

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 10 LICENSURE REQUIREMENTS FOR BODY PIERCING-SCARIFICATION
PRACTITIONER

16.36.10.1 ISSUING AGENCY: Board of Body Art Practitioners.
[16.36.10.1 NMAC – N, 2/3/2022]

16.36.10.2 SCOPE: Any person licensed to practice body piercing-scarification under the Body Art Safe Practices Act.
[16.36.10.2 NMAC – N, 2/3/2022]

16.36.10.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5 NMSA 1978.
[16.36.10.3 NMAC – N, 2/3/2022]

16.36.10.4 DURATION: Permanent
[16.36.10.4 NMAC – N, 2/3/2022]

16.36.10.5 EFFECTIVE DATE: January 11, 2022, unless a later date is cited at the end of a section.
[16.36.10.5 NMAC – N, 2/3/2022]

16.36.10.6 OBJECTIVE: To outline the application process, training and examination requirements and the renewal procedures.
[16.36.10.6 NMAC – N, 2/3/2022]

16.36.10.7 DEFINITIONS: [RESERVED]
[16.36.10.7 NMAC – N, 2/3/2022]

16.36.10.8 APPRENTICE LICENSE APPLICATION FOR BODY PIERCING-SCARIFICATION:

- A.** Application forms:
- (1)** Application for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose. Incomplete applications will be returned. Designated deadlines will apply to resubmitted applications. All applications are valid for one year from date received.
 - (2)** Applications for apprentice licensure must include:
 - (a)** non-refundable application fee;
 - (b)** a completed and signed application;
 - (c)** applicant name;
 - (d)** must be at least 18 years of age;
 - (e)** current electronic mail address
 - (g)** current phone number;
 - (h)** name, address and phone number of licensed establishment where apprenticeship will be conducted. Establishment license must be current upon receipt of application.
 - (i)** an apprentice sponsorship application which must be completed and signed by a body art practitioner who meets the requirements within 16.36.10.9 NMAC and is licensed in the kind of body art the applicant is seeking an apprenticeship license;
 - (j)** copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.10.13 NMAC; and
 - (k)** proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC.
- B.** Photographs: Applicants for original licensure shall attach a recent passport size, color photograph, front-view of face.
- C.** Prior to licensure the applicant shall take and pass a board approved jurisprudence examination. The applicant must pass the jurisprudence exam with a minimum score of seventy-five percent or higher.
- D.** An apprentice must remain under the direct supervision of his or her sponsor until all requirements have been met or the apprentice license has been terminated by the board.
- E.** Renewal of a body art apprentice license:

- (1) License will expire one year after date of issue;
- (2) Timely renewal of license(s) is the full and complete responsibility of the Licensee. Failure to renew the license by the expiration date will result in a late fee.
- (3) Licensees shall renew a body piercing-scarification license on or before the expiration date if needed to complete their current apprenticeship.
- (4) Renewal of apprentice license shall include the following information:
 - (a) name of apprentice sponsor;
 - (b) name of establishment and address where apprenticeship will be conducted, establishment license must be current upon receipt of application.
 - (c) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.10.13 NMAC; and
 - (d) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC. [16.36.10.8 NMAC – N, 2/3/2022; A, 7/12/2022]

16.36.10.9 SPONSOR LICENSE APPLICATION FOR BODY PIERCING-SCARIFICATION:

A. A licensee may be approved to sponsor only one body piercing-scarification apprentice at a time. Incomplete applications will be returned. All applications are valid for one year from date received. A complete application includes:

- (1) non-refundable application fee;
- (2) a current New Mexico body piercing-scarification license;
- (3) documentation of legally practicing body piercing-scarification [~~in New Mexico~~] for at least five years without any disciplinary action;
- (4) a curriculum must be submitted on the form provided by the board. An approved basic fundamental curriculum shall include the following requirements as required in 16.36.10.13; curriculum shall include references and resources to be used and methods of evaluation for each area covered;
- (5) name, address and phone number of licensed establishment where apprenticeship will be conducted. Establishment license must be active upon receipt of application; and
- (6) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC.

B. Photographs: Applicants for sponsor licensure shall attach a recent passport size, color photograph, front-view of face.

C. Upon approval of application, a board approved log will be available to record progress during the apprenticeship. This log will serve as proof of completion of training program.

D. Upon completion of the apprenticeship program, the sponsor and apprentice shall submit the apprentice log to the board administrator. The log shall be sent to the board administrator within 15 days and shall include a sworn statement made under penalty of perjury, from the sponsor and the apprentice stating the apprenticeship has been completed. The sponsor will give a copy of the log and statement to the apprentice.

E. The apprentice will then receive notification from the board stating the apprentice is eligible to take the national theory exam.

F. Renewal of body piercing and scarification sponsor license:

- (1) License will expire one year after date of issue;
- (2) Timely renewal of license(s) is the full and complete responsibility of the licensee. Failure to renew the license by the expiration date will result in a late fee.
- (3) Licensees shall renew a body piercing and scarification apprentice sponsor license on or before the expiration date if needed to complete their current apprenticeship.
- (4) Renewal of apprentice license shall include the following information:
 - (a) name of apprentice; and
 - (b) name of establishment and address where apprenticeship will be conducted, establishment license must be active upon receipt of application.
 - (c) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC. [16.36.10.9 NMAC – N, 2/3/2022; A, 7/12/2022]

16.36.10.10 APPLICATION FOR BODY PIERCING-SCARIFICATION PRACTITIONER LICENSE:

A. Application forms:

(1) Applications shall be made on the official form provided by the board. Incomplete applications will be returned. All applications are valid for one year from date received. All fees are non-refundable.

- (2) Applications for licensure must include:
- (a) a completed and signed application;
 - (b) applicant name;
 - (c) date of birth;
 - (d) proof of age indicating applicant is at least 18 years of age (government-issued identification with a photo);
 - (e) establishment mailing address;
 - (f) current phone number;
 - (g) name, address and phone number of licensed establishment where services will be performed. Establishment license must be current upon receipt of application;
 - (h) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.10.13 NMAC;
 - (i) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC;
 - (j) proof of completion of body piercing-scarification training program and examination as defined in 16.36.10.14 NMAC.
 - (k) a recent passport size, color photograph; and
 - (l) non-refundable application fee as required by the board.

B. The applicant shall take and pass a written examination approved by the board and the board approved jurisprudence examination. The applicant must pass the exams with a minimum score of seventy-five percent or higher.

- C. Renewal of a practitioner license:
- (1) License will expire one year after date of issue;
 - (2) Timely renewal of license(s) is the full and complete responsibility of the licensee. Failure to renew the license by the expiration date will result in a late fee;
 - (3) Licensees shall renew their license on or before the expiration date;
 - (4) Renewal of license shall include the following information:
 - (a) name and address of establishment. Establishment license must be current upon receipt of application;
 - (b) name of establishment operator or supervisor;
 - (c) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.10.13 NMAC; and
 - (d) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC. [16.36.10.10 NMAC – N, 2/3/2022; A, 7/12/2022]

16.36.10.11 [RESERVED]

[16.36.9.11 NMAC – N, 1/11/2022; Repealed, 7/12/2022]

16.36.10.12 PROOF OF COMPLETION OF TRAINING PROGRAM: Proof shall be provided with the original application that the applicant has, at a minimum, completed the following training prior to making application for a license as a body piercing scarification practitioner, or body art operator. Such training must include:

A. a board approved blood borne pathogens training course that meets OSHA (occupational safety and health administration) standards and CDC (center for disease control) recommendations. The training course shall include an examination as a condition of the training completion. The training must be completed within 12 months prior to application and annually thereafter. The training may be obtained through any of the following:

- (1) nationally accredited organization;
- (2) local government sponsored;
- (3) hospital sponsored;
- (4) college sponsored;
- (5) OSHA sponsored;
- (6) red cross; or
- (7) board approved.

B. Current certification in first aid and cardiopulmonary resuscitation (CPR). The training shall be obtained through any of the following:

- (1) nationally accredited organization;
- (2) local government sponsored;

- (3) hospital sponsored;
- (4) college sponsored;
- (5) OSHA (occupational safety and health administration) sponsored;
- (6) red cross; or
- (7) board approved

[16.36.10.12 NMAC – N, 2/3/2022; A, 7/12/2022]

16.36.10.13 BODY PIERCING - SCARIFICATION APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS

A. Upon successful completion of apprenticeship program, an applicant for original piercing-scarification practitioner license shall provide proof of having completed an apprenticeship program. The 100 hours of theory can be taught in a group training but the 1100 hours of practical training shall be done under the direct supervision of a board approved sponsor.

B. Proof of completing an apprentice program shall be submitted on a log provided by the board;

C. Body piercing apprenticeship curriculum: 1200 hours:

(1) Business requirements – 10 hours:

- (a) state laws and regulations;
- (b) OSHA regulations and requirements;
 - (i) bloodborne pathogens standards;
 - (ii) universal precautions;
 - (iii) exposure control plans;
 - (iv) hazard communication and SDS sheets;
 - (v) waste disposal;
 - (vi) recordkeeping;
- (c) HIPPA (Health Insurance Portability and Accountability Act of 1996 privacy

rule);

- (d) environment;
 - (i) reception and display;
 - (ii) procedure room furniture, fixtures, and lighting;
 - (iii) sterilization/instrument processing room(s);
 - (iv) restrooms;
- (e) professional ethics and legalities;
 - (i) personal boundaries;
 - (ii) bedside manners;
 - (iii) medical conditions/risk assessment;
 - (iv) business documentation and recordkeeping;
 - (v) insurance/liability;
 - (vi) waivers;
 - (vii) minors;
 - (viii) drugs and alcohol;
 - (ix) dealing with emergencies.

(2) Scientific Concepts – 20 hours:

(a) Anatomy and Physiology;

- (i) parts and functions of skin and underlying anatomy;
- (ii) knowledge and ability to avoid damage to underlying blood vessels and
- (iii) knowledge and recognition of disorders, anomalies, and diseases of the
- (iv) surgically modified skin and scar tissue;
- (v) skin that is compromised due to medical procedures such as radiation

nerves;

skin;

and chemotherapy;

(vi) wound healing and wound care;

(b) Safety, Sanitation, and Infection Control:

- (i) microbiology and pathology;
- (ii) microorganisms of the skin;
- (iii) factors that influence the survival and growth of microorganisms;

- (iv) disease transmission;
 - (v) hand hygiene;
 - (vi) use and limitation of gloves and other personal protective equipment;
 - (vii) how to recognize, prevent and remedy cross-contamination;
 - (viii) infections control;
 - (ix) sanitation and cleaning;
 - (x) disinfection;
 - (xi) sterilization;
 - (xii) personal immunizations;
 - (xiii) aseptic technique;
 - (xiv) skin prep and proper use of antiseptics;
 - (xv) proper use of disinfectants;
 - (xvi) use and maintenance of ultrasonic cleaners and instrument washers;
 - (xvii) use and maintenance of different types of autoclaves.
- (3) Body piercing theory – 70 hours:
- (a) Client consultation;
 - (i) determining the appropriateness of the piercing;
 - (ii) communicating risks;
 - (iii) medical history as it pertains to piercing;
 - (iv) allergies.
 - (b) Tools, supplies and equipment used for body piercing;
 - (i) disposable supplies: including handling, storage, and disposal;
 - (ii) reusable tools and equipment: including handling and storage;
 - (iii) types of tools used for piercing procedures and jewelry manipulation;
 - (iv) piercing guns (theory only).
 - (c) Needles;
 - (i) needle handling, storage, and disposal;
 - (ii) bevel theory;
 - (iii) needle modification.
 - (d) Jewelry;
 - (i) standards and certifications;
 - (ii) certified materials for new piercings as outlined in 16.36.5 NMAC;
 - (iii) other appropriate materials for new piercings;
 - (iv) jewelry materials for healed piercings;
 - (v) jewelry styles;
 - (vi) characteristics of jewelry that is safe for initial piercings;
 - (vii) characteristics of potentially problematic jewelry;
 - (viii) cleaning, sterilization and storage of jewelry.
 - (e) Body piercing theory should include the following for each procedure outlined in 16.36.10.13.3 (f) NMAC;
 - (i) related anatomy;
 - (ii) appropriate placement;
 - (iii) jewelry size and style;
 - (iv) tray setup and break down;
 - (v) marking implements and techniques;
 - (vi) piercing and jewelry insertion techniques;
 - (vii) healing and aftercare;
 - (viii) preventing and troubleshooting problems;
- (4) Body piercing theory should cover the following procedures:
- (a) Ear piercings;
 - (i) earlobe;
 - (ii) ear cartilage – helix;
 - (iii) ear cartilage – flat/scapha;
 - (iv) ear cartilage – conch;
 - (v) ear cartilage – diath;
 - (vi) ear cartilage – rook;

- (vii) ear cartilage – tragus;
 - (vii) ear cartilage – forward helix;
 - (ix) ear cartilage – orbital and industrial.
 - (b) Facial piercings:
 - (i) nostril;
 - (ii) high nostril;
 - (iii) septum;
 - (iv) eyebrow;
 - (v) nose bridge.
 - (c) Oral piercings:
 - (i) tongue;
 - (ii) lip (including labret, philtrum, etc.);
 - (iii) oral frenulum piercing;
 - (iv) vertical lip;
 - (v) cheek.
 - (d) Torso piercings:
 - (i) nipple;
 - (ii) navel;
 - (e) Genital piercing:
 - (i) vulva piercings;
 - (ii) penis piercings;
 - (f) surface piercings;
 - (g) single point piercings;
 - (h) the process of stretching piercings.
- (5) Body piercing observation/practical – 1100 hours:
 - (a) demonstrate proper use of safety procedures outlined in theory training;
 - (b) aseptic technique;
 - (c) room set-up and break-down;
 - (d) skin preparation;
 - (e) bedside manner;
 - (f) piercing techniques;
 - (g) dealing with mistakes;
 - (h) body piercing practitioner training shall include, at a minimum, 100 hours of procedure observation. This should include no less than 100 piercing procedures. Those 100 procedures should feature a variety of piercing locations and techniques.
 - (i) body piercing practitioner training shall include, at a minimum, 50 completed body piercing procedures performed by the apprentice under sponsor supervision. The 50 completed procedures shall consist of at least five completed procedures in each of the following areas:
 - (i) earlobes;
 - (ii) ear cartilage – helix, scalpha. or conch;
 - (iii) inner ear cartilage – tragus, rook, or daith;
 - (iv) nostril;
 - (v) septum;
 - (vi) nipple;
 - (vii) navel;
 - (viii) tongue; and
 - (ix) lip/labret.

An applicant for a body art piercing-scarification practitioner license shall take the body piercing-scarification examination approved by the board with a minimum passing score of seventy-five percent or higher. A candidate who does not meet this score can retest up to two times. A candidate who does not pass the written examination must wait at least seven days before retesting. Any candidate who does not meet the minimum passing score after three attempts shall be required to enroll or re-enroll in an apprentice program.

[16.36.10.13 NMAC – N, 2/3/2022; A, 7/12/2022]

16.36.10.14 EXPIRED LICENSE:

A. An applicant whose license has been expired for one year but less than two years shall submit an application, payment of all renewal fees to bring the license current, proof of completion of blood borne pathogens training within the prior 12 months, current CPR and first aid certification, and take and pass a board approved jurisprudence examination with a minimum score of seventy-five percent.

B. An applicant whose license has expired for more than two years shall take the body piercing-scarification written examination approved by the board with a passing minimum score approved by the board. Applicant must also take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.

C. An operator whose establishment license has expired shall submit a reinstatement application, payment of reinstatement fee for each year the license has been expired; and name of licensed operator.

D. A practitioner whose license has been expired more than five years shall re-enter an approved training program (apprenticeship), take the body piercing-scarification exam approved by the board with a passing minimum score approved by the board and take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.

[16.36.10.14 NMAC – N, 2/3/2022]

16.36.10.15 CROSSOVER HOURS: Individuals who are licensed in one discipline may transfer 100 hours of orientation toward their apprenticeship in another discipline, if they have at least one year of full time, verified work experience in a licensed establishment and complete the remaining required hours for licensure.

[16.36.10.15 NMAC – N, 2/3/2022]

16.36.10.16 CREDIT GRANTED FOR SUBSTANTIALLY EQUIVALENT TRAINING AND EXPERIENCE:

A. An applicant for licensure as a body artist may be granted credit for training and experience obtained from any source, whether within or outside New Mexico. The applicants training and experience meets the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act.

B. An applicant licensed in another state or jurisdiction shall submit the follow requirements:

- (1) completed and signed application;
- (2) non-refundable application fee;
- (3) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.10.12 NMAC;
- (4) verifications of licensure mailed by the licensing authority from the other state or jurisdiction to the board which shall include:
 - (a) verification that the applicant holds a valid and unexpired license;
 - (b) the license issuance date;
 - (c) the license expiration date;
 - (d) a statement as to whether the applicant has ever been subject to discipline or if there are any complaints or investigations pending against the licensee; and
 - (e) upon the request of the board, a written consent from the applicant allowing the board or its designee to examine disciplinary, complaint, or investigative records of the other licensing authority;
- (5) proof of any disqualifying criminal conviction as defined in 16.36.4.9 NMAC; and
- (6) jurisprudence exam with a passing score of seventy-five percent or higher.

C. An applicant seeking credit for training and experience obtained as a body artist in a state or jurisdiction outside New Mexico whose licensing requirements are less stringent than those in effect in New Mexico shall be required to meet the following requirements;

- (1) completed and signed application;
- (2) non-refundable application fee;
- (3) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.10.12 NMAC;
- (4) proof of practice equivalent to the hours of training defined in 16.36.10.13 NMAC
 - (a) W-2 or 1099 forms; or
 - (b) federal or state tax returns verifying occupational status.
- (5) jurisprudence exam with a passing score of seventy-five percent or higher.
- (6) proof of any disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

D. If the applicant training and experience does not meet the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act, the board may request additional requirements outlined in 16.36.10.17 NMAC.
[16.36.10.16 NMAC - N, 2/3/2022; A, 7/12/2022]

16.36.10.17 ADDITIONAL TRAINING REQUIREMENTS: If the board determines that an applicant's training and experience is not substantially equivalent to the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act, it may require:

(1) the applicant to complete additional training before proceeding with the application process; and

(2) an examination approved by the board outlined in 16.36.10.13 NMAC.
[16.36.10.17 NMAC - N, 2/3/2022; A, 7/12/2022]

HISTORY OF 16.36.10 NMAC: