

This is an amendment to 16.16.11 NMAC, Sections 8, 9, 12 and 13, effective 03-22-2008

16.16.11.8 LICENSE EXPIRATION DUE TO NON-RENEWAL: Licenses not renewed with a postmark date on or before the expiration date of July 1, as set forth in 16.16.10.8 NMAC, shall be expired on the basis that the renewal application was not duly and properly made as required by board regulations.
[10-14-95; 16.16.11.8 NMAC - Rn, 16 NMAC 16.11.8, 03-15-2001; A, 03-15-2004; A, 03-22-2008]

16.16.11.9 LATE PENALTY FEE: Expired licenses not renewed with a postmark date on or before the license expiration date of July 1, as set forth in 16.16.10.8 NMAC, shall be subject to the required late penalty fee, as provided in 16.16.2.14 NMAC, in addition to the renewal fee, as provided in 16.16.2.13 NMAC.
[10-14-95; 16.16.11.9 NMAC - Rn, 16 NMAC 16.11.9, 03-15-2001; A, 03-15-2004; A, 03-22-2008]

16.16.11.12 PRACTICE PROHIBITED:

A. ~~[The optometrist may not]~~ An optometrist shall not practice optometry in the state of New Mexico while his or her license is expired following the grace period; or while it is inactive, retired, revoked, suspended, or is otherwise invalid as provided in Section 61-2-14 (A), NMSA 1978.

B. Any person who practices optometry in New Mexico without an active, current, and valid license is guilty of a fourth degree felony and upon conviction shall be sentenced pursuant to the provisions in Section 61-31-18-15.A (6), which states, "If a person is convicted of a non-capital felony, the basic sentence of imprisonment is as follows: for a fourth degree felony, eighteen months imprisonment."

C. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed five thousand dollars (\$5,000).

[10-14-95; 10-15-97; 16.16.11.12 NMAC - 16 NMAC 16.11.12, 03-15-2001; A, 03-15-2004; A, 03-22-2008]

16.16.11.13 APPLICATION FOR REACTIVATION OF LICENSE: The licensee whose license is expired due to non-renewal, and who wishes to reactivate the license to active and current status, must apply for, and receive, approval by the board for reactivation of the license. The application for reactivation must be made on a reactivation form received from the board office, and must be accompanied by the following items:

A. proof of completion of a minimum of ~~[sixteen (16)]~~ twenty-two (22) hours of board-approved continuing education (See ~~[16.16.13.9]~~ 16.16.13 NMAC) taken for each year the license was expired due to non-renewal, ~~[sixteen (16)]~~ twenty-two (22) of which must have been taken in the immediate preceding year;

B. verification directly from at least one of the applicant's other licensing jurisdiction(s) certifying that the licensee has been in active practice there during the time the license was in revoked status due to non-renewal in New Mexico, unless the New Mexico license has only been in expired status for less than a year, in which case verification of licensure from another licensing jurisdiction is not necessary;

C. verification directly from the applicant's other licensing jurisdiction(s), as to the status of the license with respect to disciplinary actions if the New Mexico license is in expired status for more than a year, and provided that the licensee is licensed in other jurisdiction(s);

D. a reactivation fee in an amount totaling the renewal fees for each year the license was in expired status due to non-renewal; and

E. a penalty fee in an amount totaling the penalty fees for each year the license was in expired status due to non-renewal.

[10-14-95, 10-15-97; 16.16.11.13 NMAC - Rn, 16 NMAC 16.11.13, 03-15-2001; A, 03-15-2004; A, 03-22-2008]