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AN ACT

RELATING TO LICENSING; ADMINISTRATIVELY ATTACHING CERTAIN
PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS TO THE REGULATION
AND LICENSING DEPARTMENT; LIMITING THE HIRING OF STAFF, AGENTS AND
ATTORNEYS OF CERTAIN PROFESSIONAL AND OCCUPATIONAL BOARDS;
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 61-2-5 NMSA 1978 (being Laws 1973, Chapter 353,
Section 4, as amended) is amended to read:

"61-2-5. BOARD CREATED--TERMS--APPOINTMENT--CONTINUANCE--
REMOVAL.--

A. There is created a six-member "board of optometry". The board
shall be administratively attached to the regulation and licensing department. The
board consists of four persons who have resided in and have been continuously
engaged in the practice of optometry in New Mexico for at least five years immediately
prior to their appointment and two persons who shall represent the public. The public
members of the board shall not have been licensed as optometrists, nor shall the
public members have any significant financial interest, whether direct or indirect, in the
occupation regulated.

B. Professional members of the board shall be appointed by the
governor from a list of five names for each vacancy submitted to him by the state
organization affiliated with the American optometric association. Not more than one
professional board member shall maintain his place of business or reside in any one
county, and professional appointments shall be made on a geographical basis to
effect representation of all areas of the state. Board members shall be appointed for
staggered terms of five years or less, each. The term of each board member shall be
made in such a manner that the term of one board member ends on June 30 of each
year. Board members shall serve until their successors have been appointed and

1 qualified. A professional member vacancy shall be filled for the unexpired term by the
2 appointment by the governor of a licensed optometrist from the general area of the
3 state represented by the former member. All members of the board of optometry in
4 office on the effective date of the Optometry Act shall serve out their unexpired terms.

5 C. The governor may remove a member from the board for the neglect
6 of a duty required by law, for incompetence, for improper or unprofessional conduct as
7 defined by board regulation or for a reason that would justify the suspension or
8 revocation of his license to practice optometry.

9 D. A board member shall not serve more than two consecutive terms,
10 and a member failing to attend, after proper notice, three consecutive meetings shall
11 automatically be removed as a board member unless excused for reasons set forth in
12 board regulations.

13 E. In the event of a vacancy for any reason, the board secretary shall
14 immediately notify the governor, the board members and the state optometric
15 association of the vacancy, the reason for its occurrence and the action taken by the
16 board, so as to expedite the appointment of a new board member."

17 Section 2. Section 61-2-6 NMSA 1978 (being Laws 1973, Chapter 353,
18 Section 5, as amended) is amended to read:

19 "61-2-6. ORGANIZATION--MEETINGS--COMPENSATION--POWERS AND
20 DUTIES.--

21 A. The board shall annually elect a chairman, a vice chairman and a
22 secretary-treasurer; each shall serve until his successor is elected and qualified.

23 B. The board shall meet at least annually for the purpose of examining
24 candidates for licensure. Special meetings may be called by the chairman and shall
25 be called upon the written request of a majority of the board members. A majority of
the board members currently serving constitutes a quorum.

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

- 1 D. The board shall:
- 2 (1) administer and enforce the provisions of the Optometry Act;
- 3 (2) adopt, publish and file, in accordance with the Uniform
4 Licensing Act and the State Rules Act, all rules and regulations for the implementation
5 and enforcement of the provisions of the Optometry Act;
- 6 (3) adopt and use a seal;
- 7 (4) administer oaths and take testimony on matters within the
8 board's jurisdiction;
- 9 (5) keep an accurate record of meetings, receipts and
10 disbursements;
- 11 (6) keep a record of examinations held, together with the
12 names and addresses of persons taking the examinations and the examination results.
13 Within thirty days after an examination, the board shall give written notice to each
14 applicant examined of the results of the examination as to the respective applicant;
- 15 (7) certify as passing each applicant who obtains a grade of at
16 least seventy-five percent on each subject upon which he is examined; providing that
17 an applicant failing may apply for re-examination at the next scheduled examination
18 date;
- 19 (8) keep a book of registration in which the name, address and
20 license number of licensees shall be recorded, together with a record of license
21 renewals, suspensions and revocations;
- 22 (9) grant, deny, renew, suspend or revoke licenses to practice
23 optometry in accordance with the provisions of the Uniform Licensing Act for any
24 cause stated in the Optometry Act;
- 25 (10) develop and administer qualifications for certification for
the use of topical ocular pharmaceutical agents and oral pharmaceutical agents as
authorized in Section 61-2-10.2 NMSA 1978, including minimum educational
requirements and examination, as required by Section 61-2-10 NMSA 1978 and
provide the board of pharmacy with an annual list of optometrists certified to use

1 topical ocular pharmaceutical agents and oral pharmaceutical agents as authorized in
2 Section 61-2-10.2 NMSA 1978; and

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

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

9 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--
10 COMPENSATION.--

11 A. There is created the "chiropractic board".

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

20 B. Members of the board shall be appointed by the governor for
21 staggered terms of five years or less and in a manner that the term of one board
22 member expires on July 1 of each year. A list of five names for each professional
23 member vacancy shall be submitted by the New Mexico chiropractic association to the
24 governor for his consideration in the appointment of board members. A vacancy shall
25 be filled by appointment for the unexpired term. Board members shall serve until their
successors have been appointed and qualified.

C. The board shall annually elect a chairman and a secretary-
treasurer. A majority of the board constitutes a quorum. The board shall meet
quarterly. Special meetings may be called by the chairman and shall be called upon

1 the written request of two members of the board. Notification of special meetings shall
2 be made by certified mail unless such notice is waived by the entire board and the
3 action noted in the minutes. Notice of all regular meetings shall be made by regular
4 mail at least ten days prior to the meeting, and copies of the minutes of all meetings
5 shall be mailed to each board member within thirty days after a meeting.

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

8 E. The board shall adopt a seal.

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

13 G. The board shall cause examinations to be held at least twice a
14 year, and all applicants shall be notified in writing of each examination.

15 H. The board, for the purpose of protecting the health and well-being
16 of the citizens of this state and maintaining and continuing informed professional
17 knowledge and awareness, shall establish by regulations adopted in accordance with
18 the provisions of the Uniform Licensing Act mandatory continuing education
19 requirements for chiropractors licensed in this state.

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

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

25 Section 4. Section 61-5A-8 NMSA 1978 (being Laws 1994, Chapter 55,
Section 8) is amended to read:

"61-5A-8. BOARD CREATED.--

A. There is created the nine-member "New Mexico board of dental
health care". The board shall be administratively attached to the regulation and

1 licensing department. The board shall consist of five dentists, two dental hygienists
2 and two public members. The dentists shall be actively practicing and have been
3 licensed practitioners and residents of New Mexico for a period of five years preceding
4 the date of appointment. The dental hygienist members shall be members of the
5 committee and shall be elected annually to sit on the board by those sitting on the
6 committee. The appointed public members shall be residents of New Mexico and shall
7 have no financial interest, direct or indirect, in the professions regulated in the Dental
Health Care Act.

8 B. The governor may appoint the dentist members from a list of names
9 submitted by the New Mexico dental association. There shall be one member from
10 each district. All board members shall serve until their successors have been
11 appointed. A member shall not be employed by or receive remuneration from a dental
12 or dental hygiene educational institution.

13 C. Appointments for dentists and public members shall be for terms of
14 five years. Dentists' appointments shall be made so that the term of one dentist
15 member expires on July 1 of each year. Public members' five-year terms begin at the
date of appointment.

16 D. A board member failing to attend three board or committee
17 meetings, either regular or special, during the board member's term shall automatically
18 be removed as a member of the board unless excused from attendance by the board
for good cause shown.

19 E. A board member shall not serve more than two full terms.

20 F. In the event of a vacancy, the secretary of the board shall
21 immediately notify the governor, the board and committee members and the New
22 Mexico dental association of the reason for its occurrence and action taken by the
23 board, so as to expedite appointment of a new board member.

24 G. The board shall meet quarterly every year. The board may also
25 hold special meetings and emergency meetings in accordance with rules of the board
upon written notice to all members of the board and committee.

1 H. Members of the board shall be reimbursed as provided in the Per
2 Diem and Mileage Act and shall receive no other compensation, perquisite or
3 allowance; however, the secretary-treasurer may be compensated at the discretion of
4 the board.

5 I. A simple majority of the board members currently serving shall
6 constitute a quorum, provided at least two of that quorum are not dentist members and
7 three are dentist members.

8 J. The board shall elect officers annually as deemed necessary to
9 administer its duties and as provided in its rules and regulations."

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

12 "61-5A-9. COMMITTEE CREATED.--

13 A. There is created the seven-member "New Mexico dental hygienists
14 committee". The committee shall be administratively attached to the regulation and
15 licensing department. The committee shall consist of five dental hygienists, one
16 dentist and one public member. The dental hygienists shall be actively practicing and
17 have been licensed practitioners and residents of New Mexico for a period of five
18 years preceding the date of their appointment. The dentist and public member shall
19 be members of the board and shall be elected annually to sit on the committee by
20 those members sitting on the board.

21 B. The governor may appoint the dental hygienists from a list of names
22 submitted by the New Mexico dental hygienists association. There may be one
23 member from each district. The list submitted shall consist, whenever possible, of
24 names of dental hygienists in the district being considered but may also include names
25 of dental hygienists at-large. No more than two dental hygienists shall serve from the
same district at one time. Members shall serve until their successors have been
appointed. A member shall not be employed by or receive remuneration from a dental
or dental hygiene educational institution.

C. Appointments for dental hygienist members shall be for terms of five

1 years. Appointments shall be made so that the term of one dental hygienist expires on 1
2 July 1 of each year. B

3 D. A committee member failing to attend three committee or board 1
4 meetings, either regular or special, during the committee member's term shall 0
5 automatically be removed as a member of the committee unless excused from 1
6 attendance by the committee for good cause shown. Members of the committee not P
7 sitting on the board shall not be required to attend board disciplinary hearings. a
8 e

7 E. A committee member shall not serve more than two full terms. 8

8 F. In the event of a vacancy, the secretary of the committee shall
9 immediately notify the governor, the committee and board members and the New
10 Mexico dental hygienists association of the reason for its occurrence and action taken
11 by the committee, so as to expedite appointment of a new committee member.

11 G. The committee shall meet quarterly every year. The committee
12 may also hold special meetings and emergency meetings in accordance with the
13 committee rules upon written notification to all members of the committee and the
14 board.

15 H. Members of the committee shall be reimbursed as provided in the
16 Per Diem and Mileage Act and shall receive no other compensation, perquisite or
17 allowance.

18 I. A simple majority of the committee members currently serving shall
19 constitute a quorum, provided at least one of that quorum is not a hygienist member.

19 J. The committee shall elect officers annually as deemed necessary to
20 administer its duties and as provided in the committee rules and regulations."

21 Section 6. Section 61-5A-10 NMSA 1978 (being Laws 1994, Chapter 55,
22 Section 10) is amended to read:

23 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND COMMITTEE.--In
24 addition to any other authority provided by law, the board, and the committee where
25 designated, shall have the power to:

A. enforce and administer the provisions of the Dental Health Care

1 Act;

2 B. adopt, publish, file and revise, in accordance with the Uniform
3 Licensing Act and the State Rules Act, all rules as may be necessary to:

4 (1) regulate the examination and licensure of dentists and,
5 through the committee, regulate the examination and licensure of dental hygienists;

6 (2) provide for the examination and certification of dental
7 assistants by the board;

8 (3) provide for the regulation of dental technicians by the
9 board; and

10 (4) regulate the practice of dentistry, dental assisting and,
11 through the committee, regulate the practice of dental hygiene;

12 C. adopt and use a seal;

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

15 E. keep an accurate record of all meetings, receipts and
16 disbursements;

17 F. grant, deny, review, suspend and revoke licenses and certificates to
18 practice dentistry, dental assisting and, through the committee, dental hygiene and
19 censure, reprimand, fine and place on probation and stipulation dentists, dental
20 assistants and, through the committee, dental hygienists, in accordance with the
21 Uniform Licensing Act for any cause stated in the Dental Health Care Act;

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

25 H. establish ad hoc committees whose members shall be appointed by
the chairman with the advice and consent of the board or committee, as it deems
necessary for carrying on its business;

I. have the authority to pay per diem and mileage to individuals who
are appointed by the board or the committee to serve on ad hoc committees;

1 J. have the authority to hire or contract with investigators to investigate S
2 possible violations of the Dental Health Care Act; B

3 K. have the authority to issue investigative subpoenas prior to the 1
4 issuance of a notice of contemplated action for the purpose of investigating complaints 0
5 against dentists, dental assistants and, through the committee, dental hygienists P
6 licensed under the Dental Health Care Act; and a
7 e

8 L. establish continuing education or continued competency 1
9 requirements for dentists, certified dental assistants in expanded functions, dental 0
10 technicians and, through the committee, dental hygienists."

11 Section 7. Section 61-8-5 NMSA 1978 (being Laws 1977, Chapter 221,
12 Section 5, as amended) is amended to read:

13 "61-8-5. BOARD CREATED--MEMBERS--QUALIFICATIONS--
14 TERMS--VACANCIES--REMOVAL.--

15 A. There is created a "board of podiatry". The board shall be
16 administratively attached to the regulation and licensing department. The board shall
17 consist of five members, three of whom shall be podiatrists licensed to practice in New
18 Mexico who have been actively engaged in the practice of podiatry for at least three
19 consecutive years immediately prior to their appointments and two members who shall
20 represent the public and who shall not have been licensed as podiatrists, nor shall the
21 public members have any significant financial interest, whether direct or indirect, in the
22 occupation regulated.

23 B. Members of the board required to be licensed podiatrists shall be
24 appointed by the governor. Board members shall be appointed for staggered terms of
25 five years each, made in a manner that the terms of not more than two board members
end on December 31 of each year commencing with 1978. Board members shall
serve until their successors have been appointed and qualified. A vacancy shall be
filled for the unexpired term by appointment by the governor.

C. The governor may remove a member from the board for neglect of
a duty required by law, for incompetence, for improper or unprofessional conduct as

1 defined by board rule or for any reason that would justify the suspension or revocation
2 of his license to practice podiatry. S
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3 D. A board member shall not serve more than two consecutive full 1
4 terms, and a member failing to attend, after proper notice, three consecutive meetings 0
5 shall automatically be removed as a board member unless excused for reasons set P
6 forth in board rules. a
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7 E. In the event of a vacancy, the secretary of the board shall 1
8 immediately notify the governor and the board members of the vacancy, the reason for 1
9 its occurrence and the action taken by the board, so as to expedite the appointment of

10 Section 8. Section 61-8-6 NMSA 1978 (being Laws 1977, Chapter 221,
11 Section 6, as amended) is amended to read:

12 "61-8-6. BOARD ORGANIZATION--MEETINGS--COMPENSATION--POWERS
13 AND DUTIES.--

14 A. The board shall hold a regular meeting at least annually and shall
15 elect annually a chairman, vice chairman and secretary-treasurer from its membership,
16 each of whom shall serve until his successor is selected and qualified.

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

21 C. Special meetings may be called by the chairman and shall be called
22 upon the written request of any three board members. Notice of all meetings shall be
23 made in conformance with the Open Meetings Act.

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

E. The board shall:

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

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

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

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

6 (13) adopt rules and prepare and administer examinations for
7 applicants seeking licensure as foot and ankle radiation technologists."

8 Section 9. Section 61-9-5 NMSA 1978 (being Laws 1989, Chapter 41, Section
9 5, as amended by Laws 1996, Chapter 51, Section 6 and also by Laws 1996, Chapter
10 54, Section 3) is amended to read:

11 "61-9-5. STATE BOARD OF EXAMINERS--PSYCHOLOGY FUND.--

12 A. There is created a "New Mexico state board of psychologist
13 examiners". The board shall be administratively attached to the regulation and
14 licensing department. The board shall consist of eight members appointed by the
15 governor who are residents of New Mexico and who shall serve for three-year
16 staggered terms. The members shall be appointed as follows:

17 (1) four members shall be professional members who are
18 licensed under the Professional Psychologist Act as psychologists. The governor shall
19 appoint the professional members from a list of names nominated by the New Mexico
20 psychological association, the state psychologist association and the New Mexico
21 school psychologist association;

22 (2) one member shall be licensed under the Professional
23 Psychologist Act as a psychologist or psychologist associate; and

24 (3) three members shall be public members who are laymen
25 and have no significant financial interest, direct or indirect, in the practice of
psychology.

B. A member shall hold office until the expiration of his appointed term
or until a successor is duly appointed. When the term of a member ends, the
governor shall appoint his successor for a term of three years. A vacancy occurring in

1 the board membership other than by expiration of term shall be filled by the governor
2 by appointment for the unexpired term of the member. The governor may remove a
3 board member for misconduct, incompetency or neglect of duty.

4 C. All money received by the board shall be credited to the
5 "psychology fund". Money in the psychology fund at the end of the fiscal year shall
6 not revert to the general fund and shall be used in accordance with the provisions of
7 the Professional Psychologist Act. The members of the board may be reimbursed as
8 provided in the Per Diem and Mileage Act, but shall receive no other compensation,
perquisite or allowance."

9 Section 10. Section 61-9-6 NMSA 1978 (being Laws 1963, Chapter 92,
10 Section 5, as amended by Laws 1996, Chapter 51, Section 7 and also by Laws 1996,
11 Chapter 54, Section 4) is amended to read:

12 "61-9-6. BOARD--MEETING--POWERS.--

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

18 B. The board is authorized to:

19 (1) adopt and from time to time revise such rules and
20 regulations not inconsistent with the law as may be necessary to carry into effect the
21 provisions of the Professional Psychologist Act. The rules and regulations shall
include a code of conduct for psychologists and psychologist associates in the state;

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

24 (3) examine for, approve, deny, revoke, suspend and renew
25 the licensure of psychologist and psychologist associate applicants as provided in the
Professional Psychologist Act;

1 (4) conduct hearings upon complaints concerning the SB
2 disciplining of a psychologist or psychologist associate; and

3 (5) cause the prosecution and enjoinder of persons violating 1
4 the Professional Psychologist Act and incur necessary expenses therefor. 0

5 C. Within sixty days after the close of each fiscal year, the board shall 1
6 submit a written report, reviewed and signed by the board members, to the governor P
7 concerning the work of the board during the preceding fiscal year. The report shall a
8 include the names of psychologists and psychologist associates to whom licenses g
9 have been granted; cases heard and decisions rendered in relation to the work of the e
10 board; the recommendations of the board as to future policies; and an account of all 1
11 money received and expended by the board." 5

12 Section 11. Section 61-10-5 NMSA 1978 (being Laws 1933, Chapter 117,
13 Section 4, as amended) is amended to read:

14 "61-10-5. BOARD OF EXAMINERS--APPOINTMENT--TERMS--MEETINGS--
15 MEMBERSHIP--EXAMINATIONS.--

16 A. There is created the "board of osteopathic medical examiners".
17 The board shall be administratively attached to the regulation and licensing
18 department. The board consists of five members appointed by the governor; three
19 members shall be regularly licensed osteopathic physicians in good standing in New
20 Mexico, who have been so engaged for a period of at least two years immediately prior
21 to their appointment and who are possessed of all the qualifications for applicants for
22 licensure specified in Section 61-10-8 NMSA 1978, and two members shall represent
23 the public. The public members of the board shall not have been licensed as
24 osteopathic physicians, nor shall the public members have any significant financial
25 interest, direct or indirect, in the occupation regulated.

26 B. Board members' terms shall be for five years. The vacancy of the
27 term of a member shall be filled by appointment by the governor to the unexpired
28 portion of the five-year term. A board member whose term has expired shall serve
29 until his successor is appointed.

1 C. The board shall meet during the first quarter of the fiscal year and SB
2 shall elect officers for the ensuing fiscal year. The board may hold other meetings as
3 it deems necessary. A majority of the board constitutes a quorum. 10

4 D. The board shall have and use a common seal and is authorized to 1
5 make and adopt all necessary rules and regulations relating to the enforcement of the P
6 provisions of Chapter 61, Article 10 NMSA 1978. a
7 9

8 E. Examinations shall be made at least twice a year at the time and 1
9 place fixed by the board. All applicants shall be given written notice of examinations at 6
10 a reasonable prior date.

11 F. Members of the board shall be reimbursed as provided in the Per
12 Diem and Mileage Act, but shall receive no other compensation, perquisite or
13 allowance, for each day necessarily spent in the discharge of their duties.

14 G. A board member failing to attend three consecutive meetings,
15 either regular or special, shall automatically be removed as a member of the board."

16 Section 12. Section 61-11-4 NMSA 1978 (being Laws 1969, Chapter 29,
17 Section 3, as amended) is amended to read:

18 "61-11-4. BOARD CREATED--MEMBERS--QUALIFICATIONS--
19 TERMS--VACANCIES--REMOVAL.--

20 A. There is created the "board of pharmacy". The board shall be
21 administratively attached to the regulation and licensing department. The board
22 consists of nine members, each of whom shall be a citizen of the United States and a
23 resident of New Mexico.

24 B. Five members shall be pharmacists appointed by the governor for
25 staggered terms of five years each from lists submitted to the governor by the New
Mexico pharmaceutical association, which lists contain the names of two pharmacists
residing in each of the five pharmacy districts. Appointments of pharmacist members
shall be made for five years or less each and made in such a manner that the term of
one pharmacist member expires on July 1 of each year. One pharmacist member shall
be appointed from each pharmacy district. A pharmacist member of the board shall

1 have been actively engaged in the pharmaceutical profession in this state for at least
2 three years immediately prior to his appointment and shall have had a minimum of
3 eight years of practical experience as a pharmacist. A vacancy shall be filled by
4 appointment by the governor for the unexpired term from lists submitted by the New
5 Mexico pharmaceutical association to the governor. Pharmacist members shall reside
6 in the district from which they are appointed.

7 C. Three members of the board shall be appointed by the governor to
8 represent the public. The public members of the board shall not have been licensed
9 as pharmacists or have any significant financial interest, whether direct or indirect, in
10 the profession regulated. A vacancy in a public member's term shall be filled by
11 appointment by the governor for the unexpired term. Initial appointments of public
12 members shall be made for staggered terms of five years or less and made in such a
13 manner that not more than two public members' terms shall expire on July 1 of each
14 year.

15 D. One member of the board shall be a pharmacist appointed at large
16 from a list submitted to the governor by the New Mexico society of health systems
17 pharmacists. The member shall be appointed by the governor to a term of five years.
18 A vacancy in the member's term shall be filled by appointment by the governor for the
19 unexpired term from a list submitted to the governor by the New Mexico society of
20 health systems pharmacists.

21 E. There are created five pharmacy districts as follows:

22 (1) northeast district, which shall be composed of the counties
23 of Colfax, Guadalupe, Harding, Los Alamos, Mora, Quay, Rio Arriba, Sandoval, San
24 Miguel, Santa Fe, Taos, Torrance and Union;

25 (2) northwest district, which shall be composed of the counties
of McKinley, San Juan, Valencia and Cibola;

(3) central district, which shall be composed of the county of
Bernalillo;

(4) southeast district, which shall be composed of the counties

1 of Chaves, Curry, De Baca, Eddy, Lea and Roosevelt; and
2 (5) southwest district, which shall be composed of the counties
3 of Catron, Dona Ana, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra and Socorro.
4 F. A board member shall not serve more than two full terms,
5 consecutive or otherwise.
6 G. A board member failing to attend three consecutive regular
7 meetings is automatically removed as a member of the board.
8 H. The governor may remove a member of the board for neglect of a
9 duty required by law, for incompetency or for unprofessional conduct and shall remove
10 a board member who violates a provision of the Pharmacy Act."
11 Section 13. Section 61-12A-8 NMSA 1978 (being Laws 1996, Chapter 55,
12 Section 8) is amended to read:
13 "61-12A-8. BOARD CREATED.--
14 A. The "board of examiners for occupational therapy" is created.
15 B. The board shall be administratively attached to the regulation and
16 licensing department.
17 C. The board shall consist of five members appointed by the governor
18 who have been residents of the state for two years preceding the appointment.
19 D. Three members shall be licensed under the provisions of the
20 Occupational Therapy Act; have a minimum of five years' professional experience, with
21 two years' experience in New Mexico; and have not had their licenses suspended or
22 revoked by this or any other state. One of the professional members may be a
23 certified occupational therapy assistant; and one of the professional members may be
24 a retired registered occupational therapist.
25 E. Two members shall represent the public. The two public members
shall have no direct interest in the profession of occupational therapy. The public
members shall not:
(1) have been convicted of a felony;
(2) be habitually intemperate or be addicted to the use of

1 habit-forming drugs or be addicted to a vice to such a degree as to render him unfit to
2 fulfill his board duties and responsibilities; or

3 (3) be guilty of a violation of the Controlled Substances Act. 1
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4 F. Appointments shall be made for staggered terms of three years with 1
5 no more than two terms ending at any one time. A board member shall not serve more P
6 than two consecutive terms. Vacancies shall be filled for the unexpired term by a
7 appointment by the governor prior to the next scheduled board meeting. e

8 G. An individual member of the board shall not be liable in a civil or 1
9 criminal action for an act performed in good faith in the execution of his duties as a 9
10 member of the board.

11 H. Members of the board shall be reimbursed for per diem and travel
12 expenses as provided in the Per Diem and Mileage Act and shall receive no other
13 compensation, perquisite or allowance.

14 I. A simple majority of the board members currently serving shall
15 constitute a quorum of the board for the conduct of business.

16 J. The board shall meet at least four times a year and at other times as
17 it deems necessary. Additional meetings may be convened at the call of the president
18 of the board or on the written request of any two board members to the president.
19 Meetings of the board shall be conducted in accordance with the provisions of the
20 Open Meetings Act.

21 K. A member failing to attend three consecutive meetings, unless
22 excused as provided by board policy, shall automatically be recommended for removal
23 as a member of the board.

24 L. At the beginning of each fiscal year, the board shall elect a
25 president, vice president and secretary-treasurer."

26 Section 14. Section 61-12A-9 NMSA 1978 (being Laws 1996, Chapter 55,
27 Section 9) is amended to read:

28 "61-12A-9. BOARD--POWERS AND DUTIES.--

29 A. The board shall:

1 (1) adopt, file, amend or repeal rules and regulations in SB
 2 accordance with the Uniform Licensing Act to carry out the provisions of the
 3 Occupational Therapy Act; 1
 4 (2) use funds for the purpose of meeting the necessary 0
 5 expenses incurred in carrying out the provisions of the Occupational Therapy Act; 1
 6 (3) adopt a code of ethics; P
 7 (4) enforce the provisions of the Occupational Therapy Act to a
 8 protect the public by conducting hearings on charges relating to the discipline of g
 9 licensees, including the denial, suspension or revocation of a license; e
 10 (5) establish and collect fees; 2
 11 (6) provide for examination for and issuance, renewal and 0
 12 reinstatement of licenses;
 13 (7) establish, impose and collect fines for violations of the
 14 Occupational Therapy Act;
 15 (8) appoint a registrar to keep records and minutes necessary
 16 to carry out the functions of the board; and
 17 (9) obtain the legal assistance of the attorney general.
 18 B. The board may:
 19 (1) issue investigative subpoenas for the purpose of
 20 investigating complaints against licensees prior to the issuance of a notice of
 21 contemplated action;
 22 (2) hire or contract with an investigator to investigate
 23 complaints that have been filed with the board. The board shall set the compensation
 24 of the investigator to be paid from the funds of the board;
 25 (3) inspect establishments; and
 (4) designate hearing officers."
 Section 15. Section 61-12A-10 NMSA 1978 (being Laws 1996, Chapter 55,
 Section 10) is amended to read:
 "61-12A-10. BOARD--ADMINISTRATIVE PROCEDURES.--The board shall

1 appoint a registrar who is either the board member elected as the secretary-treasurer S
2 or such other person as the board may designate who is an employee of the state. B
3 The registrar of the board may receive reimbursement for necessary expenses 1
4 incurred in carrying out his duties. The registrar shall keep a written record in which 0
5 shall be registered the name, license number, date of license issuance, current P
6 address, record of annual license fee payments, minutes and any other data as the a
7 board deems necessary regarding licensees." g
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7 Section 16. Section 61-12B-5 NMSA 1978 (being Laws 1984, Chapter 103, 2
8 Section 5, as amended) is amended to read: 1

9 "61-12B-5. ADVISORY BOARD CREATED.--

10 A. The superintendent shall appoint an "advisory board of respiratory
11 care practitioners" consisting of five members as follows:

12 (1) one physician licensed in New Mexico who is
13 knowledgeable in respiratory care;

14 (2) two respiratory care practitioners who are residents of New
15 Mexico, licensed by the department and in good standing. At least one of the
16 respiratory care practitioners shall have been actively engaged in the practice of
17 respiratory care for at least five years immediately preceding appointment or
18 reappointment; and

19 (3) two public members who are residents of New Mexico. A
20 public member shall not have been licensed as a respiratory care practitioner nor shall
21 he have any financial interest, direct or indirect, in the occupation to be regulated.

22 B. The board shall be administratively attached to the department.

23 C. A member shall serve no more than two consecutive three-year
24 terms.

25 D. A member of the board shall receive per diem and mileage as
provided for nonsalaried public officers in the Per Diem and Mileage Act and shall
receive no other compensation, perquisite or allowance in connection with the
discharge of his duties as a board member.

1 E. A member failing to attend three consecutive regular and properly
2 noticed meetings of the board without a reasonable excuse shall be automatically
3 removed from the board.

4 F. In the event of a vacancy, the board shall immediately notify the
5 superintendent of the vacancy. Within ninety days of receiving notice of a vacancy,
6 the superintendent shall appoint a qualified person to fill the remainder of the
unexpired term.

7 G. A majority of the board members currently serving constitutes a
8 quorum of the board.

9 H. The board shall meet at least twice a year and at such other times
10 as it deems necessary.

11 I. The board shall annually elect officers as deemed necessary to
administer its duties."

12 Section 17. Section 61-12D-4 NMSA 1978 (being Laws 1997, Chapter 89,
13 Section 4) is amended to read:

14 "61-12D-4. BOARD CREATED.--

15 A. The "physical therapy board" is created. The board shall be
16 administratively attached to the regulation and licensing department. The board shall
17 consist of five members appointed by the governor. Three members shall be physical
18 therapists who are residents of the state, who possess unrestricted licenses to
19 practice physical therapy and who have been practicing in New Mexico for no less than
20 five years. Two members shall be citizens appointed from the public at large who are
not associated with, or financially interested in, any health care profession.

21 B. Appointments shall be made for staggered terms of three years with
22 no more than two terms ending at any one time. A member shall not serve for more
23 than two successive three-year terms. Vacancies shall be filled for the unexpired term
24 by appointment by the governor prior to the next scheduled board meeting. Board
members shall continue to serve until a successor has been appointed and qualified.

25 C. The members shall elect a chairman and may elect other officers as

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1 they deem necessary.

2 D. The governor may remove a member of the board for misconduct,
3 incompetence or neglect of duty.

4 E. Members may receive per diem and mileage pursuant to the Per
5 Diem and Mileage Act, but shall receive no other compensation, perquisite or
6 allowance.

7 F. There shall be no liability on the part of and no action for damages
8 against any board member when the member is acting within the scope of his duties."

9 Section 18. Section 61-12D-5 NMSA 1978 (being Laws 1997, Chapter 89,
10 Section 5) is amended to read:

11 "61-12D-5. POWERS AND DUTIES.--The board:

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

14 B. shall regulate the practice of physical therapy by interpreting and
15 enforcing the provisions of the Physical Therapy Act, including taking disciplinary
16 action;

17 C. may adopt, file, amend or repeal rules and regulations in
18 accordance with the Uniform Licensing Act to carry out the provisions of the Physical
19 Therapy Act;

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

23 E. may establish requirements for assessing continuing competency;

24 F. may collect fees;

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

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

1 of the board;

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

4 J. may enter into contracts;

5 K. shall report final disciplinary action taken against a physical
6 therapist or physical therapist assistant to the national disciplinary database;

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

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

12 Section 19. Section 61-13-4 NMSA 1978 (being Laws 1970, Chapter 61,
13 Section 3, as amended) is amended to read:

14 "61-13-4. BOARD OF NURSING HOME ADMINISTRATORS.--

15 A. There is created the "board of nursing home administrators". The
16 board shall be administratively attached to the regulation and licensing department.
17 The board shall consist of seven members appointed by the governor to three-year
18 terms staggered so that no more than three terms expire in any one year. Three
19 members of the board shall be nursing home administrators licensed and practicing
20 under the Nursing Home Administrators Act for a minimum of five years and who have
21 never been disciplined by the board, one member shall be a practicing physician
22 licensed in this state and three members shall be from the public who have no
23 significant financial interest, direct or indirect, in the nursing home industry.

24 B. Within ninety days of a vacancy, the governor shall appoint a
25 person to fill the unexpired portion of the term. Board members shall be citizens of the
26 United States and residents of the state, and not more than one member shall be an
27 employee of a state or other public agency."

28 Section 20. Section 61-13-6 NMSA 1978 (being Laws 1970, Chapter 61,
29 Section 5, as amended) is amended to read:

1 "61-13-6. DUTIES OF THE BOARD.--It is the duty of the board to: SB

2 A. formulate, adopt and regularly revise such rules and regulations not B

3 inconsistent with law as may be necessary to adopt and enforce standards for 1

4 licensing nursing home administrators and to carry into effect the provisions of the 0

5 Nursing Home Administrators Act; P

6 B. approve for licensure applicants for: a

7 (1) initial licensure; g

8 (2) annual renewal of current, active licenses; e

9 (3) reciprocity; 2

10 (4) reinstatement of revoked or suspended licenses; and 5

11 (5) reactivation of inactive or expired licenses;

12 C. cause the prosecution or enjoinder of all persons violating the

13 Nursing Home Administrators Act and deny, suspend or revoke licenses in accordance

14 with the provisions of the Uniform Licensing Act;

15 D. submit a written annual report to the governor and the legislature

16 detailing the actions of the board and including an accounting of all money received

17 and expended by the board; and

18 E. maintain a register of licensees and a record of all applicants for

19 licensure received by the board."

20 Section 21. Section 61-14A-8 NMSA 1978 (being Laws 1993, Chapter 158,

21 Section 16, as amended) is amended to read:

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

23 A. enforce the provisions of the Acupuncture and Oriental Medicine

24 Practice Act;

25 B. adopt, publish and file, in accordance with the Uniform Licensing Act

and the State Rules Act, all rules necessary for the implementation and enforcement

of the provisions of the Acupuncture and Oriental Medicine Practice Act;

C. adopt a code of ethics;

D. adopt and use a seal;

- 1 E. inspect facilities of approved educational programs, extern SB
2 programs and the offices of licensees;
- 3 F. adopt rules implementing continuing education requirements for the 1
4 purpose of protecting the health and well-being of the citizens of this state and 0
5 maintaining and continuing informed professional knowledge and awareness; P
6 G. issue investigative subpoenas for the purpose of investigating a
7 complaints against licensees prior to the issuance of a notice of contemplated action; g
8 H. administer oaths and take testimony on any matters within the e
9 board's jurisdiction; 2
10 I. conduct hearings upon charges relating to the discipline of 6
11 licensees, including the denial, suspension or revocation of a license in accordance
12 with the Uniform Licensing Act; and
13 J. grant, deny, renew, suspend or revoke licenses to practice
14 acupuncture and oriental medicine or grant, deny, renew, suspend or revoke
15 approvals of educational programs and extern programs in accordance with the
16 provisions of the Uniform Licensing Act for any cause stated in the Acupuncture and
17 Oriental Medicine Practice Act or the rules of the board."
- 18 Section 22. Section 61-14B-11 NMSA 1978 (being Laws 1996, Chapter 57,
19 Section 11) is amended to read:
20 "61-14B-11. BOARD POWERS AND DUTIES.--The board shall:
21 A. adopt rules and regulations and establish policy necessary to carry
22 out the provisions of the Speech Language Pathology, Audiology and Hearing Aid
23 Dispensing Practices Act in accordance with the Uniform Licensing Act;
24 B. adopt rules implementing continuing education requirements;
25 C. adopt a code of ethics;
D. conduct hearings upon charges relating to the discipline of
licensees, including the denial, suspension or revocation of a license in accordance
with the Uniform Licensing Act;
E. investigate complaints against licensees by issuing investigative

- 1 subpoenas prior to the issuance of a notice of contemplated action;
- 2 F. establish fees for licensure;
- 3 G. provide for the licensing and renewal of licenses of applicants; and
- 4 H. adopt rules that provide for licensure by reciprocity, including
- 5 temporary permits for speech language pathologists, audiologists or hearing aid
- 6 dispensers."

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

8 "61-17A-7. BOARD POWERS AND DUTIES.--

9 A. The board shall:

- 10 (1) adopt and file, in accordance with the State Rules Act, rules
- 11 necessary to carry out the provisions of the Barbers and Cosmetologists Act;
- 12 (2) establish fees;
- 13 (3) provide for the examination, licensure and license renewal
- 14 of applicants for licensure;
- 15 (4) establish standards for and provide for the examination,
- 16 licensure and license renewal of manicurists-pedicurists, estheticians and
- 17 electrologists;
- 18 (5) adopt a seal;
- 19 (6) furnish copies of rules and sanitary requirements adopted
- 20 by the board to each owner or manager of an establishment, enterprise or school;
- 21 (7) keep a record of its proceedings and a register of
- 22 applicants for licensure;
- 23 (8) provide for the licensure of barbers, cosmetologists,
- 24 manicurists-pedicurists, estheticians, electrologists, instructors, schools, enterprises
- 25 and establishments;
- (9) establish administrative penalties and fines;
- (10) create and establish standards and fees for special

1 licenses; and

2 (11) establish guidelines for schools to calculate tuition refunds
3 for withdrawing students.

4 B. The board may establish continuing education requirements as
5 requirements for licensure.

6 C. A member of the board, its employees or agents may enter and
7 inspect a school, enterprise or establishment at any time during regular business
8 hours for the purpose of determining compliance with the Barbers and Cosmetologists
9 Act."

10 Section 24. Section 61-24B-6 NMSA 1978 (being Laws 1985, Chapter 151,
11 Section 6, as amended) is amended to read:

12 "61-24B-6. BOARD CREATED--MEMBERS--QUALIFICATIONS--TERMS--
13 VACANCIES--REMOVAL.--

14 A. The "board of landscape architects" is created. The board is
15 administratively attached to the regulation and licensing department. The board shall
16 consist of five members, three of whom shall be landscape architects. The landscape
17 architect members shall have been registered as landscape architects for at least five
18 years. The two public members shall represent the public and shall not have been
19 licensed as landscape architects or have any significant financial interest, direct or
20 indirect, in the occupation regulated.

21 B. The members of the board shall be appointed by the governor for
22 staggered terms of three years, and appointments shall be made in a manner that the
23 terms of board members expire on June 30. The landscape architect members of the
24 board shall be appointed from lists submitted to the governor by the New Mexico
25 chapter of the American society of landscape architects. A vacancy shall be filled by
appointment by the governor for the unexpired term and shall be filled by persons
having similar qualifications to those of the member being replaced. Board members
shall serve until their successors have been appointed and qualified.

C. The board shall meet within sixty days of the beginning of a fiscal

1 year and elect from its membership a chairman and vice chairman. The board shall
2 meet at other times as it deems necessary or advisable or as deemed necessary and
3 advisable by the chairman or a majority of its members or the governor, but in no
4 event less than twice a year. Reasonable notice of all meetings shall be given in the
5 manner prescribed by the board. A majority of the board shall constitute a quorum at
any meeting or hearing.

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6 D. The governor may remove a member from the board for neglect of
7 a duty required by law, for incompetence, for improper or unprofessional conduct as
8 defined by board rule or for any reason that would justify the suspension or revocation
9 of his registration to practice landscape architecture.

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10 E. A board member shall not serve more than two consecutive full
11 terms, and a member failing to attend, after proper notice, three consecutive meetings
12 shall automatically be removed as a board member, unless excused for reasons set
forth in board rules.

13 F. Members of the board shall be reimbursed as provided in the Per
14 Diem and Mileage Act and shall receive no other compensation, perquisite or
15 allowance."

16 Section 25. Section 61-24B-7 NMSA 1978 (being Laws 1985, Chapter 151,
17 Section 7, as amended) is amended to read:

18 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

19 A. promulgate rules necessary to effectuate the provisions of the
Landscape Architects Act;

20 B. provide for the examination, registration and re-registration of
21 applicants;

22 C. adopt and use a seal;

23 D. administer oaths and take testimony on matters within the board's
24 jurisdiction;

25 E. grant, deny, renew, suspend or revoke certificates of registration to
practice landscape architecture in accordance with the provisions of the Uniform

1 Licensing Act for any cause stated in the Landscape Architects Act;

2 F. conduct hearings upon charges relating to discipline of a registrant
3 or the denial, suspension or revocation of a certificate of registration; and

4 G. in cooperation with the state board of examiners for architects and
5 the state board of licensure for professional engineers and surveyors, create a joint
6 standing committee to be known as the "joint practice committee" to safeguard life,
7 health and property and to promote the public welfare. The committee shall promote
8 and develop the highest professional standards in design, planning and construction
9 and the resolution of ambiguities concerning the professions. The composition of this
10 committee and its powers and duties shall be in accordance with identical resolutions
11 adopted by each board."

12 Section 26. Section 61-24C-4 NMSA 1978 (being Laws 1989, Chapter 53,
13 Section 4, as amended) is amended to read:

14 "61-24C-4. INTERIOR DESIGN BOARD CREATED--MEMBERS--TERMS--
15 COMPENSATION.--

16 A. There is created the "interior design board". The board shall be
17 administratively attached to the regulation and licensing department. The board shall
18 consist of five members appointed by the governor for staggered terms of three years,
19 appointed in a manner that the term of one member shall expire on December 31,
20 1990; the terms of two members shall expire on December 31, 1991; and the terms of
21 the last two members shall expire on December 31, 1992. Thereafter, members shall
22 be appointed for terms of three years or less in a manner that the terms of not more
23 than two members expire on December 31 of each year. A vacancy shall be filled by
24 appointment by the governor for the unexpired term. A board member shall not serve
25 consecutive terms.

26 B. Two members of the board shall be licensed interior designers and
27 three members shall be chosen to represent the public and shall not have been
28 licensed as interior designers or have a significant financial interest, direct or indirect,
29 in the occupation regulated. For purposes of this section, the interior designer

1 members of the initial board shall have offered interior design services for at least five
2 years, shall have passed the national council for interior design qualification
3 examination and shall have become registered by November 1, 1989.

4 C. Three members of the board shall constitute a quorum for the
5 transaction of business, but no final action shall be taken unless at least three
6 members vote in favor of a proposal."

7 Section 27. Section 61-24C-5 NMSA 1978 (being Laws 1989, Chapter 53,
8 Section 5 as amended) is amended to read:

9 "61-24C-5. POWERS AND DUTIES OF THE BOARD.--The board:

10 A. shall administer, coordinate and enforce the provisions of the
11 Interior Designers Act. The board may investigate allegations of violations of the
12 provisions of the Interior Designers Act;

13 B. shall adopt regulations to carry out the purposes and policies of the
14 Interior Designers Act, including regulations relating to professional conduct,
15 standards of performance and professional examination and licensure, reasonable
16 license, application, renewal and late fees and the establishment of ethical standards
17 of practice for persons holding a license to practice as an interior designer in New
18 Mexico;

19 C. shall require a licensee, as a condition of the renewal of his license,
20 to undergo continuing education requirements as set forth in the Interior Designers
21 Act;

22 D. shall maintain an official roster showing the name, address and
23 license number of each interior designer licensed pursuant to the Interior Designers
24 Act;

25 E. shall conduct hearings and keep records and minutes necessary to
carry out its functions;

F. may adopt a common seal for use by interior designers; and

G. shall do all things reasonable and necessary to carry out the
purposes of the Interior Designers Act."

1 Section 28. Section 61-28B-4 NMSA 1978 (being Laws 1999, Chapter 179, S
2 Section 4) is amended to read: B
3 "61-28B-4. BOARD CREATED--TERMS--OFFICERS--MEETINGS-- 1
4 REIMBURSEMENT.-- 0
5 A. The "New Mexico public accountancy board" is created. The board 1
6 shall be administratively attached to the regulation and licensing department. The P
7 board shall consist of seven members appointed by the governor who are citizens of a
8 the United States and residents of New Mexico. Four members of the board shall be g
9 certified public accountants or registered public accountants who have practiced for at e
10 least five calendar years immediately preceding their appointment to the board. Three 3
11 members shall represent the public and shall not have ever held a certificate or permit 2
12 to practice public accountancy in any state and shall not have ever had a significant
13 financial interest, direct or indirect, in the public accountancy profession or in a firm.
14 Public members shall have professional or practical experience in the use of
15 accounting services and financial statements, so as to be qualified to make judgments
16 about the qualifications and conduct of persons subject to the provisions of the 1999
17 Public Accountancy Act.
18 B. Members of the board shall serve for terms of three years or less,
19 staggered in a manner that the terms of not more than three members expire on
20 January 1 of each year; provided that members appointed and serving pursuant to
21 prior law on the effective date of the 1999 Public Accountancy Act shall serve the
22 remainder of their terms. A vacancy on the board shall be filled by appointment by the
23 governor for the unexpired term. Upon the expiration of a member's term of office, he
24 shall continue to serve until his successor has been appointed and qualified. A
25 professional member of the board whose certificate is suspended or revoked shall
automatically cease to be a member of the board. The governor may remove a
member of the board for neglect of duty or other just cause.
C. The board shall elect annually from among its members a chairman
and other officers as the board determines. The board shall meet at times and places

1 as fixed by the board. A majority of the board constitutes a quorum.

2 D. Members of the board may receive per diem and travel expenses
3 as provided in the Per Diem and Mileage Act, but shall receive no other compensation,
4 perquisite or allowance."

5 Section 29. Section 61-28B-5 NMSA 1978 (being Laws 1999, Chapter 179,
6 Section 5) is amended to read:

7 "61-28B-5. BOARD--POWERS AND DUTIES.--

8 A. The board may:

9 (1) appoint committees or persons to advise or assist it in
10 carrying out the provisions of the 1999 Public Accountancy Act;

11 (2) retain its own counsel to advise and assist it in addition to
12 advice and assistance provided by the attorney general;

13 (3) contract, sue and be sued and have and use a seal;

14 (4) cooperate with the appropriate authorities in other states in
15 investigation and enforcement concerning violations of the 1999 Public Accountancy
16 Act and comparable acts of other states; and

17 (5) adopt and file in accordance with the Uniform Licensing Act
18 and the State Rules Act rules to carry out the provisions of the 1999 Public
19 Accountancy Act, including rules governing the administration and enforcement of the
20 1999 Public Accountancy Act and the conduct of certificate and permit holders.

21 B. The board shall maintain a registry of the names and addresses of
22 certificate and permit holders."

23 Section 30. Section 61-29-4 NMSA 1978 (being Laws 1959, Chapter 226,
24 Section 3, as amended) is amended to read:

25 "61-29-4. CREATION OF COMMISSION--POWERS AND DUTIES.--There is
created the "New Mexico real estate commission". The commission shall be appointed
by the governor and shall consist of five members who shall have been residents of
the state for three consecutive years immediately prior to their appointment, four of
whom shall have been real estate brokers licensed in New Mexico and one of whom

1 shall be a member of the public who has never been licensed as a real estate broker
2 or salesperson; provided not more than one member shall be from any one county
3 within the state. The members of the commission shall serve for a period of five years
4 or until their successors are appointed and qualified. Members to fill vacancies shall
5 be appointed for an unexpired term. The governor may remove a member for cause.
6 The commission shall possess all the powers and perform all the duties prescribed by
7 Chapter 61, Article 29 NMSA 1978 and as otherwise provided by law, and it is
8 expressly vested with power and authority to make and enforce rules and regulations
9 to carry out the provisions of that article. Prior to a final action on a proposed change
10 or amendment to the rules and regulations of the commission, the commission may
11 publish notice of the proposed action in its official publication, distribute the publication
12 to each active licensee and give the time and place for a public hearing on the
13 proposed changes. The hearing shall be held at least thirty days prior to a proposed
14 final action. Changes or amendments to the rules shall be filed in accordance with the
15 procedures of the State Rules Act and shall become effective thirty days after
16 notification to all active licensees of the filing of the changes or amendments."

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15 Section 31. Section 61-29-7 NMSA 1978 (being Laws 1959, Chapter 226,
16 Section 6, as amended) is amended to read:

17 "61-29-7. REIMBURSEMENT AND EXPENSES.--Each member of the
18 commission shall receive per diem and mileage as provided in the Per Diem and
19 Mileage Act and shall receive no other compensation, perquisite or allowance."

20 Section 32. Section 61-30-5 NMSA 1978 (being Laws 1990, Chapter 75,
21 Section 5, as amended) is amended to read:

22 "61-30-5. REAL ESTATE APPRAISERS BOARD CREATED.--

23 A. There is created a "real estate appraisers board" consisting of
24 seven members. The board shall be administratively attached to the regulation and
25 licensing department.

B. There shall be four real estate appraiser members of the board who
shall be licensed or certified. Membership in a professional appraisal organization or

1 association shall not be a prerequisite to serve on the board. No more than two real
2 estate appraiser members shall be from any one licensed or certified category.

3 C. Board members shall be appointed to five-year terms and shall
4 serve until their successor is appointed and qualified. Real estate appraiser members
5 may be appointed for no more than two five-year terms.

6 D. No more than two members shall be from any one county within New
7 Mexico, and at least one real estate appraiser member shall be from each
8 congressional district.

9 E. One member of the board shall represent lenders or their
10 assignees engaged in the business of lending funds secured by mortgages. Two
11 members shall be appointed to represent the public. The public members shall not
12 have been real estate appraisers or engaged in the business of real estate appraisals
13 or have any financial interest, direct or indirect, in real estate appraisal or any real-
14 estate-related business.

15 F. Vacancies on the board shall be filled by appointment by the
16 governor for the unexpired term within sixty days of the vacancy."

17 Section 33. Section 61-30-9 NMSA 1978 (being Laws 1990, Chapter 75,
18 Section 9, as amended) is amended to read:

19 "61-30-9. REIMBURSEMENT AND EXPENSES.--The board may appoint such
20 committees of the board as may be necessary. A member of the board or a committee
21 shall receive per diem and mileage as provided in the Per Diem and Mileage Act and
22 shall receive no other perquisite, compensation or allowance. Compensation for any
23 necessary supplies and equipment shall be paid from the appraiser fund."

24 Section 34. Section 61-31-8 NMSA 1978 (being Laws 1989, Chapter 51,
25 Section 8) is amended to read:

26 "61-31-8. BOARD'S AUTHORITY.--In addition to any authority provided by law,
27 the board shall have the authority to:

28 A. adopt and file, in accordance with the State Rules Act, rules and
29 regulations necessary to carry out the provisions of the Social Work Practice Act, in

1 accordance with the provisions of the Uniform Licensing Act, including the procedures
2 for an appeal of an examination failure;

3 B. select, prepare and administer, at least annually, written
4 examinations for licensure that shall include a testing of the knowledge of New Mexico
5 cultures;

6 C. adopt a professional code of ethics;

7 D. appoint advisory committees pursuant to Section 61-31-19 NMSA
8 1978;

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

12 F. require and establish criteria for continuing education;

13 G. issue subpoenas, statements of charges, statements of intent to
14 deny licenses and orders and delegate in writing to a designee the authority to issue
15 subpoenas, statements of charges and statements of intent to deny licenses and
16 establish procedures for receiving, investigating and conducting hearings on
17 complaints;

18 H. approve appropriate supervision for those persons seeking
19 licensure as independent social workers;

20 I. issue provisional licenses and licenses based on credentials to
21 persons meeting the requirements set forth in the Social Work Practice Act;

22 J. determine qualifications for licensure;

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

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

Section 35. REPEAL.--Section 60-2A-5 NMSA 1978 (being Laws 1980,
Chapter 90, Section 5) is repealed.

1 Section 36. EFFECTIVE DATE.--The effective date of the provisions of this act **S**
2 is July 1, 2003. **B**
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