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This is an emergency amendment to 7.8.2 NMAC, Section 16, effective 3/26/2020

Numbers were changed throughout the rule to conform to correct legislative style.

7.8.2.16 STAFF QUALIFICATIONS: A facility shall employ staff with the following qualifications.

A. Administrator, director, operator: an assisted living facility shall be supervised by a full-time administrator. Multiple facilities that are located within a 40 mile radius may have one full-time administrator. The administrator shall:

- (1) be at least 21 years of age;
- (2) have a high school diploma or its equivalent;
- (3) comply with the requirements of the New Mexico Caregivers Criminal History Screening Act, 7.1.9 NMAC;
- (4) complete a state approved certification program for assisted living administrators;
- (5) be able to communicate with the residents in the language spoken by the majority of the residents;
- (6) not work while under the influence of alcohol or illegal drugs;
- (7) have evidence of education and experience to prove the ability to administer, direct and operate an assisted living facility; the evidence of education and experience shall be directly related to the services that are provided at the facility;
- (8) provide three notarized letters of reference from persons unrelated to the applicant; and
- (9) comply with the pre-employment requirements pursuant to the Employee Abuse Registry, 7.1.12 NMAC.

B. Direct care staff:

- (1) shall be at least [~~eighteen (18)~~] 17 years of age;
- (2) shall have adequate education, relevant training, or experience to provide for the needs of the residents;
- (3) shall comply with the pre-employment requirements pursuant to the Employee Abuse Registry, 7.1.12 NMAC; and
- (4) shall comply with the current requirements of reporting and investigating incidents pursuant to Incident Reporting, Intake Processing and Training Requirements, 7.1.13 NMAC;
- (5) if a facility provides transportation for residents, the employees of the facility who drive vehicles and transport residents shall have copies of the following documents on file at the facility:
 - (a) a valid New Mexico driver's license with the appropriate classification for the vehicle that is used to transport residents;
 - (b) documentation of training in transportation safety for the elderly and disabled, including safe vehicle operation;
 - (c) proof of insurance; and
 - (d) documentation of a clean driving record;
- (6) any person who provides direct care who is not employed by an agency that is covered by the requirements of the Caregivers Criminal History Screening Requirements, 7.1.9 NMAC, shall provide current (within the last 6 months) proof of the caregivers criminal history screening to the facility; the facility shall maintain and have proof of such screening readily available; and
- (7) employers shall comply with the requirements of the Caregivers Criminal History Screening Requirements, 7.1.9 NMAC.

[7.8.2.16 NMAC - Rp, 7.8.2.16 NMAC, 01/15/2010; A/E, 3/26/2020]