

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 16 OPTOMETRIC PRACTITIONERS
PART 9 INACTIVE STATUS

16.16.9.1 ISSUING AGENCY: New Mexico Board of Optometry.
[16.16.9.1 NMAC - N, 03-15-2004; A, 07-06-2012]

16.16.9.2 SCOPE: Part 9 of Chapter 16 applies to all New Mexico optometry licensees who are not practicing in New Mexico, but are actively practicing in another state and would like to place their New Mexico licenses on inactive status rather than allow those licenses to expire, and possibly lapse.
[16.16.9.2 NMAC - N, 03-15-2004]

16.16.9.3 STATUTORY AUTHORITY: The authority for Part 9 of Chapter 16 is Section 61-2-12 and 61-2-6.D, NMSA 1978, (2003 Repl. Pam.).
[16.16.9.3 NMAC - N, 03-15-2004]

16.16.9.4 DURATION: Permanent.
[16.16.9.4 NMAC - N, 03-15-2004]

16.16.9.5 EFFECTIVE DATE: March 15, 2004, unless a later date is cited at the end of a section.
[16.16.9.5 NMAC - N, 03-15-2004]

16.16.9.6 OBJECTIVE: The objective of Part 9 of Chapter 16 is to set forth the requirements and procedures for placing a New Mexico license on inactive status. Through the inactive status process, licensees who live and practice outside of New Mexico can keep their New Mexico licenses valid instead of allowing them to expire and perhaps subsequently become null and void and lapse. Furthermore, the board can still ensure that these licensees are continuing the educational process and keeping up with advancements in the profession in the event they ever take up residence in New Mexico and/or choose to practice optometry in New Mexico.
[16.16.9.6 NMAC - N, 03-15-2004]

16.16.9.7 DEFINITIONS:

- A.** “Valid license” means a license that is subject to regulation by, and statutory authority of, the board.
- B.** “Active status” means the license is valid and current and that the licensee is authorized by the board to practice optometry in New Mexico.
- C.** “Expired status” means the license has not been renewed by the license expiration date in accordance with 16.16.11.8 NMAC, but is still under the statutory authority of the board for the period specified in 16.16.11.16 NMAC.
- D.** “Inactive status” means a New Mexico license that has been placed on non-working status in accordance with board rule 16.16.9 NMAC, provided the licensee is practicing in another state and is currently in good standing with that state.
- E.** “Null and void status” means an expired, retired, or inactive status license that has passed the time limitation set forth in 16.16.11.16 NMAC or 16.16.12.15 NMAC, or 16.16.9.16 NMAC, and is thus lapsed and cannot be reactivated.
- F.** “Lapsed license” means a license that is null and void.

[16.16.9.7 NMAC - N, 03-15-2004; A, 07-06-2012]

16.16.9.8 REQUIREMENTS FOR INACTIVE STATUS: A licensee whose license is in good standing with the board, and who is practicing in another state, may request his/her license be placed on inactive status by meeting the following requirements:

- A.** Complete, sign, and return the renewal application form, specifying the intent to be placed on inactive status.
- B.** Submit verifications for the required number of continuing education hours.
- C.** Remit the required inactive status fee (see 16.16.2.18 NMAC).
- D.** Return the application postmarked on or before the license expiration date.

[16.16.9.8 NMAC - N, 03-15-2004]

16.16.9.9 INACTIVE STATUS NOTIFICATION: Upon receipt of a duly and properly made application for inactive status, the board or its designee will review and approve the application and send the licensee written verification that the license has been placed on inactive status. A licensee with an inactive license will be required to renew it every year as defined in 16.16.10 NMAC.

[16.16.9.9 NMAC - N, 03-15-2004; A, 07-06-2012]

16.16.9.10 PRACTICE PROHIBITED: During the period of inactive status, the optometrist is prohibited from practicing optometry in the State of New Mexico.

[16.16.9.10 NMAC - N, 03-15-2004]

16.16.9.11 [RESERVED]

[16.16.9.11 NMAC - N, 03-15-2004; Repealed, 07-06-2012]

16.16.9.12 REACTIVATION FROM INACTIVE STATUS: Upon receipt of the written request the board shall provide the applicant with a reactivation application.

A. The completed application and the required reactivation fee as defined in 16.16.2.19 NMAC shall be delivered to the board's consideration.

B. Continuing education shall be at the current requirement of board-approved continuing education taken during the previous 12 months prior to reactivation as set forth in Subsection A of 16.16.13.8 NMAC.

[16.16.9.12 NMAC - N, 03-15-2004; A, 07-06-2012]

16.16.9.13 [RESERVED]

[16.16.9.13 NMAC - N, 03-15-2004; Repealed, 07-06-2012]

16.16.9.14 REACTIVATION APPROVED:

A. If the board finds the request for reactivation and reactivation application in order and is satisfied that the applicant has fulfilled the requirements as specified; the board shall reactivate the applicant's license.

B. The optometrist may not practice optometry in New Mexico until the reactivated license has been received from the board.

[16.16.9.14 NMAC - N, 03-15-2004]

16.16.9.15 INELIGIBILITY FOR REACTIVATION:

A. The optometrist whose license was on inactive status in New Mexico will be ineligible for license reactivation if he or she is under investigation, is facing disciplinary proceedings, or has had a disciplinary action taken against his or her license in any jurisdiction while on inactive status in New Mexico.

B. An optometrist whose application for reactivation from inactive status has been denied shall be afforded an opportunity for a hearing under Section 61-1-4 of the Uniform Licensing Act.

[16.16.9.15 NMAC - N, 03-15-2004]

16.16.9.16 TIME LIMITATION ON INACTIVE STATUS LICENSE:

A. Licenses on inactive status that are not reactivated within five (5) years from the date the inactive status was approved, shall become null and void (lapsed). Null and void (lapsed) licenses may not be reactivated.

B. In order to practice optometry in New Mexico, the optometrist whose New Mexico license has become null and void (lapsed) must complete the entire application process and meet all the licensure requirements in effect at the time of application, including re-examination by the board.

[16.16.9.16 NMAC - N, 03-15-2004]

History of 16.16.9 NMAC: [RESERVED]