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HOUSE BILL 83

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

INTRODUCED BY

Marian Matthews

AN ACT

RELATING TO LICENSURE; AMENDING THE PODIATRY ACT; CHANGING  
RECIPROCITY REQUIREMENTS; REQUIRING LICENSURE RENEWAL AFTER TWO  
YEARS; REMOVING THE TAXATION REGISTRATION NUMBER REQUIREMENT AS  
A CONDITION OF RENEWAL; ADDING A CIRCUMSTANCE FOR POSTGRADUATE  
EDUCATION WAIVER; PROVIDING A NEW SUNSET DATE FOR THE PODIATRY  
ACT.

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

SECTION 1. Section 61-8-9 NMSA 1978 (being Laws 1977,  
Chapter 221, Section 9, as amended) is amended to read:

"61-8-9. EXPEDITED LICENSURE BY RECIPROCITY.--

A. An applicant for expedited licensure by  
reciprocity shall meet the qualifications set forth in Section  
61-8-8 NMSA 1978, shall file an application under oath on forms  
supplied by the board that conform to board rules on

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1 reciprocity and furnish proof satisfactory to the board of  
2 having been licensed by national examination in another  
3 licensing jurisdiction. In addition, each applicant for  
4 licensure by reciprocity shall [~~furnish the board~~]:

5 (1) furnish the board an affidavit from the  
6 applicant's state board showing a valid, unrestricted license  
7 and the fact that the applicant has been licensed to practice  
8 podiatry and has practiced podiatry for at least [~~five~~] three  
9 consecutive years immediately preceding the filing of the  
10 application for reciprocal licensure and is in good standing  
11 with the other licensing jurisdiction; and

12 (2) pay required fees.

13 B. The board shall, as soon as practicable but no  
14 later than thirty days after an out-of-state licensee files an  
15 application for licensure by reciprocity, process the  
16 application and issue the license in accordance with Section  
17 61-1-31.1 NMSA 1978.

18 C. The board shall determine the states and  
19 territories of the United States and the District of Columbia  
20 from which it will not accept an applicant for expedited  
21 licensure and the foreign countries from which it will accept  
22 an applicant for expedited licensure. The board shall post the  
23 list of disapproved and approved licensing jurisdictions on its  
24 website. The list of disapproved licensing jurisdictions shall  
25 include the specific reasons for disapproval. The lists shall

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1 be reviewed annually to determine if amendments to the rule are  
2 warranted."

3 SECTION 2. Section 61-8-10 NMSA 1978 (being Laws 1977,  
4 Chapter 221, Section 10, as amended) is amended to read:

5 "61-8-10. LICENSE FEES--LICENSURE UNDER PRIOR LAW--  
6 RENEWAL.--

7 A. Except as provided in Section 61-1-34 NMSA 1978,  
8 an applicant for licensure as a podiatrist shall pay the  
9 following fees:

10 (1) for licensure by examination:

11 (a) an examination fee equal to the cost  
12 of purchasing the examination, plus an administration fee not  
13 to exceed fifty percent of the examination fee; and

14 (b) an application fee not to exceed  
15 [~~five hundred dollars (\$500)~~] six hundred dollars (\$600);

16 (2) for licensure on the basis of reciprocity,  
17 a fee set by the board in an amount not to exceed six hundred  
18 dollars (\$600);

19 (3) for the [~~annual~~] biennial renewal of  
20 license on or before January 1 of [~~each~~] the renewal year, a  
21 renewal fee set by the board in an amount not to exceed [~~three~~  
22 hundred dollars (\$300)] six hundred dollars (\$600);

23 (4) for the late renewal after January 1 [~~of~~  
24 each year] for the ensuing two years, a late charge not to  
25 exceed fifty dollars (\$50.00) per month or part thereof

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1 commencing on January 2;

2 (5) in addition to the renewal fees and late  
3 charges, the applicant for the renewal of a license shall pay a  
4 reinstatement fee not to exceed two hundred fifty dollars  
5 (\$250) for the first twelve months of delinquency and a  
6 reinstatement fee of five hundred dollars (\$500) for a license  
7 that has lapsed more than one year but not more than three  
8 years; and

9 (6) for the issuance of a temporary license, a  
10 fee not to exceed one hundred dollars (\$100).

11 B. If any licensee permits the licensee's license  
12 to lapse for a period of three full years, the license shall  
13 automatically be canceled and shall not be reinstated.

14 C. The provisions of Paragraphs (3), (4) and (5) of  
15 Subsection A of this section shall not apply to licensees who  
16 practice in the service of the United States whose licenses  
17 shall be renewed upon application for renewal within three  
18 months after the termination of service.

19 D. Current renewal certificates issued by the board  
20 shall be displayed in the office of the licensee, and, in the  
21 case of the suspension or revocation of a license, no portion  
22 of a fee or penalty shall be returned."

23 SECTION 3. Section 61-8-10.1 NMSA 1978 (being Laws 1989,  
24 Chapter 185, Section 2, as amended) is amended to read:

25 "61-8-10.1. LICENSE RENEWAL--CONTINUING EDUCATION--

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1 PENALTY FOR FAILURE TO RENEW.--

2 A. All licensees shall renew their licenses on or  
3 before January 1 of [~~each year~~] every second year. Upon  
4 application for renewal, each licensee shall furnish evidence  
5 that [~~he holds a registration number with the taxation and~~  
6 ~~revenue department and~~] the licensee has completed continuing  
7 education requirements as set forth in Subsection B of this  
8 section.

9 B. As a condition of renewal, all applicants shall  
10 furnish the board with evidence of completion of postgraduate  
11 study as required by board rule. Postgraduate study may be  
12 obtained from a college of podiatric medicine accredited by the  
13 American podiatry association, one of its constituent societies  
14 or affiliate organizations or other [~~such~~] courses approved by  
15 the board. This requirement may only be waived for reasons of  
16 prolonged illness or other incapacity or during a public health  
17 emergency.

18 C. The board may summarily suspend the license of  
19 [~~any~~] a podiatrist who fails to renew [~~his~~] the podiatrist's  
20 license or submit proof of completion of continuing education  
21 requirements within sixty days of January 1 as provided in  
22 Subsection A of this section. The board may reinstate licenses  
23 suspended upon payment of all applicable late fees, delinquent  
24 renewal fees and reinstatement fees."

25 SECTION 4. Section 61-8-17 NMSA 1978 (being Laws 1979,  
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1 Chapter 385, Section 2, as amended) is amended to read:  
2 "61-8-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--  
3 The board of podiatry is terminated on July 1, ~~[2023]~~ 2027  
4 pursuant to the Sunset Act. The board shall continue to  
5 operate according to the provisions of the Podiatry Act until  
6 July 1, ~~[2024]~~ 2028. Effective July 1, ~~[2024]~~ 2028, the  
7 Podiatry Act is repealed."