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SENATE BILL 44

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Gerald Ortiz y Pino

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PROFESSIONAL LICENSURE; ALLOWING THE REGULATION AND LICENSING DEPARTMENT TO COMPENSATE MEMBERS OF HEALTH CARE PROFESSIONAL LICENSING BOARDS THAT ARE ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT; PROVIDING A TEMPORARY WAIVER OF APPLICATION, LICENSURE AND RENEWAL FEES FOR NEW APPLICANTS AND NEWLY LICENSED HEALTH CARE PROFESSIONALS IN CERTAIN HEALTH CARE PROFESSIONS.

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

SECTION 1. Section 61-2-6 NMSA 1978 (being Laws 1973, Chapter 353, Section 5, as amended) is amended to read:

"61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--  
COMPENSATION--POWERS AND DUTIES.--

A. The board shall annually elect a chair, a vice chair and a secretary-treasurer; each shall serve until a

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1 successor is elected and qualified.

2 B. The board shall meet at least annually for the  
3 purpose of examining candidates for licensure. Special  
4 meetings may be called by the chair and shall be called upon  
5 the written request of a majority of the board members. A  
6 majority of the board members currently serving constitutes a  
7 quorum.

8 C. Members of the board may be reimbursed as  
9 provided in the Per Diem and Mileage Act [~~but shall receive no~~  
10 ~~other compensation, perquisite or allowance~~] and may be  
11 compensated by the regulation and licensing department for time  
12 spent carrying out the duties of a board member.

13 D. The board has the authority to determine what  
14 constitutes the practice of optometry in accordance with the  
15 provisions of the Optometry Act and has jurisdiction to  
16 exercise any other powers and duties pursuant to that act. The  
17 board may issue advisory opinions and declaratory rulings  
18 pursuant to that act and rules promulgated in accordance with  
19 the State Rules Act, but shall not expand the scope of practice  
20 of optometry beyond the provisions of the Optometry Act.

21 E. The board shall:

22 (1) administer and enforce the provisions of  
23 the Optometry Act;

24 (2) promulgate in accordance with the State  
25 Rules Act, all rules for the implementation and enforcement of

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1 the provisions of the Optometry Act;

2 (3) adopt and use a seal;

3 (4) administer oaths and take testimony on  
4 matters within the board's jurisdiction;

5 (5) keep an accurate record of meetings,  
6 receipts and disbursements;

7 (6) keep a record of examinations held,  
8 together with the names and addresses of persons taking the  
9 examinations and the examination results. Within thirty days  
10 after an examination, the board shall give written notice to  
11 each applicant examined of the results of the examination as to  
12 the respective applicant;

13 (7) certify as passing each applicant who  
14 obtains a grade of at least seventy-five percent on each  
15 subject upon which the applicant is examined; providing that an  
16 applicant failing may apply for re-examination at the next  
17 scheduled examination date;

18 (8) keep a book of registration in which the  
19 name, address and license number of licensees shall be  
20 recorded, together with a record of license renewals,  
21 suspensions and revocations;

22 (9) grant, deny, renew, suspend or revoke  
23 licenses to practice optometry in accordance with the  
24 provisions of the Uniform Licensing Act for any cause stated in  
25 the Optometry Act;

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1 (10) develop and administer qualifications for  
2 certification for the use of pharmaceutical agents as  
3 authorized in Section 61-2-10.2 NMSA 1978, including minimum  
4 educational requirements and examination, as required by  
5 Section 61-2-10.2 NMSA 1978 and provide the board of pharmacy  
6 with an annual list of optometrists certified to use  
7 pharmaceutical agents as authorized in Section 61-2-10.2  
8 NMSA 1978; and

9 (11) provide for the suspension of an  
10 optometrist's license for sixty days upon a determination of  
11 use of pharmaceutical agents without prior certification in  
12 accordance with Section 61-2-10.2 NMSA 1978, after proper  
13 notice and an opportunity to be heard before the board."

14 SECTION 2. Section 61-2-11 NMSA 1978 (being Laws 1973,  
15 Chapter 353, Section 9, as amended) is amended to read:

16 "61-2-11. LICENSE FEES--LICENSURE UNDER PRIOR LAW.--

17 A. The board shall set fees for the following by  
18 rule:

19 (1) except as provided in Subsection D of this  
20 section, application fee in an amount not to exceed five  
21 hundred dollars (\$500);

22 (2) examination fee in an amount not to exceed  
23 five hundred dollars (\$500);

24 (3) except as provided in Section 61-1-34 NMSA  
25 1978 and Subsection D of this section, licensure fee in an

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1 amount not to exceed four hundred dollars (\$400); and

2 (4) issuance fee for pharmaceutical  
3 certification in an amount not to exceed one hundred dollars  
4 (\$100).

5 B. A person licensed as an optometrist under any  
6 prior laws of this state, whose license is valid on April 3,  
7 1973, shall be held to be licensed under the provisions of the  
8 Optometry Act and shall be entitled to the annual renewal of  
9 the person's license as provided in that act.

10 C. Prior to engaging in the active practice of  
11 optometry in this state, a licensee shall furnish the board  
12 evidence that the licensee holds a registration number with the  
13 taxation and revenue department and has completed, as a  
14 condition of licensure by endorsement, the continuing education  
15 requirements as set by the rules of the board.

16 D. Until July 1, 2034, a first-time applicant for  
17 licensure shall not be charged an application fee or licensure  
18 fee."

19 SECTION 3. Section 61-2-12 NMSA 1978 (being Laws 1973,  
20 Chapter 353, Section 10, as amended) is amended to read:

21 "61-2-12. LICENSE--DISPLAY--RENEWAL--RETIREMENT--  
22 RESUMPTION OF PRACTICE.--

23 A. A person to whom a license as an optometrist has  
24 been issued shall display the license in a conspicuous place in  
25 the licensee's principal office or place of business.

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1           B. A license shall be renewed annually on or before  
2 July 1. Except as provided in Section 61-1-34 NMSA 1978 and  
3 Subsection F of this section, the licensee shall pay to the  
4 secretary-treasurer of the board the required fees. The board  
5 shall promulgate rules establishing additional requirements and  
6 procedures for renewal of a license. It shall also promulgate  
7 rules establishing a fee schedule for renewal of a license, but  
8 a specific fee shall not exceed five hundred dollars (\$500).

9           C. Failure to renew a license pursuant to this  
10 section terminates the optometrist's authority to practice  
11 optometry, and the former licensee shall fulfill all current  
12 requirements for licensing and therapeutic drug certification  
13 if application for licensing or certification is made after  
14 termination.

15           D. An optometrist who intends to retire from the  
16 practice of optometry shall notify the board in writing before  
17 the expiration of the optometrist's license, and the secretary-  
18 treasurer of the board shall acknowledge the receipt of the  
19 notice and record it. If within a period of five years from  
20 the year of retirement the optometrist desires to resume  
21 practice, the optometrist shall notify the board in writing,  
22 and, upon giving proof of completing refresher courses  
23 prescribed by rules of the board and the payment of any  
24 required fees, the license shall be restored to the optometrist  
25 in full effect.

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1           E. Before engaging in the practice of optometry, a  
2 licensed optometrist shall notify the secretary-treasurer of  
3 the board in writing of the address at which the optometrist  
4 intends to begin practice and subsequently of changes in the  
5 optometrist's business address or location. Notices the board  
6 is required to give a licensee shall legally have been given  
7 when delivered to the latest address furnished by the licensee  
8 to the board.

9           F. Until July 1, 2034, a licensed optometrist shall  
10 not be charged a license renewal fee for the licensed  
11 optometrist's first two license renewals after obtaining  
12 licensure."

13           SECTION 4. Section 61-4-3 NMSA 1978 (being Laws 1968,  
14 Chapter 3, Section 3, as amended) is amended to read:

15           "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--  
16 COMPENSATION.--

17           A. The "chiropractic board" is created and is  
18 administratively attached to the regulation and licensing  
19 department. The board shall consist of six persons, four of  
20 whom have been continuously engaged in the practice of  
21 chiropractic in New Mexico for five years immediately prior to  
22 their appointment. Two persons shall represent the public and  
23 shall not have practiced chiropractic in this state or any  
24 other jurisdiction. A person shall not be appointed to the  
25 board who is an officer or employee of or who is financially

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1 interested in any school or college of chiropractic, medicine,  
2 surgery or osteopathy.

3 B. Members of the board shall be appointed by the  
4 governor for staggered terms of five years or less and in a  
5 manner that the term of one board member expires on July 1 of  
6 each year. A list of five names for each professional member  
7 vacancy shall be submitted by the New Mexico chiropractic  
8 association to the governor for consideration in the  
9 appointment of board members. A vacancy shall be filled by  
10 appointment for the unexpired term. Board members shall serve  
11 until their successors have been appointed and qualified.

12 C. The board shall annually elect a chair and a  
13 secretary-treasurer. A majority of the board constitutes a  
14 quorum. The board shall meet quarterly. Special meetings may  
15 be called by the chair and shall be called upon the written  
16 request of two members of the board. Notification of special  
17 meetings shall be made by certified mail unless such notice is  
18 waived by the entire board and the action noted in the minutes.  
19 Notice of all regular meetings shall be made by regular mail at  
20 least ten days prior to the meeting, and copies of the minutes  
21 of all meetings shall be mailed to each board member within  
22 thirty days after a meeting.

23 D. A board member failing to attend three  
24 consecutive meetings, either regular or special, shall  
25 automatically be removed as a member of the board.

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1 E. The board shall adopt a seal.

2 F. The board shall promulgate and file, in  
3 accordance with the State Rules Act, all rules necessary for  
4 the implementation and enforcement of the provisions of the  
5 Chiropractic Physician Practice Act, including educational  
6 requirements for a chiropractic assistant.

7 G. The board, for the purpose of protecting the  
8 health and well-being of the citizens of this state and  
9 maintaining and continuing informed professional knowledge and  
10 awareness, shall establish by rule mandatory continuing  
11 education requirements for chiropractic physicians and  
12 certified advanced practice chiropractic physicians licensed in  
13 this state.

14 H. Failure to comply with the rules adopted by the  
15 board shall be grounds for investigation, which may lead to  
16 revocation of license.

17 I. Members of the board shall be reimbursed as  
18 provided in the Per Diem and Mileage Act [~~but shall receive no~~  
19 ~~other compensation, perquisite or allowance for each day~~  
20 ~~necessarily spent in the discharge of their duties]~~ and may be  
21 compensated by the regulation and licensing department for time  
22 spent carrying out the duties of a board member."

23 SECTION 5. Section 61-4-4 NMSA 1978 (being Laws 1968,  
24 Chapter 3, Section 4, as amended) is amended to read:

25 "61-4-4. APPLICATION REQUIREMENTS--EVALUATION.--

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1           A. Each applicant for a license to practice  
2 chiropractic shall:

3                   (1) make application on forms furnished by the  
4 board;

5                   (2) submit evidence on oath satisfactory to  
6 the board that the applicant has reached the age of majority,  
7 has completed a preliminary education equal to the requirements  
8 for graduation from high school, is of good moral character  
9 and, after January 1, 1976, except for any student currently  
10 enrolled in a college of chiropractic, has completed two years  
11 of college-level study in an accredited institution of higher  
12 learning and is a graduate of a college of chiropractic that  
13 meets the standards of professional education prescribed in  
14 Section 61-4-5 NMSA 1978; and

15                   (3) pay in advance to the board fees:

16                           (a) for examination; and

17                           (b) except as provided in Section  
18 61-1-34 NMSA 1978 and Subsection D of this section, for  
19 issuance of a license.

20           B. In evaluating an application, the board may use  
21 the services of a professional background information service  
22 that compiles background information regarding applicants from  
23 multiple sources.

24           C. Each applicant for inclusion in the advanced  
25 practice chiropractic certification registry shall furnish

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1 materials and proof of education and training as established by  
2 rule of the board.

3 D. Until July 1, 2034, a first-time applicant for  
4 licensure shall not be charged a licensure fee."

5 SECTION 6. Section 61-4-13 NMSA 1978 (being Laws 1968,  
6 Chapter 3, Section 12, as amended) is amended to read:

7 "61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE.--

8 A. Except as provided in Section 61-1-34 NMSA 1978  
9 and Subsection C of this section, a person licensed to practice  
10 chiropractic in this state shall, on or before July 1 of each  
11 year, pay to the board an annual fee set by ~~[regulation]~~ rule  
12 and shall submit proof of completion of continuing education  
13 requirements as required by the board. The board shall send  
14 written notice to every person holding a license prior to June  
15 1 of each year, directed to the last known address of the  
16 licensee, notifying the licensee that it is necessary to pay  
17 the renewal fee as provided in the Chiropractic Physician  
18 Practice Act. Proper forms shall accompany the notice, upon  
19 which forms the licensee shall make application for the renewal  
20 of the license. The licensee is responsible for renewal of the  
21 license even if the licensee does not receive the renewal  
22 notice.

23 B. The board shall establish a schedule of  
24 reasonable fees for applications, licenses, renewals, placement  
25 or inactive status and administrative fees.

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1                   C. Until July 1, 2034, a person licensed to  
2 practice chiropractic in this state shall not be charged a  
3 license renewal fee for the person's first two license renewals  
4 after obtaining licensure."

5                   SECTION 7. Section 61-5A-8 NMSA 1978 (being Laws 1994,  
6 Chapter 55, Section 8, as amended by Laws 2003, Chapter 408,  
7 Section 4 and by Laws 2003, Chapter 409, Section 6) is amended  
8 to read:

9                   "61-5A-8. BOARD CREATED.--

10                   A. There is created the nine-member "New Mexico  
11 board of dental health care". The board [~~shall be~~] is  
12 administratively attached to the regulation and licensing  
13 department. The board [~~shall consist~~] consists of five  
14 dentists, two dental hygienists and two public members. The  
15 dentists shall be actively practicing and have been licensed  
16 practitioners and residents of New Mexico for a period of five  
17 years preceding the date of appointment. The dental hygienist  
18 members shall be members of the committee and shall be elected  
19 annually to sit on the board by those sitting on the committee.  
20 The appointed public members shall be residents of New Mexico  
21 and shall have no financial interest, direct or indirect, in  
22 the professions regulated in the Dental Health Care Act.

23                   B. The governor may appoint the dentist members  
24 from a list of names submitted by the New Mexico dental  
25 association. There shall be one member from each district.

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1 All board members shall serve until their successors have been  
2 appointed. No more than one member may be employed by or  
3 receive remuneration from a dental or dental hygiene  
4 educational institution.

5 C. Appointments for dentists and public members  
6 shall be for terms of five years. Dentists' appointments shall  
7 be made so that the term of one dentist member expires on July  
8 1 of each year. Public members' five-year terms begin at the  
9 date of appointment.

10 D. A board member failing to attend three board or  
11 committee meetings, either regular or special, during the board  
12 member's term shall automatically be removed as a member of the  
13 board unless excused from attendance by the board for good  
14 cause shown. Members of the board not sitting on the committee  
15 shall not be required or allowed to attend committee  
16 disciplinary hearings.

17 E. A board member shall not serve more than two  
18 full terms on any state-chartered board whose responsibility  
19 includes the regulation of practice or licensure of dentistry  
20 or dental hygiene in New Mexico. A partial term of three or  
21 more years shall be considered a full term.

22 F. In the event of a vacancy, the secretary of the  
23 board shall immediately notify the governor, the board and  
24 committee members and the New Mexico dental association of the  
25 reason for its occurrence and action taken by the board, so as

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1 to expedite appointment of a new board member.

2 G. The board shall meet at least four times every  
3 year, and no more than two meetings shall be public rules  
4 hearings. Regular meetings shall not be more than one hundred  
5 twenty days apart. The board may also hold special meetings  
6 and emergency meetings in accordance with rules of the board  
7 upon written notice to all members of the board and the  
8 committee.

9 H. Members of the board shall be reimbursed as  
10 provided in the Per Diem and Mileage Act and [~~shall receive no~~  
11 ~~other compensation, perquisite or allowance; however~~] may be  
12 compensated by the regulation and licensing department for time  
13 spent carrying out the duties of a board member. The  
14 secretary-treasurer may be compensated at the discretion of the  
15 board.

16 I. A simple majority of the board members currently  
17 serving shall constitute a quorum, provided at least two of  
18 that quorum are not dentist members and three are dentist  
19 members.

20 J. The board shall elect officers annually as  
21 deemed necessary to administer its duties and as provided in  
22 its rules."

23 SECTION 8. Section 61-7A-5 NMSA 1978 (being Laws 1989,  
24 Chapter 387, Section 5, as amended) is amended to read:

25 "61-7A-5. BOARD CREATED.--

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1           A. There is created the "nutrition and dietetics  
2 practice board", administratively attached to the regulation  
3 and licensing department. The board shall consist of five  
4 members who are New Mexico residents and who are appointed by  
5 the governor for staggered three-year terms. Three members  
6 shall be licensed dietitians or nutritionists with at least  
7 three years of nutrition or dietetics practice in New Mexico  
8 and two members shall represent the public. There shall be at  
9 least one dietitian and at least one nutritionist on the board  
10 at all times. The public members shall not have been licensed  
11 as [~~a dietitian or nutritionist~~] dietitians or nutritionists or  
12 have any financial interest, direct or indirect, in the  
13 professions regulated.

14           B. Each member shall hold office until the  
15 expiration of the term for which appointed or until a successor  
16 has been appointed. [~~Vacancies~~] A vacancy shall be filled for  
17 the balance of the unexpired term within ninety days of the  
18 vacancy by appointment by the governor.

19           C. No board member shall serve more than two full  
20 terms.

21           D. The board shall elect annually a [~~chairman~~]  
22 chair and such other officers as it deems necessary. The board  
23 shall meet as often as necessary for the conduct of business,  
24 but no less than twice a year. Meetings shall be called by the  
25 [~~chairman~~] chair or upon the written request of two or more

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1 members of the board. Three members, at least two of whom are  
2 professional members and at least one of whom is a public  
3 member, shall constitute a quorum. ~~[Any]~~ A member failing to  
4 attend, after proper notice, three consecutive meetings shall  
5 automatically be removed as a board member.

6 E. The members of the board shall be reimbursed as  
7 provided for nonsalaried public officers in the Per Diem and  
8 Mileage Act and ~~[shall receive no other compensation,~~  
9 ~~perquisite or allowance]~~ may be compensated by the regulation  
10 and licensing department for time spent performing the duties  
11 of a board member."

12 SECTION 9. Section 61-7A-11 NMSA 1978 (being Laws 1989,  
13 Chapter 387, Section 11, as amended) is amended to read:

14 "61-7A-11. FEES.--

15 A. Except as provided in Section 61-1-34 NMSA 1978  
16 and Subsection F of this section, the board shall establish a  
17 schedule of reasonable fees for applications, licenses and  
18 renewal of licenses. Fees shall be established based on  
19 processing requirements for each category.

20 B. The initial application fee shall be set in an  
21 amount not to exceed fifty dollars (\$50.00).

22 C. The initial license fee shall be set in an  
23 amount not to exceed one hundred fifty dollars (\$150).

24 D. A license renewal fee shall be established in an  
25 amount not to exceed seventy-five dollars (\$75.00) per year.

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1           E. A license reinstatement fee shall be established  
2 in an amount not to exceed fifty dollars (\$50.00).

3           F. Until July 1, 2034, a first-time applicant for  
4 licensure shall not be charged an application fee or licensure  
5 fee, and a person licensed pursuant to the Nutrition and  
6 Dietetics Practice Act shall not be charged a license renewal  
7 fee for the person's first two license renewals after obtaining  
8 licensure."

9           **SECTION 10.** Section 61-9-5 NMSA 1978 (being Laws 1989,  
10 Chapter 41, Section 5, as amended) is amended to read:

11           "61-9-5. STATE BOARD OF EXAMINERS--PSYCHOLOGY FUND.--

12           A. There is created a "New Mexico state board of  
13 psychologist examiners". The board shall be administratively  
14 attached to the regulation and licensing department. The board  
15 shall consist of eight members appointed by the governor who  
16 are residents of New Mexico and who shall serve for three-year  
17 staggered terms. The members shall be appointed as follows:

18                   (1) four members shall be professional members  
19 who are licensed under the Professional Psychologist Act as  
20 psychologists. The governor shall appoint the professional  
21 members from a list of names nominated by the New Mexico  
22 psychological association, the state psychologist association  
23 and the New Mexico school psychologist association;

24                   (2) one member shall be licensed under the  
25 Professional Psychologist Act as a psychologist or psychologist

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1 associate; and

2 (3) three members shall be public members who  
3 are ~~[laymen]~~ laypersons and have no significant financial  
4 interest, direct or indirect, in the practice of psychology.

5 B. A member shall hold office until the expiration  
6 of ~~[his]~~ the member's appointed term or until a successor is  
7 duly appointed. When the term of a member ends, the governor  
8 shall appoint ~~[his]~~ a successor for a term of three years. A  
9 vacancy occurring in the board membership other than by  
10 expiration of term shall be filled by the governor by  
11 appointment for the unexpired term of the member. The governor  
12 may remove a board member for misconduct, incompetency or  
13 neglect of duty.

14 C. All money received by the board shall be  
15 credited to the "psychology fund". Money in the psychology  
16 fund at the end of the fiscal year shall not revert to the  
17 general fund and shall be used in accordance with the  
18 provisions of the Professional Psychologist Act. The members  
19 of the board may be reimbursed as provided in the Per Diem and  
20 Mileage Act ~~[but shall receive no other compensation,~~  
21 ~~perquisite or allowance]~~ and may be compensated by the  
22 regulation and licensing department for time spent carrying out  
23 the duties of a board member."

24 SECTION 11. Section 61-9-7 NMSA 1978 (being Laws 1963,  
25 Chapter 92, Section 6, as amended) is amended to read:

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1 "61-9-7. FEES--LICENSE RENEWAL.--

2 A. All fees from applicants seeking licensure under  
3 the Professional Psychologist Act and all license renewal fees  
4 received under the Professional Psychologist Act shall be  
5 credited to the psychology fund. No fees shall be refunded.

6 B. Except as provided in Section 61-1-34 NMSA 1978  
7 and Subsection E of this section, the board shall set the  
8 charge for an application fee of up to six hundred dollars  
9 (\$600) to applicants for licensure under Sections 61-9-9  
10 through 61-9-11.1 NMSA 1978.

11 C. The board may establish a method to provide for  
12 staggered biennial terms. The board may authorize license  
13 renewal for one year to establish the renewal cycle.

14 D. Except as provided in Section 61-1-34 NMSA 1978  
15 and Subsection E of this section, a licensee shall renew a  
16 license biennially on or before July 1 by remitting to the  
17 board the renewal fee set by the board not exceeding six  
18 hundred dollars (\$600) and providing proof of continuing  
19 education as required by [~~regulation~~] rule of the board. Any  
20 license issued by the board may be suspended if the holder  
21 fails to renew the license by July 1 of any year. A license  
22 suspended for failure to renew may be renewed within a period  
23 of one year after the suspension upon payment of the renewal  
24 fee plus a late fee of one hundred dollars (\$100), together  
25 with proof of continuing education satisfactory to the board.

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1 The license shall be revoked if the license has not been  
2 renewed within one year of the suspension for failure to renew.  
3 Prior to issuing a new license, the board may in its discretion  
4 require full or partial examination of a former licensee whose  
5 license was revoked because of failure to renew.

6 E. Until July 1, 2034, a first-time applicant for  
7 licensure shall not be charged an application fee or licensure  
8 fee, and a person licensed pursuant to the Professional  
9 Psychologist Act shall not be charged a license renewal fee for  
10 the person's first two license renewals after obtaining  
11 licensure."

12 SECTION 12. Section 61-9A-7 NMSA 1978 (being Laws 1993,  
13 Chapter 49, Section 7, as amended) is amended to read:

14 "61-9A-7. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS--  
15 COMPENSATION.--

16 A. There is created the "counseling and therapy  
17 practice board". The board is administratively attached to the  
18 department.

19 B. The board consists of seven members who are  
20 United States citizens, have been New Mexico residents for at  
21 least five years prior to their appointment and maintain New  
22 Mexico residency during their appointment. Of the seven  
23 members:

24 (1) five members shall be professional  
25 members, who shall be a professional mental health counselor, a  
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1 professional clinical mental health counselor, a marriage and  
2 family therapist, a professional art therapist and an alcohol  
3 and drug abuse counselor, licensed under the Counseling and  
4 Therapy Practice Act and shall have engaged in a counselor and  
5 therapist practice for at least five years. The professional  
6 mental health counselor shall also represent the registered  
7 independent and licensed mental health counselors; and

8 (2) two members shall represent the public.

9 The public members shall not have been licensed or have  
10 practiced as counselor or therapist practitioners or in any  
11 other regulated mental health profession, nor have any  
12 significant financial interest, either direct or indirect, in  
13 the professions regulated.

14 C. Members of the board shall be appointed by the  
15 governor for staggered terms of four years. A member shall  
16 hold office until a successor is appointed. Vacancies shall be  
17 filled in the same manner as original appointments. No  
18 appointee shall serve more than two terms.

19 D. The governor may appoint professional board  
20 members from a list of nominees submitted by qualified  
21 individuals and organizations, including the New Mexico  
22 counseling association, the New Mexico association for marriage  
23 and family therapy, the New Mexico art therapy association and  
24 the alcohol and drug directors association.

25 E. Members of the board shall be reimbursed as

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1 provided in the Per Diem and Mileage Act and [~~shall receive no~~  
2 ~~other compensation, perquisite or allowance~~] may be compensated  
3 by the department for time spent carrying out the duties of a  
4 board member.

5 F. The board shall elect annually from its  
6 membership a chair and a secretary and other officers as  
7 necessary to carry out its duties.

8 G. The board shall meet once a year and at other  
9 times deemed necessary. Other meetings may be called by the  
10 chair upon the written request of three members of the board.  
11 A simple majority of the board members shall constitute a  
12 quorum of the board.

13 H. Any member failing to attend three meetings  
14 after proper notice shall be automatically recommended for  
15 removal as a board member, unless excused by the board chair  
16 for one of the following reasons:

- 17 (1) extenuating circumstances beyond the  
18 member's control, including illness;  
19 (2) prearranged activities out of town; or  
20 (3) other severe circumstances that do not  
21 allow a member to attend."

22 SECTION 13. Section 61-9A-24 NMSA 1978 (being Laws 1993,  
23 Chapter 49, Section 24, as amended) is amended to read:

24 "61-9A-24. LICENSE AND REGISTRATION FEES.--

25 A. Except as provided in Section 61-1-34 NMSA 1978

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1 and Subsection B of this section, applicants for licensure or  
2 registration shall pay fees set by the board in an amount not  
3 to exceed:

4 [A.] (1) for application for initial  
5 licensure, seventy-five dollars (\$75.00), which is not  
6 refundable;

7 [B.] (2) for licensure or renewal as a  
8 professional mental health counselor or registered independent  
9 mental health counselor, three hundred dollars (\$300);

10 [C.] (3) for licensure or renewal as a  
11 clinical professional mental health counselor, marriage and  
12 family therapist or professional art therapist, four hundred  
13 twenty dollars (\$420);

14 [D.] (4) for registration or renewal as a  
15 registered mental health counselor, licensed mental health  
16 counselor, licensed associate marriage and family therapist or  
17 registered independent mental health counselor, two hundred  
18 forty dollars (\$240);

19 [E.] (5) for all examinations, seventy-five  
20 dollars (\$75.00) or, if a national examination is used, an  
21 amount that shall not exceed the national examination costs by  
22 more than twenty-five percent;

23 [F.] (6) for a duplicate or replacement  
24 license or registration, twenty-five dollars (\$25.00);

25 [G.] (7) for failure to renew a license or

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1 registration within the allotted grace period, a late penalty  
2 fee not to exceed one hundred dollars (\$100);

3 [H.] (8) reasonable administrative fees; and  
4 [F.] (9) for licensure, registration or  
5 renewal as an alcohol and drug abuse counselor, an alcohol  
6 abuse counselor, a drug abuse counselor or a substance abuse  
7 associate, two hundred dollars (\$200).

8 B. Until July 1, 2034, a first-time applicant for  
9 licensure or registration shall not be charged an application  
10 fee, registration fee or licensure fee, and a person licensed  
11 or registered pursuant to the Counseling and Therapy Practice  
12 Act shall not be charged a license renewal fee or registration  
13 renewal fee for the person's first two license or registration  
14 renewals."

15 SECTION 14. Section 61-11-5 NMSA 1978 (being Laws 1969,  
16 Chapter 29, Section 4, as amended) is amended to read:

17 "61-11-5. BOARD MEETINGS--QUORUM--OFFICERS--BONDS--  
18 EXPENSES.--

19 A. The board shall annually elect a [chairman]  
20 chair, vice [chairman] chair and secretary-treasurer from its  
21 membership.

22 B. The board shall meet at least once every three  
23 months. Special meetings may be called by the [chairman] chair  
24 and shall be called upon the written request of two or more  
25 members of the board. Notification of special meetings shall

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1 be made by certified mail unless the notice is waived by the  
2 entire board and noted in the minutes. Notice of all regular  
3 meetings shall be made by regular mail at least ten days prior  
4 to the meeting, and copies of the minutes of all meetings shall  
5 be mailed to each board member within forty-five days after any  
6 meeting.

7 C. A majority of the board constitutes a quorum.

8 D. Members of the board shall be reimbursed as  
9 provided in the Per Diem and Mileage Act and [~~shall receive no~~  
10 ~~other compensation, perquisite or allowance~~] may be compensated  
11 by the regulation and licensing department for time spent  
12 carrying out the duties of a board member."

13 SECTION 15. Section 61-11-12 NMSA 1978 (being Laws 1969,  
14 Chapter 29, Section 11, as amended) is amended to read:

15 "61-11-12. LICENSE FEES.--

16 A. Except as provided in Section 61-1-34 NMSA 1978  
17 and Subsection D of this section, an applicant for licensure as  
18 a pharmacist or pharmacist intern or registration as a pharmacy  
19 technician shall pay the following fees, which fees shall not  
20 be returnable:

21 (1) for initial licensure as a pharmacist, a  
22 fee set by the board not to exceed four hundred dollars (\$400);  
23 provided that if the applicant fails a portion of an  
24 examination, reexamination is subject to the same fee as the  
25 first examination;

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1 (2) for initial licensure as a pharmacist  
2 intern, a fee not to exceed twenty-five dollars (\$25.00); and

3 (3) for initial registration as a pharmacy  
4 technician, a fee not to exceed twenty-five dollars (\$25.00).

5 B. The board shall issue a license or registration  
6 to each successful applicant and enter the successful  
7 applicant's name and pertinent information in the registry  
8 maintained by the board.

9 C. Every registration or license shall have the  
10 seal of the board affixed and be signed by the board chair.

11 D. Until July 1, 2034, a first-time applicant for  
12 licensure or registration shall not be charged an application  
13 fee, registration fee or licensure fee."

14 SECTION 16. Section 61-11-13 NMSA 1978 (being Laws 1969,  
15 Chapter 29, Section 12, as amended) is amended to read:

16 "61-11-13. RENEWAL--REVOCATION.--

17 A. The renewal date for each licensee shall be the  
18 last day of the licensee's birth month, as set by rule of the  
19 board. Any person who intends to continue practice shall file  
20 an application for renewal prior to that date and, except as  
21 provided in Section 61-1-34 NMSA 1978 and Subsection F of this  
22 section, pay the renewal fee set by the board in an amount not  
23 to exceed one hundred fifty dollars (\$150) per year; provided,  
24 however, that the board shall prorate a renewal fee charged for  
25 a period of less than a full year. The license of a pharmacist

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1 failing to renew the pharmacist's license on or before the date  
2 set by the board shall automatically expire, and the license  
3 shall not be reinstated except upon reapplication and payment  
4 of a one hundred dollar (\$100) reinstatement fee and all  
5 delinquent renewal fees.

6 B. A pharmacist ceasing to be engaged in the  
7 practice of pharmacy for such period as the board determines,  
8 but not less than twelve months, is deemed to be inactive and  
9 shall have the pharmacist's license renewal so marked. A  
10 pharmacist having an inactive status shall not be reinstated to  
11 active status without either an examination or the presentation  
12 of evidence satisfactory to the board that the pharmacist has  
13 taken some form of internship or continuing education relevant  
14 to the practice of pharmacy, or both, immediately prior to the  
15 pharmacist's application for reinstatement. Pharmacists  
16 regularly engaged in teaching in an approved school or college  
17 of pharmacy, servicing, manufacturing, inspecting or other  
18 phases of the pharmaceutical profession are in active status  
19 for the purposes of this subsection.

20 C. Application for renewal of a pharmacist's  
21 license shall be made on forms prescribed and furnished by the  
22 board and shall indicate whether the renewal applied for will  
23 be an active or inactive license. The application, together  
24 with the renewal fee, shall be filed with the board.

25 D. Application for renewal of a pharmacist's

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1 license shall be accompanied by proof satisfactory to the board  
2 that the applicant has completed continuing education  
3 requirements established pursuant to Section 61-11-6 NMSA 1978.

4 E. An application for renewal of a certificate of  
5 registration as a pharmacy technician or license as a  
6 pharmacist intern shall be filed with the board on forms  
7 prescribed and furnished by the board and shall be accompanied  
8 by a renewal fee not to exceed twenty-five dollars (\$25.00) per  
9 year.

10 F. Until July 1, 2034, a pharmacist's first two  
11 license renewals after obtaining licensure shall be free of  
12 charge and shall not be subject to a license renewal fee."

13 SECTION 17. Section 61-12A-8 NMSA 1978 (being Laws 1996,  
14 Chapter 55, Section 8, as amended) is amended to read:

15 "61-12A-8. BOARD CREATED.--

16 A. The "board of examiners for occupational  
17 therapy" is created.

18 B. The board shall be administratively attached to  
19 the regulation and licensing department.

20 C. The board shall consist of five members  
21 appointed by the governor who have been residents of the state  
22 for at least two years preceding the appointment.

23 D. Three members shall be licensed under the  
24 provisions of the Occupational Therapy Act; have a minimum of  
25 five years' professional experience, with two years' experience

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1 in New Mexico; and have not had their licenses suspended or  
2 revoked by this or any other state. One of the professional  
3 members may be an occupational therapy assistant and one of the  
4 professional members may be a retired occupational therapist or  
5 occupational therapy assistant, who has been retired for no  
6 more than five years at the time of appointment.

7 E. Two members shall represent the public. The two  
8 public members shall have no direct interest in the profession  
9 of occupational therapy. The public members shall not:

10 (1) have been convicted of a felony;

11 (2) be habitually intemperate or be addicted  
12 to the use of habit-forming drugs or be addicted to any other  
13 vice to such a degree as to render the member unfit to fulfill  
14 ~~[his]~~ board duties and responsibilities; or

15 (3) be guilty of a violation of the Controlled  
16 Substances Act.

17 F. Appointments shall be made for staggered terms  
18 of three years with no more than two terms ending at any one  
19 time. A board member shall not serve more than two consecutive  
20 terms. Vacancies shall be filled for the unexpired term by  
21 appointment by the governor prior to the next scheduled board  
22 meeting.

23 G. An individual member of the board shall not be  
24 liable in a civil or criminal action for an act performed in  
25 good faith in the execution of ~~[his]~~ duties as a member of the

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1 board.

2 H. Members of the board shall be reimbursed for per  
3 diem and travel expenses as provided in the Per Diem and  
4 Mileage Act and ~~[shall receive no other compensation,~~  
5 ~~perquisite or allowance]~~ may be compensated by the regulation  
6 and licensing department for time spent carrying out the duties  
7 of a board member.

8 I. A simple majority of the board members currently  
9 serving shall constitute a quorum of the board for the conduct  
10 of business.

11 J. The board shall meet at least four times a year  
12 and at other times as it deems necessary. Additional meetings  
13 may be convened at the call of the president of the board or on  
14 the written request of any two board members to the president.  
15 Meetings of the board shall be conducted in accordance with the  
16 provisions of the Open Meetings Act.

17 K. A member failing to attend three consecutive  
18 meetings, unless excused as provided by board policy, shall  
19 automatically be recommended for removal as a member of the  
20 board.

21 L. At the beginning of each fiscal year, the board  
22 shall elect a president, vice president and secretary-  
23 treasurer."

24 SECTION 18. Section 61-12A-18 NMSA 1978 (being Laws 1996,  
25 Chapter 55, Section 18, as amended) is amended to read:

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1 "61-12A-18. FEES.--

2 A. Except as provided in Section 61-1-34 NMSA 1978  
3 and Subsection B of this section, the board shall establish a  
4 schedule of reasonable fees, including an initial licensure  
5 fee, an annual renewal fee, an examination fee, a late renewal  
6 fee and an inactive status fee. The initial licensure fee is  
7 not refundable and shall cover the cost of processing the  
8 application and shall include, for successful applicants, the  
9 initial annual renewal fee. The board may impose reasonable  
10 administration and duplicating fees or any penalties deemed  
11 appropriate.

12 B. Until July 1, 2034, a first-time applicant for  
13 licensure shall not be charged an application fee or licensure  
14 fee, and a licensee shall not be charged a license renewal fee  
15 for the licensee's first two license renewals after obtaining  
16 licensure."

17 SECTION 19. Section 61-12B-5 NMSA 1978 (being Laws 1984,  
18 Chapter 103, Section 5, as amended) is amended to read:

19 "61-12B-5. ADVISORY BOARD CREATED.--

20 A. The superintendent shall appoint an "advisory  
21 board of respiratory care practitioners" consisting of five  
22 members as follows:

23 (1) one physician licensed in New Mexico who  
24 is knowledgeable in respiratory care;

25 (2) two respiratory care practitioners who are

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1 residents of New Mexico, licensed by the department and in good  
2 standing. At least one of the respiratory care practitioners  
3 shall have been actively engaged in the practice of respiratory  
4 care for at least five years immediately preceding appointment  
5 or reappointment; and

6 (3) two public members who are residents of  
7 New Mexico. A public member shall not have been licensed as a  
8 respiratory care practitioner nor shall ~~[he]~~ the public member  
9 have any financial interest, direct or indirect, in the  
10 occupation to be regulated.

11 B. The board shall be administratively attached to  
12 the department.

13 C. A member shall serve no more than two  
14 consecutive three-year terms.

15 D. ~~[A member]~~ Members of the board shall ~~[receive]~~  
16 be reimbursed for per diem and [mileage] travel expenses as  
17 provided ~~[for nonsalaried public officers]~~ in the Per Diem and  
18 Mileage Act and ~~[shall receive no other compensation,~~  
19 ~~perquisite or allowance in connection with the discharge of his~~  
20 ~~duties as a board member]~~ may be compensated by the department  
21 for time spent carrying out the duties of a board member.

22 E. A member failing to attend three consecutive  
23 regular and properly noticed meetings of the board without a  
24 reasonable excuse shall be automatically removed from the  
25 board.

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1 F. In the event of a vacancy, the board shall  
2 immediately notify the superintendent of the vacancy. Within  
3 ninety days of receiving notice of a vacancy, the  
4 superintendent shall appoint a qualified person to fill the  
5 remainder of the unexpired term.

6 G. A majority of the board members currently  
7 serving constitutes a quorum of the board.

8 H. The board shall meet at least twice a year and  
9 at such other times as it deems necessary.

10 I. The board shall annually elect officers as  
11 deemed necessary to administer its duties."

12 SECTION 20. Section 61-12B-11 NMSA 1978 (being Laws 1984,  
13 Chapter 103, Section 11, as amended) is amended to read:

14 "61-12B-11. FEES.--

15 A. Except as provided in Section 61-1-34 NMSA 1978  
16 and Subsection D of this section, the superintendent, in  
17 consultation with the board, shall by rule establish a schedule  
18 of reasonable fees for licenses, temporary permits and renewal  
19 of licenses for respiratory care practitioners.

20 B. The initial application fee shall be set in an  
21 amount not to exceed one hundred fifty dollars (\$150).

22 C. A license renewal fee shall be established in an  
23 amount not to exceed one hundred fifty dollars (\$150).

24 D. Until July 1, 2034 a first-time applicant for  
25 licensure shall not be charged an application fee or licensure

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1 fee, and a respiratory care practitioner shall not be charged a  
2 license renewal fee for the respiratory care practitioner's  
3 first two license renewals after obtaining licensure."

4 SECTION 21. Section 61-12C-7 NMSA 1978 (being Laws 1991,  
5 Chapter 147, Section 7, as amended) is amended to read:

6 "61-12C-7. BOARD CREATED--MEMBERSHIP.--

7 A. The "massage therapy board" is created. The  
8 board is administratively attached to the department.

9 B. The board consists of five members who are New  
10 Mexico residents. Members of the board shall be appointed by  
11 the governor to terms of four years. The terms shall be  
12 staggered, and the governor shall make appointments of two two-  
13 year terms, two three-year terms and one four-year term, if  
14 necessary, to produce staggered terms. Three members of the  
15 board shall be massage therapists, each with at least five  
16 years of massage therapy practice and who are actively engaged  
17 in the practice of massage therapy during their tenure as  
18 members. Two members of the board shall be public members who  
19 have not been licensed and have no financial interest, direct  
20 or indirect, in the profession of massage therapy.

21 C. Each member of the board shall hold office until  
22 a successor has been appointed and qualified.

23 D. No board member shall serve more than two full  
24 consecutive terms.

25 E. The board shall elect annually a chair and other

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1 officers as it deems necessary. The board shall meet as often  
2 as necessary for the conduct of business, but no less than  
3 twice a year. Meetings shall be held in accordance with the  
4 Open Meetings Act. Three members, at least one of whom must be  
5 a public member, shall constitute a quorum.

6 F. A board member may be recommended for removal as  
7 a member of the board for failing to attend, after proper  
8 notice, three consecutive board meetings.

9 G. Members of the board shall be reimbursed [~~as~~  
10 ~~provided for nonsalaried public officers~~] for per diem and  
11 travel expenses as provided in the Per Diem and Mileage Act and  
12 [~~shall receive no other compensation, perquisite or allowance~~]  
13 may be compensated by the department for time spent carrying  
14 out the duties of a board member."

15 SECTION 22. Section 61-12C-20 NMSA 1978 (being Laws 1991,  
16 Chapter 147, Section 20, as amended) is amended to read:

17 "61-12C-20. LICENSE FEES.--

18 A. Except as provided in Section 61-1-34 NMSA 1978  
19 and Subsection B of this section, the board shall establish by  
20 rule a schedule of reasonable fees for applications,  
21 examinations, licenses, registrations, inspections, renewals,  
22 penalties, reactivation and necessary administrative fees, but  
23 no single fee shall exceed five hundred dollars (\$500). All  
24 fees collected shall be deposited in the massage therapy fund.

25 B. Until July 1, 2034, a first-time applicant for

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1 licensure shall not be charged an application fee or licensure  
2 fee, and a massage therapist shall not be charged a license  
3 renewal fee for the massage therapist's first two license  
4 renewals after obtaining licensure."

5 SECTION 23. Section 61-12D-4 NMSA 1978 (being Laws 1997,  
6 Chapter 89, Section 4, as amended) is amended to read:

7 "61-12D-4. BOARD CREATED.--

8 A. The "physical therapy board" is created. The  
9 board shall be administratively attached to the regulation and  
10 licensing department. The board shall consist of five members  
11 appointed by the governor. Three members shall be physical  
12 therapists who are residents of the state, who possess  
13 unrestricted licenses to practice physical therapy and who have  
14 been practicing in New Mexico for no less than five years. Two  
15 members shall be citizens appointed from the public at large  
16 who are not associated with, or financially interested in, any  
17 health care profession.

18 B. Appointments shall be made for staggered terms  
19 of three years with no more than two terms ending at any one  
20 time. A member shall not serve for more than two successive  
21 three-year terms. Vacancies shall be filled for the unexpired  
22 term by appointment by the governor prior to the next scheduled  
23 board meeting. Board members shall continue to serve until a  
24 successor has been appointed and qualified.

25 C. The members shall elect a [~~chairman~~] chair and

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1 may elect other officers as they deem necessary.

2 D. The governor may remove a member of the board  
3 for misconduct, incompetence or neglect of duty.

4 E. Members may receive per diem and mileage  
5 pursuant to the Per Diem and Mileage Act [~~but shall receive no~~  
6 ~~other compensation, perquisite or allowance~~] and may be  
7 compensated by the regulation and licensing department for time  
8 spent carrying out the duties of a board member.

9 F. There shall be no liability on the part of and  
10 no action for damages against any board member when the member  
11 is acting within the scope of [~~his~~] the member's duties."

12 SECTION 24. Section 61-12D-7 NMSA 1978 (being Laws 1997,  
13 Chapter 89, Section 7, as amended) is amended to read:

14 "61-12D-7. FEES.--

15 A. Except as provided in Section 61-1-34 NMSA 1978  
16 and Subsection C of this section, the board, by [~~regulation~~]  
17 rule, may charge the following fees:

18 (1) application for licensure as a physical  
19 therapist, not to exceed three hundred dollars (\$300); provided  
20 that an additional fee to cover the cost of any examinations  
21 provided by the board may be charged;

22 (2) application for licensure as a physical  
23 therapist assistant, not to exceed three hundred dollars  
24 (\$300); provided that an additional fee to cover the cost of  
25 any examinations provided by the board may be charged;

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1 (3) annual renewal of license as a physical  
2 therapist, not to exceed one hundred fifty dollars (\$150);

3 (4) annual renewal of license as a physical  
4 therapist assistant, not to exceed one hundred dollars (\$100);  
5 and

6 (5) late fee, not to exceed five hundred  
7 dollars (\$500).

8 B. The board may charge reasonable administration  
9 and duplication fees.

10 C. Until July 1, 2034, a first-time applicant for  
11 licensure shall not be charged an application fee or licensure  
12 fee, and a person licensed pursuant to the Physical Therapy Act  
13 shall not be charged a license renewal fee for the person's  
14 first two license renewals after obtaining licensure."

15 SECTION 25. Section 61-14A-7 NMSA 1978 (being Laws 1993,  
16 Chapter 158, Section 15, as amended) is amended to read:

17 "61-14A-7. BOARD CREATED--APPOINTMENT--OFFICERS--  
18 COMPENSATION.--

19 A. The "board of acupuncture and oriental medicine"  
20 is created.

21 B. The board is administratively attached to the  
22 regulation and licensing department.

23 C. The board shall consist of seven members  
24 appointed by the governor for terms of three years each. Four  
25 members of the board shall be doctors of oriental medicine who

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1 have been residents of and practiced acupuncture and oriental  
2 medicine in New Mexico for at least five years immediately  
3 preceding the date of their appointment. Three members shall  
4 be appointed to represent the public and shall not have  
5 practiced acupuncture and oriental medicine in this or any  
6 other jurisdiction or have any financial interest in the  
7 profession regulated. ~~[No]~~ A board member shall not be the  
8 owner, principal or director of an institute offering  
9 educational programs in acupuncture and oriental medicine. No  
10 more than one board member may be from each of the following  
11 categories:

12 (1) a faculty member at an institute offering  
13 educational programs in acupuncture and oriental medicine;

14 (2) a tutor in acupuncture and oriental  
15 medicine; or

16 (3) an officer or director in a professional  
17 association of acupuncture and oriental medicine.

18 D. Members of the board shall be appointed by the  
19 governor for staggered terms of three years that shall be made  
20 in such a manner that the terms of board members expire on July  
21 1. A board member shall serve until ~~[his]~~ a successor has been  
22 appointed and qualified. Vacancies shall be filled for the  
23 remainder of the unexpired term in the same manner as the  
24 original appointment.

25 E. A board member shall not serve more than two

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1 consecutive full terms, and a board member who fails to attend,  
2 after ~~[he]~~ the board member has received proper notice, three  
3 consecutive meetings shall be recommended for removal as a  
4 board member unless excused for reasons established by the  
5 board.

6 F. The board shall elect annually from its  
7 membership a ~~[chairman]~~ chair and other officers as necessary  
8 to carry out its duties.

9 G. The board shall meet at least once each year and  
10 at other times deemed necessary. Other meetings may be called  
11 by the ~~[chairman]~~ chair, a majority of board members or the  
12 governor. A simple majority of the board members serving  
13 constitutes a quorum of the board.

14 H. Members of the board shall be reimbursed as  
15 provided in the Per Diem and Mileage Act and ~~[shall receive no  
16 other compensation, perquisite or allowance]~~ may be compensated  
17 by the regulation and licensing department for time spent  
18 carrying out the duties of a board member."

19 SECTION 26. Section 61-14A-16 NMSA 1978 (being Laws 1993,  
20 Chapter 158, Section 24, as amended) is amended to read:

21 "61-14A-16. FEES.--

22 A. Except as provided in Section 61-1-34 NMSA 1978  
23 and Subsection B of this section, the board shall establish a  
24 schedule of reasonable nonrefundable fees not to exceed the  
25 following amounts:

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- 1                   [A.] (1) application for licensing . . . \$800;
- 2                   [B.] (2) application for expedited licensing
- 3                   . . . . . 750;
- 4                   [C.] (3) application for temporary licensing
- 5                   . . . . . 500;
- 6                   [D.] (4) examination, not including the cost
- 7 of any nationally recognized examination. . . . . 700;
- 8                   [E.] (5) annual license renewal . . . . . 400;
- 9                   [F.] (6) late license renewal . . . . . 200;
- 10                  [G.] (7) expired license renewal . . . . . 400;
- 11                  [H.] (8) temporary license renewal . . . . . 100;
- 12                  [I.] (9) application for approval or renewal
- 13 of approval of an educational program . . . . . 600;
- 14                  [J.] (10) late renewal of approval of an
- 15 educational program . . . . . 200;
- 16                  [K.] (11) annual continuing education provider
- 17 registration. . . . . 200;
- 18                  [L.] (12) application for extended or expanded
- 19 prescriptive authority. . . . . 500;
- 20                  [M.] (13) application for externship
- 21 supervisor registration . . . . . 500;
- 22                  [N.] (14) application for extern
- 23 certification . . . . . 500;
- 24 and
- 25                  [O.] (15) fees to cover reasonable and

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1 necessary administrative expenses.

2 B. Until July 1, 2034, a first-time applicant for  
3 licensure shall not be charged an application fee or licensure  
4 fee, and a person licensed pursuant to the Acupuncture and  
5 Oriental Medicine Practice Act shall not be charged a license  
6 renewal fee for the person's first two license renewals after  
7 obtaining licensure."

8 SECTION 27. Section 61-14B-10 NMSA 1978 (being Laws 1996,  
9 Chapter 57, Section 10, as amended) is amended to read:

10 "61-14B-10. TERMS--REIMBURSEMENT--MEETINGS.--

11 A. Members of the board shall be appointed by the  
12 governor for staggered terms of three years. Each member shall  
13 hold office until the member's successor is appointed.  
14 Vacancies shall be filled for the unexpired term in the same  
15 manner as original appointments.

16 B. A majority of the board members serving  
17 constitutes a quorum of the board. The board shall meet at  
18 least once a year and at such other times as it deems  
19 necessary.

20 C. The board shall elect a chair and other officers  
21 as deemed necessary to administer its duties.

22 D. No board member shall serve more than two full  
23 consecutive terms, and a member failing to attend three  
24 meetings after proper notice shall automatically be recommended  
25 for removal as a board member unless excused for reasons set

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1       forth in board [~~regulations~~] rules.

2               E. Members of the board shall be reimbursed as  
3       provided in the Per Diem and Mileage Act and [~~shall receive no~~  
4       ~~other compensation, perquisite or allowance~~] may be compensated  
5       by the department for time spent carrying out the duties of a  
6       board member.

7               F. No member of the board shall be liable in a  
8       civil action for any act performed in good faith in the  
9       performance of the member's duties."

10              SECTION 28. Section 61-14B-20 NMSA 1978 (being Laws 1996,  
11       Chapter 57, Section 20, as amended) is amended to read:

12              "61-14B-20. FEES.--

13              A. Except as provided in Section 61-1-34 NMSA 1978  
14       and Subsection B of this section, the board shall establish a  
15       schedule of reasonable fees for applications, licenses, renewal  
16       of licenses, exams, penalties and administrative fees. The  
17       license and license renewal fees shall not exceed:

18                      [~~A.~~] (1) one hundred dollars (\$100) for  
19       clinical fellows and apprentices in speech and language;

20                      [~~B.~~] (2) two hundred dollars (\$200) for  
21       audiologists or speech-language pathologists;

22                      [~~C.~~] (3) six hundred dollars (\$600) for  
23       hearing aid dispensers;

24                      [~~D.~~] (4) four hundred dollars (\$400) for  
25       examinations;

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1                   [~~E.~~] (5) one hundred dollars (\$100) for late  
2 renewal fees;

3                   [~~F.~~] (6) four hundred dollars (\$400) for  
4 hearing aid dispensing endorsement;

5                   [~~G.~~] (7) five hundred dollars (\$500) for a  
6 hearing aid dispenser trainee license, which fee includes  
7 examination, both written and practical;

8                   [~~H.~~] (8) one hundred dollars (\$100) for  
9 bilingual-multicultural endorsement; and

10                   [~~I.~~] (9) reasonable administrative fees.

11                   B. Until July 1, 2034, a first-time applicant for  
12 licensure shall not be charged an application fee or licensure  
13 fee, and a person licensed pursuant to the Speech-Language  
14 Pathology, Audiology and Hearing Aid Dispensing Practices Act  
15 shall not be charged a license renewal fee for the person's  
16 first two license renewals after obtaining licensure."

17                   SECTION 29. Section 61-14D-7 NMSA 1978 (being Laws 1993,  
18 Chapter 325, Section 7, as amended) is amended to read:

19                   "61-14D-7. BOARD CREATED.--

20                   A. There is created the "athletic trainer practice  
21 board".

22                   B. The board shall be administratively attached to  
23 the department.

24                   C. The board shall consist of five members who are  
25 United States citizens and have been New Mexico residents for

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1 at least three years prior to their appointment. Members of  
2 the board shall be appointed by the governor for staggered  
3 terms of three years each. Three of the members shall be  
4 athletic trainers licensed pursuant to provisions of the  
5 Athletic Trainer Practice Act. One member shall be employed by  
6 a high school. Two members shall represent the public and have  
7 no financial interest, direct or indirect, in the occupation  
8 regulated. One public member shall be from any area north of  
9 interstate 40 in the state and one public member shall be from  
10 any area south of interstate 40 in the state. Board members  
11 shall reside in separate districts. Board members shall serve  
12 until their successors have been appointed.

13 D. Members of the board shall be reimbursed as  
14 provided in the Per Diem and Mileage Act and ~~[shall receive no~~  
15 ~~other compensation, perquisite or allowance]~~ may be compensated  
16 by the department for time spent carrying out the duties of a  
17 board member.

18 E. A simple majority of the board members currently  
19 serving shall constitute a quorum of the board.

20 F. The board shall meet at least once a year and at  
21 such other times as it deems necessary.

22 G. No board member shall serve more than two  
23 consecutive terms. Any member failing to attend three  
24 meetings, after proper notice, shall automatically be  
25 recommended to be removed as a board member, unless excused for

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1 reasons set forth in board [~~regulations~~] rules.

2 H. The board shall elect a [~~chairman~~] chair and  
3 other officers as deemed necessary to administer its duties."

4 SECTION 30. Section 61-14D-14 NMSA 1978 (being Laws 1993,  
5 Chapter 325, Section 14, as amended) is amended to read:

6 "61-14D-14. FEES.--

7 A. Except as provided in Section 61-1-34 NMSA 1978  
8 and Subsection B of this section, the board shall establish a  
9 schedule of reasonable fees, not to exceed one hundred dollars  
10 (\$100) each for applications, licenses, expedited licenses,  
11 provisional permits, renewal of licenses, placement on inactive  
12 status and necessary and reasonable administrative fees and  
13 initial prorated licensing fees.

14 B. Until July 1, 2034, a first-time applicant for  
15 licensure shall not be charged an application fee or licensure  
16 fee, and a person licensed pursuant to the Athletic Trainer  
17 Practice Act shall not be charged a license renewal fee for the  
18 person's first two license renewals after obtaining licensure."

19 SECTION 31. EFFECTIVE DATES.--

20 A. The effective date of the provisions of Sections  
21 2, 3, 5, 6, 9, 11, 13, 15, 16, 18, 20, 22, 24, 26, 28 and 30 of  
22 this act is July 1, 2024.

23 B. The effective date of the provisions of Sections  
24 8, 10, 17, 19, 23, 25, 27 and 29 of this act is July 1, 2027.

25 C. The effective date of the provisions of Sections

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1 12 and 21 of this act is July 1, 2028.

2 D. The effective date of the provisions of Sections  
3 1, 4, 7 and 14 of this act is July 1, 2029.

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