

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 14, 2025

Madam Chair:

I propose to the HOUSE JUDICIARY COMMITTEE the following amendments to

HOUSE BILL 81

1. On page 1, line 12, before the period, insert:

"; AMENDING THE OCCUPATIONAL THERAPY ACT TO PROVIDE FOR STATE AND FEDERAL CRIMINAL HISTORY BACKGROUND CHECKS".

2. On page 1, line 15, strike "This" and insert in lieu thereof "Sections 1 through 16 of this".

3. On page 4, line 13, strike "practitioners" and insert in lieu thereof "practitioner".

4. On page 40, between lines 3 and 4, insert:

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

"61-12A-9. BOARD--POWERS AND DUTIES--CRIMINAL HISTORY BACKGROUND CHECKS.--

- A. The board shall:

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

(2) use funds to meet the necessary expenses incurred in carrying out the provisions of the Occupational Therapy Act;

(3) adopt a code of ethics;

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

(5) establish and collect fees;

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

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

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

(9) obtain the legal assistance of the attorney general;

(10) prescribe procedures, forms and the manner of submitting an applicant's full set of fingerprints for state and federal criminal history background reports that the board uses to evaluate the applicant's qualification for licensure; and

(11) require an applicant, as a condition of eligibility for initial licensure, to submit a full set of fingerprints to the department of public safety to obtain state and national criminal history record information on the applicant. State and national criminal history record reports are confidential and not public records. The board shall not disseminate criminal history record information across state lines.

B. The board may:

(1) issue investigative subpoenas for the purpose of

investigating complaints against licensees prior to the issuance of a notice of contemplated action;

(2) hire or contract with an investigator to investigate complaints that have been filed with the board. The board shall set the compensation of the investigator to be paid from the funds of the board;

(3) inspect establishments; and

(4) designate hearing officers."".

Respectfully submitted,

Elizabeth "Liz" Thomson