

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 16 OPTOMETRIC PRACTITIONERS
PART 4 EXPEDITED LICENSURE

16.16.4.1 ISSUING AGENCY: New Mexico Board of Optometry.
[16.16.4.1 NMAC - Rp, 16.16.4.1 NMAC, 12/27/2022]

16.16.4.2 SCOPE: The provisions in Part 4 of Chapter 16 apply to all applicants for expedited licensure.
[16.16.4.2 NMAC - Rp, 16.16.4.2 NMAC, 12/27/2022]

16.16.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Optometry Act, Sections 61-2-1 to -18 NMSA 1978.
[16.16.4.3 NMAC - Rp, 16.16.4.3 NMAC, 12/27/2022]

16.16.4.4 DURATION : Permanent.
[16.16.4.4 NMAC - Rp, 16.16.4.4 NMAC, 12/27/2022]

16.16.4.5 EFFECTIVE DATE: December 27, 2022, unless a later date is cited at the end of a section.
[16.16.4.5 NMAC - Rp, 16.16.4.5 NMAC, 12/27/2022]

16.16.4.6 OBJECTIVES: The objective of Part 4 is to promote, preserve and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited licensure.
[16.16.4.6 NMAC - Rp, 16.16.4.6 NMAC, 12/27/2022]

16.16.4.7 DEFINITIONS:

- A.** “Eligible jurisdiction” means:
- (1)** any state or territory of the United States except those included in the list of disapproved licensing jurisdictions in 16.16.4.8 NMAC, and
 - (2)** any foreign country included in 16.16.4.9 NMAC.
- B.** “Expedited license” means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.
- C.** “Good standing” means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.
- D.** “Jurisdiction” has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.
- E.** “Licensing fee” has the same meaning as defined in Paragraph (1) of Subsection E of Section 61-1-34-NMSA 1978.
- F.** “Military service member” has the same meaning as defined in Paragraph (2) of Subsection E of Sections 61-1-34 NMSA 1978.
- G.** “Veteran” has the same meaning as defined in Paragraph (3) of Subsection E of Section 61-1-34 NMSA 1978.
[16.16.4.7 NMAC - Rp, 16.16.4.7 NMAC, 12/27/2022]

16.16.4.8 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS. Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure under Section 61-2-9 of the Optometry Act:

- A.** American Samoa, on the grounds that education and licensure examination requirements cannot be determined to be consistent with those requirements in New Mexico.
- B.** Unless the applicant holds both an optometrist license and therapeutic pharmaceutical agents certification, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin,

Wyoming, Northern Mariana Islands, Virgin Islands, and Guam, on the grounds that New Mexico includes the scope of practice for therapeutic pharmaceutical agents certification as part of its optometrist licensing requirements. [16.16.4.8 NMAC - Rp, 16.16.4.8 NMAC, 12/27/2022]

16.16.4.9 EXPEDITED LICENSURE APPLICATION:

A. A candidate for expedited licensure under Section 61-1-31.1 NMSA 1978 must submit to the board a complete application containing all of the following:

- (1) A completed and signed application form;
- (2) Proof of current licensure in an eligible jurisdiction as defined in these rules;
- (3) Certificate of good standing for the license held by the applicant in an eligible jurisdiction;
- (4) Payment of the required application fee.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of, all of the materials required by Subsection A, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-2-13 NMSA 1978:

- (1) The matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;
- (2) The license may not be issued within 30 days of submission of the complete application; and
- (3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

[16.16.4.9 NMAC - Rp, 16.16.4.9 NMAC, 12/27/2022]

16.16.4.10 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS:

A. A candidate for expedited licensure under Section 61-1-34-NMSA 1978 must submit to the board a complete application containing all of the following:

- (1) A completed and signed application form;
- (2) Proof of current licensure in another jurisdiction;
- (3) Certificate of good standing for the license held by the applicant in another jurisdiction, including a branch of the United States armed forces;
- (4) Submission of the following documentation:
 - (a) for military service member: a copy of military orders;
 - (b) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;
 - (c) for spouses of deceased military service members: a copy of decedent's DD214 and copy of marriage license;
 - (d) for dependent children of military service members: a copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service member's federal tax return or other governmental or judicial documentation establishing dependency;
 - (e) for veterans (retired or separated): a copy of DD214 showing proof of honorable discharge.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of, all of the materials required by subsection A, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-2-13-NMSA 1978:

- (1) The matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;

(2) The license may not be issued within 30 days of submission of the complete application;
and,

(3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

E. A military service member or veteran who is issued an expedited license shall not be charged any initial licensing fees or renewal fees for the first three years of licensure with the board.
[16.16.4.10 NMAC - Rp, 16.16.4.11 NMAC, 12/27/2022]

16.16.4.11 EXPEDITED LICENSURE DURATION AND RENEWAL:

A. An expedited license shall be valid for the same length of time as a regular license issued by the board and must be renewed on or before July of each year, as provided by 16.16.10.8 and 9 NMAC.

B. A licensee holding an expedited license may apply for license renewal in the manner provided by the board's rules, provided that upon renewal, the licensee must also satisfy the following examination requirements:

(1) Each licensee shall be required to pass the board's licensing examination, including both the jurisprudence examination and the clinical practicum examination.

(a) At least 10 calendar days prior to examination, the licensee must provide the board a list of the names of any New Mexico licensed optometrists with whom the applicant is acquainted, with whom the applicant has a professional or personal affiliation, or with whom the applicant would feel uncomfortable by being examined. Failure to provide this information prior to the examination may disqualify the candidate from the exam.

(b) The licensee must bring a copy of the board's examination policy and procedures document to the clinical examination and sign it in the presence of the board's representative in attestation that the candidate has read the document. A copy of the document will become a part of the candidate's examination records.

(c) Each candidate will be assigned an identification number that will be the sole means of candidate identification throughout the administration and scoring of the examination.

(d) The licensee must pass each section of the board's licensing examination with a seventy-five percent score or better in order to qualify for renewal.

(2) If the licensee holding an expedited license was not required by the licensee's prior jurisdiction outside of New Mexico to pass the Part I, Part II, Part III, or the TMOD of the NBEO, the licensee shall be required to do so as a prerequisite to license renewal.

C. Upon renewal, the board shall issue a regular license to a licensee holding an expedited license issued pursuant to these rules.

[16.16.4.11 NMAC - Rp, 16.16.4.12 NMAC, 12/27/2022]

HISTORY of 16.16.4 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

OEB 73-1, Rule No. 1 of the Administrative Rules and Regulations of the State Board of Examiners in Optometry, filed 10/18/1973.

NMBO Rule 8, Board Rule No. 8 - Licensure By Endorsement, filed 3/1/1991.

NMBO Rule 8, Board Rule No. 8 - Licensure By Endorsement, filed 7/22/1992.

NMBO Rule 8, Board Rule No. 8 - Licensure By Endorsement, filed 5/25/1994.

History of Repealed Material:

16.16.4 NMAC – Expedited Licenses, repealed and replaced by 16.16.4 NMAC - Expedited Licenses, effective 12/27/2022

Other History:

16 NMAC 16.4, Requirements For Licensure By Endorsement, filed 9/21/1995, replaced NMBO Rule 8, Board Rule No. 8 - Licensure By Endorsement. Filed 5/25/1994.

16 NMAC 16.4, Requirements For Licensure By Endorsement, filed 9/21/1995, was renumbered and reformatted to 16.16.4 NMAC, Requirements For Licensure By Endorsement, effective 3/15/2001.