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SENATE BILL 269

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO PROFESSIONAL LICENSING; PROHIBITING TEMPORARY
LICENSING; AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF
THE NMSA 1978.

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

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

"~~[NEW MATERIAL]~~ TEMPORARY LICENSES PROHIBITED. -- A board
subject to the provisions of Chapter 61 NMSA 1978 shall not
issue to any person a temporary or emergency license to
practice prior to issuance of a regular license. All statutory
requirements, including appropriate background, education and
law enforcement verifications, shall be completed before the
board may issue a regular license to practice."

Section 2. Section 61-5A-20 NMSA 1978 (being Laws 1994,

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1 Chapter 55, Section 20) is amended to read:

2 "61-5A-20. FEES. --The board and committee shall establish
3 a schedule of reasonable fees not to exceed the following:

	<u>Dentists</u>	<u>Dental Hygienists</u>
4		
5 A. licensure by examination	\$1,500	\$1,000
6 B. licensure by credential	\$3,000	\$1,500
7 C. specialty license by		
8 examination	\$1,500	
9 D. specialty license by		
10 credential	\$3,000	
11 [E.] <u>temporary license</u>		
12 48 hour	\$ 50	\$ 50
13 six months	\$ 300	\$ 200
14 12 months	\$ 450	\$ 300
15 [F.] <u>E.</u> application for		
16 certification in local		
17 anesthesia	\$ 40	
18 [G.] <u>F.</u> examination in local		
19 anesthesia	\$ 150	
20 [H.] <u>G.</u> triennial license renewal	\$ 450	\$ 300
21 [I.] <u>H.</u> late renewal	\$ 100	\$ 100
22 [J.] <u>I.</u> reinstatement of license	\$ 450	\$ 300
23 [K.] <u>J.</u> administrative fees	\$ 200	\$ 200
24 [L.] <u>K.</u> impaired dentist <u>or</u>		
25 dental hygienist	\$ 150	\$ 75

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1 [M-] L. assistant certificate § 100. "

2 Section 3. Section 61-6-19 NMSA 1978 (being Laws 1989,
3 Chapter 269, Section 15, as amended) is amended to read:

4 "61-6-19. FEES. --

5 A. The board shall impose the following fees:

6 (1) an application fee not to exceed four
7 hundred dollars (\$400) for licensure by endorsement as provided
8 in Section 61-6-13 NMSA 1978;

9 (2) an application fee not to exceed four
10 hundred dollars (\$400) for licensure by examination as provided
11 in Section 61-6-11 NMSA 1978;

12 (3) an examination fee equal to the cost of
13 purchasing the examination plus an administration fee not to
14 exceed fifty percent of that cost;

15 (4) a triennial renewal fee not to exceed four
16 hundred fifty dollars (\$450);

17 (5) a fee of twenty-five dollars (\$25.00) for
18 placing a physician's license or a physician assistant's
19 license on inactive status;

20 (6) a late fee not to exceed one hundred
21 dollars (\$100) for physicians who renew their license within
22 forty-five days after the required renewal date;

23 (7) a late fee not to exceed two hundred
24 dollars (\$200) for physicians who renew their licenses between
25 forty-six and ninety days after the required renewal date;

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1 (8) a reinstatement fee not to exceed the
2 current application fee for reinstatement of a revoked,
3 suspended or inactive license;

4 (9) a reasonable administrative fee for
5 verification and duplication of license or registration and
6 copying of records;

7 (10) a reasonable publication fee for the
8 purchase of a publication containing the names of all
9 practitioners licensed under the Medical Practice Act;

10 (11) an impaired physician fee not to exceed
11 one hundred fifty dollars (\$150) for a three-year period;

12 (12) an interim license fee not to exceed one
13 hundred dollars (\$100);

14 [~~(13)~~] a temporary license fee not to exceed
15 one hundred dollars (\$100);

16 [~~(14)~~] (13) a postgraduate training license fee
17 not to exceed fifty dollars (\$50.00) annually;

18 [~~(15)~~] (14) an application fee not to exceed
19 one hundred fifty dollars (\$150) for physician assistants
20 applying for initial licensure;

21 [~~(16)~~] (15) a licensure fee not to exceed one
22 hundred fifty dollars (\$150) for physician assistants biennial
23 licensing and registration of supervising physician;

24 [~~(17)~~] (16) a late fee not to exceed fifty
25 dollars (\$50.00) for physician assistants who renew their

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1 licensure within forty-five days after the required renewal
2 date;

3 [~~(18)~~] (17) a late fee not to exceed seventy-
4 five dollars (\$75.00) for physician assistants who renew their
5 licensure between forty-six and ninety days after the required
6 renewal date;

7 [~~(19)~~] (18) a fee not to exceed three hundred
8 dollars (\$300) annually for a physician supervising a clinical
9 pharmacist; and

10 [~~(20)~~] (19) an application and renewal fee for
11 a telemedicine license not to exceed four hundred dollars
12 (\$400).

13 B. All fees are nonrefundable and shall be used by
14 the board to carry out its duties efficiently."

15 Section 4. Section 61-8-14 NMSA 1978 (being Laws 1977,
16 Chapter 221, Section 14, as amended) is amended to read:

17 "61-8-14. LIMITATION ON LICENSURE-- [~~TEMPORARY LICENSE~~]. --
18 [~~A.~~] No license to practice podiatry shall be issued to a
19 corporation, partnership or association; provided, however,
20 that this [~~subsection~~] section shall not prohibit licensed
21 podiatrists from associating themselves as otherwise allowed by
22 law in a professional corporation, professional limited
23 liability company, partnership or association for the purpose
24 of practicing podiatry.

25 [~~B. In cases of emergency, as defined by board~~

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1 ~~rule, the board may grant a temporary license to practice~~
2 ~~podiatry to a person who meets the requirements of Subsections~~
3 ~~A and B of Section 61-8-8 NMSA 1978. The temporary license~~
4 ~~shall automatically expire on the date of the next board~~
5 ~~meeting at which applications for licensure by examination or~~
6 ~~reciprocity are approved. No person may be issued more than~~
7 ~~one temporary license pursuant to this provision.~~

8 ~~C. To facilitate educational programs, subject to~~
9 ~~conditions and terms set forth in board rules, the board may~~
10 ~~grant a temporary license to practice podiatry to a person~~
11 ~~enrolled and participating in such program.]"~~

12 Section 5. Section 61-9A-22 NMSA 1978 (being Laws 1993,
13 Chapter 49, Section 22, as amended) is amended to read:

14 "61-9A-22. LICENSURE BY CREDENTIALS. --The board may
15 license an applicant without examination if the person
16 possesses a valid regulatory document issued by the appropriate
17 examining board under the laws of any other state or territory
18 of the United States, the District of Columbia or any foreign
19 nation that in the judgment of the board has requirements
20 substantially equivalent to or exceeding those in the
21 Counseling and Therapy Practice Act.

22 ~~[An applicant for licensing pursuant to this section shall~~
23 ~~be issued a temporary license by the department upon filing his~~
24 ~~application along with proof of a valid current regulatory~~
25 ~~document from another jurisdiction. This temporary license is~~

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1 ~~valid only until the board considers and acts on the~~
2 ~~application. An applicant is entitled to only one temporary~~
3 ~~license pursuant to this provision.] "~~

4 Section 6. Section 61-10-6.1 NMSA 1978 (being Laws 1989,
5 Chapter 371, Section 3) is amended to read:

6 "61-10-6.1. FEES. --The board of osteopathic medical
7 examiners may charge the following fees:

8 A. an examination fee equal to the cost of
9 purchasing the examination plus an administration fee not to
10 exceed fifty percent of the examination fee;

11 B. an application fee not to exceed five hundred
12 dollars (\$500) for licensure by examination;

13 C. an application fee not to exceed five hundred
14 dollars (\$500) for licensure pursuant to Section 61-10-12 NMSA
15 1978;

16 D. an annual renewal fee not to exceed two hundred
17 dollars (\$200);

18 ~~[E. an interim license fee not to exceed two~~
19 ~~hundred dollars (\$200);~~

20 ~~F.] E.~~ a late fee not to exceed two hundred dollars
21 (\$200) for applicants who fail to register their licenses on or
22 before July 1 of each year;

23 ~~[G.] E.~~ a reinstatement fee not to exceed five
24 hundred dollars (\$500) for reinstatement of a revoked,
25 suspended or inactive license;

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1 ~~[H.]~~ G. reasonable administrative fee for
2 verification of license, publications and copying charges; and

3 ~~[I.]~~ H. an impaired physician fee not to exceed one
4 hundred dollars (\$100).

5 All fees are nonrefundable and shall be used by the board to
6 carry out its duties. "

7 Section 7. Section 61-12B-9 NMSA 1978 (being Laws 1984,
8 Chapter 103, Section 9, as amended) is amended to read:

9 "61-12B-9. OTHER LICENSING PROVISIONS. --

10 A. The department, in consultation with the board,
11 shall adopt rules for mandatory continuing education
12 requirements that shall be completed as a condition for renewal
13 of a license issued pursuant to the provisions of the
14 Respiratory Care Act.

15 ~~[B. The department, in consultation with the board,
16 may adopt rules for issuance of temporary permits to students
17 and graduates of approved training programs to practice limited
18 respiratory care under the direct supervision of a licensed
19 respiratory care practitioner or physician. Rules shall be
20 adopted defining the terms "student" and "direct supervision".~~

21 ~~C.]~~ B. A license issued by the department shall
22 describe the licensed person as a "respiratory care
23 practitioner licensed by the New Mexico regulation and
24 licensing department".

25 ~~[D.]~~ C. Unless licensed as a respiratory care

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1 practitioner pursuant to the provisions of the Respiratory Care
2 Act, no person shall use the title "respiratory care
3 practitioner", the abbreviation "R. C. P. " or any other title or
4 abbreviation to indicate that the person is a licensed
5 respiratory care practitioner.

6 ~~[E.]~~ D. A copy of a valid license ~~[or temporary~~
7 ~~permit]~~ issued pursuant to the Respiratory Care Act shall be
8 kept on file at the respiratory care practitioner's ~~[or~~
9 ~~temporary permittee's]~~ place of employment.

10 ~~[F.]~~ E. A respiratory care practitioner license
11 shall expire on September 30, annually or biennially, as
12 provided by rules of the department. "

13 Section 8. Section 61-12B-11 NMSA 1978 (being Laws 1984,
14 Chapter 103, Section 11, as amended) is amended to read:

15 "61-12B-11. FEES. --

16 A. The superintendent, in consultation with the
17 board, shall by rule establish a schedule of reasonable fees
18 for licenses ~~[temporary permits]~~ and renewal of licenses for
19 respiratory care practitioners.

20 B. The initial application fee shall be set in an
21 amount not to exceed one hundred fifty dollars (\$150).

22 C. A license renewal fee shall be established in an
23 amount not to exceed one hundred fifty dollars (\$150). "

24 Section 9. Section 61-12D-10 NMSA 1978 (being Laws 1997,
25 Chapter 89, Section 10) is amended to read:

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1 "61-12D-10. LICENSURE--QUALIFICATIONS. --

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

5 (1) be of good moral character;

6 (2) be a graduate of an accredited physical
7 therapy program approved by the board;

8 (3) have successfully passed the national
9 physical therapy examination approved by the board; and

10 (4) 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 (1),
16 (3) and (4) of Subsection A of this section:

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

25 (2) provide evidence that he is a graduate of

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

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

7 (4) provide proof of legal authorization to
8 reside and seek employment in the United States or its
9 territories;

10 (5) have his educational credentials evaluated
11 by a board-approved credential evaluation agency;

12 (6) pass all approved English proficiency
13 examinations as may be prescribed by the board if English is
14 not his primary language; and

15 (7) participate in an interim supervised
16 clinical practice period as may be prescribed by the board.

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

22 D. If the foreign-educated physical therapist
23 applicant is a graduate of a college accredited by the
24 commission on accreditation in physical therapy education, the
25 requirements of Paragraphs (1), (2), (5) and (7) of Subsection

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1 B of this section are waived.

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

5 (1) be of good moral character;

6 (2) be a graduate of an accredited physical
7 therapist assistant program approved by the board;

8 (3) have successfully passed the national
9 physical therapy examination approved by the board; 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 a license
22 to a physical therapist or physical therapist assistant who has
23 a valid unrestricted license from another United States
24 jurisdiction and who meets all requirements for licensure in
25 New Mexico.

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

21 ~~[L.]~~ J. Reinstatement of a lapsed license following
22 a renewal deadline requires payment of a renewal fee and late
23 fee.

24 ~~[M.]~~ K. Reinstatement of a physical therapist or
25 physical therapist assistant license that has lapsed for more

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

6 [N-] L. The board may establish, by rule,
7 activities to periodically assess continuing competence to
8 practice physical therapy.

9 [O-] M. A physical therapist shall not accept a
10 patient for treatment without an existing medical diagnosis for
11 the specific medical or physical problem made by a licensed
12 primary care provider, except for those children participating
13 in special education programs in accordance with Section
14 22-13-5 NMSA 1978 and for acute care within the scope of
15 practice of physical therapy. For the purposes of this
16 subsection, "existing medical diagnosis" means substantive
17 signs and symptoms consistent with the episode from a previous
18 primary care provider diagnosis made or confirmed by that
19 provider within the past twelve months."

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

22 "61-13-11. LICENSURE WITHOUT EXAMINATION. --The board
23 shall issue a nursing home administrator's license [~~temporary~~
24 ~~or regular~~] without examination to any person who holds a
25 nursing home administrator's license current and in good

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1 standing in another jurisdiction [~~provided that~~] if the board
2 finds that the standards of licensure in the other jurisdiction
3 are at least the substantial equivalent of those prevailing in
4 this state and that the applicant meets the qualifications of
5 the Nursing Home Administrators Act. "

6 Section 11. Section 61-14-10 NMSA 1978 (being Laws 1967,
7 Chapter 62, Section 7, as amended) is amended to read:

8 "61-14-10. LICENSE BY ENDORSEMENT. --

9 A. Pursuant to its regulations, the board may issue
10 a license without written examination, except an examination on
11 state laws and other state and federal regulations related to
12 the practice of veterinary medicine, to any qualified applicant
13 who furnishes satisfactory evidence that he is a veterinarian
14 and has, for the five years next prior to filing his
15 application, been a practicing veterinarian and licensed in a
16 state, territory or district of the United States having
17 license requirements at the time the applicant was first
18 licensed that were substantially equivalent to the requirements
19 of the Veterinary Practice Act.

20 B. Pursuant to its regulations, the board may
21 issue, with examination, a limited practice license in
22 veterinary medicine, which limited practice license shall
23 describe adequately that area of veterinary medicine that the
24 licensee is entitled to practice.

25 C. At its discretion, the board may examine, orally

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1 or practically, any person qualifying for a license under this
2 section.

3 ~~[D. The board may issue without examination a~~
4 ~~temporary permit to practice veterinary medicine to:~~

5 ~~(1) a qualified applicant for a license~~
6 ~~pending examination, provided the applicant is a graduate~~
7 ~~veterinarian and employed by and working under the direct~~
8 ~~supervision of a licensed veterinarian provided:~~

9 ~~(a) the temporary permit shall expire~~
10 ~~the day after the notice of results of the first examination~~
11 ~~given after the permit is issued;~~

12 ~~(b) a qualified applicant for a license~~
13 ~~pending examination may, at the board's discretion, be exempted~~
14 ~~from the requirement of working under the direct supervision of~~
15 ~~a licensed veterinarian, provided the applicant submits a~~
16 ~~written request for such exemption; and~~

17 ~~(c) no additional temporary permit shall~~
18 ~~be issued to an applicant who has failed the required~~
19 ~~components of the New Mexico examination in this or any other~~
20 ~~state or any other territory, district or commonwealth of the~~
21 ~~United States; or~~

22 ~~(2) a nonresident veterinarian validly~~
23 ~~licensed and in good standing with the licensing authority in~~
24 ~~another state, territory, district or commonwealth of the~~
25 ~~United States; provided that the temporary permit shall be~~

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1 ~~issued for a period lasting no more than sixty days and that~~
2 ~~not more than one permit shall be issued to such a person~~
3 ~~during each calendar year. No more than two temporary permits~~
4 ~~shall be issued to any one individual.~~

5 ~~E. A temporary permit to practice veterinary~~
6 ~~medicine may be summarily revoked by a majority vote of the~~
7 ~~board without a hearing.]"~~

8 Section 12. Section 61-14A-16 NMSA 1978 (being Laws 1993,
9 Chapter 158, Section 24, as amended by Laws 2001, Chapter 263,
10 Section 1 and Laws 2001, Chapter 266, Section 2) is amended to
11 read:

12 "61-14A-16. FEES.--The board shall establish a schedule
13 of reasonable nonrefundable fees not to exceed the following
14 amounts:

- 15 A. application for licensing \$800;
- 16 B. application for reciprocal licensing 750;
- 17 [~~C.~~] ~~application for temporary licensing 500;~~
- 18 ~~D.~~] C. examination, not including the cost of any
19 nationally recognized examination 700;
- 20 [~~E.~~] D. annual license renewal 400;
- 21 [~~F.~~] E. late license renewal 200;
- 22 [~~G.~~] F. expired license renewal 400;
- 23 [~~H.~~] ~~temporary license renewal 100;~~
- 24 [~~I.~~] G. application for approval or renewal of
25 approval of an educational program 600;

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1 ~~[J-]~~ H. late renewal of approval of an educational
2 program 200;

3 ~~[K-]~~ I. annual continuing education provider
4 registration 200;

5 ~~[L-]~~ J. application for extended or expanded
6 prescriptive authority 500;

7 ~~[M-]~~ K. application for externship supervisor
8 registration 500;

9 ~~[N-]~~ L. application for extern certification 500;

10 and

11 ~~[O-]~~ M. any and all fees to cover reasonable and
12 necessary administrative expenses. "

13 Section 13. Section 61-14B-20 NMSA 1978 (being Laws 1996,
14 Chapter 57, Section 20, as amended) is amended to read:

15 "61-14B-20. FEES. --The board shall establish a schedule
16 of reasonable fees for applications, licenses, renewal of
17 licenses, exams, penalties and administrative fees. The
18 license and license renewal fees shall not exceed:

19 A. fifty dollars (\$50.00) for clinical fellows and
20 apprentices in speech and language;

21 B. one hundred dollars (\$100) for audiologists or
22 speech-language pathologists;

23 C. three hundred dollars (\$300) for hearing aid
24 dispensers;

25 D. two hundred dollars (\$200) for examinations;

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E. one hundred dollars (\$100) for late renewal fees;

F. two hundred dollars (\$200) for hearing aid dispensing endorsement; and

~~[G. five hundred dollars (\$500) for a hearing aid trainee license, which fee includes examination, both written and practical; and~~

H.] G. reasonable administrative fees. "

Section 14. Section 61-17A-16 NMSA 1978 (being Laws 1993, Chapter 171, Section 16, as amended) is amended to read:

"61-17A-16. FEES. --The board may, by ~~[regulation]~~ rule, establish initial license and renewal fees not to exceed the following:

- establishment license. \$200
- school license \$600
- relocation of a school \$300
- cosmetologist license \$ 50.00
- barber license \$ 50.00
- specialty license. \$ 50.00
- instructor license \$ 50.00
- duplicate license. \$ 50.00
- ~~[temporary license. \$ 25.00]~~
- administrative fee. \$100
- limited license fee. \$100
- licensure through reciprocity. \$200

1 transcript \$ 50.00

2 examinations \$100. "

3 Section 15. Section 61-30-17 NMSA 1978 (being Laws 1990,
4 Chapter 75, Section 17, as amended) is amended to read:

5 "61-30-17. FEES. --The board shall charge and collect the
6 following fees not to exceed:

7 A. an application fee for a registration in the
8 amount of one hundred dollars (\$100);

9 B. an application fee for a license or residential
10 certification in the amount of two hundred dollars (\$200);

11 C. an application fee for general certification in
12 the amount of two hundred fifty dollars (\$250);

13 D. an examination fee for general and residential
14 certification or license in the amount of one hundred dollars
15 (\$100);

16 E. a triennial registration renewal fee in the
17 amount of one hundred fifty dollars (\$150);

18 F. a triennial certificate renewal fee for
19 residential certification or license renewal in the amount of
20 three hundred dollars (\$300);

21 G. a triennial certificate renewal fee for general
22 certification in the amount of four hundred fifty dollars
23 (\$450);

24 H. the registry fee as required by the federal real
25 estate appraisal reform amendments;

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1 ~~[I. for registration for temporary practice, the~~
2 ~~amount of one hundred dollars (\$100);~~

3 ~~J.]~~ I. for each duplicate registration, license or
4 certificate issued because a registration, license or
5 certificate is lost or destroyed and an affidavit as to its
6 loss or destruction is made and filed, a fee in the amount of
7 twenty-five dollars (\$25.00); and

8 ~~[K.]~~ J. fees to cover reasonable and necessary
9 administrative expenses. "

10 Section 16. Section 61-31-8 NMSA 1978 (being Laws 1989,
11 Chapter 51, Section 8) is amended to read:

12 "61-31-8. BOARD'S AUTHORITY.--In addition to any
13 authority provided by law, the board shall have the authority
14 to:

15 A. adopt and file, in accordance with the State
16 Rules Act, rules and regulations necessary to carry out the
17 provisions of the Social Work Practice Act, in accordance with
18 the provisions of the Uniform Licensing Act, including the
19 procedures for an appeal of an examination failure;

20 B. select, prepare and administer, at least
21 annually, written examinations for licensure, which shall
22 include a testing of the knowledge of New Mexico cultures;

23 C. adopt a professional code of ethics;

24 D. appoint advisory committees pursuant to Section
25 ~~[19 of the Social Work Practice Act]~~ 61-31-19 NMSA 1978;

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1 E. conduct hearings on an appeal of a denial of a
2 license based on the applicant's failure to meet the minimum
3 qualifications for licensure. The hearing shall be conducted
4 pursuant to the Uniform Licensing Act;

5 F. require and establish criteria for continuing
6 education;

7 G. issue subpoenas, statements of charges,
8 statements of intent to deny licenses and orders and delegate
9 in writing to a designee the authority to issue subpoenas,
10 statements of charges and statements of intent to deny licenses
11 and establish procedures for receiving, investigating and
12 conducting hearings on complaints;

13 H. approve appropriate supervision for those
14 persons seeking licensure as [~~an~~] independent social [~~worker~~]
15 workers;

16 I. issue [~~provisional licenses and~~] licenses based
17 on credentials to persons meeting the requirements set forth in
18 the Social Work Practice Act;

19 J. determine qualifications for licensure;

20 K. set fees for licenses as authorized by the
21 Social Work Practice Act and authorize all disbursements
22 necessary to carry out the provisions of the Social Work
23 Practice Act;

24 L. approve the selection of primary staff assigned
25 to the board;

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1 M contract with the department for the provisions
2 of space and administrative support; and

3 N. keep a record of all proceedings and shall make
4 an annual report to the governor. "

5 Section 17. Section 61-31-15 NMSA 1978 (being Laws 1989,
6 Chapter 51, Section 15) is amended to read:

7 "61-31-15. LICENSE FEES. -- Applicants for licensure shall
8 pay fees set by the board, not to exceed:

9 A. for written examination for any level of
10 licensure other than initial licensure, two hundred dollars
11 (\$200);

12 B. for initial licensure following a written
13 examination as a baccalaureate social worker, two hundred
14 dollars (\$200);

15 C. for initial licensure following a written
16 examination as a master social worker, three hundred dollars
17 (\$300);

18 D. for initial licensure following a written
19 examination as an independent social worker, three hundred
20 dollars (\$300);

21 E. for licensure by credentials at any level, three
22 hundred dollars (\$300);

23 F. for licensure without written examination,
24 [~~including a provisional license~~] as a baccalaureate social
25 worker, one hundred fifty dollars (\$150);

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underscored material = new
[bracketed material] = delete

1 G. for licensure without written examination,
2 [~~including a provisional license~~] as a master social worker,
3 two hundred fifty dollars (\$250);

4 H. for licensure without written examination,
5 [~~including a provisional license~~] as an independent social
6 worker, three hundred dollars (\$300);

7 I. for renewal of a license as a baccalaureate
8 social worker, one hundred dollars (\$100);

9 J. for renewal of a license as a master social
10 worker, two hundred dollars (\$200);

11 K. for renewal of a license as an independent
12 social worker, three hundred dollars (\$300);

13 L. for a late fee for failure to renew within the
14 allotted grace period, one hundred dollars (\$100); and

15 M for a duplicate license, twenty-five dollars
16 (\$25.00). "

17 Section 18. REPEAL. -- Sections 61-3-5.1, 61-3-23,
18 61-3-23.1, 61-5A-14, 61-6-14, 61-7A-9, 61-9A-16, 61-10-7,
19 61-12A-13, 61-2C-14, 61-14A-12, 61-14B-17, 61-14D-12, 61-14E-8,
20 61-30-21 and 61-31-11 NMSA 1978 (being Laws 2001, Chapter 137,
21 Section 14, Laws 1977, Chapter 220, Section 14, Laws 1979,
22 Chapter 379, Section 8, Laws 1994, Chapter 55, Section 14, Laws
23 1953, Chapter 48, Section 2, Laws 1989, Chapter 387, Section 9,
24 Laws 1993, Chapter 49, Section 16, Laws 1977, Chapter 155,
25 Section 1, Laws 1996, Chapter 55, Section 13, Laws 1991,

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1 Chapter 147, Section 14, Laws 1993, Chapter 158, Section 20,
2 Laws 1996, Chapter 57, Section 17, Laws 1993, Chapter 325,
3 Section 12, Laws 1991, Chapter 14, Section 3, Laws 1990,
4 Chapter 75, Section 21 and Laws 1989, Chapter 51, Section 11,
5 as amended) are repealed.

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