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SENATE BILL 111

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

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO LICENSURE; PROVIDING FOR THE TEMPORARY SUSPENSION OF THE COLLECTION OF PROVISIONAL AND INITIAL LICENSE FEES FOR CERTAIN PROFESSIONS AND OCCUPATIONS; REQUIRING DATA COLLECTION AND ANALYSIS TO DETERMINE THE EFFICACY OF THE SUSPENSION PROGRAM; MAKING AN APPROPRIATION.

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

SECTION 1. TEMPORARY PROVISION--TEMPORARILY SUSPENDING PROVISIONAL AND INITIAL LICENSE FEES FOR INDIVIDUALS ENTERING PROFESSIONS AND OCCUPATIONS IN NEW MEXICO--RENEWAL AND REINSTATEMENT AND OTHER FEES COLLECTED BY BOARDS AND COMMISSIONS CONTINUE.--

A. As used in this section, "license" includes provisional or temporary licenses prior to initial licensure and initial licensure, certification, registration, permitting

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1 or other word that indicates that an individual has been
2 qualified to engage in a profession or occupation regulated by
3 the state.

4 B. The state shall suspend the collection of
5 license fees for initial licensure of individuals in the
6 professions and occupations listed in this section; provided
7 that this provision does not include businesses or managers or
8 supervisors of businesses. This program of suspension shall
9 begin July 1, 2023 and end July 1, 2026. The regulation and
10 licensing department, adjunct licensing boards and other
11 departments that license professions and occupations listed in
12 this section shall collect and analyze data to determine
13 whether the suspension of initial license fees results in
14 increased participation in licensed professions and occupations
15 and whether additional licensees are drawn from resident New
16 Mexicans or other jurisdictions.

17 C. Individuals who are not required to pay the
18 initial license fee for first-time licensure in a profession or
19 occupation listed in this section shall meet all other
20 requirements for licensure, including education, training,
21 experience and examination, and pay all other fees, as required
22 by the laws and rules governing the particular profession or
23 occupation.

24 D. The boards, commissions and departments
25 regulating the following professions and occupations shall not

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1 collect initial licensing fees in:

2 (1) the School Personnel Act, Chapter 22,
3 Article 10A NMSA 1978, licensing or certifying teachers, school
4 administrators and instructional support staff;

5 (2) Subsection V of Section 24-1-3 NMSA 1978
6 and rules adopted pursuant to that subsection, licensing
7 midwives;

8 (3) the Emergency Medical Services Act,
9 Chapter 24, Article 10B NMSA 1978 and rules adopted pursuant to
10 that act, licensing emergency medical dispatchers and emergency
11 medical dispatcher instructors; emergency medical services
12 first responders; and basic, intermediate and paramedic
13 emergency medical technicians;

14 (4) the Construction Industries Licensing Act,
15 Chapter 60, Article 13 NMSA 1978, licensing contractors,
16 journeymen plumbers, electricians, gas fitters, pipe fitters
17 and welders;

18 (5) the Manufactured Housing Act, Chapter 60,
19 Article 14 NMSA 1978, licensing brokers, dealers, installers,
20 repairers and salespeople;

21 (6) the Crane Operators Safety Act, Chapter
22 60, Article 15 NMSA 1978, licensing classes 1, 2 and 3 crane
23 operators;

24 (7) the Optometry Act, Chapter 61, Article 2
25 NMSA 1978, licensing optometrists;

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1 (8) the Nursing Practice Act, Chapter 61,
2 Article 3 NMSA 1978, licensing registered nurses, licensed
3 practical nurses, nursing specialists and lactation
4 consultants;

5 (9) the Chiropractic Physician Practice Act,
6 Chapter 61, Article 4 NMSA 1978, licensing chiropractic
7 physicians and chiropractic assistants;

8 (10) the Dental Health Care Act, Chapter 61,
9 Article 5A NMSA 1978, licensing dentists, dental hygienists,
10 dental therapists, dental assistants, expanded-function dental
11 auxiliaries and community dental health coordinators;

12 (11) the Medical Practice Act, Chapter 61,
13 Articles 6, 6A, 6B, 6C, 6D, 12F and 12G NMSA 1978, licensing
14 medical or osteopathic physicians, physician assistants,
15 polysomnographic technologists, anesthesiologist assistants,
16 naturopathic doctors, naprapaths and genetic counselors;

17 (12) the Nutrition and Dietetics Practice Act,
18 Chapter 61, Article 7A NMSA 1978, licensing dietitians,
19 nutritionists and nutrition associates;

20 (13) the Podiatry Act, Chapter 61, Article 8
21 NMSA 1978, licensing podiatrists and foot and ankle radiation
22 technologists;

23 (14) the Professional Psychologist Act,
24 Chapter 61, Article 9 NMSA 1978, licensing psychologists and
25 psychologist associates;

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1 (15) the Counseling and Therapy Practice Act,
2 Chapter 61, Article 9A NMSA 1978, licensing professional mental
3 health counselors, professional clinical mental health
4 counselors, independent mental health counselors, mental health
5 counselors, marriage and family therapists, associate marriage
6 and family therapists, professional art therapists, alcohol and
7 drug abuse counselors, alcohol abuse counselors and substance
8 abuse associates;

9 (16) the Pharmacy Act, Chapter 61, Article 11
10 NMSA 1978, licensing pharmacists, pharmacy interns and pharmacy
11 technicians;

12 (17) the Occupational Therapy Act, Chapter 61,
13 Article 12A NMSA 1978, licensing occupational therapists and
14 occupational therapist assistants;

15 (18) the Respiratory Care Act, Chapter 61,
16 Article 12B NMSA 1978, licensing respiratory care
17 practitioners;

18 (19) the Massage Therapy Practice Act, Chapter
19 61, Article 12C NMSA 1978, licensing massage therapists;

20 (20) the Physical Therapy Act, Chapter 61,
21 Article 12D NMSA 1978, licensing physical therapists and
22 physical therapist assistants;

23 (21) the Nursing Home Administrators Act,
24 Chapter 61, Article 13 NMSA 1978, licensing nursing home
25 administrators;

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1 (22) the Veterinary Practice Act, Chapter 61,
2 Article 14 NMSA 1978, licensing veterinarians and veterinary
3 technicians;

4 (23) the Acupuncture and Oriental Medicine
5 Practice Act, Chapter 61, Article 14A NMSA 1978, licensing
6 acupuncturists and doctors of oriental medicine;

7 (24) the Speech-Language Pathology, Audiology
8 and Hearing Aid Dispensing Practices Act, Chapter 61, Article
9 14B NMSA 1978, licensing audiologists, hearing aid dispensers
10 and speech-language pathologists;

11 (25) the Athletic Trainer Practice Act,
12 Chapter 61, Article 14D NMSA 1978, licensing athletic trainers;

13 (26) the Medical Imaging and Radiation Therapy
14 Health and Safety Act, Chapter 61, Article 14E NMSA 1978,
15 licensing magnetic resonance technologists, radiographers,
16 nuclear medicine technologists, diagnostic medical sonographers
17 and radiation therapists;

18 (27) the Architectural Act, Chapter 61,
19 Article 15 NMSA 1978, licensing architects;

20 (28) the Barbers and Cosmetologists Act,
21 Chapter 61, Article 17A NMSA 1978, licensing barbers,
22 cosmetologists, estheticians, electrologists, hairstylists and
23 manicurist-pedicurists;

24 (29) the Body Art Safe Practices Act, Chapter
25 61, Article 17B NMSA 1978, licensing body artists;

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1 (30) the Engineering and Surveying Practice
2 Act, Chapter 61, Article 23 NMSA 1978, licensing professional
3 engineers and engineer interns and professional surveyors and
4 surveyor interns;

5 (31) the Landscape Architects Act, Chapter 61,
6 Article 24B NMSA 1978, licensing landscape architects and
7 landscape architects in training;

8 (32) the Interior Designers Act, Chapter 61,
9 Article 24C NMSA 1978, licensing interior designers;

10 (33) the Home Inspector Licensing Act, Chapter
11 61, Article 24D NMSA 1978, licensing home inspectors;

12 (34) the Private Investigations Act, Chapter
13 61, Article 27B NMSA 1978, licensing private investigators,
14 polygraph examiners, private patrol employees and levels 1, 2
15 and 3 security guards;

16 (35) the 1999 Public Accountancy Act, Chapter
17 61, Article 28B NMSA 1978, licensing certified public
18 accountants and registered public accountants;

19 (36) Chapter 61, Article 29 NMSA 1978,
20 licensing real estate brokers and associate brokers;

21 (37) the Real Estate Appraisers Act, Chapter
22 61, Article 30 NMSA 1978, licensing real estate appraisers and
23 real estate appraiser trainees;

24 (38) the Social Work Practice Act, Chapter 61,
25 Article 31 NMSA 1978, licensing bachelors of social work,

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1 clinical social workers, independent social workers and masters
2 of social work;

3 (39) the Funeral Services Act, Chapter 61,
4 Article 32 NMSA 1978, licensing direct disposers, embalmers,
5 funeral arrangers, funeral service interns and funeral service
6 practitioners; and

7 (40) the Utility Operators Certification Act,
8 Chapter 61, Article 33 NMSA 1978, licensing utility operators
9 of one or more classifications of public water supply systems.

10 SECTION 2. APPROPRIATION.--One million dollars
11 (\$1,000,000) is appropriated from the general fund to the
12 regulation and licensing department for expenditure in fiscal
13 years 2024 through 2027 to offset lost revenue for those
14 boards, commissions and other departments that depend on
15 licensing fees to support their regulatory and enforcement
16 activities and that certify to the department that their
17 licensing funds or appropriations are insufficient to carry out
18 those activities without additional monetary support. Any
19 unexpended or unencumbered balance remaining at the end of
20 fiscal year 2027 shall revert to the general fund.

21 SECTION 3. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2023.