

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 384

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

AN ACT

RELATING TO LICENSURE; ADDING AND CLARIFYING DEFINITIONS AND  
PROVISIONS OF THE UNIFORM LICENSING ACT; CLARIFYING PROVISIONS  
RELATED TO INCOMPLETE APPLICATIONS, HEARINGS AND EXPEDITED  
LICENSURE; ALLOWING VIRTUAL REMOTE HEARINGS AND RECORDING BY  
DIGITAL TECHNOLOGY; CHANGING DATES FOR ACTIONS RELATED TO  
HEARINGS AND DECISIONS; ALLOWING FOR SUMMARY SUSPENSION OF A  
LICENSE OR PROBATION OF A LICENSEE; ALLOWING FOR APPEAL OF  
SUMMARY SUSPENSION AS A FINAL AGENCY ACTION; CHANGING  
ADMINISTRATION OF THE INTERIOR DESIGNERS ACT TO THE REGULATION  
AND LICENSING DEPARTMENT; CHANGING REQUIREMENTS FOR INTERIOR  
DESIGN LICENSURE AND THE RENEWAL, DENIAL, SUSPENSION AND  
REVOCATION OF LICENSES; TRANSFERRING APPROPRIATIONS, RECORDS  
AND CONTRACTS OF THE INTERIOR DESIGN BOARD TO THE REGULATION  
AND LICENSING DEPARTMENT; PROVIDING FOR EXPEDITED LICENSURE OF  
LICENSED PHYSICIANS, VETERINARIANS AND ALL LICENSE LEVELS OF

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1 SOCIAL WORKERS; CHANGING AND INCREASING PENALTIES; AMENDING,  
2 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

3  
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

7 "61-1-2. DEFINITIONS.--As used in the Uniform Licensing  
8 Act:

9 A. "board" means:

10 (1) the construction industries commission,  
11 the construction industries division and the electrical bureau,  
12 mechanical bureau and general construction bureau of the  
13 construction industries division of the regulation and  
14 licensing department;

15 (2) the manufactured housing committee and the  
16 manufactured housing division of the regulation and licensing  
17 department;

18 (3) the crane operators licensure examining  
19 council;

20 (4) a board, commission or agency that  
21 administers a profession or occupation licensed pursuant to  
22 Chapter 61 NMSA 1978; and

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

25 B. "applicant" means a person who has applied for a

1 license;

2 C. "expedited license", whether by examination,  
3 endorsement, credential or reciprocity, means a license issued  
4 to a person in this state based on licensure in another state  
5 or territory of the United States, the District of Columbia or  
6 a foreign country, as applicable;

7 D. "initial license" means the first regular  
8 license received from a board for a person who has not been  
9 previously licensed;

10 E. "license" means a certificate, permit or other  
11 authorization to engage in a profession or occupation regulated  
12 by a board;

13 F. "licensing jurisdiction" means another state or  
14 territory of the United States, the District of Columbia or a  
15 foreign country, as applicable;

16 G. "party" means a respondent licensee, applicant  
17 or unlicensed person who is the subject of a disciplinary  
18 proceeding or the civil administrative prosecutor representing  
19 the state and the board;

20 H. "probation" means to allow, for a stated period  
21 of time, the conduct authorized by a license, subject to  
22 conditions or other restrictions that are reasonably related to  
23 the grounds for probation;

24 [~~G.~~] I. "regular license" means a license that is  
25 not issued as a temporary or provisional license;

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1           ~~[H.]~~ J. "~~[revoke a license]~~ revocation" means to  
2 prohibit the conduct authorized by the license for an  
3 indefinite period of time; and

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

10           SECTION 2. Section 61-1-3 NMSA 1978 (being Laws 1957,  
11 Chapter 247, Section 3, as amended) is amended to read:

12           "61-1-3. OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE  
13 HEARING.--Every licensee or applicant shall be afforded notice  
14 and an opportunity to be heard before the board has authority  
15 to take any action that would result in:

16           A. denial of permission to take an examination for  
17 licensing for which a complete application has been properly  
18 made as required by board rule;

19           B. denial of a license after examination for any  
20 cause other than failure to pass an examination;

21           C. denial of a license for which a complete  
22 application has been properly made as required by board rule on  
23 the basis of expedited licensure, reciprocity or endorsement or  
24 acceptance of a national certificate of qualification;

25           D. withholding the renewal of a license for which a

1 complete application has been properly made for any cause other  
2 than:

- 3 (1) failure to pay any required renewal fee;
- 4 (2) failure to meet continuing education  
5 requirements; or
- 6 (3) issuance of a temporary license extension  
7 if authorized by statute;

8 E. suspension of a license;

9 F. revocation of a license;

10 G. probation of a license, including restrictions  
11 or limitations on the scope of a practice;

12 H. the requirement that the applicant complete a  
13 program of remedial education or treatment;

14 I. monitoring of the practice by a supervisor  
15 approved by the board, excluding supervision required for  
16 initial licensure;

17 J. the censure or reprimand of the licensee or  
18 applicant, including an action that constitutes formal  
19 discipline or is subject to reporting to a state or national  
20 organization;

21 K. compliance with conditions of probation or  
22 suspension for a specific period of time;

23 L. payment of a fine [~~for a violation not to exceed~~  
24 ~~one thousand dollars (\$1,000) for each violation, unless a~~  
25 ~~greater amount is provided by law~~];

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- 1 M. corrective action, as specified by the board; or
- 2 N. a refund to the consumer of fees that were
- 3 billed to and collected from the consumer by the licensee."

4 SECTION 3. Section 61-1-3.1 NMSA 1978 (being Laws 1981,  
5 Chapter 349, Section 3, as amended) is amended to read:

6 "61-1-3.1. LIMITATIONS.--

7 A. An action that would have any of the effects  
8 specified in Subsections D through N of Section 61-1-3 NMSA  
9 1978 or an action related to unlicensed activity shall not be  
10 initiated by a board later than two years after the discovery  
11 by the board of the conduct that would be the basis for the  
12 action, except as provided in [~~Subsection C of~~] this section or  
13 otherwise provided by law. Discovery by the board is  
14 considered the date on which a complaint or other information  
15 that would reasonably connect the allegations to the person was  
16 received by a board or board staff.

17 B. The time limitation contained in Subsection A of  
18 this section shall be tolled by any civil or criminal  
19 litigation in which the licensee or applicant is a party  
20 arising from substantially the same facts, conduct or  
21 transactions that would be the basis for the board's action.

22 C. The New Mexico state board of psychologist  
23 examiners shall not initiate an action that would result in any  
24 of the actions specified in Subsections D through N of Section  
25 61-1-3 NMSA 1978 later than five years after the conduct of the

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1 psychologist or psychologist associate that is the basis for  
 2 the action. However, if the conduct that is the basis for the  
 3 action involves a minor or a person adjudicated incompetent,  
 4 the action shall be initiated, in the case of a minor, no later  
 5 than one year after the minor's eighteenth birthday or five  
 6 years after the conduct, whichever is last and, in the case of  
 7 a person adjudicated incompetent, one year after the  
 8 adjudication of incompetence is terminated or five years after  
 9 the conduct, whichever is last.

10 D. The New Mexico public accountancy board shall  
 11 not initiate an action under the 1999 Public Accountancy Act  
 12 that would result in any of the actions specified in  
 13 Subsections D through N of Section 61-1-3 NMSA 1978 later than  
 14 two years following the discovery by the board of a violation  
 15 of that act."

16 SECTION 4. Section 61-1-3.2 NMSA 1978 (being Laws 2003,  
 17 Chapter 334, Section 3) is amended to read:

18 "61-1-3.2. UNLICENSED ACTIVITY--DISCIPLINARY  
 19 PROCEEDINGS--CIVIL PENALTY.--

20 A. A person who is not licensed to engage in a  
 21 profession or occupation regulated by a board is subject to  
 22 disciplinary proceedings by the board.

23 B. A board may impose a civil penalty in an amount  
 24 not to exceed [~~one thousand dollars (\$1,000)~~] ten thousand  
 25 dollars (\$10,000) for each violation against a person who,

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1 without [a] an active license, engages in a profession or  
2 occupation regulated by the board. [~~In addition, the board may~~  
3 ~~assess the person for administrative costs, including~~  
4 ~~investigative costs and the cost of conducting a hearing.~~]"

5 SECTION 5. Section 61-1-3.4 NMSA 1978 (being Laws 2019,  
6 Chapter 209, Section 4) is amended to read:

7 "61-1-3.4. FINGERPRINTS NOT REQUIRED FOR LICENSE  
8 RENEWAL.--When a professional or occupational board requires  
9 submission of fingerprints as part of the initial license  
10 application, and a licensee has provided fingerprints and the  
11 license has been issued, the board shall not require a licensee  
12 to submit fingerprints again to renew the license, but a  
13 licensee shall submit to a background investigation if required  
14 by law or rule of the board."

15 SECTION 6. Section 61-1-3.5 NMSA 1978 (being Laws 2022,  
16 Chapter 39, Section 3) is amended to read:

17 "61-1-3.5. INCOMPLETE APPLICATION--NOTICE--EXPIRATION.--  
18 An application for licensure is considered incomplete if it is  
19 submitted on an application form missing required information  
20 or without providing required supporting documentation. If a  
21 board or a board's designee deems an application for licensure  
22 incomplete, the board or designee shall notify the applicant  
23 within thirty days [~~including the ways in which~~] from the date  
24 the application was received by the board or designee and  
25 include how the application is incomplete and what is needed to

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1 complete the application. An incomplete application expires  
2 [~~after~~] one year from the date the application was first  
3 received by the board."

4 SECTION 7. Section 61-1-4 NMSA 1978 (being Laws 1957,  
5 Chapter 247, Section 4, as amended) is amended to read:

6 "61-1-4. NOTICE OF CONTEMPLATED BOARD ACTION--REQUEST FOR  
7 HEARING--NOTICE OF HEARING.--

8 A. When investigating complaints against licensees,  
9 applicants or unlicensed persons, a board may issue civil  
10 investigative subpoenas prior to the issuance of a notice of  
11 contemplated action as provided in this section. The authority  
12 to issue a specific civil investigative subpoena under this  
13 section may be delegated by the board to staff.

14 B. When a board contemplates taking an action of a  
15 type specified in Subsection A, B or C of Section 61-1-3 NMSA  
16 1978, it shall serve upon the applicant a written notice  
17 containing a statement:

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

21 (2) indicating in what respects the applicant  
22 has failed to satisfy the board;

23 (3) that the applicant may secure a hearing  
24 before the board by depositing in the mail within twenty days  
25 after service of the notice a certified return receipt

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1 requested letter addressed to the board and containing a  
2 request for a hearing; and

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

5 C. In a board proceeding to take an action of a  
6 type specified in Subsection A, B or C of Section 61-1-3 NMSA  
7 1978, the burden of satisfying the board of the applicant's  
8 qualifications shall be upon the applicant.

9 D. When a board contemplates taking an action of a  
10 type specified in Subsections D through N of Section 61-1-3  
11 NMSA 1978 or Section 61-1-3.2 NMSA 1978, it shall serve upon  
12 the licensee, applicant or unlicensed person a written notice  
13 containing a statement:

14 (1) that the board has sufficient evidence  
15 that, if not rebutted or explained, [~~will~~] may justify the  
16 board in taking the contemplated action;

17 (2) indicating the general nature of the  
18 evidence and allegations, including specific laws or rules that  
19 are alleged to have been violated;

20 (3) that unless the licensee, applicant or  
21 unlicensed person within twenty days after service of the  
22 notice deposits in the mail a certified return receipt  
23 requested letter addressed to the board and containing a  
24 request for a hearing, the board [~~shall~~] may take the  
25 contemplated action; and

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1 (4) calling the licensee's, applicant's or  
 2 unlicensed person's attention to the [~~licensee's~~] rights [~~as~~]  
 3 provided in Section 61-1-8 NMSA 1978.

4 E. Except as provided in Section 61-1-15 NMSA 1978,  
 5 if the licensee, [~~or~~] applicant or unlicensed person does not  
 6 mail a request for a hearing within the time and in the manner  
 7 required by this section, the board may take the action  
 8 contemplated in the notice and such action shall be final and  
 9 not subject to judicial review as a matter of right.

10 F. If the licensee, [~~or~~] applicant or unlicensed  
 11 person does mail a request for a hearing as required by this  
 12 section, the board shall, within twenty days of receipt of the  
 13 request, notify the licensee, [~~or~~] applicant or unlicensed  
 14 person of the time and place of hearing, the name of the person  
 15 who shall conduct the hearing for the board and the statutes  
 16 and rules authorizing the board to take the contemplated  
 17 action. The hearing shall be held not more than sixty nor less  
 18 than fifteen days from the date [~~of service of~~] the notice of  
 19 hearing is deposited in the mail, certified return receipt  
 20 requested, or the date of personal service.

21 [~~G. Licensees shall bear all costs of disciplinary~~  
 22 ~~proceedings unless they are excused by the board from paying~~  
 23 ~~all or part of the fees or if they prevail at the hearing and~~  
 24 ~~an action specified in Section 61-1-3 NMSA 1978 is not taken by~~  
 25 ~~the board.~~

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1           H~~r~~] G. All fines collected by a board shall be  
2 deposited to the credit of the current school fund as provided  
3 in Article 12, Section 4 of the constitution of New Mexico."

4           SECTION 8. Section 61-1-5 NMSA 1978 (being Laws 1957,  
5 Chapter 247, Section 5, as amended) is amended to read:

6           "61-1-5. METHOD OF SERVICE.--Any notice required to be  
7 served by Section 61-1-4 or 61-1-21 NMSA 1978 and any decision  
8 required to be served by Section 61-1-14 or 61-1-21 NMSA 1978  
9 may be served either personally or by certified mail, return  
10 receipt requested, directed to the licensee, [~~or~~] applicant or  
11 unlicensed person at [~~his~~] the last [~~know~~] known address as  
12 shown by the records of the board. Unlicensed persons with no  
13 address on record with the board shall receive notice by  
14 personal service. If the notice or decision is served  
15 personally, service shall be made in the same manner as is  
16 provided for service by the Rules of Civil Procedure for the  
17 District Courts. Where the notice or decision is served by  
18 certified mail, it shall be deemed to have been served on the  
19 date borne by the return receipt showing delivery or the last  
20 attempted delivery of the notice or decision to the addressee  
21 or refusal of the addressee to accept delivery of the notice or  
22 decision. Service of correspondence sent by a licensee,  
23 applicant or unlicensed person through other methods, including  
24 electronic mail or physical mail, should be reasonably accepted  
25 and processed by the board."

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1           SECTION 9. Section 61-1-6 NMSA 1978 (being Laws 1957,  
2 Chapter 247, Section 6) is amended to read:

3           "61-1-6. VENUE OF HEARING.--Board hearings held [~~under~~]  
4 pursuant to provisions of the Uniform Licensing Act shall be  
5 conducted at the election of the board in the county in which  
6 [~~the person whose license is involved~~] the licensee, applicant  
7 or unlicensed person maintains [~~his~~] residence or [~~at the~~  
8 ~~election of the board~~] in [~~any~~] a county in which the act [~~or~~  
9 ~~acts~~] complained of occurred; except that in cases involving  
10 initial licensing, hearings shall be held in the county where  
11 the board maintains its office. In any case, however, the  
12 person whose license or application is involved or the person  
13 who performed the unlicensed act and the board may agree that  
14 the hearing is to be held in some other county or by virtual  
15 remote means."

16           SECTION 10. Section 61-1-7 NMSA 1978 (being Laws 1957,  
17 Chapter 247, Section 7, as amended) is amended to read:

18           "61-1-7. HEARING OFFICERS--HEARINGS--PUBLIC--EXCEPTION--  
19 EXCUSAL--PROTECTION OF WITNESS AND INFORMATION.--

20           A. All hearings [~~under~~] held pursuant to provisions  
21 of the Uniform Licensing Act shall be conducted either by the  
22 board or, at the election of the board, by a hearing officer  
23 who may be a member or employee of the board or any other  
24 person designated by the board in its discretion. A hearing  
25 officer shall, within thirty days after [~~any~~] a hearing, submit

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1 to the board a report setting forth [~~his~~] the hearing officer's  
2 findings of fact and recommendations.

3 B. All hearings [~~under~~] held pursuant to provisions  
4 of the Uniform Licensing Act shall be open to the public;  
5 provided that in cases in which [~~any~~] a constitutional right of  
6 privacy of [an applicant or] a licensee, applicant or  
7 unlicensed person may be irreparably damaged, a board or  
8 hearing officer may hold a closed hearing if the board or  
9 hearing officer so desires and states the reasons for this  
10 decision in the record. The [~~applicant or~~] licensee, applicant  
11 or unlicensed person may, for good cause shown, request a board  
12 or hearing officer to hold either a public or a closed hearing.

13 C. Each party may peremptorily excuse one board  
14 member or a hearing officer by filing with the board a notice  
15 of peremptory excusal at least twenty days prior to the date of  
16 the hearing, but this privilege of peremptory excusal may not  
17 be exercised in any case in which its exercise would result in  
18 less than a quorum of the board being able to hear or decide  
19 the matter. Any party may request that the board excuse a  
20 board member or a hearing officer for good cause by filing with  
21 the board a motion of excusal for cause at least twenty days  
22 prior to the date of the hearing. In any case in which a  
23 combination of peremptory excusals and excusals for good cause  
24 would result in less than a quorum of the board being able to  
25 hear or decide the matter, the peremptory excusals that would

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1 result in removing the member [~~or members~~] of the board  
2 necessary for a quorum shall not be effective.

3 D. In any case in which excusals for cause result  
4 in less than a quorum of the board being able to hear or decide  
5 the matter, the governor shall, upon request by the board,  
6 appoint as many temporary board members as are necessary for a  
7 quorum to hear or decide the matter. These temporary members  
8 shall have all of the qualifications required for permanent  
9 members of the board.

10 E. In any case in which excusals result in less  
11 than a quorum of the board being able to hear or decide the  
12 matter, the board, including any board members who have been  
13 excused, may designate a hearing officer to conduct the entire  
14 hearing.

15 F. Each board shall have power where a proceeding  
16 has been dismissed, either on the merits or otherwise, to  
17 relieve the [~~applicant or~~] licensee, applicant or unlicensed  
18 person from any possible odium that may attach by reason of the  
19 proceeding, by such public exoneration as it [~~shall see~~] sees  
20 fit to make, if requested by the [~~applicant or~~] licensee,  
21 applicant or unlicensed person to do so.

22 G. There shall be no liability on the part of and  
23 no action for damages against a person who provides information  
24 to a board in good faith and without malice in the reasonable  
25 belief that such information is accurate. A [~~licensee~~] party

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1 who directly or through an agent intimidates, threatens,  
2 injures or takes ~~[any]~~ adverse action against a person for  
3 providing information to a board shall be subject to  
4 disciplinary action."

5 SECTION 11. Section 61-1-8 NMSA 1978 (being Laws 1957,  
6 Chapter 247, Section 8, as amended) is amended to read:

7 "61-1-8. RIGHTS OF ~~[PERSON]~~ PARTY ENTITLED TO HEARING.--

8 A. A ~~[person]~~ party entitled to be heard ~~[under]~~  
9 pursuant to the provisions of the Uniform Licensing Act shall  
10 have the right to be represented by counsel ~~[or by a licensed~~  
11 ~~member of his own profession or occupation or both]~~; to present  
12 all relevant evidence by means of witnesses, books, papers,  
13 documents and other evidence; to examine all opposing witnesses  
14 who appear on ~~[any]~~ a matter relevant to the issues; and to  
15 have subpoenas and subpoenas duces tecum issued as of right  
16 prior to the commencement of the hearing to compel discovery  
17 and the attendance of witnesses and the production of relevant  
18 books, papers, documents and other evidence upon making written  
19 request ~~[therefor]~~ for them to the board or hearing officer.  
20 The issuance of such subpoenas after the commencement of the  
21 hearing rests in the discretion of the board or the hearing  
22 officer. All notices issued pursuant to Section 61-1-4 NMSA  
23 1978 shall contain a statement of these rights.

24 B. Upon written request to another party, any party  
25 is entitled to:

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1 (1) obtain the names and addresses of  
 2 witnesses who will or may be called by the other party to  
 3 testify at the hearing; and

4 (2) inspect and copy [~~any~~] documents or items  
 5 [~~which~~] that the other party will or may introduce in evidence  
 6 at the hearing.

7 C. The party to whom [~~such~~] a request is made shall  
 8 comply with [~~it~~] the request within ten days after the  
 9 [~~mailing~~] service or delivery of the request. No [~~such~~]  
 10 request shall be made less than fifteen days before the  
 11 hearing.

12 [~~C.—Any~~] D. A party may take depositions after  
 13 service of notice in accordance with the Rules of Civil  
 14 Procedure for the District Courts. Depositions may be used as  
 15 in proceedings governed by those rules."

16 **SECTION 12.** Section 61-1-9 NMSA 1978 (being Laws 1957,  
 17 Chapter 247, Section 9, as amended) is amended to read:

18 "61-1-9. POWERS OF BOARD OR HEARING OFFICER IN CONNECTION  
 19 WITH HEARINGS.--

20 A. In connection with any hearing held under the  
 21 Uniform Licensing Act, the board or hearing officer shall have  
 22 power to have counsel to develop the case; to subpoena, for  
 23 purposes of discovery and of the hearing, witnesses and  
 24 relevant books, papers, documents and other evidence; to  
 25 administer oaths or affirmations to witnesses called to

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1 testify; to take testimony; to examine witnesses; and to direct  
2 a continuance of any case. Boards or hearing officers may also  
3 hold conferences before or during the hearing for the  
4 settlement or simplification of the issues, but such settlement  
5 or simplification shall only be with the consent of the  
6 [~~applicant or licensee~~] party.

7 B. Geographical limits upon the subpoena power  
8 shall be the same as if the board or hearing officer were a  
9 district court sitting at the location at which the hearing or  
10 discovery proceeding is to take place. The method of service,  
11 including tendering of witness and mileage fees, shall be the  
12 same as that under the Rules of Civil Procedure for the  
13 District Courts, except that those rules requiring the tender  
14 of fees in advance shall not apply to the state.

15 C. The board or hearing officer may impose any  
16 appropriate evidentiary sanction against a party or other  
17 person who fails to provide discovery or to comply with a  
18 subpoena."

19 SECTION 13. Section 61-1-12 NMSA 1978 (being Laws 1957,  
20 Chapter 247, Section 12, as amended) is amended to read:

21 "61-1-12. RECORD.--In all hearings conducted [~~under~~]  
22 pursuant to the Uniform Licensing Act, a complete record shall  
23 be made of all evidence received during the course of the  
24 hearing. The record shall be preserved by any stenographic  
25 method in use in the district courts of this state or, in the

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1 discretion of the board, by [~~tape~~] digital recording  
2 technology. The board shall observe any standards pertaining  
3 to [~~tape~~] digital recordings established for the district  
4 courts of this state."

5 SECTION 14. Section 61-1-13 NMSA 1978 (being Laws 1957,  
6 Chapter 247, Section 13, as amended) is amended to read:

7 "61-1-13. DECISION.--

8 A. After a hearing has been completed, the members  
9 of the board shall proceed to consider the case and as soon as  
10 practicable shall render their decision, provided that the  
11 decision shall be rendered by a quorum of the board. In cases  
12 in which the hearing is conducted by a hearing officer, all  
13 members who were not present throughout the hearing shall  
14 familiarize themselves with the record, including the hearing  
15 officer's report, before participating in the decision. In  
16 cases in which the hearing is conducted by the board, all  
17 members who were not present throughout the hearing shall  
18 thoroughly familiarize themselves with the entire record,  
19 including all evidence taken at the hearing, before  
20 participating in the decision.

21 B. A final decision and order based on the hearing  
22 shall be made by a quorum of the board and signed and executed  
23 by the person designated by the board within [~~sixty days after~~  
24 ~~the completion of the preparation of the record or submission~~  
25 ~~of a hearing officer's report, whichever is later.~~ In any

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1 ~~case, the decision must be rendered and signed within~~ ninety  
2 days after the hearing is closed by the board."

3 SECTION 15. Section 61-1-14 NMSA 1978 (being Laws 1957,  
4 Chapter 247, Section 14, as amended) is amended to read:

5 "61-1-14. SERVICE OF DECISION.--Within fifteen days after  
6 the decision is ~~[rendered and]~~ signed and executed, the board  
7 shall serve upon the ~~[applicant or licensee]~~ parties a copy of  
8 the written decision."

9 SECTION 16. Section 61-1-15 NMSA 1978 (being Laws 1957,  
10 Chapter 247, Section 15, as amended) is amended to read:

11 "61-1-15. PROCEDURE WHERE PERSON FAILS TO REQUEST OR  
12 APPEAR FOR HEARING.--If a person who has requested a hearing  
13 does not appear and no continuance has been granted, the board  
14 or hearing officer may hear the evidence of such witnesses as  
15 may have appeared, and the board may proceed to consider the  
16 matter and dispose of it on the basis of the weight of the  
17 evidence before it in the manner required by Section 61-1-13  
18 NMSA 1978. Where, because of accident, sickness or other  
19 extraordinary cause, a person fails to request a hearing or  
20 fails to appear for a hearing ~~[which he]~~ that the person has  
21 requested, the person may within a reasonable time apply to the  
22 board to reopen the proceeding, and the board upon finding such  
23 cause sufficient shall immediately fix a time and place for  
24 hearing and give the person notice as required by Sections  
25 61-1-4 and 61-1-5 NMSA 1978. At the time and place fixed, a

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1 hearing shall be held in the same manner as would have been  
 2 employed if the person had appeared in response to the original  
 3 notice of hearing."

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

6 "61-1-16. CONTENTS OF DECISION.--The final decision and  
 7 order of the board shall contain findings of fact made by the  
 8 board, conclusions of law reached by the board, the order of  
 9 the board based upon these findings of fact and conclusions of  
 10 law and a statement informing the applicant or licensee of  
 11 [~~his~~] the applicant's or licensee's right to judicial review  
 12 and the time within which such review [~~must~~] shall be sought."

13 SECTION 18. Section 61-1-17 NMSA 1978 (being Laws 1957,  
 14 Chapter 247, Section 17, as amended) is amended to read:

15 "61-1-17. PETITION FOR REVIEW.--A [~~person~~] party entitled  
 16 to a hearing provided for in the Uniform Licensing Act, who is  
 17 aggrieved by an adverse decision of a board issued after  
 18 hearing, may obtain a review of the decision in the district  
 19 court pursuant to the provisions of Section 39-3-1.1 NMSA  
 20 1978."

21 SECTION 19. Section 61-1-19 NMSA 1978 (being Laws 1957,  
 22 Chapter 247, Section 19, as amended) is amended to read:

23 "61-1-19. STAY.--At any time before or during the review  
 24 proceeding pursuant to Section 61-1-17 NMSA 1978, the aggrieved  
 25 [~~person~~] party may apply to the board or file a motion in

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1 accordance with the Rules of Civil Procedure for the District  
2 Courts in the reviewing court for an order staying the  
3 operation of the board decision pending the outcome of the  
4 review. The board or court may grant or deny the stay in its  
5 discretion. No order granting or denying a stay shall be  
6 reviewable."

7 SECTION 20. Section 61-1-21 NMSA 1978 (being Laws 1957,  
8 Chapter 247, Section 21, as amended) is amended to read:

9 "61-1-21. POWER OF BOARD TO REOPEN THE CASE.--

10 A. At any time after the hearing and prior to the  
11 filing of a petition for review, the ~~[person]~~ party aggrieved  
12 may request the board to reopen the case to receive additional  
13 evidence or for other cause.

14 B. The board need not reconvene and may be polled  
15 about whether to grant or refuse a request to reopen the case.  
16 The board shall grant or refuse the request in writing, and  
17 that decision and the request shall be made a part of the  
18 record. The decision to grant or refuse a request to reopen  
19 the case shall be made, signed by the person designated by the  
20 board within fifteen days after the board receives the request  
21 and served upon the ~~[applicant or licensee within fifteen days~~  
22 ~~after the board receives the request]~~ parties.

23 C. The granting or refusing of a request to reopen  
24 the case shall be within the board's discretion. The board may  
25 reopen the case on its own motion at any time before petition

1 for review is filed; thereafter, it may do so only with the  
 2 permission of the reviewing court. If the board reopens the  
 3 case, it shall provide notice and a hearing to the applicant or  
 4 licensee. The notice of the hearing shall be served upon the  
 5 applicant or licensee within fifteen days after service of the  
 6 decision to reopen the case. The hearing shall be held within  
 7 forty-five days after service of the notice, and a decision  
 8 shall be rendered, signed and served upon the applicant or  
 9 licensee within thirty days after the hearing.

10 D. The board's decision to refuse a request to  
 11 reopen the case shall not be reviewable except for an abuse of  
 12 discretion."

13 SECTION 21. A new section of the Uniform Licensing Act,  
 14 Section 61-1-25.1 NMSA 1978, is enacted to read:

15 "61-1-25.1. [NEW MATERIAL] SUMMARY SUSPENSION OF LICENSE  
 16 OR PROBATION OF LICENSEE.--

17 A. A board may summarily suspend a license issued  
 18 by the board or place a licensee on probation without a  
 19 hearing, simultaneously with or at any time after the  
 20 initiation of proceedings for a hearing provided pursuant to  
 21 the Uniform Licensing Act, if the board finds that evidence in  
 22 its possession indicates that the licensee:

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

25 (2) has been adjudged mentally incompetent by

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1 a final order or adjudication by a court of competent  
2 jurisdiction; or

3 (3) has pled guilty to or been found guilty of  
4 any offense directly related to the practice of the respective  
5 license.

6 B. A licensee is not required to comply with a  
7 summary action until service has been made or the licensee has  
8 actual knowledge of the order, whichever occurs first. The  
9 licensee may appeal the summary suspension as a final agency  
10 action as provided in Section 39-3-1.1 NMSA 1978.

11 C. When a board takes action to summarily suspend a  
12 license or place a licensee on probation pursuant to this  
13 section, it shall serve upon the licensee a written notice  
14 containing a statement:

15 (1) that the board has sufficient evidence to  
16 justify the board in issuing the summary suspension or  
17 probation;

18 (2) indicating the general nature of the  
19 evidence and allegations, including specific laws or rules that  
20 are alleged to have been violated;

21 (3) that unless the licensee within thirty  
22 days after service of the notice deposits in the mail a  
23 certified return receipt requested letter addressed to the  
24 board and containing a request for a hearing, the summary  
25 suspension or probation shall be final; and

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1 (4) that the licensee is entitled to a hearing  
 2 by the board pursuant to the Uniform Licensing Act within  
 3 fifteen days from the date a request for hearing is received by  
 4 the board from the licensee."

5 SECTION 22. Section 61-1-31.1 NMSA 1978 (being Laws 2016,  
 6 Chapter 19, Section 1, as amended) is amended to read:

7 "61-1-31.1. EXPEDITED LICENSURE--ISSUANCE.--

8 A. A board that issues an occupational or  
 9 professional license [~~pursuant to this 2022 act~~] shall, as soon  
 10 as practicable but no later than thirty days after an out-of-  
 11 state licensee files [~~an~~] a complete application for an  
 12 expedited license accompanied by any required fees:

13 (1) process the completed application; and

14 (2) issue a license to [~~a~~] the qualified  
 15 applicant who submits satisfactory evidence that the applicant:

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

18 (b) has practiced and held an active  
 19 license in the profession or occupation for which expedited  
 20 licensure is sought for a period required by New Mexico law;  
 21 and

22 (c) provides fingerprints and other  
 23 information necessary for a state [~~and~~] or national criminal  
 24 background check or both if required by law or rule of the  
 25 board.

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1           B. An expedited license is a one-year provisional  
2 license that confers the same rights, privileges and  
3 responsibilities as regular licenses issued by a board;  
4 provided that a board may allow for the initial term of an  
5 expedited license to be greater than one year by board rule or  
6 may extend an expedited license upon a showing of extenuating  
7 circumstances.

8           C. Before the end of the expedited license [~~period~~]  
9 term and upon application, a board shall issue a regular  
10 license through its license renewal process. If a board  
11 requires a state or national examination for initial licensure  
12 that was not required when the out-of-state applicant was  
13 licensed in the other licensing jurisdiction, the board shall  
14 issue the expedited license and may require the license holder  
15 to pass the required examination prior to renewing the license.

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

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1           **SECTION 23.** Section 61-1-31.2 NMSA 1978 (being Laws 2022,  
2 Chapter 39, Section 8) is amended to read:

3           "61-1-31.2. TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE OF  
4 INSURANCE.--A board may issue a temporary or other provisional  
5 license, including an expedited license, to a person licensed  
6 in another licensing jurisdiction, which [~~license is~~] may be  
7 limited as to [~~a~~] time, practice or other [~~requirement~~]  
8 condition of a regular [~~licensure~~] license. If a board  
9 requires [~~regular~~] licensees to carry professional or  
10 occupational liability or other insurance, the board shall  
11 require the applicant for a temporary or provisional license to  
12 show evidence of having required insurance that will cover the  
13 person in New Mexico during the term of the temporary or  
14 provisional license. Each board shall provide information on  
15 the board's website that describes the insurance requirements  
16 for practice in New Mexico, if applicable."

17           **SECTION 24.** Section 61-1-34 NMSA 1978 (being Laws 2013,  
18 Chapter 33, Section 1, as amended) is amended to read:

19           "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS,  
20 INCLUDING SPOUSES AND DEPENDENTS, AND VETERANS--WAIVER OF  
21 FEES.--

22           A. A board that issues an occupational or  
23 professional license pursuant to Chapter 61 NMSA 1978 shall, as  
24 soon as practicable but no later than thirty days after a  
25 military service member or a veteran files [~~an~~] a complete

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1 application, and provides a background check if required:

2 (1) process the application; and

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

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

16 C. A military service member or a veteran who is  
17 issued a license pursuant to this section shall not be charged  
18 [~~a~~] an initial or renewal licensing fee for the first three  
19 years of licensure.

20 D. Each board that issues a license to practice a  
21 trade or profession shall, upon the conclusion of the state  
22 fiscal year, prepare a report on the number and type of  
23 licenses that were issued during the fiscal year under this  
24 section. The report shall be provided to the director of the  
25 office of military base planning and support not later than

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1 ninety days after the end of the fiscal year.

2 E. As used in this section:

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

12 (2) "military service member" means a person  
13 who is:

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

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

24 (c) the child of a military service  
25 member if the child is also a dependent of that person for

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1 federal income tax purposes; and

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

4 SECTION 25. Section 61-1-36 NMSA 1978 (being Laws 2021  
5 (1st S.S.), Chapter 3, Section 8) is amended to read:

6 "61-1-36. CRIMINAL CONVICTIONS--EXCLUSION FROM  
7 LICENSURE--DISCLOSURE REQUIREMENT.--

8 A. A board shall not exclude from licensure a  
9 person who is otherwise qualified on the sole basis that the  
10 person has been previously arrested for or convicted of a  
11 crime, unless the person has a disqualifying criminal  
12 conviction.

13 B. By December 31, 2021, each board shall  
14 promulgate and post on the board's website rules relating to  
15 licensing requirements to list the specific criminal  
16 convictions that could disqualify an applicant from receiving a  
17 license on the basis of a previous felony conviction. Rules  
18 relating to licensing requirements promulgated by a board shall  
19 not use the terms "moral turpitude" or "good character". A  
20 board shall only list potentially disqualifying criminal  
21 convictions.

22 C. In an administrative hearing or agency appeal, a  
23 board shall carry the burden of proof on the question of  
24 whether the exclusion from occupational or professional  
25 licensure is based upon a potentially disqualifying criminal

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1 conviction.

2 D. No later than October 31 of each year, while  
3 ensuring the confidentiality of individual applicants, a board  
4 shall make available to the public an annual report for the  
5 prior fiscal year containing the following information:

6 (1) the number of applicants for licensure  
7 and, of that number, the number granted a license;

8 (2) the number of applicants for licensure or  
9 license renewal with a potential disqualifying criminal  
10 conviction who received notice of potential disqualification;

11 (3) the number of applicants for licensure or  
12 license renewal with a potential disqualifying criminal  
13 conviction who provided a written justification with evidence  
14 of mitigation or rehabilitation; and

15 (4) the number of applicants for licensure or  
16 license renewal with a potential disqualifying criminal  
17 conviction who were granted a license, denied a license for any  
18 reason or denied a license because of the conviction.

19 E. As used in this section, "disqualifying criminal  
20 conviction" means a conviction for a crime that is job-related  
21 for the position in question and consistent with business  
22 necessity."

23 SECTION 26. Section 61-1-37 NMSA 1978 (being Laws 2022,  
24 Chapter 39, Section 2) is amended to read:

25 "61-1-37. RESIDENCY IN NEW MEXICO NOT A REQUIREMENT FOR  
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underscoring material = new  
~~[bracketed material] = delete~~

1 LICENSURE.--A person who otherwise meets the requirements for a  
2 professional or occupational license shall not be denied  
3 licensure or [~~relicensure~~] license renewal because the person  
4 does not live in New Mexico."

5 SECTION 27. Section 61-6-11.1 NMSA 1978 (being Laws 2001,  
6 Chapter 96, Section 10, as amended) is amended to read:

7 "61-6-11.1. TELEMEDICINE LICENSE.--

8 A. The board shall issue a licensed physician a  
9 telemedicine license to allow the practice of medicine across  
10 state lines to an applicant who holds a full and unrestricted  
11 license to practice medicine in another state or territory of  
12 the United States. The board shall establish by rule the  
13 requirements for licensure; provided that the requirements  
14 shall not be more restrictive than those required for expedited  
15 licensure [~~by endorsement~~].

16 B. A telemedicine license shall be issued for a  
17 period not to exceed three years and may be renewed upon  
18 application, payment of fees as provided in Section 61-6-19  
19 NMSA 1978 and compliance with other requirements established by  
20 rule of the board."

21 SECTION 28. Section 61-6-13 NMSA 1978 (being Laws 1989,  
22 Chapter 269, Section 9, as amended by Laws 2021, Chapter 54,  
23 Section 32 and by Laws 2021, Chapter 70, Section 8) is amended  
24 to read:

25 "61-6-13. PHYSICIAN EXPEDITED LICENSURE [~~BY~~



1 ENDORSEMENT] .--

2 A. The board may grant [~~a~~] an expedited license [by  
3 ~~endorsement to a physician applicant who:~~

4 ~~(1) has graduated from an accredited United~~  
5 ~~States or Canadian medical or osteopathic medical school;~~

6 ~~(2) is board certified in a specialty~~  
7 ~~recognized by the American board of medical specialties, the~~  
8 ~~American osteopathic association or other specialty boards as~~  
9 ~~approved by the board;~~

10 ~~(3) has been a licensed physician in the~~  
11 ~~United States or Canada and has practiced medicine in the~~  
12 ~~United States or Canada immediately preceding the application~~  
13 ~~for at least three years;~~

14 ~~(4) holds an unrestricted license in another~~  
15 ~~state or Canada; and~~

16 ~~(5) was not the subject of a disciplinary~~  
17 ~~action in a state or province.~~

18 B. ~~The board may grant a physician license by~~  
19 ~~endorsement to an applicant who:~~

20 ~~(1) has graduated from a medical or~~  
21 ~~osteopathic medical school located outside the United States or~~  
22 ~~Canada;~~

23 ~~(2) is of good moral character;~~

24 ~~(3) is board certified in a specialty~~  
25 ~~recognized by the American board of medical specialties, the~~

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1 ~~American osteopathic association or other boards as approved by~~  
2 ~~the board;~~

3 ~~(4) has been a licensed physician in the~~  
4 ~~United States or Canada and has practiced medicine in the~~  
5 ~~United States or Canada immediately preceding the application~~  
6 ~~for at least three years;~~

7 ~~(5) holds an unrestricted license in another~~  
8 ~~state or Canada; and~~

9 ~~(6) was not the subject of disciplinary action~~  
10 ~~in a state or province.~~

11 ~~G. An endorsement provided pursuant to this section~~  
12 ~~shall certify that the applicant has passed an examination that~~  
13 ~~meets with board approval and that the applicant is in good~~  
14 ~~standing in that jurisdiction. In cases when the applicant is~~  
15 ~~board certified, has not been the subject of disciplinary~~  
16 ~~action that would be reportable to the national practitioner~~  
17 ~~data bank or the healthcare integrity and protection data bank~~  
18 ~~and has unusual skills and experience not generally available~~  
19 ~~in this state, and patients residing in this state have a~~  
20 ~~significant need for such skills and experience, the board may~~  
21 ~~waive a requirement imposing time limits for examination~~  
22 ~~completion that are different from requirements of the state~~  
23 ~~where the applicant is licensed.~~

24 ~~D. An applicant for licensure under this section~~  
25 ~~may be required to personally appear before the board or a~~

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1 ~~designated agent for an interview.~~

2 ~~E. An applicant for licensure under this section~~  
3 ~~shall pay an application fee as provided in Section 61-6-19~~  
4 ~~NMSA 1978.~~

5 ~~F.] to a qualified applicant licensed in another~~  
6 ~~state or territory of the United States, the District of~~  
7 ~~Columbia or a foreign country as provided in Section 61-1-31.1~~  
8 ~~NMSA 1978. The board shall process the application as soon as~~  
9 ~~practicable but no later than thirty days after the out-of-~~  
10 ~~state medical or osteopathic physician files an application for~~  
11 ~~expedited licensure accompanied by any required fee if the~~  
12 ~~applicant:~~

13 ~~(1) holds a license that is current and in~~  
14 ~~good standing issued by another licensing jurisdiction approved~~  
15 ~~by the board; and~~

16 ~~(2) has practiced medicine or osteopathy as a~~  
17 ~~licensed physician for at least three years.~~

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

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

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1 from which it will accept an applicant for expedited licensure.  
2 The board shall post the lists of disapproved and approved  
3 licensing jurisdictions on the board's website. The list of  
4 disapproved licensing jurisdictions shall include the specific  
5 reasons for disapproval. The lists shall be reviewed annually  
6 to determine if amendments to the rule are warranted. The  
7 board may require fingerprints and other information necessary  
8 for a state and national criminal background check."

9 SECTION 29. Section 61-14-10 NMSA 1978 (being Laws 1967,  
10 Chapter 62, Section 7, as amended) is amended to read:

11 "61-14-10. [~~LICENSE BY ENDORSEMENT~~] EXPEDITED AND  
12 TEMPORARY LICENSE.--

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

24 B. Pursuant to its regulations, the board may  
25 issue, with examination, a limited practice license in

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1 ~~veterinary medicine, which limited practice license shall~~  
2 ~~describe adequately that area of veterinary medicine that the~~  
3 ~~licensee is entitled to practice.~~

4 ~~C. At its discretion, the board may examine, orally~~  
5 ~~or practically, any person qualifying for a license under this~~  
6 ~~section.]~~

7 A. The board shall issue an expedited license to a  
8 qualified applicant licensed in another state or territory of  
9 the United States, the District of Columbia or a foreign  
10 country as provided in Section 61-1-31.1 NMSA 1978. The board  
11 shall process the application as soon as practicable but no  
12 later than thirty days after the out-of-state veterinarian  
13 files an application for expedited licensure accompanied by any  
14 required fee if the applicant:

15 (1) holds a license that is current and in  
16 good standing issued by another licensing jurisdiction approved  
17 by the board; and

18 (2) has practiced veterinary medicine for at  
19 least five years.

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

24 C. The board by rule shall determine those states  
25 and territories of the United States and the District of

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

9 D. The board may issue without examination a  
10 temporary permit to practice veterinary medicine to:

11 (1) a qualified applicant for a license  
12 pending examination, provided the applicant is a graduate  
13 veterinarian and employed by and working under the direct  
14 supervision of a licensed veterinarian; provided that:

15 (a) the temporary permit shall expire  
16 the day after the notice of results of the first examination  
17 given after the permit is issued;

18 (b) a qualified applicant for a license  
19 pending examination may, at the board's discretion, be exempted  
20 from the requirement of working under the direct supervision of  
21 a licensed veterinarian, provided the applicant submits a  
22 written request for such exemption; and

23 (c) no additional temporary permit shall  
24 be issued to an applicant who has failed the required  
25 components of the New Mexico examination in this or any other

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1 state or any other territory, district or commonwealth of the  
 2 United States; or

3 (2) a nonresident veterinarian validly  
 4 licensed and in good standing with the licensing authority in  
 5 another state or territory of the United States, the District  
 6 ~~[or commonwealth of the United States provided that:~~

7 ~~(a) except as otherwise provided in~~  
 8 ~~Subparagraph (b) of this paragraph, the temporary permit shall~~  
 9 ~~be issued for a period lasting no more than sixty days, not~~  
 10 ~~more than one permit shall be issued to the nonresident~~  
 11 ~~veterinarian during a calendar year and no more than two sixty-~~  
 12 ~~day, temporary permits shall be issued to the nonresident~~  
 13 ~~veterinarian; and~~

14 ~~(b)]~~ of Columbia or a foreign country if  
 15 ~~[a]~~ the nonresident veterinarian is employed by or has a  
 16 contract with the state, a municipality or a county to provide  
 17 veterinary services at a nationally accredited zoo or aquarium  
 18 located in New Mexico; provided that the temporary permit shall  
 19 be issued for a period lasting no more than six months and no  
 20 more than two consecutive six-month temporary permits shall be  
 21 issued to any one [individual] veterinarian.

22 E. A temporary permit to practice veterinary  
 23 medicine may be summarily revoked by a majority vote of the  
 24 board without a hearing."

25 SECTION 30. Section 61-24C-3 NMSA 1978 (being Laws 1989,

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1 Chapter 53, Section 3, as amended) is amended to read:

2 "61-24C-3. DEFINITIONS.--As used in the Interior  
3 Designers Act:

4 [~~A.~~ ~~"board" means the interior design board]~~

5 A. "applicant" means a person applying to the  
6 department for an interior designer license;

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

9 [~~B.~~] C. "interior design" means services that do  
10 not necessarily require performance by an architect, such as  
11 administering contracts for fabrication, procurement or  
12 installation in the implementation of designs, drawings and  
13 specifications for any interior design project and  
14 consultations, studies, drawings and specifications in  
15 connection with reflected ceiling plans, space utilization,  
16 furnishings or the fabrication of nonstructural elements within  
17 and surrounding interior spaces of buildings, but specifically  
18 excluding mechanical and electrical systems, except for  
19 specifications of fixtures and their location within interior  
20 spaces; and

21 [~~C.~~] D. "licensed interior designer" or "licensed  
22 designer" means a person licensed pursuant to the Interior  
23 Designers Act."

24 **SECTION 31.** Section 61-24C-5 NMSA 1978 (being Laws 1989,  
25 Chapter 53, Section 5, as amended) is amended to read:

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1 "61-24C-5. POWERS AND DUTIES OF THE ~~[BOARD]~~ DEPARTMENT.--

2 The ~~[board]~~ department:

3 A. shall administer, coordinate and enforce the  
4 provisions of the Interior Designers Act. The ~~[board]~~  
5 department may investigate allegations of violations of the  
6 provisions of the Interior Designers Act;

7 B. shall adopt ~~[regulations]~~ rules to carry out the  
8 purposes and policies of the Interior Designers Act, including  
9 ~~[regulations]~~ rules relating to professional conduct, standards  
10 of ~~[performance and]~~ professional examination and licensure,  
11 and reasonable license, application, renewal and late fees ~~[and~~  
12 ~~the establishment of ethical standards of practice for a~~  
13 ~~licensed interior designer in New Mexico]~~;

14 C. shall require a licensee, as a condition of the  
15 renewal of the license, to undergo continuing education  
16 requirements ~~[as set forth in]~~ pursuant to the Interior  
17 Designers Act;

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

21 ~~[E. shall conduct hearings and keep records and~~  
22 ~~minutes necessary to carry out its functions;~~

23 ~~F.]~~ E. may adopt a common seal for use by licensed  
24 interior designers; and

25 ~~[G.]~~ F. shall do all other things reasonable and

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1 necessary to carry out the [~~purposes~~] provisions of the  
2 Interior Designers Act."

3 SECTION 32. Section 61-24C-8 NMSA 1978 (being Laws 1989,  
4 Chapter 53, Section 8) is amended to read:

5 "61-24C-8. REQUIREMENTS FOR LICENSURE.--Each applicant  
6 for licensure shall apply to the [~~board~~] department. Except as  
7 otherwise provided in the Interior Designers Act, each  
8 applicant shall take and pass [~~a nationally standardized~~  
9 ~~examination.~~ The board may adopt substantially all or part of  
10 ~~the examination and grading procedures of the national council~~  
11 ~~for interior design qualifications.~~ Prior to examination, the  
12 applicant shall provide substantial evidence to the board that  
13 the applicant:

14 A. ~~is a graduate of a five-year interior design~~  
15 ~~program from an accredited institution and has completed at~~  
16 ~~least one year of diversified interior design experiences ;~~

17 B. ~~is a graduate of a four-year interior design~~  
18 ~~program from an accredited institution and has completed at~~  
19 ~~least two years of diversified interior design experience;~~

20 C. ~~has completed at least three years of an~~  
21 ~~interior design curriculum from an accredited institution and~~  
22 ~~has completed three years of diversified interior design~~  
23 ~~experience;~~

24 D. ~~is a graduate of a two-year interior design~~  
25 ~~program from an accredited institution and has completed four~~

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1 ~~years of diversified interior design experience; or~~

2           E. ~~has apprenticed under a designer who has passed~~  
 3 ~~the national council for interior design qualification~~  
 4 ~~examination or a licensed designer for a minimum of eight~~  
 5 ~~years] the national council for interior design qualification~~  
 6 ~~examination or another nationally recognized examination~~  
 7 ~~approved by the department and have an active certification~~  
 8 ~~from the national council for interior design qualification or~~  
 9 ~~another nationally recognized certification."~~

10           SECTION 33. Section 61-24C-9 NMSA 1978 (being Laws 1989,  
 11 Chapter 53, Section 9) is amended to read:

12           "61-24C-9. LICENSE WITHOUT EXAMINATION.--~~[A.]~~ If ~~[any]~~ a  
 13 person applies for licensure ~~[within one year after the~~  
 14 ~~effective date of the Interior Designers Act and that person~~  
 15 ~~has successfully completed the national council of interior~~  
 16 ~~design qualification examination or has completed at least~~  
 17 ~~eight years of full-time, diversified experience in the~~  
 18 ~~practice of interior design, that person may be issued a~~  
 19 ~~license without examination. Licensure pursuant to this~~  
 20 ~~subsection shall be subject to the board's discretionary review~~  
 21 ~~of the experience qualification.~~

22           B. ~~The board may accept, in lieu of examination,~~  
 23 ~~satisfactory evidence of licensure in another state or country~~  
 24 ~~where the qualifications are equal to or exceed those required~~  
 25 ~~by the provisions of the Interior Designers Act, provided that~~

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1 ~~the applicant holds a current license in the other jurisdiction~~  
2 ~~and has complied with all other requirements of the Interior~~  
3 ~~Designers Act.~~

4 C. ~~The board may accept, in lieu of examination,~~  
5 ~~satisfactory evidence of licensure or certification by the~~  
6 ~~national council for interior design qualifications] but does~~  
7 ~~not satisfy the requirements of Section 61-24C-8 NMSA 1978, the~~  
8 ~~department may on a case-by-case basis review and issue a~~  
9 ~~license to an applicant who provides evidence to the department~~  
10 ~~that the applicant:~~

11 A. has active licensure in another state or country  
12 where the qualifications are equal to or exceed those required  
13 by the Interior Designers Act and the applicant complies with  
14 all other requirements of the Interior Designers Act; or

15 B. has apprenticed for at least eight years under a  
16 licensed interior designer who passed the national council for  
17 interior design qualification examination or another nationally  
18 recognized examination approved by the department."

19 SECTION 34. Section 61-24C-10 NMSA 1978 (being Laws 1989,  
20 Chapter 53, Section 10, as amended) is amended to read:

21 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,  
22 SUSPENSION OR REVOCATION.--

23 A. A license shall be issued to every person who  
24 presents satisfactory evidence of possessing the qualifications  
25 of education, experience and, as appropriate, the examination

1 performance required by the provisions of the Interior  
2 Designers Act; provided that the applicant has reached the age  
3 of majority and, except as provided in Section 61-1-34 NMSA  
4 1978, pays the required fees.

5 B. Each original license shall authorize the holder  
6 to use the title of and be known as a licensed interior  
7 designer from the date of issuance to the next renewal date  
8 unless the license is suspended or revoked.

9 C. All licenses shall expire [~~annually~~] four years  
10 after the date of issuance and shall be renewed by submitting a  
11 completed renewal application, and except as provided in  
12 Section 61-1-34 NMSA 1978, accompanied by the required fees.

13 D. A license may not be renewed until the licensee  
14 submits satisfactory evidence to the [~~board~~] department that,  
15 [~~during the last year~~] since the initial issuance or last  
16 renewal if the license has been renewed, the licensee has  
17 participated in not less than [~~eight~~] twenty hours of  
18 continuing education approved by the [~~board. The board shall~~  
19 ~~approve only continuing education that builds upon basic~~  
20 ~~knowledge of interior design. The board~~] department. The  
21 department may make exceptions from [~~the~~] this continuing  
22 education requirement in cases that the licensee provides  
23 evidence of an emergency or hardship [~~eases~~].

24 E. The holder of a license that has expired through  
25 failure to renew may renew the license [~~at any time within two~~

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1 ~~years from the date on which the license expired~~], upon  
2 approval of the [~~board~~] department.

3 ~~[F. The board may promulgate policies and~~  
4 ~~procedures providing for the establishment of an inactive~~  
5 ~~status for licensees temporarily not engaged in the practice of~~  
6 ~~interior design.~~

7 ~~G.]~~ F. In accordance with the provisions of the  
8 Uniform Licensing Act, the [~~board~~] department may deny, refuse  
9 to renew, suspend or revoke a license or impose probationary  
10 conditions when the licensee has:

11 (1) obtained the license by means of fraud,  
12 misrepresentation or concealment of material facts;

13 (2) committed an act of fraud or deceit in  
14 professional conduct [~~or been convicted of a felony~~];

15 (3) made any representation as being a  
16 licensed interior designer prior to being issued a license,  
17 except as authorized under the provisions of the Interior  
18 Designers Act;

19 (4) been found by the [~~board~~] department to  
20 have aided or abetted an unlicensed person in violating the  
21 provisions of the Interior Designers Act; or

22 (5) failed to comply with the provisions of  
23 the Interior Designers Act or [~~regulations~~] rules adopted  
24 pursuant to that act."

25 SECTION 35. Section 61-24C-11 NMSA 1978 (being Laws 1989,

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1 Chapter 53, Section 11, as amended) is amended to read:

2 "61-24C-11. LICENSE REQUIRED--PENALTY.--

3 A. ~~[After the results of the first examination held~~  
4 ~~pursuant to the Interior Designers Act are announced, no]~~ A  
5 person shall not knowingly:

6 (1) use the name or title of licensed interior  
7 designer when the person is not the holder of a current, valid  
8 license issued pursuant to the Interior Designers Act;

9 (2) use or present as the person's own the  
10 license of another;

11 (3) give false or forged evidence to the  
12 ~~[board]~~ department or a ~~[board member]~~ department employee for  
13 the purpose of obtaining a license;

14 (4) use or attempt to use an interior design  
15 license that has been suspended, revoked or placed on inactive  
16 status; or

17 (5) conceal information relative to violations  
18 of the Interior Designers Act.

19 B. A person who violates a provision of this  
20 section ~~[is guilty of a misdemeanor and shall be sentenced~~  
21 ~~under the provisions of the Criminal Sentencing Act to~~  
22 ~~imprisonment in the county jail for a definite term of less~~  
23 ~~than one year or to the payment of a fine of not more than one~~  
24 ~~thousand dollars (\$1,000) or to both imprisonment or fine, in~~  
25 ~~the discretion of the judge]~~ shall be penalized pursuant to the

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[bracketed material] = delete

1 provisions of the Uniform Licensing Act; provided that a  
2 licensee or applicant shall be afforded notice and an  
3 opportunity to be heard before the department has authority to  
4 take any action that would result in a penalty or fine,  
5 including suspension, revocation, denial or withholding of a  
6 license or other corrective action."

7 SECTION 36. Section 61-24C-14 NMSA 1978 (being Laws 1989,  
8 Chapter 53, Section 14, as amended) is amended to read:

9 "61-24C-14. LICENSE FEES.--Except as provided in Section  
10 61-1-34 NMSA 1978, any fees for an original license or renewal  
11 of license, late charges or any other fees authorized by the  
12 provisions of the Interior Designers Act shall be set by rule  
13 of the [~~board~~] department. The fee for initial licensure shall  
14 not exceed two hundred dollars (\$200)."

15 SECTION 37. Section 61-24C-16 NMSA 1978 (being Laws 1989,  
16 Chapter 53, Section 16, as amended) is amended to read:

17 "61-24C-16. FUND ESTABLISHED--DISPOSITION--METHOD OF  
18 PAYMENT.--

19 A. There is created the "interior design [~~board~~]  
20 fund".

21 B. All [~~funds received by the board and~~] money  
22 collected under the Interior Designers Act shall be deposited  
23 with the state treasurer. The state treasurer shall credit the  
24 money to the interior design [~~board~~] fund.

25 C. Payments out of the interior design [~~board~~] fund  
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1 shall be on vouchers issued by the [~~secretary-treasurer~~]  
 2 superintendent of [~~the board~~] regulation and licensing upon  
 3 warrants drawn by the department of finance and administration  
 4 in accordance with the budget approved by that department.

5 D. All amounts paid to the interior design [~~board~~]  
 6 fund are subject to appropriation by the legislature and shall  
 7 be used only for meeting necessary expenses incurred in  
 8 executing the provisions and duties of the Interior Designers  
 9 Act and for promoting interior design education and standards  
 10 in the state. All money unused at the end of any fiscal year  
 11 shall remain in the interior design [~~board~~] fund for use in  
 12 accordance with the provisions of [~~that act~~] the Interior  
 13 Designers Act."

14 SECTION 38. Section 61-31-13 NMSA 1978 (being Laws 1989,  
 15 Chapter 51, Section 13, as amended) is amended to read:

16 "61-31-13. EXPEDITED LICENSURE [~~BY CREDENTIALS~~].--

17 A. Upon application of an out-of-state licensed  
 18 social worker, the board shall license [~~an~~] a qualified  
 19 applicant for the licensure level sought as provided in Section  
 20 61-1-31.1 NMSA 1978. [~~provided the applicant:~~

21 (~~1) possesses and has held for a minimum of~~  
 22 ~~two and one-half years a valid social worker license issued by~~  
 23 ~~the appropriate examining board under the laws of any other~~  
 24 ~~state or territory of the United States, the District of~~  
 25 ~~Columbia or any foreign nation;~~

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1                   ~~(2) is in good standing with no disciplinary~~  
2 ~~action pending or brought against the applicant within the past~~  
3 ~~two and one-half years;~~

4                   ~~(3) possesses a bachelor's or master's degree~~  
5 ~~in social work from a program of social work accredited by the~~  
6 ~~council on social work education;~~

7                   ~~(4) verifies that the applicant has taken and~~  
8 ~~passed the national examination as defined by rule; and~~

9                   ~~(5) demonstrates an awareness and knowledge of~~  
10 ~~New Mexico cultures to the board.~~

11                   ~~B. The applicant will not have to further verify~~  
12 ~~the applicant's experience, schooling or degrees if the~~  
13 ~~criteria pursuant to Subsection A of this section are met]~~

14                   B. The board shall process the application as soon  
15 as practicable but no later than thirty days after the out-of-  
16 state social worker files an application for expedited  
17 licensure accompanied by any required fee.

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

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

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

7           **SECTION 39. TEMPORARY PROVISION--TRANSFER OF**  
 8 **APPROPRIATIONS, RECORDS AND CONTRACTS TO THE REGULATION AND**  
 9 **LICENSING DEPARTMENT.--On the effective date of this act:**

10           A. all functions, appropriations, money, records  
 11 and files of the interior design board relating to the Interior  
 12 Designers Act shall be transferred to the regulation and  
 13 licensing department;

14           B. all contractual obligations of the interior  
 15 design board relating to the Interior Designers Act shall be  
 16 binding on the regulation and licensing department; and

17           C. the rules, orders and decisions of the interior  
 18 design board relating to the Interior Designers Act shall  
 19 remain in effect until repealed or amended.

20           **SECTION 40. REPEAL.--Sections 61-24C-4, 61-24C-6,**  
 21 **61-24C-7, 61-24C-12 and 61-24C-17 NMSA 1978 (being Laws 1989,**  
 22 **Chapter 53, Sections 4, 6, 7 and 12 and Laws 1993, Chapter 83,**  
 23 **Section 5, as amended) are repealed.**

24           **SECTION 41. EFFECTIVE DATE.--The effective date of the**  
 25 **provisions of this act is July 1, 2023.**

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