

1 AN ACT

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

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 61-1-2 NMSA 1978 (being Laws 1957,  
17 Chapter 247, Section 2, as amended) is amended to read:

18 "61-1-2. DEFINITIONS.--As used in the Uniform Licensing  
19 Act:

20 A. "board" means:

21 (1) the construction industries commission,  
22 the construction industries division and the electrical  
23 bureau, mechanical bureau and general construction bureau of  
24 the construction industries division of the regulation and  
25 licensing department;

1 (2) the manufactured housing committee and  
2 manufactured housing division of the regulation and licensing  
3 department;

4 (3) the crane operators licensure examining  
5 council;

6 (4) a board, commission or agency that  
7 administers a profession or occupation licensed pursuant to  
8 Chapter 61 NMSA 1978; and

9 (5) any other state agency to which the  
10 Uniform Licensing Act is applied by law;

11 B. "applicant" means a person who has applied for  
12 a license;

13 C. "expedited license", whether by examination,  
14 endorsement, credential or reciprocity, means a license  
15 issued to a person in this state based on licensure in  
16 another state or territory of the United States, the District  
17 of Columbia or a foreign country, as applicable;

18 D. "initial license" means the first regular  
19 license received from a board for a person who has not been  
20 previously licensed;

21 E. "license" means a certificate, permit or other  
22 authorization to engage in a profession or occupation  
23 regulated by a board;

24 F. "licensing jurisdiction" means another state or  
25 territory of the United States, the District of Columbia or a

1 foreign country, as applicable;

2 G. "regular license" means a license that is not  
3 issued as a temporary or provisional license;

4 H. "revoke a license" means to prohibit the  
5 conduct authorized by the license; and

6 I. "suspend a license" means to prohibit, for a  
7 stated period of time, the conduct authorized by the license.  
8 "Suspend a license" also means to allow, for a stated period  
9 of time, the conduct authorized by the license, subject to  
10 conditions that are reasonably related to the grounds for  
11 suspension."

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

14 "RESIDENCY IN NEW MEXICO NOT A REQUIREMENT FOR  
15 LICENSURE.--A person who otherwise meets the requirements for  
16 a professional or occupational license shall not be denied  
17 licensure or relicensure because the person does not live in  
18 New Mexico."

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

21 "INCOMPLETE APPLICATION--NOTICE--EXPIRATION.--If a board  
22 deems an application for licensure incomplete, the board  
23 shall notify the applicant within thirty days, including the  
24 ways in which the application is incomplete. An incomplete  
25 application expires after one year."

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

3           "61-1-4. NOTICE OF CONTEMPLATED BOARD ACTION--REQUEST  
4 FOR HEARING--NOTICE OF HEARING.--

5           A. When investigating complaints against  
6 licensees, a board may issue investigative subpoenas prior to  
7 the issuance of a notice of contemplated action as provided  
8 in this section.

9           B. When a board contemplates taking an action of a  
10 type specified in Subsection A, B or C of Section 61-1-3 NMSA  
11 1978, it shall serve upon the applicant a written notice  
12 containing a statement:

13                   (1) that the applicant has failed to satisfy  
14 the board of the applicant's qualifications to be examined or  
15 to be issued a license, as the case may be;

16                   (2) indicating in what respects the  
17 applicant has failed to satisfy the board;

18                   (3) that the applicant may secure a hearing  
19 before the board by depositing in the mail within twenty days  
20 after service of the notice a certified return receipt  
21 requested letter addressed to the board and containing a  
22 request for a hearing; and

23                   (4) calling the applicant's attention to the  
24 applicant's rights under Section 61-1-8 NMSA 1978.

25           C. In a board proceeding to take an action of a

1 type specified in Subsection A, B or C of Section 61-1-3 NMSA  
2 1978, the burden of satisfying the board of the applicant's  
3 qualifications shall be upon the applicant.

4 D. When a board contemplates taking an action of a  
5 type specified in Subsections D through N of Section 61-1-3  
6 NMSA 1978, it shall serve upon the licensee a written notice  
7 containing a statement:

8 (1) that the board has sufficient evidence  
9 that, if not rebutted or explained, will justify the board in  
10 taking the contemplated action;

11 (2) indicating the general nature of the  
12 evidence;

13 (3) that unless the licensee within twenty  
14 days after service of the notice deposits in the mail a  
15 certified return receipt requested letter addressed to the  
16 board and containing a request for a hearing, the board shall  
17 take the contemplated action; and

18 (4) calling the licensee's attention to the  
19 licensee's rights as provided in Section 61-1-8 NMSA 1978.

20 E. Except as provided in Section 61-1-15 NMSA  
21 1978, if the licensee or applicant does not mail a request  
22 for a hearing within the time and in the manner required by  
23 this section, the board may take the action contemplated in  
24 the notice and such action shall be final and not subject to  
25 judicial review.

1 F. If the licensee or applicant does mail a  
2 request for a hearing as required by this section, the board  
3 shall, within twenty days of receipt of the request, notify  
4 the licensee or applicant of the time and place of hearing,  
5 the name of the person who shall conduct the hearing for the  
6 board and the statutes and rules authorizing the board to  
7 take the contemplated action. The hearing shall be held not  
8 more than sixty nor less than fifteen days from the date of  
9 service of the notice of hearing.

10 G. Licensees shall bear all costs of disciplinary  
11 proceedings unless they are excused by the board from paying  
12 all or part of the fees or if they prevail at the hearing and  
13 an action specified in Section 61-1-3 NMSA 1978 is not taken  
14 by the board.

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

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

21 "61-1-29. ADOPTION OF RULES--NOTICE AND HEARING.--  
22 Rulemaking procedures of a board shall be as provided in the  
23 State Rules Act."

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

1 "61-1-31. VALIDITY OF RULE--JUDICIAL REVIEW.--

2 A. A person who is or may be affected by a rule  
3 promulgated by a board may appeal to the court of appeals for  
4 relief. All appeals shall be upon the record made at the  
5 hearing by the board and shall be taken to the court of  
6 appeals within thirty days after filing of the rule pursuant  
7 to the State Rules Act.

8 B. An appeal to the court of appeals under this  
9 section is perfected by the timely filing of a notice of  
10 appeal with the court of appeals, with a copy attached of the  
11 rule from which the appeal is taken. The appellant shall  
12 certify in the appellant's notice of appeal that arrangements  
13 have been made with the board for preparation of a sufficient  
14 number of transcripts of the record of the hearing on which  
15 the appeal depends to support the appellant's appeal to the  
16 court, at the expense of the appellant, including three  
17 copies that the appellant shall furnish to the board.

18 C. Upon appeal, the court of appeals shall set  
19 aside the rule only if it is found to be:

- 20 (1) arbitrary, capricious or an abuse of  
21 discretion;  
22 (2) contrary to law; or  
23 (3) against the clear weight of substantial  
24 evidence of the record."

25 SECTION 7. Section 61-1-31.1 NMSA 1978 (being Laws

1 2016, Chapter 19, Section 1, as amended) is amended to read:

2 "61-1-31.1. EXPEDITED LICENSURE--ISSUANCE.--

3 A. A board that issues an occupational or  
4 professional license pursuant to this 2022 act shall, as soon  
5 as practicable but no later than thirty days after an out-of-  
6 state licensee files an application for an expedited license  
7 accompanied by any required fees:

8 (1) process the application; and

9 (2) issue a license to a qualified applicant  
10 who submits satisfactory evidence that the applicant:

11 (a) holds a license that is current and  
12 in good standing issued by another licensing jurisdiction;

13 (b) has practiced the profession or  
14 occupation for which expedited licensure is sought for a  
15 period required by New Mexico law; and

16 (c) provides fingerprints and other  
17 information necessary for a state and national criminal  
18 background check, if required.

19 B. An expedited license is a one-year provisional  
20 license that confers the same rights, privileges and  
21 responsibilities as regular licenses issued by a board;  
22 provided that a board may extend an expedited license upon a  
23 showing of extenuating circumstances.

24 C. Before the end of the expedited license period  
25 and upon application, a board shall issue a regular license



1 through its license renewal process. If a board requires a  
2 state or national examination for initial licensure that was  
3 not required when the out-of-state applicant was licensed in  
4 the other licensing jurisdiction, the board shall issue the  
5 expedited license and may require the license holder to pass  
6 the required examination prior to renewing the license.

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

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

20 "TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE OF  
21 INSURANCE.--A board may issue a temporary or other  
22 provisional license, including an expedited license, to a  
23 person licensed in another licensing jurisdiction, which  
24 license is limited as to a time, practice or other  
25 requirement of regular licensure. If a board requires

1 regular licensees to carry professional or occupational  
2 liability or other insurance, the board shall require the  
3 applicant for a temporary or provisional license to show  
4 evidence of having required insurance that will cover the  
5 person in New Mexico during the term of the temporary or  
6 provisional license. Each board shall provide information on  
7 the board's website that describes the insurance requirements  
8 for practice in New Mexico."

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

11 "61-1-32. PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF  
12 RULES.--An interested person may request in writing that a  
13 board subject to the Uniform Licensing Act adopt, amend or  
14 repeal a rule. Within one hundred twenty days after  
15 receiving the written request, the board shall either  
16 initiate proceedings in accordance with the State Rules Act  
17 or issue a concise written statement of its reason for denial  
18 of the request. The denial of such a request is not subject  
19 to judicial review."

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

22 "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE  
23 MEMBERS, SPOUSES AND DEPENDENTS AND VETERANS--WAIVER OF  
24 FEES.--

25 A. A board that issues an occupational or

1 professional license pursuant to Chapter 61 NMSA 1978 shall,  
2 as soon as practicable but no later than thirty days after a  
3 military service member or a veteran files an application,  
4 and provides a background check if required:

5 (1) process the application; and

6 (2) issue a license prima facie to a  
7 qualified applicant who submits satisfactory evidence that  
8 the applicant holds a license that is current and in good  
9 standing, issued by another jurisdiction, including a branch  
10 of the armed forces of the United States.

11 B. A license issued pursuant to this section is a  
12 provisional license but shall confer the same rights,  
13 privileges and responsibilities as a regular license. If the  
14 military service member or veteran was licensed in a  
15 licensing jurisdiction that did not require examination, a  
16 board may require the military service member or veteran to  
17 take a board-required examination before making application  
18 for renewal.

19 C. A military service member or a veteran who is  
20 issued a license pursuant to this section shall not be  
21 charged a licensing fee for the first three years of  
22 licensure.

23 D. Each board that issues a license to practice a  
24 trade or profession shall, upon the conclusion of the state  
25 fiscal year, prepare a report on the number and type of

1 licenses that were issued during the fiscal year under this  
2 section. The report shall be provided to the director of the  
3 office of military base planning and support not later than  
4 ninety days after the end of the fiscal year.

5 E. As used in this section:

6 (1) "licensing fee" means a fee charged at  
7 the time an application for a professional or occupational  
8 license is submitted to the state agency, board or commission  
9 and any fee charged for the processing of the application for  
10 such license; "licensing fee" does not include a fee for an  
11 annual inspection or examination of a licensee or a fee  
12 charged for copies of documents, replacement licenses or  
13 other expenses related to a professional or occupational  
14 license;

15 (2) "military service member" means a person  
16 who is:

17 (a) serving in the armed forces of the  
18 United States as an active duty member, or in an active  
19 reserve component of the armed forces of the United States,  
20 including the national guard;

21 (b) the spouse of a person who is  
22 serving in the armed forces of the United States or in an  
23 active reserve component of the armed forces of the United  
24 States, including the national guard, or a surviving spouse  
25 of a member who at the time of the member's death was serving

1 on active duty; or

2 (c) the child of a military service  
3 member if the child is also a dependent of that person for  
4 federal income tax purposes; and

5 (3) "veteran" means a person who has  
6 received an honorable discharge or separation from military  
7 service."

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

10 "61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--  
11 COMPENSATION--POWERS AND DUTIES.--

12 A. The board shall annually elect a chair, a  
13 vice chair and a secretary-treasurer; each shall serve until  
14 a successor is elected and qualified.

15 B. The board shall meet at least annually for the  
16 purpose of examining candidates for licensure. Special  
17 meetings may be called by the chair and shall be called upon  
18 the written request of a majority of the board members. A  
19 majority of the board members currently serving constitutes a  
20 quorum.

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

24 D. The board has the authority to determine what  
25 constitutes the practice of optometry in accordance with the

1 provisions of the Optometry Act and has jurisdiction to  
2 exercise any other powers and duties pursuant to that act.  
3 The board may issue advisory opinions and declaratory rulings  
4 pursuant to that act and rules promulgated in accordance with  
5 the State Rules Act, but shall not expand the scope of  
6 practice of optometry beyond the provisions of the Optometry  
7 Act.

8 E. The board shall:

9 (1) administer and enforce the provisions of  
10 the Optometry Act;

11 (2) promulgate in accordance with the State  
12 Rules Act, all rules for the implementation and enforcement  
13 of the provisions of the Optometry Act;

14 (3) adopt and use a seal;

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

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

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

25 (7) certify as passing each applicant who

1 obtains a grade of at least seventy-five percent on each  
2 subject upon which the applicant is examined; providing that  
3 an applicant failing may apply for re-examination at the next  
4 scheduled examination date;

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

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

13 (10) develop and administer qualifications  
14 for certification for the use of pharmaceutical agents as  
15 authorized in Section 61-2-10.2 NMSA 1978, including minimum  
16 educational requirements and examination, as required by  
17 Section 61-2-10.2 NMSA 1978 and provide the board of pharmacy  
18 with an annual list of optometrists certified to use  
19 pharmaceutical agents as authorized in Section 61-2-10.2  
20 NMSA 1978; and

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

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

3           "61-2-8. QUALIFICATIONS FOR LICENSURE AS AN  
4 OPTOMETRIST.--Each applicant for licensure as an optometrist  
5 shall furnish evidence satisfactory to the board that the  
6 applicant:

7           A. has reached the age of majority; and

8           B. has graduated and been awarded a doctor of  
9 optometry degree from a school or college of optometry  
10 approved and accredited by the board. In the event the  
11 applicant applies for licensure by endorsement, the applicant  
12 shall have been awarded a doctor of optometry degree from a  
13 school or college of optometry, approved and accredited by  
14 the board, which had a minimum course of study of four  
15 thousand clock hours of instruction leading to that degree."

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

18           "61-2-9. LICENSURE BY EXAMINATION--EXPEDITED LICENSURE  
19 BY ENDORSEMENT.--

20           A. An applicant meeting the qualifications set  
21 forth in Section 61-2-8 NMSA 1978 for initial licensure shall  
22 file an application under oath on forms supplied by the board  
23 for an examination by the board. The examination shall be  
24 confined to the subjects within the curriculum of colleges of  
25 optometry approved and accredited by the board and shall



1 include written tests and practical demonstrations and may  
2 include oral tests. A person issued a license by examination  
3 shall be issued the license upon payment of required fees.

4 B. No later than thirty days after an out-of-state  
5 licensee files an application for an expedited license, the  
6 board shall process the application and issue an expedited  
7 license in accordance with Section 61-1-31.1 NMSA 1978. If  
8 the board issues an expedited license to a person whose prior  
9 licensing jurisdiction did not require examination, the board  
10 may require the person to pass an examination before applying  
11 for license renewal.

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

23 SECTION 14. Section 61-3-10 NMSA 1978 (being Laws 1968,  
24 Chapter 44, Section 7, as amended by Laws 2003, Chapter 276,  
25 Section 4 and by Laws 2003, Chapter 307, Section 7) is

1 amended to read:

2 "61-3-10. POWERS--DUTIES.--The board:

3 A. shall promulgate rules in accordance with the  
4 State Rules Act as necessary to enable it to carry into  
5 effect the provisions of the Nursing Practice Act and to  
6 maintain high standards of practice;

7 B. shall prescribe standards and approve curricula  
8 for educational programs preparing persons for licensure  
9 under the Nursing Practice Act;

10 C. shall provide for surveys of educational  
11 programs preparing persons for licensure under the Nursing  
12 Practice Act;

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

17 E. shall provide for the examination, licensing  
18 and renewal of licenses of applicants;

19 F. shall conduct hearings upon charges relating to  
20 discipline of a licensee or nurse not licensed to practice in  
21 New Mexico who is permitted to practice professional  
22 registered nursing or licensed practical nursing in New  
23 Mexico pursuant to a multistate licensure privilege as  
24 provided in the Nurse Licensure Compact;

25 G. conduct hearings upon charges related to an

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

4 H. shall cause the prosecution of persons  
5 violating the Nursing Practice Act and have the power to  
6 incur such expense as is necessary for the prosecution;

7 I. shall keep a record of all proceedings;

8 J. shall make an annual report to the governor;

9 K. shall appoint and employ a qualified registered  
10 nurse, who shall not be a member of the board, to serve as  
11 executive officer to the board, and the board shall define  
12 the duties and responsibilities of the executive officer  
13 except that the power to grant, deny or withdraw approval for  
14 schools of nursing or to revoke, suspend or withhold a  
15 license authorized by the Nursing Practice Act shall not be  
16 delegated by the board;

17 L. shall provide for such qualified assistants as  
18 may be necessary to carry out the provisions of the Nursing  
19 Practice Act. Such employees shall be paid a salary  
20 commensurate with their duties;

21 M. shall, for the purpose of protecting the health  
22 and well-being of residents of New Mexico and promoting  
23 current nursing knowledge and practice, promulgate rules  
24 establishing continuing education requirements as a condition  
25 of license renewal and shall study methods of monitoring

1 continuing competence;

2 N. may appoint advisory committees consisting of  
3 at least one member who is a board member and at least two  
4 members who are expert in the pertinent field of health care  
5 to assist it in the performance of its duties. Committee  
6 members may be reimbursed as provided in the Per Diem and  
7 Mileage Act;

8 O. may promulgate rules designed to maintain an  
9 inactive status listing for registered nurses and licensed  
10 practical nurses;

11 P. may promulgate rules to regulate the advanced  
12 practice of professional registered nursing and expanded  
13 practice of licensed practical nursing;

14 Q. shall license qualified certified nurse  
15 practitioners, certified registered nurse anesthetists and  
16 clinical nurse specialists;

17 R. shall register nurses not licensed to practice  
18 in New Mexico who are permitted to practice professional  
19 registered nursing or licensed practical nursing in New  
20 Mexico pursuant to a multistate licensure privilege as  
21 provided in the Nurse Licensure Compact;

22 S. shall promulgate rules establishing standards  
23 for authorizing prescriptive authority to certified nurse  
24 practitioners, clinical nurse specialists and certified  
25 registered nurse anesthetists; and

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

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

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

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

21 B. The board shall issue an expedited license to  
22 practice professional registered nursing without an  
23 examination to an applicant who has been duly licensed in  
24 another licensing jurisdiction and holds a valid,  
25 unrestricted license and is in good standing with the

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

8 C. An applicant licensed under the laws of a  
9 territory or foreign country shall demonstrate proficiency in  
10 English."

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

13 "61-3-19. LICENSURE OF LICENSED PRACTICAL NURSES--BY  
14 EXAMINATION--BY EXPEDITED LICENSURE.--

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

20 B. The board shall issue an expedited license as a  
21 licensed practical nurse without an examination to an  
22 applicant who has been duly licensed in another licensing  
23 jurisdiction and holds a valid, unrestricted license and is  
24 in good standing with the licensing board in that licensing  
25 jurisdiction. The board shall expedite the issuance of a

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

6 C. An applicant licensed under the laws of a  
7 territory or foreign country shall demonstrate proficiency in  
8 English."

9 SECTION 17. Section 61-3-23.2 NMSA 1978 (being Laws  
10 1991, Chapter 190, Section 14, as amended) is amended to  
11 read:

12 "61-3-23.2. CERTIFIED NURSE PRACTITIONER--  
13 QUALIFICATIONS--PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED  
14 LICENSURE.--

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

18 (1) is a registered nurse;

19 (2) has successfully completed a program for  
20 the education and preparation of nurse practitioners;  
21 provided that, if the applicant is initially licensed by the  
22 board or a board in another jurisdiction after January 1,  
23 2001, the program shall be at the master's level or higher;

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

1 (4) is certified by a national nursing  
2 organization.

3 B. Certified nurse practitioners may:

4 (1) perform an advanced practice that is  
5 beyond the scope of practice of professional registered  
6 nursing;

7 (2) practice independently and make  
8 decisions regarding health care needs of the individual,  
9 family or community and carry out health regimens, including  
10 the prescription and distribution of dangerous drugs and  
11 controlled substances included in Schedules II through V of  
12 the Controlled Substances Act; and

13 (3) serve as a primary acute, chronic long-  
14 term and end-of-life health care provider and as necessary  
15 collaborate with licensed medical doctors, osteopathic  
16 physicians or podiatrists.

17 C. Certified nurse practitioners who have  
18 fulfilled requirements for prescriptive authority may  
19 prescribe in accordance with rules, guidelines and  
20 formularies for individual certified nurse practitioners  
21 promulgated by the board.

22 D. Certified nurse practitioners who have  
23 fulfilled requirements for prescriptive authority may  
24 distribute to their patients dangerous drugs and controlled  
25 substances included in Schedules II through V of the



1 Controlled Substances Act that have been prepared, packaged  
2 or fabricated by a registered pharmacist or doses of drugs  
3 that have been prepackaged by a pharmaceutical manufacturer  
4 in accordance with the Pharmacy Act and the New Mexico Drug,  
5 Device and Cosmetic Act.

6 E. Certified nurse practitioners licensed by the  
7 board on and after December 2, 1985 shall successfully  
8 complete a national certifying examination and shall maintain  
9 national professional certification in their specialty area.

10 Certified nurse practitioners licensed by a board prior to  
11 December 2, 1985 are not required to sit for a national  
12 certification examination or be certified by a national  
13 organization.

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

1 in English."

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

5 "61-3-23.3. CERTIFIED REGISTERED NURSE ANESTHETIST--  
6 QUALIFICATIONS--LICENSURE--PRACTICE--ENDORSEMENT--EXPEDITED  
7 LICENSURE.--

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

12 (1) is a registered nurse;

13 (2) has successfully completed a nurse  
14 anesthesia education program accredited by the council on  
15 accreditation of nurse anesthesia educational programs;  
16 provided that, if the applicant is initially licensed by the  
17 board or a board in another licensing jurisdiction after  
18 January 1, 2001, the program shall be at a master's level or  
19 higher; and

20 (3) is certified by the national board of  
21 certification and recertification for nurse anesthetists.

22 B. A certified registered nurse anesthetist may  
23 provide preoperative, intraoperative and postoperative  
24 anesthesia care and related services, including ordering of  
25 diagnostic tests, in accordance with the current American

1 association of nurse anesthetists' guidelines for nurse  
2 anesthesia practice.

3 C. Certified registered nurse anesthetists shall  
4 function in an interdependent role as a member of a health  
5 care team in which the medical care of the patient is  
6 directed by a licensed physician, osteopathic physician,  
7 dentist or podiatrist licensed in New Mexico pursuant to the  
8 Dental Health Care Act, the Medical Practice Act or the  
9 Podiatry Act. The certified registered nurse anesthetist  
10 shall collaborate with the licensed physician, osteopathic  
11 physician, dentist or podiatrist concerning the anesthesia  
12 care of the patient. As used in this subsection,  
13 "collaboration" means the process in which each health care  
14 provider contributes the health care provider's respective  
15 expertise. Collaboration includes systematic formal planning  
16 and evaluation between the health care professionals involved  
17 in the collaborative practice arrangement.

18 D. A certified registered nurse anesthetist who  
19 has fulfilled the requirements for prescriptive authority in  
20 the area of anesthesia practice is authorized to prescribe  
21 and administer therapeutic measures, including dangerous  
22 drugs and controlled substances included in Schedules II  
23 through V of the Controlled Substances Act within the  
24 emergency procedures, perioperative care or perinatal care  
25 environments. Dangerous drugs and controlled substances,

1 pursuant to the Controlled Substances Act, that have been  
2 prepared, packaged or fabricated by a registered pharmacist  
3 or doses of drugs that have been prepackaged by a  
4 pharmaceutical manufacturer in accordance with the Pharmacy  
5 Act and the New Mexico Drug, Device and Cosmetic Act may be  
6 prescribed and administered.

7 E. A certified registered nurse anesthetist who  
8 has fulfilled the requirements for prescriptive authority in  
9 the area of anesthesia practice may prescribe in accordance  
10 with rules of the board. The board shall adopt rules  
11 concerning a prescriptive authority formulary for certified  
12 registered nurse anesthetists that shall be based on the  
13 scope of practice of certified registered nurse anesthetists.  
14 The board, in collaboration with the New Mexico medical  
15 board, shall develop the formulary. Certified registered  
16 nurse anesthetists who prescribe shall do so in accordance  
17 with the prescriptive authority formulary.

18 F. The board shall issue an expedited license to  
19 an applicant without an examination if the person has been  
20 duly licensed as a certified registered nurse anesthetist in  
21 another licensing jurisdiction and is in good standing with  
22 the licensing board in that licensing jurisdiction. The  
23 board shall expedite the issuance of the license in  
24 accordance with Section 61-1-31.1 NMSA 1978 within thirty  
25 days. If the board issues an expedited license to a person

1 whose prior licensing jurisdiction did not require  
2 examination, the board may require that person to pass an  
3 examination before applying for license renewal. An  
4 applicant licensed under the laws of a territory or foreign  
5 country shall demonstrate proficiency in English.

6 G. A health care facility may adopt policies  
7 relating to the providing of anesthesia care.

8 H. A certified registered nurse anesthetist  
9 licensed by the board shall maintain this certification with  
10 the national board of certification and recertification for  
11 nurse anesthetists."

12 SECTION 19. Section 61-3-23.4 NMSA 1978 (being Laws  
13 1991, Chapter 190, Section 16, as amended) is amended to  
14 read:

15 "61-3-23.4. CLINICAL NURSE SPECIALIST--QUALIFICATIONS--  
16 ENDORSEMENT--EXPEDITED LICENSURE.--

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

20 (1) is a registered nurse;

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

23 (3) has successfully completed a national  
24 certifying examination in the applicant's area of specialty;  
25 and

1 (4) is certified by a national nursing  
2 organization.

3 B. Clinical nurse specialists may:

4 (1) perform an advanced practice that is  
5 beyond the scope of practice of professional registered  
6 nursing;

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

13 (3) carry out therapeutic regimens in the  
14 area of specialty practice, including the prescription and  
15 distribution of dangerous drugs.

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

1 manufacturer in accordance with the Pharmacy Act and the New  
2 Mexico Drug, Device and Cosmetic Act.

3 D. Clinical nurse specialists who have fulfilled  
4 the requirements for prescriptive authority in the area of  
5 specialty practice may prescribe in accordance with rules,  
6 guidelines and formularies based on scope of practice and  
7 clinical setting for individual clinical nurse specialists  
8 promulgated by the board.

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

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

24 SECTION 20. Section 61-36-1 NMSA 1978 (being Laws 2017,  
25 Chapter 136, Section 1) is recompiled as Section 61-3B-1 NMSA

1 1978 and is amended to read:

2 "61-3B-1. SHORT TITLE.--Chapter 61, Article 3B NMSA  
3 1978 may be cited as the "Lactation Care Provider Act"."

4 SECTION 21. Section 61-36-3 NMSA 1978 (being Laws 2017,  
5 Chapter 136, Section 3) is recompiled as Section 61-3B-3 NMSA  
6 1978 and is amended to read:

7 "61-3B-3. BOARD POWERS.--The board may:

8 A. enforce the provisions of the Lactation Care  
9 Provider Act in accordance with the Uniform Licensing Act and  
10 promulgate rules in accordance with the State Rules Act to  
11 execute the provisions of the Lactation Care Provider Act;

12 B. license qualified applicants;

13 C. discipline licensees;

14 D. enforce qualification for licensure;

15 E. establish standards for licensee competence for  
16 continuing in or returning to practice based on approved  
17 certification;

18 F. issue orders relating to the practice of  
19 lactation care and services in accordance with the Uniform  
20 Licensing Act;

21 G. regulate licensee advertising and prohibit  
22 false, misleading or deceptive practices;

23 H. establish a code of conduct for licensees;

24 I. prepare information for the public that  
25 describes the regulatory functions of the board and the



1 procedures by which complaints are filed with and resolved by  
2 the board; and

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

7 SECTION 22. Section 61-36-6 NMSA 1978 (being Laws 2017,  
8 Chapter 136, Section 6) is recompiled as Section 61-3B-6 NMSA  
9 1978 and is amended to read:

10 "61-3B-6. DISCIPLINARY PROCEEDINGS.--

11 A. In accordance with the procedures contained in  
12 the Uniform Licensing Act, the board may deny, revoke or  
13 suspend a license held or applied for pursuant to the  
14 Lactation Care Provider Act, reprimand or place a licensee on  
15 probation or deny, limit or revoke a privilege of a licensee  
16 desiring to practice or practicing lactation care and  
17 services upon grounds that the licensee or applicant:

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

20 (2) is convicted of a felony;

21 (3) is unfit or incompetent;

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

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

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

4 (7) was certified or licensed to provide  
5 lactation care and services in another licensing jurisdiction  
6 and was the subject of disciplinary action for acts similar  
7 to acts described in this subsection. A certified copy of  
8 the record of the certification or licensure board  
9 disciplinary action taken by another licensing jurisdiction  
10 is conclusive evidence of the action.

11 B. The board may summarily suspend or restrict a  
12 license issued by the board without a hearing, simultaneously  
13 with or at any time after the initiation of proceedings for a  
14 hearing provided under the Uniform Licensing Act, if the  
15 board finds that evidence in its possession indicates that  
16 the licensee:

17 (1) poses a clear and immediate danger to  
18 the public health and safety if the licensee continues to  
19 practice;

20 (2) has been adjudged mentally incompetent  
21 by a final order or adjudication by a court of competent  
22 jurisdiction; or

23 (3) has pled guilty to or been found guilty  
24 of any offense related to the practice of medicine or for any  
25 violent criminal offense in this state or a substantially

1 equivalent criminal offense in another jurisdiction.

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

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

10 E. Disciplinary proceedings may be instituted by  
11 any person, shall be by complaint and shall conform with the  
12 provisions of the Uniform Licensing Act. A party to a  
13 hearing may obtain a copy of the hearing record upon payment  
14 of costs for the copy.

15 F. A person filing a complaint shall be immune  
16 from liability arising out of civil action if the complaint  
17 is filed in good faith and without actual malice.

18 G. All written and oral communication made by any  
19 person to the board relating to actual or potential  
20 disciplinary action, including complaints made to the board,  
21 shall be confidential communications and are not public  
22 records for the purposes of the Inspection of Public Records  
23 Act. All data, communications and information acquired,  
24 prepared or disseminated by the board relating to actual or  
25 potential disciplinary action or its investigation of

1 complaints shall not be disclosed, except to the extent  
2 necessary to carry out the purposes of the board or in a  
3 judicial appeal from the actions of the board or in a  
4 referral of cases made to law enforcement agencies, national  
5 database clearinghouses or other licensing boards.

6 H. The board shall not initiate a disciplinary  
7 action more than two years after the date that it receives a  
8 complaint.

9 I. The time limitation contained in Subsection D  
10 of this section shall not be tolled by any civil or criminal  
11 litigation in which the licensee or applicant is a party,  
12 arising substantially from the same facts, conduct,  
13 transactions or occurrences that would be the basis for the  
14 board's disciplinary action.

15 J. The board may recover the costs associated with  
16 the investigation and disposition of a disciplinary  
17 proceeding from the person who is the subject of the  
18 proceeding."

19 **SECTION 23.** A new section of the Lactation Care  
20 Provider Act is enacted to read:

21 "EXPEDITED LICENSE.--The board shall issue an expedited  
22 license to a person who holds a license in another licensing  
23 jurisdiction in accordance with Section 61-1-31.1 NMSA 1978  
24 if the person holds a current approved certification or  
25 license in another licensing jurisdiction. The board by rule

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

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

13 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--  
14 COMPENSATION.--

15 A. The "chiropractic board" is created and is  
16 administratively attached to the regulation and licensing  
17 department. The board shall consist of six persons, four of  
18 whom have been continuously engaged in the practice of  
19 chiropractic in New Mexico for five years immediately prior  
20 to their appointment. Two persons shall represent the public  
21 and shall not have practiced chiropractic in this state or  
22 any other jurisdiction. A person shall not be appointed to  
23 the board who is an officer or employee of or who is  
24 financially interested in any school or college of  
25 chiropractic, medicine, surgery or osteopathy.

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

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

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

25           E. The board shall adopt a seal.

1 F. The board shall promulgate and file, in  
2 accordance with the State Rules Act, all rules necessary for  
3 the implementation and enforcement of the provisions of the  
4 Chiropractic Physician Practice Act, including educational  
5 requirements for a chiropractic assistant.

6 G. The board, for the purpose of protecting the  
7 health and well-being of the citizens of this state and  
8 maintaining and continuing informed professional knowledge  
9 and awareness, shall establish by rule mandatory continuing  
10 education requirements for chiropractic physicians and  
11 certified advanced practice chiropractic physicians licensed  
12 in this state.

13 H. Failure to comply with the rules adopted by the  
14 board shall be grounds for investigation, which may lead to  
15 revocation of license.

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

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

22 "61-4-8. LICENSE WITHOUT EXAMINATION.--

23 A. The board shall issue a license without  
24 examination to a chiropractic physician who is a graduate of  
25 a standard college of chiropractic and has been licensed in

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

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

24 SECTION 26. Section 61-5A-10 NMSA 1978 (being Laws  
25 1994, Chapter 55, Section 10, as amended) is amended to read:



1 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND

2 COMMITTEE.--In addition to any other authority provided by  
3 law, the board and the committee, when designated, shall:

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

7 B. promulgate in accordance with the State Rules  
8 Act, all rules as necessary to:

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

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

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

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

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

21 C. adopt and use a seal;

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

25 E. keep an accurate record of all meetings,

1 receipts and disbursements;

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

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

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

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

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

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

11 L. have the authority to hire or contract with  
12 investigators to investigate possible violations of the  
13 Dental Health Care Act and the Dental Amalgam Waste Reduction  
14 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  
19 the committee, dental hygienists licensed under the Dental  
20 Health 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

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  
4 the 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 27. Section 61-5A-14 NMSA 1978 (being Laws  
10 1994, 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  
13 temporary license to practice dentistry or dental hygiene to  
14 an 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 (1) the applicant shall hold a valid license  
20 in good standing in another state or territory of the United  
21 States or the District of Columbia;

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

25 (3) the temporary license may be issued for

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

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

17 (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 (6) the application for a temporary license  
21 under this section shall be accompanied by a license fee; and

22 (7) the temporary licensee shall be required  
23 to comply with the Dental Health Care Act and all rules  
24 promulgated pursuant to that act.

25 B. The board or committee shall issue an expedited

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

13 C. The board by rule shall determine the states  
14 and territories of the United States and the District of  
15 Columbia from which it will not accept an applicant for  
16 expedited licensure and foreign countries from which it will  
17 accept an applicant for expedited licensure. The board shall  
18 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  
21 for disapproval. The lists shall be reviewed annually to  
22 determine if amendments to the rule are warranted."

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

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

1 shall:

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

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

15           C. adopt and use a seal;

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

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

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

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

1 and fines;

2 H. discipline licensees or deny, review, suspend  
3 and revoke licenses to practice medicine and censure,  
4 reprimand, fine and place on probation and stipulation  
5 licensees and applicants in accordance with the Uniform  
6 Licensing Act for any cause stated in the law that the board  
7 is charged with enforcing;

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

10 J. have the authority to hire or contract with  
11 investigators to investigate possible violations of the  
12 Medical Practice Act;

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

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

23 M. establish committees as it deems necessary for  
24 carrying on its business;

25 N. hire or contract with a licensed physician to



1 serve as medical director and fulfill specified duties of the  
2 secretary-treasurer;

3 O. establish and maintain rules related to the  
4 management of pain based on review of national standards for  
5 pain management; and

6 P. have the authority to waive licensure fees for  
7 the purpose of the recruitment and retention of health care  
8 practitioners over which the board has authority."

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

11 "61-6C-1. SHORT TITLE.--Chapter 61, Article 6C NMSA  
12 1978 may be cited as the "Physician Assistant Act"."

13 SECTION 30. Section 61-6-7.1 NMSA 1978 (being Laws  
14 1989, Chapter 9, Section 2) is recompiled as Section 61-6C-2  
15 NMSA 1978 and is amended to read:

16 "61-6C-2. DEFINITIONS.--As used in the Physician  
17 Assistant Act:

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

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

21 C. "dispense" means to deliver a drug directly to  
22 a patient and includes the compounding, labeling and  
23 repackaging of a drug from a bulk or original container;

24 D. "distribute" means to administer or supply  
25 directly to a patient under the direct care of the

1 distributing physician assistant one or more doses of drugs  
2 prepackaged by a licensed pharmacist and excludes the  
3 compounding or repackaging from a bulk or original container;

4 E. "licensed physician" means a medical or  
5 osteopathic physician; and

6 F. "prescribe" means to issue an order  
7 individually for the person for whom prescribed, either  
8 directly from the prescriber to the pharmacist or indirectly  
9 by means of a written order signed by the prescriber, bearing  
10 the name and address of the prescriber, the prescriber's  
11 license classification, the name and address of the patient,  
12 the name of the drug prescribed, directions for use and the  
13 date of issue."

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

16 "61-6C-3. LICENSURE AS A PHYSICIAN ASSISTANT--SCOPE OF  
17 PRACTICE--BIENNIAL REGISTRATION OF SUPERVISION--LICENSE  
18 RENEWAL--FEES.--

19 A. The board may license as a physician assistant  
20 a qualified person who has graduated from a physician  
21 assistant program accredited by the national accrediting body  
22 as established by rule of the board in accordance with the  
23 State Rules Act and has passed a physician assistant national  
24 certifying examination as established by rule. The board may  
25 also license as a physician assistant a person who passed the

1 physician assistant national certifying examination  
2 administered by the national commission on certification of  
3 physician assistants prior to 1986.

4 B. A person shall not perform, attempt to perform  
5 or hold the person's own self out as a physician assistant  
6 without first applying for and obtaining a license from the  
7 board.

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

18 D. A physician assistant shall perform only the  
19 acts and duties that are within the physician assistant's  
20 scope of practice.

21 E. An applicant for licensure as a physician  
22 assistant shall complete application forms supplied by the  
23 board and shall pay a licensing fee as provided in Section  
24 61-6-19 NMSA 1978.

25 F. A physician assistant shall biennially submit

1 proof of current certification by the national commission on  
2 certification of physician assistants or another certifying  
3 agency designated by the board and shall renew the license  
4 and registration of supervision of the physician assistant  
5 with the board.

6 G. A physician assistant shall not practice  
7 medicine until the physician assistant has established a  
8 supervising or collaborating relationship with a licensed  
9 physician in accordance with rules promulgated by the board.

10 H. Each biennial renewal of licensure shall be  
11 accompanied by a fee as provided in Section 61-6-19 NMSA  
12 1978."

13 SECTION 32. Section 61-6-7.2 NMSA 1978 (being Laws  
14 1997, Chapter 187, Section 3, as amended) is recompiled as  
15 Section 61-6C-4 NMSA 1978 and is amended to read:

16 "61-6C-4. PHYSICIAN ASSISTANT--INACTIVE LICENSE.--

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

19 B. A physician assistant who notifies the board  
20 in writing on forms prescribed by the board may elect to  
21 place the physician assistant's license on an inactive  
22 status. A physician assistant with an inactive license shall  
23 be excused from payment of renewal fees and shall not  
24 practice as a physician assistant.

25 C. A physician assistant who engages in practice

1 while the physician assistant's license is lapsed or on  
2 inactive status is practicing without a license, and this is  
3 grounds for discipline pursuant to the Physician Assistant  
4 Act and Medical Practice Act in accordance with the Uniform  
5 Licensing Act.

6 D. A physician assistant requesting restoration  
7 from inactive status shall pay the current renewal fee and  
8 fulfill the requirement for renewal pursuant to the Physician  
9 Assistant Act and the Medical Practice Act.

10 E. The board may, in its discretion, summarily  
11 suspend for nonpayment of fees the license of a physician  
12 assistant who has not renewed the physician assistant's  
13 license within ninety days of expiration.

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

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

22 **SECTION 33.** Section 61-6-9 NMSA 1978 (being Laws 1973,  
23 Chapter 361, Section 5, as amended) is recompiled as Section  
24 61-6C-7 NMSA 1978 and is amended to read:

25 "61-6C-7. PHYSICIAN ASSISTANTS--RULES.--The board may

1 promulgate in accordance with the State Rules Act and enforce  
2 those rules in accordance with the Uniform Licensing Act for:

3 A. education, skill and experience for licensure  
4 of a person as a physician assistant and providing forms and  
5 procedures for biennial license renewal;

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

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

15 D. allowing a supervising or collaborating  
16 licensed physician to temporarily delegate supervision or  
17 collaboration responsibilities for a physician assistant to  
18 another licensed physician;

19 E. establishing when a physician assistant may  
20 engage in the practice of medicine in collaboration with a  
21 licensed physician; and

22 F. carrying out all other provisions of the  
23 Physician Assistant Act."

24 **SECTION 34.** Section 61-6-10 NMSA 1978 (being Laws  
25 1973, Chapter 361, Section 6, as amended) is recompiled as

1 Section 61-6C-8 NMSA 1978 and is amended to read:

2 "61-6C-8. SUPERVISING OR COLLABORATING LICENSED  
3 PHYSICIAN--RESPONSIBILITY.--

4 A. As a condition of licensure, all physician  
5 assistants practicing in New Mexico shall be supervised by a  
6 licensed physician. The physician assistant shall inform the  
7 board of the name of the licensed physician under whose  
8 supervision the physician assistant will practice. All  
9 supervising physicians shall be licensed pursuant to the  
10 Medical Practice Act and approved by the board.

11 B. Every licensed physician supervising a  
12 physician assistant shall be individually responsible and  
13 liable for the performance of the acts and omissions  
14 delegated to the physician assistant the physician  
15 supervises. Nothing in this section shall be construed to  
16 relieve the physician assistant of responsibility and  
17 liability for the acts and omissions of the physician  
18 assistant. Rules promulgated in accordance with the State  
19 Rules Act pursuant to the Physician Assistant Act shall:

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

24 (2) allow a physician assistant whose  
25 practice is primary care, as defined by the board, to

1 collaborate with a licensed physician in accordance with  
2 requirements established by the board for different practice  
3 settings.

4 C. A physician assistant shall be supervised by  
5 or collaborate with a licensed physician in accordance with  
6 rules adopted by the board."

7 SECTION 35. Section 61-6-10.1 NMSA 1978 (being Laws  
8 2001, Chapter 311, Section 1) is recompiled as Section  
9 61-6D-1 NMSA 1978 and is amended to read:

10 "61-6D-1. SHORT TITLE.--Chapter 61, Article 6D NMSA  
11 1978 may be cited as the "Anesthesiologist Assistants Act"."

12 SECTION 36. Section 61-6-10.9 NMSA 1978 (being Laws  
13 2001, Chapter 311, Section 9, as amended) is recompiled as  
14 Section 61-6D-8 NMSA 1978 and is amended to read:

15 "61-6D-8. RULES.--

16 A. The board may adopt in accordance with the  
17 State Rules Act and enforce in accordance with the Uniform  
18 Licensing Act reasonable rules:

19 (1) for setting qualifications of  
20 education, skill and experience for licensure of a person as  
21 an anesthesiologist assistant;

22 (2) for providing procedures and forms for  
23 licensure and annual registration;

24 (3) for examining and evaluating applicants  
25 for licensure as an anesthesiologist assistant regarding the



1 required skill, knowledge and experience in developing and  
2 implementing anesthesia care plans under supervision;

3 (4) for allowing a supervising  
4 anesthesiologist to temporarily delegate supervisory  
5 responsibilities for an anesthesiologist assistant to another  
6 anesthesiologist;

7 (5) for allowing an anesthesiologist  
8 assistant to temporarily serve under the supervision of an  
9 anesthesiologist other than the supervising anesthesiologist  
10 with whom the anesthesiologist assistant is registered; and

11 (6) to carry out the provisions of the  
12 Anesthesiologist Assistants Act.

13 B. The board shall not adopt a rule allowing an  
14 anesthesiologist assistant to perform procedures outside the  
15 anesthesiologist assistant's scope of practice.

16 C. The board shall adopt rules:

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

19 (a) completion of a graduate level  
20 training program accredited by the commission on  
21 accreditation of allied health education programs;

22 (b) successful completion of a  
23 certifying examination for anesthesiologist assistants  
24 administered by the national commission for the certification  
25 of anesthesiologist assistants; and

1 (c) current certification by the  
2 American heart association in advanced cardiac life-support  
3 techniques;

4 (2) establishing minimum requirements for  
5 continuing education of not less than forty hours every two  
6 years;

7 (3) requiring adequate identification of  
8 the anesthesiologist assistant to patients and others;

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

19 (5) requiring the supervising  
20 anesthesiologist to ensure that all activities, functions,  
21 services and treatment measures are properly documented in  
22 written form by the anesthesiologist assistant. The  
23 anesthesia record shall be reviewed, countersigned and dated  
24 by the supervising anesthesiologist;

25 (6) requiring the anesthesiologist

1 assistant to inform the supervising anesthesiologist of  
2 serious adverse events;

3 (7) establishing, with respect to practice  
4 outside of a university in New Mexico with a medical school,  
5 that the number of anesthesiologist assistants a supervising  
6 anesthesiologist may supervise at one time, except in  
7 emergency cases, shall not exceed three anesthesiologist  
8 assistants;

9 (8) establishing, with respect to practice  
10 at a university in New Mexico with a medical school, that an  
11 anesthesiologist shall not supervise, except in emergency  
12 cases, more than four anesthesia providers if at least one  
13 anesthesia provider is an anesthesiologist assistant; and

14 (9) within twelve months of the date on  
15 which the Anesthesiologist Assistants Act becomes effective,  
16 providing for enhanced supervision at the commencement of an  
17 anesthesiologist assistant's practice."

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

20 "61-8-6. BOARD ORGANIZATION--MEETINGS--COMPENSATION--  
21 POWERS AND DUTIES.--

22 A. The board shall hold a regular meeting at  
23 least annually and shall elect annually a chair, vice chair  
24 and secretary-treasurer from its membership, each of whom  
25 shall serve until a successor is selected and qualified.

1           B. The board shall hold a minimum of one  
2 examination for licensure each year in the month of June or  
3 July at a place and at a time designated by the board.  
4 Notice of the examination shall be given to all applicants at  
5 least thirty days prior to the date of the examination.

6           C. Special meetings may be called by the chair  
7 and shall be called upon the written request of any three  
8 board members. Notice of all meetings shall be made in  
9 conformance with the Open Meetings Act.

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

13           E. The board shall:

14                 (1) administer and enforce the provisions  
15 of the Podiatry Act;

16                 (2) promulgate, in accordance with the  
17 State Rules Act, all rules for the implementation and  
18 enforcement of the provisions of the Podiatry Act;

19                 (3) adopt and use a seal;

20                 (4) conduct hearings, administer oaths and  
21 take testimony on matters within the board's jurisdiction;

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

24                 (6) keep a record of licensure examinations  
25 held, together with the names and addresses of persons taking

1 the examinations and the examination results. Within forty-  
2 five days after an examination, the board shall give written  
3 notice to each applicant examined of the results of the  
4 examination as to the respective applicant;

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

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

12 (9) grant, deny, renew, suspend or revoke  
13 licenses to practice podiatry or take other actions provided  
14 in Section 61-1-3 NMSA 1978 in accordance with the provisions  
15 of the Uniform Licensing Act for any cause stated in the  
16 Podiatry Act;

17 (10) promulgate rules setting standards of  
18 preliminary and professional qualifications for the practice  
19 of podiatry;

20 (11) promulgate rules and prepare and  
21 administer examinations for the licensure and regulation of  
22 podiatric assistants as are necessary to protect the public.  
23 The rules shall include definitions and limitations on the  
24 practice of podiatric assistants, qualifications for  
25 applicants for licensure, an initial license fee in an amount

1 not to exceed two hundred fifty dollars (\$250) and a renewal  
2 fee not to exceed one hundred dollars (\$100) per year,  
3 provisions for the regulation of podiatric assistants and  
4 provisions for the suspension or revocation of licenses;

5 (12) determine by rule all qualifications  
6 and requirements for applicants seeking licensure as  
7 podiatrists or podiatric assistants; and

8 (13) promulgate rules and prepare and  
9 administer examinations for applicants seeking licensure as  
10 foot and ankle radiation technologists."

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

13 "61-8-8. QUALIFICATIONS FOR LICENSURE AS A  
14 PODIATRIST.--

15 A. Each applicant for licensure as a podiatrist  
16 shall furnish evidence satisfactory to the board that the  
17 applicant:

18 (1) has reached the age of majority;

19 (2) has graduated and been awarded a doctor  
20 of podiatric medicine degree from a college of podiatric  
21 medicine accredited by the American podiatric medical  
22 association council on podiatric medical education; and

23 (3) has completed, at a minimum, a one-year  
24 residency program at a hospital accredited by the American  
25 podiatric medical association council on education.

1           B. Each applicant shall file an application under  
2 oath on forms supplied by the board and shall pay the  
3 required fees.

4           C. An applicant for licensure by examination  
5 shall submit evidence to the board that the applicant has  
6 passed the examinations administered by the national board of  
7 podiatry examiners for students graduating from colleges of  
8 podiatry and shall furnish the board an official transcript  
9 and take clinical and written examinations as the board deems  
10 necessary. The examinations shall be in English and the  
11 subjects covered by the examinations shall be determined by  
12 the board and taken from subjects taught in accredited  
13 colleges of podiatric medicine. No applicant for licensure  
14 by examination shall be licensed who has not received a  
15 passing score on all board-approved or board-administered  
16 examinations.

17           D. A podiatrist licensed in another state may, on  
18 a temporary basis, consult, advise or cooperate in patient  
19 treatment with a podiatrist licensed in New Mexico, subject  
20 to rules promulgated by the board."

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

23           "61-8-9. EXPEDITED LICENSURE BY RECIPROCITY.--

24           A. An applicant for expedited licensure by  
25 reciprocity shall meet the qualifications set forth in

1 Section 61-8-8 NMSA 1978, shall file an application under  
2 oath on forms supplied by the board that conform to board  
3 rules on reciprocity and furnish proof satisfactory to the  
4 board of having been licensed by national examination in  
5 another licensing jurisdiction. In addition, each applicant  
6 for licensure by reciprocity shall furnish the board:

7 (1) an affidavit from the applicant's state  
8 board showing a valid, unrestricted license and the fact that  
9 the applicant has been licensed to practice podiatry and has  
10 practiced podiatry for at least five consecutive years  
11 immediately preceding the filing of the application for  
12 reciprocal licensure and is in good standing with the other  
13 licensing jurisdiction; and

14 (2) pay required fees.

15 B. The board shall, as soon as practicable but no  
16 later than thirty days after an out-of-state licensee files  
17 an application for licensure by reciprocity, process the  
18 application and issue the license in accordance with Section  
19 61-1-31.1 NMSA 1978.

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



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

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

7 "61-9-6. BOARD--MEETING--POWERS.--

8 A. The board shall, annually in the month of  
9 July, hold a meeting and elect from its membership a chair,  
10 vice chair and secretary-treasurer. The board shall meet at  
11 other times as it deems necessary or advisable or as deemed  
12 necessary and advisable by the chair or a majority of its  
13 members or the governor. Reasonable notice of all meetings  
14 shall be given in the manner prescribed by the board. A  
15 majority of the board constitutes a quorum at a meeting or  
16 hearing.

17 B. The board may:

18 (1) promulgate rules in accordance with the  
19 State Rules Act to carry into effect the provisions of the  
20 Professional Psychologist Act. The rules shall include a  
21 code of conduct for psychologists and psychologist associates  
22 in the state;

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

25 (3) examine for, approve, deny, revoke,

1 suspend and renew the licensure of psychologist and  
2 psychologist associate applicants as provided in the  
3 Professional Psychologist Act in accordance with the Uniform  
4 Licensing Act;

5 (4) conduct hearings in accordance with the  
6 Uniform Licensing Act upon complaints concerning the  
7 disciplining of a psychologist or psychologist associate; and

8 (5) cause the prosecution and enjoinder of  
9 persons violating the Professional Psychologist Act and incur  
10 related necessary expenses.

11 C. Within sixty days after the close of each  
12 fiscal year, the board shall submit a written report,  
13 reviewed and signed by the board members, to the governor  
14 concerning the work of the board during the preceding fiscal  
15 year. The report shall include the names of psychologists  
16 and psychologist associates to whom licenses have been  
17 granted; cases heard and decisions rendered in relation to  
18 the work of the board; the recommendations of the board as to  
19 future policies, including the appropriate application of  
20 technology for supervision; and an account of all money  
21 received and expended by the board."

22 SECTION 41. Section 61-9-10 NMSA 1978 (being Laws  
23 1963, Chapter 92, Section 9, as amended) is amended to read:

24 "61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER  
25 AREAS--EXPEDITED LICENSURE.--

1           A. Except as provided in Section 61-9-10.1 NMSA  
2 1978 for temporary or other provisional licensure that is not  
3 an expedited license, upon application accompanied by a fee  
4 as required by the Professional Psychologist Act, the board  
5 shall, without written or oral examination, issue an  
6 expedited license to a person who furnishes, upon a form and  
7 in such manner as the board prescribes, evidence to the board  
8 that the person has been licensed or certified as a  
9 psychologist or prescribing psychologist by another licensing  
10 jurisdiction for two years. An applicant seeking a license  
11 shall demonstrate to the board that the training and  
12 education received by the applicant is equivalent to the  
13 requirements for a doctoral degree in psychology as provided  
14 in the Professional Psychologist Act; that the applicant  
15 holds a valid, unrestricted license and is in good standing  
16 with the licensing board of that licensing jurisdiction; and  
17 the applicant has practiced psychology for at least two years  
18 immediately prior to application in New Mexico.

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

24           C. If the board issues an expedited license to a  
25 person whose prior licensing jurisdiction did not require

1 examination, the board may require the person to pass an  
2 examination before license renewal.

3 D. The board by rule shall determine the 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  
8 licensure. The board shall post the lists of disapproved and  
9 approved licensing jurisdictions on its website. The list of  
10 disapproved licensing jurisdictions shall include the  
11 specific reasons for disapproval. The rule shall be reviewed  
12 annually to determine if amendments to the rule are  
13 warranted."

14 SECTION 42. Section 61-9-13 NMSA 1978 (being Laws  
15 1963, Chapter 92, Section 12, as amended) is amended to read:

16 "61-9-13. DENIAL, REVOCATION OR SUSPENSION OF  
17 LICENSE.--

18 A. In accordance with the Uniform Licensing Act,  
19 the board, by an affirmative vote of at least five of its  
20 eight members, shall withhold, deny, revoke or suspend a  
21 psychologist or psychologist associate license issued or  
22 applied for in accordance with the provisions of the  
23 Professional Psychologist Act or otherwise discipline a  
24 psychologist or psychologist associate upon proof that the  
25 applicant, psychologist or psychologist associate:

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

4 (2) is using a drug, substance or alcoholic  
5 beverage to an extent or in a manner dangerous to the  
6 psychologist or psychologist associate, any other person or  
7 the public or to an extent that the use impairs the  
8 psychologist's or psychologist associate's ability to perform  
9 the work of a professional psychologist or psychologist  
10 associate with safety to the public;

11 (3) has impersonated another person holding  
12 a psychologist or psychologist associate license or allowed  
13 another person to use the psychologist's or psychologist  
14 associate's license;

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

18 (5) has accepted commissions or rebates or  
19 other forms of remuneration for referring clients to other  
20 professional persons;

21 (6) has allowed the psychologist's or  
22 psychologist associate's name or license issued under the  
23 Professional Psychologist Act to be used in connection with a  
24 person who performs psychological services outside of the  
25 area of that person's training, experience or competence;

1 (7) is legally adjudicated insane or  
2 mentally incompetent, the record of such adjudication being  
3 conclusive evidence thereof;

4 (8) has willfully or negligently violated  
5 the provisions of the Professional Psychologist Act;

6 (9) has violated any code of conduct  
7 adopted by the board;

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

12 (11) is incompetent to practice psychology;

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

15 (13) has abandoned patients or clients;

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

18 (a) another licensing jurisdiction;

19 (b) a professional psychologist  
20 association of which the psychologist or psychologist  
21 associate is or has been a member;

22 (c) a government agency; or

23 (d) a court for actions or conduct  
24 similar to acts or conduct that would constitute grounds for  
25 action as described in this subsection;

1 (15) has failed to report to the board  
2 surrender of a license or other authorization to practice  
3 psychology in another jurisdiction or surrender of membership  
4 on a health care staff or in a professional association  
5 following a disciplinary investigation, or in lieu of or  
6 while under a disciplinary investigation, by any of those  
7 authorities for acts or conduct that would constitute grounds  
8 for action as defined in this subsection;

9 (16) has failed to adequately supervise a  
10 psychologist associate or a licensed psychologist holding a  
11 conditional prescription certificate;

12 (17) has employed abusive billing  
13 practices;

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

16 (19) uses conversion therapy on a minor.

17 B. A person who has been refused a license or  
18 whose license has been restricted or suspended under the  
19 provisions of this section may reapply for licensure after  
20 more than two years have elapsed from the date the  
21 restriction or suspension is terminated.

22 C. As used in this section:

23 (1) "conversion therapy" means any practice  
24 or treatment that seeks to change a person's sexual  
25 orientation or gender identity, including any effort to

1 change behaviors or gender expressions or to eliminate or  
2 reduce sexual or romantic attractions or feelings toward  
3 persons of the same sex. "Conversion therapy" does not mean:

4 (a) counseling or mental health  
5 services that provide acceptance, support and understanding  
6 of a person without seeking to change gender identity or  
7 sexual orientation; or

8 (b) mental health services that  
9 facilitate a person's coping, social support, sexual  
10 orientation or gender identity exploration and development,  
11 including an intervention to prevent or address unlawful  
12 conduct or unsafe sexual practices, without seeking to change  
13 gender identity or sexual orientation;

14 (2) "gender identity" means a person's  
15 self-perception, or perception of that person by another, of  
16 the person's identity as a male or female based upon the  
17 person's appearance, behavior or physical characteristics  
18 that are in accord with or opposed to the person's physical  
19 anatomy, chromosomal sex or sex at birth;

20 (3) "minor" means a person under eighteen  
21 years of age; and

22 (4) "sexual orientation" means  
23 heterosexuality, homosexuality or bisexuality, whether actual  
24 or perceived."

25 **SECTION 43.** Section 61-9A-3 NMSA 1978 (being Laws



1 1993, Chapter 49, Section 3, as amended) is amended to read:

2 "61-9A-3. DEFINITIONS.--As used in the Counseling and  
3 Therapy Practice Act:

4 A. "accredited institution" means a university or  
5 college accredited by an accrediting agency of institutions  
6 of higher education;

7 B. "appraisal" means selecting, administering,  
8 scoring and interpreting instruments designed to assess a  
9 person's aptitudes, attitudes, abilities, achievements,  
10 interests, personal characteristics and current emotional or  
11 mental state by appropriately educated, trained and  
12 experienced clinicians and the use of nonstandardized methods  
13 and techniques for understanding human behavior in relation  
14 to coping with, adapting to or changing life situations of a  
15 physical, mental or emotional nature; "appraisal" shall not  
16 be construed to permit the performance of any act that a  
17 counselor or a therapist is not educated, trained and  
18 licensed to perform;

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

21 (1) professional clinical mental health  
22 counselor;

23 (2) marriage and family therapist;

24 (3) professional art therapist;

25 (4) psychiatrist;

1 (5) clinical psychologist;

2 (6) clinical nurse specialist in  
3 psychiatry;

4 (7) independent social worker with two  
5 years of mental health and supervised clinical experience; or

6 (8) alcohol and drug abuse counselor with  
7 three years of work experience in the field of alcohol and  
8 drug abuse prior to providing supervision;

9 D. "appropriate clinical supervisor for substance  
10 abuse associate" means a person who has education and  
11 experience specific to the career track of the associate and  
12 has training in transmitting knowledge, skills and attitudes  
13 through a relational process that includes direct oversight  
14 of the clinical work;

15 E. "approved clinical supervisor" means a person  
16 who is a licensed professional clinical mental health  
17 counselor, licensed marriage and family therapist, licensed  
18 professional art therapist, licensed psychiatrist, licensed  
19 clinical psychologist, clinical nurse specialist in  
20 psychiatry or licensed independent social worker and provides  
21 supervision to a licensed mental health counselor or  
22 therapist;

23 F. "art therapy" means the rendering of art  
24 therapy principles whereby communication is facilitated  
25 through therapeutic counseling and art media. This involves

1 the application of the principles of human development and  
2 psychological theories, which are implemented in the full  
3 spectrum of models of assessment and treatment, including  
4 psychodynamics and cognitive, interpersonal and other  
5 therapeutic means to individuals, couples, families, groups  
6 and communities for the promotion of optimal mental health;

7 G. "board" means the counseling and therapy  
8 practice board;

9 H. "client contact hours" means the face-to-face  
10 time spent with a client to appraise, assess, evaluate,  
11 diagnose, treat psychopathology and provide counseling  
12 services;

13 I. "clinical counseling" means the rendering of  
14 counseling services involving the application of principles  
15 of psychotherapy, human development, learning theory,  
16 diagnosis, treatment and the etiology of mental illness and  
17 dysfunctional behavior to individuals, couples, families or  
18 groups for the purpose of assessing and treating  
19 psychopathology and promoting optimal mental health;

20 J. "consultation" means the voluntary,  
21 nonsupervisory relationship between professionals or other  
22 pertinent persons, in application of scientific counseling,  
23 guidance and human development principles and procedures to  
24 provide assistance in understanding and resolving a current  
25 or potential problem that the consultee may have in relation

1 to a third party, be it an individual, group, family or  
2 organization;

3 K. "counselor training and education" means a  
4 process that prepares counselors and therapists in both  
5 didactic and clinical aspects of counseling;

6 L. "course" means an integrated, organized course  
7 of study, which encompasses a minimum of one school semester  
8 or equivalent hours;

9 M. "counseling" means the application of  
10 scientific principles and procedures in therapeutic  
11 counseling, guidance and human development to provide  
12 assistance in understanding and solving a mental, emotional,  
13 physical, social, moral, educational, spiritual or career  
14 development and adjustment problem that a client may have;

15 N. "counseling-related field" as defined by rule,  
16 means a degree in guidance counseling, mental health-  
17 community counseling or agency counseling; psychology,  
18 clinical psychology or counseling psychology; human services;  
19 family services; human and family studies; art therapy; or  
20 art education with an emphasis in art therapy;

21 O. "department" means the regulation and  
22 licensing department or the division of the department  
23 designated to administer the counseling and therapy practice  
24 board;

25 P. "diagnosis and treatment planning" means

1 assessing, analyzing and providing diagnostic descriptions of  
2 mental, emotional or behavioral conditions; exploring  
3 possible solutions; and developing and implementing a  
4 treatment plan for mental, emotional and psychosocial  
5 adjustment or development. "Diagnosis and treatment  
6 planning" shall not be construed to permit the performance of  
7 any act that counselors or therapists are not educated,  
8 trained and licensed to perform;

9 Q. "evaluation" means the act of making informed  
10 decisions based on the use and analysis of pertinent data;

11 R. "internship" means a distinctly defined, pre-  
12 graduate, supervised clinical experience in which the student  
13 refines, enhances and integrates professional knowledge with  
14 basic counselor or therapist skills appropriate to the  
15 student's program and preparation for postgraduate  
16 professional placement;

17 S. "licensure" means the process by which a state  
18 agency or government grants permission to an individual to  
19 engage in a given profession and to use the designated title  
20 of that profession after the applicant has attained the  
21 minimal degree of competency necessary to ensure that the  
22 public health, safety and welfare are reasonably well  
23 protected;

24 T. "marriage and family therapy" means the  
25 assessment, diagnosis and treatment of nervous and mental

1 disorders, whether cognitive, affective or behavioral, within  
2 the context of marriage and family systems;

3 U. "mental disorder" means any of several  
4 conditions or disorders that meet the diagnostic criteria  
5 contained in the diagnostic and statistical manual of the  
6 American psychiatric association or the world health  
7 organization's international classification of mental  
8 disorders;

9 V. "practicum" means a distinctly defined,  
10 supervised clinical experience in which the student develops  
11 basic counselor or therapist skills and integrates  
12 professional knowledge, which practicum is completed prior to  
13 or concurrent with an internship;

14 W. "program" means a structured sequence of  
15 curricular and clinical experiences housed within an academic  
16 unit;

17 X. "referral" means evaluating and identifying  
18 the needs of a client to determine the advisability of  
19 referrals to other specialists, advising the client of such  
20 judgments and communicating as requested or deemed  
21 appropriate to such referral sources;

22 Y. "research" means a systematic effort to  
23 collect, analyze and interpret quantitative or qualitative  
24 data that describe how social characteristics, behavior,  
25 emotions, cognition, disabilities, mental disorders and

1 interpersonal transactions among individuals, couples,  
2 families and organizations interact;

3 Z. "standard" means a minimal criterion that must  
4 be met; and

5 AA. "substance abuse-related field" means a  
6 degree in guidance counseling, mental health-community  
7 counseling, agency counseling, psychology, clinical  
8 psychology, counseling psychology, human services, family  
9 services, human and family studies, social work, art therapy  
10 or art education with appropriate clinical background and two  
11 hundred seventy-six clock hours in education or training in  
12 alcohol and drug abuse counseling."

13 SECTION 44. Section 61-9A-22 NMSA 1978 (being Laws  
14 1993, Chapter 49, Section 22, as amended) is amended to read:

15 "61-9A-22. EXPEDITED LICENSURE BY CREDENTIALS.--

16 A. The board shall issue an expedited license in  
17 the same licensure level to a person who:

18 (1) files a completed application  
19 accompanied by the required fees;

20 (2) submits evidence that the applicant  
21 holds a valid, unrestricted license in a counseling-related  
22 field issued by another licensing jurisdiction;

23 (3) is in good standing with that licensing  
24 jurisdiction with no disciplinary action pending or brought  
25 against the applicant within the past two years;

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

3 (5) possesses a master's or doctoral degree  
4 in counseling or a counseling-related field from an  
5 accredited institution.

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

11 C. If the board issues an expedited license to a  
12 person whose prior licensing jurisdiction did not require  
13 examination, the board may require that person to pass the  
14 required examination before applying for license renewal.

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



1           E. Applicants who do not meet the licensure by  
2 credential requirements must meet the current licensure  
3 requirements for a regular license."

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

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

7           A. The board shall:

8                   (1) promulgate rules in accordance with the  
9 provisions of the State Rules Act to carry out the provisions  
10 of the Pharmacy Act in accordance with the provisions of the  
11 Uniform Licensing Act;

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

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

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

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

22                   (6) provide for the licensing of retail  
23 pharmacies, nonresident pharmacies, wholesale drug  
24 distributors, drug manufacturers, hospital pharmacies,  
25 nursing home drug facilities, industrial and public health

1 clinics and all places where dangerous drugs are stored,  
2 distributed, dispensed or administered and provide for the  
3 inspection of the facilities and activities;

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

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

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

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

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

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

25 (13) appoint and employ inspectors

1 necessary to enforce the provisions of all acts under the  
2 administration of the board, which inspectors shall be  
3 pharmacists and have all the powers and duties of peace  
4 officers;

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

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

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

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

20 (18) promulgate rules that prescribe the  
21 activities and duties of pharmacy owners and pharmacists in  
22 the provision of pharmaceutical care, emergency prescription  
23 dispensing, drug regimen review and patient counseling in  
24 each practice setting;

25 (19) promulgate, after approval by the New

1 Mexico medical board and the board of nursing, rules and  
2 protocols for the prescribing of dangerous drug therapy,  
3 including vaccines and immunizations, and the appropriate  
4 notification of the primary or appropriate physician of the  
5 person receiving the dangerous drug therapy; and

6 (20) have the authority to authorize  
7 emergency prescription dispensing.

8 B. The board may:

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

12 (2) provide by rule for the electronic  
13 transmission of prescriptions; and

14 (3) delegate its authority to the executive  
15 director to authorize emergency prescription dispensing  
16 procedures during civil or public health emergencies."

17 SECTION 46. Section 61-12A-9 NMSA 1978 (being Laws  
18 1996, Chapter 55, Section 9, as amended) is amended to read:

19 "61-12A-9. BOARD--POWERS AND DUTIES.--

20 A. The board shall:

21 (1) promulgate rules in accordance with the  
22 State Rules Act to carry out the provisions of the  
23 Occupational Therapy Act;

24 (2) use funds to meet the necessary  
25 expenses incurred in carrying out the provisions of the

1 Occupational Therapy Act;

2 (3) adopt a code of ethics;

3 (4) enforce the provisions of the  
4 Occupational Therapy Act to protect the public by conducting  
5 hearings on charges relating to the discipline of licensees,  
6 including the denial, suspension or revocation of a license  
7 in accordance with the Uniform Licensing Act;

8 (5) establish and collect fees;

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

11 (7) establish, impose, collect and remit  
12 fines for violations of the Occupational Therapy Act to the  
13 current school fund;

14 (8) appoint a registrar to keep records and  
15 minutes necessary to carry out the functions of the board;  
16 and

17 (9) obtain the legal assistance of the  
18 attorney general.

19 B. The board may:

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

23 (2) hire or contract with an investigator  
24 to investigate complaints that have been filed with the  
25 board. The board shall set the compensation of the

1 investigator to be paid from the funds of the board;

2 (3) inspect establishments; and

3 (4) designate hearing officers."

4 SECTION 47. Section 61-12A-14 NMSA 1978 (being Laws  
5 1996, Chapter 55, Section 14, as amended) is amended to read:

6 "61-12A-14. EXPEDITED LICENSURE BY ENDORSEMENT.--

7 A. The board shall grant a license to an  
8 applicant who presents a valid, unrestricted license as an  
9 occupational therapist or an occupational therapy assistant  
10 in another licensing jurisdiction and is in good standing  
11 with the licensing board of that licensing jurisdiction. The  
12 board shall, as soon as practicable but no later than thirty  
13 days after an out-of-state licensee files an application for  
14 an expedited license accompanied by required fees, process  
15 the application and issue the expedited license in accordance  
16 with Section 61-1-31.1 NMSA 1978.

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

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

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

7 SECTION 48. Section 61-12B-6 NMSA 1978 (being Laws  
8 1984, Chapter 103, Section 6, as amended) is amended to read:

9 "61-12B-6. DEPARTMENT--DUTIES AND POWERS.--

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

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

17 (2) promulgate rules in accordance with the  
18 State Rules Act to implement the provisions of the  
19 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  
25 persons engaging in practices that may violate the provisions

1 of that act in accordance with the Uniform Licensing Act.

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

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

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

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

16 (4) enforce and administer the provisions  
17 of the Impaired Health Care Provider Act and promulgate rules  
18 to implement the provisions of that act as it relates to  
19 respiratory care practitioners;

20 (5) promulgate rules, including  
21 disciplinary guidelines, relating to impaired practitioners;

22 (6) promulgate rules to allow the  
23 interstate transport of patients; and

24 (7) promulgate rules to determine and  
25 regulate the scope and qualifications for expanded practice



1 for respiratory care practitioners."

2 SECTION 49. Section 61-12B-7 NMSA 1978 (being Laws  
3 1984, Chapter 103, Section 7, as amended) is amended to read:

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

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

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

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

20 SECTION 50. Section 61-12B-8 NMSA 1978 (being Laws  
21 1984, Chapter 103, Section 8, as amended) is amended to read:

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

24 A. The department shall waive the education and  
25 examination requirements for an applicant who presents proof

1 that the applicant holds a valid, unrestricted license in  
2 another licensing jurisdiction and is in good standing with  
3 that licensing jurisdiction.

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

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

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

22 "61-12C-16. EXPEDITED LICENSURE BY CREDENTIALS.--

23 A. The board shall license an out-of-state  
24 applicant in accordance with Section 61-1-31.1 NMSA 1978 if  
25 the applicant possesses a valid, unrestricted license or

1 registration to practice massage therapy in another licensing  
2 jurisdiction and pays required fees. As soon as practicable  
3 but no later than thirty days after a person files an  
4 application for an expedited license, the board shall process  
5 the application and issue the expedited license in accordance  
6 with Section 61-1-31.1 NMSA 1978.

7 B. If the board issues an expedited license to a  
8 person whose prior licensing jurisdiction did not require  
9 examination, the board may require the person to pass an  
10 examination before license renewal.

11 C. The board shall determine each year the states  
12 and territories of the United States and the District of  
13 Columbia from which it will not accept applicants for  
14 expedited licensure and determine foreign countries from  
15 which it will accept applicants for expedited licensure. The  
16 board shall post the lists of disapproved and approved  
17 licensing jurisdictions on its website. The list of  
18 disapproved licensing jurisdictions shall include the  
19 specific reasons for disapproval."

20 SECTION 52. Section 61-12D-5 NMSA 1978 (being Laws  
21 1997, Chapter 89, Section 5, as amended) is amended to read:

22 "61-12D-5. POWERS AND DUTIES.--The board:

23 A. shall examine all applicants for licensure to  
24 practice physical therapy and issue licenses or permits to  
25 those who are duly qualified;

1           B. shall regulate the practice of physical  
2 therapy by interpreting and enforcing the provisions of the  
3 Physical Therapy Act;

4           C. may promulgate rules in accordance with the  
5 State Rules Act to carry out the provisions of the Physical  
6 Therapy Act;

7           D. may meet as often as it deems necessary. A  
8 majority of the members constitutes a quorum for the  
9 transaction of business. The board shall keep an official  
10 record of all its proceedings;

11          E. may establish requirements for assessing  
12 continuing competency;

13          F. may collect fees;

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

17          H. shall provide for the timely orientation and  
18 training of new professional and public appointees to the  
19 board, including training in licensing and disciplinary  
20 procedures and orientation to all statutes, rules, policies  
21 and procedures of the board;

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

24          J. may enter into contracts;

25          K. may deny, suspend or revoke a license or take

1 other disciplinary action in accordance with the Uniform  
2 Licensing Act;

3 L. shall report final disciplinary action taken  
4 against a physical therapist or physical therapist assistant  
5 to the national disciplinary database;

6 M. shall publish at least annually final  
7 disciplinary action taken against any physical therapist or  
8 physical therapist assistant; and

9 N. may prescribe the forms of license  
10 certificates, application forms and such other documents as  
11 it deems necessary to carry out the provisions of the  
12 Physical Therapy Act."

13 SECTION 53. Section 61-12D-10 NMSA 1978 (being Laws  
14 1997, Chapter 89, Section 10, as amended) is amended to read:

15 "61-12D-10. LICENSURE--QUALIFICATIONS--LICENSURE FROM  
16 FOREIGN SCHOOLS--TEMPORARY LICENSES--REINSTATEMENT.--

17 A. An applicant for licensure as a physical  
18 therapist shall submit a completed application and have the  
19 following minimum qualifications:

20 (1) be a graduate of an accredited physical  
21 therapy program approved by the board;

22 (2) have successfully passed the national  
23 physical therapy examination approved by the board; and

24 (3) have successfully passed the state  
25 jurisprudence examination.

1           B. An applicant for licensure as a physical  
2 therapist who has been educated outside the United States  
3 shall submit a completed application and meet the following  
4 minimum qualifications in addition to those required in  
5 Subsection A of this section:

6                   (1) provide satisfactory evidence that the  
7 applicant's education is substantially equivalent to the  
8 requirements of physical therapists educated in accredited  
9 educational programs in the United States, as determined by  
10 the board. If the board determines that a foreign-educated  
11 applicant's education is not substantially equivalent, it may  
12 require completion of additional course work before  
13 proceeding with the application process;

14                   (2) provide evidence that the applicant is  
15 a graduate of a school of training that is recognized by the  
16 foreign country's own ministry of education or similar  
17 institution;

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

22                   (4) have the applicant's educational  
23 credentials evaluated by a board-approved credential  
24 evaluation agency; and

25                   (5) participate in an interim supervised

1 clinical practice period as may be prescribed by the board.

2 C. The board may issue an interim permit to a  
3 foreign-trained applicant who satisfies the board's  
4 requirements. An interim permit shall be issued for the  
5 purpose of participating in a supervised clinical practice  
6 period.

7 D. If the foreign-educated physical therapist  
8 applicant is a graduate of a college accredited by the  
9 commission on accreditation in physical therapy education,  
10 the board shall waive requirements of Paragraphs (1), (2),  
11 (4) and (5) of Subsection B of this section.

12 E. An applicant for licensure as a physical  
13 therapist assistant shall submit a completed application and  
14 meet the following minimum requirements:

15 (1) be a graduate of an accredited physical  
16 therapist assistant program approved by the board; and

17 (2) have successfully passed the national  
18 physical therapy examination approved by the board.

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

24 G. Applicants who fail to pass the examinations  
25 shall be subject to requirements determined by board

1 regulations prior to being approved by the board for  
2 subsequent testing.

3 H. The board or its designee shall issue an  
4 expedited license to a physical therapist or physical  
5 therapist assistant who has a valid unrestricted license from  
6 another United States licensing jurisdiction.

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

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

21 K. A physical therapist or physical therapist  
22 assistant licensed under the provisions of the Physical  
23 Therapy Act shall renew the physical therapist's or physical  
24 therapist assistant's license as specified in board rules. A  
25 person who fails to renew the person's license by the date of



1 expiration shall not practice physical therapy as a physical  
2 therapist or physical therapist assistant in New Mexico.

3 L. Reinstatement of a lapsed license following a  
4 renewal deadline requires payment of a renewal fee and late  
5 fee.

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

14 N. The board may establish, by rule, activities  
15 to periodically assess continuing competence to practice  
16 physical therapy.

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

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

24 (a) treatment provided for a condition  
25 related to a chronic, neuromuscular or developmental

1 condition for a patient previously diagnosed by a licensed  
2 health care provider as having a chronic, neuromuscular or  
3 developmental condition;

4 (b) services provided for health  
5 promotion, wellness, fitness or maintenance purposes; or

6 (c) services provided to a patient who  
7 is participating in a program pursuant to an individual  
8 education plan or individual family service plan under  
9 federal law; or

10 (2) at any time, the physical therapist has  
11 reason to believe the patient has symptoms or conditions  
12 requiring treatment that is beyond the scope of practice of  
13 the physical therapist.

14 P. As used in this section, "licensed health care  
15 provider" means:

16 (1) a medical doctor or an osteopathic  
17 physician licensed pursuant to the Medical Practice Act;

18 (2) a chiropractic physician licensed  
19 pursuant to the Chiropractic Physician Practice Act;

20 (3) a podiatrist licensed pursuant to the  
21 Podiatry Act;

22 (4) a dentist licensed pursuant to the  
23 Dental Health Care Act;

24 (5) a doctor of oriental medicine licensed  
25 pursuant to the Acupuncture and Oriental Medicine Practice

1 Act;

2 (6) a certified nurse practitioner licensed  
3 pursuant to the Nursing Practice Act;

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

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

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

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

14 "EXPEDITED PHYSICAL THERAPIST AND PHYSICAL THERAPIST  
15 ASSISTANT LICENSURE.--

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

25 B. If the board issues an expedited license to a

1 person whose prior licensing jurisdiction did not require  
2 examination, the board may require the person to pass an  
3 examination.

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

9 SECTION 55. Section 61-13-6 NMSA 1978 (being Laws  
10 1970, Chapter 61, Section 5, as amended) is amended to read:

11 "61-13-6. DUTIES OF THE BOARD.--The board shall:

12 A. promulgate rules in accordance with the State  
13 Rules Act to adopt and enforce standards for licensing  
14 nursing home administrators and to carry into effect the  
15 provisions of the Nursing Home Administrators Act;

16 B. approve for licensure applicants for:

17 (1) initial licensure;

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

20 (3) reciprocity;

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

23 (5) reactivation of inactive or expired  
24 licenses;

25 C. cause the prosecution or enjoinder of all

1 persons violating the Nursing Home Administrators Act and  
2 deny, suspend or revoke licenses in accordance with the  
3 provisions of the Uniform Licensing Act;

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

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

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

12 "61-13-8. LICENSURE OF NURSING HOME  
13 ADMINISTRATORS.--The board shall issue a license as a nursing  
14 home administrator to each applicant who files an application  
15 in the form and manner prescribed by the board, accompanied  
16 by the required fee, and who furnishes evidence, including a  
17 criminal records check satisfactory to the board that the  
18 applicant:

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

24 B. demonstrates professional competence by  
25 passing an examination in nursing home administration as

1 prepared and published by the professional examination  
2 service or such other nationally recognized examination as  
3 the board prescribes in its rules;

4 C. demonstrates knowledge of state rules  
5 governing the operation of nursing homes in a manner the  
6 board prescribes in its rules; and

7 D. has successfully completed an internship or  
8 administrator-in-training program as prescribed by the board  
9 in its rules."

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

12 "61-13-11. EXPEDITED LICENSURE WITHOUT EXAMINATION.--

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

25 B. The board by rule shall determine the states

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

11 SECTION 58. Section 61-14-5 NMSA 1978 (being Laws  
12 1967, Chapter 62, Section 4, as amended) is amended to read:

13 "61-14-5. BOARD--DUTIES.--The board shall:

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

18 B. regulate artificial insemination and pregnancy  
19 diagnosis by establishing standards of practice and issuing  
20 permits to persons found qualified;

21 C. establish a schedule of license and permit  
22 fees based on the board's financial requirements for the  
23 ensuing year;

24 D. conduct investigations necessary to determine  
25 violations of the Veterinary Practice Act and discipline

1 persons found in violation in accordance with the Uniform  
2 Licensing Act;

3 E. employ personnel necessary to carry out its  
4 duties;

5 F. in accordance with the State Rules Act,  
6 promulgate and enforce rules necessary to establish  
7 recognized standards for the practice of veterinary medicine  
8 and to carry out the provisions of the Veterinary Practice  
9 Act. The board shall make available to interested members of  
10 the public copies of the Veterinary Practice Act and all  
11 rules promulgated by the board;

12 G. examine applicants for veterinary technician  
13 certification purposes. Such examination shall be held at  
14 least once a year at the times and places designated by the  
15 board;

16 H. establish a five-member veterinary technician  
17 examining committee;

18 I. promulgate rules establishing continuing  
19 education requirements as a condition for license renewal;

20 J. regulate the operation of veterinary  
21 facilities, including:

22 (1) establishing requirements for operation  
23 of a veterinary facility in accordance with recognized  
24 standards for the practice of veterinary medicine;

25 (2) issuing permits to qualified veterinary



1 facilities; and

2 (3) promulgating standards for inspection  
3 of veterinary facilities.

4 For purposes of this subsection, "veterinary facility"  
5 means a building, mobile unit, vehicle or other location  
6 where services included within the practice of veterinary  
7 medicine are provided;

8 K. perform the duties imposed on the board  
9 pursuant to the Animal Sheltering Act; and

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

11 SECTION 59. Section 61-14A-8 NMSA 1978 (being Laws  
12 1993, Chapter 158, Section 16, as amended) is amended to  
13 read:

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

15 A. enforce the provisions of the Acupuncture and  
16 Oriental Medicine Practice Act;

17 B. promulgate, in accordance with the State Rules  
18 Act, all rules necessary for the implementation and  
19 enforcement of the provisions of the Acupuncture and Oriental  
20 Medicine Practice Act;

21 C. adopt a code of ethics;

22 D. adopt and use a seal;

23 E. inspect facilities of approved educational  
24 programs, extern programs and the offices of licensees;

25 F. promulgate rules implementing continuing

1 education requirements for the purpose of protecting the  
2 health and well-being of the citizens of this state and  
3 maintaining and continuing informed professional knowledge  
4 and awareness; and

5 G. in accordance with the Uniform Licensing Act:

6 (1) issue investigative subpoenas for the  
7 purpose of investigating complaints against licensees prior  
8 to the issuance of a notice of contemplated action;

9 (2) administer oaths and take testimony on  
10 any matters within the board's jurisdiction;

11 (3) conduct hearings upon charges relating  
12 to the discipline of licensees, including the denial,  
13 suspension or revocation of a license; and

14 (4) grant, deny, renew, suspend or revoke  
15 licenses to practice acupuncture and oriental medicine or  
16 grant, deny, renew, suspend or revoke approvals of  
17 educational programs and extern programs for any cause stated  
18 in the Acupuncture and Oriental Medicine Practice Act or the  
19 rules of the board."

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

23 "61-14A-13. REQUIREMENTS FOR EXPEDITED LICENSING.--

24 A. The board shall grant a license to practice  
25 acupuncture and oriental medicine without examination to a

1 person who has been licensed, certified, registered or  
2 legally recognized as a doctor of oriental medicine in  
3 another licensing jurisdiction in accordance with Section  
4 61-1-31.1 NMSA 1978 if the applicant:

5 (1) submits the completed application for  
6 expedited licensing on the form provided by the board;

7 (2) submits the required documentation as  
8 determined by the board;

9 (3) submits the required fee for  
10 application for expedited licensing; and

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

15 B. The board shall issue the expedited license as  
16 soon as practicable but no later than thirty days after the  
17 person files an application with the required fees and  
18 demonstrates that the person holds a valid, unrestricted  
19 license and is in good standing with the licensing board in  
20 the other licensing jurisdiction and has practiced for at  
21 least two years immediately prior to application in New  
22 Mexico. If the board issues an expedited license to a person  
23 whose prior licensing jurisdiction did not require  
24 examination, the board may require the person to pass an  
25 examination before license renewal.

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

12           SECTION 61. Section 61-14A-16 NMSA 1978 (being Laws  
13 1993, Chapter 158, Section 24, as amended) is amended to  
14 read:

15           "61-14A-16. FEES.--Except as provided in Section  
16 61-1-34 NMSA 1978, the board shall establish a schedule of  
17 reasonable nonrefundable fees not to exceed the following  
18 amounts:

- 19           A. application for licensing. . . . . \$800;
- 20           B. application for expedited  
21 licensing . . . . . 750;
- 22           C. application for temporary licensing. . . 500;
- 23           D. examination, not including the cost of any  
24 nationally recognized examination . . . . . 700;
- 25           E. annual license renewal . . . . . 400;

- 1           F. late license renewal . . . . . 200;
- 2           G. expired license renewal. . . . . 400;
- 3           H. temporary license renewal. . . . . 100;
- 4           I. application for approval or renewal of
- 5 approval of an educational program. . . . . 600;
- 6           J. late renewal of approval of an educational
- 7 program . . . . . 200;
- 8           K. annual continuing education provider
- 9 registration. . . . . 200;
- 10          L. application for extended or expanded
- 11 prescriptive authority. . . . . 500;
- 12          M. application for externship supervisor
- 13 registration. . . . . 500;
- 14          N. application for extern certification . . 500;
- 15 and
- 16          O. fees to cover reasonable and necessary
- 17 administrative expenses."

18           **SECTION 62.** Section 61-14B-11 NMSA 1978 (being Laws  
 19 1996, Chapter 57, Section 11, as amended) is amended to read:

20           "61-14B-11. BOARD POWERS AND DUTIES.--The board shall:

21           A. promulgate rules necessary to carry out the  
 22 provisions of the Speech-Language Pathology, Audiology and  
 23 Hearing Aid Dispensing Practices Act in accordance with the  
 24 State Rules Act;

25           B. promulgate rules implementing continuing

1 education requirements;

2 C. adopt a code of ethics that includes rules  
3 requiring audiologists and hearing aid dispensers, at the  
4 time of the initial examination for possible sale and fitting  
5 of a hearing aid if a hearing loss is determined, to inform  
6 each prospective purchaser about hearing aid options that can  
7 provide a direct connection between the hearing aid and  
8 assistive listening systems. These rules shall be in  
9 accordance with the latest standards for accessible design  
10 adopted by the United States department of justice in  
11 accordance with the federal Americans with Disabilities Act  
12 of 1990, as amended;

13 D. conduct hearings upon charges relating to the  
14 discipline of licensees, including the denial, suspension or  
15 revocation of a license in accordance with the Uniform  
16 Licensing Act;

17 E. investigate complaints against licensees by  
18 issuing investigative subpoenas prior to the issuance of a  
19 notice of contemplated action;

20 F. establish fees for licensure;

21 G. provide for the licensing and renewal of  
22 licenses of applicants; and

23 H. promulgate rules that provide for expedited  
24 licensure and temporary permits for speech-language  
25 pathologists, audiologists or hearing aid dispensers."

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

4           "EXPEDITED LICENSURE.--

5           A. The board shall issue an expedited license  
6 without examination to a speech-language pathologist,  
7 audiologist or hearing aid dispenser licensed in another  
8 licensing jurisdiction in accordance with Section 61-1-31.1  
9 NMSA 1978. The board shall issue the expedited license as  
10 soon as practicable but no later than thirty days after the  
11 person files an application with the required fees and  
12 demonstrates that the person holds a valid, unrestricted  
13 license and is in good standing with the licensing board in  
14 the other licensing jurisdiction. If the board issues an  
15 expedited license to a person whose prior licensing  
16 jurisdiction did not require examination, the board may  
17 require the person to pass an examination before license  
18 renewal.

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

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

5 SECTION 64. Section 61-14D-8 NMSA 1978 (being Laws  
6 1993, Chapter 325, Section 8, as amended) is amended to read:

7 "61-14D-8. DEPARTMENT DUTIES.--The department shall  
8 assist the board in administering the Athletic Trainer  
9 Practice Act and shall:

10 A. process applications and conduct and review  
11 the required examinations;

12 B. issue licenses and provisional permits to  
13 applicants who meet the requirements of the Athletic Trainer  
14 Practice Act;

15 C. administer and coordinate the provisions of  
16 the Athletic Trainer Practice Act and investigate persons  
17 engaging in practices that may violate the provisions of that  
18 act;

19 D. conduct any required examinations of  
20 applicants;

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

23 F. maintain board records, including financial  
24 records; and

25 G. maintain a current register of licensees as a



1 matter of public record."

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

4 "EXPEDITED LICENSURE.--

5 A. The board shall issue an expedited license  
6 without examination to an athletic trainer licensed in  
7 another licensing jurisdiction in accordance with Section  
8 61-1-31.1 NMSA 1978. The board shall issue the expedited  
9 license as soon as practicable but no later than thirty days  
10 after the person files an application with the required fees  
11 and demonstrates that the person holds a valid, unrestricted  
12 license and is in good standing with the licensing board in  
13 the other licensing jurisdiction. If the board issues an  
14 expedited license to a person whose prior licensing  
15 jurisdiction did not require examination, the board may  
16 require the person to pass an examination before license  
17 renewal.

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

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

4 SECTION 66. Section 61-14D-14 NMSA 1978 (being Laws  
5 1993, Chapter 325, Section 14, as amended) is amended to  
6 read:

7 "61-14D-14. FEES.--Except as provided in Section  
8 61-1-34 NMSA 1978, the board shall establish a schedule of  
9 reasonable fees, not to exceed one hundred dollars (\$100)  
10 each for applications, licenses, expedited licenses,  
11 provisional permits, renewal of licenses, placement on  
12 inactive status and necessary and reasonable administrative  
13 fees and initial prorated licensing fees."

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

16 "61-15-4. POWERS AND DUTIES OF THE BOARD.--

17 A. The board shall hold at least four regular  
18 meetings each year. Any board member failing to attend three  
19 consecutive regular meetings is automatically removed as a  
20 member of the board. A majority of the board members  
21 constitutes a quorum.

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

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

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

5                   (3) members of the public attending the  
6 meeting are able to hear all board members who speak during  
7 the hearing.

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

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

23                   E. The board may, for the purpose of protecting  
24 the citizens of New Mexico and promoting current  
25 architectural knowledge and practice, promulgate rules

1 establishing continuing education requirements as a condition  
2 of registration renewal.

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

20 G. The board shall by rule provide for the  
21 examinations required for registration. The board shall keep  
22 a complete record of all examinations.

23 H. Upon application for registration, upon a  
24 prescribed form and upon payment by the applicant of a fee  
25 set by the board, the board shall consider the application

1 and shall issue a certificate of registration as an architect  
2 to any person who submits evidence satisfactory to the board  
3 that the person is fully qualified to practice architecture.

4 I. It is the duty of the board to report to the  
5 district attorney of the district where the offense was  
6 committed any criminal violation of the Architectural Act.

7 J. The board may deny, review, suspend or revoke  
8 a registration to practice architecture and may censure,  
9 fine, reprimand and place on probation and stipulation any  
10 architect in accordance with the Uniform Licensing Act for  
11 any cause as stated in the Architectural Act.

12 K. The board, in cooperation with the state board  
13 of licensure for professional engineers and professional  
14 surveyors and the board of landscape architects, shall create  
15 a joint standing committee to be known as the "joint practice  
16 committee". In order to safeguard life, health and property  
17 and to promote public welfare, the purpose of the committee  
18 is to promote and develop the highest professional standards  
19 in design, planning and construction and the resolution of  
20 ambiguities concerning the professions. The composition of  
21 the committee and its duties and powers shall be in  
22 accordance with identical resolutions adopted by each board.

23 L. Pursuant to the notice and hearing  
24 requirements of the Uniform Licensing Act, the board may  
25 impose a civil penalty in an amount not to exceed seven

1 thousand five hundred dollars (\$7,500) for each violation on  
2 a person found to be engaging in the practice of architecture  
3 without being registered pursuant to the Architectural Act.  
4 Civil penalties shall be deposited to the credit of the  
5 current school fund as provided in Article 12, Section 4 of  
6 the constitution of New Mexico."

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

9 "61-15-10. VIOLATIONS--PENALTIES.--

10 A. A person who knowingly uses a forged  
11 architectural registration seal on a document for the purpose  
12 of permitting the constructing of a building for human  
13 habitation or occupancy is guilty of a fourth degree felony,  
14 punishable pursuant to Section 31-18-15 NMSA 1978.

15 B. Each of the following acts constitutes a  
16 misdemeanor, punishable pursuant to Section 31-19-1 NMSA  
17 1978:

18 (1) willfully forging or giving false  
19 evidence of any kind to the board or any board member for the  
20 purpose of obtaining a certificate of registration as an  
21 architect;

22 (2) using or attempting to use an expired,  
23 suspended or revoked certificate of registration as an  
24 architect;

25 (3) using or permitting another to use the

1 person's official architect's seal to stamp or seal any  
2 documents that have not been prepared either by the architect  
3 or the architect's responsible charge;

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

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

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

11 (b) the title containing the  
12 designation is allowed by rule of the board; or

13 (c) the title containing the  
14 designation does not imply that the person using the  
15 designation, when describing occupation, business name or  
16 services, is offering to perform architectural services; or

17 (6) procuring, aiding or abetting any  
18 violation of the provisions of the Architectural Act or the  
19 rules adopted by the board.

20 C. If, after a disciplinary hearing conducted in  
21 accordance with the Uniform Licensing Act, the board  
22 determines that based on the evidence, a person committed a  
23 violation pursuant to the Architectural Act, the board, in  
24 addition to any other sanction, shall issue an order that  
25 imposes a civil penalty not to exceed seven thousand five

1 hundred dollars (\$7,500) for each violation on the person.

2 In determining the amount of the civil penalty, the board  
3 shall consider:

4 (1) the seriousness of the violation;

5 (2) the degree of harm inflicted on  
6 individuals or the public;

7 (3) the economic benefit received by the  
8 person due to the violation;

9 (4) the person's history of violations; and

10 (5) any other aggravating or mitigating  
11 factors relating to the violation."

12 SECTION 69. Section 61-17A-2 NMSA 1978 (being Laws  
13 1993, Chapter 171, Section 2, as amended by Laws 2017,  
14 Chapter 108, Section 1 and by Laws 2017, Chapter 112, Section  
15 3) is amended to read:

16 "61-17A-2. DEFINITIONS.--As used in the Barbers and  
17 Cosmetologists Act:

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

20 B. "board" means the board of barbers and  
21 cosmetologists;

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

24 D. "department" means the regulation and  
25 licensing department;



1           E. "electrologist" means a person, other than a  
2 student, who for compensation removes hair from or destroys  
3 hair on the human body through the use of an electric current  
4 applied to the body with a needle-shaped electrode or probe;

5           F. "enterprise" means a business venture, firm or  
6 organization;

7           G. "establishment" means an immobile beauty shop,  
8 barber shop, electrology clinic, salon or similar place of  
9 business in which cosmetology, barbering, eyebrow threading,  
10 hairstyling or electrolysis is performed;

11           H. "esthetician" means a person, other than a  
12 student, who for compensation:

13                 (1) uses cosmetic preparations, including  
14 makeup applications, antiseptics, powders, oils, clays or  
15 creams, for the purpose of preserving the health and beauty  
16 of the skin and body;

17                 (2) massages, cleans, stimulates or  
18 manipulates the skin for the purpose of preserving the health  
19 and beauty of the skin and body; or

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

23           I. "eyebrow threading" means a method of hair  
24 removal in which a thin thread is doubled, twisted and then  
25 rolled over areas of unwanted hair, plucking the hair at the

1 follicle level;

2 J. "hairstylist" means a person, other than a  
3 student, who for compensation engages in hairstyling;

4 K. "manicurist-pedicurist" means a person, other  
5 than a student, who for compensation performs work on the  
6 nails of a person and applies nail extensions or products to  
7 the nails for the purpose of strengthening or preserving the  
8 health and beauty of the hands or feet;

9 L. "sanitation" means the maintenance of sanitary  
10 conditions to promote hygiene and the prevention of disease  
11 through the use of chemical agents or products;

12 M. "school" means a public or private  
13 instructional facility approved by the board that teaches  
14 cosmetology, barbering or hairstyling; and

15 N. "student" means a person enrolled in a school  
16 to learn or be trained in cosmetology, barbering, hairstyling  
17 or electrolysis."

18 **SECTION 70.** Section 61-17A-7 NMSA 1978 (being Laws  
19 1993, Chapter 171, Section 7, as amended) is amended to read:

20 "61-17A-7. BOARD AND DEPARTMENT POWERS AND DUTIES.--

21 A. The board shall:

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

25 (2) establish fees;

1 (3) provide for the examination, licensure  
2 and license renewal of applicants for licensure;

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

6 (5) keep a record of its proceedings and a  
7 register of applicants for licensure;

8 (6) provide for the licensure of barbers,  
9 hairstylists, cosmetologists, manicurists-pedicurists,  
10 estheticians, electrologists, instructors, schools,  
11 enterprises and establishments;

12 (7) establish administrative penalties and  
13 fines;

14 (8) create and establish standards and fees  
15 for special licenses;

16 (9) establish guidelines for schools to  
17 calculate tuition refunds for withdrawing students; and

18 (10) issue cease and desist orders to  
19 persons violating the provisions of the Barbers and  
20 Cosmetologists Act and rules promulgated in accordance with  
21 that act in accordance with the Uniform Licensing Act.

22 B. The board may establish continuing education  
23 requirements as requirements for licensure.

24 C. A member of the board, its employees or agents  
25 may enter and inspect a school, enterprise or establishment

1 at any time during regular business hours for the purpose of  
2 determining compliance with the Barbers and Cosmetologists  
3 Act.

4 D. The department shall:

5 (1) process and issue licenses to  
6 applicants who meet the requirements of the Barbers and  
7 Cosmetologists Act and board rules;

8 (2) investigate persons engaging in  
9 practices that may violate the provisions of the Barbers and  
10 Cosmetologists Act and report results of investigations to  
11 the board;

12 (3) approve the selection of and supervise  
13 primary staff assigned to the board;

14 (4) carry out the operations of the board  
15 to include budgetary expenditures;

16 (5) maintain records, including financial  
17 records; and

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

22 SECTION 71. Section 61-17A-8 NMSA 1978 (being Laws  
23 1993, Chapter 171, Section 8, as amended) is amended to read:

24 "61-17A-8. LICENSURE REQUIREMENTS--BARBERS.--

25 A. Except as provided in Subsection B of this

1 section, a barber license shall be issued to any person who  
2 files a completed application, accompanied by the required  
3 fees and documentation, and who:

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

5 (2) has completed a course in barbering of  
6 at least one thousand two hundred hours or equivalent credits  
7 in a school or apprenticeship approved by the board; and

8 (3) has passed an examination approved by  
9 the board.

10 B. A barbering license shall be issued to a  
11 person who files a completed application, accompanied by the  
12 required fees and documentation, meets the requirements of  
13 Paragraphs (1) through (3) of Subsection A of this section  
14 and shows proof of having successfully completed a registered  
15 barbering apprenticeship approved by the state apprenticeship  
16 agency and the board of barbers and cosmetologists.

17 C. The holder of a barber license has the right  
18 and privilege to use the title "barber", and the initials  
19 "R.B." following the holder's surname and to use a barber  
20 pole, the traditional striped, vertical emblem of the  
21 barbering trade."

22 SECTION 72. Section 61-17A-8.1 NMSA 1978 (being Laws  
23 2017, Chapter 112, Section 2) is amended to read:

24 "61-17A-8.1. LICENSURE REQUIREMENTS--HAIRSTYLISTS.--

25 A. Except as provided in Subsection B of this

1 section, a hairstylist license shall be issued to a person  
2 who files a completed application, accompanied by the  
3 required fees and documentation, and who:

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

5 (2) has completed a course in hairstyling  
6 of at least one thousand two hundred hours in a school  
7 approved by the board; and

8 (3) has passed an examination approved by  
9 the board.

10 B. A hairstylist license shall be issued to a  
11 person who files a completed application, accompanied by the  
12 required fees and documentation, and meets the requirements  
13 of Paragraphs (1) through (3) of Subsection A of this  
14 section.

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

17 **SECTION 73.** Section 61-17A-9 NMSA 1978 (being Laws  
18 1993, Chapter 171, Section 9, as amended) is amended to read:

19 "61-17A-9. LICENSURE REQUIREMENTS--COSMETOLOGISTS.--

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

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

24 (2) has completed a course in cosmetology  
25 of at least one thousand six hundred hours at a school

1 approved by the board; and

2 (3) has passed an examination approved by  
3 the board.

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

7 SECTION 74. Section 61-17A-11 NMSA 1978 (being Laws  
8 1993, Chapter 171, Section 11, as amended) is amended to  
9 read:

10 "61-17A-11. LICENSURE OF INSTRUCTORS.--

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

14 (1) is a licensed cosmetologist;

15 (2) has met all requirements established by  
16 the board; and

17 (3) has passed an examination approved by  
18 the board.

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

22 (1) is a licensed barber;

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

1 (3) has met all requirements established by  
2 the board; and

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

5 C. An electrologist instructor license shall be  
6 issued to any person who files a completed application,  
7 accompanied by the required fees and documentation, and who  
8 submits satisfactory evidence of compliance with all  
9 requirements established by the board.

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

13 SECTION 75. Section 61-17A-14 NMSA 1978 (being Laws  
14 1993, Chapter 171, Section 14) is amended to read:

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

23 SECTION 76. Section 61-17A-17 NMSA 1978 (being Laws  
24 1993, Chapter 171, Section 17, as amended) is amended to  
25 read:



1 "61-17A-17. LICENSURE UNDER PRIOR LAW--EXPEDITED  
2 LICENSURE.--

3 A. A person licensed as a barber, a  
4 cosmetologist, an esthetician, an electrologist, an  
5 instructor of cosmetology or barbering or an instructor of  
6 electrology, a manicurist-pedicurist or a person holding an  
7 establishment license, clinic license or school owner's  
8 license under prior laws of this state, which license is  
9 valid on June 18, 1993, shall be held to be licensed under  
10 the provisions of the Barbers and Cosmetologists Act and  
11 shall be entitled to the renewal of the person's license as  
12 provided in that act.

13 B. The board shall grant a license pursuant to  
14 the provisions of the Barbers and Cosmetologists Act without  
15 an examination, upon payment of the required fee; provided  
16 that the applicant holds a valid, unrestricted license from  
17 another licensing 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  
23 States and the District of Columbia from which it will not  
24 accept an applicant for expedited licensure and shall  
25 determine foreign countries from which it will accept an

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

7 SECTION 77. Section 61-17A-18 NMSA 1978 (being Laws  
8 1993, Chapter 171, Section 18, as amended) is amended to  
9 read:

10 "61-17A-18. LICENSE TO BE DISPLAYED--NOTICE OF CHANGE  
11 OF PLACE OF BUSINESS.--Every holder of a license issued  
12 pursuant to the Barbers and Cosmetologists Act shall notify  
13 the department of any change in place of business. A license  
14 shall be displayed conspicuously at the holder's place of  
15 business."

16 SECTION 78. 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  
19 shall be issued under the authority of the Barbers and  
20 Cosmetologists Act by the department in the name of the  
21 licensee. The license may not be the subject of a sale,  
22 transfer, assignment, conveyance, lease, bequest, gift or  
23 other means of transfer."

24 SECTION 79. Section 61-17A-21 NMSA 1978 (being Laws  
25 1993, Chapter 171, Section 21, as amended) is amended to

1 read:

2 "61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW,  
3 SUSPEND OR REVOKE A LICENSE.--

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

9 (1) the commission of any offense described  
10 in the Barbers and Cosmetologists Act;

11 (2) the violation of any sanitary  
12 regulation promulgated by the board;

13 (3) malpractice or incompetency;

14 (4) advertising by means of knowingly false  
15 or deceptive statements;

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

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

1 violated;

2 (7) default of a licensee on a student  
3 loan;

4 (8) gross continued negligence in observing  
5 the rules and regulations;

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

9 (10) dishonesty or unfair or deceptive  
10 practices;

11 (11) sexual, racial or religious  
12 harassment;

13 (12) conduct of illegal activities in an  
14 establishment, enterprise, school or electrology clinic or by  
15 a licensee; or

16 (13) aiding, abetting or conspiring to  
17 evade or violate the provisions of the Barbers and  
18 Cosmetologists Act.

19 B. Any license suspended or revoked shall be  
20 delivered to the department or any agent of the department  
21 upon demand."

22 SECTION 80. Section 61-17B-5 NMSA 1978 (being Laws  
23 2007, Chapter 181, Section 5, as amended) is amended to read:

24 "61-17B-5. LICENSE--APPLICATION--RENEWAL--EXPEDITED  
25 LICENSURE--REVOCATION--SUSPENSION.--

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

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

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

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

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

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

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

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

25 G. A current body art license or body art

1 establishment license shall not be transferable from one  
2 person to another.

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

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

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

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

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

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

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

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

23 I. An operator shall notify the board in writing  
24 not less than thirty days before changing the location of a  
25 body art establishment. The notice shall include the street



1 address of the body art establishment's new location."

2 SECTION 81. Section 61-17B-16 NMSA 1978 (being Laws  
3 2015, Chapter 129, Section 8) is amended to read:

4 "61-17B-16. BOARD POWERS AND DUTIES.--

5 A. The board shall:

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

10 (2) establish fees;

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

14 (4) adopt a seal;

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

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

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

24 (8) deny, suspend or revoke a license or  
25 undertake any other disciplinary action in accordance with

1 the Uniform Licensing Act.

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

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

8 SECTION 82. Section 61-17B-17 NMSA 1978 (being Laws  
9 2015, Chapter 129, Section 7) is amended to read:

10 "61-17B-17. BODY ART PRACTITIONERS FUND CREATED.--The  
11 "body art practitioners fund" is created in the state  
12 treasury. The fund consists of appropriations, gifts, grants  
13 and donations; license fees and charges that are imposed by  
14 the board; and money otherwise accruing to the fund. Money  
15 in the fund is appropriated to the board for the purpose of  
16 carrying out the provisions of the Body Art Safe Practices  
17 Act. Money in the fund shall be disbursed on warrants signed  
18 by the secretary of finance and administration pursuant to  
19 vouchers signed by the chair of the board or the chair's  
20 authorized representative. Any balance remaining in the fund  
21 at the end of a fiscal year shall not revert to the general  
22 fund."

23 SECTION 83. Section 61-17B-18 NMSA 1978 (being Laws  
24 2015, Chapter 129, Section 9) is amended to read:

25 "61-17B-18. TERMINATION OF AGENCY LIFE--DELAYED

1 REPEAL.--The board of body art practitioners is terminated on  
2 July 1, 2027 pursuant to the Sunset Act. The board shall  
3 continue to operate according to the provisions of the Body  
4 Art Safe Practices Act until July 1, 2028. Effective July 1,  
5 2028, the Body Art Safe Practices Act is repealed."

6 SECTION 84. Section 61-18A-4 NMSA 1978 (being Laws  
7 1987, Chapter 252, Section 4) is amended to read:

8 "61-18A-4. RULES--VIOLATIONS.--

9 A. The director shall promulgate rules in  
10 accordance with the State Rules Act and enforce those rules  
11 as are reasonable or necessary for the examination and  
12 licensing of collection agencies, repossessioners, managers and  
13 solicitors, for the conduct of such persons and for the  
14 general enforcement of the various provisions of the  
15 Collection Agency Regulatory Act in the protection of the  
16 public.

17 B. The violation of any provisions of the  
18 Collection Agency Regulatory Act or of rules promulgated by  
19 the director is sufficient ground for revocation of a license  
20 or for other disciplinary action as provided in the Uniform  
21 Licensing Act.

22 C. A provision of the Collection Agency  
23 Regulatory Act imposing a liability shall not apply to an act  
24 done or omitted in good faith in conformity with a rule of  
25 the director, notwithstanding that after the act or omission

1 has occurred, the rule is amended, rescinded or determined by  
2 judicial or other authority to be invalid for any reason."

3 SECTION 85. Section 61-18A-31 NMSA 1978 (being Laws  
4 1987, Chapter 252, Section 31) is amended to read:

5 "61-18A-31. DEPOSIT OF MONEY.--All money received  
6 under the Collection Agency Regulatory Act by the director  
7 shall be deposited in the general fund."

8 SECTION 86. Section 61-23-10 NMSA 1978 (being Laws  
9 1987, Chapter 336, Section 10, as amended) is amended to  
10 read:

11 "61-23-10. DUTIES AND POWERS OF THE BOARD.--

12 A. The board shall administer the provisions of  
13 the Engineering and Surveying Practice Act and exercise the  
14 authority granted the board in that act. The board is the  
15 sole state agency with the power to certify the  
16 qualifications of professional engineers and professional  
17 surveyors. The board may engage such personnel, including an  
18 executive director, as it deems necessary.

19 B. The board may promulgate rules in accordance  
20 with the State Rules Act that are reasonable for the proper  
21 performance of its duties and the regulation of its  
22 procedures, meeting records and examinations and the conduct  
23 of examinations. The board shall promulgate rules of  
24 professional responsibility for professional engineers and  
25 professional surveyors that are not exclusive to the practice

1 of engineering or exclusive to the practice of surveying.

2 All such rules shall be binding upon all persons licensed  
3 pursuant to the Engineering and Surveying Practice Act.

4 C. The professional engineering committee shall  
5 promulgate rules of professional responsibility exclusive to  
6 the practice of engineering. All such rules shall be binding  
7 upon all persons licensed pursuant to the Engineering and  
8 Surveying Practice Act.

9 D. The professional surveying committee shall  
10 promulgate rules of professional responsibility exclusive to  
11 the practice of surveying. All such rules shall be binding  
12 upon all persons licensed pursuant to the Engineering and  
13 Surveying Practice Act.

14 E. The joint engineering and surveying standing  
15 committee has exclusive authority over practice disputes  
16 between engineers and surveyors to determine if proposed  
17 rules of professional responsibility are exclusive to the  
18 practice of engineering or exclusive to the practice of  
19 surveying so that rulemaking authority is delegated to the  
20 engineering committee or to the surveying committee.

21 Determination of exclusive practice of engineering or  
22 surveying requires an affirmative vote by no less than three  
23 members of the joint committee. If an affirmative vote of  
24 three members cannot be achieved, the determination of  
25 exclusivity shall be made by the full board.

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

15 G. The board may apply for injunctive relief to  
16 enforce the provisions of the Engineering and Surveying  
17 Practice Act or to restrain any violation of that act. The  
18 members of the board shall not be personally liable under  
19 this proceeding.

20 H. The board may subject an applicant for  
21 licensure to such examinations as it deems necessary to  
22 determine the applicant's qualifications.

23 I. The board shall create enforcement advisory  
24 committees composed of licensees as necessary. Each  
25 committee shall include at least four licensees in the same

1 category as the respondent. An engineering enforcement  
2 advisory committee shall have at least one licensee in the  
3 same branch as the respondent. Enforcement advisory  
4 committees shall provide technical assistance to the board  
5 and its staff. The board shall select members from a list of  
6 volunteers submitting their resumes and letters of interest.

7 J. No action or other legal proceedings for  
8 damages shall be instituted against the board, a board member  
9 or an agent, an employee or a member of an advisory committee  
10 of the board for any act done in good faith and in the  
11 intended performance of any power or duty granted pursuant to  
12 the Engineering and Surveying Practice Act or for any neglect  
13 or default in the good faith performance or exercise of any  
14 such power or duty.

15 K. The board, in cooperation with the board of  
16 examiners for architects and the board of landscape  
17 architects, shall create a joint standing committee to be  
18 known as the "joint practice committee". In order to  
19 safeguard life, health and property and to promote the public  
20 welfare, the committee shall have as its purpose the  
21 promotion and development of the highest professional  
22 standards in design, planning and construction and the  
23 resolution of ambiguities concerning the professions. The  
24 composition of the committee and its powers and duties shall  
25 be in accordance with identical resolutions adopted by each

1 board.

2 L. As used in the Engineering and Surveying  
3 Practice Act, "incidental practice" shall be defined by  
4 identical rules of the board and the board of examiners for  
5 architects."

6 SECTION 87. Section 61-23-24 NMSA 1978 (being Laws  
7 1993, Chapter 218, Section 18, as amended) is amended to  
8 read:

9 "61-23-24. ENGINEERING--VIOLATIONS--DISCIPLINARY  
10 ACTION--PENALTIES--REISSUANCE OF LICENSES.--

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

17 (1) practiced or offered to practice  
18 engineering in New Mexico in violation of the Engineering and  
19 Surveying Practice Act;

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

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

24 (4) falsely impersonated another licensee  
25 of like or different name;



1 (5) attempted to use an expired, suspended  
2 or revoked license;

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

5 (7) violated the rules of professional  
6 responsibility for professional engineers adopted and  
7 promulgated by the board;

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

12 (9) been convicted of a felony; or

13 (10) procured, aided or abetted any  
14 violation of the provisions of the Engineering and Surveying  
15 Practice Act or the rules of the board.

16 B. Except as provided in Subsection C of Section  
17 61-23-21 NMSA 1978, nothing in the Engineering and Surveying  
18 Practice Act shall prohibit the general use of the word  
19 "engineer", "engineered" or "engineering" so long as such  
20 words are not used in an offer to the public to perform  
21 engineering work as defined in Subsections F and H of Section  
22 61-23-3 NMSA 1978.

23 C. The board may by rule establish the guidelines  
24 for the disposition of disciplinary cases involving specific  
25 types of violations. The guidelines may include minimum and

1 maximum fines, periods of probation or conditions of  
2 probation or reissuance of a license.

3 D. Failure to pay a fine levied by the board or  
4 to otherwise comply with an order issued by the board  
5 pursuant to the Uniform Licensing Act is a misdemeanor and  
6 shall be grounds for further action against the licensee by  
7 the board and for judicial sanctions or relief.

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

24 F. Persons making charges shall not be subject to  
25 civil or criminal suits; provided that the charges are made

1 in good faith and are not frivolous or malicious.

2 G. The board or a board member may initiate  
3 proceedings pursuant to the provisions of this section in  
4 accordance with the provisions of the Uniform Licensing Act.  
5 Nothing in the Engineering and Surveying Practice Act shall  
6 deny the right of appeal from the decision and order of the  
7 board in accordance with the provisions of the Uniform  
8 Licensing Act.

9 H. The board, for reasons it deems sufficient,  
10 may reissue a license to a person whose license has been  
11 revoked or suspended if a majority of the members of the  
12 engineering committee, acting for the board, or of the board  
13 votes in favor of the reissuance. A new license bearing the  
14 original license number to replace a revoked, lost, destroyed  
15 or mutilated license may be issued subject to the rules of  
16 the board with payment of a fee.

17 I. A violation of any provision of the  
18 Engineering and Surveying Practice Act is a misdemeanor  
19 punishable upon conviction by a fine of not more than seven  
20 thousand five hundred dollars (\$7,500) or by imprisonment of  
21 no more than one year, or both.

22 J. The attorney general or district attorney of  
23 the proper district or special prosecutor retained by the  
24 board shall prosecute violations of the Engineering and  
25 Surveying Practice Act by a nonlicensee.

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

9           **SECTION 88.** Section 61-23-27.11 NMSA 1978 (being Laws  
10 1993, Chapter 218, Section 32, as amended) is amended to  
11 read:

12           "61-23-27.11. SURVEYING--VIOLATIONS--DISCIPLINARY  
13 ACTIONS--PENALTIES--REISSUANCE OF LICENSES.--

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

20                   (1) practiced or offered to practice  
21 surveying in New Mexico in violation of the Engineering and  
22 Surveying Practice Act;

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

25                   (3) given false or forged evidence to the

1 board or to a board member for obtaining a license;

2 (4) falsely impersonated another licensee  
3 of like or different name;

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

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

8 (7) violated the rules of professional  
9 responsibility for professional surveyors adopted and  
10 promulgated by the board;

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

16 (9) been convicted of a felony; or

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

20 B. The board may by rule and in accordance with  
21 the Uniform Licensing Act establish the guidelines for the  
22 disposition of disciplinary cases involving specific types of  
23 violations. Guidelines may include minimum and maximum  
24 fines, periods of probation or conditions of probation or  
25 reissuance of a license.

1 C. Failure to pay a fine levied by the board or  
2 to otherwise comply with an order issued by the board  
3 pursuant to the Uniform Licensing Act is a misdemeanor and  
4 shall be grounds for further action against the licensee by  
5 the board and for judicial sanctions or relief.

6 D. A person may prefer charges of fraud, deceit,  
7 gross negligence, incompetency or misconduct against a  
8 professional surveyor. Such charges shall be in writing,  
9 shall be sworn to by the person making them and shall be  
10 filed with the executive director of the board. No action  
11 that would have any of the effects specified in Subsection D,  
12 E or F of Section 61-1-3 NMSA 1978 may be initiated later  
13 than two years after the discovery by the board, but in no  
14 case shall such an action be brought more than ten years  
15 after the completion of the conduct that constitutes the  
16 basis for the action. All charges shall be referred to the  
17 professional surveying committee, acting for the board, or to  
18 the board. All charges, unless dismissed as unfounded,  
19 trivial, resolved by reprimand or settled informally, shall  
20 be heard in accordance with the provisions of the Uniform  
21 Licensing Act by the surveying committee, acting for the  
22 board, or by the board.

23 E. Persons making charges shall not be subject to  
24 civil or criminal suits if the charges are made in good faith  
25 and are not frivolous or malicious.

1 F. The board or a board member may initiate  
2 proceedings pursuant to the provisions of this section in  
3 accordance with the provisions of the Uniform Licensing Act.  
4 Nothing in the Engineering and Surveying Practice Act shall  
5 deny the right of appeal from the decision and order of the  
6 board in accordance with the provisions of the Uniform  
7 Licensing Act.

8 G. The board, for reasons it deems sufficient,  
9 may reissue a license to a person whose license has been  
10 revoked or suspended; provided that a majority of the members  
11 of the surveying committee, acting for the board, or of the  
12 board votes in favor of reissuance. A new license bearing  
13 the original license number to replace a revoked, lost,  
14 destroyed or mutilated license may be issued subject to the  
15 rules of the board with payment of a fee determined by the  
16 board.

17 H. A violation of any provision of the  
18 Engineering and Surveying Practice Act is a misdemeanor  
19 punishable upon conviction by a fine of not more than seven  
20 thousand five hundred dollars (\$7,500) or by imprisonment of  
21 no more than one year, or both.

22 I. The attorney general or district attorney of  
23 the proper district or special prosecutor retained by the  
24 board shall prosecute violations of the Engineering and  
25 Surveying Practice Act by a nonlicensee.

1 J. The practice of surveying in violation of the  
2 provisions of the Engineering and Surveying Practice Act  
3 shall be deemed a nuisance and may be restrained and abated  
4 by injunction without bond in an action brought in the name  
5 of the state by the district attorney or on behalf of the  
6 board by the attorney general or the special prosecutor  
7 retained by the board. Action shall be brought in the county  
8 in which the violation occurs."

9 SECTION 89. Section 61-24B-7 NMSA 1978 (being Laws  
10 1985, Chapter 151, Section 7, as amended) is amended to read:

11 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

12 A. promulgate rules in accordance with the State  
13 Rules Act to implement the provisions of the Landscape  
14 Architects Act;

15 B. provide for the examination, registration and  
16 re-registration of applicants;

17 C. adopt and use a seal;

18 D. administer oaths and take testimony on matters  
19 within the board's jurisdiction;

20 E. grant, deny, renew, suspend or revoke  
21 certificates of registration to practice landscape  
22 architecture in accordance with the provisions of the Uniform  
23 Licensing Act for any cause stated in the Landscape  
24 Architects Act;

25 F. grant, deny, renew, suspend or revoke



1 landscape architect in training certificates in accordance  
2 with the provisions of the Uniform Licensing Act for any  
3 cause stated in 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  
8 examiners 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  
14 and the resolution of ambiguities concerning the professions.  
15 The composition of this committee and its powers and duties  
16 shall be in accordance with identical resolutions adopted by  
17 each board."

18 SECTION 90. Section 61-24B-9 NMSA 1978 (being Laws  
19 1985, 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  
24 landscape architects. An applicant who passes the  
25 examination may be issued a certificate of registration to

1 practice as a landscape 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  
10 with the rules established by the board.

11 D. The board shall issue an expedited certificate  
12 to practice as a landscape architect without an examination  
13 to an applicant who holds a current certificate of  
14 registration or license as a landscape architect issued by  
15 another licensing jurisdiction if the applicant demonstrates  
16 that the person holds a valid, unrestricted license and is in  
17 good standing with the licensing board in the other licensing  
18 jurisdiction. The board shall, as soon as practicable but no  
19 later than thirty days after an out-of-state registrant or  
20 licensee files an application for a license accompanied by  
21 required fees, process the application and issue an expedited  
22 certificate of registration in accordance with Section  
23 61-1-31.1 NMSA 1978. The board by rule shall determine the  
24 states and territories of the United States and the District  
25 of Columbia from which it will not accept applications for

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

7 SECTION 91. Section 61-24B-15 NMSA 1978 (being Laws  
8 1985, Chapter 151, Section 15) is amended to read:

9 "61-24B-15. BOARD--RULES.--The board shall make rules  
10 in accordance with the State Rules Act to implement the  
11 provisions of the Landscape Architects Act in accordance with  
12 the Uniform Licensing Act."

13 SECTION 92. Section 61-24D-1 NMSA 1978 (being Laws  
14 2019, Chapter 239, Section 1) is amended to read:

15 "61-24D-1. SHORT TITLE.--Chapter 61, Article 24D NMSA  
16 1978 may be cited as the "Home Inspector Licensing Act"."

17 SECTION 93. Section 61-24D-3 NMSA 1978 (being Laws  
18 2019, Chapter 239, Section 3) is amended to read:

19 "61-24D-3. NEW MEXICO HOME INSPECTORS BOARD--CREATED--  
20 POWERS AND DUTIES.--

21 A. The "New Mexico home inspectors board" is  
22 created and is administratively attached to the regulation  
23 and licensing department.

24 B. The board shall consist of five members,  
25 appointed by the governor, who have been residents of the

1 state for at least three consecutive years immediately prior  
2 to their appointment. Three members shall be home  
3 inspectors. One member shall be a real estate qualifying or  
4 associate broker licensed in accordance with Chapter 61,  
5 Article 29 NMSA 1978, and one member shall be a member of the  
6 public who has never been licensed as a home inspector or  
7 real estate broker. No more than one member shall be a  
8 resident of any one county in the state. The initial home  
9 inspector members appointed shall demonstrate that they have  
10 been actively and lawfully engaged in home inspections for at  
11 least twenty-four months prior to the effective date of the  
12 Home Inspector Licensing Act and have met the requirements of  
13 Paragraphs (1) through (4) of Subsection A of Section  
14 61-24D-6 NMSA 1978. The initial home inspector members  
15 appointed shall comply with Paragraph (6) of Subsection A of  
16 Section 61-24D-6 NMSA 1978 within six months of the effective  
17 date of the licensing examination rule promulgated by the  
18 board in accordance with the State Rules Act. After the  
19 board is initially established, any replacement of a home  
20 inspector member shall be a licensee.

21 C. Board members shall serve for five years or  
22 until their successors are appointed and qualified. The  
23 governor may remove a member with or without cause. In the  
24 event of a vacancy, the governor shall appoint a member to  
25 complete the unexpired term. The initial board members

1 appointed shall serve staggered terms from the date of their  
2 appointment as follows:

3 (1) two members for three-year terms;

4 (2) two members for two-year terms; and

5 (3) one member for a one-year term.

6 D. The board shall elect annually from among its  
7 members a chair and other officers as the board determines.  
8 The board shall meet at times and places as fixed by the  
9 board. A majority of the board constitutes a quorum.

10 E. Members of the board may receive per diem and  
11 mileage as provided in the Per Diem and Mileage Act but shall  
12 receive no other compensation, perquisite or allowance.

13 F. The board shall possess all powers and perform  
14 all duties prescribed by the Home Inspector Licensing Act and  
15 as otherwise provided by law and may promulgate rules in  
16 accordance with the State Rules Act to carry out the  
17 provisions of the Home Inspector Licensing Act.

18 G. Pursuant to the provisions of the Home  
19 Inspector Licensing Act, the board shall:

20 (1) adopt rules and procedures necessary to  
21 administer and enforce the provisions of the Home Inspector  
22 Licensing Act;

23 (2) adopt and publish a code of ethics and  
24 standards of practice for persons licensed under the Home  
25 Inspector Licensing Act;

1 (3) issue, renew, suspend, modify or revoke  
2 licenses to home inspectors in accordance with the Uniform  
3 Licensing Act;

4 (4) establish standards for the training,  
5 experience and continuing education requirements of the Home  
6 Inspector Licensing Act;

7 (5) establish the amount and administer the  
8 fees charged for examinations, initial licensure, license  
9 renewals, reinstatement of revoked or suspended licenses,  
10 reactivation of inactive or expired licenses, criminal  
11 background checks and other services pursuant to the  
12 provisions of the Home Inspector Licensing Act;

13 (6) adopt and approve a licensing  
14 examination, which may be administered by a nationally  
15 accepted testing service as determined by the board;

16 (7) conduct state and criminal background  
17 checks on all applicants for a license;

18 (8) maintain a list of the names and  
19 addresses of all licensees and of all persons whose licenses  
20 have been suspended or revoked within that year, together  
21 with such other information relative to the enforcement of  
22 the provisions of the Home Inspector Licensing Act;

23 (9) maintain a statement of all funds  
24 received and a statement of all disbursements;

25 (10) mail copies of statements to any

1 person in this state upon request; and

2 (11) perform other functions and duties as  
3 may be necessary to administer or carry out the provisions of  
4 the Home Inspector Licensing Act."

5 SECTION 94. Section 61-27B-5 NMSA 1978 (being Laws  
6 1993, Chapter 212, Section 5, as amended) is amended to read:

7 "61-27B-5. ADMINISTRATION OF ACT--RULES.--

8 A. The department shall enforce and administer  
9 the provisions of the Private Investigations Act in  
10 accordance with the Uniform Licensing Act.

11 B. The department shall keep a record of each  
12 individual licensee.

13 C. The department shall promulgate rules in  
14 accordance with the State Rules Act and enforce those rules  
15 necessary to carry out the provisions of the Private  
16 Investigations Act, including establishing professional  
17 ethical standards.

18 D. The department shall promulgate rules  
19 regarding:

20 (1) licensing private investigators,  
21 private investigations managers, private investigation  
22 companies, private patrol operators, private patrol  
23 operations managers, private patrol employees and polygraph  
24 examiners;

25 (2) registering private investigations

1 employees, security guards and private patrol employees;

2 (3) establishing minimum training and  
3 educational standards for licensure and registration;

4 (4) establishing continuing education  
5 requirements;

6 (5) establishing and operating a branch  
7 office;

8 (6) creating a policy on reciprocity with  
9 other licensing jurisdictions of the United States;

10 (7) providing permits for security guards  
11 for special events; and

12 (8) conducting background investigations."

13 SECTION 95. Section 61-28B-5 NMSA 1978 (being Laws  
14 1999, Chapter 179, Section 5, as amended) is amended to read:

15 "61-28B-5. BOARD--POWERS AND DUTIES.--

16 A. The board may:

17 (1) appoint committees or persons to advise  
18 or assist it in carrying out the provisions of the 1999  
19 Public Accountancy Act;

20 (2) retain its own counsel to advise and  
21 assist it in addition to advice and assistance provided by  
22 the attorney general;

23 (3) contract, sue and be sued and have and  
24 use a seal;

25 (4) cooperate with the appropriate



1 authorities in other states in investigation and enforcement  
2 concerning violations of the 1999 Public Accountancy Act and  
3 comparable acts of other states; and

4 (5) promulgate rules in accordance with the  
5 State Rules Act to carry out the provisions of the 1999  
6 Public Accountancy Act, including rules governing the  
7 administration and enforcement of the 1999 Public Accountancy  
8 Act and the conduct of certificate and permit holders.

9 B. The board shall:

10 (1) maintain a registry of the names and  
11 addresses of certificate and permit holders;

12 (2) develop, in conjunction with the  
13 department of public safety, rules requiring a criminal  
14 history background check of an applicant for initial or  
15 reciprocal certification in New Mexico as provided for in the  
16 1999 Public Accountancy Act; and

17 (3) conduct disciplinary or licensure  
18 proceedings in accordance with the Uniform Licensing Act."

19 **SECTION 96.** Section 61-29-4 NMSA 1978 (being Laws  
20 1959, Chapter 226, Section 3, as amended) is amended to read:

21 "61-29-4. CREATION OF COMMISSION--POWERS AND DUTIES.--

22 A. The "New Mexico real estate commission" is  
23 created. The commission shall be appointed by the governor  
24 and shall consist of five members who shall have been  
25 residents of the state for three consecutive years

1 immediately prior to their appointment, four of whom shall  
2 have been associate brokers or qualifying brokers licensed in  
3 New Mexico and one of whom shall be a member of the public  
4 who has never been licensed as an associate broker or a  
5 qualifying broker; provided that not more than one member  
6 shall be from any one county within the state. The members  
7 of the commission shall serve for a period of five years or  
8 until their successors are appointed and qualified. The  
9 governor may remove a member for cause. In the event of  
10 vacancies, the governor shall appoint members to complete  
11 unexpired terms.

12 B. The commission shall possess all the powers  
13 and perform all the duties prescribed by Chapter 61, Article  
14 29 NMSA 1978 and as otherwise provided by law, and it is  
15 expressly vested with power and authority to promulgate rules  
16 in accordance with the State Rules Act and enforce those  
17 rules to carry out the provisions of that article."

18 SECTION 97. Section 61-29-12 NMSA 1978 (being Laws  
19 1959, Chapter 226, Section 11, as amended) is amended to  
20 read:

21 "61-29-12. REFUSAL, SUSPENSION OR REVOCATION OF  
22 LICENSE FOR CAUSES ENUMERATED.--

23 A. In accordance with the Uniform Licensing Act,  
24 the commission may refuse to issue a license or may suspend,  
25 revoke, limit or condition a license if the applicant or

1 licensee has, by false or fraudulent representations,  
2 obtained a license or, in performing or attempting to perform  
3 any of the actions specified in Chapter 61, Article 29 NMSA  
4 1978, an applicant or licensee has:

5 (1) made a substantial misrepresentation;

6 (2) pursued a continued and flagrant course  
7 of misrepresentation; made false promises through agents,  
8 salespersons, advertising or otherwise; or used any trade  
9 name or insignia of membership in any real estate  
10 organization of which the licensee is not a member;

11 (3) paid or received a rebate, profit,  
12 compensation or commission to or from any unlicensed person,  
13 except the licensee's principal or other party to the  
14 transaction, and then only with that principal's written  
15 consent;

16 (4) represented or attempted to represent a  
17 qualifying broker other than a qualifying broker with whom  
18 the licensee is associated without the express knowledge and  
19 consent of that qualifying broker;

20 (5) failed, within a reasonable time, to  
21 account for or to remit any money coming into the licensee's  
22 possession that belongs to others, commingled funds of others  
23 with the licensee's own or failed to keep funds of others in  
24 an escrow or trustee account or failed to furnish legible  
25 copies of all listing and sales contracts to all parties

1 executing them;

2 (6) been convicted in any court of  
3 competent jurisdiction of a felony or any offense involving  
4 moral turpitude;

5 (7) employed or compensated, directly or  
6 indirectly, a person for performing any of the acts regulated  
7 by Chapter 61, Article 29 NMSA 1978 who is not a licensed  
8 qualifying broker or an associate broker; provided, however,  
9 that a qualifying broker may pay a commission to a qualifying  
10 broker of another state as provided in Section 61-29-16.1  
11 NMSA 1978;

12 (8) failed, if a qualifying broker, to  
13 place as soon after receipt as is practicably possible, after  
14 securing signatures of all parties to the transaction, any  
15 deposit money or other money received by the qualifying  
16 broker in a real estate transaction in a custodial, trust or  
17 escrow account, maintained by the qualifying broker in a bank  
18 or savings and loan institution or title company authorized  
19 to do business in this state, in which the funds shall be  
20 kept until the transaction is consummated or otherwise  
21 terminated, at which time a full accounting of the funds  
22 shall be made by the qualifying broker. Records relative to  
23 the deposit, maintenance and withdrawal of the funds shall  
24 contain information as may be prescribed by the rules of the  
25 commission. Nothing in this paragraph prohibits a qualifying

1 broker from depositing nontrust funds in an amount not to  
2 exceed the required minimum balance in each trust account so  
3 as to meet the minimum balance requirements of the bank  
4 necessary to maintain the account and avoid charges. The  
5 minimum balance deposit shall not be considered commingling  
6 and shall not be subject to levy, attachment or garnishment.  
7 This paragraph does not prohibit a qualifying broker from  
8 depositing any deposit money or other money received by the  
9 qualifying broker in a real estate transaction with another  
10 cooperating broker who shall in turn comply with this  
11 paragraph;

12 (9) failed, if an associate broker, to  
13 place as soon after receipt as is practicably possible in the  
14 custody of the associate broker's qualifying broker, after  
15 securing signatures of all parties to the transaction, any  
16 deposit money or other money entrusted to the associate  
17 broker by any person dealing with the associate broker as the  
18 representative of the qualifying broker;

19 (10) violated a provision of Chapter 61,  
20 Article 29 NMSA 1978 or a rule promulgated by the commission;

21 (11) committed an act, whether of the same  
22 or different character from that specified in this  
23 subsection, that is related to dealings as a qualifying  
24 broker or an associate broker and that constitutes or  
25 demonstrates bad faith, incompetency, untrustworthiness,

1       impropriety, fraud, dishonesty, negligence or any unlawful  
2       act; or

3                       (12)   been the subject of disciplinary  
4       action as a licensee while licensed to practice real estate  
5       in another jurisdiction, territory or possession of the  
6       United States or another country.

7                       B.   An unlawful act or violation of Chapter 61,  
8       Article 29 NMSA 1978 by an associate broker, employee,  
9       partner or associate of a qualifying broker shall not be  
10      cause for the revocation of a license of the qualifying  
11      broker unless it appears to the satisfaction of the  
12      commission that the qualifying broker had guilty knowledge of  
13      the unlawful act or violation."

14                      SECTION 98.   Section 61-29-20 NMSA 1978 (being Laws  
15      1980, Chapter 82, Section 1) is amended to read:

16                      "61-29-20.   SHORT TITLE.--Sections 61-29-20 through  
17      61-29-29 NMSA 1978 may be cited as the "Real Estate Recovery  
18      Fund Act"."

19                      SECTION 99.   Section 61-30-7 NMSA 1978 (being Laws  
20      1990, Chapter 75, Section 7, as amended) is amended to read:

21                      "61-30-7.   BOARD--POWERS--DUTIES.--The board shall:

22                      A.   promulgate rules in accordance with the State  
23      Rules Act to implement the provisions of the Real Estate  
24      Appraisers Act;

25                      B.   establish educational programs and research

1 projects related to the appraisal of real estate;

2 C. establish the administrative procedures for  
3 processing applications and issuing registrations, licenses  
4 and certificates to persons who qualify to be real estate  
5 appraiser trainees, state licensed residential real estate  
6 appraisers or state certified real estate appraisers;

7 D. receive, review and approve applications for  
8 real estate appraiser trainees, state licensed residential  
9 real estate appraisers and each category of state certified  
10 real estate appraisers;

11 E. define the extent and type of educational  
12 experience, appraisal experience and equivalent experience  
13 that will meet the requirements for registration, licensing  
14 and certification pursuant to the Real Estate Appraisers Act  
15 after considering generally recognized appraisal practices  
16 and set 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  
22 programs that will meet the requirements of the Real Estate  
23 Appraisers Act and that will encourage conducting programs at  
24 various locations throughout the state;

25 H. adopt standards for the development and

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  
6 for real estate appraiser trainees, state licensed  
7 residential real estate appraisers and state certified real  
8 estate appraisers;

9 J. comply with annual reporting requirements and  
10 other requirements set forth in the federal real estate  
11 appraisal reform amendments;

12 K. collect and transmit annual registry fees from  
13 persons who perform or seek to perform appraisals in  
14 federally related transactions and from an appraisal  
15 management company that either has registered with the board  
16 or operates as a subsidiary of a federally regulated  
17 financial institution;

18 L. maintain a registry of the names and addresses  
19 of the persons who hold current registrations, licenses and  
20 certificates issued under the Real Estate Appraisers Act;

21 M. establish procedures for disciplinary action  
22 in accordance with the Uniform Licensing Act against any  
23 applicant or holder of a registration, license or certificate  
24 for violations of the Real Estate Appraisers Act and any  
25 rules adopted pursuant to provisions of that act;



1 N. register and supervise appraisal management  
2 companies and submit additional information about the  
3 appraisal management company to the appraisal subcommittee's  
4 national registry;

5 O. recognize appraiser certifications and  
6 licenses from states whose appraisal program is found to be  
7 consistent with Title 11 of the Financial Institutions  
8 Reform, Recovery, and Enforcement Act of 1989 as determined  
9 by the appraisal subcommittee; and

10 P. perform such other functions and duties as may  
11 be necessary to carry out the provisions of the Real Estate  
12 Appraisers Act."

13 SECTION 100. Section 61-32-6 NMSA 1978 (being Laws  
14 1993, Chapter 204, Section 6, as amended) is amended to read:

15 "61-32-6. BOARD POWERS.--

16 A. In addition to any other authority provided by  
17 law, the board has the power to:

18 (1) promulgate rules in accordance with the  
19 State Rules Act that are necessary to carry out the  
20 provisions of the Funeral Services Act;

21 (2) promulgate rules implementing  
22 continuing education requirements;

23 (3) conduct hearings upon charges relating  
24 to the discipline of licensees and take administrative  
25 actions pursuant to the Uniform Licensing Act;

1 (4) except as provided in Section 61-1-34  
2 NMSA 1978, establish reasonable fees to carry out the  
3 provisions of the Funeral Services Act;

4 (5) provide for investigations necessary to  
5 determine violations of the Funeral Services Act;

6 (6) establish committees as the board deems  
7 necessary for carrying out the provisions of the Funeral  
8 Services Act;

9 (7) apply for injunctive relief to enforce  
10 the provisions of the Funeral Services Act or to restrain any  
11 violation of that act; and

12 (8) conduct criminal background checks on  
13 applicants for licensure.

14 B. No action or other legal proceedings for  
15 damages shall be instituted against the board, any board  
16 member or employee of the board for any act performed in good  
17 faith and in the intended performance of any power or duty  
18 granted under the Funeral Services Act or for any neglect or  
19 default in the good faith performance or exercise of any such  
20 power or duty."

21 **SECTION 101.** Section 61-33-3 NMSA 1978 (being Laws  
22 1973, 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

1 department.

2 B. The department shall:

3 (1) approve and accredit schools and  
4 training 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  
10 standards, for certification of applicants as operators for  
11 one of the facility classifications established pursuant to  
12 Subsection A of Section 61-33-4 NMSA 1978;

13 (3) enter into agreements, contracts or  
14 cooperative arrangements with persons;

15 (4) receive and accept financial and  
16 technical assistance;

17 (5) promulgate rules in accordance with the  
18 State Rules Act; and

19 (6) issue, renew, suspend or revoke  
20 licenses or discipline a licensee in accordance with the  
21 Uniform Licensing Act."

22 **SECTION 102.** Section 61-34-8 NMSA 1978 (being Laws  
23 2007, Chapter 248, Section 8) is amended to read:

24 "61-34-8. BOARD POWERS AND DUTIES.--

25 A. The board shall:

1 (1) administer and enforce provisions of  
2 the Signed Language Interpreting Practices Act;

3 (2) promulgate rules in accordance with the  
4 State Rules Act setting forth the qualifications of  
5 applicants for licensure and the provisions for the  
6 administration of examinations and the issuance, renewal,  
7 suspension or revocation of licenses;

8 (3) evaluate the qualifications of  
9 applicants for licensure and issue licenses;

10 (4) promulgate rules to effectively carry  
11 out and enforce the provisions of the Signed Language  
12 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;  
16 and

17 (7) provide an annual report to the  
18 governor.

19 B. The board may refuse, suspend or revoke a  
20 license of an interpreter, conduct investigations, issue  
21 subpoenas and hold hearings as provided in the Uniform  
22 Licensing Act."

23 **SECTION 103.** Section 61-37-12 NMSA 1978 (being Laws  
24 2020, Chapter 46, Section 12) is amended to read:

25 "61-37-12. FEES RETAINED BY THE DIVISION.--All fees

1 collected by the division pursuant to the Tobacco Products  
2 Act shall be deposited into the tobacco products  
3 administration fund."

4 **SECTION 104. TEMPORARY PROVISION--RULE CHANGES TO**  
5 **COMPLY WITH ACT.--**A board that is required by this act to  
6 change its licensing provisions to allow for new or different  
7 expedited licensure shall have rules in place and operational  
8 by January 1, 2023.

9 **SECTION 105. RECOMPILATION.--**

10 A. Sections 61-6-7.3 and 61-6-7.4 NMSA 1978  
11 (being Laws 1997, Chapter 187, Section 4 and Laws 2017,  
12 Chapter 103, Section 6) are recompiled as Sections 61-6C-5  
13 and 61-6C-6 NMSA 1978.

14 B. Sections 61-6-10.2 through 61-6-10.7,  
15 61-6-10.10 and 61-6-10.11 NMSA 1978 (being Laws 2001, Chapter  
16 311, Sections 2 through 7 and 10 and Laws 2015, Chapter 52,  
17 Section 3, as amended) are recompiled as Sections 61-6D-2  
18 through 61-6D-7, 61-6D-9 and 61-6D-10 NMSA 1978.

19 C. Sections 61-36-2, 61-36-4 and 61-36-5 NMSA  
20 1978 (being Laws 2017, Chapter 136, Sections 2, 4 and 5, as  
21 amended) are recompiled as Sections 61-3B-2, 61-3B-4 and  
22 61-3B-5 NMSA 1978.

23 **SECTION 106. REPEAL.--**

24 A. Sections 61-1-27 and 61-1-30 NMSA 1978 (being  
25 Laws 1957, Chapter 247, Section 27 and Laws 1971, Chapter 54,

1 Section 4, as amended) are repealed.

2 B. Section 61-6-7 NMSA 1978 (being Laws 1973,

3 Chapter 361, Section 3, as amended) is repealed.=====

HCEDC/HB 191/a  
Page 174

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25