it does not have jurisdiction, it is unable to identify complainant's employer after reasonable efforts have been made, or if no portion of the alleged violation falls within a three-year time period. Upon closure, the LRD will send the complainant a letter setting forth the reasons for closure.

[11.1.7.15 NMAC – N, 1/01/2026]

11.1.7.16 NOTICE OF COMPLAINT TO THE EMPLOYER:

Within 10 business days of receipt of the complaint, the LRD shall send the employer a copy of the complaint form, any supporting documentation received from the complainant, and a blank response form. The initial letter shall be mailed to the last known address of the employer. The notice to the employer will give the employer the opportunity to choose to receive correspondence from the LRD by email or regular mail, but if the employer does not make a choice, the correspondence will be sent by regular mail.

[11.1.7.16 NMAC – N, 1/01/2026]

11.1.7.17 EMPLOYER REPRESENTATION:

If an employer is represented by an attorney at any time during the investigation, the attorney shall submit a written notice to the LRD of representation. This written notice shall indicate whether the LRD may communicate with the employer directly without the attorney being present. Pursuant to Rule 16-402 NMRA, the Office of General Counsel for the NMDWS is not prohibited from communicating directly with employees of an employer, with the exception of persons having a managerial responsibility on behalf of the employer, regarding the subject matter of the representation even though the employer itself is represented by counsel.

[11.1.7.17 NMAC – N, 1/01/2026]

11.1.7.18 RESPONSE BY EMPLOYER:

The employer shall

respond in writing to the initial letter regarding the complaint within 10 business days of receipt. The employer shall also provide the LRD with true and accurate copies of the records that are required to be maintained with respect to the complainant. The employer shall produce any other record related to the complainant requested by the LRD. The employer may provide other records of its choosing in responding to the complaint, but this is not a requirement. In its discretion, the LRD may grant an employer a reasonable extension to respond to the initial letter if requested by the employer in writing specifically setting forth the good cause upon which the request for an extension is based.

[11.1.7.18 NMAC – N, 1/01/2026]

11.1.7.19 REQUESTS FOR ADDITIONAL INFORMATION:

In its discretion, the LRD may interview the employer and other witnesses to obtain additional information relevant to the investigation and may issue an administrative subpoena to compel production of records necessary to conduct the investigation if such records are not voluntarily produced by the employer.

[11.1.7.19 NMAC – N, 1/01/2026]

11.1.7.20 REPLY BY COMPLAINANT:

If the employer disputed the alleged violation(s) and submits relevant documentary evidence, the LRD shall allow the complainant an opportunity to submit a written reply to the employer's response along with additional documentation. The complainant has 10 business days from the date of the complainant's receipt of the employer's response to submit the reply. In its discretion, the LRD may interview the complainant and other witnesses to obtain additional information relevant to the investigation.

[11.1.7.20 NMAC – N, 1/01/2026]

11.1.7.21 SETTLEMENT BY PARTIES:

At any stage of the investigation, the LRD may schedule

a settlement meeting between the parties. The LRD may inform the parties of the preliminary conclusions based on the evidence reviewed, including any amount owed to the complainant for violations of the Caregiver Leave Act, as determined by the LRD. If a settlement is reached, it shall be reduced to writing and signed by the complainant and the employer. After the settlement is signed by both parties, the LRD will close the investigation and advise the parties in writing that the case is closed.

[11.1.7.21 NMAC – N, 1/01/2026]

11.1.7.22 ADMINISTRATIVE DECISION:

The LRD shall complete its investigation of a complaint and issue a written decision if a settlement is not reached, or if a settlement is reached but the employer fails to comply with the terms of the settlement, and a party submits a written request to the LRD to reopen prior to the expiration of the three year time limit outlined in NMAC 11.1.7.13. After completing its investigation the LRD shall issue an administrative decision on the complaint. The decision shall:

A. be issued within 180 days from the date the complaint was received;

B. be in writing and set forth findings of facts and conclusions of law, including a calculation of the amount owed, if any, to complainant; and

C. inform the parties that if they disagree with the decision, there is no right of administrative appeal;

[11.1.7.22 NMAC – N, 1/01/2026]

11.1.7.23 EMPLOYER RECORDS:

Section 50-17-7 NMSA 1978 requires employers to keep records documenting hours worked by employees and earned sick leave taken by employees for the 48-month period immediately preceding the date the record was created. If the LRD finds, during the course of its investigation, the employer did not maintain and produce the required records or that the records

are inaccurate or incomplete, the LRD may base the calculation of the amount owed to complainant on other reasonable, credible evidence, including by not limited to the complainant's estimates.

[11.1.7.23 NMAC – N, 1/01/2026]

11.1.7.24 REOPENING AN INVESTIGATION: A complainant or employer may request in writing a reopening of the investigation of a complaint upon a showing of good cause for doing so. Examples of good cause include, but are not limited to, failure of an employer to comply with the terms of the settlement, or the discovery of new, previously undisclosed evidence that would have changed the result of the previous determination. Except in the case of unfulfilled settlement terms, the LRD's determination of whether good cause to reopen exists is final and shall not be subject to any right of appeal or other review. All requests for reopening must be received by the LRD before the three-year time limit referenced in 11.1.7.13 NMAC expires. Reopening requests received after the three-year period expires will not be considered. Upon reopening, the LRD may pursue any investigatory steps available under the law and pursuant to these regulations and may affirm, modify, or reverse, in whole or in part, any previous decision issued.

[11.1.7.24 NMAC – N, 1/01/2026]

11.1.7.25 STANDARD OPERATING PROCEDURES: The LRD may adopt standard operating procedures to provide additional instructions for its employees in the performance of their duties and responsibilities.

[11.1.7.25 NMAC – N, 1/01/2026]

WORKFORCE SOLUTIONS, DEPARTMENT OF

This is an amendment to sections 11.2.3 NMAC, Section 29, effective 12/09/2025.

11.2.3.29 ENERGY TRANSITION ACT COMPLIANCE:

A. The construction of New Mexico facilities that generate electricity for New Mexico retail customers, and that are not located on the customer side of an electricity meter, shall be subject to the requirements of Subsection B of Section 62-13-16 NMSA 1978 if the facilities are built as a result of competitive solicitations.

B. Subject to availability of qualified applicants, the construction of facilities that generate electricity for New Mexico retail customers shall only employ apprentices from an apprenticeship program registered with the department and recognized by the director of apprenticeship after recommendation by the SAC pursuant to 11.2.3.11 NMAC and Subsection B of 11.2.3.20 NMAC during the construction phase of a project at a minimum level as outlined in Subsection B of 62-13-16 NMSA 1978 for all persons employed for the project.

(1) A "project" for the purposes of this Section means any construction of a facility that generates electricity or transmits electricity for New Mexico retail customers.

(2) The number of apprentices required applies to each occupation or trade performing services during the project.

(3) For projects commencing after January 1, 2020 but before January 1, 2024, apprentices should comprise 10 percent of all persons employed for the project.

(4) For projects commencing after January 1, 2024 but before January 1, 2026, apprentices should comprise 17.5 percent of all persons employed for the project.

(5) For projects commencing after January 1, 2026, apprentices should comprise 25 percent of all persons employed for the project.

C. The department shall be responsible for monitoring the project for the appropriate level of apprentices on the project and ensuring compliance.

(1) Upon receiving a notice to proceed from the Public Regulation Commission (PRC) for construction of such a project, the general contractor shall submit a compliance plan including a list of subcontractors of any tier that will meet the required number of apprentices to the department.

(2) Every 90 days from the date of the initial plan, the general contractor shall submit an updated compliance plan.

(3) Contractors shall provide documentation demonstrating compliance within 10 days of a request for records from the department.

(4) Failure of a contractor to comply with the requirement for utilizing the required apprenticeship percentage will result in a referral to the PRC advising the commission that the project is not in compliance with the provisions of the Energy Transition Act.

D. The department will continue to encourage diversity among apprenticeship program participants, participation by the underrepresented in the industry associated with that apprenticeship program and participation from disadvantaged communities.

[11.2.3.28 NMAC – N, 1/1/2020; A, 6/25/2024; A, 12/09/2025]

End of Adopted Rules

Other Material Related to Administrative Law**ENVIRONMENT
DEPARTMENT****NOTICE OF RADIOACTIVE
MATERIALS LICENSE
TERMINATIONS**

The New Mexico Environment Department (Department) is hereby providing notice pursuant to Subsection E of 20.3.4.426 NMAC that the following licensees have submitted applications for the termination of their radioactive materials licenses:

- ☐ Calfrac Well Services Corporation, 2401 Sivley Avenue, Artesia, NM 88210
- ☐ Christus St. Vincent Regional Medical Center, 455 St. Michaels Drive, Santa Fe, NM 87505
- ☐ COG Operating LLC – King Cobra 2 State 1H, 1401 Commerce Drive, Carlsbad, NM 88220
- ☐ COG Operating LLC – Copperhead Fee A No. 1H Battery, 1401 Commerce Drive, Carlsbad, NM 88220
- ☐ COG Operating LLC – BUHO BQH State 1H Battery, 1401 Commerce Drive, Carlsbad, NM 88220
- ☐ Presbyterian Heart Group Santa Fe, 454 St. Michaels Drive, Santa Fe, NM 87505

During the evaluation period, the Department reviews and comments upon the application. The Department may, at its discretion, retain consultants to assist it in its evaluation of the application. Upon receipt of a license termination plan or decommissioning plan from the licensee, or a proposal by the licensee for release of the site pursuant to Subsections C or D of 20.3.4.426 NMAC, the Department will notify and solicit comments from local governments in the vicinity of the site of the licensed activity and any Indian nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning of the site of the licensed activity. In the case where

the licensee proposes to release a site pursuant to Subsection D of 20.3.4.426 NMAC, the Department will notify and solicit comments from the United States Environmental Protection Agency. Relevant comments and questions received by the Department from various agencies and interested parties will be forwarded to the applicant for response. Correspondence associated with the application will be on file with the Radiation Control Bureau and will be available for inspection by the applicant and any other interested party.

The Department requires an applicant to provide a license termination plan or decommissioning plan, and other materials addressing, among other things, the public health, safety and environmental aspects for the termination of the license.

The Department will analyze the license termination application carefully. During this analysis, the application will be reviewed to ensure that there are no deficiencies, that the application meets all applicable requirements and that there is no reason to believe that the termination of the license will result in the violation of any laws or regulations. If the Department is so satisfied, it will grant the application for the termination of the license.

The application is available for review at the following location:

New Mexico Environment
Department
Radiation Control Bureau
525 Camino de los Marquez, Suite 1B
Santa Fe, NM 87502

It is anticipated that the review period will require about one month. Written comments and requests for public hearing will be accepted for 30 days after publication of this notice. Written comments regarding this license application should be directed to: New Mexico Environment Department, Radiation Control Bureau, P.O. Box 5469, Santa Fe, New Mexico 87502-5469.

**ENVIRONMENT
DEPARTMENT****NOTIFICACIÓN DE
TERMINACIONES DE
LICENCIAS DE MATERIAL
RADIATIVO**

El Departamento de Medio Ambiente de Nuevo México (Departamento) por el presente aviso notifica, de conformidad con la Subsección E de 20.3.4.426 NMAC, que los siguientes licenciarios han presentado solicitudes para la terminación de sus licencias de materiales radiactivos:

- ☐ Calfrac Well Services Corporation, 2401 Sivley Avenue, Artesia, NM 88210
- ☐ Christus St. Vincent Regional Medical Center, 455 St. Michaels Drive, Santa Fe, NM 87505
- ☐ COG Operating LLC – King Cobra 2 State 1H, 1401 Commerce Drive, Carlsbad, NM 88220
- ☐ COG Operating LLC – Copperhead Fee A No. 1H Battery, 1401 Commerce Drive, Carlsbad, NM 88220
- ☐ COG Operating LLC – BUHO BQH State 1H Battery, 1401 Commerce Drive, Carlsbad, NM 88220
- ☐ Presbyterian Heart Group Santa Fe, 454 St. Michaels Drive, Santa Fe, NM 87505

Durante el período de evaluación, el Departamento revisa y hace comentarios sobre la solicitud. El Departamento puede, a su discreción, contratar consultores para que lo asistan en la evaluación de la solicitud. Tras recibir un plan de terminación de la licencia o un plan de desmantelamiento del licenciario, o una propuesta por el licenciario para la liberación del sitio de conformidad con las Subsecciones C o D de 20.3.4.426 NMAC, el Departamento notificará y solicitará comentarios a los gobiernos locales en las inmediaciones del sitio de la actividad autorizada, así como a cualquier nación indígena u otro pueblo indígena que tenga derechos legales por tratados o estatuarios

que pudieran verse afectados por el desmantelamiento del sitio de la actividad autorizada. En caso de que el licenciatario proponga liberar un sitio de conformidad con la Subsección D de 20.3.4.426 NMAC, el Departamento notificará a la Agencia de Protección Ambiental de los Estados Unidos (EPA, por sus siglas en inglés) y solicitará sus comentarios. Los comentarios y preguntas pertinentes que reciba el Departamento de diversas agencias y partes interesadas se remitirán al solicitante para su respuesta. La correspondencia relacionada con la solicitud se archivará en la Oficina de Control de la Radiación y estará disponible para su revisión por parte del solicitante y cualquier otra parte interesada.

El Departamento exige al solicitante que presente un plan de terminación de la licencia o un plan de desmantelamiento, así como otros documentos que aborden, entre otras cosas, los aspectos de salud pública, seguridad y medio ambiente para la terminación de la licencia.

El Departamento analizará cuidadosamente la solicitud de terminación de la licencia. Durante este análisis, se revisará la solicitud para garantizar que no presente deficiencias, que cumpla con todos los requisitos aplicables y que no exista razón para creer que la terminación de la licencia resultará en la violación de alguna ley o regulación. Si el Departamento considera que esto es así, aprobará la solicitud de terminación de la licencia.

La solicitud está disponible para revisión en la siguiente dirección: Departamento de Medio Ambiente de Nuevo México

Oficina de Control de la Radiación
525 Camino de los Marquez, Suite 1B
Santa Fe, NM 87502

Se prevé que el período de revisión dure aproximadamente un mes. Se aceptarán comentarios por escrito y solicitudes de audiencia pública durante los 30 días posteriores a la publicación de este aviso. Los comentarios por escrito sobre esta solicitud de licencia deben dirigirse a: Departamento de Medio Ambiente

de Nuevo México, Oficina de Control de la Radiación, P.O. Box 5469, Santa Fe, Nuevo México 87502-5469.

REGULATION AND LICENSING DEPARTMENT PHARMACY, BOARD OF

NOTICE OF MINOR NONSUBSTANTIVE CORRECTION

The Board of Pharmacy gives Notice of a Minor, Non-substantive Correction to 16.19.18 NMAC and 16.19.36 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rule, as follows:

In the amendment description sentence for each rule, the incorrect rule number was corrected to the proper rule number.

A copy of this Notification will be filed with the official version of the above amendment.

TAXATION AND REVENUE DEPARTMENT/ ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

NOTICE OF MINOR NONSUBSTANTIVE CORRECTION

The Taxation and Revenue Department and the Energy, Minerals and Natural Resources Department give Notice of a Minor, Non-substantive Correction to 3.3.28 NMAC, 3.3.29 NMAC, 3.3.30 NMAC, 3.4.16 NMAC, 3.4.17

NMAC, 3.13.21 NMAC, 3.2.13 NMAC, and 3.13.7 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rule, as follows:

In the amendment description sentence for each rule, the incorrect rule number was corrected to the proper rule number.

A copy of this Notification will be filed with the official version of the above amendment.

End of Other Material Related to Administrative Law

2025 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXVI, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 3	January 14
Issue 2	January 16	January 28
Issue 3	January 30	February 11
Issue 4	February 13	February 25
Issue 5	February 27	March 11
Issue 6	March 13	March 25
Issue 7	March 27	April 8
Issue 8	April 10	April 22
Issue 9	April 24	May 6
Issue 10	May 8	May 20
Issue 11	May 22	June 10
Issue 12	June 12	June 24
Issue 13	June 26	July 15
Issue 14	July 17	July 29
Issue 15	July 31	August 12
Issue 16	August 14	August 26
Issue 17	August 28	September 9
Issue 18	September 11	September 23
Issue 19	September 25	October 7
Issue 20	October 9	October 21
Issue 21	October 23	November 4
Issue 22	November 6	November 18
Issue 23	November 20	December 9
Issue 24	December 11	December 23

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Submittal Deadlines and Publication Dates

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Issue	Submittal Deadline	Publication Date
Issue 1	January 2	January 13
Issue 2	January 15	January 27
Issue 3	January 29	February 10
Issue 4	February 12	February 24
Issue 5	February 26	March 10
Issue 6	March 12	March 24
Issue 7	March 26	April 7
Issue 8	April 9	April 21
Issue 9	April 23	May 5
Issue 10	May 7	May 19
Issue 11	May 21	June 10
Issue 12	June 11	June 23
Issue 13	June 25	July 14
Issue 14	July 16	July 28
Issue 15	July 30	August 11
Issue 16	August 13	August 25
Issue 17	August 27	September 9
Issue 18	September 11	September 22
Issue 19	September 24	October 6
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