

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 7 MESSAGE THERAPISTS
PART 12 LICENSE/REGISTRATION RENEWAL

16.7.12.1 ISSUING AGENCY: Regulation and Licensing Department, Massage Therapy Board.
[16.7.12.1 NMAC - Rp, 16.7.12.1 NMAC, 11/16/2019]

16.7.12.2 SCOPE: This part applies to massage therapy licensees and massage therapy school registrants.
[16.7.12.2 NMAC - Rp, 16.7.12.2 NMAC, 11/16/2019]

16.7.12.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Massage Therapy Practice Act, Sections 61-12C-17 and 61-12C-18 NMSA 1978.
[16.7.12.3 NMAC - Rp, 16.7.12.3 NMAC, 11/16/2019]

16.7.12.4 DURATION: Permanent.
[16.7.12.4 NMAC - Rp, 16.7.12.4 NMAC, 11/16/2019]

16.7.12.5 EFFECTIVE DATE: November 16, 2019, unless a later date is cited at the end of a section.
[16.7.12.5 NMAC - Rp, 16.7.12.5 NMAC, 11/16/2019]

16.7.12.6 OBJECTIVE: This part is to establish the requirements for renewal of massage therapy licenses and massage therapy school registrations as well as, the inactive status and reactivation of inactive massage therapy licenses.
[16.7.12.6 NMAC - Rp, 16.7.12.6 NMAC, 11/16/2019]

16.7.12.7 DEFINITIONS: Refer to 16.7.1.7 NMAC - Definitions.
[16.7.12.7 NMAC - Rp, 16.7.12.7 NMAC, 11/16/2019]

16.7.12.8 GENERAL PROVISIONS FOR ALL LICENSEES AND REGISTRANTS:

A. Administrative provisions relative to the renewal process:

- (1) Licenses and registrations expire on an annual or biennial basis on October 31. The specific annual or biennial schedule for each license or registration type is further detailed in 16.7.4.20 NMAC.
- (2) A current license or registration renewal form shall be mailed to the last known address on file with the board.
- (3) Each licensee and registrant must inform the board in writing, within 30 days of any change in contact information, such as address or telephone number.
- (4) Failure to receive the renewal notice shall not relieve the licensee or registrant from the responsibility of renewing the license or registration by the renewal date.
- (5) The licensee or registrant shall complete the renewal application form in the manner stated on the form. The form must be submitted with the requested documentation and required fee(s) as set forth in 16.7.3 NMAC.
- (6) Incomplete renewal applications will be returned to the licensee or registrant for completion, which might result in the assessment of late penalty fees.

B. Grace period provisions:

- (1) Renewal applications for licenses or registrations postmarked or hand-delivered after October 31 must also be accompanied by the late renewal penalty fee established in 16.7.3 NMAC. If October 31 falls on a weekend, a renewal postmarked or hand-delivered on the next business day will be considered timely.
- (2) After the renewal date of October 31, there is a 60 day grace period ending December 30 of the same year during which the license or registration may still be renewed, and during which the licensee or registrant may still practice or provide the services authorized by the license or registration.
- (3) Massage therapists who have not renewed their licenses with a postmark date of December 30, or the next business day if December 30 falls on a weekend, will automatically be placed on inactive status as of December 31 of that year.
- (4) Massage therapy schools that have not renewed their registrations with a postmark date of December 30, or the next business day if December 30 falls on a weekend, will automatically expire and become null and void immediately.

[16.7.12.8 NMAC - Rp, 16.7.12.8 NMAC, 11/16/2019]

16.7.12.9 INACTIVE STATUS FOR MASSAGE THERAPISTS:

A. Inactive status issues for massage therapists:

- (1) Massage therapists whose licenses have been placed on inactive status may not provide the services authorized by the license.
- (2) Massage therapists who practice with an inactive license are subject to disciplinary action by the board.
- (3) The inactive status period shall last two years, beginning on the December 30 that the license or registration is placed on inactive status.
- (4) The licensee must monitor the period of inactive status.
- (5) The board will *not* send any notices of the upcoming expiration of inactive status to the licensees.

B. Reactivation from inactive status - therapists only:

- (1) Massage therapy licenses will expire if not reactivated within two years from the date the license was placed on inactive status.
- (2) The required reactivation form must be requested from the board office a minimum of one month prior to the expiration of the inactive status period.
- (3) The licensee shall return the reactivation form with the required proof of completion of continuing education as set forth in 16.7.11 NMAC, along with the reactivation fee and late renewal penalty fee as set forth in 16.7.3.NMAC.
- (4) The reactivation application and required enclosures must be postmarked or hand-delivered to the board office no later than two years from the December 30 of the year in which the license or registration was placed on inactive status. Failure to do so will cause the license to expire, lapse, and become null and void.
- (5) Reactivation applications received with a postmark date or hand-delivered after December 30 will be returned to the expired licensee because the license may no longer be reactivated.

[16.7.12.9 NMAC - Rp, 16.7.12.9 NMAC, 11/16/2019]

16.7.12.10 MASSAGE THERAPISTS:

- A.** Massage therapists will renew their licenses on or before the renewal date of October 31 of the biennial renewal cycle first established when their initial licenses were issued.
- B.** Some massage therapists will renew on the odd-numbered year, while others will renew on the even-numbered year.
- C.** The general provisions in 16.7.12.8, 16.7.12.9, and 16.7.12.10 NMAC explain the policy and procedure for massage therapist license renewal.
- D.** Massage therapists shall meet the continuing education requirements and shall maintain documentation of continuing education as set forth in 16.7.11 NMAC.

[16.7.12.10 NMAC - Rp, 16.7.12.10 NMAC, 11/16/2019]

16.7.12.11 [RESERVED]

[16.7.12.11 NMAC – Repealed, 11/16/2019]

16.7.12.12 MASSAGE THERAPY SCHOOLS:

- A.** Massage therapy school registrations shall be renewed annually by October 31 or by the next business day if the October 31 falls on a weekend.
- B.** The general provisions in 16.7.12.8 NMAC explain the general policy and procedure for massage therapy school renewal.
- C.** Registrants will submit a curriculum of the massage therapy training program annually to the board to document compliance with the course requirements set forth in 16.7.5 NMAC.
- D.** After the grace period, which ends on December 30, an owner/operator of a massage therapy school who has not renewed the school's registration shall no longer maintain, manage or operate the "massage therapy school" as defined in 16.7.12.7 NMAC or in Subsection F of Section 61-12C-3 NMSA 1978 of the Massage Therapy Practice Act, or offer education, instruction, or training in "massage therapy" as defined in Subsection E of Section 61-12C-3 NMSA 1978 of the Massage Therapy Practice Act.
- E.** The registration shall expire, lapse and become null and void if not timely renewed.

[16.7.12.12 NMAC - Rp, 16.7.12.12 NMAC, 11/16/2019]

16.7.12.13 APPROVED RENEWAL APPLICATION: Upon approval of the licensee's or registrant's renewal application, the board will issue a renewal license or registration to the licensee or registrant.

[16.7.12.13 NMAC - Rp, 16.7.12.13 NMAC, 11/16/2019]

16.7.12.14 RENEWAL LICENSE OR REGISTRATION DISPLAY: The renewal license or registration shall be displayed by the licensee or registrant in a conspicuous place in the licensee's or registrant's principal practice location or place of business.

[16.7.12.14 NMAC - Rp, 16.7.12.14 NMAC, 11/16/2019]

16.7.12.15 EXPIRATION OF LICENSE OR REGISTRATION:

A. If a massage therapist does not reactivate their license by the end of the inactive status period, the license will automatically expire without notice from the board and become null and void.

B. If a massage therapy school has not renewed its registration by the end of the 60-day grace period, the registration will automatically expire without notice from the board and will become null and void.

C. Expired licenses and registrations cannot be reactivated.

D. Licensees and registrants formerly licensed or registered by the board whose registrations have expired must make application to the board and comply with the same requirements as any previously unlicensed or unregistered applicant.

E. A former licensee or registrant with an expired license or registration may not provide or offer to provide massage therapy services, instruction, education or training in massage therapy as defined in Subsection E of Section 61-12C-3 NMSA 1978 of the Massage Therapy Practice Act or in Part 1 and Part 4 of the board's rules and regulations. Practicing or providing the services formerly authorized by the expired license or registration is a violation of the law and is subject to disciplinary action by the board.

[16.7.12.15 NMAC - Rp, 16.7.12.15 NMAC, 11/16/2019]

16.7.12.16 UNLICENSED PRACTICE PROHIBITED:

A. Massage therapists and massage therapy schools may not render or attempt to render massage therapy services or training and instruction as a massage therapy school without the required current and valid license or registration issued by the board as provided in Section 61-12C-27 NMSA 1978 of the Massage Therapy Practice Act.

B. In accordance with the Uniform Licensing Act, Section 61-1-3.2, NMSA 1978 (2003 Repl. Pam), any person, company, firm, or entity who is not licensed or registered by the board is subject to disciplinary actions and proceedings by the board if it is determined that they have been offering or providing massage therapy services or offering or providing educational training in massage therapy as a massage therapy school in New Mexico without a valid New Mexico license or registration.

C. The board may impose a civil penalty in an amount not to exceed one thousand dollars (\$1,000) against any person, company, firm, or entity that violates the Massage Therapy Practice Act by practicing without a valid New Mexico license.

D. In addition, the board may assess the person, company, firm, or entity engaging in the unlicensed practice of massage therapy or massage therapy education, the administrative costs, including investigative costs and the costs of conducting a hearing.

E. Reports of unlicensed practice may be reported to the board for investigation by phone, fax, mail, or e-mail. An approved complaint form is available from the board office or downloadable from the board's website at www.rld.state.nm.us.

[16.7.12.16 NMAC - Rp, 16.7.12.16 NMAC, 11/16/2019]

HISTORY OF 16.7.12 NMAC:

Pre-NMAC History: The material in this part is derived from that previously filed with the State Records Center and Archives under:

Rule 11, License/Massage Therapy School Renewals, 9/3/1993.

History of Repealed Material:

16 NMAC 7.12, License/Registration Renewal; Registration - Repealed 12/24/1999.

16.7.12 NMAC, License/Registration Renewal - Repealed 6/24/2005.

16.7.12 NMAC, License/Registration Renewal filed 5/23/2005 Repealed 11/16/2019.

Other History:

16.7.12 NMAC, License/Registration Renewal filed 5/29/2001 was replaced by 16.7.12 NMAC, License/Registration Renewal effective 6/24/2005.

16.7.12 NMAC, License/Registration Renewal filed 5/23/2005 was replaced by 16.7.12 NMAC, License/Registration Renewal effective 11/16/2019.