

HOUSE COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 191

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

AN ACT

RELATING TO LICENSURE; CLARIFYING THAT PROFESSIONAL AND  
OCCUPATIONAL LICENSING BOARDS ARE REQUIRED TO FOLLOW THE  
PROVISIONS OF THE STATE RULES ACT WHEN PROMULGATING RULES AND  
THE PROVISIONS OF THE UNIFORM LICENSING ACT FOR LICENSING AND  
DISCIPLINARY MATTERS; PROVIDING FOR EXPEDITED LICENSURE FOR  
PERSONS HOLDING PROFESSIONAL OR OCCUPATIONAL LICENSES FROM  
OTHER LICENSING JURISDICTIONS; REVISING BOARD OF BARBERS AND  
COSMETOLOGISTS AND REGULATION AND LICENSING DEPARTMENT POWERS  
AND DUTIES; REVISING CERTAIN LICENSING REQUIREMENTS;  
ESTABLISHING CERTAIN FEES; EXTENDING THE SUNSET DATE FOR THE  
BOARD OF BODY ART PRACTITIONERS; AMENDING, REPEALING, ENACTING  
AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 61-1-2 NMSA 1978 (being Laws 1957,

.222414.1

underscoring material = new  
[bracketed material] = delete

1 Chapter 247, Section 2, as amended) is amended to read:

2 "61-1-2. DEFINITIONS.--As used in the Uniform Licensing  
3 Act:

4 A. "board" means:

5 (1) the construction industries commission,  
6 the construction industries division and the electrical bureau,  
7 mechanical bureau and general construction bureau of the  
8 construction industries division of the regulation and  
9 licensing department;

10 (2) the manufactured housing committee and  
11 manufactured housing division of the regulation and licensing  
12 department;

13 (3) the crane operators licensure examining  
14 council;

15 [~~(3)~~] (4) a board, commission or agency that  
16 administers a profession or occupation licensed pursuant to  
17 Chapter 61 NMSA 1978; and

18 [~~(4)~~] (5) any other state agency to which the  
19 Uniform Licensing Act is applied by law;

20 B. "applicant" means a person who has applied for a  
21 license;

22 C. "expedited license", whether by examination,  
23 endorsement, credential or reciprocity, means a license issued  
24 to a person in this state based on licensure in another state  
25 or territory of the United States, the District of Columbia or

1 a foreign country, as applicable;

2 D. "initial license" means the first regular  
 3 license received from a board for a person who has not been  
 4 previously licensed;

5 ~~[G.]~~ E. "license" means a certificate, permit or  
 6 other authorization to engage in ~~[each of the professions and~~  
 7 ~~occupations]~~ a profession or occupation regulated by ~~[the~~  
 8 ~~boards enumerated in Subsection A of this section]~~ a board;

9 F. "licensing jurisdiction" means another state or  
 10 territory of the United States, the District of Columbia or a  
 11 foreign country, as applicable;

12 G. "regular license" means a license that is not  
 13 issued as a temporary or provisional licence;

14 ~~[D.]~~ H. "revoke a license" means to prohibit the  
 15 conduct authorized by the license; and

16 ~~[E.]~~ I. "suspend a license" means to prohibit, for  
 17 a stated period of time, the conduct authorized by the license.  
 18 "Suspend a license" also means to allow, for a stated period of  
 19 time, the conduct authorized by the license, subject to  
 20 conditions that are reasonably related to the grounds for  
 21 suspension ~~[and~~

22 ~~F. "emergency" includes any man-made or natural~~  
 23 ~~disaster causing or threatening widespread physical or economic~~  
 24 ~~harm that is beyond local control and requires the resources of~~  
 25 ~~the state]."~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1           SECTION 2. A new section of the Uniform Licensing Act is  
2 enacted to read:

3           "[NEW MATERIAL] RESIDENCY IN NEW MEXICO NOT A REQUIREMENT  
4 FOR LICENSURE.--A person who otherwise meets the requirements  
5 for a professional or occupational license shall not be denied  
6 licensure or relicensure because the person does not live in  
7 New Mexico."

8           SECTION 3. A new section of the Uniform Licensing Act is  
9 enacted to read:

10           "[NEW MATERIAL] INCOMPLETE APPLICATION--NOTICE--  
11 EXPIRATION.--If a board deems an application for licensure  
12 incomplete, the board shall notify the applicant within thirty  
13 days, including the ways in which the application is  
14 incomplete. An incomplete application expires after one year."

15           SECTION 4. Section 61-1-4 NMSA 1978 (being Laws 1957,  
16 Chapter 247, Section 4, as amended) is amended to read:

17           "61-1-4. NOTICE OF CONTEMPLATED BOARD ACTION--REQUEST FOR  
18 HEARING--NOTICE OF HEARING.--

19           A. [~~For the purpose of~~] When investigating  
20 complaints against licensees, [~~the~~] a board may issue  
21 investigative subpoenas prior to the issuance of a notice of  
22 contemplated action as provided in this section.

23           B. When a board contemplates taking [~~any~~] an action  
24 of a type specified in Subsection A, B or C of Section 61-1-3  
25 NMSA 1978, it shall serve upon the applicant a written notice

.222414.1

1 containing a statement:

2 (1) that the applicant has failed to satisfy  
 3 the board of [~~his~~] the applicant's qualifications to be  
 4 examined or to be issued a license, as the case may be;

5 (2) indicating in what respects the applicant  
 6 has failed to satisfy the board;

7 (3) that the applicant may secure a hearing  
 8 before the board by depositing in the mail within twenty days  
 9 after service of the notice a certified return receipt  
 10 requested letter addressed to the board and containing a  
 11 request for a hearing; and

12 (4) calling the applicant's attention to [~~his~~]  
 13 the applicant's rights under Section 61-1-8 NMSA 1978.

14 C. In [~~any~~] a board proceeding to take [~~any~~] an  
 15 action of a type specified in Subsection A, B or C of Section  
 16 61-1-3 NMSA 1978, the burden of satisfying the board of the  
 17 applicant's qualifications shall be upon the applicant.

18 D. When a board contemplates taking [~~any~~] an action  
 19 of a type specified in Subsections D through N of Section  
 20 61-1-3 NMSA 1978, it shall serve upon the licensee a written  
 21 notice containing a statement:

22 (1) that the board has sufficient evidence  
 23 that, if not rebutted or explained, will justify the board in  
 24 taking the contemplated action;

25 (2) indicating the general nature of the

.222414.1

underscored material = new  
 [bracketed material] = delete

1 evidence;

2 (3) that unless the licensee within twenty  
3 days after service of the notice deposits in the mail a  
4 certified return receipt requested letter addressed to the  
5 board and containing a request for a hearing, the board [~~will~~]  
6 shall take the contemplated action; and

7 (4) calling the licensee's attention to [~~his~~]  
8 the licensee's rights as provided in Section 61-1-8 NMSA 1978.

9 E. Except as provided in Section 61-1-15 NMSA 1978,  
10 if the licensee or applicant does not mail a request for a  
11 hearing within the time and in the manner required by this  
12 section, the board may take the action contemplated in the  
13 notice and such action shall be final and not subject to  
14 judicial review.

15 F. If the licensee or applicant does mail a request  
16 for a hearing as required by this section, the board shall,  
17 within twenty days of receipt of the request, notify the  
18 licensee or applicant of the time and place of hearing, the  
19 name of the person who shall conduct the hearing for the board  
20 and the statutes and [~~regulations~~] rules authorizing the board  
21 to take the contemplated action. The hearing shall be held not  
22 more than sixty nor less than fifteen days from the date of  
23 service of the notice of hearing.

24 G. Licensees shall bear all costs of disciplinary  
25 proceedings unless they are excused by the board from paying

.222414.1

1 all or part of the fees or if they prevail at the hearing and  
 2 an action specified in Section 61-1-3 NMSA 1978 is not taken by  
 3 the board.

4 H. All fines collected by a board shall be  
 5 deposited to the credit of the current school fund as provided  
 6 in Article 12, Section 4 of the constitution of New Mexico."

7 SECTION 5. Section 61-1-29 NMSA 1978 (being Laws 1971,  
 8 Chapter 54, Section 3, as amended) is amended to read:

9 "61-1-29. ADOPTION OF [REGULATIONS] RULES--NOTICE AND  
 10 HEARING.--[A.—The] Rulemaking procedures [~~specified in~~  
 11 ~~Sections 61-1-29 through 61-1-31 NMSA 1978 shall be applicable~~  
 12 ~~to proceedings by a board to adopt, amend or repeal rules or~~  
 13 ~~regulations of general applicability which implement or~~  
 14 ~~interpret a law enforced or administered by the] of a board  
 15 [~~These procedures shall not apply to:~~~~

16 (1) ~~statements, policies, procedures or~~  
 17 ~~regulations concerning only internal management or discipline~~  
 18 ~~of a board and not affecting the rights of or procedures~~  
 19 ~~available to licensees, applicants or the public generally;~~

20 (2) ~~declaratory rulings issued pursuant to~~  
 21 ~~Section 61-1-33 NMSA 1978;~~

22 (3) ~~decisions, statements or interpretations~~  
 23 ~~issued or actions taken in the course of disciplinary~~  
 24 ~~proceedings against a licensee; or~~

25 (4) ~~formal or informal opinions of the~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1 ~~attorney general issued pursuant to requests of the board.~~

2 ~~B. No regulation or amendment or repeal thereof~~  
3 ~~shall be adopted by the board until after a public hearing by~~  
4 ~~the board.~~

5 ~~C. The board shall make reasonable efforts to give~~  
6 ~~notice of any rulemaking proceeding to its licensees and to the~~  
7 ~~members of the public. Notice of the hearing shall be given at~~  
8 ~~least thirty days prior to the hearing date and shall state the~~  
9 ~~subject, the time and the place of the hearing and the manner~~  
10 ~~in which interested persons may present their views. The~~  
11 ~~notice shall also state where interested persons may secure~~  
12 ~~copies of any proposed regulations. The notice of the public~~  
13 ~~hearing shall include but not necessarily be limited to~~  
14 ~~publishing the notice in a newspaper of general circulation in~~  
15 ~~the state, and the board shall give notice to all persons who~~  
16 ~~have made a written request to the board for advance notice.~~

17 ~~D. At the hearing, the board shall allow all~~  
18 ~~interested persons reasonable opportunity to submit data, views~~  
19 ~~or arguments orally or in writing and to examine witnesses~~  
20 ~~testifying at the hearing. Any person heard or represented at~~  
21 ~~the hearing shall be given written notice of the action of the~~  
22 ~~board. The board may designate a hearing officer to take~~  
23 ~~evidence in the hearing. A record shall be made of all~~  
24 ~~proceedings at the hearing.~~

25 ~~E. No regulation or amendment or repeal thereof~~

.222414.1



1 ~~shall become effective until thirty days after its filing under~~  
 2 ~~the State Rules Act]~~ shall be as provided in the State Rules  
 3 Act."

4 SECTION 6. Section 61-1-31 NMSA 1978 (being Laws 1971,  
 5 Chapter 54, Section 5, as amended) is amended to read:

6 "61-1-31. VALIDITY OF [REGULATION] RULE--JUDICIAL  
 7 REVIEW.--

8 A. ~~[Any]~~ A person who is or may be affected by a  
 9 ~~[regulation adopted]~~ rule promulgated by ~~[the]~~ a board may  
 10 appeal to the court of appeals for relief. All appeals shall  
 11 be upon the record made at the hearing by the board and shall  
 12 be taken to the court of appeals within thirty days after  
 13 filing of the ~~[regulation under]~~ rule pursuant to the State  
 14 Rules Act.

15 B. An appeal to the court of appeals under this  
 16 section is perfected by the timely filing of a notice of appeal  
 17 with the court of appeals, with a copy attached of the  
 18 ~~[regulation]~~ rule from which the appeal is taken. The  
 19 appellant shall certify in ~~[his]~~ the appellant's notice of  
 20 appeal that arrangements have been made with the board for  
 21 preparation of a sufficient number of transcripts of the record  
 22 of the hearing on which the appeal depends to support ~~[his]~~ the  
 23 appellant's appeal to the court, at the expense of the  
 24 appellant, including three copies ~~[which he]~~ that the appellant  
 25 shall furnish to the board.

.222414.1

underscored material = new  
 [bracketed material] = delete

1 C. Upon appeal, the court of appeals shall set  
2 aside the ~~[regulation]~~ rule only if it is found to be:

- 3 (1) arbitrary, capricious or an abuse of  
4 discretion;  
5 (2) contrary to law; or  
6 (3) against the clear weight of substantial  
7 evidence of the record."

8 SECTION 7. Section 61-1-31.1 NMSA 1978 (being Laws 2016,  
9 Chapter 19, Section 1, as amended) is amended to read:

10 "61-1-31.1. EXPEDITED LICENSURE--ISSUANCE.--

11 A. A ~~[state agency]~~ board ~~[or commission]~~ that  
12 issues an occupational or professional license pursuant to  
13 ~~[Chapter 61 Articles 2 through 14E, 24, 24A and 31 NMSA 1978]~~  
14 this 2022 act shall, as soon as practicable but no later than  
15 thirty days after ~~[a person]~~ an out-of-state licensee files an  
16 application for ~~[a]~~ an expedited license accompanied by any  
17 required fees:

- 18 (1) process the application; and  
19 (2) issue a license to a qualified applicant  
20 who submits satisfactory evidence that the applicant:  
21 (a) holds a license that is current and  
22 in good standing issued by another licensing jurisdiction; ~~[in~~  
23 ~~the United States that has met the minimal licensing~~  
24 ~~requirements that are substantially equivalent to the licensing~~  
25 ~~requirements for the occupational or professional license the~~

.222414.1

1 ~~applicant applies for pursuant to Chapter 61, Articles 2~~  
 2 ~~through 14E, 24, 24A and 31 NMSA 1978; and]~~

3 (b) unless otherwise provided by law,  
 4 has practiced the profession or occupation for which expedited  
 5 licensure is sought for at least two years immediately prior to  
 6 application for a license in New Mexico; and

7 ~~[(b) has provided]~~ (c) provides  
 8 fingerprints and other information necessary for a state and  
 9 national criminal background check, if required.

10 B. [A] An expedited license ~~[issued pursuant to~~  
 11 ~~this section]~~ is ~~[not]~~ a one-year provisional license ~~[and]~~  
 12 that confers the same rights, privileges and responsibilities  
 13 as [a license] regular licenses issued ~~[pursuant to Chapter 61~~  
 14 ~~Articles 2 through 14E, 24, 24A and 31 NMSA 1978]~~ by a board;  
 15 provided that a board may extend an expedited license upon a  
 16 showing of extenuating circumstances.

17 C. Before the end of the expedited license period  
 18 and upon application, a board shall issue a regular license  
 19 through its license renewal process. If a board requires a  
 20 state or national examination for initial licensure that was  
 21 not required when the out-of-state applicant was licensed in  
 22 the other licensing jurisdiction, the board shall issue the  
 23 expedited license and may require the license holder to pass  
 24 the required examination prior to renewing the license.

25 D. A board by rule shall determine those states and

.222414.1

underscored material = new  
 [bracketed material] = delete

1 territories of the United States and the District of Columbia  
2 from which the board will not accept an applicant for expedited  
3 licensure and those foreign countries from which the board will  
4 accept an applicant for expedited licensure. The list of those  
5 licensing jurisdictions shall be posted on the board's website.  
6 The list of disapproved licensing jurisdictions shall include  
7 the specific reasons for disapproval. The lists shall be  
8 reviewed by the board annually to determine if amendments to  
9 the rule are warranted."

10 SECTION 8. A new section of the Uniform Licensing Act is  
11 enacted to read:

12 "[NEW MATERIAL] TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE  
13 OF INSURANCE.--A board may issue a temporary or other  
14 provisional license, including an expedited license, to a  
15 person licensed in another licensing jurisdiction, which  
16 license is limited as to a time, practice or other requirement  
17 of regular licensure. If a board requires regular licensees to  
18 carry professional or occupational liability or other  
19 insurance, the board shall require the applicant for a  
20 temporary or provisional license to show evidence of having  
21 required insurance that will cover the person in New Mexico  
22 during the term of the temporary or provisional license. Each  
23 board shall provide information on the board's website that  
24 describes the insurance requirements for practice in New  
25 Mexico."

.222414.1

1           SECTION 9. Section 61-1-32 NMSA 1978 (being Laws 1981,  
2 Chapter 349, Section 22) is amended to read:

3           "61-1-32. PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF  
4 ~~[REGULATIONS]~~ RULES.--~~[Any]~~ An interested person may request in  
5 writing that a board subject to the Uniform Licensing Act  
6 adopt, amend or repeal a ~~[regulation]~~ rule. Within one hundred  
7 twenty days after receiving the written request, the board  
8 shall either initiate proceedings in accordance with ~~[Section~~  
9 ~~61-1-29 NMSA 1978 to adopt the regulation]~~ the State Rules Act  
10 or issue a concise written statement of its reason for denial  
11 of the request. The denial of such a request is not subject to  
12 judicial review."

13           SECTION 10. Section 61-1-34 NMSA 1978 (being Laws 2013,  
14 Chapter 33, Section 1, as amended) is amended to read:

15           "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS,  
16 SPOUSES AND DEPENDENTS AND VETERANS--WAIVER OF FEES.--

17           A. A ~~[state agency]~~ board ~~[or commission]~~ that  
18 issues an occupational or professional license pursuant to  
19 Chapter 61 NMSA 1978 shall, as soon as practicable but no later  
20 than thirty days after a military service member or a veteran  
21 files an application, and provides a background check if  
22 required ~~[for a license accompanied by any required fees]:~~

23                     (1) process the application; and

24                     (2) issue a license prima facie to a qualified  
25 applicant who submits satisfactory evidence that the applicant

.222414.1

underscored material = new  
[bracketed material] = delete

1 holds a license that is current and in good standing, issued by  
2 another jurisdiction, including a branch of the armed forces of  
3 the United States [~~and has met minimal licensing requirements~~  
4 ~~that are substantially equivalent to the licensing requirements~~  
5 ~~for the occupational or professional license that the applicant~~  
6 ~~applies for pursuant to Chapter 61 NMSA 1978~~].

7 B. A license issued pursuant to this section is  
8 [~~not~~] a provisional license [~~and~~] but shall confer the same  
9 rights, privileges and responsibilities as a regular license.  
10 [~~issued pursuant to Chapter 61 NMSA 1978~~].

11 C. ~~A license issued pursuant to this section shall~~  
12 ~~not be renewed unless the license holder satisfies the~~  
13 ~~requirements for the issuance and the renewal of a license~~  
14 ~~pursuant to Chapter 61 NMSA 1978. Upon the issuance of a~~  
15 ~~license pursuant to this section, the issuing state agency,~~  
16 ~~board or commission shall notify the license holder of the~~  
17 ~~requirements for renewing the license in writing.~~

18 D. ~~Notwithstanding the provisions of Subsection A~~  
19 ~~of this section] If the military service member or veteran was~~  
20 ~~licensed in a licensing jurisdiction that did not require~~  
21 ~~examination, a board may require the military service member or~~  
22 ~~veteran to take a board-required examination before making~~  
23 ~~application for renewal.~~

24 C. A military service member or a veteran who is  
25 issued a license pursuant to this section shall not be charged

1 a licensing fee for the first three years [~~a license issued~~  
 2 ~~pursuant to this section is valid~~] of licensure.

3 [E.] D. Each [~~state agency~~] board [~~or commission~~]  
 4 that issues a license [~~or certificate~~] to practice a trade or  
 5 profession shall, upon the conclusion of the state fiscal year,  
 6 prepare a report on the number and type of licenses [~~or~~  
 7 ~~certificates~~] that were issued during the fiscal year under  
 8 this section. The report shall be provided to the director of  
 9 the office of military base planning and support not later than  
 10 ninety days after the end of the fiscal year.

11 [F.] E. As used in this section:

12 [~~(1)~~] ~~"license" means a license, registration,~~  
 13 ~~certificate of registration, certificate, permit or~~  
 14 ~~certification;~~

15 ~~(2)~~] (1) "licensing fee" means a fee charged  
 16 at the time an application for a professional or occupational  
 17 license is submitted to the state agency, board or commission  
 18 and any fee charged for the processing of the application for  
 19 such license; "licensing fee" does not include a fee for an  
 20 annual inspection or examination of a licensee or a fee charged  
 21 for copies of documents, replacement licenses or other expenses  
 22 related to a professional or occupational license;

23 [~~(3)~~] (2) "military service member" means a  
 24 person who is:

25 (a) serving in the armed forces of the

1 United States as an active duty member, or in an active reserve  
2 component of the armed forces of the United States, including  
3 the national guard;

4 (b) the spouse of a person who is  
5 serving in the armed forces of the United States or in an  
6 active reserve component of the armed forces of the United  
7 States, including the national guard, or a surviving spouse of  
8 a member who at the time of the member's death was serving on  
9 active duty; or

10 (c) the child of a [~~person who is~~  
11 ~~serving in the armed forces of the United States as an active~~  
12 ~~duty member, or in an active reserve component of the armed~~  
13 ~~forces of the United States, including the national guard,~~  
14 ~~provided that~~] military service member if the child is also a  
15 dependent of that person for federal income tax purposes; and

16 [~~(4)~~] (3) "veteran" means a person who has  
17 received an honorable discharge or separation from military  
18 service."

19 SECTION 11. Section 61-2-6 NMSA 1978 (being Laws 1973,  
20 Chapter 353, Section 5, as amended) is amended to read:

21 "61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--  
22 COMPENSATION--POWERS AND DUTIES.--

23 A. The board shall annually elect a chair, a  
24 vice chair and a secretary-treasurer; each shall serve until a  
25 successor is elected and qualified.

.222414.1



1           B. The board shall meet at least annually for the  
 2 purpose of examining candidates for licensure. Special  
 3 meetings may be called by the chair and shall be called upon  
 4 the written request of a majority of the board members. A  
 5 majority of the board members currently serving constitutes a  
 6 quorum.

7           C. Members of the board may be reimbursed as  
 8 provided in the Per Diem and Mileage Act but shall receive no  
 9 other compensation, perquisite or allowance.

10           D. The board has the authority to determine what  
 11 constitutes the practice of optometry in accordance with the  
 12 provisions of the Optometry Act and has jurisdiction to  
 13 exercise any other powers and duties pursuant to that act. The  
 14 board may issue advisory opinions and declaratory rulings  
 15 pursuant to that act and rules promulgated in accordance with  
 16 [~~that~~] the State Rules Act, but shall not expand the scope of  
 17 practice of optometry beyond the provisions of [~~that~~] the  
 18 Optometry Act.

19           E. The board shall:

20                   (1) administer and enforce the provisions of  
 21 the Optometry Act;

22                   (2) [~~adopt, publish and file~~] promulgate in  
 23 accordance with [~~the Uniform Licensing Act and~~] the State Rules  
 24 Act, all rules for the implementation and enforcement of the  
 25 provisions of the Optometry Act;

.222414.1

underscored material = new  
 [bracketed material] = delete

- 1 (3) adopt and use a seal;
- 2 (4) administer oaths and take testimony on  
3 matters within the board's jurisdiction;
- 4 (5) keep an accurate record of meetings,  
5 receipts and disbursements;
- 6 (6) keep a record of examinations held,  
7 together with the names and addresses of persons taking the  
8 examinations and the examination results. Within thirty days  
9 after an examination, the board shall give written notice to  
10 each applicant examined of the results of the examination as to  
11 the respective applicant;
- 12 (7) certify as passing each applicant who  
13 obtains a grade of at least seventy-five percent on each  
14 subject upon which the applicant is examined; providing that an  
15 applicant failing may apply for re-examination at the next  
16 scheduled examination date;
- 17 (8) keep a book of registration in which the  
18 name, address and license number of licensees shall be  
19 recorded, together with a record of license renewals,  
20 suspensions and revocations;
- 21 (9) grant, deny, renew, suspend or revoke  
22 licenses to practice optometry in accordance with the  
23 provisions of the Uniform Licensing Act for any cause stated in  
24 the Optometry Act;
- 25 (10) develop and administer qualifications for

.222414.1

1 certification for the use of pharmaceutical agents as  
 2 authorized in Section 61-2-10.2 NMSA 1978, including minimum  
 3 educational requirements and examination, as required by  
 4 Section 61-2-10.2 NMSA 1978 and provide the board of pharmacy  
 5 with an annual list of optometrists certified to use  
 6 pharmaceutical agents as authorized in Section 61-2-10.2  
 7 NMSA 1978; and

8 (11) provide for the suspension of an  
 9 optometrist's license for sixty days upon a determination of  
 10 use of pharmaceutical agents without prior certification in  
 11 accordance with Section 61-2-10.2 NMSA 1978, after proper  
 12 notice and an opportunity to be heard before the board."

13 SECTION 12. Section 61-2-8 NMSA 1978 (being Laws 1973,  
 14 Chapter 353, Section 7, as amended) is amended to read:

15 "61-2-8. QUALIFICATIONS FOR LICENSURE AS AN  
 16 OPTOMETRIST.--Each applicant for licensure as an optometrist  
 17 shall furnish evidence satisfactory to the board that the  
 18 applicant:

19 A. has reached the age of majority; and

20 [~~B. is of good moral character and of temperate~~  
 21 ~~habits;~~

22 ~~C. has completed at least an approved four-year~~  
 23 ~~high school course of study or the equivalent as determined by~~  
 24 ~~regulations of the board; and~~

25 ~~D.] B.~~ B. has graduated and been awarded a doctor of

.222414.1

underscored material = new  
 [bracketed material] = delete

1 optometry degree from a school or college of optometry approved  
2 and accredited by the board. In the event the applicant  
3 applies for licensure by endorsement, the applicant shall have  
4 been awarded a doctor of optometry degree from a school or  
5 college of optometry, approved and accredited by the board,  
6 which had a minimum course of study of four thousand clock  
7 hours of instruction leading to that degree."

8 SECTION 13. Section 61-2-9 NMSA 1978 (being Laws 1973,  
9 Chapter 353, Section 8) is amended to read:

10 "61-2-9. LICENSURE BY EXAMINATION--EXPEDITED LICENSURE BY  
11 ENDORSEMENT.--

12 A. An applicant meeting the qualifications set  
13 forth in Section [~~67-1-7 NMSA 1953~~] 61-2-8 NMSA 1978 for  
14 initial licensure shall [~~(1)~~] file [~~his~~] an application under  
15 oath on forms supplied by the board for an examination by the  
16 board. The examination shall be confined to the subjects  
17 within the curriculum of colleges of optometry approved and  
18 accredited by the board and shall include written tests and  
19 practical demonstrations and may include oral tests. [~~or~~

20 ~~(2) file his application under oath on forms~~  
21 ~~supplied by the board which conform to board regulations on~~  
22 ~~endorsement and furnish proof satisfactory to the board of his~~  
23 ~~having been licensed by examination in another state which had~~  
24 ~~qualifications equal to or exceeding those required in this~~  
25 ~~state on the date of his original licensure and satisfying the~~

.222414.1

1 ~~board that he holds a doctor of optometry degree from a school~~  
 2 ~~or college approved and accredited by the board which was~~  
 3 ~~obtained after the completion of a course of study with a~~  
 4 ~~minimum of four thousand clock hours of instruction. The~~  
 5 ~~applicant must have been actively engaged in the practice of~~  
 6 ~~optometry in the state of licensure or in federal service for~~  
 7 ~~seven consecutive years immediately prior to the year in which~~  
 8 ~~application is made. This proof shall be accepted in lieu of~~  
 9 ~~the written portion of the examination. Applicants for~~  
 10 ~~licensure without written examination shall be examined to the~~  
 11 ~~satisfaction of the board by practical, oral and clinical~~  
 12 ~~demonstration in the presence of a majority of the board, and a~~  
 13 ~~detailed record of such examination shall be kept and made~~  
 14 ~~available to the applicant at his request.~~

15 ~~B. All applicants successfully passing the~~  
 16 ~~examinations shall be issued a license by the board upon~~  
 17 ~~payment of the license fee.] A person issued a license by~~  
 18 ~~examination shall be issued the license upon payment of~~  
 19 ~~required fees.~~

20 ~~B. No later than thirty days after an out-of-state~~  
 21 ~~licensee files an application for an expedited license, the~~  
 22 ~~board shall process the application and issue an expedited~~  
 23 ~~license in accordance with Section 61-1-31.1 NMSA 1978. If the~~  
 24 ~~board issues an expedited license to a person whose prior~~  
 25 ~~licensing jurisdiction did not require examination, the board~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1 may require the person to pass an examination before applying  
2 for license renewal.

3 C. The board by rule shall determine those states  
4 and territories of the United States and the District of  
5 Columbia from which it will not accept an applicant for  
6 expedited licensure and shall determine any foreign countries  
7 from which it will accept an applicant for expedited licensure.  
8 The board shall post the lists of disapproved and approved  
9 licensing jurisdictions on its website. The list of  
10 disapproved licensing jurisdictions shall include the specific  
11 reasons for disapproval. The lists shall be reviewed annually  
12 to determine if amendments to the rule are warranted."

13 SECTION 14. Section 61-3-10 NMSA 1978 (being Laws 1968,  
14 Chapter 44, Section 7, as amended by Laws 2003, Chapter 276,  
15 Section 4 and by Laws 2003, Chapter 307, Section 7) is amended  
16 to read:

17 "61-3-10. POWERS--DUTIES.--The board:

18 A. shall ~~[adopt and revise such]~~ promulgate rules  
19 ~~[and regulations]~~ in accordance with the State Rules Act as  
20 ~~[may be]~~ necessary to enable it to carry into effect the  
21 provisions of the Nursing Practice Act and to maintain high  
22 standards of practice;

23 B. shall prescribe standards and approve curricula  
24 for educational programs preparing persons for licensure under  
25 the Nursing Practice Act;

.222414.1

1 C. shall provide for surveys of educational  
 2 programs preparing persons for licensure under the Nursing  
 3 Practice Act;

4 D. shall grant, deny or withdraw approval from  
 5 educational programs for failure to meet prescribed standards,  
 6 if a majority of the board concurs in the decision;

7 E. shall provide for the examination, licensing and  
 8 renewal of licenses of applicants;

9 F. shall conduct hearings upon charges relating to  
 10 discipline of a licensee or  
 11 nurse not licensed to practice in New Mexico who is permitted  
 12 to practice professional registered nursing or licensed  
 13 practical nursing in New Mexico pursuant to a multistate  
 14 licensure privilege as provided in the Nurse Licensure Compact;

15 G. conduct hearings upon charges related to an  
 16 applicant or discipline of a licensee or the denial, suspension  
 17 or revocation of a license in accordance with the procedures of  
 18 the Uniform Licensing Act;

19 [~~G.~~] H. shall cause the prosecution of [~~all~~]  
 20 persons [~~including firms, associations, institutions and~~  
 21 ~~corporations~~] violating the Nursing Practice Act and have the  
 22 power to incur such expense as is necessary [~~therefor~~] for the  
 23 prosecution;

24 [~~H.~~] I. shall keep a record of all proceedings;

25 [~~F.~~] J. shall make an annual report to the

underscored material = new  
 [bracketed material] = delete

1 governor;

2           ~~[J.]~~ K. shall appoint and employ a qualified  
3 registered nurse, who shall not be a member of the board, to  
4 serve as executive officer to the board, ~~[who]~~ and the board  
5 shall define the duties and responsibilities of the executive  
6 officer except that the power to grant, deny or withdraw  
7 approval for schools of nursing or to revoke, suspend or  
8 withhold ~~[any]~~ a license authorized by the Nursing Practice Act  
9 shall not be delegated by the board;

10           ~~[K.]~~ L. shall provide for such qualified assistants  
11 as may be necessary to carry out the provisions of the Nursing  
12 Practice Act. Such employees shall be paid a salary  
13 commensurate with their duties;

14           ~~[L.]~~ M. shall, for the purpose of protecting the  
15 health and well-being of ~~[the citizens]~~ residents of New Mexico  
16 and promoting current nursing knowledge and practice, ~~[adopt]~~  
17 promulgate rules ~~[and regulations]~~ establishing continuing  
18 education requirements as a condition of license renewal and  
19 shall study methods of monitoring continuing competence;

20           ~~[M.]~~ N. may appoint advisory committees consisting  
21 of at least one member who is a board member and at least two  
22 members who are expert in the pertinent field of health care to  
23 assist it in the performance of its duties. Committee members  
24 may be reimbursed as provided in the Per Diem and Mileage Act;

25           ~~[N.]~~ O. may ~~[adopt and revise]~~ promulgate rules



1 ~~[and regulations]~~ designed to maintain an inactive status  
 2 listing for registered nurses and licensed practical nurses;

3 ~~[O.]~~ P. may ~~[adopt]~~ promulgate rules ~~[and~~  
 4 ~~regulations]~~ to regulate the advanced practice of professional  
 5 registered nursing and expanded practice of licensed practical  
 6 nursing;

7 ~~[P.]~~ Q. shall license qualified certified nurse  
 8 practitioners, certified registered nurse anesthetists and  
 9 clinical nurse specialists;

10 ~~[Q.]~~ R. shall register nurses not licensed to  
 11 practice in New Mexico who are permitted to practice  
 12 professional registered nursing or licensed practical nursing  
 13 in New Mexico pursuant to a multistate licensure privilege as  
 14 provided in the Nurse Licensure Compact; ~~[and~~

15 ~~R.]~~ S. shall ~~[adopt]~~ promulgate rules ~~[and~~  
 16 ~~regulations]~~ establishing standards for authorizing  
 17 prescriptive authority to certified nurse practitioners,  
 18 clinical nurse specialists and certified registered nurse  
 19 anesthetists; and

20 T. shall determine by rule the states and  
 21 territories of the United States or the District of Columbia  
 22 from which it will not accept an applicant for expedited  
 23 licensure and shall determine any foreign countries from which  
 24 it will accept an applicant for expedited licensure. The board  
 25 shall post the lists of unapproved and approved licensing

.222414.1

underscored material = new  
 [bracketed material] = delete

1 jurisdictions on the board's website. The list of disapproved  
2 licensing jurisdictions shall include the specific reasons for  
3 disapproval. The lists shall be reviewed annually to determine  
4 if amendments to the rule are warranted."

5 SECTION 15. Section 61-3-14 NMSA 1978 (being Laws 1968,  
6 Chapter 44, Section 11, as amended) is amended to read:

7 "61-3-14. LICENSURE OF REGISTERED NURSES--BY  
8 EXAMINATION--EXPEDITED LICENSURE.--

9 A. Applicants for licensure by examination shall be  
10 required to pass the national licensing examination for  
11 registered nurses. The applicant who successfully passes the  
12 examination may be issued by the board a license to practice as  
13 a registered nurse.

14 B. The board [~~may~~] shall issue [~~a~~] an expedited  
15 license to practice professional registered nursing without an  
16 examination to an applicant who has been duly licensed [~~by~~  
17 ~~taking the national licensing examination for registered nurses~~  
18 ~~under the laws of another state if the applicant meets the~~  
19 ~~qualifications required of registered nurses in this state.~~  
20 ~~From July 1, 2014 through June 30, 2019, upon a determination~~  
21 ~~by the board that an application is complete and approved] in  
22 another licensing jurisdiction and holds a valid, unrestricted  
23 license and is in good standing with the licensing board in  
24 that licensing jurisdiction. The board shall expedite the  
25 issuance of a license [~~pursuant to this subsection within five~~~~

.222414.1

1 ~~business days~~] in accordance with Section 61-1-31.1 NMSA 1978  
 2 within thirty days. If the board issues an expedited license  
 3 to a person whose prior licensing jurisdiction did not require  
 4 examination, the board may require that person to pass an  
 5 examination before applying for license renewal.

6 C. ~~[The board may issue a license to practice as a~~  
 7 ~~registered nurse to]~~ An applicant licensed under the laws of  
 8 ~~[another]~~ a territory or foreign country ~~[if the applicant~~  
 9 ~~meets the qualifications required of registered nurses in this~~  
 10 ~~state, is proficient]~~ shall demonstrate proficiency in English  
 11 ~~[and passes the national licensing examination for registered~~  
 12 ~~nurses]."~~

13 SECTION 16. Section 61-3-19 NMSA 1978 (being Laws 1968,  
 14 Chapter 44, Section 16, as amended) is amended to read:

15 "61-3-19. LICENSURE OF LICENSED PRACTICAL NURSES--BY  
 16 EXAMINATION--BY EXPEDITED LICENSURE.--

17 A. Applicants for licensure by examination shall be  
 18 required to pass the national licensing examination for  
 19 licensed practical nurses. The applicant who passes the  
 20 examination may be issued by the board a license to practice as  
 21 a licensed practical nurse.

22 B. The board ~~[may]~~ shall issue ~~[a]~~ an expedited  
 23 license as a licensed practical nurse without an examination to  
 24 an applicant who has been duly licensed ~~[by passing the~~  
 25 ~~national licensing examination for licensed practical nurses~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1 ~~under the laws of another state if the applicant meets the~~  
 2 ~~qualifications required of licensed practical nurses in this~~  
 3 ~~state. From July 1, 2014 through June 30, 2019, upon a~~  
 4 ~~determination by the board that an application is complete and~~  
 5 ~~approved] in another licensing jurisdiction and holds a valid,~~  
 6 ~~unrestricted license and is in good standing with the licensing~~  
 7 ~~board in that licensing jurisdiction.~~ The board shall expedite  
 8 the issuance of a license [~~pursuant to this subsection within~~  
 9 ~~five business days] in accordance with Section 61-1-31.1 NMSA  
 10 1978 within thirty days. If the board issues an expedited  
 11 license to a person whose prior licensing jurisdiction did not  
 12 require examination, the board may require that person to pass  
 13 an examination before applying for license renewal.~~

14 C. [~~The board may issue a license to practice as a~~  
 15 ~~licensed practical nurse to] An applicant licensed under the  
 16 laws of [~~another~~] a territory or foreign country [~~if the~~  
 17 ~~applicant meets the qualifications required of licensed~~  
 18 ~~practical nurses in this state, is proficient] shall  
 19 demonstrate proficiency in English [~~and successfully passes the~~  
 20 ~~national licensing examination for licensed practical nurses]."~~~~~~

21 SECTION 17. Section 61-3-23.2 NMSA 1978 (being Laws 1991,  
 22 Chapter 190, Section 14, as amended) is amended to read:

23 "61-3-23.2. CERTIFIED NURSE PRACTITIONER--  
 24 QUALIFICATIONS--PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED  
 25 LICENSURE.--

.222414.1

underscored material = new  
 [bracketed material] = delete

1           A. The board may license for advanced practice as a  
 2 certified nurse practitioner an applicant who furnishes  
 3 evidence satisfactory to the board that the applicant:

4                   (1) is a registered nurse;

5                   (2) has successfully completed a program for  
 6 the education and preparation of nurse practitioners; provided  
 7 that, if the applicant is initially licensed by the board or a  
 8 board in another jurisdiction after January 1, 2001, the  
 9 program shall be at the master's level or higher;

10                  (3) has successfully completed the national  
 11 certifying examination in the applicant's specialty area; and

12                  (4) is certified by a national nursing  
 13 organization.

14           B. Certified nurse practitioners may:

15                   (1) perform an advanced practice that is  
 16 beyond the scope of practice of professional registered  
 17 nursing;

18                   (2) practice independently and make decisions  
 19 regarding health care needs of the individual, family or  
 20 community and carry out health regimens, including the  
 21 prescription and distribution of dangerous drugs and controlled  
 22 substances included in Schedules II through V of the Controlled  
 23 Substances Act; and

24                   (3) serve as a primary acute, chronic long-  
 25 term and end-of-life health care provider and as necessary

.222414.1

underscored material = new  
 [bracketed material] = delete

1 collaborate with licensed medical doctors, osteopathic  
2 physicians or podiatrists.

3 C. Certified nurse practitioners who have fulfilled  
4 requirements for prescriptive authority may prescribe in  
5 accordance with rules [~~regulations~~], guidelines and formularies  
6 for individual certified nurse practitioners promulgated by the  
7 board.

8 D. Certified nurse practitioners who have fulfilled  
9 requirements for prescriptive authority may distribute to their  
10 patients dangerous drugs and controlled substances included in  
11 Schedules II through V of the Controlled Substances Act that  
12 have been prepared, packaged or fabricated by a registered  
13 pharmacist or doses of drugs that have been prepackaged by a  
14 pharmaceutical manufacturer in accordance with the Pharmacy Act  
15 and the New Mexico Drug, Device and Cosmetic Act.

16 E. Certified nurse practitioners licensed by the  
17 board on and after December 2, 1985 shall successfully complete  
18 a national certifying examination and shall maintain national  
19 professional certification in their specialty area. Certified  
20 nurse practitioners licensed by a board prior to December 2,  
21 1985 are not required to sit for a national certification  
22 examination or be certified by a national organization.

23 [~~F. From July 1, 2014 through June 30, 2019, upon a~~  
24 ~~determination by the board that an application is complete and~~  
25 ~~approved, the board shall issue a license to a certified nurse~~

.222414.1

~~practitioner licensed in another state if the applicant meets the qualifications required of certified nurse practitioners in this state. The board shall expedite the issuance of the license within five business days.]~~

F. The board shall issue an expedited license to an applicant without an examination if the person has been duly licensed as a certified nurse practitioner in another licensing jurisdiction and is in good standing with the licensing board in that licensing jurisdiction. The board shall expedite the issuance of the license in accordance with Section 61-1-31.1 NMSA 1978 within thirty days. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal. An applicant licensed under the laws of a territory or foreign country shall demonstrate proficiency in English."

SECTION 18. Section 61-3-23.3 NMSA 1978 (being Laws 1991, Chapter 190, Section 15, as amended) is amended to read:

"61-3-23.3. CERTIFIED REGISTERED NURSE ANESTHETIST--  
 QUALIFICATIONS--LICENSURE--PRACTICE--ENDORSEMENT--EXPEDITED  
 LICENSURE.--

A. The board may license for advanced practice as a certified registered nurse anesthetist an applicant who furnishes evidence satisfactory to the board that the applicant:

.222414.1

underscoring material = new  
 [bracketed material] = delete

1 (1) is a registered nurse;  
2 (2) has successfully completed a nurse  
3 anesthesia education program accredited by the council on  
4 accreditation of nurse anesthesia [~~education~~] educational  
5 programs; provided that, if the applicant is initially licensed  
6 by the board or a board in another licensing jurisdiction after  
7 January 1, 2001, the program shall be at a master's level or  
8 higher; and

9 (3) is certified by the [~~council on~~] national  
10 board of certification [~~of~~] and recertification for nurse  
11 anesthetists.

12 B. A certified registered nurse anesthetist may  
13 provide preoperative, intraoperative and postoperative  
14 anesthesia care and related services, including ordering of  
15 diagnostic tests, in accordance with the current American  
16 association of nurse anesthetists' guidelines for nurse  
17 anesthesia practice.

18 C. Certified registered nurse anesthetists shall  
19 function in an interdependent role as a member of a health care  
20 team in which the medical care of the patient is directed by a  
21 licensed physician, osteopathic physician, dentist or  
22 podiatrist licensed in New Mexico pursuant to [~~Chapter 61,~~  
23 ~~Article 5A, 6, 8 or 10 NMSA 1978~~] the Dental Health Care Act,  
24 the Medical Practice Act or the Podiatry Act. The certified  
25 registered nurse anesthetist shall collaborate with the



1 licensed physician, osteopathic physician, dentist or  
2 podiatrist concerning the anesthesia care of the patient. As  
3 used in this subsection, "collaboration" means the process in  
4 which each health care provider contributes the health care  
5 provider's respective expertise. Collaboration includes  
6 systematic formal planning and evaluation between the health  
7 care professionals involved in the collaborative practice  
8 arrangement.

9 D. A certified registered nurse anesthetist who has  
10 fulfilled the requirements for prescriptive authority in the  
11 area of anesthesia practice is authorized to prescribe and  
12 administer therapeutic measures, including dangerous drugs and  
13 controlled substances included in Schedules II through V of the  
14 Controlled Substances Act within the emergency procedures,  
15 perioperative care or perinatal care environments. Dangerous  
16 drugs and controlled substances, pursuant to the Controlled  
17 Substances Act, that have been prepared, packaged or fabricated  
18 by a registered pharmacist or doses of drugs that have been  
19 prepackaged by a pharmaceutical manufacturer in accordance with  
20 the Pharmacy Act and the New Mexico Drug, Device and Cosmetic  
21 Act may be prescribed and administered.

22 E. A certified registered nurse anesthetist who has  
23 fulfilled the requirements for prescriptive authority in the  
24 area of anesthesia practice may prescribe in accordance with  
25 rules [~~regulations and guidelines~~] of the board. The board

.222414.1

1 shall adopt rules concerning a prescriptive authority formulary  
2 for certified registered nurse anesthetists that shall be based  
3 on the scope of practice of certified registered nurse  
4 anesthetists. The board, in collaboration with the New Mexico  
5 medical board, shall develop the formulary. Certified  
6 registered nurse anesthetists who prescribe shall do so in  
7 accordance with the prescriptive authority formulary.

8 ~~[F. From July 1, 2014 through June 30, 2019, upon a~~  
9 ~~determination by the board that an application is complete and~~  
10 ~~approved, the board shall issue a license to a certified~~  
11 ~~registered nurse anesthetist licensed in another state if the~~  
12 ~~applicant meets the qualifications required of certified~~  
13 ~~registered nurse anesthetists in this state. The board shall~~  
14 ~~expedite the issuance of the license within five business~~  
15 ~~days.]~~

16 F. The board shall issue an expedited license to an  
17 applicant without an examination if the person has been duly  
18 licensed as a certified registered nurse anesthetist in another  
19 licensing jurisdiction and is in good standing with the  
20 licensing board in that licensing jurisdiction. The board  
21 shall expedite the issuance of the license in accordance with  
22 Section 61-1-31.1 NMSA 1978 within thirty days. If the board  
23 issues an expedited license to a person whose prior licensing  
24 jurisdiction did not require examination, the board may require  
25 that person to pass an examination before applying for license

.222414.1

1 renewal. An applicant licensed under the laws of a territory  
2 or foreign country shall demonstrate proficiency in English.

3 G. A health care facility may adopt policies  
4 relating to the providing of anesthesia care.

5 H. A certified registered nurse anesthetist  
6 licensed by the board shall maintain this certification with  
7 the ~~[American association of nurse anesthetists' council on]~~  
8 national board of certification and recertification for nurse  
9 anesthetists."

10 SECTION 19. Section 61-3-23.4 NMSA 1978 (being Laws 1991,  
11 Chapter 190, Section 16, as amended) is amended to read:

12 "61-3-23.4. CLINICAL NURSE SPECIALIST--QUALIFICATIONS--  
13 ENDORSEMENT--EXPEDITED LICENSURE.--

14 A. The board may license for advanced practice as a  
15 clinical nurse specialist an applicant who furnishes evidence  
16 satisfactory to the board that the applicant:

17 (1) is a registered nurse;

18 (2) has a master's degree or doctoral degree  
19 in a defined clinical nursing specialty;

20 (3) has successfully completed a national  
21 certifying examination in the applicant's area of specialty;  
22 and

23 (4) is certified by a national nursing  
24 organization.

25 B. Clinical nurse specialists may:

.222414.1

1                   (1) perform an advanced practice that is  
2 beyond the scope of practice of professional registered  
3 nursing;

4                   (2) make independent decisions in a  
5 specialized area of nursing practice using expert knowledge  
6 regarding the health care needs of the individual, family and  
7 community, collaborating as necessary with other members of the  
8 health care team when the health care need is beyond the scope  
9 of practice of the clinical nurse specialist; and

10                  (3) carry out therapeutic regimens in the area  
11 of specialty practice, including the prescription and  
12 distribution of dangerous drugs.

13                  C. A clinical nurse specialist who has fulfilled  
14 the requirements for prescriptive authority in the area of  
15 specialty practice is authorized to prescribe, administer and  
16 distribute therapeutic measures, including dangerous drugs and  
17 controlled substances included in Schedules II through V of the  
18 Controlled Substances Act within the scope of specialty  
19 practice, including controlled substances pursuant to the  
20 Controlled Substances Act that have been prepared, packaged or  
21 fabricated by a registered pharmacist or doses of drugs that  
22 have been prepackaged by a pharmaceutical manufacturer in  
23 accordance with the Pharmacy Act and the New Mexico Drug,  
24 Device and Cosmetic Act.

25                  D. Clinical nurse specialists who have fulfilled

.222414.1

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

1 the requirements for prescriptive authority in the area of  
 2 specialty practice may prescribe in accordance with rules,  
 3 [~~regulations~~] guidelines and formularies based on scope of  
 4 practice and clinical setting for individual clinical nurse  
 5 specialists promulgated by the board.

6 E. Clinical nurse specialists licensed by the board  
 7 shall maintain certification in their specialty area.

8 [~~F. From July 1, 2014 through June 30, 2019, upon a  
 9 determination by the board that an application is complete and  
 10 approved, the board shall issue a license to a clinical nurse  
 11 specialist licensed in another state if the applicant meets the  
 12 qualifications required of a clinical nurse specialist in this  
 13 state. The board shall expedite the issuance of the license  
 14 within five business days.]~~

15 F. The board shall issue an expedited license to an  
 16 applicant without an examination if the person has been duly  
 17 licensed as a clinical nurse specialist in another licensing  
 18 jurisdiction and is in good standing with the licensing board  
 19 in that licensing jurisdiction. The board shall expedite the  
 20 issuance of the license in accordance with Section 61-1-31.1  
 21 NMSA 1978 within thirty days. If the board issues an expedited  
 22 license to a person whose prior licensing jurisdiction did not  
 23 require examination, the board may require that person to pass  
 24 an examination before applying for license renewal. An  
 25 applicant licensed under the laws of a territory or foreign

.222414.1

underscored material = new  
 [bracketed material] = delete

1 country shall demonstrate proficiency in English."

2 SECTION 20. Section 61-36-1 NMSA 1978 (being Laws 2017,  
3 Chapter 136, Section 1) is recompiled as Section 61-3B-1 NMSA  
4 1978 and is amended to read:

5 "61-3B-1. SHORT TITLE.--~~[Sections 1 through 6 of this~~  
6 ~~act]~~ Chapter 61, Article 3B NMSA 1978 may be cited as the  
7 "Lactation Care Provider Act"."

8 SECTION 21. Section 61-36-3 NMSA 1978 (being Laws 2017,  
9 Chapter 136, Section 3) is recompiled as Section 61-3B-3 NMSA  
10 1978 and is amended to read:

11 "61-3B-3. BOARD POWERS.--The board may:

12 A. enforce the provisions of the Lactation Care  
13 Provider Act in accordance with the Uniform Licensing Act and  
14 ~~[adopt and]~~ promulgate rules in accordance with the State Rules  
15 Act to execute the provisions of ~~[that]~~ the Lactation Care  
16 Provider Act;

17 B. license qualified applicants;

18 C. discipline licensees;

19 D. enforce qualification for licensure;

20 E. establish standards for licensee competence for  
21 continuing in or returning to practice based on approved  
22 certification;

23 F. issue orders relating to the practice of  
24 lactation care and services in accordance with the Uniform  
25 Licensing Act;

.222414.1

1 G. regulate licensee advertising and prohibit  
2 false, misleading or deceptive practices;

3 H. establish a code of conduct for licensees;

4 I. prepare information for the public that  
5 describes the regulatory functions of the board and the  
6 procedures by which complaints are filed with and resolved by  
7 the board; and

8 J. appoint a lactation care provider advisory  
9 committee consisting of at least one member who is a board  
10 member and at least two members who are experts in lactation to  
11 assist in the performance of the board's duties."

12 SECTION 22. Section 61-36-6 NMSA 1978 (being Laws 2017,  
13 Chapter 136, Section 6) is recompiled as Section 61-3B-6 NMSA  
14 1978 and is amended to read:

15 "61-3B-6. DISCIPLINARY PROCEEDINGS.--

16 A. In accordance with the procedures contained in  
17 the Uniform Licensing Act, the board may deny, revoke or  
18 suspend [~~any~~] a license held or applied for pursuant to the  
19 Lactation Care Provider Act, reprimand or place a licensee on  
20 probation or deny, limit or revoke a privilege of a licensee  
21 desiring to practice or practicing lactation care and services  
22 upon grounds that the licensee or applicant:

23 (1) is guilty of fraud or deceit in procuring  
24 or attempting to procure a license;

25 (2) is convicted of a felony;

.222414.1

1 (3) is unfit or incompetent;

2 (4) is intemperate or is addicted to the use  
3 of habit-forming drugs;

4 (5) is guilty of unprofessional conduct as  
5 defined by board rules;

6 (6) has willfully or repeatedly violated any  
7 provisions of the Lactation Care Provider Act, including any  
8 board rule adopted pursuant to that act; or

9 (7) was certified or licensed to provide  
10 lactation care and services in [~~any~~] another licensing  
11 jurisdiction [~~territory or possession of the United States or~~  
12 ~~another country~~] and was the subject of disciplinary action for  
13 acts similar to acts described in this subsection. A certified  
14 copy of the record of the certification or licensure board  
15 disciplinary action taken by another licensing jurisdiction  
16 [~~territory or possession of the United States or another~~  
17 ~~country~~] is conclusive evidence of the action.

18 B. The board may summarily suspend or restrict a  
19 license issued by the board without a hearing, simultaneously  
20 with or at any time after the initiation of proceedings for a  
21 hearing provided under the Uniform Licensing Act, if the board  
22 finds that evidence in its possession indicates that the  
23 licensee:

24 (1) poses a clear and immediate danger to the  
25 public health and safety if the licensee continues to practice;

.222414.1



1                   (2) has been adjudged mentally incompetent by  
 2 a final order or adjudication by a court of competent  
 3 jurisdiction; or

4                   (3) has pled guilty to or been found guilty of  
 5 any offense related to the practice of medicine or for any  
 6 violent criminal offense in this state or a substantially  
 7 equivalent criminal offense in another jurisdiction.

8                   C. A licensee is not required to comply with a  
 9 summary action taken pursuant to Subsection B of this section  
 10 until service has been made or the licensee has actual  
 11 knowledge of the order, whichever occurs first.

12                   D. A person whose license is suspended or  
 13 restricted under this section is entitled to a hearing by the  
 14 board pursuant to the Uniform Licensing Act within fifteen days  
 15 from the date that the licensee requests a hearing.

16                   E. Disciplinary proceedings may be instituted by  
 17 any person, shall be by complaint and shall conform with the  
 18 provisions of the Uniform Licensing Act. [~~Any~~] A party to a  
 19 hearing may obtain a copy of the hearing record upon payment of  
 20 costs for the copy.

21                   F. [~~Any~~] A person filing a complaint shall be  
 22 immune from liability arising out of civil action if the  
 23 complaint is filed in good faith and without actual malice.

24                   G. All written and oral communication made by any  
 25 person to the board relating to actual or potential

.222414.1

underscored material = new  
 [bracketed material] = delete

1 disciplinary action, including complaints made to the board,  
2 shall be confidential communications and are not public records  
3 for the purposes of the Inspection of Public Records Act. All  
4 data, communications and information acquired, prepared or  
5 disseminated by the board relating to actual or potential  
6 disciplinary action or its investigation of complaints shall  
7 not be disclosed, except to the extent necessary to carry out  
8 the purposes of the board or in a judicial appeal from the  
9 actions of the board or in a referral of cases made to law  
10 enforcement agencies, national database clearinghouses or other  
11 licensing boards.

12 H. The board shall not initiate a disciplinary  
13 action more than two years after the date that it receives a  
14 complaint.

15 I. The time limitation contained in Subsection D of  
16 this section shall not be tolled by any civil or criminal  
17 litigation in which the licensee or applicant is a party,  
18 arising substantially from the same facts, conduct,  
19 transactions or occurrences that would be the basis for the  
20 board's disciplinary action.

21 J. The board may recover the costs associated with  
22 the investigation and disposition of a disciplinary proceeding  
23 from the person who is the subject of the proceeding."

24 SECTION 23. A new section of the Lactation Care Provider  
25 Act is enacted to read:

.222414.1

1           "[NEW MATERIAL] EXPEDITED LICENSE.--The board shall issue  
 2 an expedited license to a person who holds a license in another  
 3 licensing jurisdiction in accordance with Section 61-1-31.1  
 4 NMSA 1978 if the person holds a current approved certification  
 5 or license in another licensing jurisdiction. The board by  
 6 rule shall determine the states and territories of the United  
 7 States and the District of Columbia from which it will not  
 8 accept an applicant for expedited licensure and determine  
 9 foreign countries from which it will accept an applicant for  
 10 expedited licensure. The board shall post the lists of  
 11 disapproved and approved licensing jurisdictions on its  
 12 website. The list of disapproved licensing jurisdictions shall  
 13 include the specific reasons for disapproval. The lists shall  
 14 be reviewed annually to determine if amendments to the rule are  
 15 warranted."

16           **SECTION 24.** Section 61-4-3 NMSA 1978 (being Laws 1968,  
 17 Chapter 3, Section 3, as amended) is amended to read:

18           "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--  
 19 COMPENSATION.--

20           A. ~~[There is created]~~ The "chiropractic board"  
 21 ~~[The board shall be]~~ is created and is administratively  
 22 attached to the regulation and licensing department. The board  
 23 shall consist of six persons, four ~~[shall]~~ of whom have been  
 24 continuously engaged in the practice of chiropractic in New  
 25 Mexico for five years immediately prior to their appointment.

.222414.1

underscored material = new  
 [bracketed material] = delete

1 Two persons shall represent the public and shall not have  
2 practiced chiropractic in this state or any other jurisdiction.  
3 A person shall not be appointed to the board who is an officer  
4 or employee of or who is financially interested in any school  
5 or college of chiropractic, medicine, surgery or osteopathy.

6 B. Members of the board shall be appointed by the  
7 governor for staggered terms of five years or less and in a  
8 manner that the term of one board member expires on July 1 of  
9 each year. A list of five names for each professional member  
10 vacancy shall be submitted by the New Mexico chiropractic  
11 association to the governor for consideration in the  
12 appointment of board members. A vacancy shall be filled by  
13 appointment for the unexpired term. Board members shall serve  
14 until their successors have been appointed and qualified.

15 C. The board shall annually elect a chair and a  
16 secretary-treasurer. A majority of the board constitutes a  
17 quorum. The board shall meet quarterly. Special meetings may  
18 be called by the chair and shall be called upon the written  
19 request of two members of the board. Notification of special  
20 meetings shall be made by certified mail unless such notice is  
21 waived by the entire board and the action noted in the minutes.  
22 Notice of all regular meetings shall be made by regular mail at  
23 least ten days prior to the meeting, and copies of the minutes  
24 of all meetings shall be mailed to each board member within  
25 thirty days after a meeting.

.222414.1

1           D. A board member failing to attend three  
 2 consecutive meetings, either regular or special, shall  
 3 automatically be removed as a member of the board.

4           E. The board shall adopt a seal.

5           F. The board shall promulgate and file, in  
 6 accordance with the State Rules Act, all rules [~~and~~  
 7 ~~regulations~~] necessary for the implementation and enforcement  
 8 of the provisions of the Chiropractic Physician Practice Act,  
 9 including educational requirements for a chiropractic  
 10 assistant.

11           G. The board, for the purpose of protecting the  
 12 health and well-being of the citizens of this state and  
 13 maintaining and continuing informed professional knowledge and  
 14 awareness, shall establish by [~~regulations adopted in~~  
 15 ~~accordance with the provisions of the Uniform Licensing Act~~]  
 16 rule mandatory continuing education requirements for  
 17 chiropractic physicians and certified advanced practice  
 18 chiropractic physicians licensed in this state.

19           H. Failure to comply with the rules [~~and~~  
 20 ~~regulations~~] adopted by the board shall be grounds for  
 21 investigation, which may lead to revocation of license.

22           I. Members of the board shall be reimbursed as  
 23 provided in the Per Diem and Mileage Act, but shall receive no  
 24 other compensation, perquisite or allowance for each day  
 25 necessarily spent in the discharge of their duties."

.222414.1

underscored material = new  
 [bracketed material] = delete

1           SECTION 25. Section 61-4-8 NMSA 1978 (being Laws 1968,  
2 Chapter 3, Section 8) is amended to read:

3           "61-4-8. LICENSE WITHOUT EXAMINATION.--

4           A. The board [~~may, in its discretion~~] shall issue a  
5 license without examination to a [~~chiropractor who has been~~  
6 ~~licensed in any state, territory or foreign jurisdiction and~~]  
7 chiropractic physician who is a graduate of a standard college  
8 of chiropractic and has been licensed in another licensing  
9 jurisdiction if

10           ~~A. the applicant is of good moral character;~~

11           ~~B. the requirements of practice in the state,~~  
12 ~~territory or province in which the applicant is licensed are~~  
13 ~~equal to those of this state; and~~

14           ~~C. the applicant pays the fee designated in Section~~  
15 ~~4;~~

16           The board may also, in its discretion, issue a license  
17 without examination to any chiropractor who has continuously  
18 practiced in another state for at least seven of the last ten  
19 years prior to application; or to any chiropractor who is a  
20 graduate of a standard college of chiropractic and has served  
21 in the military services of the United States for two years or  
22 more within one year prior to application; or to any applicant  
23 showing evidence of having passed the examination conducted by  
24 the national board of chiropractic examiners] the applicant  
25 holds a valid and unrestricted license, is in good standing

.222414.1

1 with the licensing board of the other licensing jurisdiction  
 2 and has practiced as a chiropractor for at least two years  
 3 immediately prior to application in New Mexico. The board  
 4 shall, as soon as practicable but no later than thirty days  
 5 after a person files an application for a license accompanied  
 6 by any required fees, process the application and issue the  
 7 expedited license in accordance with Section 61-1-31.1 NMSA  
 8 1978. If the board issues an expedited license to a person  
 9 whose prior licensing jurisdiction did not require examination,  
 10 the board may require that person to pass an examination before  
 11 applying for license renewal.

12 B. The board by rule shall determine the states and  
 13 territories of the United States and the District of Columbia  
 14 from which it will not accept an applicant for expedited  
 15 licensure and foreign countries from which it will accept an  
 16 applicant for expedited licensure. The board shall post the  
 17 lists of disapproved and approved licensing jurisdictions on  
 18 its website. The list of disapproved licensing jurisdictions  
 19 shall include the specific reasons for disapproval. The lists  
 20 shall be reviewed annually to determine if amendments to the  
 21 rule are warranted."

22 **SECTION 26.** Section 61-5A-10 NMSA 1978 (being Laws 1994,  
 23 Chapter 55, Section 10, as amended) is amended to read:

24 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND  
 25 COMMITTEE.--In addition to any other authority provided by law,

.222414.1

underscored material = new  
 [bracketed material] = delete

1 the board and the committee, when designated, shall:

2 A. enforce and administer the provisions of the  
3 Dental Health Care Act and the Dental Amalgam Waste Reduction  
4 Act;

5 B. ~~[adopt, publish, file and revise, in accordance~~  
6 ~~with the Uniform Licensing Act and]~~ promulgate in accordance  
7 with the State Rules Act, all rules as ~~[may be]~~ necessary to:

8 (1) regulate the examination and licensure of  
9 dentists and dental therapists and, through the committee,  
10 regulate the examination and licensure of dental hygienists;

11 (2) provide for the examination and  
12 certification of dental assistants by the board;

13 (3) provide for the regulation of dental  
14 technicians by the board;

15 (4) regulate the practice of dentistry, dental  
16 therapy and dental assisting and, through the committee,  
17 regulate the practice of dental hygiene; and

18 (5) provide for the regulation and licensure  
19 of non-dentist owners by the board;

20 C. adopt and use a seal;

21 D. administer oaths to all applicants, witnesses  
22 and others appearing before the board or the committee, as  
23 appropriate;

24 E. keep an accurate record of all meetings,  
25 receipts and disbursements;

.222414.1



1 F. grant, deny, review, suspend and revoke licenses  
 2 and certificates to practice dentistry, dental therapy, dental  
 3 assisting and, through the committee, dental hygiene and  
 4 censure, reprimand, fine and place on probation and stipulation  
 5 dentists, dental therapists, dental assistants and, through the  
 6 committee, dental hygienists, in accordance with the Uniform  
 7 Licensing Act for any cause stated in the Dental Health Care  
 8 Act and the Dental Amalgam Waste Reduction Act;

9 G. grant, deny, review, suspend and revoke licenses  
 10 to own dental practices and censure, reprimand, fine and place  
 11 on probation and stipulation non-dentist owners, in accordance  
 12 with the Uniform Licensing Act, for any cause stated in the  
 13 Dental Health Care Act and the Dental Amalgam Waste Reduction  
 14 Act;

15 H. maintain records of the name, address, license  
 16 number and such other demographic data as may serve the needs  
 17 of the board of licensees, together with a record of license  
 18 renewals, suspensions, revocations, probations, stipulations,  
 19 censures, reprimands and fines. The board shall make available  
 20 composite reports of demographic data but shall limit public  
 21 access to information regarding individuals to their names,  
 22 addresses, license numbers and license actions or as required  
 23 by statute;

24 I. hire and contract for services from persons as  
 25 necessary to carry out the board's duties;

.222414.1

1           J. establish ad hoc committees whose members shall  
2 be appointed by the chair with the advice and consent of the  
3 board or committee and shall include at least one member of the  
4 board or committee as it deems necessary for carrying on its  
5 business;

6           K. have the authority to pay per diem and mileage  
7 to [~~individuals~~] persons who are appointed by the board or the  
8 committee to serve on ad hoc committees;

9           L. have the authority to hire or contract with  
10 investigators to investigate possible violations of the Dental  
11 Health Care Act and the Dental Amalgam Waste Reduction Act;

12           M. have the authority to issue investigative  
13 subpoenas prior to the issuance of a notice of contemplated  
14 action for the purpose of investigating complaints against  
15 dentists, dental therapists, dental assistants and, through the  
16 committee, dental hygienists licensed under the Dental Health  
17 Care Act and the Dental Amalgam Waste Reduction Act;

18           N. have the authority to sue or be sued and to  
19 retain the services of an attorney at law for counsel and  
20 representation regarding the carrying out of the board's  
21 duties;

22           O. have the authority to create and maintain a  
23 formulary, in consultation with the board of pharmacy, of  
24 medications that a dental therapist or dental hygienist may  
25 prescribe, administer or dispense in accordance with rules the

.222414.1

1 board has promulgated; and

2 P. establish continuing education or continued  
 3 competency requirements for dentists, dental therapists,  
 4 certified dental assistants in expanded functions, dental  
 5 technicians and, through the committee, dental hygienists."

6 SECTION 27. Section 61-5A-14 NMSA 1978 (being Laws 1994,  
 7 Chapter 55, Section 14, as amended) is amended to read:

8 "61-5A-14. TEMPORARY LICENSURE--EXPEDITED LICENSURE.--

9 A. The board or the committee may issue a temporary  
 10 license to practice dentistry or dental hygiene to [~~any~~] an  
 11 applicant who is licensed to practice dentistry or dental  
 12 hygiene in another state or territory of the United States or  
 13 the District of Columbia and who is otherwise qualified to  
 14 practice dentistry or dental hygiene in this state. The  
 15 following provisions shall apply:

16 [~~A.~~] (1) the applicant shall hold a valid  
 17 license in good standing in another state or territory of the  
 18 United States or the District of Columbia;

19 [~~B.~~] (2) the applicant shall practice  
 20 dentistry or dental hygiene under the sponsorship of or in  
 21 association with a licensed New Mexico dentist or dental  
 22 hygienist;

23 [~~C.~~] (3) the temporary license may be issued  
 24 for those activities as stipulated by the board or committee in  
 25 the rules of the board. It may be issued upon written

.222414.1

underscored material = new  
 [bracketed material] = delete

1 application of the applicant when accompanied by such proof of  
2 qualifications as the secretary-treasurer of the board or  
3 committee, in ~~[his]~~ the secretary-treasurer's discretion, may  
4 require. Temporary licensees shall engage in only those  
5 activities specified on the temporary license for the time  
6 designated, and the temporary license shall identify the  
7 licensed New Mexico dentist or dental hygienist who will  
8 sponsor or associate with the applicant during the time the  
9 applicant practices dentistry or dental hygiene in New Mexico;

10 ~~[D-]~~ (4) the sponsoring or associating dentist  
11 or dental hygienist shall submit an affidavit attesting to the  
12 qualifications of the applicant and the activities the  
13 applicant will perform;

14 ~~[E-]~~ (5) the temporary license shall be issued  
15 for a period not to exceed twelve months and may be renewed  
16 upon application and payment of required fees;

17 ~~[F-]~~ (6) the application for a temporary  
18 license under this section shall be accompanied by a license  
19 fee; and

20 ~~[G-]~~ (7) the temporary licensee shall be  
21 required to comply with the Dental Health Care Act and all  
22 rules promulgated pursuant ~~[thereto]~~ to that act.

23 B. The board or committee shall issue an expedited  
24 license without examination to a dentist or dental hygienist  
25 licensed in another licensing jurisdiction if the applicant

1 holds a license that is current and in good standing issued by  
 2 the other licensing jurisdiction and has practiced as a dentist  
 3 or dental hygienist for at least two years immediately prior to  
 4 application in New Mexico. The board shall, as soon as  
 5 practicable but no later than thirty days after a person files  
 6 an application for a license accompanied by any required fees,  
 7 process the application and issue the expedited license in  
 8 accordance with Section 61-1-31.1 NMSA 1978. If the board  
 9 issues an expedited license to a person whose prior licensing  
 10 jurisdiction did not require examination, the board may require  
 11 that person to pass an examination before applying for license  
 12 renewal.

13 C. The board by rule shall determine the states and  
 14 territories of the United States and the District of Columbia  
 15 from which it will not accept an applicant for expedited  
 16 licensure and foreign countries from which it will accept an  
 17 applicant for expedited licensure. The board shall post the  
 18 lists of disapproved and approved licensing jurisdictions on  
 19 its website. The list of disapproved licensing jurisdictions  
 20 shall include the specific reasons for disapproval. The lists  
 21 shall be reviewed annually to determine if amendments to the  
 22 rule are warranted."

23 **SECTION 28.** Section 61-6-5 NMSA 1978 (being Laws 1973,  
 24 Chapter 361, Section 2, as amended) is amended to read:

25 "61-6-5. MEDICAL BOARD DUTIES AND POWERS.--The board

.222414.1

underscored material = new  
 [bracketed material] = delete

1 shall:

2           A. enforce and administer the provisions of the  
3 Medical Practice Act, the Physician Assistant Act, the  
4 Anesthesiologist Assistants Act, the Genetic Counseling Act,  
5 the Impaired Health Care Provider Act, the Polysomnography  
6 Practice Act, the Naturopathic Doctors' Practice Act and the  
7 Naprapathic Practice Act;

8           B. [~~adopt, publish and file~~] promulgate, in  
9 accordance with [~~the Uniform Licensing Act and~~] the State Rules  
10 Act, all rules for the implementation and enforcement of the  
11 provisions of the Medical Practice Act, the Physician Assistant  
12 Act, the Anesthesiologist Assistants Act, the Genetic  
13 Counseling Act, the Impaired Health Care Provider Act, the  
14 Polysomnography Practice Act, the Naturopathic Doctors'  
15 Practice Act and the Naprapathic Practice Act;

16           C. adopt and use a seal;

17           D. administer oaths to all applicants, witnesses  
18 and others appearing before the board, as appropriate;

19           E. take testimony on matters within the board's  
20 jurisdiction;

21           F. keep an accurate record of all its meetings,  
22 receipts and disbursements;

23           G. maintain records in which the name, address and  
24 license number of all licensees shall be recorded, together  
25 with a record of all license renewals, suspensions,

.222414.1

1 revocations, probations, stipulations, censures, reprimands and  
 2 fines;

3 H. ~~[grant]~~ discipline licensees or deny, review,  
 4 suspend and revoke licenses to practice medicine and censure,  
 5 reprimand, fine and place on probation and stipulation  
 6 licensees and applicants in accordance with the Uniform  
 7 Licensing Act for any cause stated in the ~~[Medical Practice~~  
 8 ~~Act, the Impaired Health Care Provider Act, the Naturopathic~~  
 9 ~~Doctors' Practice Act and the Naprapathic Practice Act]~~ law  
 10 that the board is charged with enforcing;

11 I. hire staff and administrators as necessary to  
 12 carry out the provisions of the Medical Practice Act;

13 J. have the authority to hire or contract with  
 14 investigators to investigate possible violations of the Medical  
 15 Practice Act;

16 K. have the authority to hire a competent attorney  
 17 to give advice and counsel in regard to any matter connected  
 18 with the duties of the board, to represent the board in any  
 19 legal proceedings and to aid in the enforcement of the laws in  
 20 relation to ~~[the medical]~~ a health care profession or  
 21 occupation over which the board has authority and to fix the  
 22 compensation to be paid to such attorney; provided, however,  
 23 that such attorney shall be compensated from the funds of the  
 24 board;

25 L. establish continuing education requirements for

.222414.1

underscored material = new  
 [bracketed material] = delete

1 licensed practitioners over which the board has authority;

2 M. establish committees as it deems necessary for  
3 carrying on its business;

4 N. hire or contract with a licensed physician to  
5 serve as medical director and fulfill specified duties of the  
6 secretary-treasurer;

7 O. establish and maintain rules related to the  
8 management of pain based on review of national standards for  
9 pain management; and

10 P. have the authority to waive licensure fees for  
11 the purpose of the recruitment and retention of health care  
12 practitioners over which the board has authority."

13 SECTION 29. A new Section 61-6C-1 NMSA 1978 is enacted  
14 to read:

15 "61-6C-1. [NEW MATERIAL] SHORT TITLE.--Chapter 61,  
16 Article 6C NMSA 1978 may be cited as the "Physician Assistant  
17 Act"."

18 SECTION 30. Section 61-6-7.1 NMSA 1978 (being Laws 1989,  
19 Chapter 9, Section 2) is recompiled as Section 61-6C-2 NMSA  
20 1978 and is amended to read:

21 "61-6C-2. DEFINITIONS.--As used in the Physician  
22 Assistant Act:

23 A. "administer" means to apply a prepackaged drug  
24 directly to the body of a patient by any means;

25 B. "board" means the New Mexico medical board;

.222414.1



1           ~~[B-]~~ C. "dispense" means to deliver a drug directly  
 2 to a patient and includes the compounding, labeling and  
 3 repackaging of a drug from a bulk or original container;

4           ~~[G-]~~ D. "distribute" means to administer or supply  
 5 directly to a patient under the direct care of the distributing  
 6 physician assistant one or more doses of drugs prepackaged by a  
 7 licensed pharmacist and excludes the compounding or repackaging  
 8 from a bulk or original container; ~~[and]~~

9           E. "licensed physician" means a medical or  
 10 osteopathic physician; and

11           ~~[D-]~~ F. "prescribe" means to issue an order  
 12 individually for the person for whom prescribed, either  
 13 directly from the prescriber to the pharmacist or indirectly by  
 14 means of a written order signed by the prescriber, bearing the  
 15 name and address of the prescriber, ~~[his]~~ the prescriber's  
 16 license classification, the name and address of the patient,  
 17 the name of the drug prescribed, directions for use and the  
 18 date of issue."

19           **SECTION 31.** A new section of the Physician Assistant  
 20 Act, Section 61-6C-3 NMSA 1978, is enacted to read:

21           "61-6C-3. [NEW MATERIAL] LICENSURE AS A PHYSICIAN  
 22 ASSISTANT--SCOPE OF PRACTICE--BIENNIAL REGISTRATION OF  
 23 SUPERVISION--LICENSE RENEWAL--FEES.--

24           A. The board may license as a physician assistant a  
 25 qualified person who has graduated from a physician assistant

.222414.1

underscored material = new  
 [bracketed material] = delete

1 program accredited by the national accrediting body as  
2 established by rule of the board in accordance with the State  
3 Rules Act and has passed a physician assistant national  
4 certifying examination as established by rule. The board may  
5 also license as a physician assistant a person who passed the  
6 physician assistant national certifying examination  
7 administered by the national commission on certification of  
8 physician assistants prior to 1986.

9 B. A person shall not perform, attempt to perform  
10 or hold the person's own self out as a physician assistant  
11 without first applying for and obtaining a license from the  
12 board.

13 C. Physician assistants may prescribe, administer,  
14 dispense and distribute dangerous drugs other than controlled  
15 substances in Schedule I of the Controlled Substances Act  
16 pursuant to rules adopted by the board after consultation with  
17 the board of pharmacy if the prescribing, administering,  
18 dispensing and distributing are done with the supervision of a  
19 licensed physician or in collaboration with a licensed  
20 physician. The distribution process shall comply with state  
21 laws concerning prescription packaging, labeling and  
22 recordkeeping requirements.

23 D. A physician assistant shall perform only the  
24 acts and duties that are within the physician assistant's scope  
25 of practice.

.222414.1

1           E. An applicant for licensure as a physician  
 2 assistant shall complete application forms supplied by the  
 3 board and shall pay a licensing fee as provided in Section  
 4 61-6-19 NMSA 1978.

5           F. A physician assistant shall biennially submit  
 6 proof of current certification by the national commission on  
 7 certification of physician assistants or another certifying  
 8 agency designated by the board and shall renew the license and  
 9 registration of supervision of the physician assistant with the  
 10 board.

11           G. A physician assistant shall not practice  
 12 medicine until the physician assistant has established a  
 13 supervising or collaborating relationship with a licensed  
 14 physician in accordance with rules promulgated by the board.

15           H. Each biennial renewal of licensure shall be  
 16 accompanied by a fee as provided in Section 61-6-19 NMSA 1978."

17           **SECTION 32.** Section 61-6-7.2 NMSA 1978 (being Laws 1997,  
 18 Chapter 187, Section 3, as amended) is recompiled as Section  
 19 61-6C-4 NMSA 1978 and is amended to read:

20           "61-6C-4. PHYSICIAN ASSISTANT--INACTIVE LICENSE.--

21           A. A physician assistant license shall expire every  
 22 two years on a date established by the board.

23           B. A physician assistant who notifies the board in  
 24 writing on forms prescribed by the board may elect to place the  
 25 physician assistant's license on an inactive status. A

.222414.1

underscored material = new  
 [bracketed material] = delete

1 physician assistant with an inactive license shall be excused  
2 from payment of renewal fees and shall not practice as a  
3 physician assistant.

4 C. A physician assistant who engages in practice  
5 while the physician assistant's license is lapsed or on  
6 inactive status is practicing without a license, and this is  
7 grounds for discipline pursuant to the Physician Assistant Act  
8 and Medical Practice Act in accordance with the Uniform  
9 Licensing Act.

10 D. A physician assistant requesting restoration  
11 from inactive status shall pay the current renewal fee and  
12 fulfill the requirement for renewal pursuant to the Physician  
13 Assistant Act and the Medical Practice Act.

14 E. The board may, in its discretion, summarily  
15 suspend for nonpayment of fees the license of a physician  
16 assistant who has not renewed the physician assistant's license  
17 within ninety days of expiration.

18 F. A physician assistant who has not submitted an  
19 application for renewal on or before the license expiration  
20 date, but who has submitted an application for renewal within  
21 forty-five days after the license expiration date, shall be  
22 assessed a late fee.

23 G. A physician assistant who has not submitted an  
24 application for renewal between forty-six and ninety days after  
25 the expiration date shall be assessed a late fee."

.222414.1

1           SECTION 33. Section 61-6-9 NMSA 1978 (being Laws 1973,  
2 Chapter 361, Section 5, as amended) is recompiled as Section  
3 61-6C-7 NMSA 1978 and is amended to read:

4           "61-6C-7. PHYSICIAN ASSISTANTS--RULES.--The board may  
5 [~~adopt~~] promulgate in accordance with the State Rules Act and  
6 enforce [~~reasonable~~] those rules in accordance with the Uniform  
7 Licensing Act for:

8           A. education, skill and experience for licensure of  
9 a person as a physician assistant and providing forms and  
10 procedures for biennial license renewal;

11           B. examining and evaluating an applicant for  
12 licensure as a physician assistant as to skill, knowledge and  
13 experience of the applicant in the field of medical care;

14           C. establishing when and for how long physician  
15 assistants are permitted to prescribe, administer, dispense and  
16 distribute dangerous drugs other than controlled substances in  
17 Schedule I of the Controlled Substances Act pursuant to rules  
18 adopted by the board after consultation with the board of  
19 pharmacy;

20           D. allowing a supervising or collaborating licensed  
21 physician to temporarily delegate supervision or collaboration  
22 responsibilities for a physician assistant to another licensed  
23 physician;

24           E. establishing when a physician assistant may  
25 engage in the practice of medicine in collaboration with a

.222414.1

underscoring material = new  
[bracketed material] = delete

1 licensed physician; and

2 F. carrying out all other provisions of the  
3 Physician Assistant Act."

4 SECTION 34. Section 61-6-10 NMSA 1978 (being Laws 1973,  
5 Chapter 361, Section 6, as amended) is recompiled as Section  
6 61-6C-8 NMSA 1978 and is amended to read:

7 "61-6C-8. SUPERVISING OR COLLABORATING LICENSED  
8 PHYSICIAN--RESPONSIBILITY.--

9 A. As a condition of licensure, all physician  
10 assistants practicing in New Mexico shall be supervised by a  
11 licensed physician [~~licensed pursuant to the Medical Practice~~  
12 ~~Act~~]. The physician assistant shall inform the board of the  
13 name of the licensed physician under whose supervision the  
14 physician assistant will practice. All supervising physicians  
15 shall be licensed pursuant to the Medical Practice Act and  
16 [~~shall be~~] approved by the board.

17 B. Every licensed physician supervising a  
18 [~~licensed~~] physician assistant shall be individually  
19 responsible and liable for the performance of the acts and  
20 omissions delegated to the physician assistant the physician  
21 supervises. Nothing in this section shall be construed to  
22 relieve the physician assistant of responsibility and liability  
23 for the acts and omissions of the physician assistant. Rules  
24 promulgated in accordance with the State Rules Act pursuant to  
25 the Physician Assistant Act shall:

.222414.1

1 (1) require that a physician assistant whose  
 2 practice is a specialty care, as defined by the board, shall be  
 3 supervised by a licensed physician in accordance with  
 4 requirements established by the board; and

5 (2) allow a physician assistant whose practice  
 6 is primary care, as defined by the board, to collaborate with a  
 7 licensed physician in accordance with requirements established  
 8 by the board for different practice settings.

9 C. A physician assistant shall be supervised by or  
 10 collaborate with a licensed physician in accordance with rules  
 11 adopted by the board."

12 SECTION 35. Section 61-6-10.1 NMSA 1978 (being Laws  
 13 2001, Chapter 311, Section 1) is recompiled as Section 61-6D-1  
 14 NMSA 1978 and is amended to read:

15 "61-6D-1. SHORT TITLE.--~~[This act]~~ Chapter 61, Article  
 16 6D NMSA 1978 may be cited as the "Anesthesiologist Assistants  
 17 Act"."

18 SECTION 36. Section 61-6-10.9 NMSA 1978 (being Laws  
 19 2001, Chapter 311, Section 9, as amended) is recompiled as  
 20 Section 61-6D-8 NMSA 1978 and is amended to read:

21 "61-6D-8. RULES.--

22 A. The board may adopt in accordance with the State  
 23 Rules Act and enforce in accordance with the Uniform Licensing  
 24 Act reasonable rules:

25 (1) for setting qualifications of education,

.222414.1

underscoring material = new  
 [bracketed material] = delete

1 skill and experience for licensure of a person as an  
2 anesthesiologist assistant;

3 (2) for providing procedures and forms for  
4 licensure and annual registration;

5 (3) for examining and evaluating applicants  
6 for licensure as an anesthesiologist assistant regarding the  
7 required skill, knowledge and experience in developing and  
8 implementing anesthesia care plans under supervision;

9 (4) for allowing a supervising  
10 anesthesiologist to temporarily delegate supervisory  
11 responsibilities for an anesthesiologist assistant to another  
12 anesthesiologist;

13 (5) for allowing an anesthesiologist assistant  
14 to temporarily serve under the supervision of an  
15 anesthesiologist other than the supervising anesthesiologist  
16 with whom the anesthesiologist assistant is registered; and

17 (6) to carry out the provisions of the  
18 Anesthesiologist Assistants Act.

19 B. The board shall not adopt a rule allowing an  
20 anesthesiologist assistant to perform procedures outside the  
21 anesthesiologist assistant's scope of practice.

22 C. The board shall adopt rules:

23 (1) establishing requirements for  
24 anesthesiologist assistant licensing, including:

25 (a) completion of a graduate level

.222414.1



1 training program accredited by the commission on accreditation  
 2 of allied health education programs;

3 (b) successful completion of a  
 4 certifying examination for anesthesiologist assistants  
 5 administered by the national commission for the certification  
 6 of anesthesiologist assistants; and

7 (c) current certification by the  
 8 American heart association in advanced cardiac life-support  
 9 techniques;

10 (2) establishing minimum requirements for  
 11 continuing education of not less than forty hours every two  
 12 years;

13 (3) requiring adequate identification of the  
 14 anesthesiologist assistant to patients and others;

15 (4) requiring the presence, except in cases of  
 16 emergency, and the documentation of the presence, of the  
 17 supervising anesthesiologist in the operating room during  
 18 induction of a general or regional anesthetic and during  
 19 emergence from a general anesthetic, the presence of the  
 20 supervising anesthesiologist within the operating suite and  
 21 immediate availability to the operating room at other times  
 22 when the anesthetic procedure is being performed and requiring  
 23 that the anesthesiologist assistant comply with the above  
 24 restrictions;

25 (5) requiring the supervising anesthesiologist

.222414.1

underscored material = new  
 [bracketed material] = delete

1 to ensure that all activities, functions, services and  
2 treatment measures are properly documented in written form by  
3 the anesthesiologist assistant. The anesthesia record shall be  
4 reviewed, countersigned and dated by the supervising  
5 anesthesiologist;

6 (6) requiring the anesthesiologist assistant  
7 to inform the supervising anesthesiologist of serious adverse  
8 events;

9 (7) establishing, with respect to practice  
10 outside of a university in New Mexico with a medical school,  
11 that the number of anesthesiologist assistants a supervising  
12 anesthesiologist may supervise at one time, except in emergency  
13 cases, shall not exceed three anesthesiologist assistants;

14 (8) establishing, with respect to practice at  
15 a university in New Mexico with a medical school, that an  
16 anesthesiologist shall not supervise, except in emergency  
17 cases, more than four anesthesia providers if at least one  
18 anesthesia provider is an anesthesiologist assistant; and

19 (9) within twelve months of the date on which  
20 the Anesthesiologist Assistants Act becomes effective,  
21 providing for enhanced supervision at the commencement of an  
22 anesthesiologist assistant's practice."

23 SECTION 37. Section 61-8-6 NMSA 1978 (being Laws 1977,  
24 Chapter 221, Section 6, as amended) is amended to read:

25 "61-8-6. BOARD ORGANIZATION--MEETINGS--COMPENSATION--

.222414.1

1 POWERS AND DUTIES.--

2 A. The board shall hold a regular meeting at least  
 3 annually and shall elect annually a [~~chairman~~] chair, vice  
 4 [~~chairman~~] chair and secretary-treasurer from its membership,  
 5 each of whom shall serve until [~~his~~] a successor is selected  
 6 and qualified.

7 B. The board shall hold a minimum of one  
 8 examination for licensure each year in the month of June or  
 9 July at a place and at a time designated by the board. Notice  
 10 of the examination shall be given to all applicants at least  
 11 thirty days prior to the date of the examination.

12 C. Special meetings may be called by the [~~chairman~~]  
 13 chair and shall be called upon the written request of any three  
 14 board members. Notice of all meetings shall be made in  
 15 conformance with the Open Meetings Act.

16 D. Members of the board may be reimbursed as  
 17 provided in the Per Diem and Mileage Act, but shall receive no  
 18 other compensation, perquisite or allowance.

19 E. The board shall:

20 (1) administer and enforce the provisions of  
 21 the Podiatry Act;

22 (2) [~~adopt, publish and file~~] promulgate, in  
 23 accordance with [~~the Uniform Licensing Act and~~] the State Rules  
 24 Act, all rules for the implementation and enforcement of the  
 25 provisions of the Podiatry Act;

.222414.1

underscored material = new  
 [bracketed material] = delete

- 1 (3) adopt and use a seal;
- 2 (4) conduct hearings, administer oaths and  
3 take testimony on ~~[any]~~ matters within the board's  
4 jurisdiction;
- 5 (5) keep an accurate record of its meetings,  
6 receipts and disbursements;
- 7 (6) keep a record of licensure examinations  
8 held, together with the names and addresses of persons taking  
9 the examinations and the examination results. Within forty-  
10 five days after ~~[any]~~ an examination, the board shall give  
11 written notice to each applicant examined of the results of the  
12 examination as to the respective applicant;
- 13 (7) certify as passing each applicant who  
14 obtains a passing score, as defined by board rule, on  
15 examinations administered or approved by the board;
- 16 (8) keep records of registration in which the  
17 name, address and license number of licensed podiatrists are  
18 recorded, together with a record of license renewals,  
19 suspensions and revocations;
- 20 (9) grant, deny, renew, suspend or revoke  
21 licenses to practice podiatry or take other actions provided in  
22 Section 61-1-3 NMSA 1978 in accordance with the provisions of  
23 the Uniform Licensing Act for any cause stated in the Podiatry  
24 Act;
- 25 (10) ~~[adopt and]~~ promulgate rules setting

.222414.1

1 standards of preliminary and professional qualifications for  
 2 the practice of podiatry;

3 (11) [~~adopt and~~] promulgate rules and prepare  
 4 and administer examinations for the licensure and regulation of  
 5 podiatric assistants as are necessary to protect the public.

6 The rules shall include definitions and limitations on the  
 7 practice of podiatric assistants, qualifications for applicants  
 8 for licensure, an initial license fee in an amount not to  
 9 exceed two hundred fifty dollars (\$250) and a renewal fee not  
 10 to exceed one hundred dollars (\$100) per year, provisions for  
 11 the regulation of podiatric assistants and provisions for the  
 12 suspension or revocation of licenses;

13 (12) determine by rule all qualifications and  
 14 requirements for applicants seeking licensure as podiatrists or  
 15 podiatric assistants; and

16 (13) [~~adopt~~] promulgate rules and prepare and  
 17 administer examinations for applicants seeking licensure as  
 18 foot and ankle radiation technologists."

19 SECTION 38. Section 61-8-8 NMSA 1978 (being Laws 1977,  
 20 Chapter 221, Section 8, as amended) is amended to read:

21 "61-8-8. QUALIFICATIONS FOR LICENSURE AS A PODIATRIST.--

22 A. Each applicant for licensure as a podiatrist  
 23 shall furnish evidence satisfactory to the board that the  
 24 applicant:

25 (1) has reached the age of majority;

.222414.1

underscored material = new  
 [bracketed material] = delete

1                    [~~(2)~~ ~~is of good moral character,~~

2                    ~~(3)]~~ (2) has graduated and been awarded a  
3 doctor of podiatric medicine degree from a college of podiatric  
4 medicine accredited by the American podiatric medical  
5 association council on podiatric medical education; and

6                    [~~(4)]~~ (3) has completed, at a minimum, a one-  
7 year residency program at a hospital accredited by the American  
8 podiatric medical association council on education.

9                    B. Each applicant shall file [~~his~~] an application  
10 under oath on forms supplied by the board and shall pay the  
11 required fees.

12                    C. An applicant for licensure by examination shall  
13 submit evidence to the board that [~~he~~] the applicant has  
14 [~~successfully~~] passed the examinations administered by the  
15 national board of podiatry examiners for students graduating  
16 from colleges of podiatry and shall furnish the board an  
17 official transcript and take [~~such~~] clinical and written  
18 examinations as the board deems necessary. The examinations  
19 shall be in English and the subjects covered by the  
20 examinations shall be determined by the board and taken from  
21 subjects taught in accredited colleges of podiatric medicine.  
22 No applicant for licensure by examination shall be licensed who  
23 has not received a passing score on all board-approved or  
24 board-administered examinations.

25                    D. A podiatrist [~~duly~~] licensed in another state

underscoring material = new  
[bracketed material] = delete

1 may, on a temporary basis, consult, advise or cooperate in  
 2 patient treatment with a podiatrist licensed in New Mexico,  
 3 subject to rules ~~[adopted and]~~ promulgated by the board."

4 SECTION 39. Section 61-8-9 NMSA 1978 (being Laws 1977,  
 5 Chapter 221, Section 9, as amended) is amended to read:

6 "61-8-9. EXPEDITED LICENSURE BY RECIPROCITY.--

7 A. An applicant for expedited licensure by  
 8 reciprocity shall meet the qualifications set forth in Section  
 9 61-8-8 NMSA 1978, shall file ~~[his]~~ an application under oath on  
 10 forms supplied by the board that conform to board rules on  
 11 reciprocity and ~~[shall]~~ furnish proof satisfactory to the board  
 12 of ~~[his]~~ having been licensed by national examination in  
 13 another ~~[state that had qualifications equal to or exceeding~~  
 14 ~~those of this state on the date of his original licensure]~~  
 15 licensing jurisdiction. In addition, each applicant for  
 16 ~~[registration pursuant to the provisions for]~~ licensure by  
 17 reciprocity shall furnish the board:

18 (1) an affidavit from ~~[his]~~ the applicant's  
 19 state board showing ~~[current registration]~~ a valid,  
 20 unrestricted license and the fact that ~~[he]~~ the applicant has  
 21 been licensed to practice podiatry and ~~[that he]~~ has practiced  
 22 podiatry for at least five consecutive years immediately  
 23 preceding the filing of ~~[his]~~ the application for reciprocal  
 24 ~~[privilege The applicant shall also complete and pass those~~  
 25 ~~supplemental examinations as the board deems necessary if~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1 ~~required by board rule~~] licensure and is in good standing with  
2 the other licencing jurisdiction; and

3 (2) pay required fees.

4 B. The board shall, as soon as practicable but no  
5 later than thirty days after an out-of-state licensee files an  
6 application for licensure by reciprocity, process the  
7 application and issue the license in accordance with Section  
8 61-1-31.1 NMSA 1978.

9 C. The board shall determine the states and  
10 territories of the United States and the District of Columbia  
11 from which it will not accept an applicant for expedited  
12 licensure and the foreign countries from which it will accept  
13 an applicant for expedited licensure. The board shall post the  
14 list of disapproved and approved licensing jurisdictions on its  
15 website. The list of disapproved licensing jurisdictions shall  
16 include the specific reasons for disapproval. The lists shall  
17 be reviewed annually to determine if amendments to the rule are  
18 warranted."

19 SECTION 40. Section 61-9-6 NMSA 1978 (being Laws 1963,  
20 Chapter 92, Section 5, as amended) is amended to read:

21 "61-9-6. BOARD--MEETING--POWERS.--

22 A. The board shall, annually in the month of July,  
23 hold a meeting and elect from its membership a chair, vice  
24 chair and secretary-treasurer. The board shall meet at other  
25 times as it deems necessary or advisable or as deemed necessary

.222414.1



1 and advisable by the chair or a majority of its members or the  
 2 governor. Reasonable notice of all meetings shall be given in  
 3 the manner prescribed by the board. A majority of the board  
 4 constitutes a quorum at a meeting or hearing.

5 B. The board [~~is authorized to~~] may:

6 (1) [~~adopt and from time to time revise such~~]  
 7 promulgate rules [~~not inconsistent with the law as may be~~  
 8 ~~necessary~~] in accordance with the State Rules Act to carry into  
 9 effect the provisions of the Professional Psychologist Act.

10 The rules shall include a code of conduct for psychologists and  
 11 psychologist associates in the state;

12 (2) adopt a seal, and the administrator shall  
 13 have the care and custody of the seal;

14 (3) examine for, approve, deny, revoke,  
 15 suspend and renew the licensure of psychologist and  
 16 psychologist associate applicants as provided in the  
 17 Professional Psychologist Act in accordance with the Uniform  
 18 Licensing Act;

19 (4) conduct hearings in accordance with the  
 20 Uniform Licensing Act upon complaints concerning the  
 21 disciplining of a psychologist or psychologist associate; and

22 (5) cause the prosecution and enjoinder of  
 23 persons violating the Professional Psychologist Act and incur  
 24 related necessary expenses.

25 C. Within sixty days after the close of each fiscal

.222414.1

underscored material = new  
 [bracketed material] = delete

1 year, the board shall submit a written report, reviewed and  
2 signed by the board members, to the governor concerning the  
3 work of the board during the preceding fiscal year. The report  
4 shall include the names of psychologists and psychologist  
5 associates to whom licenses have been granted; cases heard and  
6 decisions rendered in relation to the work of the board; the  
7 recommendations of the board as to future policies, including  
8 the appropriate application of technology for supervision; and  
9 an account of all money received and expended by the board."

10 SECTION 41. Section 61-9-10 NMSA 1978 (being Laws 1963,  
11 Chapter 92, Section 9, as amended) is amended to read:

12 "61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER AREAS--  
13 EXPEDITED LICENSURE.--

14 ~~[Subject to the provisions of]~~ A. Except as  
15 provided in Section 61-9-10.1 NMSA 1978 for temporary or other  
16 provisional licensure that is not an expedited license, upon  
17 application accompanied by a fee as required by the  
18 Professional Psychologist Act, the board shall, without written  
19 or oral examination, issue [a] an expedited license to a person  
20 who furnishes, upon a form and in such manner as the board  
21 prescribes, evidence to the board that the person has been  
22 licensed or certified as a psychologist or prescribing  
23 psychologist by another ~~[state a territorial possession of the~~  
24 ~~United States, the District of Columbia or another country]~~  
25 licensing jurisdiction for two years. An applicant seeking a

1 license shall demonstrate to the board that the training and  
 2 education received by the applicant is equivalent to the  
 3 requirements for a doctoral degree in psychology as provided in  
 4 the Professional Psychologist Act; that the applicant holds a  
 5 valid, unrestricted license and is in good standing with the  
 6 licensing board of that licensing jurisdiction; and the  
 7 applicant has practiced psychology for at least two years  
 8 immediately prior to application in New Mexico.

9           B. The board shall, as soon as practicable but not  
 10 later than thirty days after an out-of-state licensee files an  
 11 application for an expedited license, process the application  
 12 and issue an expedited license in accordance with Section  
 13 61-1-31.1 NMSA 1978.

14           C. If the board issues an expedited license to a  
 15 person whose prior licensing jurisdiction did not require  
 16 examination, the board may require the person to pass an  
 17 examination before license renewal.

18           D. The board by rule shall determine the states and  
 19 territories of the United States and the District of Columbia  
 20 from which it will not accept an applicant for expedited  
 21 licensure and shall determine any foreign countries from which  
 22 it will accept an applicant for expedited licensure. The board  
 23 shall post the lists of disapproved and approved licensing  
 24 jurisdictions on its website. The list of disapproved  
 25 licensing jurisdictions shall include the specific reasons for

.222414.1

underscored material = new  
 [bracketed material] = delete

1 disapproval. The rule shall be reviewed annually to determine  
2 if amendments to the rule are warranted."

3 SECTION 42. Section 61-9-13 NMSA 1978 (being Laws 1963,  
4 Chapter 92, Section 12, as amended) is amended to read:

5 "61-9-13. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.--

6 A. In accordance with the Uniform Licensing Act,  
7 the board, by an affirmative vote of at least five of its eight  
8 members, shall withhold, deny, revoke or suspend a psychologist  
9 or psychologist associate license issued or applied for in  
10 accordance with the provisions of the Professional Psychologist  
11 Act or otherwise discipline a [~~licensed~~] psychologist or  
12 psychologist associate upon proof that the applicant,  
13 [~~licensed~~] psychologist or psychologist associate:

14 (1) has been convicted of a felony or an  
15 offense involving moral turpitude, the record of conviction  
16 being conclusive evidence thereof;

17 (2) is using a drug, substance or alcoholic  
18 beverage to an extent or in a manner dangerous to the  
19 psychologist or psychologist associate, any other person or the  
20 public or to an extent that the use impairs the psychologist's  
21 or psychologist associate's ability to perform the work of a  
22 professional psychologist or psychologist associate with safety  
23 to the public;

24 (3) has impersonated another person holding a  
25 psychologist or psychologist associate license or allowed

.222414.1

1 another person to use the psychologist's or psychologist  
 2 associate's license;

3 (4) has used fraud or deception in applying  
 4 for a license or in taking an examination provided for in the  
 5 Professional Psychologist Act;

6 (5) has accepted commissions or rebates or  
 7 other forms of remuneration for referring clients to other  
 8 professional persons;

9 (6) has allowed the psychologist's or  
 10 psychologist associate's name or license issued under the  
 11 Professional Psychologist Act to be used in connection with a  
 12 person who performs psychological services outside of the area  
 13 of that person's training, experience or competence;

14 (7) is legally adjudicated insane or mentally  
 15 incompetent, the record of such adjudication being conclusive  
 16 evidence thereof;

17 (8) has willfully or negligently violated the  
 18 provisions of the Professional Psychologist Act;

19 (9) has violated any code of conduct adopted  
 20 by the board;

21 (10) has been disciplined by another state for  
 22 acts similar to acts described in this subsection, and a  
 23 certified copy of the record of discipline of the state  
 24 imposing the discipline is conclusive evidence;

25 (11) is incompetent to practice psychology;

.222414.1

underscored material = new  
 [bracketed material] = delete

1 (12) has failed to furnish to the board or its  
2 representative information requested by the board;

3 (13) has abandoned patients or clients;

4 (14) has failed to report to the board adverse  
5 action taken against the licensee by:

6 (a) another licensing jurisdiction;

7 (b) a professional psychologist  
8 association of which the psychologist or psychologist associate  
9 is or has been a member;

10 (c) a government agency; or

11 (d) a court for actions or conduct  
12 similar to acts or conduct that would constitute grounds for  
13 action as described in this subsection;

14 (15) has failed to report to the board  
15 surrender of a license or other authorization to practice  
16 psychology in another jurisdiction or surrender of membership  
17 on a health care staff or in a professional association  
18 following a disciplinary investigation, or in lieu of or while  
19 under a disciplinary investigation, by any of those authorities  
20 for acts or conduct that would constitute grounds for action as  
21 defined in this subsection;

22 (16) has failed to adequately supervise a  
23 psychologist associate or a licensed psychologist holding a  
24 conditional prescription certificate;

25 (17) has employed abusive billing practices;

1 (18) has aided or abetted the practice of  
2 psychology by a person not licensed by the board; or

3 (19) uses conversion therapy on a minor.

4 B. A person who has been refused a license or whose  
5 license has been restricted or suspended under the provisions  
6 of this section may reapply for licensure after more than two  
7 years have elapsed from the date the restriction or suspension  
8 is terminated.

9 C. As used in this section:

10 (1) "conversion therapy" means any practice or  
11 treatment that seeks to change a person's sexual orientation or  
12 gender identity, including any effort to change behaviors or  
13 gender expressions or to eliminate or reduce sexual or romantic  
14 attractions or feelings toward persons of the same sex.

15 "Conversion therapy" does not mean:

16 (a) counseling or mental health services  
17 that provide acceptance, support and understanding of a person  
18 without seeking to change gender identity or sexual  
19 orientation; or

20 (b) mental health services that  
21 facilitate a person's coping, social support, sexual  
22 orientation or gender identity exploration and development,  
23 including an intervention to prevent or address unlawful  
24 conduct or unsafe sexual practices, without seeking to change  
25 gender identity or sexual orientation;

.222414.1

1                   (2) "gender identity" means a person's  
2 self-perception, or perception of that person by another, of  
3 the person's identity as a male or female based upon the  
4 person's appearance, behavior or physical characteristics that  
5 are in accord with or opposed to the person's physical anatomy,  
6 chromosomal sex or sex at birth;

7                   (3) "minor" means a person under eighteen  
8 years of age; and

9                   (4) "sexual orientation" means  
10 heterosexuality, homosexuality or bisexuality, whether actual  
11 or perceived."

12                 SECTION 43. Section 61-9A-3 NMSA 1978 (being Laws 1993,  
13 Chapter 49, Section 3, as amended) is amended to read:

14                 "61-9A-3. DEFINITIONS.--As used in the Counseling and  
15 Therapy Practice Act:

16                   A. "accredited institution" means a university or  
17 college accredited by an accrediting agency of institutions of  
18 higher education;

19                   B. "appraisal" means selecting, administering,  
20 scoring and interpreting instruments designed to assess a  
21 person's aptitudes, attitudes, abilities, achievements,  
22 interests, personal characteristics and current emotional or  
23 mental state by appropriately educated, trained and experienced  
24 clinicians and the use of nonstandardized methods and  
25 techniques for understanding human behavior in relation to

.222414.1



1 coping with, adapting to or changing life situations of a  
 2 physical, mental or emotional nature; "appraisal" shall not be  
 3 construed to permit the performance of any act that a counselor  
 4 or a therapist is not educated, trained and licensed to  
 5 perform;

6 C. "appropriate clinical supervision" means, as  
 7 defined by rule, supervision provided by a licensed:

- 8 (1) professional clinical mental health  
 9 counselor;
- 10 (2) marriage and family therapist;
- 11 (3) professional art therapist;
- 12 (4) psychiatrist;
- 13 (5) clinical psychologist;
- 14 (6) clinical nurse specialist in psychiatry;
- 15 (7) independent social worker with two years  
 16 of mental health and supervised clinical experience; or
- 17 (8) alcohol and drug abuse counselor [~~A~~  
 18 ~~licensed alcohol and drug abuse counselor shall have completed]~~  
 19 with three years of work experience in the field of alcohol and  
 20 drug abuse prior to providing supervision;

21 D. "appropriate clinical supervisor for substance  
 22 abuse associate" means a person who has education and  
 23 experience specific to the career track of the associate and  
 24 has training in transmitting knowledge, skills and attitudes  
 25 through a relational process that includes direct oversight of

.222414.1

underscored material = new  
 [bracketed material] = delete

1 the clinical work;

2 E. "approved clinical supervisor" means a person  
3 who is a licensed professional clinical mental health  
4 counselor, licensed marriage and family therapist, licensed  
5 professional art therapist, licensed psychiatrist, licensed  
6 clinical psychologist, clinical nurse specialist in psychiatry  
7 or licensed independent social worker and provides supervision  
8 to a licensed mental health counselor or therapist;

9 F. "art therapy" means the rendering of art therapy  
10 principles whereby communication is facilitated through  
11 therapeutic counseling and art media. This involves the  
12 application of the principles of human development and  
13 psychological theories, which are implemented in the full  
14 spectrum of models of assessment and treatment, including  
15 psychodynamics and cognitive, interpersonal and other  
16 therapeutic means to individuals, couples, families, groups and  
17 communities for the promotion of optimal mental health;

18 G. "board" means the counseling and therapy  
19 practice board;

20 H. "client contact hours" means the face-to-face  
21 time spent with a client to appraise, assess, evaluate,  
22 diagnose, treat psychopathology and provide counseling  
23 services;

24 I. "clinical counseling" means the rendering of  
25 counseling services involving the application of principles of

.222414.1

1 psychotherapy, human development, learning theory, diagnosis,  
 2 treatment and the etiology of mental illness and dysfunctional  
 3 behavior to individuals, couples, families or groups for the  
 4 purpose of assessing and treating psychopathology and promoting  
 5 optimal mental health;

6 J. "consultation" means the voluntary,  
 7 nonsupervisory relationship between professionals or other  
 8 pertinent persons, in application of scientific counseling,  
 9 guidance and human development principles and procedures to  
 10 provide assistance in understanding and resolving a current or  
 11 potential problem that the consultee may have in relation to a  
 12 third party, be it an individual, group, family or  
 13 organization;

14 K. "counselor training and education" means a  
 15 process that prepares counselors and therapists in both  
 16 didactic and clinical aspects of counseling;

17 L. "course" means an integrated, organized course  
 18 of study, which encompasses a minimum of one school semester or  
 19 equivalent hours;

20 M. "counseling" means the application of scientific  
 21 principles and procedures in therapeutic counseling, guidance  
 22 and human development to provide assistance in understanding  
 23 and solving a mental, emotional, physical, social, moral,  
 24 educational, spiritual or career development and adjustment  
 25 problem that a client may have;

.222414.1

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

1           N. "counseling-related field" as defined by rule,  
2 means a degree in guidance counseling, mental health-community  
3 counseling or agency counseling; psychology, clinical  
4 psychology or counseling psychology; human services; family  
5 services; human and family studies; art therapy; or art  
6 education with an emphasis in art therapy;

7           ~~[O. "defined by rule" means rules published by the~~  
8 ~~board to establish criteria, standards and procedures relevant~~  
9 ~~to application, licensing, administration and enforcement of~~  
10 ~~the Counseling and Therapy Practice Act;~~

11           P.] O. "department" means the regulation and  
12 licensing department or the division of the department  
13 designated to administer the counseling and therapy practice  
14 board;

15           ~~[Q.]~~ P. "diagnosis and treatment planning" means  
16 assessing, analyzing and providing diagnostic descriptions of  
17 mental, emotional or behavioral conditions; exploring possible  
18 solutions; and developing and implementing a treatment plan for  
19 mental, emotional and psychosocial adjustment or development.  
20 "Diagnosis and treatment planning" shall not be construed to  
21 permit the performance of any act that counselors or therapists  
22 are not educated, trained and licensed to perform;

23           ~~[R.]~~ Q. "evaluation" means the act of making  
24 informed decisions based on the use and analysis of pertinent  
25 data;

.222414.1

1           [S-] R. "internship" means a distinctly defined,  
 2 pre-graduate, supervised clinical experience in which the  
 3 student refines, enhances and integrates professional knowledge  
 4 with basic counselor or therapist skills appropriate to the  
 5 student's program and preparation for postgraduate professional  
 6 placement;

7           [F-] S. "licensure" means the process by which a  
 8 state agency or government grants permission to an individual  
 9 to engage in a given profession and to use the designated title  
 10 of that profession after the applicant has attained the minimal  
 11 degree of competency necessary to ensure that the public  
 12 health, safety and welfare are reasonably well protected;

13           [U-] T. "marriage and family therapy" means the  
 14 assessment, diagnosis and treatment of nervous and mental  
 15 disorders, whether cognitive, affective or behavioral, within  
 16 the context of marriage and family systems;

17           [V-] U. "mental disorder" means any of several  
 18 conditions or disorders that meet the diagnostic criteria  
 19 contained in the diagnostic and statistical manual of the  
 20 American psychiatric association or the world health  
 21 organization's international classification of mental  
 22 disorders;

23           [W-] V. "practicum" means a distinctly defined,  
 24 supervised clinical experience in which the student develops  
 25 basic counselor or therapist skills and integrates professional

.222414.1

underscored material = new  
 [bracketed material] = delete

1 knowledge, which practicum is completed prior to or concurrent  
2 with an internship;

3 ~~[X-]~~ W. "program" means a structured sequence of  
4 curricular and clinical experiences housed within an academic  
5 unit;

6 ~~[Y-]~~ X. "referral" means evaluating and identifying  
7 the needs of a client to determine the advisability of  
8 referrals to other specialists, advising the client of such  
9 judgments and communicating as requested or deemed appropriate  
10 to such referral sources;

11 ~~[Z-]~~ Y. "research" means a systematic effort to  
12 collect, analyze and interpret quantitative or qualitative data  
13 that describe how social characteristics, behavior, emotions,  
14 cognition, disabilities, mental disorders and interpersonal  
15 transactions among individuals, couples, families and  
16 organizations interact;

17 ~~[AA-]~~ Z. "standard" means a minimal criterion that  
18 must be met; and

19 ~~[BB-]~~ AA. "substance abuse-related field" means a  
20 degree in guidance counseling, mental health-community  
21 counseling, agency counseling, psychology, clinical psychology,  
22 counseling psychology, human services, family services, human  
23 and family studies, social work, art therapy or art education  
24 with appropriate clinical background and two hundred seventy-  
25 six clock hours in education or training in alcohol and drug

.222414.1

1 abuse counseling."

2 SECTION 44. Section 61-9A-22 NMSA 1978 (being Laws 1993,  
3 Chapter 49, Section 22, as amended) is amended to read:

4 "61-9A-22. EXPEDITED LICENSURE BY CREDENTIALS.--

5 A. The board shall issue [~~a~~] an expedited license  
6 in the same licensure level to a person who:

7 (1) files a completed application accompanied  
8 by the required fees;

9 (2) submits evidence that the applicant holds  
10 [~~and has held for a minimum of two years a current~~] a valid,  
11 unrestricted license in a counseling-related field issued by  
12 [~~the appropriate examining board under the law of any other~~  
13 ~~state or territory of the United States, the District of~~  
14 ~~Columbia or any foreign nation~~] another licensing jurisdiction;

15 (3) is in good standing with that licensing  
16 jurisdiction with no disciplinary action pending or brought  
17 against the applicant within the past two years; [~~and~~]

18 (4) has practiced in New Mexico for at least  
19 two years immediately prior to application; and

20 [~~(4)~~] (5) possesses a master's or doctoral  
21 degree in counseling or a counseling-related field from an  
22 accredited institution.

23 B. As soon as practicable but no later than thirty  
24 days after an out-of-state licensee files an application for a  
25 license, the board shall process the application and issue the

.222414.1

1 expedited license in accordance with Section 61-1-31.1 NMSA  
2 1978.

3 C. If the board issues an expedited license to a  
4 person whose prior licensing jurisdiction did not require  
5 examination, the board may require that person to pass the  
6 required examination before applying for license renewal.

7 D. The board by rule shall determine the states and  
8 territories of the United States and the District of Columbia  
9 from which it will not accept an applicant for expedited  
10 licensure and determine any foreign countries from which it  
11 will accept an applicant for expedited licensure. The board  
12 shall post the lists of disapproved and approved licensing  
13 jurisdictions on its website. The list of disapproved  
14 licensing jurisdictions shall include the specific reasons for  
15 disapproval. The lists shall be reviewed annually to determine  
16 if amendments to the rule are warranted.

17 ~~[B-]~~ E. Applicants who do not meet the licensure by  
18 credential requirements must meet the current licensure  
19 requirements for a regular license."

20 SECTION 45. Section 61-11-6 NMSA 1978 (being Laws 1969,  
21 Chapter 29, Section 5, as amended) is amended to read:

22 "61-11-6. POWERS AND DUTIES OF BOARD.--

23 A. The board shall:

24 (1) ~~[adopt, amend or repeal rules and~~  
25 ~~regulations necessary]~~ promulgate rules in accordance with the

.222414.1



1 provisions of the State Rules Act to carry out the provisions  
 2 of the Pharmacy Act in accordance with the provisions of the  
 3 Uniform Licensing Act;

4 (2) provide for examinations of applicants for  
 5 licensure as pharmacists;

6 (3) provide for the issuance and renewal of  
 7 licenses for pharmacists;

8 (4) require and establish criteria for  
 9 continuing education as a condition of renewal of licensure for  
 10 pharmacists;

11 (5) provide for the issuance and renewal of  
 12 licenses for pharmacist interns and for their training,  
 13 supervision and discipline;

14 (6) provide for the licensing of retail  
 15 pharmacies, nonresident pharmacies, wholesale drug  
 16 distributors, drug manufacturers, hospital pharmacies, nursing  
 17 home drug facilities, industrial and public health clinics and  
 18 all places where dangerous drugs are stored, distributed,  
 19 dispensed or administered and provide for the inspection of the  
 20 facilities and activities;

21 (7) enforce the provisions of all laws of the  
 22 state pertaining to the practice of pharmacy and the  
 23 manufacture, production, sale or distribution of drugs or  
 24 cosmetics and their standards of strength and purity;

25 (8) conduct hearings upon charges relating to

.222414.1

underscored material = new  
 [bracketed material] = delete

1 the discipline of a registrant or licensee or the denial,  
2 suspension or revocation of a registration or a license in  
3 accordance with the Uniform Licensing Act;

4 (9) cause the prosecution of any person  
5 violating the Pharmacy Act, the New Mexico Drug, Device and  
6 Cosmetic Act or the Controlled Substances Act;

7 (10) keep a record of all proceedings of the  
8 board;

9 (11) make an annual report to the governor;

10 (12) appoint and employ, in the board's  
11 discretion, a qualified person who is not a member of the board  
12 to serve as executive director and define the executive  
13 director's duties and responsibilities; except that the power  
14 to deny, revoke or suspend any license or registration  
15 authorized by the Pharmacy Act shall not be delegated by the  
16 board;

17 (13) appoint and employ inspectors necessary  
18 to enforce the provisions of all acts under the administration  
19 of the board, which inspectors shall be pharmacists and have  
20 all the powers and duties of peace officers;

21 (14) provide for other qualified employees  
22 necessary to carry out the provisions of the Pharmacy Act;

23 (15) have the authority to employ a competent  
24 attorney to give advice and counsel in regard to any matter  
25 connected with the duties of the board, to represent the board

.222414.1

1 in any legal proceedings and to aid in the enforcement of the  
 2 laws in relation to the pharmacy profession and to fix the  
 3 compensation to be paid to the attorney; provided, however,  
 4 that the attorney shall be compensated from the money of the  
 5 board, including that provided for in Section 61-11-19 NMSA  
 6 1978;

7 (16) register and regulate qualifications,  
 8 training and permissible activities of pharmacy technicians;

9 (17) provide a registry of all persons  
 10 licensed as pharmacists or pharmacist interns in the state;

11 (18) [~~adopt~~] promulgate rules [~~and~~  
 12 ~~regulations~~] that prescribe the activities and duties of  
 13 pharmacy owners and pharmacists in the provision of  
 14 pharmaceutical care, emergency prescription dispensing, drug  
 15 regimen review and patient counseling in each practice setting;

16 (19) [~~adopt~~] promulgate, after approval by the  
 17 New Mexico medical board [~~of medical examiners~~] and the board  
 18 of nursing, rules and protocols for the prescribing of  
 19 dangerous drug therapy, including vaccines and immunizations,  
 20 and the appropriate notification of the primary or appropriate  
 21 physician of the person receiving the dangerous drug therapy;  
 22 and

23 (20) have the authority to authorize emergency  
 24 prescription dispensing.

25 B. The board may:

.222414.1

underscored material = new  
 [bracketed material] = delete

1 (1) delegate its authority to the executive  
2 director to issue temporary licenses as provided in Section  
3 61-11-14 NMSA 1978;

4 (2) provide by [~~regulation~~] rule for the  
5 electronic transmission of prescriptions; and

6 (3) delegate its authority to the executive  
7 director to authorize emergency prescription dispensing  
8 procedures during civil or public health emergencies."

9 SECTION 46. Section 61-12A-9 NMSA 1978 (being Laws 1996,  
10 Chapter 55, Section 9, as amended) is amended to read:

11 "61-12A-9. BOARD--POWERS AND DUTIES.--

12 A. The board shall:

13 (1) [~~adopt, file, amend or repeal~~] promulgate  
14 rules [~~and regulations~~] in accordance with the [~~Uniform~~  
15 ~~Licensing~~] State Rules Act to carry out the provisions of the  
16 Occupational Therapy Act;

17 (2) use funds [~~for the purpose of meeting~~] to  
18 meet the necessary expenses incurred in carrying out the  
19 provisions of the Occupational Therapy Act;

20 (3) adopt a code of ethics;

21 (4) enforce the provisions of the Occupational  
22 Therapy Act to protect the public by conducting hearings on  
23 charges relating to the discipline of licensees, including the  
24 denial, suspension or revocation of a license in accordance  
25 with the Uniform Licensing Act;

- 1 (5) establish and collect fees;
- 2 (6) provide for examination for and issuance,
- 3 renewal and reinstatement of licenses;
- 4 (7) establish, impose, ~~and~~ collect and remit
- 5 fines for violations of the Occupational Therapy Act to the
- 6 current school fund;
- 7 (8) appoint a registrar to keep records and
- 8 minutes necessary to carry out the functions of the board; and
- 9 (9) obtain the legal assistance of the
- 10 attorney general.

11 B. The board may:

- 12 (1) issue investigative subpoenas for the
- 13 purpose of investigating complaints against licensees prior to
- 14 the issuance of a notice of contemplated action;
- 15 (2) hire or contract with an investigator to
- 16 investigate complaints that have been filed with the board.
- 17 The board shall set the compensation of the investigator to be
- 18 paid from the funds of the board;
- 19 (3) inspect establishments; and
- 20 (4) designate hearing officers."

21 SECTION 47. Section 61-12A-14 NMSA 1978 (being Laws

22 1996, Chapter 55, Section 14, as amended) is amended to read:

23 "61-12A-14. EXPEDITED LICENSURE BY ENDORSEMENT.-- [~~Upon~~

24 ~~verification~~]

25 A. The board ~~may~~ shall grant a license to an

.222414.1

1 applicant who presents a ~~[current]~~ valid, unrestricted license  
2 ~~[in good standing]~~ as an occupational therapist or an  
3 occupational therapy assistant in another ~~[state the District~~  
4 ~~of Columbia or a territory of the United States that meets the~~  
5 ~~requirements of Section 61-12A-11 NMSA 1978]~~ licensing  
6 jurisdiction and is in good standing with the licensing board  
7 of that licensing jurisdiction and has practiced occupational  
8 therapy or occupational therapy assisting for at least two  
9 years immediately prior to application in New Mexico. The  
10 board shall, as soon as practicable but no later than thirty  
11 days after an out-of-state licensee files an application for an  
12 expedited license accompanied by required fees, process the  
13 application and issue the expedited license in accordance with  
14 Section 61-1-31.1 NMSA 1978.

15 B. If the out-of-state licensee was licensed in a  
16 jurisdiction that did not require passage of the national  
17 examination for certification in occupational therapy, the  
18 board may require the licensee to pass that examination to  
19 continue to be licensed in New Mexico.

20 C. The board shall determine the other states and  
21 territories of the United States and the District of Columbia  
22 from which it will not accept applicants for expedited  
23 licensure and the foreign countries from which it will accept  
24 applicants for expedited licensure. The board shall post the  
25 list of disapproved and approved licensing jurisdictions on its

.222414.1

1 website. The list of disapproved licensing jurisdictions shall  
 2 include the specific reasons for disapproval. The lists shall  
 3 be reviewed annually to determine if amendments to the rule are  
 4 warranted."

5 SECTION 48. Section 61-12B-6 NMSA 1978 (being Laws 1984,  
 6 Chapter 103, Section 6, as amended) is amended to read:

7 "61-12B-6. DEPARTMENT--DUTIES AND POWERS.--

8 A. The department, in consultation with the board,  
 9 shall:

10 (1) evaluate the qualifications of applicants  
 11 and review the required examination results of applicants. The  
 12 department may recognize the entry level examination written by  
 13 the national board for respiratory care or a successor board;

14 (2) promulgate rules [~~as may be necessary~~] in  
 15 accordance with the State Rules Act to implement the provisions  
 16 of the Respiratory Care Act;

17 (3) issue and renew licenses and temporary  
 18 permits to qualified applicants who meet the requirements of  
 19 the Respiratory Care Act; and

20 (4) administer, coordinate and enforce the  
 21 provisions of the Respiratory Care Act and investigate persons  
 22 engaging in practices that may violate the provisions of that  
 23 act in accordance with the Uniform Licensing Act.

24 B. The department, in consultation with the board,  
 25 may:

.222414.1

1 (1) conduct examinations of respiratory care  
2 practitioner applicants as required by rules of the department;

3 (2) reprimand, fine, deny, suspend or revoke a  
4 license or temporary permit to practice respiratory care as  
5 provided in the Respiratory Care Act in accordance with the  
6 provisions of the Uniform Licensing Act;

7 (3) for the purpose of investigating  
8 complaints against applicants and licensees, issue  
9 investigative subpoenas prior to the issuance of a notice of  
10 contemplated action as set forth in the Uniform Licensing Act;

11 (4) enforce and administer the provisions of  
12 the Impaired Health Care Provider Act and promulgate rules  
13 [~~pursuant to~~] to implement the provisions of that act as it  
14 relates to respiratory care practitioners;

15 (5) promulgate rules [~~or~~], including  
16 disciplinary guidelines, relating to impaired practitioners;

17 (6) promulgate rules to allow the interstate  
18 transport of patients; and

19 (7) promulgate rules to determine and regulate  
20 the scope and qualifications for expanded practice for  
21 respiratory care practitioners."

22 SECTION 49. Section 61-12B-7 NMSA 1978 (being Laws 1984,  
23 Chapter 103, Section 7, as amended) is amended to read:

24 "61-12B-7. LICENSING BY TRAINING AND EXAMINATION.--A  
25 person desiring to become licensed as a respiratory care



1 practitioner shall make application to the department on a  
 2 written form and in such manner as the department prescribes,  
 3 pay all required application fees and certify and furnish  
 4 evidence to the department that the applicant:

5 A. has successfully completed a training program as  
 6 defined in the Respiratory Care Act and set forth by rules of  
 7 the department;

8 B. has passed an entry level examination, as  
 9 specified by rules of the department, for respiratory care  
 10 practitioners administered by the national board for  
 11 respiratory care or a successor board; and

12 ~~[C. is of good moral character; and~~

13 ~~D.]~~ C. has successfully completed other training or  
 14 education programs and passed other examinations as set forth  
 15 by rules of the department."

16 SECTION 50. Section 61-12B-8 NMSA 1978 (being Laws 1984,  
 17 Chapter 103, Section 8, as amended) is amended to read:

18 "61-12B-8. EXPEDITED LICENSING WITHOUT TRAINING AND  
 19 EXAMINATION.--

20 A. The department shall waive the education and  
 21 examination requirements for an applicant who presents proof  
 22 that ~~[he is currently licensed in good standing in a~~  
 23 ~~jurisdiction that has standards for licensure that are at least~~  
 24 ~~equal to those for licensure in New Mexico as required by the~~  
 25 ~~Respiratory Care Act]~~ the applicant holds a valid, unrestricted

.222414.1

underscored material = new  
 [bracketed material] = delete

1 license in another licensing jurisdiction, is in good standing  
2 with that licensing jurisdiction and has practiced as a  
3 respiratory therapy practitioner for at least two years  
4 immediately prior to application in New Mexico.

5 B. The department shall, as soon as practicable but  
6 no later than thirty days after an out-of-state licensee files  
7 an application paid the required fees, process the application  
8 and issue the expedited license in accordance Section 61-1-31.1  
9 NMSA 1978.

10 C. The department shall determine the states and  
11 territories of the United States and the District of Columbia  
12 from which it will not accept applicants for expedited  
13 licensure and the foreign countries from which it will accept  
14 applicants for expedited licensure. The department shall post  
15 the lists of disapproved and approved licensing jurisdictions  
16 on its website. The list of disapproved licensing  
17 jurisdictions shall include the specific reasons for  
18 disapproval. The lists shall be reviewed annually to determine  
19 if amendments to the rule are warranted."

20 SECTION 51. Section 61-12C-16 NMSA 1978 (being Laws  
21 1991, Chapter 147, Section 16, as amended) is amended to read:

22 "61-12C-16. EXPEDITED LICENSURE BY CREDENTIALS.--~~[After~~  
23 ~~successful completion of a jurisprudence examination]~~

24 A. The board [may] shall license an out-of-state  
25 applicant [provided that he] in accordance with Section

.222414.1

1 61-1-31.1 NMSA 1978 if the applicant possesses a valid,  
 2 unrestricted license or registration to practice massage  
 3 therapy [issued by the appropriate examining board under the  
 4 laws of any other state or territory of the United States, the  
 5 District of Columbia or any foreign nation and has met  
 6 educational and examination requirements equal to or exceeding  
 7 those established pursuant to the Massage Therapy Practice Act]  
 8 in another licensing jurisdiction, has practiced massage  
 9 therapy for at least two years immediately prior to application  
 10 in New Mexico and pays required fees. As soon as practicable  
 11 but no later than thirty days after a person files an  
 12 application for an expedited license, the board shall process  
 13 the application and issue the expedited license in accordance  
 14 with Section 61-1-31.1 NMSA 1978.

15 B. If the board issues an expedited license to a  
 16 person whose prior licensing jurisdiction did not require  
 17 examination, the board may require the person to pass an  
 18 examination before license renewal.

19 C. The board shall determine each year the states  
 20 and territories of the United States and the District of  
 21 Columbia from which it will not accept applicants for expedited  
 22 licensure and determine foreign countries from which it will  
 23 accept applicants for expedited licensure. The board shall  
 24 post the lists of disapproved and approved licensing  
 25 jurisdictions on its website. The list of disapproved

.222414.1

underscored material = new  
[bracketed material] = delete

1 licensing jurisdictions shall include the specific reasons for  
2 disapproval."

3 SECTION 52. Section 61-12D-5 NMSA 1978 (being Laws 1997,  
4 Chapter 89, Section 5, as amended) is amended to read:

5 "61-12D-5. POWERS AND DUTIES.--The board:

6 A. shall examine all applicants for licensure to  
7 practice physical therapy and issue licenses or permits to  
8 those who are duly qualified;

9 B. shall regulate the practice of physical therapy  
10 by interpreting and enforcing the provisions of the Physical  
11 Therapy Act [~~including taking disciplinary action~~];

12 C. may [~~adopt, file, amend or repeal~~] promulgate  
13 rules [~~and regulations~~] in accordance with the [~~Uniform~~  
14 ~~Licensing~~] State Rules Act to carry out the provisions of the  
15 Physical Therapy Act;

16 D. may meet as often as it deems necessary. A  
17 majority of the members constitutes a quorum for the  
18 transaction of business. The board shall keep an official  
19 record of all its proceedings;

20 E. may establish requirements for assessing  
21 continuing competency;

22 F. may collect fees;

23 G. may elect such officers as it deems necessary  
24 for the operations and obligations of the board. Terms of  
25 office shall be one year;

.222414.1

1 H. shall provide for the timely orientation and  
 2 training of new professional and public appointees to the  
 3 board, including training in licensing and disciplinary  
 4 procedures and orientation to all statutes, rules, policies and  
 5 procedures of the board;

6 I. may establish ad hoc committees and pay per diem  
 7 and mileage to the members;

8 J. may enter into contracts;

9 K. may deny, suspend or revoke a license or take  
 10 other disciplinary action in accordance with the Uniform  
 11 Licensing Act;

12 [~~K.~~] L. shall report final disciplinary action  
 13 taken against a physical therapist or physical therapist  
 14 assistant to the national disciplinary database;

15 [~~L.~~] M. shall publish at least annually final  
 16 disciplinary action taken against any physical therapist or  
 17 physical therapist assistant; and

18 [~~M.~~] N. may prescribe the forms of license  
 19 certificates, application forms and such other documents as it  
 20 deems necessary to carry out the provisions of the Physical  
 21 Therapy Act."

22 SECTION 53. Section 61-12D-10 NMSA 1978 (being Laws  
 23 1997, Chapter 89, Section 10, as amended) is amended to read:

24 "61-12D-10. LICENSURE--QUALIFICATIONS--LICENSURE FROM  
 25 FOREIGN SCHOOLS--TEMPORARY LICENSES--REINSTATEMENT.--

.222414.1

underscored material = new  
 [bracketed material] = delete

1           A. An applicant for licensure as a physical  
2 therapist shall submit a completed application and have the  
3 following minimum qualifications:

4                   ~~[(1) be of good moral character;~~  
5                   ~~(2)]~~ (1) be a graduate of an accredited  
6 physical therapy program approved by the board;  
7                   ~~[(3)]~~ (2) have successfully passed the  
8 national physical therapy examination approved by the board;  
9 and

10                   ~~[(4)]~~ (3) have successfully passed the state  
11 jurisprudence examination.

12           B. An applicant for licensure as a physical  
13 therapist who has been educated outside the United States shall  
14 submit a completed application and meet the following minimum  
15 qualifications in addition to those required in ~~[Paragraphs~~  
16 ~~(1), (3) and (4) of]~~ Subsection A of this section:

17                   (1) provide satisfactory evidence that the  
18 applicant's education is substantially equivalent to the  
19 requirements of physical therapists educated in accredited  
20 educational programs in the United States, as determined by the  
21 board. If the board determines that a foreign-educated  
22 applicant's education is not substantially equivalent, it may  
23 require completion of additional course work before proceeding  
24 with the application process;

25                   (2) provide evidence that the applicant is a

1 graduate of a school of training that is recognized by the  
 2 foreign country's own ministry of education or similar  
 3 institution;

4 (3) provide written proof of authorization to  
 5 practice as a physical therapist without limitations in the  
 6 legal jurisdiction where the post-secondary institution from  
 7 which the applicant has graduated is located;

8 (4) have the applicant's educational  
 9 credentials evaluated by a board-approved credential evaluation  
 10 agency; and

11 [~~(5)~~] ~~pass all approved English proficiency~~  
 12 ~~examinations as may be prescribed by the board if English is~~  
 13 ~~not the applicant's primary language; and~~

14 ~~(6)]~~ (5) participate in an interim supervised  
 15 clinical practice period as may be prescribed by the board.

16 C. The board may issue an interim permit to a  
 17 foreign-trained applicant who satisfies the board's  
 18 requirements. An interim permit shall be issued for the  
 19 purpose of participating in a supervised clinical practice  
 20 period.

21 D. If the foreign-educated physical therapist  
 22 applicant is a graduate of a college accredited by the  
 23 commission on accreditation in physical therapy education, the  
 24 board shall waive requirements of Paragraphs (1), (2), (4) and  
 25 [~~(6)]~~ (5) of Subsection B of this section [~~are waived~~].

.222414.1

underscored material = new  
 [bracketed material] = delete

1           E. An applicant for licensure as a physical  
2 therapist assistant shall submit a completed application and  
3 meet the following minimum requirements:

4                         ~~[(1) be of good moral character;~~  
5                         ~~(2)]~~ (1) be a graduate of an accredited  
6 physical therapist assistant program approved by the board; and  
7                         ~~[(3)]~~ (2) have successfully passed the  
8 national physical therapy examination approved by the board  
9 [and  
10                         ~~(4) have successfully passed the state~~  
11 ~~jurisprudence examination].~~

12           F. An applicant for licensure as a physical  
13 therapist or physical therapist assistant shall file a written  
14 application on forms provided by the board. A nonrefundable  
15 application fee and the cost of the examination shall accompany  
16 the completed written application.

17           G. Applicants who fail to pass the examinations  
18 shall be subject to requirements determined by board  
19 regulations prior to being approved by the board for subsequent  
20 testing.

21           H. The board or its designee shall issue [~~an~~] an  
22 expedited license to a physical therapist or physical therapist  
23 assistant who has a valid unrestricted license from another  
24 United States licensing jurisdiction [~~and who meets all~~  
25 ~~requirements for licensure in New Mexico].~~

underscored material = new  
[bracketed material] = delete



1 I. Prior to licensure, if prescribed by the board,  
 2 the board or its designee may issue a temporary nonrenewable  
 3 license to a physical therapist or physical therapist assistant  
 4 who has completed the education and experience requirements of  
 5 the Physical Therapy Act. The temporary license shall allow  
 6 the applicant to practice physical therapy under the  
 7 supervision of a licensed physical therapist until a permanent  
 8 license is approved that shall include passing the national  
 9 physical therapy examination.

10 J. The board or its designee may issue a temporary  
 11 license to a physical therapist or physical therapist assistant  
 12 performing physical therapy while teaching an educational  
 13 seminar who has met the requirements established by regulation  
 14 of the board.

15 K. A physical therapist or physical therapist  
 16 assistant licensed under the provisions of the Physical Therapy  
 17 Act shall renew the physical therapist's or physical therapist  
 18 assistant's license as specified in board rules. A person who  
 19 fails to renew the person's license by the date of expiration  
 20 shall not practice physical therapy as a physical therapist or  
 21 physical therapist assistant in New Mexico.

22 L. Reinstatement of a lapsed license following a  
 23 renewal deadline requires payment of a renewal fee and late  
 24 fee.

25 M. Reinstatement of a physical therapist or

.222414.1

underscored material = new  
 [bracketed material] = delete

1 physical therapist assistant license that has lapsed for more  
2 than three years, without evidence of continued practice in  
3 another state pursuant to a valid unrestricted license in that  
4 state, requires reapplication and payment of fees, as specified  
5 in board rules. The board shall promulgate rules establishing  
6 the qualifications for reinstatement of a lapsed license.

7 N. The board may establish, by rule, activities to  
8 periodically assess continuing competence to practice physical  
9 therapy.

10 O. A physical therapist shall refer a patient to  
11 the patient's licensed health care provider if:

12 (1) after thirty days of initiating physical  
13 therapy intervention, the patient has not made measurable or  
14 functional improvement with respect to the primary complaints  
15 of the patient; provided that the thirty-day limit shall not  
16 apply to:

17 (a) treatment provided for a condition  
18 related to a chronic, neuromuscular or developmental condition  
19 for a patient previously diagnosed by a licensed health care  
20 provider as having a chronic, neuromuscular or developmental  
21 condition;

22 (b) services provided for health  
23 promotion, wellness, fitness or maintenance purposes; or

24 (c) services provided to a patient who  
25 is participating in a program pursuant to an individual

.222414.1

1 education plan or individual family service plan under federal  
2 law; or

3 (2) at any time, the physical therapist has  
4 reason to believe the patient has symptoms or conditions  
5 requiring treatment that is beyond the scope of practice of the  
6 physical therapist.

7 P. As used in this section, "licensed health care  
8 provider" means:

9 (1) a ~~[physician]~~ medical doctor or an  
10 osteopathic physician licensed pursuant to the Medical Practice  
11 Act;

12 [~~(2)~~] ~~an osteopathic physician licensed~~  
13 ~~pursuant to the Osteopathic Medicine Act;~~

14 [~~(3)~~] (2) a chiropractic physician licensed  
15 pursuant to the Chiropractic Physician Practice Act;

16 [~~(4)~~] (3) a podiatrist licensed pursuant to  
17 the Podiatry Act;

18 [~~(5)~~] (4) a dentist licensed pursuant to the  
19 Dental Health Care Act;

20 [~~(6)~~] (5) a doctor of oriental medicine  
21 licensed pursuant to the Acupuncture and Oriental Medicine  
22 Practice Act;

23 [~~(7)~~] (6) a certified nurse practitioner  
24 licensed pursuant to the Nursing Practice Act;

25 [~~(8)~~] (7) a certified nurse-midwife licensed

.222414.1

underscored material = new  
[bracketed material] = delete

1 pursuant to the Nursing Practice Act and registered with the  
2 public health division of the department of health as a  
3 certified nurse-midwife;

4 ~~[(9)]~~ (8) a certified nurse specialist  
5 licensed pursuant to the Nursing Practice Act; or

6 ~~[(10)]~~ (9) a physician assistant licensed  
7 pursuant to the Medical Practice Act."

8 SECTION 54. A new section of the Physical Therapy Act is  
9 enacted to read:

10 "[NEW MATERIAL] EXPEDITED PHYSICAL THERAPIST AND PHYSICAL  
11 THERAPIST ASSISTANT LICENSURE.--

12 A. The board shall issue an expedited license to a  
13 person licensed as a physical therapist or physical therapist  
14 assistant in another state or the District of Columbia who pays  
15 the required fees and demonstrates that the person holds a  
16 valid, unrestricted license and is in good standing with the  
17 licensing board on the other licensing jurisdiction and has  
18 practiced physical therapy or physical therapy assisting for at  
19 least two years immediately prior to application in New Mexico.  
20 The board shall, as soon as practicable but no later than  
21 thirty days, process the application and issue the expedited  
22 license in accordance Section 61-1-31.1 NMSA 1978.

23 B. If the board issues an expedited license to a  
24 person whose prior licensing jurisdiction did not require  
25 examination, the board may require the person to pass an

.222414.1

1 examination.

2 C. The board shall determine licensing  
 3 jurisdictions from which it will not accept applicants for  
 4 expedited licensure. The board shall post the list of  
 5 disapproved licensing jurisdictions on its website, including  
 6 the specific reasons for disapproval."

7 SECTION 55. Section 61-13-6 NMSA 1978 (being Laws 1970,  
 8 Chapter 61, Section 5, as amended) is amended to read:

9 "61-13-6. DUTIES OF THE BOARD.--~~[It is the duty of]~~ The  
 10 board ~~[to]~~ shall:

11 A. ~~[formulate, adopt and regularly revise such]~~  
 12 promulgate rules ~~[and regulations not inconsistent with law as~~  
 13 ~~may be necessary]~~ in accordance with the State Rules Act to  
 14 adopt and enforce standards for licensing nursing home  
 15 administrators and to carry into effect the provisions of the  
 16 Nursing Home Administrators Act;

17 B. approve for licensure applicants for:

18 (1) initial licensure;

19 (2) annual renewal of current, active  
 20 licenses;

21 (3) reciprocity;

22 (4) reinstatement of revoked or suspended  
 23 licenses; and

24 (5) reactivation of inactive or expired

25 licenses;

.222414.1

underscored material = new  
 [bracketed material] = delete

1 C. cause the prosecution or enjoinder of all  
2 persons violating the Nursing Home Administrators Act and deny,  
3 suspend or revoke licenses in accordance with the provisions of  
4 the Uniform Licensing Act;

5 D. submit a written annual report to the governor  
6 and the legislature detailing the actions of the board and  
7 including an accounting of all money received and expended by  
8 the board; and

9 E. maintain a register of licensees and a record of  
10 all applicants for licensure received by the board."

11 SECTION 56. Section 61-13-8 NMSA 1978 (being Laws 1970,  
12 Chapter 61, Section 7, as amended) is amended to read:

13 "61-13-8. LICENSURE OF NURSING HOME ADMINISTRATORS.--The  
14 board shall issue a license as a nursing home administrator to  
15 each applicant who files an application in the form and manner  
16 prescribed by the board, accompanied by the required fee, and  
17 who furnishes evidence, including a criminal records check  
18 satisfactory to the board that ~~[he]~~ the applicant:

19 [~~A.~~ ~~is of good moral character;~~

20 ~~B.~~ A. has successfully completed a course of study  
21 for a baccalaureate degree and has been awarded such degree  
22 from an accredited institution in a course of study approved by  
23 the board as being adequate preparation for nursing home  
24 administrators;

25 [~~C.~~ B. demonstrates professional competence by

1 passing an examination in nursing home administration as  
 2 prepared and published by the professional examination service  
 3 or such other nationally recognized examination as the board  
 4 [~~shall prescribe~~] prescribes in its rules [~~and regulations~~];

5 [~~D.~~] C. demonstrates knowledge of state  
 6 [~~regulations~~] rules governing the operation of nursing homes in  
 7 a manner [~~as~~] the board [~~shall prescribe~~] prescribes in its  
 8 rules [~~and regulations~~]; and

9 [~~E.~~] D. has successfully completed an internship or  
 10 administrator-in-training program as prescribed by the board in  
 11 its rules [~~and regulations~~]."

12 SECTION 57. Section 61-13-11 NMSA 1978 (being Laws 1970,  
 13 Chapter 61, Section 10, as amended) is amended to read:

14 "61-13-11. EXPEDITED LICENSURE WITHOUT EXAMINATION.--

15 A. The board shall issue [~~a nursing home~~  
 16 ~~administrator's~~] an expedited license [~~temporary or regular~~]  
 17 without examination [~~to any person who holds a nursing home~~  
 18 ~~administrator's license current and in good standing in another~~  
 19 ~~jurisdiction; provided that the board finds that the standards~~  
 20 ~~of licensure in the other jurisdiction are at least the~~  
 21 ~~substantial equivalent of those prevailing in this state and~~  
 22 ~~that the applicant meets the qualifications of the Nursing Home~~  
 23 ~~Administrators Act] to an out-of-state applicant in accordance  
 24 with Section 61-1-31.1 NMSA 1978. The board shall issue the  
 25 expedited license as soon as practicable but no later than~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1 thirty days after the person files an application with the  
2 required fees and demonstrates that the person holds a valid,  
3 unrestricted license and is in good standing with the licensing  
4 board in the other licensing jurisdiction and has practiced  
5 nursing home administration for at least two years immediately  
6 prior to application in New Mexico. If the board issues an  
7 expedited license to a person whose prior licensing  
8 jurisdiction did not require examination, the board may require  
9 the person to pass an examination before license renewal.

10 B. The board by rule shall determine the states and  
11 territories of the United States and the District of Columbia  
12 from which it will not accept applicants for expedited  
13 licensure and determine the foreign countries from which it  
14 will accept applicants for expedited licensure. The board  
15 shall post the lists of disapproved and approved licensing  
16 jurisdictions on its website. The list of disapproved  
17 licensing jurisdictions shall include the specific reasons for  
18 disapproval. The lists shall be reviewed annually to determine  
19 if amendments to the rule are warranted."

20 SECTION 58. Section 61-14-5 NMSA 1978 (being Laws 1967,  
21 Chapter 62, Section 4, as amended) is amended to read:

22 "61-14-5. BOARD--DUTIES.--The board shall:

23 A. examine and determine the qualifications and  
24 fitness of applicants for a license to practice veterinary  
25 medicine in New Mexico and issue, renew, deny, suspend or



1 revoke licenses in accordance with the Uniform Licensing Act;

2 B. regulate artificial insemination and pregnancy  
3 diagnosis by establishing standards of practice and issuing  
4 permits to persons found qualified;

5 C. establish a schedule of license and permit fees  
6 based on the board's financial requirements for the ensuing  
7 year;

8 D. conduct investigations necessary to determine  
9 violations of the Veterinary Practice Act and discipline  
10 persons found in violation in accordance with the Uniform  
11 Licensing Act;

12 E. employ personnel necessary to carry out its  
13 duties;

14 F. in accordance with the State Rules Act,  
15 promulgate and enforce rules necessary to establish recognized  
16 standards for the practice of veterinary medicine and to carry  
17 out the provisions of the Veterinary Practice Act. The board  
18 shall make available to interested members of the public copies  
19 of the Veterinary Practice Act and all rules promulgated by the  
20 board;

21 G. examine applicants for veterinary technician  
22 certification purposes. Such examination shall be held at  
23 least once a year at the times and places designated by the  
24 board;

25 H. establish a five-member veterinary technician

.222414.1

underscored material = new  
[bracketed material] = delete

1 examining committee;

2 I. [~~adopt~~] promulgate rules establishing continuing  
3 education requirements as a condition for license renewal;

4 J. regulate the operation of veterinary facilities,  
5 including:

6 (1) establishing requirements for operation of  
7 a veterinary facility in accordance with recognized standards  
8 for the practice of veterinary medicine;

9 (2) issuing permits to qualified veterinary  
10 facilities; and

11 (3) [~~adopting~~] promulgating standards for  
12 inspection of veterinary facilities.

13 For purposes of this subsection, "veterinary facility"  
14 means a building, mobile unit, vehicle or other location where  
15 services included within the practice of veterinary medicine  
16 are provided;

17 K. perform the duties imposed on the board pursuant  
18 to the Animal Sheltering Act; and

19 L. establish a five-member sheltering committee."

20 SECTION 59. Section 61-14A-8 NMSA 1978 (being Laws 1993,  
21 Chapter 158, Section 16, as amended) is amended to read:

22 "61-14A-8. BOARD--POWERS.--The board has the power to:

23 A. enforce the provisions of the Acupuncture and  
24 Oriental Medicine Practice Act;

25 B. [~~adopt, publish and file~~] promulgate, in

.222414.1

1 accordance with [~~the Uniform Licensing Act and~~] the State Rules  
 2 Act, all rules necessary for the implementation and enforcement  
 3 of the provisions of the Acupuncture and Oriental Medicine  
 4 Practice Act;

5 C. adopt a code of ethics;

6 D. adopt and use a seal;

7 E. inspect facilities of approved educational  
 8 programs, extern programs and the offices of licensees;

9 F. [~~adopt~~] promulgate rules implementing continuing  
 10 education requirements for the purpose of protecting the health  
 11 and well-being of the citizens of this state and maintaining  
 12 and continuing informed professional knowledge and awareness;  
 13 and

14 G. in accordance with the Uniform Licensing Act:

15 (1) issue investigative subpoenas for the  
 16 purpose of investigating complaints against licensees prior to  
 17 the issuance of a notice of contemplated action;

18 [~~H-~~] (2) administer oaths and take testimony  
 19 on any matters within the board's jurisdiction;

20 [~~F-~~] (3) conduct hearings upon charges  
 21 relating to the discipline of licensees, including the denial,  
 22 suspension or revocation of a license [~~in accordance with the~~  
 23 ~~Uniform Licensing Act~~]; and

24 [~~J-~~] (4) grant, deny, renew, suspend or revoke  
 25 licenses to practice acupuncture and oriental medicine or

.222414.1

1 grant, deny, renew, suspend or revoke approvals of educational  
2 programs and extern programs [~~in accordance with the provisions~~  
3 ~~of the Uniform Licensing Act~~] for any cause stated in the  
4 Acupuncture and Oriental Medicine Practice Act or the rules of  
5 the board."

6 SECTION 60. Section 61-14A-13 NMSA 1978 (being Laws  
7 1993, Chapter 158, Section 21, as amended) is amended to read:

8 "61-14A-13. REQUIREMENTS FOR [~~RECIPROCAL~~] EXPEDITED  
9 LICENSING.--

10 A. The board [~~may~~] shall grant a license to  
11 practice acupuncture and oriental medicine without examination  
12 to a person who has been licensed, certified, registered or  
13 legally recognized as a doctor of oriental medicine in another  
14 [~~state, District or territory of the United States or foreign~~  
15 ~~country~~] licensing jurisdiction in accordance with Section  
16 61-1-31.1 NMSA 1978 if the applicant:

17 [~~A.~~] (1) submits the completed application for  
18 [~~reciprocal~~] expedited licensing on the form provided by the  
19 board;

20 [~~B.~~] (2) submits the required documentation as  
21 determined by the board;

22 [~~C.~~] (3) submits the required fee for  
23 application for [~~reciprocal~~] expedited licensing; and

24 [~~D.~~ ~~submits an affidavit stating that the applicant~~  
25 ~~has not been found guilty of unprofessional conduct or~~

.222414.1

1 ~~incompetency;~~

2 ~~E. has passed a practical examination that~~  
 3 ~~demonstrates his knowledge of and skill in the application of~~  
 4 ~~the diagnostic and treatment techniques of acupuncture and~~  
 5 ~~oriental medicine, if the board requires regular applicants to~~  
 6 ~~pass a practical examination, or, within the last six years,~~  
 7 ~~has five years of clinical experience, as defined by rule, in~~  
 8 ~~the practice of acupuncture and oriental medicine;~~

9 ~~F. has passed]~~ (4) passes a written  
 10 examination on the state laws and rules that pertain to the  
 11 practice of acupuncture and oriental medicine, if the board  
 12 requires regular applicants for licensure to pass such an  
 13 examination.

14 ~~[G. is licensed, certified, registered or legally~~  
 15 ~~recognized as a doctor of oriental medicine in another state~~  
 16 ~~district or territory of the United States, or foreign country~~  
 17 ~~in which the requirements for practice are similar to those of~~  
 18 ~~this state; and~~

19 ~~H. is licensed, certified, registered or legally~~  
 20 ~~recognized as a doctor of oriental medicine in a state,~~  
 21 ~~district or territory of the United States or foreign country~~  
 22 ~~that permits a doctor of oriental medicine licensed under the~~  
 23 ~~provisions of the Acupuncture and Oriental Medicine Practice~~  
 24 ~~Act to practice acupuncture and oriental medicine in that~~  
 25 ~~jurisdiction by reciprocal credentials review.]~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1           B. The board shall issue the expedited license as  
2 soon as practicable but no later than thirty days after the  
3 person files an application with the required fees and  
4 demonstrates that the person holds a valid, unrestricted  
5 license and is in good standing with the licensing board in the  
6 other licensing jurisdiction and has practiced for at least two  
7 years immediately prior to application in New Mexico. If the  
8 board issues an expedited license to a person whose prior  
9 licensing jurisdiction did not require examination, the board  
10 may require the person to pass an examination before license  
11 renewal.

12           C. The board by rule shall determine the states and  
13 territories of the United States and the District of Columbia  
14 from which it will not accept an applicant for expedited  
15 licensure and determine any foreign countries from which it  
16 will accept an applicant for expedited licensure. The board  
17 shall post the lists of disapproved and approved licensing  
18 jurisdictions on its website. The list of disapproved  
19 licensing jurisdictions shall include specific reasons for  
20 disapproval. The lists shall be reviewed annually to determine  
21 if amendments to the rule are warranted."

22           SECTION 61. Section 61-14A-16 NMSA 1978 (being Laws  
23 1993, Chapter 158, Section 24, as amended) is amended to read:  
24           "61-14A-16. FEES.--Except as provided in Section 61-1-34  
25 NMSA 1978, the board shall establish a schedule of reasonable

.222414.1

- 1 nonrefundable fees not to exceed the following amounts:
- 2 A. application for licensing . . . . . \$800;
  - 3 B. application for [~~reciprocal~~] expedited
  - 4 licensing . . . . . 750;
  - 5 C. application for temporary licensing . . . . . 500;
  - 6 D. examination, not including the cost of any
  - 7 nationally recognized examination . . . . . 700;
  - 8 E. annual license renewal . . . . . 400;
  - 9 F. late license renewal . . . . . 200;
  - 10 G. expired license renewal . . . . . 400;
  - 11 H. temporary license renewal . . . . . 100;
  - 12 I. application for approval or renewal of
  - 13 approval of an educational program . . . . . 600;
  - 14 J. late renewal of approval of an educational
  - 15 program . . . . . 200;
  - 16 K. annual continuing education provider
  - 17 registration . . . . . 200;
  - 18 L. application for extended or expanded
  - 19 prescriptive authority . . . . . 500;
  - 20 M. application for externship supervisor
  - 21 registration . . . . . 500;
  - 22 N. application for extern certification . . . . . 500;
  - 23 and
  - 24 O. [~~any and all~~] fees to cover reasonable and
  - 25 necessary administrative expenses."

.222414.1

underscoring material = new  
[bracketed material] = delete

1           SECTION 62. Section 61-14B-11 NMSA 1978 (being Laws  
2 1996, Chapter 57, Section 11, as amended) is amended to read:

3           "61-14B-11. BOARD POWERS AND DUTIES.--The board shall:

4           A. [~~adopt~~] promulgate rules [~~and regulations and~~  
5 ~~establish policy~~] necessary to carry out the provisions of the  
6 Speech-Language Pathology, Audiology and Hearing Aid Dispensing  
7 Practices Act in accordance with the [~~Uniform Licensing~~] State  
8 Rules Act;

9           B. [~~adopt~~] promulgate rules implementing continuing  
10 education requirements;

11           C. adopt a code of ethics that includes rules  
12 requiring audiologists and hearing aid dispensers, at the time  
13 of the initial examination for possible sale and fitting of a  
14 hearing aid if a hearing loss is determined, to inform each  
15 prospective purchaser about hearing aid options that can  
16 provide a direct connection between the hearing aid and  
17 assistive listening systems. These rules shall be in  
18 accordance with the latest standards for accessible design  
19 adopted by the United States department of justice in  
20 accordance with the federal Americans with Disabilities Act of  
21 1990, as amended;

22           D. conduct hearings upon charges relating to the  
23 discipline of licensees, including the denial, suspension or  
24 revocation of a license in accordance with the Uniform  
25 Licensing Act;

.222414.1



1 E. investigate complaints against licensees by  
 2 issuing investigative subpoenas prior to the issuance of a  
 3 notice of contemplated action;

4 F. establish fees for licensure;

5 G. provide for the licensing and renewal of  
 6 licenses of applicants; and

7 H. [~~adopt~~] promulgate rules that provide for  
 8 [~~licensure by reciprocity, including~~] expedited licensure and  
 9 temporary permits for speech-language pathologists,  
 10 audiologists or hearing aid dispensers."

11 **SECTION 63.** A new section of the Speech-Language  
 12 Pathology, Audiology and Hearing Aid Dispensing Practices Act  
 13 is enacted to read:

14 "[NEW MATERIAL] EXPEDITED LICENSURE.--

15 A. The board shall issue an expedited license  
 16 without examination to a speech-language pathologist,  
 17 audiologist or hearing aid dispenser licensed in another  
 18 licensing jurisdiction in accordance with Section 61-1-31.1  
 19 NMSA 1978. The board shall issue the expedited license as soon  
 20 as practicable but no later than thirty days after the person  
 21 files an application with the required fees and demonstrates  
 22 that the person holds a valid, unrestricted license and is in  
 23 good standing with the licensing board in the other licensing  
 24 jurisdiction and has practiced for at least two years  
 25 immediately prior to application in New Mexico. If the board

.222414.1

underscored material = new  
 [bracketed material] = delete

1 issues an expedited license to a person whose prior licensing  
2 jurisdiction did not require examination, the board may require  
3 the person to pass an examination before license renewal.

4 B. The board by rule shall determine the states and  
5 territories of the United States and the District of Columbia  
6 from which it will not accept an applicant for expedited  
7 licensure and determine any foreign countries from which it  
8 will accept an applicant for expedited licensure. The board  
9 shall post the lists of disapproved and approved licensing  
10 jurisdictions on its website. The list of disapproved  
11 licensing jurisdictions shall include specific reasons for  
12 disapproval. The lists shall be reviewed annually to determine  
13 if amendments to the rule are warranted."

14 SECTION 64. Section 61-14D-8 NMSA 1978 (being Laws 1993,  
15 Chapter 325, Section 8, as amended) is amended to read:

16 "61-14D-8. DEPARTMENT DUTIES.--The department [~~in~~  
17 ~~consultation with~~] shall assist the board in administering the  
18 Athletic Trainer Practice Act and shall:

19 A. process applications and conduct and review the  
20 required examinations;

21 B. issue licenses and provisional permits to  
22 applicants who meet the requirements of the Athletic Trainer  
23 Practice Act;

24 C. administer and coordinate [~~and enforce~~] the  
25 provisions of the Athletic Trainer Practice Act and investigate

1 persons engaging in practices that may violate the provisions  
2 of that act;

3 D. conduct any required examinations of applicants;

4 E. hire staff as may be necessary to carry out the  
5 actions of the board;

6 F. maintain board records, including financial  
7 records; and

8 G. maintain a current register of licensees as a  
9 matter of public record."

10 SECTION 65. A new section of the Athletic Trainer  
11 Practice Act is enacted to read:

12 "[NEW MATERIAL] EXPEDITED LICENSURE.--

13 A. The board shall issue an expedited license  
14 without examination to an athletic trainer licensed in another  
15 licensing jurisdiction in accordance with Section 61-1-31.1  
16 NMSA 1978. The board shall issue the expedited license as soon  
17 as practicable but no later than thirty days after the person  
18 files an application with the required fees and demonstrates  
19 that the person holds a valid, unrestricted license and is in  
20 good standing with the licensing board in the other licensing  
21 jurisdiction and has practiced for at least two years prior to  
22 application in New Mexico. If the board issues an expedited  
23 license to a person whose prior licensing jurisdiction did not  
24 require examination, the board may require the person to pass  
25 an examination before license renewal.

.222414.1

1           B. The board by rule shall determine the states and  
2 territories of the United States and the District of Columbia  
3 from which it will not accept an applicant for expedited  
4 licensure and determine any foreign countries from which it  
5 will accept an applicant for expedited licensure. The board  
6 shall post the lists of disapproved and approved licensing  
7 jurisdictions on its website. The list of disapproved  
8 licensing jurisdictions shall include specific reasons for  
9 disapproval. The lists shall be reviewed annually to determine  
10 if amendments to the rule are warranted."

11           SECTION 66. Section 61-14D-14 NMSA 1978 (being Laws  
12 1993, Chapter 325, Section 14, as amended) is amended to read:

13           "61-14D-14. FEES.--Except as provided in Section 61-1-34  
14 NMSA 1978, the board shall establish a schedule of reasonable  
15 fees, not to exceed one hundred dollars (\$100) each for  
16 applications, licenses, expedited licenses, provisional  
17 permits, renewal of licenses, placement on inactive status and  
18 necessary and reasonable administrative fees and initial  
19 prorated licensing fees."

20           SECTION 67. Section 61-15-4 NMSA 1978 (being Laws 1931,  
21 Chapter 155, Section 3, as amended) is amended to read:

22           "61-15-4. POWERS AND DUTIES OF THE BOARD.--

23           A. The board shall hold at least four regular  
24 meetings each year. Any board member failing to attend three  
25 consecutive regular meetings is automatically removed as a

.222414.1

1 member of the board. A majority of the board members  
 2 constitutes a quorum.

3 B. A board member may participate in a meeting of  
 4 the board by means of a conference telephone or other similar  
 5 communications equipment when it is otherwise difficult or  
 6 impossible for the member to attend the meeting in person if:

7 (1) each member participating by conference  
 8 telephone can be identified when speaking;

9 (2) all participants are able to hear each  
 10 other at the same time; and

11 (3) members of the public attending the  
 12 meeting are able to hear all board members who speak during the  
 13 hearing.

14 C. The board may establish committees to carry out  
 15 the provisions of the Architectural Act. The board or any  
 16 committee of the board shall have the power to subpoena any  
 17 witness, to administer oaths and to take testimony concerning  
 18 matters within its jurisdiction. It is within the jurisdiction  
 19 of the board to determine and prescribe by rules promulgated in  
 20 accordance with the State Rules Act the professional and  
 21 technical qualifications necessary for the practice of  
 22 architecture in New Mexico. The board shall adopt and have an  
 23 official seal, which shall be affixed to all certificates of  
 24 registration granted, and ~~may~~ shall not make rules ~~not~~  
 25 inconsistent with law.

.222414.1

1           D. The board may offer, engage in and promote  
2 educational and other activities as it deems necessary to  
3 fulfill its duty to promote the public welfare.

4           E. The board may, for the purpose of protecting the  
5 citizens of New Mexico and promoting current architectural  
6 knowledge and practice, [~~adopt~~] promulgate rules establishing  
7 continuing education requirements as a condition of  
8 registration renewal.

9           F. Members of the board shall receive per diem and  
10 mileage as provided in the Per Diem and Mileage Act and shall  
11 receive no other compensation, perquisite or allowance. All  
12 expenses certified by the board as properly and necessarily  
13 incurred in the discharge of its duties, including authorized  
14 reimbursement and necessary expenses incident to cooperation  
15 with like boards of other states, shall be paid by the state  
16 treasurer out of the "fund of the board of examiners for  
17 architects" on the warrant of the secretary of finance and  
18 administration issued upon vouchers signed by the chair or the  
19 chair's designee; provided, however, that at no time shall the  
20 total warrants issued exceed the total amount of funds  
21 accumulated under the Architectural Act. All money derived  
22 from the operation of the Architectural Act, not including  
23 fines, shall be deposited with the state treasurer, who shall  
24 keep the money in the fund of the board of examiners for  
25 architects.

.222414.1

1           G. The board shall by rule provide for the  
 2 examinations required for registration. The board shall keep a  
 3 complete record of all examinations.

4           H. Upon application for registration, upon a  
 5 prescribed form and upon payment by the applicant of a fee set  
 6 by the board, the board shall consider the application and [~~in~~  
 7 ~~cases as herein authorized~~] shall issue a certificate of  
 8 registration as an architect to any person who submits evidence  
 9 satisfactory to the board that the person is fully qualified to  
 10 practice architecture.

11           I. It is the duty of the board to report to the  
 12 district attorney of the district where the offense was  
 13 committed any criminal violation of the Architectural Act.

14           J. The board may deny, review, suspend or revoke a  
 15 registration to practice architecture and may censure, fine,  
 16 reprimand and place on probation and stipulation any architect  
 17 in accordance with the Uniform Licensing Act for any cause as  
 18 stated in the Architectural Act.

19           K. The board, in cooperation with the state board  
 20 of licensure for professional engineers and professional  
 21 surveyors and the board of landscape architects, shall create a  
 22 joint standing committee to be known as the "joint practice  
 23 committee". In order to safeguard life, health and property  
 24 and to promote public welfare, the purpose of the committee is  
 25 to promote and develop the highest professional standards in

.222414.1

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

1 design, planning and construction and the resolution of  
2 ambiguities concerning the professions. The composition of the  
3 committee and its duties and powers shall be in accordance with  
4 identical resolutions adopted by each board.

5 L. Pursuant to the notice and hearing requirements  
6 of the Uniform Licensing Act, the board may impose a civil  
7 penalty in an amount not to exceed seven thousand five hundred  
8 dollars (\$7,500) for each violation on ~~[any individual]~~ a  
9 person found to be engaging in the practice of architecture  
10 without being registered pursuant to the Architectural Act.  
11 Civil penalties shall be deposited to the credit of the current  
12 school fund as provided in Article 12, Section 4 of the  
13 constitution of New Mexico."

14 SECTION 68. Section 61-15-10 NMSA 1978 (being Laws 1979,  
15 Chapter 362, Section 8, as amended) is amended to read:

16 "61-15-10. VIOLATIONS--PENALTIES.--

17 A. ~~[Any]~~ A person who knowingly uses a forged  
18 architectural registration seal on ~~[any]~~ a document for the  
19 purpose of permitting the constructing of ~~[any]~~ a building for  
20 human habitation or occupancy is guilty of a fourth degree  
21 felony, punishable pursuant to Section 31-18-15 NMSA 1978.

22 B. Each of the following acts ~~[committed by any~~  
23 ~~person]~~ constitutes a misdemeanor, punishable pursuant to  
24 Section 31-19-1 NMSA 1978:

25 (1) willfully forging or giving false evidence



1 of any kind to the board or any board member for the purpose of  
 2 obtaining a certificate of registration as an architect;

3 (2) using or attempting to use an expired,  
 4 suspended or revoked certificate of registration as an  
 5 architect;

6 (3) using or permitting another to use the  
 7 person's official architect's seal to stamp or seal any  
 8 documents that have not been prepared either by the architect  
 9 or the architect's responsible charge;

10 (4) engaging or offering to engage in the  
 11 practice of architecture, unless exempted or duly registered to  
 12 do so under the Architectural Act;

13 (5) using a designation tending to imply to  
 14 the public that the person is an architect unless:

15 (a) the person is duly registered to do  
 16 so under the provisions of the Architectural Act;

17 (b) the title containing the designation  
 18 is allowed by rule of the board; or

19 (c) the title containing the designation  
 20 does not imply that the person using the designation, when  
 21 describing occupation, business name or services, is offering  
 22 to perform architectural services; or

23 (6) procuring, aiding or abetting any  
 24 violation of the provisions of the Architectural Act or the  
 25 rules adopted by the board.

.222414.1

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

1           C. If, after a disciplinary hearing conducted in  
2 accordance with the Uniform Licensing Act, the board determines  
3 that based on the evidence, a person committed a violation  
4 pursuant to the Architectural Act, the board, in addition to  
5 any other sanction, shall issue an order that imposes a civil  
6 penalty not to exceed seven thousand five hundred dollars  
7 (\$7,500) for each violation on the person. In determining the  
8 amount of the civil penalty, the board shall consider:

- 9                   (1) the seriousness of the violation;  
10                   (2) the degree of harm inflicted on  
11 individuals or the public;  
12                   (3) the economic benefit received by the  
13 person due to the violation;  
14                   (4) the person's history of violations; and  
15                   (5) any other aggravating or mitigating  
16 factors relating to the violation."

17           **SECTION 69.** Section 61-17A-2 NMSA 1978 (being Laws 1993,  
18 Chapter 171, Section 2, as amended by Laws 2017, Chapter 108,  
19 Section 1 and by Laws 2017, Chapter 112, Section 3) is amended  
20 to read:

21           "61-17A-2. DEFINITIONS.--As used in the Barbers and  
22 Cosmetologists Act:

23                   A. "barber" means a person, other than a student,  
24 who for compensation engages in barbering;

25                   B. "board" means the board of barbers and

1 cosmetologists;

2 C. "cosmetologist" means a person, other than a  
3 student, who for compensation engages in cosmetology;

4 D. "department" means the regulation and licensing  
5 department;

6 [~~D-~~] E. "electrologist" means a person, other than  
7 a student, who for compensation removes hair from or destroys  
8 hair on the human body through the use of an electric current  
9 applied to the body with a needle-shaped electrode or probe;

10 [~~E-~~] F. "enterprise" means a business venture, firm  
11 or organization;

12 [~~F-~~] G. "establishment" means an immobile beauty  
13 shop, barber shop, electrology clinic, salon or similar place  
14 of business in which cosmetology, barbering, eyebrow threading,  
15 hairstyling or electrolysis is performed;

16 [~~G-~~] H. "esthetician" means a person, other than a  
17 student, who for compensation:

18 (1) uses cosmetic preparations, including  
19 makeup applications, antiseptics, powders, oils, clays or  
20 creams, for the purpose of preserving the health and beauty of  
21 the skin and body;

22 (2) massages, cleans, stimulates or  
23 manipulates the skin for the purpose of preserving the health  
24 and beauty of the skin and body; or

25 (3) performs activities similar to the

.222414.1

underscored material = new  
[bracketed material] = delete

1 activities described in Paragraph (1) or (2) of this subsection  
2 on any part of the body of a person;

3 [H-] I. "eyebrow threading" means a method of hair  
4 removal in which a thin thread is doubled, twisted and then  
5 rolled over areas of unwanted hair, plucking the hair at the  
6 follicle level;

7 [I-] J. "hairstylist" means a person, other than a  
8 student, who for compensation engages in hairstyling;

9 [J-] K. "manicurist-pedicurist" means a person,  
10 other than a student, who for compensation performs work on the  
11 nails of a person and applies nail extensions or products to  
12 the nails for the purpose of strengthening or preserving the  
13 health and beauty of the hands or feet;

14 [K-] L. "sanitation" means the maintenance of  
15 sanitary conditions to promote hygiene and the prevention of  
16 disease through the use of chemical agents or products;

17 [L-] M. "school" means a public or private  
18 instructional facility approved by the board that teaches  
19 cosmetology, barbering or hairstyling; and

20 [M-] N. "student" means a person enrolled in a  
21 school to learn or be trained in cosmetology, barbering,  
22 hairstyling or electrolysis."

23 SECTION 70. Section 61-17A-7 NMSA 1978 (being Laws 1993,  
24 Chapter 171, Section 7, as amended) is amended to read:

25 "61-17A-7. BOARD AND DEPARTMENT POWERS AND DUTIES.--

.222414.1

1                   A. The board shall:

2                   (1) adopt and file, in accordance with the  
3 State Rules Act, rules necessary to carry out the provisions of  
4 the Barbers and Cosmetologists Act;

5                   (2) establish fees;

6                   (3) provide for the examination, licensure and  
7 license renewal of applicants for licensure;

8                   (4) establish standards for and provide for  
9 the examination, licensure and license renewal of manicurists-  
10 pedicurists, estheticians and electrologists;

11                   ~~(5) adopt a seal;~~

12                   ~~(6) furnish copies of rules and sanitary~~  
13 ~~requirements adopted by the board to each owner or manager of~~  
14 ~~an establishment, enterprise or school;~~

15                   ~~(7)~~ (5) keep a record of its proceedings and  
16 a register of applicants for licensure;

17                   ~~(8)~~ (6) provide for the licensure of  
18 barbers, hairstylists, cosmetologists, manicurists-pedicurists,  
19 estheticians, electrologists, instructors, schools, enterprises  
20 and establishments;

21                   ~~(9)~~ (7) establish administrative penalties  
22 and fines;

23                   ~~(10)~~ (8) create and establish standards and  
24 fees for special licenses;

25                   ~~(11)~~ (9) establish guidelines for schools to

1 calculate tuition refunds for withdrawing students; and  
2 ~~[(12)]~~ (10) issue cease and desist orders to  
3 persons violating the provisions of the Barbers and  
4 Cosmetologists Act and rules promulgated in accordance with  
5 that act in accordance with the Uniform Licensing Act.

6 B. The board may establish continuing education  
7 requirements as requirements for licensure.

8 C. A member of the board, its employees or agents  
9 may enter and inspect a school, enterprise or establishment at  
10 any time during regular business hours for the purpose of  
11 determining compliance with the Barbers and Cosmetologists Act.

12 D. The department shall:

13 (1) process and issue licenses to applicants  
14 who meet the requirements of the Barbers and Cosmetologists Act  
15 and board rules;

16 (2) investigate persons engaging in practices  
17 that may violate the provisions of the Barbers and  
18 Cosmetologists Act and report results of investigations to the  
19 board;

20 (3) approve the selection of and supervise  
21 primary staff assigned to the board;

22 (4) carry out the operations of the board to  
23 include budgetary expenditures;

24 (5) maintain records, including financial  
25 records; and

1                   (6) keep a licensee record in which the names,  
 2 addresses and license numbers of all licensees shall be  
 3 recorded together with a record of all license renewals,  
 4 suspensions and revocations."

5           SECTION 71. Section 61-17A-8 NMSA 1978 (being Laws 1993,  
 6 Chapter 171, Section 8, as amended) is amended to read:

7           "61-17A-8. LICENSURE REQUIREMENTS--BARBERS.--

8           A. Except as provided in Subsection B of this  
 9 section, a barber license shall be issued to any person who  
 10 files a completed application, accompanied by the required fees  
 11 and documentation, and who:

12                   ~~[(1) has an education equivalent to the~~  
 13 ~~completion of the second year of high school;~~

14                   ~~(2)]~~ (1) is at least seventeen years of age;

15                   ~~[(3)]~~ (2) has completed a course in barbering  
 16 of at least one thousand two hundred hours or equivalent  
 17 credits in a school or apprenticeship approved by the board;  
 18 and

19                   ~~[(4)]~~ (3) has passed an examination approved  
 20 by the board.

21           B. A barbering license shall be issued to a person  
 22 who files a completed application, accompanied by the required  
 23 fees and documentation, meets the requirements of Paragraphs  
 24 (1) through ~~[(4)]~~ (3) of Subsection A of this section and shows  
 25 proof of having successfully completed a registered barbering

.222414.1

underscoring material = new  
 [bracketed material] = delete

1 apprenticeship approved by the state apprenticeship agency and  
2 the board of barbers and cosmetologists.

3 C. The holder of a barber license has the right and  
4 privilege to use the title "barber", and the initials "R.B."  
5 following the holder's surname and to use a barber pole, the  
6 traditional striped, vertical emblem of the barbering trade."

7 SECTION 72. Section 61-17A-8.1 NMSA 1978 (being Laws  
8 2017, Chapter 112, Section 2) is amended to read:

9 "61-17A-8.1. LICENSURE REQUIREMENTS--HAIRSTYLISTS.--

10 A. Except as provided in Subsection B of this  
11 section, a hairstylist license shall be issued to a person who  
12 files a completed application, accompanied by the required fees  
13 and documentation, and who:

14 [~~(1)~~] ~~has an education equivalent to the~~  
15 ~~completion of the second year of high school;~~

16 [~~(2)~~] (1) is at least seventeen years of age;

17 [~~(3)~~] (2) has completed a course in  
18 hairstyling of at least one thousand two hundred hours in a  
19 school approved by the board; and

20 [~~(4)~~] (3) has passed an examination approved  
21 by the board.

22 B. A hairstylist license shall be issued to a  
23 person who files a completed application, accompanied by the  
24 required fees and documentation, and meets the requirements of  
25 Paragraphs (1) through [~~(4)~~] (3) of Subsection A of this

.222414.1



1 section.

2 C. The holder of a hairstylist license has the  
3 right and privilege to use the title "hairstylist"."

4 SECTION 73. Section 61-17A-9 NMSA 1978 (being Laws 1993,  
5 Chapter 171, Section 9, as amended) is amended to read:

6 "61-17A-9. LICENSURE REQUIREMENTS--COSMETOLOGISTS.--

7 A. A cosmetologist license shall be issued to any  
8 person who files a completed application, accompanied by the  
9 required fees and documentation, and who:

10 (1) is at least seventeen years of age;

11 [~~(2) has an education equivalent to the~~  
12 ~~completion of the second year of high school;~~

13 ~~(3)] (2) has completed a course in cosmetology~~

14 of at least one thousand six hundred hours at a school approved

15 by the board; and

16 [~~(4)] (3) has passed an examination approved~~

17 by the board.

18 B. The name of a licensed cosmetologist may be

19 immediately followed by the initials "R.C.", as a right and

20 privilege of licensure."

21 SECTION 74. Section 61-17A-11 NMSA 1978 (being Laws

22 1993, Chapter 171, Section 11, as amended) is amended to read:

23 "61-17A-11. LICENSURE OF INSTRUCTORS.--

24 A. A cosmetologist instructor license shall be

25 issued to any person who files a completed application,

.222414.1

underscored material = new  
[bracketed material] = delete

1 accompanied by the required fees and documentation, and who:

2 (1) is a licensed cosmetologist;

3 [~~(2)~~] ~~has completed at least a four-year high~~  
4 ~~school course of study or its equivalent as approved by the~~  
5 ~~board;~~

6 ~~(3)]~~ (2) has met all requirements established  
7 by the board; and

8 [~~(4)]~~ (3) has passed an examination approved  
9 by the board.

10 B. A barber instructor license shall be issued to  
11 any person who files a completed application, accompanied by  
12 the required fees and documentation, and who:

13 (1) is a licensed barber;

14 (2) has completed at least a four-year high  
15 school course of study or its equivalent as approved by the  
16 board;

17 (3) has met all requirements established by  
18 the board; and

19 (4) has passed an examination approved by the  
20 board.

21 C. An electrologist instructor license shall be  
22 issued to any person who files a completed application,  
23 accompanied by the required fees and documentation, and who  
24 submits satisfactory evidence of compliance with all  
25 requirements established by the board.

1           D. The name of a licensed instructor may be  
 2 immediately followed by the initials "R.I.", as a right and  
 3 privilege of licensure."

4           SECTION 75. Section 61-17A-14 NMSA 1978 (being Laws  
 5 1993, Chapter 171, Section 14) is amended to read:

6           "61-17A-14. BARBERS AND COSMETOLOGISTS FUND CREATED.--  
 7 The "barbers and cosmetologists fund" is created in the state  
 8 treasury. All license fees and charges [~~and fines~~] imposed by  
 9 the board shall be deposited in the fund. Money in the fund is  
 10 appropriated to the board for the purpose of carrying out the  
 11 provisions of the Barbers and Cosmetologists Act. Any balance  
 12 remaining in the fund at the end of each fiscal year shall not  
 13 revert to the general fund."

14           SECTION 76. Section 61-17A-17 NMSA 1978 (being Laws  
 15 1993, Chapter 171, Section 17, as amended) is amended to read:

16           "61-17A-17. LICENSURE UNDER PRIOR LAW--~~[ENDORSEMENT]~~  
 17 EXPEDITED LICENSURE.--

18           A. [~~Any~~] A person licensed as a barber, a  
 19 cosmetologist, an esthetician, an electrologist, an instructor  
 20 of cosmetology or barbering or an instructor of electrology, a  
 21 manicurist-pedicurist or [~~any~~] a person holding an  
 22 establishment license, clinic license or school owner's license  
 23 under [~~any~~] prior laws of this state, which license is valid on  
 24 [~~the effective date of the Barbers and Cosmetologists Act~~] June  
 25 18, 1993, shall be held to be licensed under the provisions of

.222414.1

underscored material = new  
 [bracketed material] = delete

1 ~~[that]~~ the Barbers and Cosmetologists Act and shall be entitled  
2 to the renewal of ~~[his]~~ the person's license as provided in  
3 that act.

4 B. The board ~~[may]~~ shall grant a license pursuant  
5 to the provisions of the Barbers and Cosmetologists Act without  
6 an examination, upon payment of the required fee; provided that  
7 the applicant ~~[~~+~~]~~ holds a ~~[current]~~ valid, unrestricted  
8 license from another [state, territory or possession of the  
9 United States or the District of Columbia, that has training  
10 hours and qualifications similar to or exceeding those required  
11 for licensure in New Mexico; and

12 ~~(2) meets all other requirements for~~  
13 ~~reciprocity as determined by regulation of the board]~~ licensing  
14 jurisdiction.

15 C. No later than thirty days after a person files  
16 an application for licensure, the board shall process the  
17 application and issue an expedited license in accordance with  
18 procedures in Section 61-1-31.1 NMSA 1978. The board by rule  
19 shall determine the states and territories of the United States  
20 and the District of Columbia from which it will not accept an  
21 applicant for expedited licensure and shall determine foreign  
22 countries from which it will accept an applicant for expedited  
23 licensure. The board shall post the lists of disapproved and  
24 approved licensing jurisdictions on its website. The list of  
25 disapproved licensing jurisdictions shall include the specific

.222414.1

1 reasons for disapproval. The lists shall be reviewed annually  
 2 to determine if amendments to the rule are warranted."

3 SECTION 77. Section 61-17A-18 NMSA 1978 (being Laws  
 4 1993, Chapter 171, Section 18, as amended) is amended to read:

5 "61-17A-18. LICENSE TO BE DISPLAYED--NOTICE OF CHANGE OF  
 6 PLACE OF BUSINESS.--Every holder of a license issued pursuant  
 7 to the Barbers and Cosmetologists Act shall notify the  
 8 [~~executive director~~] department of any change in place of  
 9 business. [~~Upon receipt of the notification, the executive~~  
 10 ~~director shall make the necessary change in the books.~~] A  
 11 license shall be displayed conspicuously at the holder's place  
 12 of business."

13 SECTION 78. Section 61-17A-19 NMSA 1978 (being Laws  
 14 1993, Chapter 171, Section 19) is amended to read:

15 "61-17A-19. LICENSE NONTRANSFERABLE.--Each license shall  
 16 be issued under the authority of the Barbers and Cosmetologists  
 17 Act by the [~~board~~] department in the name of the licensee. The  
 18 license may not be the subject of a sale, transfer, assignment,  
 19 conveyance, lease, bequest, gift or other means of transfer."

20 SECTION 79. Section 61-17A-21 NMSA 1978 (being Laws  
 21 1993, Chapter 171, Section 21, as amended) is amended to read:

22 "61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW, SUSPEND  
 23 OR REVOKE A LICENSE.--

24 A. The board shall, in accordance with the  
 25 provisions of the Uniform Licensing Act, issue a fine or

.222414.1

underscored material = new  
 [bracketed material] = delete

1 penalty, restrict, refuse to issue or renew or shall suspend or  
2 revoke a license for any one or more of the following causes:

3 (1) the commission of any offense described in  
4 the Barbers and Cosmetologists Act;

5 (2) the violation of any sanitary regulation  
6 promulgated by the board;

7 (3) malpractice or incompetency;

8 (4) advertising by means of knowingly false or  
9 deceptive statements;

10 [~~(5) habitual drunkenness or habitual~~  
11 ~~addiction to the use of habit-forming drugs;~~]

12 (5) working in a capacity regulated pursuant  
13 to the Barbers and Cosmetologists Act while under the influence  
14 of intoxicating liquor or drugs;

15 (6) continuing to practice in or be employed  
16 by an establishment, an enterprise, a school or an electrology  
17 clinic in which the sanitary [~~regulations~~] rules of the board,  
18 of the department of health or of any other lawfully  
19 constituted board or state agency, promulgated for the  
20 regulation of establishments, enterprises, schools or  
21 electrology clinics, are known by the licensee to be violated;

22 (7) default of a licensee on a student loan;

23 (8) gross continued negligence in observing  
24 the rules and regulations;

25 (9) renting, loaning or allowing the use of

1 the license to any person not licensed under the provisions of  
 2 the Barbers and Cosmetologists Act;

3 (10) dishonesty or unfair or deceptive  
 4 practices;

5 (11) sexual, racial or religious harassment;

6 (12) conduct of illegal activities in an  
 7 establishment, enterprise, school or electrology clinic or by a  
 8 licensee; or

9 ~~[(13) conviction of a crime involving moral~~  
 10 ~~turpitude; or~~

11 ~~(14)]~~ (13) aiding, abetting or conspiring to  
 12 evade or violate the provisions of the Barbers and  
 13 Cosmetologists Act.

14 B. Any license suspended or revoked shall be  
 15 delivered to the ~~[board]~~ department or any agent of the ~~[board]~~  
 16 department upon demand."

17 SECTION 80. Section 61-17B-5 NMSA 1978 (being Laws 2007,  
 18 Chapter 181, Section 5, as amended) is amended to read:

19 "61-17B-5. LICENSE--APPLICATION--RENEWAL--EXPEDITED  
 20 LICENSURE--REVOCATION--SUSPENSION.--

21 A. A body artist shall obtain a body art license,  
 22 and an operator shall obtain a body art establishment license,  
 23 the requirements for which shall be defined by the board by  
 24 rules promulgated in accordance with the State Rules Act and  
 25 shall include the requirement that a body artist applicant

.222414.1

underscoring material = new  
 [bracketed material] = delete

1 demonstrate that the body artist has the training and  
2 experience necessary to perform body piercing, tattooing or  
3 scarification and the requirement that a sanitary and sterile  
4 body art establishment be maintained; provided that the board  
5 shall grant credit for training and experience obtained from  
6 any source, whether obtained within or outside the state, if  
7 the applicant demonstrates that ~~[the training and experience~~  
8 ~~received by the applicant is equivalent to the]~~ the applicant  
9 meets the training and experience required pursuant to the Body  
10 Art Safe Practices Act.

11 B. An operator or body artist shall possess and  
12 post in a conspicuous place a valid ~~[and unsuspended]~~ license  
13 issued by the board in accordance with the Body Art Safe  
14 Practices Act and the rules promulgated pursuant to that act.  
15 An operator or a body artist shall not display a license unless  
16 it has been issued to that operator or body artist by the board  
17 and has not been suspended or revoked.

18 C. An operator or body artist shall apply to the  
19 board for the issuance or renewal of a license annually and  
20 shall pay license fees established by the board. Except as  
21 provided in Section 61-1-34 NMSA 1978, the board shall set  
22 license fees and license renewal fees ~~[and late fees in amounts~~  
23 ~~necessary to administer the provisions of the Body Art Safe~~  
24 ~~Practices Act]~~ not to exceed three hundred dollars (\$300) and  
25 late fees not to exceed one hundred dollars (\$100). If an



1 operator or body artist fails to renew a license for the next  
 2 year, the license is void; provided that the voided license may  
 3 be restored at any time during the year following the license's  
 4 expiration upon the payment of the appropriate license renewal  
 5 fee and a late charge not to exceed one hundred dollars (\$100)  
 6 as set forth by board rules. If the operator or body artist  
 7 fails to restore a license within one year following the  
 8 license's expiration, the operator or body artist may request  
 9 restoration of the license pursuant to rules promulgated by the  
 10 board.

11 D. As soon as practicable, but no later than thirty  
 12 days after an application is submitted, the board shall process  
 13 the application and issue an expedited license in accordance  
 14 with Section 61-1-31.1 NMSA 1978 to a person licensed in  
 15 another licensing jurisdiction. The board by rule shall  
 16 determine those states and territories of the United States and  
 17 the District of Columbia from which it will not accept an  
 18 applicant for expedited licensure and those foreign countries  
 19 from which it will accept an application for expedited  
 20 licensure. The lists of disapproved and approved licensing  
 21 jurisdictions shall be posted on the board's website. The list  
 22 of disapproved licensing jurisdictions shall include specific  
 23 reasons for disapproval. The lists shall be reviewed annually  
 24 to determine if amendments to the rule are warranted.

25 [~~D.~~] E. The board [~~shall promulgate rules for the~~

.222414.1

underscored material = new  
 [bracketed material] = delete

1 ~~revocation or suspension of~~ may suspend or revoke a license  
2 for a body art establishment or a body artist who fails to  
3 comply with a provision of the Body Art Safe Practices Act or  
4 rules promulgated pursuant to that act in accordance with the  
5 Uniform Licensing Act. A license shall not be suspended or  
6 revoked [~~pursuant to the Body Art Safe Practices Act~~] without  
7 providing the operator or the body artist with an opportunity  
8 for an administrative hearing unless conditions in the body art  
9 establishment warrant immediate suspension pursuant to Section  
10 61-17B-9 NMSA 1978. The hearing officer shall not be a person  
11 previously involved in the suspension or revocation action. An  
12 inspection made more than twenty-four months prior to the most  
13 recent inspection shall not be used as a basis for suspension  
14 or revocation.

15 ~~[E-]~~ F. Except as provided in Section 61-1-34 NMSA  
16 1978, the board shall charge a fee not to exceed three hundred  
17 dollars (\$300) for the application to issue a new or renewed  
18 license. The applicant shall provide proof of current  
19 immunization as required by the board and proof of the  
20 applicant's attendance at a blood-borne pathogen training  
21 program and other training as required by the board before a  
22 license is issued or renewed.

23 ~~[F-]~~ G. A current body art license or body art  
24 establishment license shall not be transferable from one person  
25 to another.

.222414.1

1           ~~[G-]~~ H. The following information shall be kept on  
 2 the premises of a body art establishment and shall be available  
 3 for inspection by the board:

4                   (1) the full names of all employees in the  
 5 establishment and their exact duties;

6                   (2) the board-issued license with  
 7 identification photograph for the operator and any body  
 8 artists;

9                   (3) the body art establishment name and hours  
 10 of operation;

11                   (4) the name and address of the operator;

12                   (5) a complete description of all body art  
 13 performed at the body art establishment;

14                   (6) a list of all instruments, body jewelry,  
 15 sharps and inks used at the body art establishment, including  
 16 names of manufacturers and serial or lot numbers or invoices or  
 17 other documentation sufficient to identify and locate the  
 18 manufacturer of those items; and

19                   (7) a current copy of the Body Art Safe  
 20 Practices Act.

21           ~~[H-]~~ I. An operator shall notify the board in  
 22 writing not less than thirty days before changing the location  
 23 of a body art establishment. The notice shall include the  
 24 street address of the body art establishment's new location."

25           **SECTION 81.** Section 61-17B-16 NMSA 1978 (being Laws

.222414.1

underscored material = new  
 [bracketed material] = delete

1 2015, Chapter 129, Section 8) is amended to read:

2 "61-17B-16. BOARD POWERS AND DUTIES.--

3 A. The board shall:

4 (1) in conjunction with the department of  
5 health, promulgate rules in accordance with the State Rules Act  
6 necessary to implement the provisions of the Body Art Safe  
7 Practices Act;

8 (2) establish fees;

9 (3) establish standards and provide for the  
10 issuance of new and renewal operator and body artist licenses  
11 to applicants;

12 (4) adopt a seal;

13 (5) furnish copies of rules and sanitation and  
14 sterilization requirements [~~adopted~~] promulgated by the board  
15 to each operator of a body art establishment;

16 (6) keep a record of its proceedings, a  
17 register of applicants for licensure and a register of licensed  
18 operators and body artists; [~~and~~]

19 (7) issue cease and desist orders to persons  
20 who violate the provisions of the Body Art Safe Practices Act  
21 or rules promulgated pursuant to that act; and

22 (8) deny, suspend or revoke a license or  
23 undertake any other disciplinary action in accordance with the  
24 Uniform Licensing Act.

25 B. The board may establish continuing education or

1 other requirements for licensure.

2 C. A member of the board, its employees or agents  
 3 may enter and inspect a body art establishment at any time  
 4 during regular business hours for the purpose of determining  
 5 compliance with the Body Art Safe Practices Act."

6 SECTION 82. Section 61-17B-17 NMSA 1978 (being Laws  
 7 2015, Chapter 129, Section 7) is amended to read:

8 "61-17B-17. BODY ART PRACTITIONERS FUND CREATED.--The  
 9 "body art practitioners fund" is created in the state treasury.  
 10 The fund consists of appropriations, gifts, grants and  
 11 donations; license fees and charges [~~and fines~~] that are  
 12 imposed by the board [~~and that shall be deposited into the~~  
 13 ~~fund~~]; and money otherwise accruing to the fund. Money in the  
 14 fund is appropriated to the board for the purpose of carrying  
 15 out the provisions of the Body Art Safe Practices Act. Money  
 16 in the fund shall be disbursed on warrants signed by the  
 17 secretary of finance and administration pursuant to vouchers  
 18 signed by the chair of the board or the chair's authorized  
 19 representative. Any balance remaining in the fund at the end  
 20 of a fiscal year shall not revert to the general fund."

21 SECTION 83. Section 61-17B-18 NMSA 1978 (being Laws  
 22 2015, Chapter 129, Section 9) is amended to read:

23 "61-17B-18. TERMINATION OF AGENCY LIFE--DELAYED  
 24 REPEAL.--The board of body art practitioners is terminated on  
 25 July 1, [~~2021~~] 2027 pursuant to the Sunset Act. The board

.222414.1

underscored material = new  
 [bracketed material] = delete

1 shall continue to operate according to the provisions of the  
2 Body Art Safe Practices Act until July 1, [2022] 2028.  
3 Effective July 1, [2022] 2028, the Body Art Safe Practices Act  
4 is repealed."

5 SECTION 84. Section 61-18A-4 NMSA 1978 (being Laws 1987,  
6 Chapter 252, Section 4) is amended to read:

7 "61-18A-4. RULES [~~AND REGULATIONS~~]~~--~~VIIOLATIONS~~---~~

8 A. The director shall [~~establish~~] promulgate rules  
9 in accordance with the State Rules Act and enforce [~~such~~] those  
10 rules [~~and regulations~~] as [~~may be~~] are reasonable or necessary  
11 for the examination and licensing of collection agencies,  
12 repossessionors, managers and solicitors, for the conduct of such  
13 persons and for the general enforcement of the various  
14 provisions of the Collection Agency Regulatory Act in the  
15 protection of the public.

16 B. The violation of any provisions of [~~that~~] the  
17 Collection Agency Regulatory Act or of [~~any~~] rules [~~and~~  
18 ~~regulations established~~] promulgated by the director is  
19 sufficient ground for revocation of [~~any~~] a license or for  
20 other disciplinary action as provided in the Uniform Licensing  
21 Act.

22 C. [~~No~~] A provision of the Collection Agency  
23 Regulatory Act imposing [~~any~~] a liability shall not apply to  
24 [~~any~~] an act done or omitted in good faith in conformity with  
25 [~~any~~] a rule [~~or regulation~~] of the director, notwithstanding

underscored material = new  
[bracketed material] = delete

1 that after [~~such~~] the act or omission has occurred, [~~such~~] the  
 2 rule [~~or regulation~~] is amended, rescinded or determined by  
 3 judicial or other authority to be invalid for any reason."

4 SECTION 85. Section 61-18A-31 NMSA 1978 (being Laws  
 5 1987, Chapter 252, Section 31) is amended to read:

6 "61-18A-31. DEPOSIT OF [~~MONEYS IN GENERAL FUND~~] MONEY.--  
 7 All money received under the Collection Agency Regulatory Act  
 8 by the director shall be deposited in the [~~office of the state~~  
 9 ~~treasurer~~] general fund."

10 SECTION 86. Section 61-23-10 NMSA 1978 (being Laws 1987,  
 11 Chapter 336, Section 10, as amended) is amended to read:

12 "61-23-10. DUTIES AND POWERS OF THE BOARD.--

13 A. [~~It shall be the duty of~~] The board [~~to~~] shall  
 14 administer the provisions of the Engineering and Surveying  
 15 Practice Act and [~~to~~] exercise the authority granted the board  
 16 in that act. The board is the sole state agency with the power  
 17 to certify the qualifications of professional engineers and  
 18 professional surveyors. The board [~~is authorized to~~] may  
 19 engage such personnel, including an executive director, as it  
 20 [~~may deem~~] deems necessary.

21 B. The board [~~shall have the power to adopt and~~  
 22 ~~amend all bylaws and~~] may promulgate rules [~~of procedure~~  
 23 ~~consistent with the constitution and the laws of this state~~] in  
 24 accordance with the State Rules Act that [~~may be~~] are  
 25 reasonable for the proper performance of its duties and the

.222414.1

1 regulation of its procedures, meeting records and examinations  
2 and the conduct [~~thereof~~] of examinations. The board shall  
3 [~~adopt and~~] promulgate rules of professional responsibility for  
4 professional engineers and professional surveyors that are not  
5 exclusive to the practice of engineering or exclusive to the  
6 practice of surveying. All such [~~bylaws and~~] rules shall be  
7 binding upon all persons licensed pursuant to the Engineering  
8 and Surveying Practice Act.

9 C. The professional engineering committee shall  
10 [~~adopt and~~] promulgate rules of professional responsibility  
11 exclusive to the practice of engineering. All such [~~bylaws~~  
12 ~~and~~] rules shall be binding upon all persons licensed pursuant  
13 to the Engineering and Surveying Practice Act.

14 D. The professional surveying committee shall  
15 [~~adopt and~~] promulgate rules of professional responsibility  
16 exclusive to the practice of surveying. All such [~~bylaws and~~]  
17 rules shall be binding upon all persons licensed pursuant to  
18 the Engineering and Surveying Practice Act.

19 E. The joint engineering and surveying standing  
20 committee [~~shall have the~~] has exclusive authority over  
21 practice disputes between engineers and surveyors to determine  
22 if [~~any~~] proposed rules of professional responsibility are  
23 exclusive to the practice of engineering or exclusive to the  
24 practice of surveying so that rulemaking authority is delegated  
25 to the engineering committee or to the surveying committee.

.222414.1



1 Determination of exclusive practice of engineering or surveying  
 2 requires an affirmative vote by no less than three members of  
 3 the joint committee. If an affirmative vote of three members  
 4 cannot be achieved, the determination of exclusivity shall be  
 5 made by the full board.

6 F. To effect the provisions of the Engineering and  
 7 Surveying Practice Act, the board may, under the chair's hand  
 8 and the board's seal, subpoena witnesses and compel the  
 9 production of books, papers and documents in any disciplinary  
 10 action conducted in accordance with the Uniform Licensing Act  
 11 against a licensee or a person practicing or offering to  
 12 practice without licensure. Any member of the board may  
 13 administer oaths or affirmations to witnesses appearing before  
 14 the board. If [~~any~~] a person refuses to obey [~~any~~] a subpoena  
 15 so issued or refuses to testify or produce any books, papers or  
 16 documents, the board may apply to a court of competent  
 17 jurisdiction for an order to compel the requisite action. If  
 18 [~~any~~] a person willfully fails to comply with such an order,  
 19 that person may be held in contempt of court.

20 G. The board may apply for injunctive relief to  
 21 enforce the provisions of the Engineering and Surveying  
 22 Practice Act or to restrain any violation of that act. The  
 23 members of the board shall not be personally liable under this  
 24 proceeding.

25 H. The board may subject an applicant for licensure

.222414.1

underscored material = new  
 [bracketed material] = delete

1 to such examinations as it deems necessary to determine the  
2 applicant's qualifications.

3 I. The board shall create enforcement advisory  
4 committees composed of licensees as necessary. Each committee  
5 shall include at least four licensees in the same category as  
6 the respondent. An engineering enforcement advisory committee  
7 shall have at least one licensee in the same branch as the  
8 respondent. Enforcement advisory committees shall provide  
9 technical assistance to the board and its staff. The board  
10 shall select members from a list of volunteers submitting their  
11 resumes and letters of interest.

12 J. No action or other legal proceedings for damages  
13 shall be instituted against the board, [~~any~~] a board member or  
14 an agent, an employee or a member of an advisory committee of  
15 the board for any act done in good faith and in the intended  
16 performance of any power or duty granted pursuant to the  
17 Engineering and Surveying Practice Act or for any neglect or  
18 default in the good faith performance or exercise of any such  
19 power or duty.

20 K. The board, in cooperation with the board of  
21 examiners for architects and the board of landscape architects,  
22 shall create a joint standing committee to be known as the  
23 "joint practice committee". In order to safeguard life, health  
24 and property and to promote the public welfare, the committee  
25 shall have as its purpose the promotion and development of the

.222414.1

1 highest professional standards in design, planning and  
 2 construction and the resolution of ambiguities concerning the  
 3 professions. The composition of the committee and its powers  
 4 and duties shall be in accordance with identical resolutions  
 5 adopted by each board.

6 L. As used in the Engineering and Surveying  
 7 Practice Act, "incidental practice" shall be defined by  
 8 identical rules of the board and the board of examiners for  
 9 architects."

10 SECTION 87. Section 61-23-24 NMSA 1978 (being Laws 1993,  
 11 Chapter 218, Section 18, as amended) is amended to read:

12 "61-23-24. ENGINEERING--VIOLATIONS--DISCIPLINARY  
 13 ACTION--PENALTIES--REISSUANCE OF LICENSES.--

14 A. In accordance with the Uniform Licensing Act,  
 15 the board may suspend, refuse to renew or revoke a license,  
 16 impose a fine not to exceed seven thousand five hundred dollars  
 17 (\$7,500), place on probation for a specific period of time with  
 18 specific conditions or reprimand any professional engineer who  
 19 is found by the board to have:

20 (1) practiced or offered to practice  
 21 engineering in New Mexico in violation of the Engineering and  
 22 Surveying Practice Act;

23 (2) attempted to use the license of another;

24 (3) given false or forged evidence to the  
 25 board or to a board member for obtaining a license;

.222414.1

1 (4) falsely impersonated [~~any other~~] another  
2 licensee of like or different name;

3 (5) attempted to use an expired, suspended or  
4 revoked license;

5 (6) falsely purported to be a professional  
6 engineer by claim, sign, advertisement or letterhead;

7 (7) violated the rules of professional  
8 responsibility for professional engineers adopted and  
9 promulgated by the board;

10 (8) been disciplined in another state for  
11 action that would constitute a violation of either or both the  
12 Engineering and Surveying Practice Act or the rules adopted by  
13 the board;

14 (9) been convicted of a felony; or

15 (10) procured, aided or abetted any violation  
16 of the provisions of the Engineering and Surveying Practice Act  
17 or the rules of the board.

18 B. Except as provided in Subsection C of Section  
19 61-23-21 NMSA 1978, nothing in the Engineering and Surveying  
20 Practice Act shall prohibit the general use of the word  
21 "engineer", "engineered" or "engineering" so long as such words  
22 are not used in an offer to the public to perform engineering  
23 work as defined in Subsections F and H of Section 61-23-3 NMSA  
24 1978.

25 C. The board may by rule establish the guidelines

.222414.1

1 for the disposition of disciplinary cases involving specific  
 2 types of violations. The guidelines may include minimum and  
 3 maximum fines, periods of probation or conditions of probation  
 4 or reissuance of a license.

5 D. Failure to pay a fine levied by the board or to  
 6 otherwise comply with an order issued by the board pursuant to  
 7 the Uniform Licensing Act is a misdemeanor and shall be grounds  
 8 for further action against the licensee by the board and for  
 9 judicial sanctions or relief.

10 E. A person may prefer charges of fraud, deceit,  
 11 gross negligence, incompetence or misconduct against a licensed  
 12 professional engineer. The charges shall be in writing and  
 13 shall be sworn to by the person making the charges and filed  
 14 with the executive director of the board. All charges shall be  
 15 referred to the engineering committee, acting for the board.  
 16 No action that would have any of the effects specified in  
 17 Subsection D, E or F of Section 61-1-3 NMSA 1978 may be  
 18 initiated later than two years after the discovery by the  
 19 board, but in no case shall an action be brought more than ten  
 20 years after the completion of the conduct that constitutes the  
 21 basis for the action. All charges, unless dismissed as  
 22 unfounded, trivial, resolved by reprimand or settled  
 23 informally, shall be heard in accordance with the provisions of  
 24 the Uniform Licensing Act by the engineering committee acting  
 25 for the board or by the board.

.222414.1

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

1 F. Persons making charges shall not be subject to  
2 civil or criminal suits; provided that the charges are made in  
3 good faith and are not frivolous or malicious.

4 G. The board or a board member may initiate  
5 proceedings pursuant to the provisions of this section in  
6 accordance with the provisions of the Uniform Licensing Act.  
7 Nothing in the Engineering and Surveying Practice Act shall  
8 deny the right of appeal from the decision and order of the  
9 board in accordance with the provisions of the Uniform  
10 Licensing Act.

11 H. The board, for reasons it deems sufficient, may  
12 reissue a license to a person whose license has been revoked or  
13 suspended [~~provided that~~] if a majority of the members of the  
14 engineering committee, acting for the board, or of the board  
15 votes in favor of the reissuance. A new license bearing the  
16 original license number to replace a revoked, lost, destroyed  
17 or mutilated license may be issued subject to the rules of the  
18 board with payment of a fee.

19 I. A violation of any provision of the Engineering  
20 and Surveying Practice Act is a misdemeanor punishable upon  
21 conviction by a fine of not more than seven thousand five  
22 hundred dollars (\$7,500) or by imprisonment of no more than one  
23 year, or both.

24 J. The attorney general or district attorney of the  
25 proper district or special prosecutor retained by the board

.222414.1

1 shall prosecute violations of the Engineering and Surveying  
 2 Practice Act by a nonlicensee.

3 K. The practice of engineering in violation of the  
 4 provisions of the Engineering and Surveying Practice Act shall  
 5 be deemed a nuisance and may be restrained and abated by  
 6 injunction without bond in an action brought in the name of the  
 7 state by the district attorney or on behalf of the board by the  
 8 attorney general or the special prosecutor retained by the  
 9 board. Action shall be brought in the county where the  
 10 violation occurs."

11 SECTION 88. Section 61-23-27.11 NMSA 1978 (being Laws  
 12 1993, Chapter 218, Section 32, as amended) is amended to read:

13 "61-23-27.11. SURVEYING--VIOLATIONS--DISCIPLINARY  
 14 ACTIONS--PENALTIES--REISSUANCE OF LICENSES.--

15 A. In accordance with the Uniform Licensing Act,  
 16 the board may suspend, refuse to renew or revoke the license,  
 17 impose a fine not to exceed seven thousand five hundred dollars  
 18 (\$7,500), place on probation for a specific period of time with  
 19 specific conditions or reprimand a professional surveyor who is  
 20 found by the board to have:

21 (1) practiced or offered to practice surveying  
 22 in New Mexico in violation of the Engineering and Surveying  
 23 Practice Act;

24 (2) attempted to use the license of another;

25 (3) given false or forged evidence to the

.222414.1

underscored material = new  
 [bracketed material] = delete

1 board or to ~~[any]~~ a board member for obtaining a license;

2 (4) falsely impersonated ~~[any other]~~ another  
3 licensee of like or different name;

4 (5) attempted to use an expired, suspended or  
5 revoked license;

6 (6) falsely purported to be a professional  
7 surveyor by claim, sign, advertisement or letterhead;

8 (7) violated the rules of professional  
9 responsibility for professional surveyors adopted and  
10 promulgated by the board;

11 (8) been disciplined in another state for  
12 action that would constitute a violation of either or both the  
13 Engineering and Surveying Practice Act or the rules adopted by  
14 the board pursuant to the Engineering and Surveying Practice  
15 Act;

16 (9) been convicted of a felony; or

17 (10) procured, aided or abetted any violation  
18 of the provisions of the Engineering and Surveying Practice Act  
19 or the rules adopted by the board.

20 B. The board may by rule and in accordance with the  
21 Uniform Licensing Act establish the guidelines for the  
22 disposition of disciplinary cases involving specific types of  
23 violations. Guidelines may include minimum and maximum fines,  
24 periods of probation or conditions of probation or reissuance  
25 of a license.

.222414.1



1           C. Failure to pay a fine levied by the board or to  
 2 otherwise comply with an order issued by the board pursuant to  
 3 the Uniform Licensing Act is a misdemeanor and shall be grounds  
 4 for further action against the licensee by the board and for  
 5 judicial sanctions or relief.

6           D. A person may prefer charges of fraud, deceit,  
 7 gross negligence, incompetency or misconduct against a  
 8 professional surveyor. Such charges shall be in writing, shall  
 9 be sworn to by the person making them and shall be filed with  
 10 the executive director of the board. No action that would have  
 11 any of the effects specified in Subsection D, E or F of Section  
 12 61-1-3 NMSA 1978 may be initiated later than two years after  
 13 the discovery by the board, but in no case shall such an action  
 14 be brought more than ten years after the completion of the  
 15 conduct that constitutes the basis for the action. All charges  
 16 shall be referred to the professional surveying committee,  
 17 acting for the board, or to the board. All charges, unless  
 18 dismissed as unfounded, trivial, resolved by reprimand or  
 19 settled informally, shall be heard in accordance with the  
 20 provisions of the Uniform Licensing Act by the surveying  
 21 committee, acting for the board, or by the board.

22           E. Persons making charges shall not be subject to  
 23 civil or criminal suits [~~provided that~~] if the charges are made  
 24 in good faith and are not frivolous or malicious.

25           F. The board or a board member may initiate

.222414.1

underscored material = new  
 [bracketed material] = delete

1 proceedings pursuant to the provisions of this section in  
2 accordance with the provisions of the Uniform Licensing Act.  
3 Nothing in the Engineering and Surveying Practice Act shall  
4 deny the right of appeal from the decision and order of the  
5 board in accordance with the provisions of the Uniform  
6 Licensing Act.

7 G. The board, for reasons it deems sufficient, may  
8 reissue a license to a person whose license has been revoked or  
9 suspended; provided that a majority of the members of the  
10 surveying committee, acting for the board, or of the board  
11 votes in favor of reissuance. A new license bearing the  
12 original license number to replace a revoked, lost, destroyed  
13 or mutilated license may be issued subject to the rules of the  
14 board with payment of a fee determined by the board.

15 H. A violation of any provision of the Engineering  
16 and Surveying Practice Act is a misdemeanor punishable upon  
17 conviction by a fine of not more than seven thousand five  
18 hundred dollars (\$7,500) or by imprisonment of no more than one  
19 year, or both.

20 I. The attorney general or district attorney of the  
21 proper district or special prosecutor retained by the board  
22 shall prosecute violations of the Engineering and Surveying  
23 Practice Act by a nonlicensee.

24 J. The practice of surveying in violation of the  
25 provisions of the Engineering and Surveying Practice Act shall

.222414.1

1 be deemed a nuisance and may be restrained and abated by  
 2 injunction without bond in an action brought in the name of the  
 3 state by the district attorney or on behalf of the board by the  
 4 attorney general or the special prosecutor retained by the  
 5 board. Action shall be brought in the county in which the  
 6 violation occurs."

7 SECTION 89. Section 61-24B-7 NMSA 1978 (being Laws 1985,  
 8 Chapter 151, Section 7, as amended) is amended to read:

9 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

10 A. promulgate rules [~~necessary to effectuate~~] in  
 11 accordance with the State Rules Act to implement the provisions  
 12 of the Landscape Architects Act;

13 B. provide for the examination, registration and  
 14 re-registration of applicants;

15 C. adopt and use a seal;

16 D. administer oaths and take testimony on matters  
 17 within the board's jurisdiction;

18 E. grant, deny, renew, suspend or revoke  
 19 certificates of registration to practice landscape architecture  
 20 in accordance with the provisions of the Uniform Licensing Act  
 21 for any cause stated in the Landscape Architects Act;

22 F. grant, deny, renew, suspend or revoke landscape  
 23 architect in training certificates in accordance with the  
 24 provisions of the Uniform Licensing Act for any cause stated in  
 25 the Landscape Architects Act;

.222414.1

underscored material = new  
 [bracketed material] = delete

1           G. conduct hearings upon charges relating to  
2 discipline of a registrant or the denial, suspension or  
3 revocation of a certificate of registration; and

4           H. in cooperation with the state board of examiners  
5 for architects and the state board of licensure for  
6 professional engineers and surveyors, create a joint standing  
7 committee to be known as the "joint practice committee" to  
8 safeguard life, health and property and to promote the public  
9 welfare. The committee shall promote and develop the highest  
10 professional standards in design, planning and construction and  
11 the resolution of ambiguities concerning the professions. The  
12 composition of this committee and its powers and duties shall  
13 be in accordance with identical resolutions adopted by each  
14 board."

15           SECTION 90. Section 61-24B-9 NMSA 1978 (being Laws 1985,  
16 Chapter 151, Section 9, as amended) is amended to read:

17           "61-24B-9. REGISTRATION OF LANDSCAPE ARCHITECTS--  
18 EXAMINATIONS--EXEMPTIONS--EXPEDITED REGISTRATION---

19           A. Applicants for certificates of registration  
20 shall be required to pass the board's examination for landscape  
21 architects. An applicant who passes the examination may be  
22 issued a certificate of registration to practice as a landscape  
23 architect.

24           B. The board shall conduct examinations of  
25 applicants for certificates of registration as landscape

.222414.1

1 architects at least once each year. The examination shall  
 2 determine the ability of the applicant to use and understand  
 3 the theory and practice of landscape architecture and may be  
 4 divided into such subjects as the board deems necessary.

5 C. An applicant who fails to pass the examination  
 6 may reapply for the examination if the applicant complies with  
 7 the rules established by the board.

8 D. The board [~~may~~] shall issue [~~a~~] an expedited  
 9 certificate to practice as a landscape architect without an  
 10 examination to an applicant who holds a current certificate of  
 11 registration or license as a landscape architect issued by  
 12 another [~~state if the standards of the other state are as~~  
 13 ~~stringent as those established by the board and~~] licensing  
 14 jurisdiction if the applicant [~~meets the qualifications~~  
 15 ~~required of a landscape architect in this state~~] demonstrates  
 16 that the person holds a valid, unrestricted license and is in  
 17 good standing with the licensing board in the other licensing  
 18 jurisdiction and has practiced for at least two years  
 19 immediately prior to application in New Mexico. The board  
 20 shall, as soon as practicable but no later than thirty days  
 21 after an out-of-state registrant or licensee files an  
 22 application for a license accompanied by required fees, process  
 23 the application and issue an expedited certificate of  
 24 registration in accordance with Section 61-1-31.1 NMSA 1978.  
 25 The board by rule shall determine the states and territories of

.222414.1

underscored material = new  
 [bracketed material] = delete

1 the United States and the District of Columbia from which it  
2 will not accept applications for expedited registration and  
3 foreign countries from which it will accept applications for  
4 expedited licensure. The board shall post on its website the  
5 list of disapproved licensing jurisdictions and the specific  
6 reasons for disapproval. The lists shall be reviewed annually  
7 to determine if amendments to the rule are warranted."

8 SECTION 91. Section 61-24B-15 NMSA 1978 (being Laws  
9 1985, Chapter 151, Section 15) is amended to read:

10 "61-24B-15. BOARD--RULES [~~AND REGULATIONS~~].--The board  
11 shall make rules [~~and regulations necessary~~] in accordance with  
12 the State Rules Act to implement the provisions of the  
13 Landscape Architects Act in accordance with [~~the provisions of~~]  
14 the Uniform Licensing Act."

15 SECTION 92. Section 61-24D-1 NMSA 1978 (being Laws 2019,  
16 Chapter 239, Section 1) is amended to read:

17 "61-24D-1. SHORT TITLE.--[~~This act~~] Chapter 61, Article  
18 24D NMSA 1978 may be cited as the "Home Inspector Licensing  
19 Act"."

20 SECTION 93. Section 61-24D-3 NMSA 1978 (being Laws 2019,  
21 Chapter 239, Section 3) is amended to read:

22 "61-24D-3. NEW MEXICO HOME INSPECTORS BOARD--CREATED--  
23 POWERS AND DUTIES.--

24 A. The "New Mexico home inspectors board" is  
25 created and is administratively attached to the regulation and

.222414.1

1 licensing department.

2 B. The board shall consist of five members,  
 3 appointed by the governor, who have been residents of the state  
 4 for at least three consecutive years immediately prior to their  
 5 appointment. Three members shall be home inspectors. One  
 6 member shall be a real estate qualifying or associate broker  
 7 licensed in accordance with Chapter 61, Article 29 NMSA 1978,  
 8 and one member shall be a member of the public who has never  
 9 been licensed as a home inspector or real estate broker. No  
 10 more than one member shall be a resident of any one county in  
 11 the state. The initial home inspector members appointed shall  
 12 demonstrate that they have been actively and lawfully engaged  
 13 in home inspections for at least twenty-four months prior to  
 14 the effective date of the Home Inspector Licensing Act and have  
 15 met the requirements of Paragraphs (1) through (4) of  
 16 Subsection A of Section ~~[6 of the Home Inspector Licensing Act]~~  
 17 61-24D-6 NMSA 1978. The initial home inspector members  
 18 appointed shall comply with Paragraph (6) of Subsection A of  
 19 Section ~~[6 of the Home Inspector Licensing Act]~~ 61-24D-6 NMSA  
 20 1978 within six months of the effective date of the licensing  
 21 examination rule promulgated by the board in accordance with  
 22 the State Rules Act. After the board is initially established,  
 23 any replacement of a home inspector member shall be a licensee.

24 C. Board members shall serve for five years or  
 25 until their successors are appointed and qualified. The

.222414.1

underscored material = new  
 [bracketed material] = delete

1 governor may remove a member with or without cause. In the  
2 event of a vacancy, the governor shall appoint a member to  
3 complete the unexpired term. The initial board members  
4 appointed shall serve staggered terms from the date of their  
5 appointment as follows:

- 6 (1) two members for three-year terms;
- 7 (2) two members for two-year terms; and
- 8 (3) one member for a one-year term.

9 D. The board shall elect annually from among its  
10 members a chair and other officers as the board determines.  
11 The board shall meet at times and places as fixed by the board.  
12 A majority of the board constitutes a quorum.

13 E. Members of the board may receive per diem and  
14 mileage as provided in the Per Diem and Mileage Act but shall  
15 receive no other compensation, perquisite or allowance.

16 F. The board shall possess all powers and perform  
17 all duties prescribed by the Home Inspector Licensing Act and  
18 as otherwise provided by law and may ~~[make and enforce rules]~~  
19 promulgate rules in accordance with the State Rules Act to  
20 carry out the provisions of ~~[that]~~ the Home Inspector Licensing  
21 Act.

22 G. Pursuant to the provisions of the Home Inspector  
23 Licensing Act, the board shall:

- 24 (1) adopt rules and procedures necessary to  
25 administer and enforce the provisions of the Home Inspector



1 Licensing Act;

2 (2) adopt and publish a code of ethics and  
 3 standards of practice for persons licensed under the Home  
 4 Inspector Licensing Act;

5 (3) issue, renew, suspend, modify or revoke  
 6 licenses to home inspectors [~~pursuant to the provisions of the~~  
 7 ~~Home Inspector Licensing~~] in accordance with the Uniform  
 8 Licensing Act;

9 (4) establish standards for the training,  
 10 experience and continuing education requirements of the Home  
 11 Inspector Licensing Act;

12 (5) establish the amount and administer the  
 13 fees charged for examinations, initial licensure, license  
 14 renewals, reinstatement of revoked or suspended licenses,  
 15 reactivation of inactive or expired licenses, criminal  
 16 background checks and other services pursuant to the provisions  
 17 of the Home Inspector Licensing Act;

18 (6) adopt and approve a licensing examination,  
 19 which may be administered by a nationally accepted testing  
 20 service as determined by the board;

21 (7) conduct state and criminal background  
 22 checks on all applicants for a license;

23 (8) maintain a list of the names and addresses  
 24 of all licensees and of all persons whose licenses have been  
 25 suspended or revoked within that year, together with such other

.222414.1

underscoring material = new  
 [bracketed material] = delete

1 information relative to the enforcement of the provisions of  
2 the Home Inspector Licensing Act;

3 (9) maintain a statement of all funds received  
4 and a statement of all disbursements;

5 (10) mail copies of statements to any person  
6 in this state upon request; and

7 (11) perform other functions and duties as may  
8 be necessary to administer or carry out the provisions of the  
9 Home Inspector Licensing Act.

10 ~~[H. Prior to a final action on a proposed change or~~  
11 ~~amendment to the board's rules, the board may publish notice of~~  
12 ~~the proposed action in its official publication, distribute the~~  
13 ~~publication to each active licensee and give the time and place~~  
14 ~~for a public hearing on the proposed changes. The hearing~~  
15 ~~shall be held at least thirty days prior to a proposed final~~  
16 ~~action. Changes or amendments to the rules shall be filed in~~  
17 ~~accordance with the procedures of the State Rules Act and shall~~  
18 ~~become effective thirty days after notification to all active~~  
19 ~~licensees of the filing of the changes or amendments.]"~~

20 SECTION 94. Section 61-27B-5 NMSA 1978 (being Laws 1993,  
21 Chapter 212, Section 5, as amended) is amended to read:

22 "61-27B-5. ADMINISTRATION OF ACT--RULES.--

23 A. The department shall enforce and administer the  
24 provisions of the Private Investigations Act in accordance with  
25 the Uniform Licensing Act.

.222414.1

1           B. The department shall keep a record of each  
2 individual licensee.

3           C. The department shall [~~adopt~~] promulgate rules in  
4 accordance with the State Rules Act and enforce those rules  
5 necessary to carry out the provisions of the Private  
6 Investigations Act, including establishing professional ethical  
7 standards.

8           D. The department shall [~~adopt~~] promulgate rules  
9 regarding:

10                   (1) licensing private investigators, private  
11 investigations managers, private investigation companies,  
12 private patrol operators, private patrol operations managers,  
13 private patrol employees and polygraph examiners;

14                   (2) registering private investigations  
15 employees, security guards and private patrol employees;

16                   (3) establishing minimum training and  
17 educational standards for licensure and registration;

18                   (4) establishing continuing education  
19 requirements;

20                   (5) establishing and operating a branch  
21 office;

22                   (6) creating a policy on reciprocity with  
23 other [~~states and territories~~] licensing jurisdictions of the  
24 United States;

25                   (7) providing permits for security guards for

.222414.1

underscored material = new  
 [bracketed material] = delete

1 special events; and

2 (8) conducting background investigations."

3 SECTION 95. Section 61-28B-5 NMSA 1978 (being Laws 1999,  
4 Chapter 179, Section 5, as amended) is amended to read:

5 "61-28B-5. BOARD--POWERS AND DUTIES.--

6 A. The board may:

7 (1) appoint committees or persons to advise or  
8 assist it in carrying out the provisions of the 1999 Public  
9 Accountancy Act;

10 (2) retain its own counsel to advise and  
11 assist it in addition to advice and assistance provided by the  
12 attorney general;

13 (3) contract, sue and be sued and have and use  
14 a seal;

15 (4) cooperate with the appropriate authorities  
16 in other states in investigation and enforcement concerning  
17 violations of the 1999 Public Accountancy Act and comparable  
18 acts of other states; and

19 (5) ~~[adopt and file]~~ promulgate rules in  
20 accordance with ~~[the Uniform Licensing Act and]~~ the State Rules  
21 Act ~~[rules]~~ to carry out the provisions of the 1999 Public  
22 Accountancy Act, including rules governing the administration  
23 and enforcement of the 1999 Public Accountancy Act and the  
24 conduct of certificate and permit holders.

25 B. The board shall:

.222414.1

1 (1) maintain a registry of the names and  
 2 addresses of certificate and permit holders; ~~[and]~~

3 (2) develop, in conjunction with the  
 4 department of public safety, rules requiring a criminal history  
 5 background check of an applicant for initial or reciprocal  
 6 certification in New Mexico as provided for in the 1999 Public  
 7 Accountancy Act; and

8 (3) conduct disciplinary or licensure  
 9 proceedings in accordance with the Uniform Licensing Act."

10 SECTION 96. Section 61-29-4 NMSA 1978 (being Laws 1959,  
 11 Chapter 226, Section 3, as amended) is amended to read:

12 "61-29-4. CREATION OF COMMISSION--POWERS AND DUTIES.--

13 ~~[There is created]~~ A. The "New Mexico real estate  
 14 commission" is created. The commission shall be appointed by  
 15 the governor and shall consist of five members who shall have  
 16 been residents of the state for three consecutive years  
 17 immediately prior to their appointment, four of whom shall have  
 18 been associate brokers or qualifying brokers licensed in New  
 19 Mexico and one of whom shall be a member of the public who has  
 20 never been licensed as an associate broker or a qualifying  
 21 broker; provided that not more than one member shall be from  
 22 any one county within the state. The members of the commission  
 23 shall serve for a period of five years or until their  
 24 successors are appointed and qualified. The governor may  
 25 remove a member for cause. In the event of vacancies, the

.222414.1

underscored material = new  
 [bracketed material] = delete

1 governor shall appoint members to complete unexpired terms.

2           B. The commission shall possess all the powers and  
3 perform all the duties prescribed by Chapter 61, Article 29  
4 NMSA 1978 and as otherwise provided by law, and it is expressly  
5 vested with power and authority to ~~[make]~~ promulgate rules in  
6 accordance with the State Rules Act and enforce those rules to  
7 carry out the provisions of that article. ~~[Prior to a final~~  
8 ~~action on a proposed change or amendment to the rules of the~~  
9 ~~commission, the commission may publish notice of the proposed~~  
10 ~~action in its official publication, distribute the publication~~  
11 ~~to each active licensee and give the time and place for a~~  
12 ~~public hearing on the proposed changes. The hearing shall be~~  
13 ~~held at least thirty days prior to a proposed final action.~~  
14 ~~Changes or amendments to the rules shall be filed in accordance~~  
15 ~~with the procedures of the State Rules Act and shall become~~  
16 ~~effective thirty days after notification to all active~~  
17 ~~licensees of the filing of the changes or amendments.]"~~

18           SECTION 97. Section 61-29-12 NMSA 1978 (being Laws 1959,  
19 Chapter 226, Section 11, as amended) is amended to read:

20           "61-29-12. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE  
21 FOR CAUSES ENUMERATED.--

22           A. In accordance with the Uniform Licensing Act,  
23 the commission may refuse to issue a license or may suspend,  
24 revoke, limit or condition a license if the applicant or  
25 licensee has, by false or fraudulent representations, obtained

1 a license or, in performing or attempting to perform any of the  
 2 actions specified in Chapter 61, Article 29 NMSA 1978, an  
 3 applicant or licensee has:

4 (1) made a substantial misrepresentation;

5 (2) pursued a continued and flagrant course of  
 6 misrepresentation; made false promises through agents,  
 7 salespersons, advertising or otherwise; or used any trade name  
 8 or insignia of membership in any real estate organization of  
 9 which the licensee is not a member;

10 (3) paid or received a rebate, profit,  
 11 compensation or commission to or from any unlicensed person,  
 12 except the licensee's principal or other party to the  
 13 transaction, and then only with that principal's written  
 14 consent;

15 (4) represented or attempted to represent a  
 16 qualifying broker other than a qualifying broker with whom the  
 17 licensee is associated without the express knowledge and  
 18 consent of that qualifying broker;

19 (5) failed, within a reasonable time, to  
 20 account for or to remit any money coming into the licensee's  
 21 possession that belongs to others, commingled funds of others  
 22 with the licensee's own or failed to keep funds of others in an  
 23 escrow or trustee account or failed to furnish legible copies  
 24 of all listing and sales contracts to all parties executing  
 25 them;

.222414.1

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

1                   (6) been convicted in any court of competent  
2 jurisdiction of a felony or any offense involving moral  
3 turpitude;

4                   (7) employed or compensated, directly or  
5 indirectly, a person for performing any of the acts regulated  
6 by Chapter 61, Article 29 NMSA 1978 who is not a licensed  
7 qualifying broker or an associate broker; provided, however,  
8 that a qualifying broker may pay a commission to a qualifying  
9 broker of another state as provided in Section 61-29-16.1 NMSA  
10 1978;

11                   (8) failed, if a qualifying broker, to place  
12 as soon after receipt as is practicably possible, after  
13 securing signatures of all parties to the transaction, any  
14 deposit money or other money received by the qualifying broker  
15 in a real estate transaction in a custodial, trust or escrow  
16 account, maintained by the qualifying broker in a bank or  
17 savings and loan institution or title company authorized to do  
18 business in this state, in which the funds shall be kept until  
19 the transaction is consummated or otherwise terminated, at  
20 which time a full accounting of the funds shall be made by the  
21 qualifying broker. Records relative to the deposit,  
22 maintenance and withdrawal of the funds shall contain  
23 information as may be prescribed by the rules of the  
24 commission. Nothing in this paragraph prohibits a qualifying  
25 broker from depositing nontrust funds in an amount not to

.222414.1



1 exceed the required minimum balance in each trust account so as  
 2 to meet the minimum balance requirements of the bank necessary  
 3 to maintain the account and avoid charges. The minimum balance  
 4 deposit shall not be considered commingling and shall not be  
 5 subject to levy, attachment or garnishment. This paragraph  
 6 does not prohibit a qualifying broker from depositing any  
 7 deposit money or other money received by the qualifying broker  
 8 in a real estate transaction with another cooperating broker  
 9 who shall in turn comply with this paragraph;

10 (9) failed, if an associate broker, to place  
 11 as soon after receipt as is practicably possible in the custody  
 12 of the associate broker's qualifying broker, after securing  
 13 signatures of all parties to the transaction, any deposit money  
 14 or other money entrusted to the associate broker by any person  
 15 dealing with the associate broker as the representative of the  
 16 qualifying broker;

17 (10) violated a provision of Chapter 61,  
 18 Article 29 NMSA 1978 or a rule promulgated by the commission;

19 (11) committed an act, whether of the same or  
 20 different character from that specified in this subsection,  
 21 that is related to dealings as a qualifying broker or an  
 22 associate broker and that constitutes or demonstrates bad  
 23 faith, incompetency, untrustworthiness, impropriety, fraud,  
 24 dishonesty, negligence or any unlawful act; or

25 (12) been the subject of disciplinary action

.222414.1

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

1 as a licensee while licensed to practice real estate in another  
2 jurisdiction, territory or possession of the United States or  
3 another country.

4 B. An unlawful act or violation of Chapter 61,  
5 Article 29 NMSA 1978 by an associate broker, employee, partner  
6 or associate of a qualifying broker shall not be cause for the  
7 revocation of a license of the qualifying broker unless it  
8 appears to the satisfaction of the commission that the  
9 qualifying broker had guilty knowledge of the unlawful act or  
10 violation."

11 SECTION 98. Section 61-29-20 NMSA 1978 (being Laws 1980,  
12 Chapter 82, Section 1) is amended to read:

13 "61-29-20. SHORT TITLE.--Sections [~~1 through 10 of this~~  
14 ~~act]~~ 61-29-20 through 61-29-29 NMSA 1978 may be cited as the  
15 "Real Estate Recovery Fund Act"."

16 SECTION 99. Section 61-30-7 NMSA 1978 (being Laws 1990,  
17 Chapter 75, Section 7, as amended) is amended to read:

18 "61-30-7. BOARD--POWERS--DUTIES.--The board shall:

19 A. [~~adopt~~] promulgate rules [~~necessary~~] in  
20 accordance with the State Rules Act to implement the provisions  
21 of the Real Estate Appraisers Act;

22 B. establish educational programs and research  
23 projects related to the appraisal of real estate;

24 C. establish the administrative procedures for  
25 processing applications and issuing registrations, licenses and

1 certificates to persons who qualify to be real estate appraiser  
 2 trainees, state licensed residential real estate appraisers or  
 3 state certified real estate appraisers;

4 D. receive, review and approve applications for  
 5 real estate appraiser trainees, state licensed residential real  
 6 estate appraisers and each category of state certified real  
 7 estate appraisers;

8 E. define the extent and type of educational  
 9 experience, appraisal experience and equivalent experience that  
 10 will meet the requirements for registration, licensing and  
 11 certification pursuant to the Real Estate Appraisers Act after  
 12 considering generally recognized appraisal practices and set  
 13 minimum requirements for education and experience;

14 F. provide for continuing education programs for  
 15 the renewal of registrations, licenses and certification that  
 16 will meet the requirements provided in the Real Estate  
 17 Appraisers Act and set minimum requirements;

18 G. adopt standards to define the education programs  
 19 that will meet the requirements of the Real Estate Appraisers  
 20 Act and that will encourage conducting programs at various  
 21 locations throughout the state;

22 H. adopt standards for the development and  
 23 communication of real estate appraisals provided in the Real  
 24 Estate Appraisers Act and adopt rules explaining and  
 25 interpreting the standards after considering generally

.222414.1

underscored material = new  
 [bracketed material] = delete

1 recognized appraisal practices;

2 I. adopt a code of professional responsibility for  
3 real estate appraiser trainees, state licensed residential real  
4 estate appraisers and state certified real estate appraisers;

5 J. comply with annual reporting requirements and  
6 other requirements set forth in the federal real estate  
7 appraisal reform amendments;

8 K. collect and transmit annual registry fees from  
9 [~~individuals~~] persons who perform or seek to perform appraisals  
10 in federally related transactions and from an appraisal  
11 management company that either has registered with the board or  
12 operates as a subsidiary of a federally regulated financial  
13 institution;

14 L. maintain a registry of the names and addresses  
15 of the persons who hold current registrations, licenses and  
16 certificates issued under the Real Estate Appraisers Act;

17 M. establish procedures for disciplinary action in  
18 accordance with the Uniform Licensing Act against any applicant  
19 or holder of a registration, license or certificate for  
20 violations of the Real Estate Appraisers Act and any rules  
21 adopted pursuant to provisions of that act;

22 N. register and supervise appraisal management  
23 companies and submit additional information about the appraisal  
24 management company to the appraisal subcommittee's national  
25 registry;

.222414.1

1           O. recognize appraiser certifications and licenses  
 2 from states whose appraisal program is found to be consistent  
 3 with Title 11 of the Financial Institutions Reform, Recovery,  
 4 and Enforcement Act of 1989 as determined by the appraisal  
 5 subcommittee; and

6           P. perform such other functions and duties as may  
 7 be necessary to carry out the provisions of the Real Estate  
 8 Appraisers Act."

9           SECTION 100. Section 61-32-6 NMSA 1978 (being Laws 1993,  
 10 Chapter 204, Section 6, as amended) is amended to read:

11           "61-32-6. BOARD POWERS.--

12           A. In addition to any other authority provided by  
 13 law, the board has the power to:

14           (1) ~~[adopt in accordance with the provisions~~  
 15 ~~of the Uniform Licensing Act, and file]~~ promulgate rules in  
 16 accordance with the State Rules Act [~~rules~~] that are necessary  
 17 to carry out the provisions of the Funeral Services Act;

18           (2) [~~adopt~~] promulgate rules implementing  
 19 continuing education requirements;

20           (3) conduct hearings upon charges relating to  
 21 the discipline of licensees and take administrative actions  
 22 pursuant to [~~Section 61-1-3 NMSA 1978~~] the Uniform Licensing  
 23 Act;

24           (4) except as provided in Section 61-1-34 NMSA  
 25 1978, establish reasonable fees to carry out the provisions of

.222414.1

underscoring material = new  
 [bracketed material] = delete

1 the Funeral Services Act;

2 (5) provide for investigations necessary to  
3 determine violations of the Funeral Services Act;

4 (6) establish committees as the board deems  
5 necessary for carrying out the provisions of the Funeral  
6 Services Act;

7 (7) apply for injunctive relief to enforce the  
8 provisions of the Funeral Services Act or to restrain any  
9 violation of that act; and

10 (8) conduct criminal background checks on  
11 applicants for licensure.

12 B. No action or other legal proceedings for damages  
13 shall be instituted against the board, any board member or  
14 employee of the board for any act performed in good faith and  
15 in the intended performance of any power or duty granted under  
16 the Funeral Services Act or for any neglect or default in the  
17 good faith performance or exercise of any such power or duty."

18 SECTION 101. Section 61-33-3 NMSA 1978 (being Laws 1973,  
19 Chapter 394, Section 3, as amended) is amended to read:

20 "61-33-3. ADMINISTRATION--ENFORCEMENT.--

21 A. The administration and enforcement of the  
22 Utility Operators Certification Act is vested in the  
23 department.

24 B. The department shall:

25 (1) approve and accredit schools and training

1 programs designed to educate and qualify persons for  
 2 certification in one of the classifications of public water  
 3 supply system operators or public wastewater facility  
 4 operators;

5 (2) prepare and administer written and  
 6 practical examinations, based on nationally accepted standards,  
 7 for certification of applicants as operators for one of the  
 8 facility classifications established pursuant to Subsection A  
 9 of Section 61-33-4 NMSA 1978;

10 (3) enter into agreements, contracts or  
 11 cooperative arrangements with persons; [~~and~~]

12 (4) receive and accept financial and technical  
 13 assistance;

14 (5) promulgate rules in accordance with the  
 15 State Rules act; and

16 (6) issue, renew, suspend or revoke licenses  
 17 or discipline a licensee in accordance with the Uniform  
 18 Licensing Act."

19 SECTION 102. Section 61-34-8 NMSA 1978 (being Laws 2007,  
 20 Chapter 248, Section 8) is amended to read:

21 "61-34-8. BOARD POWERS AND DUTIES.--

22 A. The board shall:

23 (1) administer and enforce provisions of the  
 24 Signed Language Interpreting Practices Act;

25 (2) promulgate rules in accordance with the

.222414.1

underscored material = new  
 [bracketed material] = delete

1 State Rules Act setting forth the qualifications of applicants  
2 for licensure and the provisions for the administration of  
3 examinations and the issuance, renewal, suspension or  
4 revocation of licenses;

5 (3) evaluate the qualifications of applicants  
6 for licensure and issue licenses;

7 (4) promulgate rules [~~pursuant to the State~~  
8 ~~Rules Act~~] to effectively carry out and enforce the provisions  
9 of the Signed Language Interpreting Practices Act;

10 (5) submit an annual budget for each fiscal  
11 year to the department;

12 (6) maintain a record of all proceedings; and

13 (7) provide an annual report to the governor.

14 B. The board may refuse, suspend or revoke a  
15 license of an interpreter, conduct investigations, issue  
16 subpoenas and hold hearings as provided in the Uniform  
17 Licensing Act."

18 SECTION 103. Section 61-37-12 NMSA 1978 (being Laws  
19 2020, Chapter 46, Section 12) is amended to read:

20 "61-37-12. FEES [~~AND ADMINISTRATIVE PENALTIES~~] RETAINED  
21 BY THE DIVISION.--All fees [~~and administrative penalties~~]  
22 collected by the division pursuant to the Tobacco Products Act  
23 shall be deposited into the tobacco products administration  
24 fund."

25 SECTION 104. Section 61-37-13 NMSA 1978 (being Laws



1 2020, Chapter 46, Section 13) is amended to read:

2 "61-37-13. HEARING PROCEDURE.--If the division suspends  
 3 or revokes a license or imposes an administrative penalty  
 4 against a licensee, the licensee shall be entitled to a hearing  
 5 pursuant to the [~~rules promulgated by the division~~] Uniform  
 6 Licensing Act. The hearing shall be conducted by the director  
 7 or a hearing officer appointed by the director and shall be  
 8 held in the county in which the licensee is located. Hearings  
 9 shall be open to the public. Subpoenas shall be issued and  
 10 enforced in accordance with the provisions of Section [~~23 of~~  
 11 ~~the Tobacco Products Act~~] 61-37-23 NMSA 1978."

12 SECTION 105. TEMPORARY PROVISION--RULE CHANGES TO COMPLY  
 13 WITH ACT.--A board that is required by this act to change its  
 14 licensing provisions to allow for new or different expedited  
 15 licensure shall have rules in place and operational by January  
 16 1, 2023.

17 SECTION 106. RECOMPILATION.--

18 A. Sections 61-6-7.3 and 61-6-7.4 NMSA 1978 (being  
 19 Laws 1997, Chapter 187, Section 4 and Laws 2017, Chapter 103,  
 20 Section 6) are recompiled as Sections 61-6C-5 and 61-6C-6 NMSA  
 21 1978.

22 B. Sections 61-6-10.2 through 61-6-10.7, 61-6-10.10  
 23 and 61-6-10.11 NMSA 1978 (being Laws 2001, Chapter 311,  
 24 Sections 2 through 7 and 10 and Laws 2015, Chapter 52, Section  
 25 3, as amended) are recompiled as Sections 61-6D-2 through

.222414.1

underscored material = new  
 [bracketed material] = delete

1 61-6D-7, 61-6D-9 and 61-6D-10 NMSA 1978.

2 C. Sections 61-36-2, 61-36-4 and 61-36-5 NMSA 1978  
3 (being Laws 2017, Chapter 136, Sections 2, 4 and 5, as amended)  
4 are recompiled as Sections 61-3B-2, 61-3B-4 and 61-3B-5 NMSA  
5 1978.

6 SECTION 107. REPEAL.--

7 A. Sections 61-1-27 and 61-1-30 NMSA 1978 (being  
8 Laws 1957, Chapter 247, Section 27 and Laws 1971, Chapter 54,  
9 Section 4, as amended) are repealed.

10 B. Section 61-6-7 NMSA 1978 (being Laws 1973,  
11 Chapter 361, Section 3, as amended) is repealed.