

1 SENATE BILL 44

2 56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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7
8 FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

9
10 AN ACT

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

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

22 "61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--
23 COMPENSATION--POWERS AND DUTIES.--

24 A. The board shall annually elect a chair, a vice
25 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

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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