



Quay County Government

300 South Third Street, Tucumcari, NM 88401
Post Office Box 1246
Phone: (575)461-2112 Fax: (575) 461-6208

AGENDA REGULAR SESSION QUAY COUNTY BOARD OF COMMISSIONERS FEBRUARY 27, 2023

9:00 A.M. Call Meeting to Order

Pledge of Allegiance

Approval of Minutes-Regular Session February 13, 2022

Approval/Amendment of Agenda

Public Comment

Ongoing Business

New Business

- I. **Renee Hayoz, PMS Administrator**
 - Presentation of RPHCA Reports
- II. **Constance Williams, Office of U.S. Senator Ben Ray Luján (N.M.) LMSW SE Field Representative**
 - Presentation of 2023 Constituent Services
- III. **Scott Crotzer, Quay County/ Tucumcari Chamber of Commerce Director**
 - Presentation of Chamber Update
- IV. **Dr. Allen Moss, Mesalands Community College Interim President**
 - Presentation of Mesalands Update
- V. **Janie Huffman, Quay County Assessor**
 - Presentation of New Mexico Counties Board Report
- VI. **Lucas Bugg, Quay County Fire Marshal**
 - Request Approval of Transfer of 1999 Chevrolet 3500 Type 6 Brush Truck from Fire District #1 to District #2



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Quay County, NM Ellen White - County Clerk, County Cle



Pages: 42

VII. Cheryl Simpson, Quay County Finance Director

- Request Approval of **2022-2023 Quay County Resolution #27 Budget Adjustment to General Fund**
- Request Approval of **2022-2023 Quay County Resolution #28 Budget Increase to Fire Districts for Fire Protection Grant Awards**

VIII. Daniel Zamora, Quay County Manager

- Request Approval of **Resolution #29 in support of Senate Bill 7**
- Request Approval of **Resolution #30 Drug and Alcohol Policy for DOT Safety Sensitive Employees Subject to Federal Drug and Alcohol Testing**
- Request approval to **Join TeamCME for random drug and alcohol testing for 2023**
- Request Approval of **Albertson's Settlement Subdivision Participation Form**
- Request Approval of **CVS New Mexico Opioid Allocation Agreement**
- Request Approval of **CVS Settlement Subdivision Participation Form**
- Request Approval of **Kroger Settlement Subdivision Participation Form**
- Request Approval of **Walmart New Mexico Opioid Allocation Agreement**
- Request Approval of **Walmart Settlement Subdivision Participation Form**
- Presentation of **GRT Report**

IX. Indigent Claims Board Meeting

- Call Meeting to Order
- Request Approval of **Minutes for the January 30, 2023, Meeting**
- Request Approval of **Claims**

X. Request Approval of Accounts Payable

XI. Commissioner Comments

Adjourn

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

February 27, 2023

9:00 A.M.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 27th day February, 2023 at 9:00 a.m. in the Quay County Commission Chambers, Tucumcari, New Mexico, for the purpose of taking care of any business that may come before them.

PRESENT & PRESIDING:

Robert Lopez, Chairman
Jerri Rush, Member
Brian Fortner, Member
Ellen L. White, County Clerk
Daniel Zamora, County Manager

OTHERS PRESENT:

Cheryl Simpson, Quay County Finance Director
Janie Hoffman, Quay County Assessor
Lucas Bugg, Quay County Fire Marshal
Dennis Garcia, Quay County Sheriff
Dana Leonard, Quay County GIS
Samantha Salas, Administrative Assistant to County Manager
Richard Primrose, Quay County Consultant
Renee Hayoz, PMS Administrator
Constance Williams, Office of U.S. Senator Ben Ray Lujan
Scott Crotzer, Quay County/Tucumcari Chamber Director
Dr. Allen Moss, Mesalands Community College Interim President
Justin Knapp, Quay County Citizen
Joe Pat Szaloy, Quay County Citizen
Ron Warnick, Quay County Sun

Chairman Lopez called the meeting to order and led the Pledge of Allegiance.

A MOTION was made by Jerri Rush SECONDED by Brian Fortner to approve the February 13, 2023 regular session minutes. MOTION carried with Rush voting “aye”, Lopez voting “aye” and Fortner voting “aye”.

A MOTION was made by Brian Fortner, SECONDED by Jerri Rush to approve the Agenda as presented. MOTION carried with Rush voting “aye”, Lopez voting “aye” and Fortner voting “aye”.

Public Comments: Ellen White, Quay County Clerk, announced the meeting of Quay County Board of Registration, today, Monday, February 27th at 1:00 p.m. in the County Commission Room for the business of conducting the Purge.

NEW BUSINESS:

Renee Hayoz, Presbyterian Medical Services Director provided the monthly RPHCA Report of the Clinic for January, 2023. A copy is attached to these minutes.

Constance Williams, Field Representative for U.S. Senator, Ben Ray Lopez, provided a slide show of the 2023 constituent services available to citizens of Quay County from the office located in Portales.

Scott Crotzer, Quay County/Tucumcari Chamber of Commerce Director, presented an update of the events hosted and attended by the Chamber. A copy of his presentation is attached to these minutes.

Dr. Allen Moss, Interim President for Mesalands Community College provided an update on the College. Moss stated he was recently appointed by the Board of Trustees and wanted to introduce himself and provide the Commissioners some information regarding the status of the College. Moss detailed the financial instability of the College; the steps being taken to address the situation and the ongoing efforts to maintain their status in Quay County. The Commissioners thanked Moss for taking the position at such a difficult time and offered their support to the sustaining the status of the College.

Quay County Assessor, Janie Hoffman, provided an update of the NM Counties Board Meeting held on February 18, 2023. Hoffman provided a copy of the legislative items the NMC is tracking during the current Legislative Session.

Lucas Bugg, Quay County Fire Marshal, requested approval of a transfer of 1999 Chevrolet 3500 Type 6 Brush Truck from Fire District #1 to Fire District #2. A MOTION was made by Jerri Rush, SECONDED by Brian Fortner to approve the transfer of the truck. MOTION carried with Rush voting "aye", Fortner voting "aye" and Lopez voting "aye". A copy is attached.

Cheryl Simpson, Quay County Finance Director, requested approval of the following Budgetary Resolutions:

- FY22-23 Resolution No. 27; Authorization of budgetary adjustments to General Fund (401); Forestry Fund (416). Removing San Jon and House LEPF from Sheriff's budget; Updating and acquiring Professional Services for IT Department; Budgeting Bard/Endee contributions to purchase a used vehicle.

A MOTION was made by Brian Fortner, SECONDED by Jerri Rush to approve the Resolution as presented. MOTION carried with Fortner voting "aye", Rush voting "aye" and Lopez voting "aye". A copy is attached.

- FY22-23 Resolution No. 28; Authorization of budgetary Increase to Fire Departments receiving Fire Protection Grant Awards. Fire District I - \$300,000.00; Fire District II - \$230,000.00; Jordan Fire - \$300,000.00.

A MOTION was made by Brian Fortner, SECONDED by Jerri Rush to approve the Resolution as presented. MOTION carried with Fortner voting “aye”, Rush voting “aye” and Lopez voting “aye”. A copy is attached.

Quay County Manager, Daniel Zamora presented the following items for approval:

- FY22-23 Resolution No. 29; Supporting Senate Bill 7; Creating the Rural Health Care Delivery Fund.

A MOTION was made by Brian Fortner, SECONDED by Jerri Rush to approve the Resolution. MOTION carried with Rush voting “aye”, Fortner voting “aye” and Lopez voting “aye”. A copy is attached.

- FY22-23 Resolution No. 30; Adopting Drug and Alcohol Policy for DOT Safety Sensitive Employees to Federal Drug and Alcohol Testing.

A MOTION was made by Jerri Rush, SECONDED by Brian Fortner to approve Resolution No. 30. MOTION carried with Rush voting “aye”, Fortner voting “aye” and Lopez voting “aye”. A copy of the Resolution and Policy is attached.

- Requested approval to join TeamCME for random drug and alcohol testing. Zamora explained this is a computer driven program for selection of employees handled through Dr. Ross Hastie, who also conducts the screenings.

A MOTION was made by Jerri Rush, SECONDED by Brian Fortner to approve the TeamCME Agreement. MOTION carried with Rush voting “aye”, Fortner voting “aye” and Lopez voting “aye”. A copy of the Agreement is attached.

- Requested approval of the following Opioid Settlement Agreements and Participation Forms:
 - Albertsons Settlement Participation Form
 - CVS New Mexico Opioid Agreement
 - CVS Settlement Participation Form
 - Kroger Settlement Participation Form
 - Walmart New Mexico Opioid Agreement
 - Walmart Settlement Participation Form

A MOTION was made Brian Fortner, SECONDED by Jerri Rush to approve the above-described Agreements and Forms. MOTION carried with Fortner voting “aye”, Rush voting “aye” and Lopez voting “aye”. Copies of those Agreement may be reviewed in the office of the Quay County Clerk.

- The monthly Gross Receipts Tax Report was distributed for information.

Commissioner Lopez called the Indigent Claims Board to order. Time noted 10:15 a.m.

----INDIGENT CLAIMS----

Indigent Claims Board meeting was adjourned and the meeting returned to regular session. Time noted 10:20 a.m.


A MOTION was made by Jerri Rush, SECONDED by Brian Fortner to approve the expenditures included in the Accounts Payable Report ending February 22, 2023. MOTION carried with Rush voting "aye", Lopez voting "aye" and Fortner voting "aye".

Other Quay County Business That May Arise during the Commission Meeting and/or comments from the Commissioners: NONE

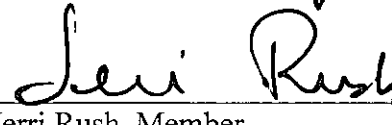
There being no further business, a MOTION was made by Jerri Rush SECONDED by Brian Fortner to adjourn. MOTION carried with Rush voting "aye", Fortner voting "aye" and Lopez voting "aye". Time noted 10:25 a.m.

Respectfully submitted by Ellen White, County Clerk.

BOARD OF QUAY COUNTY COMMISSIONERS



Robert Lopez, Chairman



Jerri Rush, Member

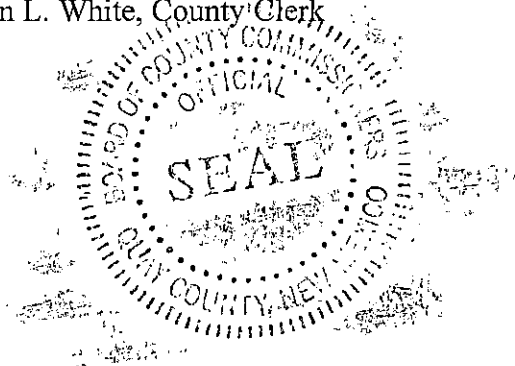


Brian Fortner, Member

ATTEST:



Ellen L. White, County Clerk



Clinic/Program Name: Quay County Family Health Center
Month Reported: January 2023

Monthly RPHCA Narrative Report

Please provide brief but detailed information for the following questions. Answer all questions or mark N/A. Remember: This document is used by the State to monitor your performance under the terms of our contract.

1. **Please describe any changes in the types of services provided during the month reported. Describe any discussions about adding new services. *Please comment on any changes to the following areas of service:*** No changes have been made in the changes we are providing.
2. **Please describe any difficulties encountered in providing services during the month reported. What were the causes of the difficulties?** CME, PTO and Holidays. Began piloted shared provider schedule.
3. **Were there any changes in the encounters (+ or - 10%) from the previous month reported? Please explain any causes for the changes.** Encounters for the month of January were 388 which is short of our budgeted goal of 438. 1 provider met their goals, 1 was 9 short and the last provider is new and is ramping up her patient base. She was 54 short of meeting her goal.
4. **Please describe any changes in the staffing pattern (regardless of the position or the change in FTE). *Note: Please keep this information CURRENT. List only current vacancies or changes in FTE. For example, if you made a change in FTE that was previously reported, there is no need to keep reiterating it.***
No changes.
5. **Please describe recruitment efforts for any positions. Which positions? What actions have been taken? *Note: This information should be for current vacancies, or for upcoming vacancies that you are aware of. If a position remains open, you should continue to report what is being done in recruitment until the position is filled.***
We currently do not have any vacancies.
6. **Were there any changes to the hours? Explain.** No changes were made to schedule. Hours continue to be Monday -Friday from 7:00 AM to 5:30 PM.
7. **What efforts did you make to collaborate with local and statewide entities? *(Examples: discussions with other agencies, formal & informal agreements, contact with DOH, Local partners. Community Stakeholders, etc.) Please describe any issues or problems you may have encountered with collaboration efforts.***

We continue to provide medical services to the inmates at the Quay Co Detention Center. Administrator is also on the Executive Board with the Quay Co Health Cl.

8. **Please describe any methods for increasing clinic utilization that your program and staff are engaging in.** We are providing COVID testing Monday – Friday and COVID Vaccinations every other Wednesdays from 7-9 AM. COVID Home Test Kits are being given to patients upon checkout.
9. **Please describe the outreach activities your program and staff provided to the community during the month reported.** Health Council attendance by Admin and SBIRT.
10. **Have you received any new funding? Are you aware of any new funding opportunities? Please describe any new initiatives or projects that have been implemented.** No new funding has been received other then RPHCA funds.
11. **Please note the date of the last advisory board meeting AND THE AGENDA ITEMS DISCUSSED. *Note: You do not need to send a copy of your meeting minutes, but you do need to give a brief recap of what was discussed at the last meeting. This information should stay the same until your next meeting occurs.* Were there any changes of board members? What is the date of the next meeting?**

November 9, 2022

Introduction/Welcome

- Introduction of all members
- Community Feedback

2022 Goals

- Continued development of BH services with Real Presence for Rio Rancho patients. SBIRT has a small case of 2 patients for therapy.
- Discussion of expanding Dental Services in Tucumcari
- Board Member Engagement

Clinic Update

- Staffing
- Bivalent Booster Vaccine Numbers
- Monthly Encounters
- Shared Provider Expansion Plan to have Provider from QCFHC to be utilized at Esperanza and Mountainair FHC
- Michelle Dean now trained in trigger injection and knee injections
- Flu Vaccination Numbers
- QCDC Update
- 2023 Budget

Home Visiting

- Staffing, new employee – Tammy Lucero
- Vacancy hiring for P/T
- Enrollment Numbers
- Request for Altrusa on Thanksgiving baskets for clients
- ECECD Onsite Inspection of QCHV

**RPHCA Program
Monthly Level of Operations Form**

revised 7/7/15

Organization Name: Presbyterian Medical Services		Contract #	23169
Reporting Site: Quay County Family Health Center		Report Month/Year:	01/01/23
Action Plan Item		Actual Monthly Level	
Level of Operations	Total Number of Primary Care Encounters		
	By Provider Type:		
	Physician Encounters		388
	Midlevel Practitioner Encounters		
	Dentist Encounters		
	Dental Hygienist Encounters		
	Behavioral Health Encounters		29
	All Other Licensed/Certified Provider Encounters		
	By Payment Source:		
	Sliding Fee Encounters - Medical/Behavioral Health		26
	Sliding Fee Encounters - Dental		
	Medicaid Encounters - Medical/Behavioral Health		109
	Medicaid Encounters - Dental		
	County Indigent Encounters		
	Other 3 rd Party Encounters		125
Medicare Encounters		125	
100% Self Pay (non-discounted/non-3 rd party) Encounters		3	
Unduplicated Number of Users	Total # of unduplicated users		110
	At or Below Poverty		52
	Between Poverty and 200% of Poverty		43
	Above 200% of Poverty		15
Staffing Level	Administrative Staff	3.2	
		Clinical FTEs	Admin FTEs
	Physicians		
	Certified Nurse Practitioners	3	
	Physician Assistants		
	Certified Nurse Midwives		
	Dentists		
	Dental Hygienists		
	Behavioral Health Professionals	1	
	Community Health Workers		
	Clinical Support Staff		3
All Other Staff		0.5	
Prior Month's Primary Care Financial Information	Please enter the month being reported: June		
	Total Primary Care Revenues - all sources		94,530
	Sliding Fee Revenues - Medical		3,664
	Sliding Fee Revenues - Dental		0
	Medicaid Revenues - Medical		37,251
	Medicaid Revenues - Dental		0
	County Indigent Fund Revenues		0
	Other 3 rd Party Revenues		18,014
	Medicare Revenues		3,077
	100% Self Pay (non-discounted/non-3 rd party) Patient Revenues		193
	Contracts/Grants Revenues (including RPHCA)		32,331
	Total Primary Care Expenditures		114,167
	Total Primary Care Charges		103,816
Sliding Fee Discounts - Medical		8,877	
Sliding Fee Discounts - Dental		0	
Prepared by: C Renee Hayoz		2/6/2023	

February 2023

Update Tucumcari/Quay County Chamber of Commerce 2022-2023

INTRODUCTION: The Chamber of Commerce is a pillar of the community since 1910. In my short time as director, we have reimagined ourselves into a thriving tourist visitor center. While funding is a constant challenge for us, the board is committed to moving forward with a strong agenda to reaffirm the importance of the organization to the community and the business membership. Rebuilding has been slow but within a year and a half we have increased visitation to the visitor center. Catching guests and catapulting them into the business community to experience what Tucumcari has to offer instead of slowly driving thru and taking pictures. There is a lot of work to do but the chamber plans to merge stronger with all the updates completed including a new website, membership packages, board updates and event schedule.

Visitation Numbers for 2023: A dramatic increase due to remodel and rebranding to visitor center. We plan to continue to tweak our services to catch more and more visitors.

2018-	61	Families registered
2019-	62	Families registered
2020-	11	Families registered
2021-	159	Families registered
2022-	837	Families registered
2023	70	

Chamber of Commerce Serves Community: Chamber of Commerce is an information center for the community interested in help with pretty much everything. We now have a community board with local business flyers including job opportunities. We are redeveloping a moving package to distribute to guests looking for relocation or a new place to live. We supply free phone books and information to the public including health and wellness services.

Members- Business Membership have been consistent. Memberships have now reached over 140 and we hope to gain more strength as we revisit membership benefits and fees.

Events, Conferences, and Committees 2022-2023

4th of July Fireworks	Partnership with City, County and Elks Lodge
Tucumscary/Halloween	Partnership with NMSU Arch Hurley Ag Science
Center Free Pumpkins to area Children and Pumpkin Crawl/Trick or Treat @ Tucumcari Historical Museum	
Very Merry Tucumcari and La Ristra Fundraiser	Host Glow on 66 Light Parade, Holiday Home Tour,
Branding Committee	Committee member for the City of Tucumcari
Princess Theater Committee	Committee Member
Cemetery Committee	Board Member

Rotary	Member
EDC	Ex-Official Member
American Bus Tour Conference	Didn't attend due to funding.
Travel Alliance Partnership	Hope to attend this year
Quay County Fair Booth	2 nd Place winner
New Mexico State Fair Booth	4 th Place Winner
Quay Days	New Tucumcari Gift Bags for Legislatures Presented
on Round House Floor and broadcast on new stations.	
Ribbon cuttings	Including New San Jon fire station.
Maintain Community Event Calendar	KTNW Portales/Website
Visit Albuquerque	Official Partner/Allows Distribution of our Visitor
Guides in Old Town	

Volunteer Hours accumulated range in duties from helping stuff promotional bags to greeting guests in the visitor center. 300 Volunteer hours were documented for 2022.

Fundraising Activities Chamber board approved several fundraising activities to help sustain the operations of the chamber of commerce. The Holiday Home Tour will be an annual holiday fund raiser along with sale of our holiday la rustras. We added a more extensive retail section increasing retail sales from 0 to \$2,279.97 in 2022-2223. The mural map is now a city project so the board decided to go in a different direction with an Attractions Map. If we plan any events as event coordinator with the city, we plan to setup a booth to sell beverages for the event as a means of fundraising.

Future Activities of the Chamber

- Free Attractions Placemat for participating restaurants
- Election of Board
- Update Membership Levels and Pricing
- Update Website
- Reinstate fundraisers like banquets.
- Grant Writing Funding for Chamber Activities
- Mural Restoration
- Hospitality and Tourism Workshop
- National Registry of Historic Buildings Applications and Designations
- Community Mowing
- Pinata Festival
- Route 66 Centennial
- Postcard Tour of Route 66-Fundraiser for Chamber
- Photo Archiving Project/Pride in Tucumcari Project with Facebook Tucumcari Then and

Now creators

We appreciate your valuable time and support.

Scott Crotzer
Executive Director
Tucumcari/Quay County Chamber of Commerce



QUAY COUNTY FIRE MARSHAL'S OFFICE
300 S. THIRD STREET
P.O. BOX 1246
TUCUMCARI, NEW MEXICO 88401

February 22, 2023

Quay County Board of Commissioners
300 South Third Street
Tucumcari, NM 88401

Commissioners,

Today on behalf of Conservancy Fire District #1 Fire, I am requesting the transfer of an apparatus from Conservancy Fire District #1 to Conservancy Fire District #2.

Conservancy Fire District #1 Unit #167 is a 1999 Chevrolet 3500 Type 6 brush truck. This Unit #167 is in decent condition and serves as a 4th out brush truck. Rather than dispose of it in an auction the department would like to see it go to a department that can use it. The members of the department recently voted to transfer Unit #167 upon approval by the Quay County Commission to District #2. District 2 currently has a similar unit that has motor issues. Conservancy Fire District #1 is willing to transfer unit #167 so it can replace the inoperable unit for Conservancy Fire District #2.

As Chief of the Conservancy Fire District #1 and its members, I ask that you grant this transfer of apparatus to the Conservancy Fire District #2.

Respectfully,

Lucas Bugg

Quay County Fire Marshal
300 S. Third St.
P.O. Box 1246
Tucumcari, Nm 88401
O. 575-461-3645
C. 575-403-6479

**QUAY COUNTY
FISCAL YEAR 2022-2023
RESOLUTION No. 27**

Authorization of Budgetary Adjustments to **General Fund (401); Forestry Fund (416)**

WHEREAS, at meeting of the Board of Quay County Commissioners on February 27, 2023 the following was among the proceedings;

WHEREAS, the Board of Quay County Commissioners deems it necessary to request this Budgetary Adjustment;

**Budgetary Adjustment
State Fund 11000**

	<u>DEBIT</u>	<u>CREDIT</u>
Sheriff Department		
11000-0001-44200 Sheriff Fees	\$90,000.00	
11000-0005-56999 Supplies – Other		\$90,000.00
Computer/IT Department		
11000-2011-55030 Contract – Professional Services	\$21,000.00	
11000-2011-57160 Telecommunications	\$20,000.00	

**State Fund 29900
Budgetary Increase**

29900-0000-46010 Contributions/Donations		\$9,058.00
416-00-34210 Bard-Endee Contribution		
29900-2002-58080 Vehicles	\$9,058.00	
416-12-48413 Bard-Endee Vehicles		

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **Removing San Jon and House LEPP from Sheriff's budget; Updating and acquiring Professional Services and maintenance services to upgrade IT safeguards; Budgeting Bard Endee FD contribution to purchase a used vehicle**

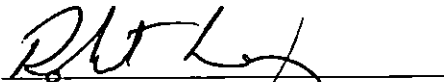
NOW THEREFORE, BE IT RESOLVED that after approval of the Local Government Division of the Department of Finance and Administration, the above Budgetary Adjustments be made.


DONE at Tucumcari, County of Quay, New Mexico this 27th day of February, 2023.



ATTEST


Ellen White, County Clerk


Robert Lopez, Commissioner


Jerri Rush, Commissioner


Brian Fortner, Commissioner

**QUAY COUNTY
FISCAL YEAR 2022-2023
RESOLUTION No. 28**

Authorization of Budgetary Increase to **Fire Departments – Fire District I (407), Rural II (408), and Jordan (412)**

WHEREAS, at meeting of the Board of Quay County Commissioners on February 27, 2023 the following was among the proceedings;

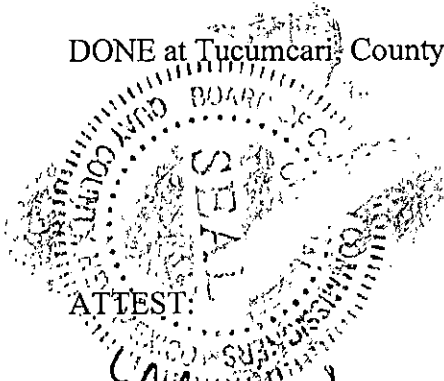
WHEREAS, the Board of Quay County Commissioners deems it necessary to request this Budgetary Increase;

	State Fund 20900 Budgetary Increase	<u>DEBIT</u>	<u>CREDIT</u>
20900-0001-47499 Fire Protection Grant			\$830,000.00
407-00-37100	\$300,000.00		
408-00-37100	\$230,000.00		
412-00-37100	\$300,000.00		
20900-3002-58080 Vehicles		\$892,500.00	
407-12-48100	\$300,000.00		
408-12-48100	\$292,500.00		
412-12-48100	\$300,000.00		

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **Fire Protection Grant Awards**


NOW THEREFORE, BE IT RESOLVED that after approval of the Local Government Division of the Department of Finance and Administration, the above Budgetary Adjustments be made.

DONE at Tucumcari, County of Quay, New Mexico this 27th day of February, 2023.



ATTEST:


Ellen White, County Clerk


Robert Lopez, Commissioner


Jerri Rush, Commissioner


Brian Fortner, Commissioner

QUAY COUNTY
FISCAL YEAR 2022-2023
RESOLUTION NO. 29

A RESOLUTION IN SUPPORT OF SENATE BILL 7 56TH LEGISLATURE – FIRST SESSION, 2023 RELATING TO RURAL HEALTH CARE PROVIDERS; CREATING THE RURAL HEALTH CARE DELIVERY FUND TO PROVIDE GRANTS TO DEFRAY OPERATING LOSSES OF RURAL HEALTH CARE PROVIDERS AND FACILITIES THAT PROVIDE NEW OR EXPANDED HEALTH CARE SERVICES; MAKING AN APPROPRIATION

WHEREAS; Curry County, De Baca County, Quay County, Roosevelt County, Union County, the City of Clovis, the Village of Fort Sumner and the City of Portales (hereinafter the “Consortium”) have come together in support of the construction of a behavioral health facility in Clovis, New Mexico, to address the behavioral health needs for the Consortium; and

WHEREAS; Senate Bill Number 7, introduced by Senator Elizabeth “Liz” Stefanics, proposes the creation of a Rural Health Care Delivery Fund in the amount of \$200,000,000 by the State of New Mexico to support rural health care providers or rural health care facilities licensed by the department of health and located in counties with populations of less than 100,000 for purposes defined in Senate Bill 7, and attached as “Exhibit A”; and


WHEREAS; due to the challenges rural communities face in providing adequate health care, the Consortium supports state funding support for rural health care provider and rural health care facilities in providing adequate health care in rural communities as defined in Senate Bill 7.


NOW, THEREFORE, BE IT RESOLVED by the County of Quay that it supports Senate Bill 7, as originally introduced, creating a State of New Mexico Rural Health Care Delivery Fund in the amount of \$200,000,000 supporting rural health care providers or rural health care facilities, including behavioral health providers, in rural communities.

ATTEST:


Ellen White, County Clerk


Robert Lopez, Commissioner


Jerri Rush, Commissioner


Brian Fortner, Commissioner

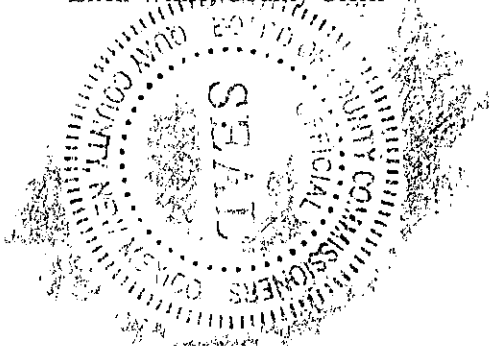


EXHIBIT "A"

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SENATE BILL 7

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Elizabeth "Liz" Stefanics and Gail Armstrong and
Marian Matthews

AN ACT

RELATING TO RURAL HEALTH CARE PROVIDERS; CREATING THE RURAL
HEALTH CARE DELIVERY FUND TO PROVIDE GRANTS TO DEFRAY OPERATING
LOSSES OF RURAL HEALTH CARE PROVIDERS AND FACILITIES THAT
PROVIDE NEW OR EXPANDED HEALTH CARE SERVICES; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] RURAL HEALTH CARE DELIVERY
FUND.--

A. The "rural health care delivery fund" is created
as a nonreverting fund in the state treasury. The fund
consists of appropriations, gifts, grants, donations, income
from investment of the fund and any other revenue credited to
the fund. The department shall administer the fund, and money
in the fund is appropriated to the department to carry out the

.223357.3GLG

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material]~~ = delete

1 provisions of this section. Expenditures shall be by warrant
2 of the secretary of finance and administration pursuant to
3 vouchers signed by the secretary of human services or the
4 secretary's authorized representative.

5 B. A rural health care provider or rural health
6 care facility may apply to the department for a grant to defray
7 operating losses incurred in providing inpatient, outpatient,
8 primary, specialty or behavioral health services to New Mexico
9 residents. The department may award a grant from the rural
10 health care delivery fund to a newly constructed rural health
11 care facility or rural health care facility that is providing a
12 new health care service as approved by the department that
13 covers operating losses for the new or expanded health care
14 service, subject to the following conditions and limitations:

15 (1) the rural health care provider or rural
16 health care facility meets state licensing requirements to
17 provide health care services;

18 (2) grants are for one year and for no more
19 than the first five years of operation as a newly constructed
20 rural health care facility or the operation of a new or
21 expanded health care service;

22 (3) grants are limited to covering operating
23 losses for which recognized revenue is not sufficient;

24 (4) the rural health care provider or rural
25 health care facility provides adequate cost data, as defined by

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underscored material = new
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1 rule of the department, based on financial and statistical
2 records that can be verified by qualified auditors and which
3 data are based on an approved method of cost finding and the
4 accrual basis of accounting; and

5 (5) in the case of a rural health care
6 provider, the provider commits to a period of operation
7 equivalent to the number of years grants are awarded.

8 C. As used in this section:

9 (1) "allowable costs" means necessary and
10 proper costs defined by rule of the department based on
11 medicare reimbursement principles, but "allowable costs" does
12 not include fund transfers to parent corporations;

13 (2) "department" means the human services
14 department;

15 (3) "health care services" means services for
16 the diagnosis, prevention, treatment, cure or relief of a
17 physical, behavioral or mental health condition, substance use
18 disorder, illness, injury or disease;

19 (4) "newly constructed" means a rural health
20 care facility constructed after June 30, 2023;

21 (5) "operating losses" means the projected
22 difference between recognized revenue and allowable costs for a
23 grant request period;

24 (6) "recognized revenue" means operating
25 revenue, including revenue directly related to the rendering of

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1 patient care services and revenue from nonpatient care services
2 to patients and persons other than patients; the value of
3 donated commodities; supplemental payments; distributions from
4 the safety net care pool fund; and distributions of federal
5 funds;

6 (7) "rural health care facility" means a
7 health care facility licensed by the department of health that
8 provides inpatient or outpatient physical or behavioral health
9 services and is located in a county that has a population of
10 one hundred thousand or fewer according to the most recent
11 federal decennial census; and

12 (8) "rural health care provider" means an
13 individual health professional or a health facility
14 organization licensed by the department to provide health care
15 diagnosis and treatment of physical or behavioral health and is
16 located in a county that has a population of one hundred
17 thousand or fewer according to the most recent federal
18 decennial census.

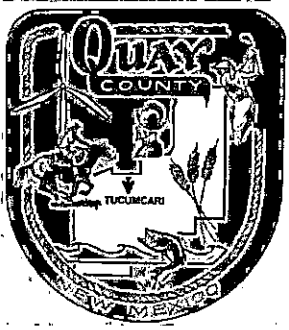
19 SECTION 2. APPROPRIATION.--Two hundred million dollars
20 (\$200,000,000) is appropriated from the general fund to the
21 rural health care delivery fund for expenditure in fiscal year
22 2024 and subsequent fiscal years to carry out the purposes of
23 the fund. The human services department may use up to three
24 hundred fifty thousand dollars (\$350,000) each year from the
25 fund to administer the fund. Any unexpended or unencumbered
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underscored material = new
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1 balance remaining at the end of a fiscal year shall not revert
2 to the general fund.

- 5 -

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QUAY COUNTY GOVERNMENT

FISCAL YEAR 2022-2023

RESOLUTION NO. 30

A RESOLUTION ADOPTING AN
Drug and Alcohol Policy
For
DOT Safety Sensitive Employees Subject to Federal Drug and Alcohol Testing
US DOT 49 CFR Part 40
And
US DOT Federal Motor Carrier Safety Administration (FMCSA) Part 382

WHEREAS, Quay County is a governmental entity that receives federal funding.

WHEREAS, Quay County is committed to providing a safe and satisfying place to work; and

WHEREAS, the County has developed a Policy which establishes drug and alcohol testing guidelines and procedures to meet federal requirements.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Drug and Alcohol Policy shall be adopted and adhered to by Quay County DOT Safety Sensitive employees Subject to Federal Drug and Alcohol Testing.

PASSED, APPROVED AND ADOPTED by governing body at its meeting of February 27, 2023.

QUAY COUNTY COMMISSION


Robert Lopez, Chairman


Jerri Rush, Member


Brian Fortner, Member



ATTEST:


Ellen White, Quay County Clerk

Drug and Alcohol Policy
for DOT Safety Sensitive Employees subject to Federal drug and alcohol testing
US DOT 49 CFR Part 40
and
US DOT Federal Motor Carrier Safety Administration (FMCSA) Part 382

Adopted by the Quay County Board of County Commissioners on February 27th, 2023

I. COUNTY PHILOSOPHY

The County believes that it has an obligation and right to have alert, drug/alcohol free employees on the job, and must provide a safe work environment. This means that during working hours, all employees are expected to be free from any substance, whether legal or illegal, that can negatively affect job performance or risk the health and safety of employees or the public.

The purpose of this testing policy is to protect the physical and psychological well-being of all the employees at the County's facilities and job sites and protect the safety of the public as well as comply with federal regulations. Use of intoxicants and drugs that alter the ability to function on the job in an effective and safe manner will not be tolerated. The use of or condition of being under the influence of drugs/alcohol while at work can affect the morale of other employees as well as increase accidents, theft, and absenteeism. This testing policy is a critical step in establishing and maintaining an efficient and safe work force and will be applied in conjunction with all established County policies, procedures and programs.

The County will vigorously pursue the enforcement of this policy, and will make efforts to protect the privacy of its employees. It is the intent of this policy to encourage and support employee recovery from substance abuse through the County Employee Assistance Program, (EAP), unless the EAP proves ineffective for that employee.

The Quay County Human Resources Director is the Designated Employer Representative (DER). For questions about drug testing, contact the Human Resources Department.

II. SCOPE

This policy applies to employees who are required to maintain a Commercial Driver's License (CDL) to perform their duties as an employee of Quay County. Department impacted: Road Department. Covered positions include, but are not limited to: Road Superintendent, Road Foreman, Mechanic, Blade Operator, Dozer Operator, Truck Driver. A master list of jobs impacted is maintained in the Human Resources Department.

III. DEFINITIONS

Accident (as defined by FMCSA §390.5)

Except as provided in this definition, an occurrence involving a *commercial motor vehicle*

operating on a highway in interstate or intrastate commerce which results in:

- A fatality;
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

- I. An occurrence involving only boarding and alighting from a stationary motor vehicle; or
- II. An occurrence involving only the loading or unloading of cargo.

Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration

The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Commercial motor vehicle

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation alcohol test

A subsequent test using an Evidential Breath Test (EBT), following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

Confirmation drug test

A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/ mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine).

Controlled substance

Controlled substance means the category of drugs as listed in 49 CFR Part 40 including:

- Marijuana
- Cocaine
- Opiates
 - o (Codeine and Morphine)
 - o 6-acetylmorphine (6-AM)
- **When specimen confirms w/morphine at 2000 ng/mL or greater**
- Phencyclidine (PCP)
- Amphetamines
 - Methamphetamines

Covered employee

Any employee that is subjected to alcohol and drug testing requirements of 49 CFR 382 or this policy.

Covered position

Covered position is one that is subject to the alcohol and drug testing requirements of 49 CFR 382 or this policy.

Designated Employer Representative (DER)

The person(s) designated by Quay County to receive confidential test results.

Dilute Specimen

A urine sample with a low Specific Gravity and a low Creatinine level.

Driver

Any person who operates a commercial motor vehicle. This includes, but is not limited to, full time, regularly employed drivers; casual, intermittent or occasional drivers. For the purpose of pre-employment/pre-duty testing only, the term includes a person applying to an Employer to drive a commercial motor vehicle.

Invalid Test

A urine sample with which the laboratory has been unable to obtain a valid test result.

Medical Review Officer (MRO)

A licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an Employer's drug testing program who has knowledge of substance abuse disorders, possesses a certificate of completion or certification from an approved MRO program and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

On-Duty time

- All time at a carrier or shipper plant, terminal, facility or other property or on any public property, waiting to be dispatched (as defined by Quay County), unless the driver has been relieved from duty by Quay County;

- All time inspecting equipment or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time;
- All driving time, i.e., time spent at the driving controls of a commercial motor vehicle at any time;
- All time, other than driving time, in or upon any commercial motor vehicle;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded, or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- All time spent performing the requirements relating to accidents; or
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Performing a Safety-Sensitive Function

A driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform a safety-sensitive function.

Positive Drug Test

A drug test that is confirmed by G.C./M.S. technology at or above the cut-off levels established by the Department of Health and Human Services (DHHS). These cut-off levels may change from time to time depending upon DHHS rules. The County will always test at the currently-required DHHS levels. The County will attempt to notify covered employees if these levels change. Currently, the cut-off levels are (expressed in nanograms per milliliters (ng/mL):

	<u>Screening</u>	<u>Confirmation</u>
• Marijuana	50	15
• Cocaine	300	150
• Opiates	2000	2000
○ (Codeine and Morphine)		2000
○ 6-acetylmorphine (6-AM)		10
• When specimen confirms w/morphine at 2000 ng/mL or greater		
• Phencyclidine (PCP)	25	25
• Amphetamines	1000	500
• Methamphetamines	1000	500

Prohibited Conduct

- No employee shall report to work or engage in work while having alcohol, illegal drugs, or any other disabling or controlled substance in their system;

- Reporting to work or engaging in work with a breath alcohol level of 0.02 Breath Alcohol Concentration (BrAC) or greater;
- The possession, sale, storage, transporting (without manifest) or use of alcohol while on-duty and/or on County property;
- No employee shall perform safety sensitive duties within four (4) hours after using alcohol;
- No employee involved in an accident and required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever comes first;
- Refusing to submit to any testing required under this policy or required by 49 CFR Part 382;
- No employee shall report for duty or remain on duty requiring the performance of safety sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

Refusal to Test (refusal to provide an acceptable alcohol or controlled substance test)

- Failing to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirements for breath testing in accordance with the requirements of 49 CFR 382 or this policy.
- Failing to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the requirements of 49 CFR 382 or this policy.
- Failure to cooperate with the process in a manner that obstructs the collection of the specimen.

Safety-sensitive function

Any of those duties set forth in DOT Regulations: 49 CFR Part 382 (See also "on duty time").

Screening alcohol test

An analytical procedure, to determine whether an employee may have a prohibited concentration of alcohol in a breath sample.

Screening drug test

An immunoassay screen, to eliminate "negative" urine specimens from further analysis.

Substance abuse professional (SAP)

A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified

psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) who possesses a certificate of completion or certification from an approved SAP program with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Validity testing

Laboratory testing of urine samples for the presence of substances not normally found in human urine or naturally occurring substances at levels not consistent with human urine. Validity testing shall be conducted in accordance with the most recently published DOT guidelines.

Waiting to be dispatched

All other time not specified as on-duty time.

IV. PROHIBITIONS

- Alcohol concentration: No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- Alcohol possession: No covered employee shall perform a safety-sensitive function while the employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
- On-duty use: No covered employee shall use alcohol or a controlled substance while performing safety-sensitive functions.
- Pre-duty use: No covered employee shall perform any safety-sensitive function within four (4) hours after ingesting alcohol.
- Use following an accident: No covered employee involved in an accident and required to provide a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident test, whichever occurs first.
- Refusal to submit to required alcohol or controlled substance test: No covered employee shall refuse to submit to a post-accident alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, or return to duty alcohol or controlled substance test, or the follow-up alcohol or controlled substance test as required under 49 CFR 382 or this County's policy and procedures.
- Controlled substance use: No covered employee shall report to duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle. If the safety sensitive employee is taking a controlled substance listed on the DOT prohibited medication listing, the employee is required to submit a signed statement from the prescribing physician stating that the employee may perform safety sensitive functions while taking a prohibited medication. The prescribing physician shall not name the prescribed medication in their report to Quay County.

- **Controlled substance test:** No covered employee shall report to duty, remain on duty or perform any safety sensitive functions if the employee tests positive for controlled substance.

V. REQUIRED TESTS

Pre-employment

All applicants for employment in a covered position, or promotion into a covered position, will be informed that their employment into a covered position is contingent upon passing a test for controlled substances. Successfully passing the test requires a negative controlled substance as verified by the Medical Review Officer.

Refusal to test by any finalist for a covered position will result in the individual not being hired into that position.

Quay County will pay the costs associated with pre-employment testing. Quay County will not pay the candidate's time for a pre-employment test.

Post-accident

Quay County conducts post-accident drug testing in accordance with FMCSA §382.303. A covered employee involved in an accident which involves a commercial motor vehicle shall be tested for alcohol and controlled substance as soon as practicable when the accident criteria meets the following DOT requirements:

- Covered employee was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life or;
- Covered employee receives a citation under State or local law for a moving traffic violation arising for the accident AND
- The commercial vehicle was disabled (such that it cannot be driven in daylight hours), OR anyone involved in the accident was immediately transported from the scene for emergency medical care.

If the *alcohol test* is not administered within two (2) hours of the accident Quay County shall follow the requirements of 49 CFR 382. Quay County shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, Quay County shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

If the *controlled substance test* is not administered within thirty-two (32) hours or the alcohol test within eight (8) hours of the accident, Quay County shall cease attempts to administer the test and follow the requirements of 49 CFR 382. Quay County shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

It is the responsibility of any covered employee who is subject to a post-accident testing to remain readily available for such testing. If the covered employee is not readily available, he/she may be deemed by Quay County to have refused to submit to testing. This provision shall not be construed to require the delay of necessary medical attention for injured people, to prohibit the employee from leaving the scene of an accident to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The results of a post-accident breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test(s), shall be considered to meet the requirements of this policy and procedures, and that the results of such test can be obtained by Quay County in a timely manner.

The supervisor or designee must accompany the employee to the drug testing facility.

Random

Quay County conducts random drug testing on DOT safety sensitive positions, in accordance with FMCSA §382.305. The minimum annual percentage rates for these tests are set, and can be modified, by the Federal Motor Carrier Safety Administration.

The selection of covered employees for random alcohol and/or controlled substance testing shall be made by a scientifically valid method, such as a random table of a computer-based random number generator that is matched with employees' identification numbers. The random selection and testing dates shall be unannounced and spread reasonably throughout the year with each employee having an equal chance of being tested each time the random selections are made. Each covered employee randomly selected for testing shall immediately, upon notification, report to the testing site.

The number of covered employees selected will be in excess of the actual number required to enable the testing pool to reach the appropriate annualized rate despite absence due to sick-leave, vacations or other valid absences.

The supervisor or designee must accompany the employee to the drug testing facility. Quay County will pay testing costs including paid time for random testing.

Reasonable suspicion

A covered employee must submit to testing for alcohol and/or controlled substance if his or her supervisor or other employer representative meeting the training requirements of FMCSA §382.307 has reasonable suspicion to believe that the employee has violated the driver prohibitions of this policy. The determination that reasonable suspicion exists to require the employee to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulable observation concerning the appearance, behavior, speech or body odors of the covered employee. Additionally, findings may also include indications of the chronic and withdrawal effects of controlled substances.

If an *alcohol test* is required under this section the time constraints and documentation if they are not met are the same as those for a post-accident alcohol, within two (2) hours. The supervisor shall prepare a report indicating the reason for the delay. Alcohol testing must be accomplished within eight (8) hours of the request; after eight (8) hours all attempts shall cease to obtain an alcohol test.

If a *controlled substance* test is required under this section. The time constraints and documentation are the same as those for a post-accident alcohol, within two (2) hours. The supervisor shall prepare a report indicating the reason for the delay. Controlled substances testing should be accomplished within thirty-two (32) hours of the request; after thirty-two (32) hours all attempts shall cease to obtain a controlled substances test.

A written record shall be made of the observations leading to an alcohol and/or controlled substance reasonable suspicion test, and signed by the department supervisor or other employer representative that made the observation, within 24 hours of the observed behavior or before the results of the controlled substance test are released, whichever is earlier.

The supervisor or designee must accompany the employee to the drug testing facility.

Return-to-duty

Before a covered employee returns to performing a safety sensitive function after engaging in prohibited conduct, the covered employee shall undergo a return to duty controlled substance and/or alcohol test. All return-to-duty controlled substance testing must be direct observed per 49 CFR part 40. The return-to-duty test result for controlled substance must indicate a verified negative result for use. The return-to-duty test result for alcohol must indicate an alcohol concentration of less than 0.02.

The supervisor or designee must accompany the employee to the drug testing facility.

Follow-up

All drivers who have engaged in prohibited conduct and are eligible to return to duty, shall be subject to unannounced follow-up alcohol and/or controlled substance testing for up to sixty (60) months. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and shall consist of at least six (6) tests in the first 12 months following the employee's return to duty. The substance abuse professional may terminate the requirements for follow-up testing at any time after the first six (6) tests have been administered, if the substance abuse professional determines that such testing is no longer necessary. All follow up controlled substance testing must be direct observed per 49 CFR part 40. Follow up testing will be conducted at the employee's expense.

VI. HANDLING TEST RESULTS AND CONFIDENTIALITY OF RESULTS

All reports and documentation generated under the requirements of 49 CFR Part 382 and this

policy will be maintained in accordance with the requirements of 49 CFR Part 382.

Confidentiality and access to records Quay County Drug and Alcohol Policy for DOT Safety Sensitive Employees subject to Federal drug and alcohol testing US DOT 49 CFR Part 40 and US DOT Federal Motor Carrier Safety Administration (FMCSA) Part 382.

A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substance. Except as required or allowed by law or expressly authorized, records may be released to another identified party only with the specific, written consent of the covered employee authorizing release of the information to the party. The release request must specifically identify the individual to whom the information may be released and must specify the terms of the employee's consent for use of this information.

Except as required or allowed by law or expressly authorized or required in this section, Quay County shall not release to a third party information contained in records required to be maintained under 49 CFR 382.

Quay County is required to obtain, pursuant to an employee's signed consent, information regarding the drug and alcohol testing of the applicant including any refusals to be tested, during the preceding two (2) years of the date of application for employment. Departments are required to make reasonable effort to collect the information post-job offer, prior to the contingent employee's first day on the job. Departments should document the attempts made to collect this information.

The Department must ensure completion of the "CDL Holder Pre-Employment Form" for past two years where the contingent employee was required to hold a Commercial Driver's License (CDL). If during past two years, the contingent employee used their CDL as an independent operator (self-employed, farmer, firefighter or in the military), the following form is needed: "CDL/Independent Operator Pre-Employment Form."

This process check also applies to employees transferring from a non DOT safety sensitive position into a covered position.

VII. REQUIREMENT TO SUBMIT TO ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Any covered employee subject to testing under the requirements of 49 CFR 382 or this policy and procedures must submit to being tested for alcohol and/or controlled substances *immediately, or as soon as possible*, upon notification to do so by his or her supervisor or other designated Employer representative. Failure to immediately report for a test will, in most cases, result in the driver being deemed as refusing to submit which carries the same consequences as a positive controlled substances test or an alcohol test with a concentration of 0.04 or greater. In most cases, refusals to be tested will result in immediate termination.

VIII. EMPLOYEE VOLUNTARY ADMISSION OF ALCOHOL OR CONTROLLED SUBSTANCES USE

Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation or treatment requirements of CFR Part 40 rules, provided that:

- The employee does not self-identify in order to avoid testing under CFR Part 40 rules;
- The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- The employee does not perform a safety sensitive function until Quay County is satisfied that the employee has been evaluated and has successfully demonstrated compliance with any education or treatment requirements in accordance with the recommended treatment plan as established by the evaluator.

Quay County will take no adverse action against an employee making a voluntary admission within the parameters of this policy. If an employee self-discloses, the supervisor should notify the Human Resources Department immediately. Quay County may refer the employee for an evaluation with a Substance Abuse Professional (SAP).

The employee must complete the initial evaluation with the SAP as soon as possible, and no longer than five (5) business days from the time of self-disclosure. If the employee has failed to complete the evaluation as directed, it will be considered misconduct and Quay County will take disciplinary action up to and including termination.

Employees who have voluntarily admitted use are not qualified to perform safety sensitive functions and will be placed on a paid medical leave or assigned non-safety sensitive work duties if available and appropriate.

The employee will be allowed to return to safety sensitive duty when the SAP determines that the employee is in full compliance with recommended education or treatment and has an established follow-up program in place. The employee will be required to take and pass a non-DOT return to duty drug and/or alcohol test prior to return to safety sensitive duty. The employee will be required to submit to follow up testing at an interval and number established by the evaluating counselor. Employees who are returned to duty following voluntary admission shall be required to sign a last chance agreement with Quay County.

Any employee returned to duty following a voluntary admission may be required to consent to follow-up, non-DOT Quay County Drug and Alcohol Policy for DOT Safety Sensitive Employees subject to Federal drug and alcohol testing US DOT 49 CFR Part 40 and US DOT Federal Motor Carrier Safety Administration (FMCSA) Part 382.

If during the follow-up period, the employee fails to comply with the recommended treatment or fails a follow-up drug and/or alcohol test, it will be considered prohibited conduct under 49 CFR Part 40. The employee who has engaged in prohibited conduct will be required to comply with all applicable requirements under the DOT rules. Employees who have engaged in prohibited conduct are subject to immediate disciplinary action by Quay County up to and including termination.

IX. TESTING PROCEDURES AND RESULTS

Alcohol Testing Procedures

The instrument that will be used to determine the presence of alcohol is the Evidential Breath Testing device (EBT). Only qualified Breath Alcohol Technicians shall be used to conduct breath alcohol testing according to 49 CFR Part 40. If test results are negative, the Breath Alcohol Technician will inform Quay County and the employee and no further action is needed. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed. If the result of the confirmation test is 0.02 or greater but less than 0.04, the driver will be immediately removed from safety sensitive function and placed on a paid leave for at least 24 hours or the next working day whichever comes first. The driver will also be required to take a County required breath alcohol test prior to performing any safety sensitive function. If the result of the confirmation test is 0.04 or greater the employee will be subject to the same consequences as testing positive for a controlled substance.

Controlled Substance Procedures

Quay County is required to use the "split sample" method of collection when conducting the test for controlled substances. The collection of samples for controlled substances testing shall be conducted by qualified collection technicians following the guidelines as published in 49 CFR Part 40. The employee will be required to show the collection technician the contents of his/her pockets. If the employee possesses a substance that is obviously intended to adulterate or substitute a specimen, a direct observation shall be immediately conducted in accordance with federal protocols.

An employee who requests to have a test performed on a split specimen following a positive drug result on the primary specimen must make the arrangements and pay for the test through Quay County. Quay County will reimburse the employee for the testing cost if the test result does not re-confirm the non-negative test. Time loss incurred while seeking an evaluation or participating in treatment programs as well as the time needed to submit to follow-up testing shall be at the employee's expense and will not be compensated by Quay County.

If, at any time, the employee refuses to submit to an observed collection when it is required under any of the circumstances outlined in 49 CFR Part 40, it will be deemed a refusal to submit. The urine sample will be placed into two (2) separate specimen bottles for shipment to a Department of Health and Human Services (DHHS) certified laboratory.

If the screening test indicates a negative result Quay County will inform the employee and no further action is needed. If the test result of the primary specimen is positive for drugs, adulterated or substituted the MRO shall notify the employee of the verified test result. The employee will be offered the opportunity to request that the MRO direct the split specimen be tested in a different DHHS-certified laboratory to re-confirm the presence of the drug(s), adulterant, or substitution for which a non-negative result was obtained. The MRO shall honor this request if it is made within 72 hours of the employee having been notified of a verified non-negative test result. The result on the split specimen will be transmitted back to the MRO. While waiting for the test result to be

completed on the split specimen the employee shall not be permitted to perform safety-sensitive functions and shall be placed on a paid leave. If the test results of the split specimen fail to reconfirm the non-negative result of the primary specimen, the MRO will cancel the test and report the reasons as required by 49 CFR 382.

A canceled test is considered neither positive nor negative. If a split sample test fails to reconfirm the non-negative test result, the employee will be paid for the time that he/she normally would have worked during the waiting process. In certain cases of a canceled pre-employment, post-accident, return to duty or follow-up test a recollection may be necessary. If a test is canceled due to the split sample not being available for testing, Quay County is required to have an immediate direct observation sample conducted. The MRO may also require a direct observation collection on canceled tests in which the employee has not provided an adequate explanation for an invalid test result. Employees who request a split sample to be tested at a second DHHS laboratory shall bear all costs associated with the split testing unless the test fails to confirm the non-negative test result.

Shy Bladder or Shy Breath Syndrome

If an employee has a medical condition that prevents an acceptable sample from being collected in accordance with 49 CFR Part 40, the employee will be required to have a medical examination conducted by a physician acceptable to the employee and the MRO. The employee will have five (5) business days to obtain a physician's statement verifying that a qualifying medical condition exists that would have prevented the employee from providing an acceptable sample. If the employee has failed to keep the appointment with the physician the employee may be disciplined up to and including termination. If the employee is unable to get an appointment with a physician in the five (5) day period, the employee is required to notify Quay County immediately of the situation.

Quay County will then assist the employee to find a qualified physician to conduct the examination. If, after the examination is completed and the physician has determined that the employee does not have a qualified medical condition that would prevent an acceptable urine/breath sample from being obtained, the test result will be reported as a refusal to submit.

Requirement to Submit to Observed or Monitored Urine Specimen Collection

Under certain circumstances, a covered employee may be required to submit to an observed specimen collection. Some situations that will require the specimen collector to conduct an immediate direct observation collection are:

- Providing a sample that is not within the acceptable temperature range.
- Providing an obviously adulterated specimen.
- Conduct that clearly indicates an attempt to adulterate or substitute a specimen.
- Return-to-duty test.
- Follow-up testing.

In other cases, Quay County has the right to request an observed collection for follow-up or return-to-duty testing. The Medical Review Officer has the right to require a direct observation in

other circumstances such as an invalid or cancelled test result.

The covered employee is required to submit to the observed specimen collection when requested. Failure to permit an observed or monitored collection when requested will be deemed a refusal to submit.

X. CONSEQUENCES OF ENGAGING IN PROHIBITED ALCOHOL AND/OR CONTROLLED SUBSTANCES USE OR TREATMENT/ FOLLOW-UP VIOLATIONS

The county has a zero tolerance policy. Employees who violate any provision of this policy shall be subject to immediate discipline up to and including discharge with or without notice. Employees of Quay County are AT-WILL nothing in this document shall change, modify or alter that employment relationship.

Referral, Evaluation, and Treatment

Employees in violation of this policy will be subject to discipline or discharge. The DOT safety sensitive employee must still be given a list of SAP and must undergo evaluation in order to be eligible to work in any DOT safety sensitive position for any company/county in the future.

The employee shall be evaluated by a qualified SAP. If determined necessary by the SAP, the employee must properly follow any education, treatment or rehabilitation program identified. The employee must be re-evaluated by the SAP to determine that the employee has properly followed, and is in compliance with, the prescribed treatment or rehabilitation program.

The employee shall undergo a return-to-duty drug and/or alcohol test with a result indicating an alcohol concentration less than 0.02 and/or a negative controlled substances test.

Additionally, the employee will be subject to unannounced follow-up alcohol and/or controlled substance tests following his or her return-to-duty. The number and frequency shall be as directed by the substance abuse professional and consist of at least six (6) tests in the first 12 months following the employee's return to duty. Such follow-up testing shall not exceed 60 months from the date of the employee's return-to-duty. The substance abuse professional may terminate, at his or her discretion, the follow-up tests at any time after the first six (6) tests have been administered. The treatment or rehabilitation program used may not be the substance abuse professional's private practice or be provided by a person or organization from which the substance abuse professional receives remuneration or has a financial interest.

Employees are financially responsible for any and all costs associated with the SAP process and required follow-up drug/alcohol testing. The substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use.

Available work for employees removed from safety sensitive duties

Quay County will not be required to provide non-safety-sensitive work for a covered employee

who has violated any of the provisions of this policy. If however, an employee has made a voluntary admission of use in accordance with this policy; if appropriate non-safety sensitive work is available it may be offered on a case-by-case basis.

XI. CONSEQUENCES OF AN ALCOHOL TEST RESULT OF AT LEAST 0.02 BUT LESS THAN 0.04

Any covered employee tested under the provisions of 49 CFR 382 or this policy that is found to have an alcohol concentration of 0.02 or greater but less than 0.04, shall not perform or continue to perform safety-sensitive functions. Testing positive may result in immediate termination.

If the employee is permitted to undergo treatment prescribed by an SAP, the employee may not return to work until the start of the employee's next regular scheduled duty period, but not less than 24 hours following administration of the test. They may not be permitted to return to safety sensitive duties without the completion of a treatment program, and follow up testing as provided in the section above.

If the result of the confirmation test is 0.04 or greater the employee will be subject to the same consequences as testing positive.

Quay County will not provide non-safety-sensitive work for a covered employee tested under the provisions of 49 CFR 382 or this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04. Additionally, the employee may be required to pass a County required return-to-duty test, which results in an alcohol concentration of less than 0.02 before he or she begins their next regularly scheduled duty period.

XII. EDUCATIONAL INFORMATION ON EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCES

All covered employees will receive training and/or education materials on the effects of alcohol and controlled substances on a person's health, work and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervention when an alcohol or controlled substances program is suspected. Supervisors are required to complete annual drug free workplace training.

XIII. PRESCRIPTION MEDICATIONS AND OVER THE COUNTER DRUGS

Employees are responsible to report to-duty free from the effects of any controlled substance or alcohol. Covered employees must report the use of prescriptions and over-the-counter drugs that could have a disabling effect or otherwise adversely affect the covered employee's fitness for duty or job performance to their immediate supervisor (without giving the name of prescription/over the counter drug).

It is the covered employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could affect the covered employee's fitness for duty or impair job performance or if the medication is listed on the

prohibited controlled substance listing as published by the DOT.

Covered employees may be required to provide a written medical authorization to work from a physician, upon reporting the use of prescription or over-the-counter drugs. Failure to report the use of prescription or over-the-counter drugs that have disabling effects or otherwise affect the covered employee's fitness for duty while at work and failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

XIV. CERTIFICATE OF RECEIPT

Each covered employee will be required to sign a certificate of receipt certifying that he or she has received a copy of this policy, which is the basis for implementing the requirements of the U.S. Department of Transportation Federal Motor Carrier Safety Administration rules and regulations pertaining to alcohol and controlled substances testing of covered employees.

ACKNOWLEDGEMENT AND RECEIPT OF QUAY COUNTY

Drug and Alcohol Policy for DOT Safety Sensitive Employees
Subject to Federal Drug and Alcohol Testing US DOT 49 CFR Part 40
and US DOT Federal Motor Carrier Safety Administration (FMCSA) Part 382

I, _____ have received a copy of the *Drug and Alcohol Policy for DOT Safety Sensitive Employees* from Quay County; and furthermore, I understand and agree to adhere to the *County's Drug Testing Policy 431*, which is a condition of employment. I acknowledge that I may choose from any DOT approved drug testing facility/laboratory to perform my re-test at my own expense should I elect to have a re-test performed pursuant to Section XIX of the Drug Testing Policy 431.

The Drug and Alcohol Policy for DOT Safety Sensitive Employees was adopted by the Quay County Commissioners February 13th, 2023.

Signature

Date

Printed Name

RECEIVED
DEC 19 2022

Family Chiropractic Center

BY: _____

Dr. Ross Hastie DC

Date: 12/15/2022

This letter is an invitation to join TeamCME consortium for random drug and alcohol testing for 2023.
Keep compliant, close to home!

Keep this letter as proof that you are being set up in a random drug testing program.

Once your company set up is complete you will receive an enrollment certificate and eligible donors list.

TeamCME LLC, is a Third-Party Administrator (TPA) managing the consortium for random drug and alcohol testing program. The consortium will be tested at the purposed testing percentages for the specified governing agency for 2023. These purposed percentages are seen as a minimum requirement actual pull percentages may be higher to ensure the minimum is met. We are your intermediary with the TeamCME consortium and will keep a record of your test results for five years, however, you are required to keep a record of any drug and alcohol test results as well. Your intermediary will contact you directly for quarterly randomized testing, or any other information we may require. If you are audited, the investigator may wish to contact our office on your behalf. If requested by Federal or State authorities, TeamCME will provide a printed copy of your company's MIS report for you to submit.

Your Certified Medical Review Officers (MRO) are provided by Doctor's Review Services. We the intermediate for your MRO and will receive the MRO results and mail or transmit the results to your company the same day when received during business hours or the next business day if received after regular business hours. Dr. Ross Hastie is an accredited DOT Urine Specimen Collector and DOT Breath Alcohol Technician. Please retain their certification copies.

Nearly all new drivers must have a drug test prior to working for your company. If a driver has been in a random testing program in the last 30 days, and their drug testing records for the last year are available, they may not be required to have a pre-employment drug test. If you are no longer employing a specific driver, or if an employee will be unavailable or unused for a significant amount of time, please notify us (your intermediary) and we will then notify TeamCME.

If you have any questions after reading the enclosed information, please feel free to give us a call!

Sincerely,



Shirley "Ce Ce" Arias

Secretary, Family Chiropractic Center

1723 S 1st St.

Tucumcari, NM 88401

Phone: (575) 461-3228

Fax: (575) 461-3228

This document is to be reviewed, completed, and returned by the Designated Employer Representative (DER) OR Owner of the company prior to, or at the time of sign-up. Because this form is to be completed by the DER or Owner, the pronoun "I" will refer to said DER or Owner. Additional copies should be provided if the responsible party wishes to have the employees review the document as well.

By joining the TeamCME® Consortium Program for random drug and alcohol testing, safety sensitive employees are at equal risk for being selected to participate in the respective testing procedures, with percentages determined by the authorized government agency.

Please read the following statements carefully and initial next to each statement to acknowledge you have read, and fully understand the information.

I understand that it is for the benefit of the company to provide contact information for a DER who will not be eligible for testing. This is to ensure that anyone who is chosen for random testing will be notified when available/in town and able to report to the collection site _____ **immediately.**

I understand that by joining the TeamCME® Consortium Program, eligible safety sensitive employees are subject to random testing as decided by the random testing software put to use _____ by TeamCME®.

I understand that before joining any random testing pool I must be subject to a Pre-Employment Urine Drug Test, or I must provide proof of enrollment from the consortium program I was/am enrolled with. My proof of enrolment must show that I was eligible for testing within 30 days of _____ today.

I understand that it is my responsibility to provide our third-party representative with an _____ updated drivers list at least once per calendar quarter.

I understand that upon notification of random selection, it is my responsibility to ensure that anyone selected is notified at a time when they will be able to report to the collection site **immediately.** If an employee is notified and is out of town, a collection site must be located for the test(s) to be performed **immediately,** and a copy of any testing results preformed at another _____ location must be provided to my Third-Party Administrator Representative.

I understand that if one or more drivers fail to have the randomly selected tests performed or fail to report to a collection site immediately after notification, the company will be removed from the random testing program for Non-Compliance and _____ additional fees & requirements may be necessary for continued participation.

I have been made aware that the consortium program runs January 1st to December 31st. Any fees I am charged today will provide me with consortium services until December 31st at which point, I must contact my Consortium Representative and confirm that the company wishes to continue to receive consortium services for the _____ next year, beginning January 1st.

I understand that if I fail to contact/provide payment to my Consortium Representative to renew my consortium services the company can and will be removed from participation.

If I am removed from the testing program for Non-Compliance, TeamCME® and their Consortium Representatives reserve the right to refuse re-admission, or to charge additional fees for the reinstatement of the company.

Signature _____

Date _____

This page will be updated to reflect 2023 once the 2023 DOT testing percentages are published on the DOT website.

2023 Testing Percentages

Federal Motor Carrier Safety Administration (FMCSA)

50% Drug Testing 10% Alcohol Testing

Federal Aviation Administration (FAA)

25% Drug Testing 10% Alcohol Testing

Federal Railroad Administration (FRA)

25% Drug Testing 10% Alcohol Testing

***Maintenance of Way (FRA)**

50% Drug Testing 10% Alcohol Testing

Federal Transit Administration (FTA)

50% Drug Testing 10% Alcohol Testing

Pipeline & Hazardous Materials Safety Administration (PHMSA)

50% Drug Testing 0% Alcohol Testing

United States Coast Guard (USCG)

50% Drug Testing 0% Alcohol Testing

In accordance with federal regulations, random alcohol testing selections will not be performed for employees in PHMSA or USCG categories UNLESS the employee is subject to regulations from an additional category.

Example: A pipeline worker also utilizes a CDL driver's license on the job. This employee would have to meet the highest drug and alcohol testing percentage of the two categories that apply to them. 50% drug testing 10% alcohol testing. (PHMSA & FMCSA)

If this employee were to use over 50% of their time utilizing their CDL license, performing duties that would not classify under the PHMSA standards, they would be eligible to be tested at only the FMCSA rates.

If the employee qualified for USCG & FAA testing regulations, they would need to be tested at 50% Drug testing 10% alcohol testing.

USCG is no longer governed by the Department of Transportation but by the Department of Homeland Security. Per the Department of Transportation USCG covered employees may still be combined with the Department of Transportation covered employees.