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AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE PHYSICAL THERAPY ACT TO REMOVE THE CONDITION PRECEDENT FOR PHYSICAL THERAPY TREATMENT OF A PRIOR PRIMARY CARE MEDICAL DIAGNOSIS.

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

SECTION 1. Section 61-12D-10 NMSA 1978 (being Laws 1997, Chapter 89, Section 10) is amended to read:

"61-12D-10. LICENSURE--QUALIFICATIONS.--

A. An applicant for licensure as a physical therapist shall submit a completed application and have the following minimum qualifications:

- (1) be of good moral character;
- (2) be a graduate of an accredited physical therapy program approved by the board;
- (3) have successfully passed the national physical therapy examination approved by the board; and
- (4) have successfully passed the state jurisprudence examination.

B. An applicant for licensure as a physical therapist who has been educated outside the United States shall submit a completed application and meet the following minimum qualifications in addition to those required in Paragraphs (1), (3) and (4) of Subsection A of this section:

- (1) provide satisfactory evidence that the

1 applicant's education is substantially equivalent to the
2 requirements of physical therapists educated in accredited
3 educational programs in the United States, as determined by
4 the board. If the board determines that a foreign-educated
5 applicant's education is not substantially equivalent, it may
6 require completion of additional course work before
7 proceeding with the application process;

8 (2) provide evidence that the applicant is a
9 graduate of a school of training that is recognized by the
10 foreign country's own ministry of education or similar
11 institution;

12 (3) provide written proof of authorization
13 to practice as a physical therapist without limitations in
14 the legal jurisdiction where the postsecondary institution
15 from which the applicant has graduated is located;

16 (4) provide proof of legal authorization to
17 reside and seek employment in the United States or its
18 territories;

19 (5) have the applicant's educational
20 credentials evaluated by a board-approved credential
21 evaluation agency;

22 (6) pass all approved English proficiency
23 examinations as may be prescribed by the board if English is
24 not the applicant's primary language; and

25 (7) participate in an interim supervised

1 clinical practice period as may be prescribed by the board.

2 C. The board may issue an interim permit to a
3 foreign-trained applicant who satisfies the board's
4 requirements. An interim permit shall be issued for the
5 purpose of participating in a supervised clinical practice
6 period.

7 D. If the foreign-educated physical therapist
8 applicant is a graduate of a college accredited by the
9 commission on accreditation in physical therapy education,
10 the requirements of Paragraphs (1), (2), (5) and (7) of
11 Subsection B of this section are waived.

12 E. An applicant for licensure as a physical
13 therapist assistant shall submit a completed application and
14 meet the following minimum requirements:

15 (1) be of good moral character;

16 (2) be a graduate of an accredited physical
17 therapist assistant program approved by the board;

18 (3) have successfully passed the national
19 physical therapy examination approved by the board; and

20 (4) have successfully passed the state
21 jurisprudence examination.

22 F. An applicant for licensure as a physical
23 therapist or physical therapist assistant shall file a
24 written application on forms provided by the board. A
25 nonrefundable application fee and the cost of the examination

1 shall accompany the completed written application.

2 G. Applicants who fail to pass the examinations
3 shall be subject to requirements determined by board
4 regulations prior to being approved by the board for
5 subsequent testing.

6 H. The board or its designee shall issue a license
7 to a physical therapist or physical therapist assistant who
8 has a valid unrestricted license from another United States
9 jurisdiction and who meets all requirements for licensure in
10 New Mexico.

11 I. Prior to licensure, if prescribed by the board,
12 the board or its designee may issue a temporary nonrenewable
13 license to a physical therapist or physical therapist
14 assistant who has completed the education and experience
15 requirements of the Physical Therapy Act. The temporary
16 license shall allow the applicant to practice physical
17 therapy under the supervision of a licensed physical
18 therapist until a permanent license is approved that shall
19 include passing the national physical therapy examination.

20 J. The board or its designee may issue a temporary
21 license to a physical therapist or physical therapist
22 assistant performing physical therapy while teaching an
23 educational seminar who has met the requirements established
24 by regulation of the board.

25 K. A physical therapist or physical therapist

1 assistant licensed under the provisions of the Physical
2 Therapy Act shall renew the physical therapist's or physical
3 therapist assistant's license as specified in board rules. A
4 person who fails to renew the person's license by the date of
5 expiration shall not practice physical therapy as a physical
6 therapist or physical therapist assistant in New Mexico.

7 L. Reinstatement of a lapsed license following a
8 renewal deadline requires payment of a renewal fee and late
9 fee.

10 M. Reinstatement of a physical therapist or
11 physical therapist assistant license that has lapsed for more
12 than three years, without evidence of continued practice in
13 another state pursuant to a valid unrestricted license in
14 that state, requires reapplication and payment of fees, as
15 specified in board rules. The board shall promulgate rules
16 establishing the qualifications for reinstatement of a lapsed
17 license.

18 N. The board may establish, by rule, activities to
19 periodically assess continuing competence to practice
20 physical therapy.

21 O. A physical therapist shall refer a patient to
22 the patient's licensed health care provider if:

23 (1) after thirty days of initiating physical
24 therapy intervention, the patient has not made measurable or
25 functional improvement with respect to the primary complaints

1 of the patient; provided that the thirty-day limit shall not
2 apply to:

3 (a) treatment provided for a condition
4 related to a chronic, neuromuscular or developmental
5 condition for a patient previously diagnosed by a licensed
6 health care provider as having a chronic, neuromuscular or
7 developmental condition;

8 (b) services provided for health
9 promotion, wellness, fitness or maintenance purposes; or

10 (c) services provided to a patient who
11 is participating in a program pursuant to an individual
12 education plan or individual family service plan under
13 federal law; or

14 (2) at any time, the physical therapist has
15 reason to believe the patient has symptoms or conditions
16 requiring treatment that is beyond the scope of practice of
17 the physical therapist.

18 P. As used in this section, "licensed health care
19 provider" means:

20 (1) a physician licensed pursuant to the
21 Medical Practice Act;

22 (2) an osteopathic physician licensed
23 pursuant to Chapter 61, Article 10 NMSA 1978;

24 (3) a chiropractic physician licensed
25 pursuant to the Chiropractic Physician Practice Act;

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(4) a podiatrist licensed pursuant to the Podiatry Act;

(5) a dentist licensed pursuant to the Dental Health Care Act;

(6) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;

(7) a certified nurse practitioner licensed pursuant to the Nursing Practice Act;

(8) a certified nurse-midwife licensed pursuant to the Nursing Practice Act and registered with the public health division of the department of health as a certified nurse-midwife;

(9) a certified nurse specialist licensed pursuant to the Nursing Practice Act; or

(10) a physician assistant licensed pursuant to the Medical Practice Act."
