

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
2 SENATE BILL 111

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

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10 AN ACT

11 RELATING TO LICENSURE; PROVIDING FOR THE TEMPORARY SUSPENSION  
12 OF THE COLLECTION OF FEES FOR FIRST-TIME LICENSES FOR CERTAIN  
13 PROFESSIONS AND OCCUPATIONS; REQUIRING DATA COLLECTION AND  
14 ANALYSIS TO DETERMINE THE EFFICACY OF THE SUSPENSION PROGRAM;  
15 MAKING AN APPROPRIATION.

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

18 SECTION 1. TEMPORARY PROVISION--TEMPORARILY SUSPENDING  
19 FIRST-TIME PROVISIONAL AND INITIAL LICENSE FEES FOR PERSONS  
20 ENTERING PROFESSIONS AND OCCUPATIONS IN NEW MEXICO--RENEWAL AND  
21 REINSTATEMENT AND OTHER FEES COLLECTED BY BOARDS AND  
22 COMMISSIONS CONTINUE.--

23 A. As used in this section, "first-time license"  
24 includes provisional and initial licensure, certification,  
25 registration, permitting or other word that indicates that a

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1 person has been qualified to engage in a profession or  
2 occupation regulated by the state.

3 B. The state shall suspend the collection of  
4 license fees for first-time licensure of persons in the  
5 professions and occupations listed in this section who reside  
6 in the state of New Mexico; provided that this provision does  
7 not include businesses or managers or supervisors of  
8 businesses. This program of suspension shall begin July 1,  
9 2023 and end June 30, 2026. The regulation and licensing  
10 department, adjunct licensing boards and other departments that  
11 license professions and occupations listed in this section  
12 shall collect and analyze data to determine whether the  
13 suspension of first-time license fees results in increased  
14 participation in licensed professions and occupations and  
15 whether additional licensees are drawn from resident New  
16 Mexicans or other jurisdictions.

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

23 D. The boards, commissions and departments  
24 regulating the following professions and occupations shall not  
25 collect first-time licensing fees in:

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

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

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

13 (4) the Optometry Act, Chapter 61, Article 2  
 14 NMSA 1978, licensing optometrists;

15 (5) the Nursing Practice Act, Chapter 61,  
 16 Article 3 NMSA 1978, licensing registered nurses, licensed  
 17 practical nurses, nursing specialists and lactation  
 18 consultants;

19 (6) the Chiropractic Physician Practice Act,  
 20 Chapter 61, Article 4 NMSA 1978, licensing chiropractic  
 21 physicians and chiropractic assistants;

22 (7) the Dental Health Care Act, Chapter 61,  
 23 Article 5A NMSA 1978, licensing dentists, dental hygienists,  
 24 dental therapists, dental assistants, expanded-function dental  
 25 auxiliaries and community dental health coordinators;

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1 (8) the Medical Practice Act, Chapter 61,  
2 Articles 6, 6A, 6B, 6C, 6D, 12F and 12G NMSA 1978, licensing  
3 medical or osteopathic physicians, physician assistants,  
4 polysomnographic technologists, anesthesiologist assistants,  
5 naturopathic doctors, naprapaths and genetic counselors;

6 (9) the Nutrition and Dietetics Practice Act,  
7 Chapter 61, Article 7A NMSA 1978, licensing dietitians,  
8 nutritionists and nutrition associates;

9 (10) the Podiatry Act, Chapter 61, Article 8  
10 NMSA 1978, licensing podiatrists and foot and ankle radiation  
11 technologists;

12 (11) the Professional Psychologist Act,  
13 Chapter 61, Article 9 NMSA 1978, licensing psychologists and  
14 psychologist associates;

15 (12) the Counseling and Therapy Practice Act,  
16 Chapter 61, Article 9A NMSA 1978, licensing professional mental  
17 health counselors, professional clinical mental health  
18 counselors, independent mental health counselors, mental health  
19 counselors, marriage and family therapists, associate marriage  
20 and family therapists, professional art therapists, alcohol and  
21 drug abuse counselors, alcohol abuse counselors and substance  
22 abuse associates;

23 (13) the Pharmacy Act, Chapter 61, Article 11  
24 NMSA 1978, licensing pharmacists, pharmacist interns and  
25 pharmacy technicians;

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1 (14) the Occupational Therapy Act, Chapter 61,  
2 Article 12A NMSA 1978, licensing occupational therapists and  
3 occupational therapy assistants;

4 (15) the Respiratory Care Act, Chapter 61,  
5 Article 12B NMSA 1978, licensing respiratory care  
6 practitioners;

7 (16) the Massage Therapy Practice Act, Chapter  
8 61, Article 12C NMSA 1978, licensing massage therapists;

9 (17) the Physical Therapy Act, Chapter 61,  
10 Article 12D NMSA 1978, licensing physical therapists and  
11 physical therapist assistants;

12 (18) the Nursing Home Administrators Act,  
13 Chapter 61, Article 13 NMSA 1978, licensing nursing home  
14 administrators;

15 (19) the Veterinary Practice Act, Chapter 61,  
16 Article 14 NMSA 1978, licensing veterinarians and veterinary  
17 technicians;

18 (20) the Acupuncture and Oriental Medicine  
19 Practice Act, Chapter 61, Article 14A NMSA 1978, licensing  
20 acupuncturists and doctors of oriental medicine;

21 (21) the Speech-Language Pathology, Audiology  
22 and Hearing Aid Dispensing Practices Act, Chapter 61, Article  
23 14B NMSA 1978, licensing audiologists, hearing aid dispensers  
24 and speech-language pathologists;

25 (22) the Athletic Trainer Practice Act,

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1 Chapter 61, Article 14D NMSA 1978, licensing athletic trainers;

2 (23) the Medical Imaging and Radiation Therapy  
3 Health and Safety Act, Chapter 61, Article 14E NMSA 1978,  
4 licensing magnetic resonance technologists, radiographers,  
5 nuclear medicine technologists, diagnostic medical sonographers  
6 and radiation therapists;

7 (24) the Barbers and Cosmetologists Act,  
8 Chapter 61, Article 17A NMSA 1978, licensing barbers,  
9 cosmetologists, estheticians, electrologists, hairstylists and  
10 manicurist-pedicurists;

11 (25) the Body Art Safe Practices Act, Chapter  
12 61, Article 17B NMSA 1978, licensing body artists;

13 (26) the Landscape Architects Act, Chapter 61,  
14 Article 24B NMSA 1978, licensing landscape architects and  
15 landscape architects in training;

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

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

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

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

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

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

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

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

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