

HOUSE BILL 191

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

INTRODUCED BY

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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,  
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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

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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]."~~

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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

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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

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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

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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~~

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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~~

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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.

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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~~

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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

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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."

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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

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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

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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

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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.

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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;

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(3) adopt and use a seal;

(4) administer oaths and take testimony on matters within the board's jurisdiction;

(5) keep an accurate record of meetings, receipts and disbursements;

(6) keep a record of examinations held, together with the names and addresses of persons taking the examinations and the examination results. Within thirty days after an examination, the board shall give written notice to each applicant examined of the results of the examination as to the respective applicant;

(7) certify as passing each applicant who obtains a grade of at least seventy-five percent on each subject upon which the applicant is examined; providing that an applicant failing may apply for re-examination at the next scheduled examination date;

(8) keep a book of registration in which the name, address and license number of licensees shall be recorded, together with a record of license renewals, suspensions and revocations;

(9) grant, deny, renew, suspend or revoke licenses to practice optometry in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Optometry Act;

(10) develop and administer qualifications for

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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. has graduated and been awarded a doctor of~~

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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~~

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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~~

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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;

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

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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

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

3 ~~[Q.]~~ 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 and  
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

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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 61-36-1 NMSA 1978 (being Laws 2017,  
6 Chapter 136, Section 1) is recompiled as Section 61-3B-1 NMSA  
7 1978 and is amended to read:

8 "61-3B-1. SHORT TITLE.--~~[Sections 1 through 6 of this~~  
9 ~~act]~~ Chapter 61, Article 3B NMSA 1978 may be cited as the  
10 "Lactation Care Provider Act"."

11 SECTION 16. Section 61-36-3 NMSA 1978 (being Laws 2017,  
12 Chapter 136, Section 3) is recompiled as Section 61-3B-3 NMSA  
13 1978 and is amended to read:

14 "61-3B-3. BOARD POWERS.--The board may:

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

- 20 B. license qualified applicants;
- 21 C. discipline licensees;
- 22 D. enforce qualification for licensure;
- 23 E. establish standards for licensee competence for  
24 continuing in or returning to practice based on approved  
25 certification;

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1 F. issue orders relating to the practice of  
2 lactation care and services in accordance with the Uniform  
3 Licensing Act;

4 G. regulate licensee advertising and prohibit  
5 false, misleading or deceptive practices;

6 H. establish a code of conduct for licensees;

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

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

15 SECTION 17. Section 61-36-6 NMSA 1978 (being Laws 2017,  
16 Chapter 136, Section 6) is recompiled as Section 61-3B-6 NMSA  
17 1978 and is amended to read:

18 "61-3B-6. DISCIPLINARY PROCEEDINGS.--

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

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

3 (2) is convicted of a felony;

4 (3) is unfit or incompetent;

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

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

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

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

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

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1 licensee:

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

4 (2) has been adjudged mentally incompetent by  
5 a final order or adjudication by a court of competent  
6 jurisdiction; or

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

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

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

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

24 F. ~~[Any]~~ A person filing a complaint shall be  
25 immune from liability arising out of civil action if the

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1 complaint is filed in good faith and without actual malice.

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

15 H. The board shall not initiate a disciplinary  
16 action more than two years after the date that it receives a  
17 complaint.

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

24 J. The board may recover the costs associated with  
25 the investigation and disposition of a disciplinary proceeding

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1 from the person who is the subject of the proceeding."

2 SECTION 18. A new section of the Lactation Care Provider  
3 Act is enacted to read:

4 "[NEW MATERIAL] EXPEDITED LICENSE.--The board shall issue  
5 an expedited license to a person who holds a license in another  
6 licensing jurisdiction in accordance with Section 61-1-31.1  
7 NMSA 1978 if the person holds a current approved certification  
8 or license in another licensing jurisdiction. The board by  
9 rule shall determine the states and territories of the United  
10 States and the District of Columbia from which it will not  
11 accept an applicant for expedited licensure and determine  
12 foreign countries from which it will accept an applicant for  
13 expedited licensure. The board shall post the lists of  
14 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 19. Section 61-4-3 NMSA 1978 (being Laws 1968,  
20 Chapter 3, Section 3, as amended) is amended to read:

21 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--  
22 COMPENSATION.--

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

4 Two persons shall represent the public and shall not have  
5 practiced chiropractic in this state or any other jurisdiction.

6 A person shall not be appointed to the board who is an officer  
7 or employee of or who is financially interested in any school  
8 or college of chiropractic, medicine, surgery or osteopathy.

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

18 C. The board shall annually elect a chair and a  
19 secretary-treasurer. A majority of the board constitutes a  
20 quorum. The board shall meet quarterly. Special meetings may  
21 be called by the chair and shall be called upon the written  
22 request of two members of the board. Notification of special  
23 meetings shall be made by certified mail unless such notice is  
24 waived by the entire board and the action noted in the minutes.  
25 Notice of all regular meetings shall be made by regular mail at

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1 least ten days prior to the meeting, and copies of the minutes  
2 of all meetings shall be mailed to each board member within  
3 thirty days after a meeting.

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

7 E. The board shall adopt a seal.

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

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

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

25 I. Members of the board shall be reimbursed as

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1 provided in the Per Diem and Mileage Act, but shall receive no  
2 other compensation, perquisite or allowance for each day  
3 necessarily spent in the discharge of their duties."

4 SECTION 20. Section 61-4-8 NMSA 1978 (being Laws 1968,  
5 Chapter 3, Section 8) is amended to read:

6 "61-4-8. LICENSE WITHOUT EXAMINATION.--

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

13 [~~A. the applicant is of good moral character;~~

14 [~~B. the requirements of practice in the state,~~  
15 ~~territory or province in which the applicant is licensed are~~  
16 ~~equal to those of this state; and~~

17 [~~C. the applicant pays the fee designated in Section~~  
18 ~~4;~~

19 The board may also, in its discretion, issue a license  
20 without examination to any chiropractor who has continuously  
21 practiced in another state for at least seven of the last ten  
22 years prior to application; or to any chiropractor who is a  
23 graduate of a standard college of chiropractic and has served  
24 in the military services of the United States for two years or  
25 more within one year prior to application; or to any applicant

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

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

25 SECTION 21. Section 61-5A-10 NMSA 1978 (being Laws 1994,

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1 Chapter 55, Section 10, as amended) is amended to read:

2 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND  
3 COMMITTEE.--In addition to any other authority provided by law,  
4 the board and the committee, when designated, shall:

5 A. enforce and administer the provisions of the  
6 Dental Health Care Act and the Dental Amalgam Waste Reduction  
7 Act;

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

11 (1) regulate the examination and licensure of  
12 dentists and dental therapists and, through the committee,  
13 regulate the examination and licensure of dental hygienists;

14 (2) provide for the examination and  
15 certification of dental assistants by the board;

16 (3) provide for the regulation of dental  
17 technicians by the board;

18 (4) regulate the practice of dentistry, dental  
19 therapy and dental assisting and, through the committee,  
20 regulate the practice of dental hygiene; and

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

23 C. adopt and use a seal;

24 D. administer oaths to all applicants, witnesses  
25 and others appearing before the board or the committee, as

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1 appropriate;

2 E. keep an accurate record of all meetings,  
3 receipts and disbursements;

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

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

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

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1 by statute;

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

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

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

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

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

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

25 O. have the authority to create and maintain a

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1 formulary, in consultation with the board of pharmacy, of  
2 medications that a dental therapist or dental hygienist may  
3 prescribe, administer or dispense in accordance with rules the  
4 board has promulgated; and

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

9 SECTION 22. Section 61-5A-14 NMSA 1978 (being Laws 1994,  
10 Chapter 55, Section 14, as amended) is amended to read:

11 "61-5A-14. TEMPORARY LICENSURE--EXPEDITED LICENSURE.--

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

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

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

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

13           ~~[D.]~~ (4) the sponsoring or associating dentist  
14 or dental hygienist shall submit an affidavit attesting to the  
15 qualifications of the applicant and the activities the  
16 applicant will perform;

17           ~~[E.]~~ (5) the temporary license shall be issued  
18 for a period not to exceed twelve months and may be renewed  
19 upon application and payment of required fees;

20           ~~[F.]~~ (6) the application for a temporary  
21 license under this section shall be accompanied by a license  
22 fee; and

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



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1           B. The board or committee shall issue an expedited  
2 license without examination to a dentist or dental hygienist  
3 licensed in another licensing jurisdiction if the applicant  
4 holds a license that is current and in good standing issued by  
5 the other licensing jurisdiction and has practiced as a dentist  
6 or dental hygienist for at least two years immediately prior to  
7 application in New Mexico. The board shall, as soon as  
8 practicable but no later than thirty days after a person files  
9 an application for a license accompanied by any required fees,  
10 process the application and issue the expedited license in  
11 accordance with Section 61-1-31.1 NMSA 1978. If the board  
12 issues an expedited license to a person whose prior licensing  
13 jurisdiction did not require examination, the board may require  
14 that person to pass an examination before applying for license  
15 renewal.

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

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

3           "61-6-5. MEDICAL BOARD DUTIES AND POWERS.--The board  
4 shall:

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

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

19           C. adopt and use a seal;

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

22           E. take testimony on matters within the board's  
23 jurisdiction;

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

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1           G. maintain records in which the name, address and  
2 license number of all licensees shall be recorded, together  
3 with a record of all license renewals, suspensions,  
4 revocations, probations, stipulations, censures, reprimands and  
5 fines;

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

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

16           J. have the authority to hire or contract with  
17 investigators to investigate possible violations of the Medical  
18 Practice Act;

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

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1 that such attorney shall be compensated from the funds of the  
2 board;

3 L. establish continuing education requirements for  
4 licensed practitioners over which the board has authority;

5 M. establish committees as it deems necessary for  
6 carrying on its business;

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

10 O. establish and maintain rules related to the  
11 management of pain based on review of national standards for  
12 pain management; and

13 P. have the authority to waive licensure fees for  
14 the purpose of the recruitment and retention of health care  
15 practitioners over which the board has authority."

16 SECTION 24. A new Section 61-6C-1 NMSA 1978 is enacted  
17 to read:

18 "61-6C-1. [NEW MATERIAL] SHORT TITLE.--Chapter 61,  
19 Article 6C NMSA 1978 may be cited as the "Physician Assistant  
20 Act"."

21 SECTION 25. Section 61-6-7.1 NMSA 1978 (being Laws 1989,  
22 Chapter 9, Section 2) is recompiled as Section 61-6C-2 NMSA  
23 1978 and is amended to read:

24 "61-6C-2. DEFINITIONS.--As used in the Physician  
25 Assistant Act:

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

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

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

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

12           E. "licensed physician" means a medical or  
13 osteopathic physician; and

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

22           SECTION 26. A new section of the Physician Assistant  
23 Act, Section 61-6C-3 NMSA 1978, is enacted to read:

24           "61-6C-3. [NEW MATERIAL] LICENSURE AS A PHYSICIAN  
25 ASSISTANT--SCOPE OF PRACTICE--BIENNIAL REGISTRATION OF  
          .222063.2SA

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~~[bracketed material] = delete~~

1 SUPERVISION--LICENSE RENEWAL--FEES.--

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

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

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

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1 D. A physician assistant shall perform only the  
2 acts and duties that are within the physician assistant's scope  
3 of practice.

4 E. An applicant for licensure as a physician  
5 assistant shall complete application forms supplied by the  
6 board and shall pay a licensing fee as provided in Section  
7 61-6-19 NMSA 1978.

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

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

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

20 SECTION 27. Section 61-6-7.2 NMSA 1978 (being Laws 1997,  
21 Chapter 187, Section 3, as amended) is recompiled as Section  
22 61-6C-4 NMSA 1978 and is amended to read:

23 "61-6C-4. PHYSICIAN ASSISTANT--INACTIVE LICENSE.--

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

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1           B. A physician assistant who notifies the board in  
2 writing on forms prescribed by the board may elect to place the  
3 physician assistant's license on an inactive status. A  
4 physician assistant with an inactive license shall be excused  
5 from payment of renewal fees and shall not practice as a  
6 physician assistant.

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

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

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

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

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

4           **SECTION 28.** Section 61-6-9 NMSA 1978 (being Laws 1973,  
5 Chapter 361, Section 5, as amended) is recompiled as Section  
6 61-6C-7 NMSA 1978 and is amended to read:

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

11           A. education, skill and experience for licensure of  
12 a person as a physician assistant and providing forms and  
13 procedures for biennial license renewal;

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

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

23           D. allowing a supervising or collaborating licensed  
24 physician to temporarily delegate supervision or collaboration  
25 responsibilities for a physician assistant to another licensed

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1 physician;

2 E. establishing when a physician assistant may  
3 engage in the practice of medicine in collaboration with a  
4 licensed physician; and

5 F. carrying out all other provisions of the  
6 Physician Assistant Act."

7 SECTION 29. Section 61-6-10 NMSA 1978 (being Laws 1973,  
8 Chapter 361, Section 6, as amended) is recompiled as Section  
9 61-6C-8 NMSA 1978 and is amended to read:

10 "61-6C-8. SUPERVISING OR COLLABORATING LICENSED  
11 PHYSICIAN--RESPONSIBILITY.--

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

20 B. Every licensed physician supervising a  
21 [~~licensed~~] physician assistant shall be individually  
22 responsible and liable for the performance of the acts and  
23 omissions delegated to the physician assistant the physician  
24 supervises. Nothing in this section shall be construed to  
25 relieve the physician assistant of responsibility and liability

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1 for the acts and omissions of the physician assistant. Rules  
2 promulgated in accordance with the State Rules Act pursuant to  
3 the Physician Assistant Act shall:

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

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

12 C. A physician assistant shall be supervised by or  
13 collaborate with a licensed physician in accordance with rules  
14 adopted by the board."

15 SECTION 30. Section 61-6-10.1 NMSA 1978 (being Laws  
16 2001, Chapter 311, Section 1) is recompiled as Section 61-6D-1  
17 NMSA 1978 and is amended to read:

18 "61-6D-1. SHORT TITLE.--~~[This act]~~ Chapter 61, Article  
19 6D NMSA 1978 may be cited as the "Anesthesiologist Assistants  
20 Act"."

21 SECTION 31. Section 61-6-10.9 NMSA 1978 (being Laws  
22 2001, Chapter 311, Section 9, as amended) is recompiled as  
23 Section 61-6D-8 NMSA 1978 and is amended to read:

24 "61-6D-8. RULES.--

25 A. The board may adopt in accordance with the State

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1 Rules Act and enforce in accordance with the Uniform Licensing  
2 Act reasonable rules:

3 (1) for setting qualifications of education,  
4 skill and experience for licensure of a person as an  
5 anesthesiologist assistant;

6 (2) for providing procedures and forms for  
7 licensure and annual registration;

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

12 (4) for allowing a supervising  
13 anesthesiologist to temporarily delegate supervisory  
14 responsibilities for an anesthesiologist assistant to another  
15 anesthesiologist;

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

20 (6) to carry out the provisions of the  
21 Anesthesiologist Assistants Act.

22 B. The board shall not adopt a rule allowing an  
23 anesthesiologist assistant to perform procedures outside the  
24 anesthesiologist assistant's scope of practice.

25 C. The board shall adopt rules:

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

3 (a) completion of a graduate level  
4 training program accredited by the commission on accreditation  
5 of allied health education programs;

6 (b) successful completion of a  
7 certifying examination for anesthesiologist assistants  
8 administered by the national commission for the certification  
9 of anesthesiologist assistants; and

10 (c) current certification by the  
11 American heart association in advanced cardiac life-support  
12 techniques;

13 (2) establishing minimum requirements for  
14 continuing education of not less than forty hours every two  
15 years;

16 (3) requiring adequate identification of the  
17 anesthesiologist assistant to patients and others;

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

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underscoring material = new  
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1 that the anesthesiologist assistant comply with the above  
2 restrictions;

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

9 (6) requiring the anesthesiologist assistant  
10 to inform the supervising anesthesiologist of serious adverse  
11 events;

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

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

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

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underscoring material = new  
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1           SECTION 32. Section 61-8-6 NMSA 1978 (being Laws 1977,  
2 Chapter 221, Section 6, as amended) is amended to read:

3           "61-8-6. BOARD ORGANIZATION--MEETINGS--COMPENSATION--  
4 POWERS AND DUTIES.--

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

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

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

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

22           E. The board shall:

23                   (1) administer and enforce the provisions of  
24 the Podiatry Act;

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

4 (3) adopt and use a seal;

5 (4) conduct hearings, administer oaths and  
6 take testimony on [~~any~~] matters within the board's  
7 jurisdiction;

8 (5) keep an accurate record of its meetings,  
9 receipts and disbursements;

10 (6) keep a record of licensure examinations  
11 held, together with the names and addresses of persons taking  
12 the examinations and the examination results. Within forty-  
13 five days after [~~any~~] an examination, the board shall give  
14 written notice to each applicant examined of the results of the  
15 examination as to the respective applicant;

16 (7) certify as passing each applicant who  
17 obtains a passing score, as defined by board rule, on  
18 examinations administered or approved by the board;

19 (8) keep records of registration in which the  
20 name, address and license number of licensed podiatrists are  
21 recorded, together with a record of license renewals,  
22 suspensions and revocations;

23 (9) grant, deny, renew, suspend or revoke  
24 licenses to practice podiatry or take other actions provided in  
25 Section 61-1-3 NMSA 1978 in accordance with the provisions of

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1 the Uniform Licensing Act for any cause stated in the Podiatry  
2 Act;

3 (10) [~~adopt and~~] promulgate rules setting  
4 standards of preliminary and professional qualifications for  
5 the practice of podiatry;

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

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

16 (12) determine by rule all qualifications and  
17 requirements for applicants seeking licensure as podiatrists or  
18 podiatric assistants; and

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

22 SECTION 33. Section 61-8-8 NMSA 1978 (being Laws 1977,  
23 Chapter 221, Section 8, as amended) is amended to read:

24 "61-8-8. QUALIFICATIONS FOR LICENSURE AS A PODIATRIST.--

25 A. Each applicant for licensure as a podiatrist

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1 shall furnish evidence satisfactory to the board that the  
2 applicant:

3 (1) has reached the age of majority;

4 [~~(2) is of good moral character;~~

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

9 [~~(4)] (3) has completed, at a minimum, a one-  
10 year residency program at a hospital accredited by the American  
11 podiatric medical association council on education.~~

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

15 C. An applicant for licensure by examination shall  
16 submit evidence to the board that [~~he~~] the applicant has  
17 [~~successfully~~] passed the examinations administered by the  
18 national board of podiatry examiners for students graduating  
19 from colleges of podiatry and shall furnish the board an  
20 official transcript and take [~~such~~] clinical and written  
21 examinations as the board deems necessary. The examinations  
22 shall be in English and the subjects covered by the  
23 examinations shall be determined by the board and taken from  
24 subjects taught in accredited colleges of podiatric medicine.  
25 No applicant for licensure by examination shall be licensed who

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underscoring material = new  
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1 has not received a passing score on all board-approved or  
2 board-administered examinations.

3 D. A podiatrist [~~duly~~] licensed in another state  
4 may, on a temporary basis, consult, advise or cooperate in  
5 patient treatment with a podiatrist licensed in New Mexico,  
6 subject to rules [~~adopted and~~] promulgated by the board."

7 SECTION 34. Section 61-8-9 NMSA 1978 (being Laws 1977,  
8 Chapter 221, Section 9, as amended) is amended to read:

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

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

21 (1) an affidavit from [~~his~~] the applicant's  
22 state board showing [~~current registration~~] a valid,  
23 unrestricted license and the fact that [~~he~~] the applicant has  
24 been licensed to practice podiatry and [~~that he~~] has practiced  
25 podiatry for at least five consecutive years immediately

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underscored material = new  
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1 preceding the filing of [~~his~~] the application for reciprocal  
2 [~~privilege The applicant shall also complete and pass those~~  
3 ~~supplemental examinations as the board deems necessary if~~  
4 ~~required by board rule~~] licensure and is in good standing with  
5 the other licencing jurisdiction; and

6 (2) pay required fees.

7 B. The board shall, as soon as practicable but no  
8 later than thirty days after an out-of-state licensee files an  
9 application for licensure by reciprocity, process the  
10 application and issue the license in accordance with Section  
11 61-1-31.1 NMSA 1978.

12 C. The board 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 the foreign countries from which it will accept  
16 an applicant for expedited licensure. The board shall post the  
17 list of disapproved and approved licensing jurisdictions on its  
18 website. The list of disapproved licensing jurisdictions shall  
19 include the specific reasons for disapproval. The lists shall  
20 be reviewed annually to determine if amendments to the rule are  
21 warranted."

22 SECTION 35. Section 61-9-6 NMSA 1978 (being Laws 1963,  
23 Chapter 92, Section 5, as amended) is amended to read:

24 "61-9-6. BOARD--MEETING--POWERS.--

25 A. The board shall, annually in the month of July,

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underscoring material = new  
[bracketed material] = delete

1 hold a meeting and elect from its membership a chair, vice  
2 chair and secretary-treasurer. The board shall meet at other  
3 times as it deems necessary or advisable or as deemed necessary  
4 and advisable by the chair or a majority of its members or the  
5 governor. Reasonable notice of all meetings shall be given in  
6 the manner prescribed by the board. A majority of the board  
7 constitutes a quorum at a meeting or hearing.

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

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

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

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

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

22 (4) conduct hearings in accordance with the  
23 Uniform Licensing Act upon complaints concerning the  
24 disciplining of a psychologist or psychologist associate; and

25 (5) cause the prosecution and enjoinder of

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1 persons violating the Professional Psychologist Act and incur  
2 related necessary expenses.

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

13 SECTION 36. Section 61-9-10 NMSA 1978 (being Laws 1963,  
14 Chapter 92, Section 9, as amended) is amended to read:

15 "61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER AREAS--  
16 EXPEDITED LICENSURE.--

17 ~~[Subject to the provisions of]~~ A. Except as  
18 provided in Section 61-9-10.1 NMSA 1978 for temporary or other  
19 provisional licensure that is not an expedited license, upon  
20 application accompanied by a fee as required by the  
21 Professional Psychologist Act, the board shall, without written  
22 or oral examination, issue [a] an expedited license to a person  
23 who furnishes, upon a form and in such manner as the board  
24 prescribes, evidence to the board that the person has been  
25 licensed or certified as a psychologist or prescribing

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1 psychologist by another [~~state a territorial possession of the~~  
2 ~~United States, the District of Columbia or another country~~]  
3 licensing jurisdiction for two years. An applicant seeking a  
4 license shall demonstrate to the board that the training and  
5 education received by the applicant is equivalent to the  
6 requirements for a doctoral degree in psychology as provided in  
7 the Professional Psychologist Act; that the applicant holds a  
8 valid, unrestricted license and is in good standing with the  
9 licensing board of that licensing jurisdiction; and the  
10 applicant has practiced psychology for at least two years  
11 immediately prior to application in New Mexico.

12 B. The board shall, as soon as practicable but not  
13 later than thirty days after an out-of-state licensee files an  
14 application for an expedited license, process the application  
15 and issue an expedited license in accordance with Section  
16 61-1-31.1 NMSA 1978.

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

21 D. The board by rule shall determine the states and  
22 territories of the United States and the District of Columbia  
23 from which it will not accept an applicant for expedited  
24 licensure and shall determine any foreign countries from which  
25 it will accept an applicant for expedited licensure. The board

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

6 SECTION 37. Section 61-9-13 NMSA 1978 (being Laws 1963,  
7 Chapter 92, Section 12, as amended) is amended to read:

8 "61-9-13. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.--

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

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

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

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1 to the public;

2 (3) has impersonated another person holding a  
3 psychologist or psychologist associate license or allowed  
4 another person to use the psychologist's or psychologist  
5 associate's license;

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

9 (5) has accepted commissions or rebates or  
10 other forms of remuneration for referring clients to other  
11 professional persons;

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

17 (7) is legally adjudicated insane or mentally  
18 incompetent, the record of such adjudication being conclusive  
19 evidence thereof;

20 (8) has willfully or negligently violated the  
21 provisions of the Professional Psychologist Act;

22 (9) has violated any code of conduct adopted  
23 by the board;

24 (10) has been disciplined by another state for  
25 acts similar to acts described in this subsection, and a

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1 certified copy of the record of discipline of the state  
2 imposing the discipline is conclusive evidence;

3 (11) is incompetent to practice psychology;

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

6 (13) has abandoned patients or clients;

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

9 (a) another licensing jurisdiction;

10 (b) a professional psychologist  
11 association of which the psychologist or psychologist associate  
12 is or has been a member;

13 (c) a government agency; or

14 (d) a court for actions or conduct  
15 similar to acts or conduct that would constitute grounds for  
16 action as described in this subsection;

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

25 (16) has failed to adequately supervise a

1 psychologist associate or a licensed psychologist holding a  
2 conditional prescription certificate;

3 (17) has employed abusive billing practices;

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

6 (19) uses conversion therapy on a minor.

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

12 C. As used in this section:

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

18 "Conversion therapy" does not mean:

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

23 (b) mental health services that  
24 facilitate a person's coping, social support, sexual  
25 orientation or gender identity exploration and development,

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1 including an intervention to prevent or address unlawful  
2 conduct or unsafe sexual practices, without seeking to change  
3 gender identity or sexual orientation;

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

10 (3) "minor" means a person under eighteen  
11 years of age; and

12 (4) "sexual orientation" means  
13 heterosexuality, homosexuality or bisexuality, whether actual  
14 or perceived."

15 SECTION 38. Section 61-9A-3 NMSA 1978 (being Laws 1993,  
16 Chapter 49, Section 3, as amended) is amended to read:

17 "61-9A-3. DEFINITIONS.--As used in the Counseling and  
18 Therapy Practice Act:

19 A. "accredited institution" means a university or  
20 college accredited by an accrediting agency of institutions of  
21 higher education;

22 B. "appraisal" means selecting, administering,  
23 scoring and interpreting instruments designed to assess a  
24 person's aptitudes, attitudes, abilities, achievements,  
25 interests, personal characteristics and current emotional or

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1 mental state by appropriately educated, trained and experienced  
2 clinicians and the use of nonstandardized methods and  
3 techniques for understanding human behavior in relation to  
4 coping with, adapting to or changing life situations of a  
5 physical, mental or emotional nature; "appraisal" shall not be  
6 construed to permit the performance of any act that a counselor  
7 or a therapist is not educated, trained and licensed to  
8 perform;

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

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

24 D. "appropriate clinical supervisor for substance  
25 abuse associate" means a person who has education and

1 experience specific to the career track of the associate and  
2 has training in transmitting knowledge, skills and attitudes  
3 through a relational process that includes direct oversight of  
4 the clinical work;

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

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

21 G. "board" means the counseling and therapy  
22 practice board;

23 H. "client contact hours" means the face-to-face  
24 time spent with a client to appraise, assess, evaluate,  
25 diagnose, treat psychopathology and provide counseling

1 services;

2 I. "clinical counseling" means the rendering of  
3 counseling services involving the application of principles of  
4 psychotherapy, human development, learning theory, diagnosis,  
5 treatment and the etiology of mental illness and dysfunctional  
6 behavior to individuals, couples, families or groups for the  
7 purpose of assessing and treating psychopathology and promoting  
8 optimal mental health;

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

17 K. "counselor training and education" means a  
18 process that prepares counselors and therapists in both  
19 didactic and clinical aspects of counseling;

20 L. "course" means an integrated, organized course  
21 of study, which encompasses a minimum of one school semester or  
22 equivalent hours;

23 M. "counseling" means the application of scientific  
24 principles and procedures in therapeutic counseling, guidance  
25 and human development to provide assistance in understanding

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1 and solving a mental, emotional, physical, social, moral,  
2 educational, spiritual or career development and adjustment  
3 problem that a client may have;

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

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

14 P.] O. "department" means the regulation and  
15 licensing department or the division of the department  
16 designated to administer the counseling and therapy practice  
17 board;

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

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1           [R-] Q. "evaluation" means the act of making  
2 informed decisions based on the use and analysis of pertinent  
3 data;

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

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

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

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

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1           ~~[W-]~~ V. "practicum" means a distinctly defined,  
2 supervised clinical experience in which the student develops  
3 basic counselor or therapist skills and integrates professional  
4 knowledge, which practicum is completed prior to or concurrent  
5 with an internship;

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

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

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

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

22           ~~[BB-]~~ AA. "substance abuse-related field" means a  
23 degree in guidance counseling, mental health-community  
24 counseling, agency counseling, psychology, clinical psychology,  
25 counseling psychology, human services, family services, human

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1 and family studies, social work, art therapy or art education  
2 with appropriate clinical background and two hundred seventy-  
3 six clock hours in education or training in alcohol and drug  
4 abuse counseling."

5 SECTION 39. Section 61-9A-22 NMSA 1978 (being Laws 1993,  
6 Chapter 49, Section 22, as amended) is amended to read:

7 "61-9A-22. EXPEDITED LICENSURE BY CREDENTIALS.--

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

10 (1) files a completed application accompanied  
11 by the required fees;

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

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

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

23 [~~(4)~~] (5) possesses a master's or doctoral  
24 degree in counseling or a counseling-related field from an  
25 accredited institution.

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1           B. As soon as practicable but no later than thirty  
2 days after an out-of-state licensee files an application for a  
3 license, the board shall process the application and issue the  
4 expedited license in accordance with Section 61-1-31.1 NMSA  
5 1978.

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

10           D. 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 an applicant for expedited  
13 licensure and determine any foreign countries from which it  
14 will accept an applicant 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           ~~[B-]~~ E. Applicants who do not meet the licensure by  
21 credential requirements must meet the current licensure  
22 requirements for a regular license."

23           SECTION 40. Section 61-11-6 NMSA 1978 (being Laws 1969,  
24 Chapter 29, Section 5, as amended) is amended to read:

25           "61-11-6. POWERS AND DUTIES OF BOARD.--

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A. The board shall:

(1) [~~adopt, amend or repeal rules and regulations necessary~~] promulgate rules in accordance with the provisions of the State Rules Act to carry out the provisions of the Pharmacy Act in accordance with the provisions of the Uniform Licensing Act;

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

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

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

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

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

(7) enforce the provisions of all laws of the state pertaining to the practice of pharmacy and the

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1 manufacture, production, sale or distribution of drugs or  
2 cosmetics and their standards of strength and purity;

3 (8) conduct hearings upon charges relating to  
4 the discipline of a registrant or licensee or the denial,  
5 suspension or revocation of a registration or a license in  
6 accordance with the Uniform Licensing Act;

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

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

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

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

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

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

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1 (15) have the authority to employ a competent  
2 attorney to give advice and counsel in regard to any matter  
3 connected with the duties of the board, to represent the board  
4 in any legal proceedings and to aid in the enforcement of the  
5 laws in relation to the pharmacy profession and to fix the  
6 compensation to be paid to the attorney; provided, however,  
7 that the attorney shall be compensated from the money of the  
8 board, including that provided for in Section 61-11-19 NMSA  
9 1978;

10 (16) register and regulate qualifications,  
11 training and permissible activities of pharmacy technicians;

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

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

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

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1 (20) have the authority to authorize emergency  
2 prescription dispensing.

3 B. The board may:

4 (1) delegate its authority to the executive  
5 director to issue temporary licenses as provided in Section  
6 61-11-14 NMSA 1978;

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

9 (3) delegate its authority to the executive  
10 director to authorize emergency prescription dispensing  
11 procedures during civil or public health emergencies."

12 SECTION 41. Section 61-12A-9 NMSA 1978 (being Laws 1996,  
13 Chapter 55, Section 9, as amended) is amended to read:

14 "61-12A-9. BOARD--POWERS AND DUTIES.--

15 A. The board shall:

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

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

23 (3) adopt a code of ethics;

24 (4) enforce the provisions of the Occupational  
25 Therapy Act to protect the public by conducting hearings on

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1 charges relating to the discipline of licensees, including the  
2 denial, suspension or revocation of a license in accordance  
3 with the Uniform Licensing Act;

4 (5) establish and collect fees;

5 (6) provide for examination for and issuance,  
6 renewal and reinstatement of licenses;

7 (7) establish, impose, ~~and~~ collect and remit  
8 fines for violations of the Occupational Therapy Act to the  
9 current school fund;

10 (8) appoint a registrar to keep records and  
11 minutes necessary to carry out the functions of the board; and

12 (9) obtain the legal assistance of the  
13 attorney general.

14 B. The board may:

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 (2) hire or contract with an investigator to  
19 investigate complaints that have been filed with the board.  
20 The board shall set the compensation of the investigator to be  
21 paid from the funds of the board;

22 (3) inspect establishments; and

23 (4) designate hearing officers."

24 SECTION 42. Section 61-12A-14 NMSA 1978 (being Laws  
25 1996, Chapter 55, Section 14, as amended) is amended to read:

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1 "61-12A-14. EXPEDITED LICENSURE BY ENDORSEMENT.-- [~~Upon~~  
2 ~~verification~~]

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

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

23 C. The board shall determine the other states and  
24 territories of the United States and the District of Columbia  
25 from which it will not accept applicants for expedited

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1 licensure and the foreign countries from which it will accept  
2 applicants for expedited licensure. The board shall post the  
3 list of disapproved and approved licensing jurisdictions on its  
4 website. The list of disapproved licensing jurisdictions shall  
5 include the specific reasons for disapproval. The lists shall  
6 be reviewed annually to determine if amendments to the rule are  
7 warranted."

8 SECTION 43. Section 61-12B-6 NMSA 1978 (being Laws 1984,  
9 Chapter 103, Section 6, as amended) is amended to read:

10 "61-12B-6. DEPARTMENT--DUTIES AND POWERS.--

11 A. The department, in consultation with the board,  
12 shall:

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

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

20 (3) issue and renew licenses and temporary  
21 permits to qualified applicants who meet the requirements of  
22 the Respiratory Care Act; and

23 (4) administer, coordinate and enforce the  
24 provisions of the Respiratory Care Act and investigate persons  
25 engaging in practices that may violate the provisions of that

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1 act in accordance with the Uniform Licensing Act.

2 B. The department, in consultation with the board,  
3 may:

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

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

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

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

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

20 (6) promulgate rules to allow the interstate  
21 transport of patients; and

22 (7) promulgate rules to determine and regulate  
23 the scope and qualifications for expanded practice for  
24 respiratory care practitioners."

25 SECTION 44. Section 61-12B-7 NMSA 1978 (being Laws 1984,  
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1 Chapter 103, Section 7, as amended) is amended to read:

2 "61-12B-7. LICENSING BY TRAINING AND EXAMINATION.--A  
3 person desiring to become licensed as a respiratory care  
4 practitioner shall make application to the department on a  
5 written form and in such manner as the department prescribes,  
6 pay all required application fees and certify and furnish  
7 evidence to the department that the applicant:

8 A. has successfully completed a training program as  
9 defined in the Respiratory Care Act and set forth by rules of  
10 the department;

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

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

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

19 SECTION 45. Section 61-12B-8 NMSA 1978 (being Laws 1984,  
20 Chapter 103, Section 8, as amended) is amended to read:

21 "61-12B-8. EXPEDITED LICENSING WITHOUT TRAINING AND  
22 EXAMINATION.--

23 A. The department shall waive the education and  
24 examination requirements for an applicant who presents proof  
25 that [~~he is currently licensed in good standing in a~~

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1 ~~jurisdiction that has standards for licensure that are at least~~  
2 ~~equal to those for licensure in New Mexico as required by the~~  
3 ~~Respiratory Care Act] the applicant holds a valid, unrestricted~~  
4 license in another licensing jurisdiction, is in good standing  
5 with that licensing jurisdiction and has practiced as a  
6 respiratory therapy practitioner for at least two years  
7 immediately prior to application in New Mexico.

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

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

23 SECTION 46. Section 61-12C-16 NMSA 1978 (being Laws  
24 1991, Chapter 147, Section 16, as amended) is amended to read:

25 "61-12C-16. EXPEDITED LICENSURE BY CREDENTIALS.--[After  
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1 ~~successful completion of a jurisprudence examination]~~

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

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

22           C. The board shall determine each year the states  
23 and territories of the United States and the District of  
24 Columbia from which it will not accept applicants for expedited  
25 licensure and determine foreign countries from which it will

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1 accept applicants for expedited licensure. The board shall  
2 post the lists of disapproved and approved licensing  
3 jurisdictions on its website. The list of disapproved  
4 licensing jurisdictions shall include the specific reasons for  
5 disapproval."

6 SECTION 47. Section 61-12D-5 NMSA 1978 (being Laws 1997,  
7 Chapter 89, Section 5, as amended) is amended to read:

8 "61-12D-5. POWERS AND DUTIES.--The board:

9 A. shall examine all applicants for licensure to  
10 practice physical therapy and issue licenses or permits to  
11 those who are duly qualified;

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

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

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

23 E. may establish requirements for assessing  
24 continuing competency;

25 F. may collect fees;

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

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

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

11           J. may enter into contracts;

12           K. may deny, suspend or revoke a license or take  
13 other disciplinary action in accordance with the Uniform  
14 Licensing Act;

15           ~~[K.]~~ L. shall report final disciplinary action  
16 taken against a physical therapist or physical therapist  
17 assistant to the national disciplinary database;

18           ~~[L.]~~ M. shall publish at least annually final  
19 disciplinary action taken against any physical therapist or  
20 physical therapist assistant; and

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

25           SECTION 48. Section 61-12D-10 NMSA 1978 (being Laws  
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1 1997, Chapter 89, Section 10, as amended) is amended to read:

2 "61-12D-10. LICENSURE--QUALIFICATIONS--LICENSURE FROM  
3 FOREIGN SCHOOLS--TEMPORARY LICENSES--REINSTATEMENT.--

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

- 7 [~~(1)~~] ~~be of good moral character;~~
- 8 [~~(2)~~] (1) be a graduate of an accredited  
9 physical therapy program approved by the board;
- 10 [~~(3)~~] (2) have successfully passed the  
11 national physical therapy examination approved by the board;
- 12 and
- 13 [~~(4)~~] (3) have successfully passed the state  
14 jurisprudence examination.

15 B. An applicant for licensure as a physical  
16 therapist who has been educated outside the United States shall  
17 submit a completed application and meet the following minimum  
18 qualifications in addition to those required in [Paragraphs  
19 ~~(1), (3) and (4) of~~] Subsection A of this section:

- 20 (1) provide satisfactory evidence that the  
21 applicant's education is substantially equivalent to the  
22 requirements of physical therapists educated in accredited  
23 educational programs in the United States, as determined by the  
24 board. If the board determines that a foreign-educated  
25 applicant's education is not substantially equivalent, it may

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1 require completion of additional course work before proceeding  
2 with the application process;

3 (2) provide evidence that the applicant is a  
4 graduate of a school of training that is recognized by the  
5 foreign country's own ministry of education or similar  
6 institution;

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

11 (4) have the applicant's educational  
12 credentials evaluated by a board-approved credential evaluation  
13 agency; and

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

17 ~~(6)] (5) participate in an interim supervised  
18 clinical practice period as may be prescribed by the board.~~

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

24 D. If the foreign-educated physical therapist  
25 applicant is a graduate of a college accredited by the

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1 commission on accreditation in physical therapy education, the  
2 board shall waive requirements of Paragraphs (1), (2), (4) and  
3 [~~(6)~~] (5) of Subsection B of this section [~~are waived~~].

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

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

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

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

24 H. The board or its designee shall issue [~~a~~] an  
25 expedited license to a physical therapist or physical therapist

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1 assistant who has a valid unrestricted license from another  
2 United States licensing jurisdiction [~~and who meets all~~  
3 ~~requirements for licensure in New Mexico~~].

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

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

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

25 L. Reinstatement of a lapsed license following a

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1 renewal deadline requires payment of a renewal fee and late  
2 fee.

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

10 N. The board may establish, by rule, activities to  
11 periodically assess continuing competence to practice physical  
12 therapy.

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

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

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

25 (b) services provided for health

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1 promotion, wellness, fitness or maintenance purposes; or

2 (c) services provided to a patient who  
3 is participating in a program pursuant to an individual  
4 education plan or individual family service plan under federal  
5 law; or

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

10 P. As used in this section, "licensed health care  
11 provider" means:

12 (1) a ~~[physician]~~ medical doctor or an  
13 osteopathic physician licensed pursuant to the Medical Practice  
14 Act;

15 ~~[(2) an osteopathic physician licensed~~  
16 ~~pursuant to the Osteopathic Medicine Act;~~

17 ~~{3}]~~ (2) a chiropractic physician licensed  
18 pursuant to the Chiropractic Physician Practice Act;

19 ~~[(4)]~~ (3) a podiatrist licensed pursuant to  
20 the Podiatry Act;

21 ~~[(5)]~~ (4) a dentist licensed pursuant to the  
22 Dental Health Care Act;

23 ~~[(6)]~~ (5) a doctor of oriental medicine  
24 licensed pursuant to the Acupuncture and Oriental Medicine  
25 Practice Act;

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1                   ~~[(7)]~~ (6) a certified nurse practitioner  
2 licensed pursuant to the Nursing Practice Act;

3                   ~~[(8)]~~ (7) a certified nurse-midwife licensed  
4 pursuant to the Nursing Practice Act and registered with the  
5 public health division of the department of health as a  
6 certified nurse-midwife;

7                   ~~[(9)]~~ (8) a certified nurse specialist  
8 licensed pursuant to the Nursing Practice Act; or

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

11               **SECTION 49.** A new section of the Physical Therapy Act is  
12 enacted to read:

13               "[NEW MATERIAL] EXPEDITED PHYSICAL THERAPIST AND PHYSICAL  
14 THERAPIST ASSISTANT LICENSURE.--

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

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

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

10           SECTION 50. Section 61-13-6 NMSA 1978 (being Laws 1970,  
11 Chapter 61, Section 5, as amended) is amended to read:

12           "61-13-6. DUTIES OF THE BOARD.--~~[It is the duty of]~~ The  
13 board ~~[to]~~ shall:

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

20           B. approve for licensure applicants for:

- 21                   (1) initial licensure;  
22                   (2) annual renewal of current, active  
23 licenses;  
24                   (3) reciprocity;  
25                   (4) reinstatement of revoked or suspended

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1 licenses; and

2 (5) reactivation of inactive or expired  
3 licenses;

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

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

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

14 SECTION 51. Section 61-13-8 NMSA 1978 (being Laws 1970,  
15 Chapter 61, Section 7, as amended) is amended to read:

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

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

23 ~~B.]~~ A. has successfully completed a course of study  
24 for a baccalaureate degree and has been awarded such degree  
25 from an accredited institution in a course of study approved by

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1 the board as being adequate preparation for nursing home  
2 administrators;

3 ~~[G.]~~ B. demonstrates professional competence by  
4 passing an examination in nursing home administration as  
5 prepared and published by the professional examination service  
6 or such other nationally recognized examination as the board  
7 ~~[shall prescribe]~~ prescribes in its rules ~~[and regulations]~~;

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

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

15 SECTION 52. Section 61-13-11 NMSA 1978 (being Laws 1970,  
16 Chapter 61, Section 10, as amended) is amended to read:

17 "61-13-11. EXPEDITED LICENSURE WITHOUT EXAMINATION.--

18 A. The board shall issue ~~[a nursing home~~  
19 ~~administrator's]~~ an expedited license ~~[temporary or regular]~~  
20 without examination ~~[to any person who holds a nursing home~~  
21 ~~administrator's license current and in good standing in another~~  
22 ~~jurisdiction; provided that the board finds that the standards~~  
23 ~~of licensure in the other jurisdiction are at least the~~  
24 ~~substantial equivalent of those prevailing in this state and~~  
25 ~~that the applicant meets the qualifications of the Nursing Home~~

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1 ~~Administrators Act]~~ to an out-of-state applicant in accordance  
2 with Section 61-1-31.1 NMSA 1978. The board shall issue the  
3 expedited license as soon as practicable but no later than  
4 thirty days after the person files an application with the  
5 required fees and demonstrates that the person holds a valid,  
6 unrestricted license and is in good standing with the licensing  
7 board in the other licensing jurisdiction and has practiced  
8 nursing home administration for at least two years immediately  
9 prior to application in New Mexico. If the board issues an  
10 expedited license to a person whose prior licensing  
11 jurisdiction did not require examination, the board may require  
12 the person to pass an examination before license renewal.

13 B. 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 applicants for expedited  
16 licensure and determine the foreign countries from which it  
17 will accept applicants for expedited licensure. The board  
18 shall post the lists of disapproved and approved licensing  
19 jurisdictions on its website. The list of disapproved  
20 licensing jurisdictions shall include the specific reasons for  
21 disapproval. The lists shall be reviewed annually to determine  
22 if amendments to the rule are warranted."

23 SECTION 53. Section 61-14-5 NMSA 1978 (being Laws 1967,  
24 Chapter 62, Section 4, as amended) is amended to read:

25 "61-14-5. BOARD--DUTIES.--The board shall:

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1           A. examine and determine the qualifications and  
2 fitness of applicants for a license to practice veterinary  
3 medicine in New Mexico and issue, renew, deny, suspend or  
4 revoke licenses in accordance with the Uniform Licensing Act;

5           B. regulate artificial insemination and pregnancy  
6 diagnosis by establishing standards of practice and issuing  
7 permits to persons found qualified;

8           C. establish a schedule of license and permit fees  
9 based on the board's financial requirements for the ensuing  
10 year;

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

15           E. employ personnel necessary to carry out its  
16 duties;

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

24           G. examine applicants for veterinary technician  
25 certification purposes. Such examination shall be held at

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1 least once a year at the times and places designated by the  
2 board;

3 H. establish a five-member veterinary technician  
4 examining committee;

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

7 J. regulate the operation of veterinary facilities,  
8 including:

9 (1) establishing requirements for operation of  
10 a veterinary facility in accordance with recognized standards  
11 for the practice of veterinary medicine;

12 (2) issuing permits to qualified veterinary  
13 facilities; and

14 (3) [~~adopting~~] promulgating standards for  
15 inspection of veterinary facilities.

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

20 K. perform the duties imposed on the board pursuant  
21 to the Animal Sheltering Act; and

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

23 SECTION 54. Section 61-14A-8 NMSA 1978 (being Laws 1993,  
24 Chapter 158, Section 16, as amended) is amended to read:

25 "61-14A-8. BOARD--POWERS.--The board has the power to:

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1           A. enforce the provisions of the Acupuncture and  
2 Oriental Medicine Practice Act;

3           B. ~~[adopt, publish and file]~~ promulgate, in  
4 accordance with ~~[the Uniform Licensing Act and]~~ the State Rules  
5 Act, all rules necessary for the implementation and enforcement  
6 of the provisions of the Acupuncture and Oriental Medicine  
7 Practice Act;

8           C. adopt a code of ethics;

9           D. adopt and use a seal;

10          E. inspect facilities of approved educational  
11 programs, extern programs and the offices of licensees;

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

17          G. in accordance with the Uniform Licensing Act:

18                (1) issue investigative subpoenas for the  
19 purpose of investigating complaints against licensees prior to  
20 the issuance of a notice of contemplated action;

21                ~~[H.]~~ (2) administer oaths and take testimony  
22 on any matters within the board's jurisdiction;

23                ~~[I.]~~ (3) conduct hearings upon charges  
24 relating to the discipline of licensees, including the denial,  
25 suspension or revocation of a license ~~[in accordance with the~~

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1 ~~Uniform Licensing Act~~]; and

2           ~~[J.]~~ (4) grant, deny, renew, suspend or revoke  
3 licenses to practice acupuncture and oriental medicine or  
4 grant, deny, renew, suspend or revoke approvals of educational  
5 programs and extern programs [~~in accordance with the provisions~~  
6 ~~of the Uniform Licensing Act~~] for any cause stated in the  
7 Acupuncture and Oriental Medicine Practice Act or the rules of  
8 the board."

9           SECTION 55. Section 61-14A-13 NMSA 1978 (being Laws  
10 1993, Chapter 158, Section 21, as amended) is amended to read:

11           "61-14A-13. REQUIREMENTS FOR ~~[RECIPROCAL]~~ EXPEDITED  
12 LICENSING.--

13           A. The board [~~may~~] shall grant a license to  
14 practice acupuncture and oriental medicine without examination  
15 to a person who has been licensed, certified, registered or  
16 legally recognized as a doctor of oriental medicine in another  
17 [~~state, District or territory of the United States or foreign~~  
18 ~~country~~] licensing jurisdiction in accordance with Section  
19 61-1-31.1 NMSA 1978 if the applicant:

20                   ~~[A.]~~ (1) submits the completed application for  
21 [~~reciprocal~~] expedited licensing on the form provided by the  
22 board;

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

25                   ~~[C.]~~ (3) submits the required fee for

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1 application for [~~reciprocal~~] expedited licensing; and

2 [~~D. submits an affidavit stating that the applicant~~  
3 ~~has not been found guilty of unprofessional conduct or~~  
4 ~~incompetency;~~

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

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

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

22 ~~H. is licensed, certified, registered or legally~~  
23 ~~recognized as a doctor of oriental medicine in a state,~~  
24 ~~district or territory of the United States or foreign country~~  
25 ~~that permits a doctor of oriental medicine licensed under the~~

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1 ~~provisions of the Acupuncture and Oriental Medicine Practice~~  
2 ~~Act to practice acupuncture and oriental medicine in that~~  
3 ~~jurisdiction by reciprocal credentials review.]~~

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

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

25 SECTION 56. Section 61-14A-16 NMSA 1978 (being Laws

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1 1993, Chapter 158, Section 24, as amended) is amended to read:

2 "61-14A-16. FEES.--Except as provided in Section 61-1-34  
3 NMSA 1978, the board shall establish a schedule of reasonable  
4 nonrefundable fees not to exceed the following amounts:

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

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1 and

2 O. ~~[any and all]~~ fees to cover reasonable and  
3 necessary administrative expenses."

4 SECTION 57. Section 61-14B-11 NMSA 1978 (being Laws  
5 1996, Chapter 57, Section 11, as amended) is amended to read:

6 "61-14B-11. BOARD POWERS AND DUTIES.--The board shall:

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

12 B. ~~[adopt]~~ promulgate rules implementing continuing  
13 education requirements;

14 C. adopt a code of ethics that includes rules  
15 requiring audiologists and hearing aid dispensers, at the time  
16 of the initial examination for possible sale and fitting of a  
17 hearing aid if a hearing loss is determined, to inform each  
18 prospective purchaser about hearing aid options that can  
19 provide a direct connection between the hearing aid and  
20 assistive listening systems. These rules shall be in  
21 accordance with the latest standards for accessible design  
22 adopted by the United States department of justice in  
23 accordance with the federal Americans with Disabilities Act of  
24 1990, as amended;

25 D. conduct hearings upon charges relating to the

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

4 E. investigate complaints against licensees by  
5 issuing investigative subpoenas prior to the issuance of a  
6 notice of contemplated action;

7 F. establish fees for licensure;

8 G. provide for the licensing and renewal of  
9 licenses of applicants; and

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

14 SECTION 58. A new section of the Speech-Language  
15 Pathology, Audiology and Hearing Aid Dispensing Practices Act  
16 is enacted to read:

17 "[NEW MATERIAL] EXPEDITED LICENSURE.--

18 A. The board shall issue an expedited license  
19 without examination to a speech-language pathologist,  
20 audiologist or hearing aid dispenser licensed in another  
21 licensing jurisdiction in accordance with Section 61-1-31.1  
22 NMSA 1978. The board shall issue the expedited license as soon  
23 as practicable but no later than thirty days after the person  
24 files an application with the required fees and demonstrates  
25 that the person holds a valid, unrestricted license and is in

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1 good standing with the licensing board in the other licensing  
2 jurisdiction and has practiced for at least two years  
3 immediately prior to application in New Mexico. If the board  
4 issues an expedited license to a person whose prior licensing  
5 jurisdiction did not require examination, the board may require  
6 the person to pass an examination before license renewal.

7 B. 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 specific reasons for  
15 disapproval. The lists shall be reviewed annually to determine  
16 if amendments to the rule are warranted."

17 SECTION 59. Section 61-14D-8 NMSA 1978 (being Laws 1993,  
18 Chapter 325, Section 8, as amended) is amended to read:

19 "61-14D-8. DEPARTMENT DUTIES.--The department [~~in~~  
20 ~~consultation with~~] shall assist the board in administering the  
21 Athletic Trainer Practice Act and shall:

22 A. process applications and conduct and review the  
23 required examinations;

24 B. issue licenses and provisional permits to  
25 applicants who meet the requirements of the Athletic Trainer

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1 Practice Act;

2 C. administer and coordinate [~~and enforce~~] the  
3 provisions of the Athletic Trainer Practice Act and investigate  
4 persons engaging in practices that may violate the provisions  
5 of that act;

6 D. conduct any required examinations of applicants;

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

9 F. maintain board records, including financial  
10 records; and

11 G. maintain a current register of licensees as a  
12 matter of public record."

13 SECTION 60. A new section of the Athletic Trainer  
14 Practice Act is enacted to read:

15 "[NEW MATERIAL] EXPEDITED LICENSURE.--

16 A. The board shall issue an expedited license  
17 without examination to an athletic trainer 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 prior to  
25 application in New Mexico. If the board issues an expedited

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1 license to a person whose prior licensing jurisdiction did not  
2 require examination, the board may require the person to pass  
3 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 61. Section 61-14D-14 NMSA 1978 (being Laws  
15 1993, Chapter 325, Section 14, as amended) is amended to read:

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

23 SECTION 62. Section 61-15-4 NMSA 1978 (being Laws 1931,  
24 Chapter 155, Section 3, as amended) is amended to read:

25 "61-15-4. POWERS AND DUTIES OF THE BOARD.--

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1           A. The board shall hold at least four regular  
2 meetings each year. Any board member failing to attend three  
3 consecutive regular meetings is automatically removed as a  
4 member of the board. A majority of the board members  
5 constitutes a quorum.

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

10                   (1) each member participating by conference  
11 telephone can be identified when speaking;

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

14                   (3) members of the public attending the  
15 meeting are able to hear all board members who speak during the  
16 hearing.

17           C. The board may establish committees to carry out  
18 the provisions of the Architectural Act. The board or any  
19 committee of the board shall have the power to subpoena any  
20 witness, to administer oaths and to take testimony concerning  
21 matters within its jurisdiction. It is within the jurisdiction  
22 of the board to determine and prescribe by rules promulgated in  
23 accordance with the State Rules Act the professional and  
24 technical qualifications necessary for the practice of  
25 architecture in New Mexico. The board shall adopt and have an

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1 official seal, which shall be affixed to all certificates of  
2 registration granted, and ~~may~~ shall not make rules ~~not~~  
3 inconsistent with law.

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

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

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

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1 fines, shall be deposited with the state treasurer, who shall  
2 keep the money in the fund of the board of examiners for  
3 architects.

4 G. The board shall by rule provide for the  
5 examinations required for registration. The board shall keep a  
6 complete record of all examinations.

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

14 I. It is the duty of the board to report to the  
15 district attorney of the district where the offense was  
16 committed any criminal violation of the Architectural Act.

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

22 K. The board, in cooperation with the state board  
23 of licensure for professional engineers and professional  
24 surveyors and the board of landscape architects, shall create a  
25 joint standing committee to be known as the "joint practice

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1 committee". In order to safeguard life, health and property  
2 and to promote public welfare, the purpose of the committee is  
3 to promote and develop the highest professional standards in  
4 design, planning and construction and the resolution of  
5 ambiguities concerning the professions. The composition of the  
6 committee and its duties and powers shall be in accordance with  
7 identical resolutions adopted by each board.

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

17 SECTION 63. Section 61-15-10 NMSA 1978 (being Laws 1979,  
18 Chapter 362, Section 8, as amended) is amended to read:

19 "61-15-10. VIOLATIONS--PENALTIES.--

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

25 B. Each of the following acts ~~[committed by any~~

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1 ~~person~~] constitutes a misdemeanor, punishable pursuant to  
2 Section 31-19-1 NMSA 1978:

3 (1) willfully forging or giving false evidence  
4 of any kind to the board or any board member for the purpose of  
5 obtaining a certificate of registration as an architect;

6 (2) using or attempting to use an expired,  
7 suspended or revoked certificate of registration as an  
8 architect;

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

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

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

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

20 (b) the title containing the designation  
21 is allowed by rule of the board; or

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

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1 (6) procuring, aiding or abetting any  
2 violation of the provisions of the Architectural Act or the  
3 rules adopted by the board.

4 C. If, after a disciplinary hearing conducted in  
5 accordance with the Uniform Licensing Act, the board determines  
6 that based on the evidence, a person committed a violation  
7 pursuant to the Architectural Act, the board, in addition to  
8 any other sanction, shall issue an order that imposes a civil  
9 penalty not to exceed seven thousand five hundred dollars  
10 (\$7,500) for each violation on the person. In determining the  
11 amount of the civil penalty, the board shall consider:

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

20 SECTION 64. Section 61-17A-2 NMSA 1978 (being Laws 1993,  
21 Chapter 171, Section 2, as amended by Laws 2017, Chapter 108,  
22 Section 1 and by Laws 2017, Chapter 112, Section 3) is amended  
23 to read:

24 "61-17A-2. DEFINITIONS.--As used in the Barbers and  
25 Cosmetologists Act:

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

3           B. "board" means the board of barbers and  
4 cosmetologists;

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

7           D. "department" means the regulation and licensing  
8 department;

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

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

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

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

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

25                   (2) massages, cleans, stimulates or

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1 manipulates the skin for the purpose of preserving the health  
2 and beauty of the skin and body; or

3 (3) performs activities similar to the  
4 activities described in Paragraph (1) or (2) of this subsection  
5 on any part of the body of a person;

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

10 ~~[I.]~~ J. "hairstylist" means a person, other than a  
11 student, who for compensation engages in hairstyling;

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

17 ~~[K.]~~ L. "sanitation" means the maintenance of  
18 sanitary conditions to promote hygiene and the prevention of  
19 disease through the use of chemical agents or products;

20 ~~[L.]~~ M. "school" means a public or private  
21 instructional facility approved by the board that teaches  
22 cosmetology, barbering or hairstyling; and

23 ~~[M.]~~ N. "student" means a person enrolled in a  
24 school to learn or be trained in cosmetology, barbering,  
25 hairstyling or electrolysis."

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1           SECTION 65. Section 61-17A-7 NMSA 1978 (being Laws 1993,  
2 Chapter 171, Section 7, as amended) is amended to read:

3           "61-17A-7. BOARD AND DEPARTMENT POWERS AND DUTIES.--

4           A. The board shall:

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

8                       (2) establish fees;

9                       (3) provide for the examination, licensure and  
10 license renewal of applicants for licensure;

11                      (4) establish standards for and provide for  
12 the examination, licensure and license renewal of manicurists-  
13 pedicurists, estheticians and electrologists;

14                      ~~[(5) adopt a seal;~~

15                      ~~[(6) furnish copies of rules and sanitary~~  
16 ~~requirements adopted by the board to each owner or manager of~~  
17 ~~an establishment, enterprise or school;~~

18                      ~~[(7)]~~ (5) keep a record of its proceedings and  
19 a register of applicants for licensure;

20                      ~~[(8)]~~ (6) provide for the licensure of  
21 barbers, hairstylists, cosmetologists, manicurists-pedicurists,  
22 estheticians, electrologists, instructors, schools, enterprises  
23 and establishments;

24                      ~~[(9)]~~ (7) establish administrative penalties  
25 and fines;

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1                   ~~[(10)]~~ (8) create and establish standards and  
2 fees for special licenses;

3                   ~~[(11)]~~ (9) establish guidelines for schools to  
4 calculate tuition refunds for withdrawing students; and

5                   ~~[(12)]~~ (10) issue cease and desist orders to  
6 persons violating the provisions of the Barbers and  
7 Cosmetologists Act and rules promulgated in accordance with  
8 that act in accordance with the Uniform Licensing Act.

9                   B. The board may establish continuing education  
10 requirements as requirements for licensure.

11                   C. A member of the board, its employees or agents  
12 may enter and inspect a school, enterprise or establishment at  
13 any time during regular business hours for the purpose of  
14 determining compliance with the Barbers and Cosmetologists Act.

15                   D. The department shall:

16                                 (1) process and issue licenses to applicants  
17 who meet the requirements of the Barbers and Cosmetologists Act  
18 and board rules;

19                                 (2) investigate persons engaging in practices  
20 that may violate the provisions of the Barbers and  
21 Cosmetologists Act and report results of investigations to the  
22 board;

23                                 (3) approve the selection of and supervise  
24 primary staff assigned to the board;

25                                 (4) carry out the operations of the board to

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1 include budgetary expenditures;

2 (5) maintain records, including financial  
3 records; and

4 (6) keep a licensee record in which the names,  
5 addresses and license numbers of all licensees shall be  
6 recorded together with a record of all license renewals,  
7 suspensions and revocations."

8 SECTION 66. Section 61-17A-8 NMSA 1978 (being Laws 1993,  
9 Chapter 171, Section 8, as amended) is amended to read:

10 "61-17A-8. LICENSURE REQUIREMENTS--BARBERS.--

11 A. Except as provided in Subsection B of this  
12 section, a barber license shall be issued to any person who  
13 files a completed application, accompanied by the required fees  
14 and documentation, and who:

15 [~~(1)~~] ~~has an education equivalent to the~~  
16 ~~completion of the second year of high school;~~

17 ~~(2)]~~ (1) is at least seventeen years of age;

18 [~~(3)~~] (2) has completed a course in barbering  
19 of at least one thousand two hundred hours or equivalent  
20 credits in a school or apprenticeship approved by the board;  
21 and

22 [~~(4)~~] (3) has passed an examination approved  
23 by the board.

24 B. A barbering license shall be issued to a person  
25 who files a completed application, accompanied by the required

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1 fees and documentation, meets the requirements of Paragraphs  
2 (1) through [~~(4)~~] (3) of Subsection A of this section and shows  
3 proof of having successfully completed a registered barbering  
4 apprenticeship approved by the state apprenticeship agency and  
5 the board of barbers and cosmetologists.

6 C. The holder of a barber license has the right and  
7 privilege to use the title "barber", and the initials "R.B."  
8 following the holder's surname and to use a barber pole, the  
9 traditional striped, vertical emblem of the barbering trade."

10 SECTION 67. Section 61-17A-8.1 NMSA 1978 (being Laws  
11 2017, Chapter 112, Section 2) is amended to read:

12 "61-17A-8.1. LICENSURE REQUIREMENTS--HAIRSTYLISTS.--

13 A. Except as provided in Subsection B of this  
14 section, a hairstylist license shall be issued to a person who  
15 files a completed application, accompanied by the required fees  
16 and documentation, and who:

17 [~~(1)~~] ~~has an education equivalent to the~~  
18 ~~completion of the second year of high school;~~

19 ~~(2)~~] (1) is at least seventeen years of age;

20 [~~(3)~~] (2) has completed a course in  
21 hairstyling of at least one thousand two hundred hours in a  
22 school approved by the board; and

23 [~~(4)~~] (3) has passed an examination approved  
24 by the board.

25 B. A hairstylist license shall be issued to a

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1 person who files a completed application, accompanied by the  
2 required fees and documentation, and meets the requirements of  
3 Paragraphs (1) through [~~(4)~~] (3) of Subsection A of this  
4 section.

5 C. The holder of a hairstylist license has the  
6 right and privilege to use the title "hairstylist".

7 SECTION 68. Section 61-17A-9 NMSA 1978 (being Laws 1993,  
8 Chapter 171, Section 9, as amended) is amended to read:

9 "61-17A-9. LICENSURE REQUIREMENTS--COSMETOLOGISTS.--

10 A. A cosmetologist license shall be issued to any  
11 person who files a completed application, accompanied by the  
12 required fees and documentation, and who:

13 (1) is at least seventeen years of age;

14 [~~(2) has an education equivalent to the~~  
15 ~~completion of the second year of high school;~~

16 ~~(3)]~~ (2) has completed a course in cosmetology  
17 of at least one thousand six hundred hours at a school approved  
18 by the board; and

19 [~~(4)]~~ (3) has passed an examination approved  
20 by the board.

21 B. The name of a licensed cosmetologist may be  
22 immediately followed by the initials "R.C.", as a right and  
23 privilege of licensure."

24 SECTION 69. Section 61-17A-11 NMSA 1978 (being Laws  
25 1993, Chapter 171, Section 11, as amended) is amended to read:

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1 "61-17A-11. LICENSURE OF INSTRUCTORS.--

2 A. A cosmetologist instructor license shall be  
3 issued to any person who files a completed application,  
4 accompanied by the required fees and documentation, and who:

5 (1) is a licensed cosmetologist;

6 [~~(2)~~] ~~has completed at least a four-year high~~  
7 ~~school course of study or its equivalent as approved by the~~  
8 ~~board;~~

9 ~~(3)]~~ (2) has met all requirements established  
10 by the board; and

11 [~~(4)]~~ (3) has passed an examination approved  
12 by the board.

13 B. A barber instructor license shall be issued to  
14 any person who files a completed application, accompanied by  
15 the required fees and documentation, and who:

16 (1) is a licensed barber;

17 (2) has completed at least a four-year high  
18 school course of study or its equivalent as approved by the  
19 board;

20 (3) has met all requirements established by  
21 the board; and

22 (4) has passed an examination approved by the  
23 board.

24 C. An electrologist instructor license shall be  
25 issued to any person who files a completed application,

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1 accompanied by the required fees and documentation, and who  
2 submits satisfactory evidence of compliance with all  
3 requirements established by the board.

4 D. The name of a licensed instructor may be  
5 immediately followed by the initials "R.I.", as a right and  
6 privilege of licensure."

7 SECTION 70. Section 61-17A-14 NMSA 1978 (being Laws  
8 1993, Chapter 171, Section 14) is amended to read:

9 "61-17A-14. BARBERS AND COSMETOLOGISTS FUND CREATED.--  
10 The "barbers and cosmetologists fund" is created in the state  
11 treasury. All license fees and charges [~~and fines~~] imposed by  
12 the board shall be deposited in the fund. Money in the fund is  
13 appropriated to the board for the purpose of carrying out the  
14 provisions of the Barbers and Cosmetologists Act. Any balance  
15 remaining in the fund at the end of each fiscal year shall not  
16 revert to the general fund."

17 SECTION 71. Section 61-17A-17 NMSA 1978 (being Laws  
18 1993, Chapter 171, Section 17, as amended) is amended to read:

19 "61-17A-17. LICENSURE UNDER PRIOR LAW--[ENDORSEMENT]  
20 EXPEDITED LICENSURE.--

21 A. [~~Any~~] A person licensed as a barber, a  
22 cosmetologist, an esthetician, an electrologist, an instructor  
23 of cosmetology or barbering or an instructor of electrology, a  
24 manicurist-pedicurist or [~~any~~] a person holding an  
25 establishment license, clinic license or school owner's license

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1 under ~~[any]~~ prior laws of this state, which license is valid on  
2 ~~[the effective date of the Barbers and Cosmetologists Act]~~ June  
3 18, 1993, shall be held to be licensed under the provisions of  
4 ~~[that]~~ the Barbers and Cosmetologists Act and shall be entitled  
5 to the renewal of ~~[his]~~ the person's license as provided in  
6 that act.

7 B. The board ~~[may]~~ shall grant a license pursuant  
8 to the provisions of the Barbers and Cosmetologists Act without  
9 an examination, upon payment of the required fee; provided that  
10 the applicant ~~[(1)]~~ holds a ~~[current]~~ valid, unrestricted  
11 license from another ~~[state, territory or possession of the~~  
12 ~~United States or the District of Columbia, that has training~~  
13 ~~hours and qualifications similar to or exceeding those required~~  
14 ~~for licensure in New Mexico; and~~

15 ~~(2) meets all other requirements for~~  
16 ~~reciprocity as determined by regulation of the board]~~ licensing  
17 jurisdiction.

18 C. No later than thirty days after a person files  
19 an application for licensure, the board shall process the  
20 application and issue an expedited license in accordance with  
21 procedures in Section 61-1-31.1 NMSA 1978. The board by rule  
22 shall determine the states and territories of the United States  
23 and the District of Columbia from which it will not accept an  
24 applicant for expedited licensure and shall determine foreign  
25 countries from which it will accept an applicant for expedited

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

6 SECTION 72. Section 61-17A-18 NMSA 1978 (being Laws  
7 1993, Chapter 171, Section 18, as amended) is amended to read:

8 "61-17A-18. LICENSE TO BE DISPLAYED--NOTICE OF CHANGE OF  
9 PLACE OF BUSINESS.--Every holder of a license issued pursuant  
10 to the Barbers and Cosmetologists Act shall notify the  
11 [~~executive director~~] department of any change in place of  
12 business. [~~Upon receipt of the notification, the executive~~  
13 ~~director shall make the necessary change in the books.~~] A  
14 license shall be displayed conspicuously at the holder's place  
15 of business."

16 SECTION 73. Section 61-17A-19 NMSA 1978 (being Laws  
17 1993, Chapter 171, Section 19) is amended to read:

18 "61-17A-19. LICENSE NONTRANSFERABLE.--Each license shall  
19 be issued under the authority of the Barbers and Cosmetologists  
20 Act by the [~~board~~] department in the name of the licensee. The  
21 license may not be the subject of a sale, transfer, assignment,  
22 conveyance, lease, bequest, gift or other means of transfer."

23 SECTION 74. Section 61-17A-21 NMSA 1978 (being Laws  
24 1993, Chapter 171, Section 21, as amended) is amended to read:

25 "61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW, SUSPEND

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1 OR REVOKE A LICENSE.--

2 A. The board shall, in accordance with the  
3 provisions of the Uniform Licensing Act, issue a fine or  
4 penalty, restrict, refuse to issue or renew or shall suspend or  
5 revoke a license for any one or more of the following causes:

6 (1) the commission of any offense described in  
7 the Barbers and Cosmetologists Act;

8 (2) the violation of any sanitary regulation  
9 promulgated by the board;

10 (3) malpractice or incompetency;

11 (4) advertising by means of knowingly false or  
12 deceptive statements;

13 [~~(5) habitual drunkenness or habitual~~  
14 ~~addiction to the use of habit-forming drugs;~~]

15 (5) working in a capacity regulated pursuant  
16 to the Barbers and Cosmetologists Act while under the influence  
17 of intoxicating liquor or drugs;

18 (6) continuing to practice in or be employed  
19 by an establishment, an enterprise, a school or an electrology  
20 clinic in which the sanitary [~~regulations~~] rules of the board,  
21 of the department of health or of any other lawfully  
22 constituted board or state agency, promulgated for the  
23 regulation of establishments, enterprises, schools or  
24 electrology clinics, are known by the licensee to be violated;

25 (7) default of a licensee on a student loan;

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1 (8) gross continued negligence in observing  
2 the rules and regulations;

3 (9) renting, loaning or allowing the use of  
4 the license to any person not licensed under the provisions of  
5 the Barbers and Cosmetologists Act;

6 (10) dishonesty or unfair or deceptive  
7 practices;

8 (11) sexual, racial or religious harassment;

9 (12) conduct of illegal activities in an  
10 establishment, enterprise, school or electrology clinic or by a  
11 licensee; or

12 [~~(13) conviction of a crime involving moral~~  
13 ~~turpitude; or~~

14 ~~(14)] (13) aiding, abetting or conspiring to~~

15 evade or violate the provisions of the Barbers and

16 Cosmetologists Act.

17 B. Any license suspended or revoked shall be

18 delivered to the [~~board~~] department or any agent of the [~~board~~]

19 department upon demand."

20 SECTION 75. Section 61-17B-5 NMSA 1978 (being Laws 2007,  
21 Chapter 181, Section 5, as amended) is amended to read:

22 "61-17B-5. LICENSE--APPLICATION--RENEWAL--EXPEDITED  
23 LICENSURE--REVOCATION--SUSPENSION.--

24 A. A body artist shall obtain a body art license,  
25 and an operator shall obtain a body art establishment license,

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1 the requirements for which shall be defined by the board by  
2 rules promulgated in accordance with the State Rules Act and  
3 shall include the requirement that a body artist applicant  
4 demonstrate that the body artist has the training and  
5 experience necessary to perform body piercing, tattooing or  
6 scarification and the requirement that a sanitary and sterile  
7 body art establishment be maintained; provided that the board  
8 shall grant credit for training and experience obtained from  
9 any source, whether obtained within or outside the state, if  
10 the applicant demonstrates that ~~[the training and experience~~  
11 ~~received by the applicant is equivalent to the]~~ the applicant  
12 meets the training and experience required pursuant to the Body  
13 Art Safe Practices Act.

14 B. An operator or body artist shall possess and  
15 post in a conspicuous place a valid ~~[and unsuspended]~~ license  
16 issued by the board in accordance with the Body Art Safe  
17 Practices Act and the rules promulgated pursuant to that act.  
18 An operator or a body artist shall not display a license unless  
19 it has been issued to that operator or body artist by the board  
20 and has not been suspended or revoked.

21 C. An operator or body artist shall apply to the  
22 board for the issuance or renewal of a license annually and  
23 shall pay license fees established by the board. Except as  
24 provided in Section 61-1-34 NMSA 1978, the board shall set  
25 license fees and license renewal fees ~~[and late fees in amounts~~

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1 ~~necessary to administer the provisions of the Body Art Safe~~  
2 ~~Practices Act]~~ not to exceed three hundred dollars (\$300) and  
3 late fees not to exceed one hundred dollars (\$100). If an  
4 operator or body artist fails to renew a license for the next  
5 year, the license is void; provided that the voided license may  
6 be restored at any time during the year following the license's  
7 expiration upon the payment of the appropriate license renewal  
8 fee and a late charge not to exceed one hundred dollars (\$100)  
9 as set forth by board rules. If the operator or body artist  
10 fails to restore a license within one year following the  
11 license's expiration, the operator or body artist may request  
12 restoration of the license pursuant to rules promulgated by the  
13 board.

14 D. As soon as practicable, but no later than thirty  
15 days after an application is submitted, the board shall process  
16 the application and issue an expedited license in accordance  
17 with Section 61-1-31.1 NMSA 1978 to a person licensed in  
18 another licensing jurisdiction. The board by rule shall  
19 determine those states and territories of the United States and  
20 the District of Columbia from which it will not accept an  
21 applicant for expedited licensure and those foreign countries  
22 from which it will accept an application for expedited  
23 licensure. The lists of disapproved and approved licensing  
24 jurisdictions shall be posted on the board's website. The list  
25 of disapproved licensing jurisdictions shall include specific

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

3 ~~[D.]~~ E. The board ~~[shall promulgate rules for the~~  
4 ~~revocation or suspension of]~~ may suspend or revoke a license  
5 for a body art establishment or a body artist who fails to  
6 comply with a provision of the Body Art Safe Practices Act or  
7 rules promulgated pursuant to that act in accordance with the  
8 Uniform Licensing Act. A license shall not be suspended or  
9 revoked ~~[pursuant to the Body Art Safe Practices Act]~~ without  
10 providing the operator or the body artist with an opportunity  
11 for an administrative hearing unless conditions in the body art  
12 establishment warrant immediate suspension pursuant to Section  
13 61-17B-9 NMSA 1978. The hearing officer shall not be a person  
14 previously involved in the suspension or revocation action. An  
15 inspection made more than twenty-four months prior to the most  
16 recent inspection shall not be used as a basis for suspension  
17 or revocation.

18 ~~[E.]~~ F. Except as provided in Section 61-1-34 NMSA  
19 1978, the board shall charge a fee not to exceed three hundred  
20 dollars (\$300) for the application to issue a new or renewed  
21 license. The applicant shall provide proof of current  
22 immunization as required by the board and proof of the  
23 applicant's attendance at a blood-borne pathogen training  
24 program and other training as required by the board before a  
25 license is issued or renewed.

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1           ~~[F.]~~ G. A current body art license or body art  
2 establishment license shall not be transferable from one person  
3 to another.

4           ~~[G.]~~ H. The following information shall be kept on  
5 the premises of a body art establishment and shall be available  
6 for inspection by the board:

7                   (1) the full names of all employees in the  
8 establishment and their exact duties;

9                   (2) the board-issued license with  
10 identification photograph for the operator and any body  
11 artists;

12                   (3) the body art establishment name and hours  
13 of operation;

14                   (4) the name and address of the operator;

15                   (5) a complete description of all body art  
16 performed at the body art establishment;

17                   (6) a list of all instruments, body jewelry,  
18 sharps and inks used at the body art establishment, including  
19 names of manufacturers and serial or lot numbers or invoices or  
20 other documentation sufficient to identify and locate the  
21 manufacturer of those items; and

22                   (7) a current copy of the Body Art Safe  
23 Practices Act.

24           ~~[H.]~~ I. An operator shall notify the board in  
25 writing not less than thirty days before changing the location

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1 of a body art establishment. The notice shall include the  
2 street address of the body art establishment's new location."

3 SECTION 76. Section 61-17B-16 NMSA 1978 (being Laws  
4 2015, Chapter 129, Section 8) is amended to read:

5 "61-17B-16. BOARD POWERS AND DUTIES.--

6 A. The board shall:

7 (1) in conjunction with the department of  
8 health, promulgate rules in accordance with the State Rules Act  
9 necessary to implement the provisions of the Body Art Safe  
10 Practices Act;

11 (2) establish fees;

12 (3) establish standards and provide for the  
13 issuance of new and renewal operator and body artist licenses  
14 to applicants;

15 (4) adopt a seal;

16 (5) furnish copies of rules and sanitation and  
17 sterilization requirements [~~adopted~~] promulgated by the board  
18 to each operator of a body art establishment;

19 (6) keep a record of its proceedings, a  
20 register of applicants for licensure and a register of licensed  
21 operators and body artists; [~~and~~]

22 (7) issue cease and desist orders to persons  
23 who violate the provisions of the Body Art Safe Practices Act  
24 or rules promulgated pursuant to that act; and

25 (8) deny, suspend or revoke a license or



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1 undertake any other disciplinary action in accordance with the  
2 Uniform Licensing Act.

3 B. The board may establish continuing education or  
4 other requirements for licensure.

5 C. A member of the board, its employees or agents  
6 may enter and inspect a body art establishment at any time  
7 during regular business hours for the purpose of determining  
8 compliance with the Body Art Safe Practices Act."

9 SECTION 77. Section 61-17B-17 NMSA 1978 (being Laws  
10 2015, Chapter 129, Section 7) is amended to read:

11 "61-17B-17. BODY ART PRACTITIONERS FUND CREATED.--The  
12 "body art practitioners fund" is created in the state treasury.  
13 The fund consists of appropriations, gifts, grants and  
14 donations; license fees and charges [~~and fines~~] that are  
15 imposed by the board [~~and that shall be deposited into the~~  
16 ~~fund~~]; and money otherwise accruing to the fund. Money in the  
17 fund is appropriated to the board for the purpose of carrying  
18 out the provisions of the Body Art Safe Practices Act. Money  
19 in the fund shall be disbursed on warrants signed by the  
20 secretary of finance and administration pursuant to vouchers  
21 signed by the chair of the board or the chair's authorized  
22 representative. Any balance remaining in the fund at the end  
23 of a fiscal year shall not revert to the general fund."

24 SECTION 78. Section 61-17B-18 NMSA 1978 (being Laws  
25 2015, Chapter 129, Section 9) is amended to read:

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1 "61-17B-18. TERMINATION OF AGENCY LIFE--DELAYED  
2 REPEAL.--The board of body art practitioners is terminated on  
3 July 1, [~~2021~~] 2027 pursuant to the Sunset Act. The board  
4 shall continue to operate according to the provisions of the  
5 Body Art Safe Practices Act until July 1, [~~2022~~] 2028.  
6 Effective July 1, [~~2022~~] 2028, the Body Art Safe Practices Act  
7 is repealed."

8 SECTION 79. Section 61-18A-4 NMSA 1978 (being Laws 1987,  
9 Chapter 252, Section 4) is amended to read:

10 "61-18A-4. RULES [~~AND REGULATIONS~~]--VIOLATIONS.--

11 A. The director shall [~~establish~~] promulgate rules  
12 in accordance with the State Rules Act and enforce [~~such~~] those  
13 rules [~~and regulations~~] as [~~may be~~] are reasonable or necessary  
14 for the examination and licensing of collection agencies,  
15 repossessionors, managers and solicitors, for the conduct of such  
16 persons and for the general enforcement of the various  
17 provisions of the Collection Agency Regulatory Act in the  
18 protection of the public.

19 B. The violation of any provisions of [~~that~~] the  
20 Collection Agency Regulatory Act or of [~~any~~] rules [~~and~~  
21 ~~regulations established~~] promulgated by the director is  
22 sufficient ground for revocation of [~~any~~] a license or for  
23 other disciplinary action as provided in the Uniform Licensing  
24 Act.

25 C. [~~No~~] A provision of the Collection Agency

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1 Regulatory Act imposing ~~[any]~~ a liability shall not apply to  
2 ~~[any]~~ an act done or omitted in good faith in conformity with  
3 ~~[any]~~ a rule ~~[or regulation]~~ of the director, notwithstanding  
4 that after ~~[such]~~ the act or omission has occurred, ~~[such]~~ the  
5 rule ~~[or regulation]~~ is amended, rescinded or determined by  
6 judicial or other authority to be invalid for any reason."

7 SECTION 80. Section 61-18A-31 NMSA 1978 (being Laws  
8 1987, Chapter 252, Section 31) is amended to read:

9 "61-18A-31. DEPOSIT OF ~~[MONEYS IN GENERAL FUND]~~ MONEY.--  
10 All money received under the Collection Agency Regulatory Act  
11 by the director shall be deposited in the ~~[office of the state~~  
12 ~~treasurer]~~ general fund."

13 SECTION 81. Section 61-23-10 NMSA 1978 (being Laws 1987,  
14 Chapter 336, Section 10, as amended) is amended to read:

15 "61-23-10. DUTIES AND POWERS OF THE BOARD.--

16 A. ~~[It shall be the duty of]~~ The board ~~[to]~~ shall  
17 administer the provisions of the Engineering and Surveying  
18 Practice Act and ~~[to]~~ exercise the authority granted the board  
19 in that act. The board is the sole state agency with the power  
20 to certify the qualifications of professional engineers and  
21 professional surveyors. The board ~~[is authorized to]~~ may  
22 engage such personnel, including an executive director, as it  
23 ~~[may deem]~~ deems necessary.

24 B. The board ~~[shall have the power to adopt and~~  
25 ~~amend all bylaws and]~~ may promulgate rules ~~[of procedure~~

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1 ~~consistent with the constitution and the laws of this state~~ in  
2 accordance with the State Rules Act that ~~may be~~ are  
3 reasonable for the proper performance of its duties and the  
4 regulation of its procedures, meeting records and examinations  
5 and the conduct ~~thereof~~ of examinations. The board shall  
6 ~~adopt and~~ promulgate rules of professional responsibility for  
7 professional engineers and professional surveyors that are not  
8 exclusive to the practice of engineering or exclusive to the  
9 practice of surveying. All such ~~bylaws and~~ rules shall be  
10 binding upon all persons licensed pursuant to the Engineering  
11 and Surveying Practice Act.

12 C. The professional engineering committee shall  
13 ~~adopt and~~ promulgate rules of professional responsibility  
14 exclusive to the practice of engineering. All such ~~bylaws~~  
15 ~~and~~ rules shall be binding upon all persons licensed pursuant  
16 to the Engineering and Surveying Practice Act.

17 D. The professional surveying committee shall  
18 ~~adopt and~~ promulgate rules of professional responsibility  
19 exclusive to the practice of surveying. All such ~~bylaws and~~  
20 rules shall be binding upon all persons licensed pursuant to  
21 the Engineering and Surveying Practice Act.

22 E. The joint engineering and surveying standing  
23 committee ~~shall have the~~ has exclusive authority over  
24 practice disputes between engineers and surveyors to determine  
25 if ~~any~~ proposed rules of professional responsibility are

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1 exclusive to the practice of engineering or exclusive to the  
2 practice of surveying so that rulemaking authority is delegated  
3 to the engineering committee or to the surveying committee.  
4 Determination of exclusive practice of engineering or surveying  
5 requires an affirmative vote by no less than three members of  
6 the joint committee. If an affirmative vote of three members  
7 cannot be achieved, the determination of exclusivity shall be  
8 made by the full board.

9 F. To effect the provisions of the Engineering and  
10 Surveying Practice Act, the board may, under the chair's hand  
11 and the board's seal, subpoena witnesses and compel the  
12 production of books, papers and documents in any disciplinary  
13 action conducted in accordance with the Uniform Licensing Act  
14 against a licensee or a person practicing or offering to  
15 practice without licensure. Any member of the board may  
16 administer oaths or affirmations to witnesses appearing before  
17 the board. If ~~[any]~~ a person refuses to obey ~~[any]~~ a subpoena  
18 so issued or refuses to testify or produce any books, papers or  
19 documents, the board may apply to a court of competent  
20 jurisdiction for an order to compel the requisite action. If  
21 ~~[any]~~ a person willfully fails to comply with such an order,  
22 that person may be held in contempt of court.

23 G. The board may apply for injunctive relief to  
24 enforce the provisions of the Engineering and Surveying  
25 Practice Act or to restrain any violation of that act. The

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1 members of the board shall not be personally liable under this  
2 proceeding.

3 H. The board may subject an applicant for licensure  
4 to such examinations as it deems necessary to determine the  
5 applicant's qualifications.

6 I. The board shall create enforcement advisory  
7 committees composed of licensees as necessary. Each committee  
8 shall include at least four licensees in the same category as  
9 the respondent. An engineering enforcement advisory committee  
10 shall have at least one licensee in the same branch as the  
11 respondent. Enforcement advisory committees shall provide  
12 technical assistance to the board and its staff. The board  
13 shall select members from a list of volunteers submitting their  
14 resumes and letters of interest.

15 J. No action or other legal proceedings for damages  
16 shall be instituted against the board, ~~[any]~~ a board member or  
17 an agent, an employee or a member of an advisory committee of  
18 the board for any act done in good faith and in the intended  
19 performance of any power or duty granted pursuant to the  
20 Engineering and Surveying Practice Act or for any neglect or  
21 default in the good faith performance or exercise of any such  
22 power or duty.

23 K. The board, in cooperation with the board of  
24 examiners for architects and the board of landscape architects,  
25 shall create a joint standing committee to be known as the

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1 "joint practice committee". In order to safeguard life, health  
2 and property and to promote the public welfare, the committee  
3 shall have as its purpose the promotion and development of the  
4 highest professional standards in design, planning and  
5 construction and the resolution of ambiguities concerning the  
6 professions. The composition of the committee and its powers  
7 and duties shall be in accordance with identical resolutions  
8 adopted by each board.

9 L. As used in the Engineering and Surveying  
10 Practice Act, "incidental practice" shall be defined by  
11 identical rules of the board and the board of examiners for  
12 architects."

13 SECTION 82. Section 61-23-24 NMSA 1978 (being Laws 1993,  
14 Chapter 218, Section 18, as amended) is amended to read:

15 "61-23-24. ENGINEERING--VIOLATIONS--DISCIPLINARY  
16 ACTION--PENALTIES--REISSUANCE OF LICENSES.--

17 A. In accordance with the Uniform Licensing Act,  
18 the board may suspend, refuse to renew or revoke a license,  
19 impose a fine not to exceed seven thousand five hundred dollars  
20 (\$7,500), place on probation for a specific period of time with  
21 specific conditions or reprimand any professional engineer who  
22 is found by the board to have:

23 (1) practiced or offered to practice  
24 engineering in New Mexico in violation of the Engineering and  
25 Surveying Practice Act;

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1 (2) attempted to use the license of another;

2 (3) given false or forged evidence to the  
3 board or to a board member for obtaining a license;

4 (4) falsely impersonated [~~any other~~] another  
5 licensee of like or different name;

6 (5) attempted to use an expired, suspended or  
7 revoked license;

8 (6) falsely purported to be a professional  
9 engineer by claim, sign, advertisement or letterhead;

10 (7) violated the rules of professional  
11 responsibility for professional engineers adopted and  
12 promulgated by the board;

13 (8) been disciplined in another state for  
14 action that would constitute a violation of either or both the  
15 Engineering and Surveying Practice Act or the rules adopted by  
16 the board;

17 (9) been convicted of a felony; or

18 (10) procured, aided or abetted any violation  
19 of the provisions of the Engineering and Surveying Practice Act  
20 or the rules of the board.

21 B. Except as provided in Subsection C of Section  
22 61-23-21 NMSA 1978, nothing in the Engineering and Surveying  
23 Practice Act shall prohibit the general use of the word  
24 "engineer", "engineered" or "engineering" so long as such words  
25 are not used in an offer to the public to perform engineering



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1 work as defined in Subsections F and H of Section 61-23-3 NMSA  
2 1978.

3 C. The board may by rule establish the guidelines  
4 for the disposition of disciplinary cases involving specific  
5 types of violations. The guidelines may include minimum and  
6 maximum fines, periods of probation or conditions of probation  
7 or reissuance of a license.

8 D. Failure to pay a fine levied by the board or to  
9 otherwise comply with an order issued by the board pursuant to  
10 the Uniform Licensing Act is a misdemeanor and shall be grounds  
11 for further action against the licensee by the board and for  
12 judicial sanctions or relief.

13 E. A person may prefer charges of fraud, deceit,  
14 gross negligence, incompetence or misconduct against a licensed  
15 professional engineer. The charges shall be in writing and  
16 shall be sworn to by the person making the charges and filed  
17 with the executive director of the board. All charges shall be  
18 referred to the engineering committee, acting for the board.  
19 No action that would have any of the effects specified in  
20 Subsection D, E or F of Section 61-1-3 NMSA 1978 may be  
21 initiated later than two years after the discovery by the  
22 board, but in no case shall an action be brought more than ten  
23 years after the completion of the conduct that constitutes the  
24 basis for the action. All charges, unless dismissed as  
25 unfounded, trivial, resolved by reprimand or settled

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1 informally, shall be heard in accordance with the provisions of  
2 the Uniform Licensing Act by the engineering committee acting  
3 for the board or by the board.

4 F. Persons making charges shall not be subject to  
5 civil or criminal suits; provided that the charges are made in  
6 good faith and are not frivolous or malicious.

7 G. The board or a board member may initiate  
8 proceedings pursuant to the provisions of this section in  
9 accordance with the provisions of the Uniform Licensing Act.  
10 Nothing in the Engineering and Surveying Practice Act shall  
11 deny the right of appeal from the decision and order of the  
12 board in accordance with the provisions of the Uniform  
13 Licensing Act.

14 H. The board, for reasons it deems sufficient, may  
15 reissue a license to a person whose license has been revoked or  
16 suspended [~~provided that~~] if a majority of the members of the  
17 engineering committee, acting for the board, or of the board  
18 votes in favor of the reissuance. A new license bearing the  
19 original license number to replace a revoked, lost, destroyed  
20 or mutilated license may be issued subject to the rules of the  
21 board with payment of a fee.

22 I. A violation of any provision of the Engineering  
23 and Surveying Practice Act is a misdemeanor punishable upon  
24 conviction by a fine of not more than seven thousand five  
25 hundred dollars (\$7,500) or by imprisonment of no more than one

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1 year, or both.

2 J. The attorney general or district attorney of the  
3 proper district or special prosecutor retained by the board  
4 shall prosecute violations of the Engineering and Surveying  
5 Practice Act by a nonlicensee.

6 K. The practice of engineering in violation of the  
7 provisions of the Engineering and Surveying Practice Act shall  
8 be deemed a nuisance and may be restrained and abated by  
9 injunction without bond in an action brought in the name of the  
10 state by the district attorney or on behalf of the board by the  
11 attorney general or the special prosecutor retained by the  
12 board. Action shall be brought in the county where the  
13 violation occurs."

14 SECTION 83. Section 61-23-27.11 NMSA 1978 (being Laws  
15 1993, Chapter 218, Section 32, as amended) is amended to read:

16 "61-23-27.11. SURVEYING--VIOLATIONS--DISCIPLINARY  
17 ACTIONS--PENALTIES--REISSUANCE OF LICENSES.--

18 A. In accordance with the Uniform Licensing Act,  
19 the board may suspend, refuse to renew or revoke the license,  
20 impose a fine not to exceed seven thousand five hundred dollars  
21 (\$7,500), place on probation for a specific period of time with  
22 specific conditions or reprimand a professional surveyor who is  
23 found by the board to have:

24 (1) practiced or offered to practice surveying  
25 in New Mexico in violation of the Engineering and Surveying

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1 Practice Act;

2 (2) attempted to use the license of another;

3 (3) given false or forged evidence to the  
4 board or to ~~[any]~~ a board member for obtaining a license;

5 (4) falsely impersonated ~~[any other]~~ another  
6 licensee of like or different name;

7 (5) attempted to use an expired, suspended or  
8 revoked license;

9 (6) falsely purported to be a professional  
10 surveyor by claim, sign, advertisement or letterhead;

11 (7) violated the rules of professional  
12 responsibility for professional surveyors adopted and  
13 promulgated by the board;

14 (8) been disciplined in another state for  
15 action that would constitute a violation of either or both the  
16 Engineering and Surveying Practice Act or the rules adopted by  
17 the board pursuant to the Engineering and Surveying Practice  
18 Act;

19 (9) been convicted of a felony; or

20 (10) procured, aided or abetted any violation  
21 of the provisions of the Engineering and Surveying Practice Act  
22 or the rules adopted by the board.

23 B. The board may by rule and in accordance with the  
24 Uniform Licensing Act establish the guidelines for the  
25 disposition of disciplinary cases involving specific types of

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1 violations. Guidelines may include minimum and maximum fines,  
2 periods of probation or conditions of probation or reissuance  
3 of a license.

4 C. Failure to pay a fine levied by the board or to  
5 otherwise comply with an order issued by the board pursuant to  
6 the Uniform Licensing Act is a misdemeanor and shall be grounds  
7 for further action against the licensee by the board and for  
8 judicial sanctions or relief.

9 D. A person may prefer charges of fraud, deceit,  
10 gross negligence, incompetency or misconduct against a  
11 professional surveyor. Such charges shall be in writing, shall  
12 be sworn to by the person making them and shall be filed with  
13 the executive director of the board. No action that would have  
14 any of the effects specified in Subsection D, E or F of Section  
15 61-1-3 NMSA 1978 may be initiated later than two years after  
16 the discovery by the board, but in no case shall such an action  
17 be brought more than ten years after the completion of the  
18 conduct that constitutes the basis for the action. All charges  
19 shall be referred to the professional surveying committee,  
20 acting for the board, or to the board. All charges, unless  
21 dismissed as unfounded, trivial, resolved by reprimand or  
22 settled informally, shall be heard in accordance with the  
23 provisions of the Uniform Licensing Act by the surveying  
24 committee, acting for the board, or by the board.

25 E. Persons making charges shall not be subject to

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1 civil or criminal suits [~~provided that~~] if the charges are made  
2 in good faith and are not frivolous or malicious.

3 F. The board or a board member may initiate  
4 proceedings pursuant to the provisions of this section in  
5 accordance with the provisions of the Uniform Licensing Act.  
6 Nothing in the Engineering and Surveying Practice Act shall  
7 deny the right of appeal from the decision and order of the  
8 board in accordance with the provisions of the Uniform  
9 Licensing Act.

10 G. The board, for reasons it deems sufficient, may  
11 reissue a license to a person whose license has been revoked or  
12 suspended; provided that a majority of the members of the  
13 surveying committee, acting for the board, or of the board  
14 votes in favor of reissuance. A new license bearing the  
15 original license number to replace a revoked, lost, destroyed  
16 or mutilated license may be issued subject to the rules of the  
17 board with payment of a fee determined by the board.

18 H. A violation of any provision of the Engineering  
19 and Surveying Practice Act is a misdemeanor punishable upon  
20 conviction by a fine of not more than seven thousand five  
21 hundred dollars (\$7,500) or by imprisonment of no more than one  
22 year, or both.

23 I. The attorney general or district attorney of the  
24 proper district or special prosecutor retained by the board  
25 shall prosecute violations of the Engineering and Surveying

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1 Practice Act by a nonlicensee.

2 J. The practice of surveying in violation of the  
3 provisions of the Engineering and Surveying Practice Act shall  
4 be deemed a nuisance and may be restrained and abated by  
5 injunction without bond in an action brought in the name of the  
6 state by the district attorney or on behalf of the board by the  
7 attorney general or the special prosecutor retained by the  
8 board. Action shall be brought in the county in which the  
9 violation occurs."

10 SECTION 84. Section 61-24B-7 NMSA 1978 (being Laws 1985,  
11 Chapter 151, Section 7, as amended) is amended to read:

12 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

13 A. promulgate rules [~~necessary to effectuate~~] in  
14 accordance with the State Rules Act to implement the provisions  
15 of the Landscape Architects Act;

16 B. provide for the examination, registration and  
17 re-registration of applicants;

18 C. adopt and use a seal;

19 D. administer oaths and take testimony on matters  
20 within the board's jurisdiction;

21 E. grant, deny, renew, suspend or revoke  
22 certificates of registration to practice landscape architecture  
23 in accordance with the provisions of the Uniform Licensing Act  
24 for any cause stated in the Landscape Architects Act;

25 F. grant, deny, renew, suspend or revoke landscape

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1 architect in training certificates in accordance with the  
2 provisions of the Uniform Licensing Act for any cause stated in  
3 the Landscape Architects Act;

4 G. conduct hearings upon charges relating to  
5 discipline of a registrant or the denial, suspension or  
6 revocation of a certificate of registration; and

7 H. in cooperation with the state board of examiners  
8 for architects and the state board of licensure for  
9 professional engineers and surveyors, create a joint standing  
10 committee to be known as the "joint practice committee" to  
11 safeguard life, health and property and to promote the public  
12 welfare. The committee shall promote and develop the highest  
13 professional standards in design, planning and construction and  
14 the resolution of ambiguities concerning the professions. The  
15 composition of this committee and its powers and duties shall  
16 be in accordance with identical resolutions adopted by each  
17 board."

18 SECTION 85. Section 61-24B-9 NMSA 1978 (being Laws 1985,  
19 Chapter 151, Section 9, as amended) is amended to read:

20 "61-24B-9. REGISTRATION OF LANDSCAPE ARCHITECTS--  
21 EXAMINATIONS--EXEMPTIONS--EXPEDITED REGISTRATION.--

22 A. Applicants for certificates of registration  
23 shall be required to pass the board's examination for landscape  
24 architects. An applicant who passes the examination may be  
25 issued a certificate of registration to practice as a landscape

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1 architect.

2 B. The board shall conduct examinations of  
3 applicants for certificates of registration as landscape  
4 architects at least once each year. The examination shall  
5 determine the ability of the applicant to use and understand  
6 the theory and practice of landscape architecture and may be  
7 divided into such subjects as the board deems necessary.

8 C. An applicant who fails to pass the examination  
9 may reapply for the examination if the applicant complies with  
10 the rules established by the board.

11 D. The board [~~may~~] shall issue [~~an~~] an expedited  
12 certificate to practice as a landscape architect without an  
13 examination to an applicant who holds a current certificate of  
14 registration or license as a landscape architect issued by  
15 another [~~state if the standards of the other state are as~~  
16 ~~stringent as those established by the board and~~] licensing  
17 jurisdiction if the applicant [~~meets the qualifications~~  
18 ~~required of a landscape architect in this state~~] 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  
22 immediately prior to application in New Mexico. The board  
23 shall, as soon as practicable but no later than thirty days  
24 after an out-of-state registrant or licensee files an  
25 application for a license accompanied by required fees, process

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1 the application and issue an expedited certificate of  
2 registration in accordance with Section 61-1-31.1 NMSA 1978.  
3 The board by rule shall determine the states and territories of  
4 the United States and the District of Columbia from which it  
5 will not accept applications for expedited registration and  
6 foreign countries from which it will accept applications for  
7 expedited licensure. The board shall post on its website the  
8 list of disapproved licensing jurisdictions and the specific  
9 reasons for disapproval. The lists shall be reviewed annually  
10 to determine if amendments to the rule are warranted."

11 SECTION 86. Section 61-24B-15 NMSA 1978 (being Laws  
12 1985, Chapter 151, Section 15) is amended to read:

13 "61-24B-15. BOARD--RULES [~~AND REGULATIONS~~].--The board  
14 shall make rules [~~and regulations necessary~~] in accordance with  
15 the State Rules Act to implement the provisions of the  
16 Landscape Architects Act in accordance with [~~the provisions of~~]  
17 the Uniform Licensing Act."

18 SECTION 87. Section 61-24D-1 NMSA 1978 (being Laws 2019,  
19 Chapter 239, Section 1) is amended to read:

20 "61-24D-1. SHORT TITLE.--~~[This act]~~ Chapter 61, Article  
21 24D NMSA 1978 may be cited as the "Home Inspector Licensing  
22 Act"."

23 SECTION 88. Section 61-24D-3 NMSA 1978 (being Laws 2019,  
24 Chapter 239, Section 3) is amended to read:

25 "61-24D-3. NEW MEXICO HOME INSPECTORS BOARD--CREATED--  
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1 POWERS AND DUTIES.--

2 A. The "New Mexico home inspectors board" is  
3 created and is administratively attached to the regulation and  
4 licensing department.

5 B. The board shall consist of five members,  
6 appointed by the governor, who have been residents of the state  
7 for at least three consecutive years immediately prior to their  
8 appointment. Three members shall be home inspectors. One  
9 member shall be a real estate qualifying or associate broker  
10 licensed in accordance with Chapter 61, Article 29 NMSA 1978,  
11 and one member shall be a member of the public who has never  
12 been licensed as a home inspector or real estate broker. No  
13 more than one member shall be a resident of any one county in  
14 the state. The initial home inspector members appointed shall  
15 demonstrate that they have been actively and lawfully engaged  
16 in home inspections for at least twenty-four months prior to  
17 the effective date of the Home Inspector Licensing Act and have  
18 met the requirements of Paragraphs (1) through (4) of  
19 Subsection A of Section ~~[6 of the Home Inspector Licensing Act]~~  
20 61-24D-6 NMSA 1978. The initial home inspector members  
21 appointed shall comply with Paragraph (6) of Subsection A of  
22 Section ~~[6 of the Home Inspector Licensing Act]~~ 61-24D-6 NMSA  
23 1978 within six months of the effective date of the licensing  
24 examination rule promulgated by the board in accordance with  
25 the State Rules Act. After the board is initially established,

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1 any replacement of a home inspector member shall be a licensee.

2 C. Board members shall serve for five years or  
3 until their successors are appointed and qualified. The  
4 governor may remove a member with or without cause. In the  
5 event of a vacancy, the governor shall appoint a member to  
6 complete the unexpired term. The initial board members  
7 appointed shall serve staggered terms from the date of their  
8 appointment as follows:

9 (1) two members for three-year terms;

10 (2) two members for two-year terms; and

11 (3) one member for a one-year term.

12 D. The board shall elect annually from among its  
13 members a chair and other officers as the board determines.  
14 The board shall meet at times and places as fixed by the board.  
15 A majority of the board constitutes a quorum.

16 E. Members of the board may receive per diem and  
17 mileage as provided in the Per Diem and Mileage Act but shall  
18 receive no other compensation, perquisite or allowance.

19 F. The board shall possess all powers and perform  
20 all duties prescribed by the Home Inspector Licensing Act and  
21 as otherwise provided by law and may ~~[make and enforce rules]~~  
22 promulgate rules in accordance with the State Rules Act to  
23 carry out the provisions of ~~[that]~~ the Home Inspector Licensing  
24 Act.

25 G. Pursuant to the provisions of the Home Inspector

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1 Licensing Act, the board shall:

2 (1) adopt rules and procedures necessary to  
3 administer and enforce the provisions of the Home Inspector  
4 Licensing Act;

5 (2) adopt and publish a code of ethics and  
6 standards of practice for persons licensed under the Home  
7 Inspector Licensing Act;

8 (3) issue, renew, suspend, modify or revoke  
9 licenses to home inspectors [~~pursuant to the provisions of the~~  
10 ~~Home Inspector Licensing~~] in accordance with the Uniform  
11 Licensing Act;

12 (4) establish standards for the training,  
13 experience and continuing education requirements of the Home  
14 Inspector Licensing Act;

15 (5) establish the amount and administer the  
16 fees charged for examinations, initial licensure, license  
17 renewals, reinstatement of revoked or suspended licenses,  
18 reactivation of inactive or expired licenses, criminal  
19 background checks and other services pursuant to the provisions  
20 of the Home Inspector Licensing Act;

21 (6) adopt and approve a licensing examination,  
22 which may be administered by a nationally accepted testing  
23 service as determined by the board;

24 (7) conduct state and criminal background  
25 checks on all applicants for a license;

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1 (8) maintain a list of the names and addresses  
2 of all licensees and of all persons whose licenses have been  
3 suspended or revoked within that year, together with such other  
4 information relative to the enforcement of the provisions of  
5 the Home Inspector Licensing Act;

6 (9) maintain a statement of all funds received  
7 and a statement of all disbursements;

8 (10) mail copies of statements to any person  
9 in this state upon request; and

10 (11) perform other functions and duties as may  
11 be necessary to administer or carry out the provisions of the  
12 Home Inspector Licensing Act.

13 ~~[H. Prior to a final action on a proposed change or~~  
14 ~~amendment to the board's rules, the board may publish notice of~~  
15 ~~the proposed action in its official publication, distribute the~~  
16 ~~publication to each active licensee and give the time and place~~  
17 ~~for a public hearing on the proposed changes. The hearing~~  
18 ~~shall be held at least thirty days prior to a proposed final~~  
19 ~~action. Changes or amendments to the rules shall be filed in~~  
20 ~~accordance with the procedures of the State Rules Act and shall~~  
21 ~~become effective thirty days after notification to all active~~  
22 ~~licensees of the filing of the changes or amendments.]"~~

23 SECTION 89. Section 61-27B-5 NMSA 1978 (being Laws 1993,  
24 Chapter 212, Section 5, as amended) is amended to read:

25 "61-27B-5. ADMINISTRATION OF ACT--RULES.--

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1           A. The department shall enforce and administer the  
2 provisions of the Private Investigations Act in accordance with  
3 the Uniform Licensing Act.

4           B. The department shall keep a record of each  
5 individual licensee.

6           C. The department shall [~~adopt~~] promulgate rules in  
7 accordance with the State Rules Act and enforce those rules  
8 necessary to carry out the provisions of the Private  
9 Investigations Act, including establishing professional ethical  
10 standards.

11           D. The department shall [~~adopt~~] promulgate rules  
12 regarding:

13                   (1) licensing private investigators, private  
14 investigations managers, private investigation companies,  
15 private patrol operators, private patrol operations managers,  
16 private patrol employees and polygraph examiners;

17                   (2) registering private investigations  
18 employees, security guards and private patrol employees;

19                   (3) establishing minimum training and  
20 educational standards for licensure and registration;

21                   (4) establishing continuing education  
22 requirements;

23                   (5) establishing and operating a branch  
24 office;

25                   (6) creating a policy on reciprocity with

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1 other [~~states and territories~~] licensing jurisdictions of the  
2 United States;

3 (7) providing permits for security guards for  
4 special events; and

5 (8) conducting background investigations."

6 SECTION 90. Section 61-28B-5 NMSA 1978 (being Laws 1999,  
7 Chapter 179, Section 5, as amended) is amended to read:

8 "61-28B-5. BOARD--POWERS AND DUTIES.--

9 A. The board may:

10 (1) appoint committees or persons to advise or  
11 assist it in carrying out the provisions of the 1999 Public  
12 Accountancy Act;

13 (2) retain its own counsel to advise and  
14 assist it in addition to advice and assistance provided by the  
15 attorney general;

16 (3) contract, sue and be sued and have and use  
17 a seal;

18 (4) cooperate with the appropriate authorities  
19 in other states in investigation and enforcement concerning  
20 violations of the 1999 Public Accountancy Act and comparable  
21 acts of other states; and

22 (5) [~~adopt and file~~] promulgate rules in  
23 accordance with [~~the Uniform Licensing Act and~~] the State Rules  
24 Act [~~rules~~] to carry out the provisions of the 1999 Public  
25 Accountancy Act, including rules governing the administration

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1 and enforcement of the 1999 Public Accountancy Act and the  
2 conduct of certificate and permit holders.

3 B. The board shall:

4 (1) maintain a registry of the names and  
5 addresses of certificate and permit holders; ~~[and]~~

6 (2) develop, in conjunction with the  
7 department of public safety, rules requiring a criminal history  
8 background check of an applicant for initial or reciprocal  
9 certification in New Mexico as provided for in the 1999 Public  
10 Accountancy Act; and

11 (3) conduct disciplinary or licensure  
12 proceedings in accordance with the Uniform Licensing Act."

13 SECTION 91. Section 61-29-4 NMSA 1978 (being Laws 1959,  
14 Chapter 226, Section 3, as amended) is amended to read:

15 "61-29-4. CREATION OF COMMISSION--POWERS AND DUTIES.--

16 ~~[There is created]~~ A. The "New Mexico real estate  
17 commission" is created. The commission shall be appointed by  
18 the governor and shall consist of five members who shall have  
19 been residents of the state for three consecutive years  
20 immediately prior to their appointment, four of whom shall have  
21 been associate brokers or qualifying brokers licensed in New  
22 Mexico and one of whom shall be a member of the public who has  
23 never been licensed as an associate broker or a qualifying  
24 broker; provided that not more than one member shall be from  
25 any one county within the state. The members of the commission

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1 shall serve for a period of five years or until their  
2 successors are appointed and qualified. The governor may  
3 remove a member for cause. In the event of vacancies, the  
4 governor shall appoint members to complete unexpired terms.

5 B. The commission shall possess all the powers and  
6 perform all the duties prescribed by Chapter 61, Article 29  
7 NMSA 1978 and as otherwise provided by law, and it is expressly  
8 vested with power and authority to ~~[make]~~ promulgate rules in  
9 accordance with the State Rules Act and enforce those rules to  
10 carry out the provisions of that article. ~~[Prior to a final~~  
11 ~~action on a proposed change or amendment to the rules of the~~  
12 ~~commission, the commission may publish notice of the proposed~~  
13 ~~action in its official publication, distribute the publication~~  
14 ~~to each active licensee and give the time and place for a~~  
15 ~~public hearing on the proposed changes. The hearing shall be~~  
16 ~~held at least thirty days prior to a proposed final action.~~  
17 ~~Changes or amendments to the rules shall be filed in accordance~~  
18 ~~with the procedures of the State Rules Act and shall become~~  
19 ~~effective thirty days after notification to all active~~  
20 ~~licensees of the filing of the changes or amendments.]"~~

21 SECTION 92. Section 61-29-12 NMSA 1978 (being Laws 1959,  
22 Chapter 226, Section 11, as amended) is amended to read:

23 "61-29-12. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE  
24 FOR CAUSES ENUMERATED.--

25 A. In accordance with the Uniform Licensing Act,

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1 the commission may refuse to issue a license or may suspend,  
2 revoke, limit or condition a license if the applicant or  
3 licensee has, by false or fraudulent representations, obtained  
4 a license or, in performing or attempting to perform any of the  
5 actions specified in Chapter 61, Article 29 NMSA 1978, an  
6 applicant or licensee has:

7 (1) made a substantial misrepresentation;

8 (2) pursued a continued and flagrant course of  
9 misrepresentation; made false promises through agents,  
10 salespersons, advertising or otherwise; or used any trade name  
11 or insignia of membership in any real estate organization of  
12 which the licensee is not a member;

13 (3) paid or received a rebate, profit,  
14 compensation or commission to or from any unlicensed person,  
15 except the licensee's principal or other party to the  
16 transaction, and then only with that principal's written  
17 consent;

18 (4) represented or attempted to represent a  
19 qualifying broker other than a qualifying broker with whom the  
20 licensee is associated without the express knowledge and  
21 consent of that qualifying broker;

22 (5) failed, within a reasonable time, to  
23 account for or to remit any money coming into the licensee's  
24 possession that belongs to others, commingled funds of others  
25 with the licensee's own or failed to keep funds of others in an

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1 escrow or trustee account or failed to furnish legible copies  
2 of all listing and sales contracts to all parties executing  
3 them;

4 (6) been convicted in any court of competent  
5 jurisdiction of a felony or any offense involving moral  
6 turpitude;

7 (7) employed or compensated, directly or  
8 indirectly, a person for performing any of the acts regulated  
9 by Chapter 61, Article 29 NMSA 1978 who is not a licensed  
10 qualifying broker or an associate broker; provided, however,  
11 that a qualifying broker may pay a commission to a qualifying  
12 broker of another state as provided in Section 61-29-16.1 NMSA  
13 1978;

14 (8) failed, if a qualifying broker, to place  
15 as soon after receipt as is practicably possible, after  
16 securing signatures of all parties to the transaction, any  
17 deposit money or other money received by the qualifying broker  
18 in a real estate transaction in a custodial, trust or escrow  
19 account, maintained by the qualifying broker in a bank or  
20 savings and loan institution or title company authorized to do  
21 business in this state, in which the funds shall be kept until  
22 the transaction is consummated or otherwise terminated, at  
23 which time a full accounting of the funds shall be made by the  
24 qualifying broker. Records relative to the deposit,  
25 maintenance and withdrawal of the funds shall contain

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1 information as may be prescribed by the rules of the  
2 commission. Nothing in this paragraph prohibits a qualifying  
3 broker from depositing nontrust funds in an amount not to  
4 exceed the required minimum balance in each trust account so as  
5 to meet the minimum balance requirements of the bank necessary  
6 to maintain the account and avoid charges. The minimum balance  
7 deposit shall not be considered commingling and shall not be  
8 subject to levy, attachment or garnishment. This paragraph  
9 does not prohibit a qualifying broker from depositing any  
10 deposit money or other money received by the qualifying broker  
11 in a real estate transaction with another cooperating broker  
12 who shall in turn comply with this paragraph;

13 (9) failed, if an associate broker, to place  
14 as soon after receipt as is practicably possible in the custody  
15 of the associate broker's qualifying broker, after securing  
16 signatures of all parties to the transaction, any deposit money  
17 or other money entrusted to the associate broker by any person  
18 dealing with the associate broker as the representative of the  
19 qualifying broker;

20 (10) violated a provision of Chapter 61,  
21 Article 29 NMSA 1978 or a rule promulgated by the commission;

22 (11) committed an act, whether of the same or  
23 different character from that specified in this subsection,  
24 that is related to dealings as a qualifying broker or an  
25 associate broker and that constitutes or demonstrates bad

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1 faith, incompetency, untrustworthiness, impropriety, fraud,  
2 dishonesty, negligence or any unlawful act; or

3 (12) been the subject of disciplinary action  
4 as a licensee while licensed to practice real estate in another  
5 jurisdiction, territory or possession of the United States or  
6 another country.

7 B. An unlawful act or violation of Chapter 61,  
8 Article 29 NMSA 1978 by an associate broker, employee, partner  
9 or associate of a qualifying broker shall not be cause for the  
10 revocation of a license of the qualifying broker unless it  
11 appears to the satisfaction of the commission that the  
12 qualifying broker had guilty knowledge of the unlawful act or  
13 violation."

14 SECTION 93. Section 61-29-20 NMSA 1978 (being Laws 1980,  
15 Chapter 82, Section 1) is amended to read:

16 "61-29-20. SHORT TITLE.--Sections [~~1 through 10 of this~~  
17 ~~act]~~ 61-29-20 through 61-29-29 NMSA 1978 may be cited as the  
18 "Real Estate Recovery Fund Act".

19 SECTION 94. Section 61-30-7 NMSA 1978 (being Laws 1990,  
20 Chapter 75, Section 7, as amended) is amended to read:

21 "61-30-7. BOARD--POWERS--DUTIES.--The board shall:

22 A. [~~adopt~~] promulgate rules [~~necessary~~] in  
23 accordance with the State Rules Act to implement the provisions  
24 of the Real Estate Appraisers Act;

25 B. establish educational programs and research

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1 projects related to the appraisal of real estate;

2 C. establish the administrative procedures for  
3 processing applications and issuing registrations, licenses and  
4 certificates to persons who qualify to be real estate appraiser  
5 trainees, state licensed residential real estate appraisers or  
6 state certified real estate appraisers;

7 D. receive, review and approve applications for  
8 real estate appraiser trainees, state licensed residential real  
9 estate appraisers and each category of state certified real  
10 estate appraisers;

11 E. define the extent and type of educational  
12 experience, appraisal experience and equivalent experience that  
13 will meet the requirements for registration, licensing and  
14 certification pursuant to the Real Estate Appraisers Act after  
15 considering generally recognized appraisal practices and set  
16 minimum requirements for education and experience;

17 F. provide for continuing education programs for  
18 the renewal of registrations, licenses and certification that  
19 will meet the requirements provided in the Real Estate  
20 Appraisers Act and set minimum requirements;

21 G. adopt standards to define the education programs  
22 that will meet the requirements of the Real Estate Appraisers  
23 Act and that will encourage conducting programs at various  
24 locations throughout the state;

25 H. adopt standards for the development and

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1 communication of real estate appraisals provided in the Real  
2 Estate Appraisers Act and adopt rules explaining and  
3 interpreting the standards after considering generally  
4 recognized appraisal practices;

5 I. adopt a code of professional responsibility for  
6 real estate appraiser trainees, state licensed residential real  
7 estate appraisers and state certified real estate appraisers;

8 J. comply with annual reporting requirements and  
9 other requirements set forth in the federal real estate  
10 appraisal reform amendments;

11 K. collect and transmit annual registry fees from  
12 ~~[individuals]~~ persons who perform or seek to perform appraisals  
13 in federally related transactions and from an appraisal  
14 management company that either has registered with the board or  
15 operates as a subsidiary of a federally regulated financial  
16 institution;

17 L. maintain a registry of the names and addresses  
18 of the persons who hold current registrations, licenses and  
19 certificates issued under the Real Estate Appraisers Act;

20 M. establish procedures for disciplinary action in  
21 accordance with the Uniform Licensing Act against any applicant  
22 or holder of a registration, license or certificate for  
23 violations of the Real Estate Appraisers Act and any rules  
24 adopted pursuant to provisions of that act;

25 N. register and supervise appraisal management

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1 companies and submit additional information about the appraisal  
2 management company to the appraisal subcommittee's national  
3 registry;

4 O. recognize appraiser certifications and licenses  
5 from states whose appraisal program is found to be consistent  
6 with Title 11 of the Financial Institutions Reform, Recovery,  
7 and Enforcement Act of 1989 as determined by the appraisal  
8 subcommittee; and

9 P. perform such other functions and duties as may  
10 be necessary to carry out the provisions of the Real Estate  
11 Appraisers Act."

12 SECTION 95. Section 61-32-6 NMSA 1978 (being Laws 1993,  
13 Chapter 204, Section 6, as amended) is amended to read:

14 "61-32-6. BOARD POWERS.--

15 A. In addition to any other authority provided by  
16 law, the board has the power to:

17 (1) ~~[adopt in accordance with the provisions~~  
18 ~~of the Uniform Licensing Act, and file]~~ promulgate rules in  
19 accordance with the State Rules Act [~~rules~~] that are necessary  
20 to carry out the provisions of the Funeral Services Act;

21 (2) [~~adopt~~] promulgate rules implementing  
22 continuing education requirements;

23 (3) conduct hearings upon charges relating to  
24 the discipline of licensees and take administrative actions  
25 pursuant to [~~Section 61-1-3 NMSA 1978~~] the Uniform Licensing

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1 Act;

2 (4) except as provided in Section 61-1-34 NMSA  
3 1978, establish reasonable fees to carry out the provisions of  
4 the Funeral Services Act;

5 (5) provide for investigations necessary to  
6 determine violations of the Funeral Services Act;

7 (6) establish committees as the board deems  
8 necessary for carrying out the provisions of the Funeral  
9 Services Act;

10 (7) apply for injunctive relief to enforce the  
11 provisions of the Funeral Services Act or to restrain any  
12 violation of that act; and

13 (8) conduct criminal background checks on  
14 applicants for licensure.

15 B. No action or other legal proceedings for damages  
16 shall be instituted against the board, any board member or  
17 employee of the board for any act performed in good faith and  
18 in the intended performance of any power or duty granted under  
19 the Funeral Services Act or for any neglect or default in the  
20 good faith performance or exercise of any such power or duty."

21 SECTION 96. Section 61-33-3 NMSA 1978 (being Laws 1973,  
22 Chapter 394, Section 3, as amended) is amended to read:

23 "61-33-3. ADMINISTRATION--ENFORCEMENT.--

24 A. The administration and enforcement of the  
25 Utility Operators Certification Act is vested in the

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1 department.

2 B. The department shall:

3 (1) approve and accredit schools and training  
4 programs designed to educate and qualify persons for  
5 certification in one of the classifications of public water  
6 supply system operators or public wastewater facility  
7 operators;

8 (2) prepare and administer written and  
9 practical examinations, based on nationally accepted standards,  
10 for certification of applicants as operators for one of the  
11 facility classifications established pursuant to Subsection A  
12 of Section 61-33-4 NMSA 1978;

13 (3) enter into agreements, contracts or  
14 cooperative arrangements with persons; [~~and~~]

15 (4) receive and accept financial and technical  
16 assistance;

17 (5) promulgate rules in accordance with the  
18 State Rules act; and

19 (6) issue, renew, suspend or revoke licenses  
20 or discipline a licensee in accordance with the Uniform  
21 Licensing Act."

22 SECTION 97. Section 61-34-8 NMSA 1978 (being Laws 2007,  
23 Chapter 248, Section 8) is amended to read:

24 "61-34-8. BOARD POWERS AND DUTIES.--

25 A. The board shall:

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1 (1) administer and enforce provisions of the  
2 Signed Language Interpreting Practices Act;

3 (2) promulgate rules in accordance with the  
4 State Rules Act setting forth the qualifications of applicants  
5 for licensure and the provisions for the administration of  
6 examinations and the issuance, renewal, suspension or  
7 revocation of licenses;

8 (3) evaluate the qualifications of applicants  
9 for licensure and issue licenses;

10 (4) promulgate rules [~~pursuant to the State~~  
11 ~~Rules Act~~] to effectively carry out and enforce the provisions  
12 of the Signed Language Interpreting Practices Act;

13 (5) submit an annual budget for each fiscal  
14 year to the department;

15 (6) maintain a record of all proceedings; and

16 (7) provide an annual report to the governor.

17 B. The board may refuse, suspend or revoke a  
18 license of an interpreter, conduct investigations, issue  
19 subpoenas and hold hearings as provided in the Uniform  
20 Licensing Act."

21 SECTION 98. Section 61-37-12 NMSA 1978 (being Laws 2020,  
22 Chapter 46, Section 12) is amended to read:

23 "61-37-12. FEES [~~AND ADMINISTRATIVE PENALTIES~~] RETAINED  
24 BY THE DIVISION.--All fees [~~and administrative penalties~~]  
25 collected by the division pursuant to the Tobacco Products Act  
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1 shall be deposited into the tobacco products administration  
2 fund."

3 SECTION 99. Section 61-37-13 NMSA 1978 (being Laws 2020,  
4 Chapter 46, Section 13) is amended to read:

5 "61-37-13. HEARING PROCEDURE.--If the division suspends  
6 or revokes a license or imposes an administrative penalty  
7 against a licensee, the licensee shall be entitled to a hearing  
8 pursuant to the [~~rules promulgated by the division~~] Uniform  
9 Licensing Act. The hearing shall be conducted by the director  
10 or a hearing officer appointed by the director and shall be  
11 held in the county in which the licensee is located. Hearings  
12 shall be open to the public. Subpoenas shall be issued and  
13 enforced in accordance with the provisions of Section [~~23 of~~  
14 ~~the Tobacco Products Act~~] 61-37-23 NMSA 1978."

15 SECTION 100. TEMPORARY PROVISION--RULE CHANGES TO COMPLY  
16 WITH ACT.--A board that is required by this act to change its  
17 licensing provisions to allow for new or different expedited  
18 licensure shall have rules in place and operational by January  
19 1, 2023.

20 SECTION 101. RECOMPILATION.--

21 A. Sections 61-6-7.3 and 61-6-7.4 NMSA 1978 (being  
22 Laws 1997, Chapter 187, Section 4 and Laws 2017, Chapter 103,  
23 Section 6) are recompiled as Sections 61-6C-5 and 61-6C-6 NMSA  
24 1978.

25 B. Sections 61-6-10.2 through 61-6-10.7, 61-6-10.10  
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1 and 61-6-10.11 NMSA 1978 (being Laws 2001, Chapter 311,  
2 Sections 2 through 7 and 10 and Laws 2015, Chapter 52, Section  
3 3, as amended) are recompiled as Sections 61-6D-2 through  
4 61-6D-7, 61-6D-9 and 61-6D-10 NMSA 1978.

5 C. Sections 61-36-2, 61-36-4 and 61-36-5 NMSA 1978  
6 (being Laws 2017, Chapter 136, Sections 2, 4 and 5, as amended)  
7 are recompiled as Sections 61-3B-2, 61-3B-4 and 61-3B-5 NMSA  
8 1978.

9 SECTION 102. REPEAL.--

10 A. Sections 61-1-27 and 61-1-30 NMSA 1978 (being  
11 Laws 1957, Chapter 247, Section 27 and Laws 1971, Chapter 54,  
12 Section 4, as amended) are repealed.

13 B. Section 61-6-7 NMSA 1978 (being Laws 1973,  
14 Chapter 361, Section 3, as amended) is repealed.