

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 8 LICENSE RENEWAL

16.2.8.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine.
[16.2.8.1 NMAC - Rp, 16.2.8.1 NMAC, 02-15-05]

16.2.8.2 SCOPE: All licensed doctors of oriental medicine and all licensed doctors of oriental medicine certified for expanded practice.
[16.2.8.2 NMAC - Rp, 16.2.8.2 NMAC, 02-15-05; A, 11-28-09]

16.2.8.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8, 8.1, 9 and 15, NMSA 1978.
[16.2.8.3 NMAC - Rp, 16.2.8.3 NMAC, 02-15-05 ; A, 11-28-09]

16.2.8.4 DURATION: Permanent.
[16.2.8.4 NMAC - Rp, 16.2.8.4 NMAC, 02-15-05]

16.2.8.5 EFFECTIVE DATE: February 15, 2005, unless a later date is cited at the end of a section.
[16.2.8.5 NMAC - Rp, 16.2.8.5 NMAC, 02-15-05]

16.2.8.6 OBJECTIVE: This part defines the requirements for renewal of licenses.
[16.2.8.6 NMAC - Rp, 16.2.8.6 NMAC, 02-15-05]

16.2.8.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC.
[16.2.8.7 NMAC - Rp, 16.2.8.7 NMAC, 02-15-05; A, 11-28-09]

16.2.8.8 LICENSE RENEWAL GENERAL REQUIREMENTS:

A. Except as otherwise provided in the act, these rules or state law, including but not limited to the board's right to deny an application for renewal pursuant to Section 61-14A-17 NMSA 1978, and the Parental Responsibility Act, NMSA 1978, Section 40-5A-1, et seq., each licensed doctor of oriental medicine shall be granted renewal of his license for one year upon receipt and approval by the board or its designee of completion of the following requirements.

B. Any applicant for license renewal who is licensed, certified, registered or legally recognized to practice any profession, including health care professions, in any jurisdiction, pursuant to any authority other than the New Mexico Acupuncture and Oriental Medicine Practice Act, shall provide an affidavit regarding the disciplinary record of the applicant since last renewing his or her license with the board.

C. Any applicant for license renewal who has been subject to any action or proceeding comprehended by Subsection C of 16.2.8.10 NMAC, may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of Section 61-14A-17 NMSA 1978, and subject to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq., and subject to the Criminal Offender Employment Act, NMSA 1978, Section 28-2-1, et seq.

D. Any applicant for license renewal who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of Section 61-14A-17 NMSA 1978, and the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq.

[16.2.8.8 NMAC - Rp, 16.2.8.8 NMAC, 02-15-05; A, 11-28-09; A, 6-16-15]

16.2.8.9 LICENSING PERIOD: The licensing period shall run from August 1 to the following July 31. A newly licensed doctor of oriental medicine shall be issued a license that shall be required to be renewed on July 31, except that licenses initially issued after May 1 shall not expire until July 31 of the next renewal period.
[16.2.8.9 NMAC - Rp, 16.2.8.9 NMAC, 02-15-05; A, 02-08-13]

16.2.8.10 ANNUAL LICENSE RENEWAL APPLICATION The board will renew a doctor of oriental medicine's license upon receipt of a renewal application with the following supporting documentation, at the board office:

A. the license renewal fee specified in 16.2.10 NMAC paid by check or money order in U.S. funds, or by credit card in U.S. funds if using the board's online renewal process;

B. an license renewal application that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth and social security number;

C. an affidavit as provided on the "annual license renewal form" as to whether the applicant since receiving or last renewing (whichever is more recent) his license with the board:

(1) has been subject to any disciplinary action in any jurisdiction related to the practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, withdrawal or surrender of applicants license, certificate or registration during the pendency of disciplinary proceedings or investigation for potential disciplinary proceedings;

(2) has been a party to litigation in any jurisdiction related to the applicants practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice;

(3) has been convicted of a felony in any jurisdiction, including any finding of guilt by a court or jury, or any plea of guilty, or any plea of nolo contendere or no contest, or plea or disposition of conditional discharge, and including any such proceeding in which a sentence was imposed, suspended or deferred; or as provided on the "annual license renewal form";

(4) is in arrears on a court-ordered child support payment; or

(5) has violated any provision of the act or the rules; and

D. an affidavit as provided on the "annual license renewal form" regarding the applicant's license history since last renewing his license with the board stating the disciplinary record of the applicant, from each jurisdiction where the applicant has been licensed, certified, registered or legally recognized to practice acupuncture or oriental medicine or any other profession, including other health care professions, in any jurisdiction, pursuant to any authority other than the New Mexico Acupuncture and Oriental Medicine Practice Act;

E. an affidavit as provided on the "annual license renewal form" stating that the applicant understands that:

(1) an applicant who has been subject to any action or proceeding comprehended by Subsection C of 16.2.8.10 NMAC may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, NMSA 1978, Section 61-14A-17; and subject to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq., and subject to the Criminal Offender Employment Act, NMSA 1978, Section 28-2-1, et seq; and

(2) an applicant who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, NMSA 1978, Section 61-14A-17, and the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq.;

F. an affidavit as provided on the "annual license renewal form" stating that the applicant understands that:

(1) each licensed doctor of oriental medicine is responsible for the timely submission of the annual renewal application and fees;

(2) the applicant is responsible for reading, understanding and complying with the state of New Mexico laws and rules regarding this application as well as the practice of acupuncture and oriental medicine;

(3) the license must be renewed annually by July 31; and

(4) the applicant must notify the board within ten (10) days if the applicant's address changes;

G. if the applicant renews using the board's online application process, the applicant shall check all appropriate affidavit check boxes in the online application and the applicant's agreement to pay by credit card shall be equivalent to the applicant's witnessed signature and notary's stamp and signature normally required by the above affidavits;

H. an accurate translation in English of all documents submitted in a foreign language; each translated document shall bear the affidavit of the translator certifying that he is competent in both the language of the document and the English language and that the translation is a true and faithful translation of the foreign language original; each translated document shall also bear the affidavit of the applicant certifying that the translation is a true and faithful translation of the original; each affidavit shall be signed before a notary public; the translation of any document relevant to an application shall be at the expense of the applicant; and

I. satisfactory proof as determined by the board of completion of any continuing education requirements established by the board in 16.2.9.8 NMAC; doctors of oriental medicine certified for the expanded practice shall submit satisfactory proof, as determined by the board, of completion of any expanded practice continuing education requirements established by the board in 16.2.9.9 NMAC
[16.2.8.10 NMAC - Rp, 16.2.8.10 NMAC, 02-15-05; A, 11-28-09; A, 6-16-15]

16.2.8.11 LATE LICENSE RENEWAL:

A. For a licensee whose late application to renew his or her license is received at the board office during the 60 day grace period provided by Section 61-14A-15 NMSA 1978, the license shall be renewed if the applicant for late license renewal completes the requirements of 16.2.8.10 NMAC and pays the fee for late license renewal specified in 16.2.10 NMAC.

B. If proof of NCCAOM recertification or equivalent continuing education as defined in 16.2.9.8 NMAC is received at the board office during the 60 day grace period, the renewal shall be considered a late license renewal and the applicant must pay the fee for late license renewal prior to license renewal.

C. For doctors of oriental medicine certified for expanded practice, if proof of expanded practice continuing education as defined in 16.2.9.9 NMAC is received at the board office during the 60 day grace period, the renewal shall be considered a late license renewal and the applicant must pay the fee for late license renewal prior to license renewal.

[16.2.8.11 NMAC - Rp, 16.2.8.11 NMAC, 02-15-05; A, 11-28-09; A, 02-08-13]

16.2.8.12 EXPIRED LICENSE: At the end of the sixty (60) day grace period provided by Section 61-14A-15 NMSA 1978, a licensee that has not renewed his license, nor completed all continuing education requirements specified in 16.2.9.8 NMAC, the license is expired and the doctor of oriental medicine shall not practice oriental medicine until his expired license is renewed. For an expired license, if a properly completed application for license renewal is received at the board office within one (1) year of the last regular renewal date, the license shall be renewed, provided all the requirements of late license renewal are completed in addition to the requirements of 16.2.8.11 NMAC and the licensee also pays the fee for expired license renewal specified in 16.2.10 NMAC. The licensee shall notify the board of his correct and current mailing address and of any address changes within ten (10) days of the change. Any doctor of oriental medicine who fails to renew his expired license by the next July 31 annual license renewal date after the notification shall be required to apply as a new applicant.
[16.2.8.12 NMAC - Rp, 16.2.8.12 NMAC, 02-15-05; A, 9-25-06; A, 11-28-09; A, 6-16-15]

16.2.8.13 [RESERVED]

[16.2.8.13 NMAC - N, 9-25-06; Repealed, 11-28-09; 16.2.8.13 NMAC - Rn, 16.2.8.12 Subsections B, C & D & A, 11-28-09; Repealed, 6-16-15]

History of 16.2.8 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

AB 81-1, Regulations Governing Acupuncture Practitioners, filed 10-5-81;

AB 82-1, Regulations Governing Acupuncture Practitioners, filed 6-16-82;

AB 84-1, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 3-13-84;

BCD 87-1, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 10-30-87;

ACU 88-1 Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 3-13-89;

ACU Rule 91-8 Regulations Governing Acupuncture Practitioners, Tutors and Institutes - Licensing, filed 2-18-91;

Rule 8, Regulations Governing Acupuncture Practitioners, Tutors and Institutes - Licensing, filed 8-28-92.

History of Repealed Material: 16 NMAC 2.8.11 deleted effective 7-15-01.

16.21.8 NMAC, License Renewal (filed 06-15-01) repealed 02-15-05.

Other History:

Rule 8, Regulations Governing Acupuncture Practitioners, Tutors and Institutes - Licensing (filed 8-28-92) was renumbered, reformatted and replaced by 16 NMAC 2.8, License Renewal, effective 07-01-96.

16 NMAC 2.8, License Renewal (filed 06-14-96) was renumbered, reformatted, amended and replaced by 16.2.8 NMAC, License Renewal, effective 07-15-01.

16.2.8 NMAC, License Renewal (filed 06-15-01) was replaced by 16.2.8 NMAC, License Renewal, effective 02-15-05.