

This is an amendment to 16.64.7 NMAC, Sections 3, 6, 9 and adding new Section 10, effective 12/28/2021.

16.64.7.3 STATUTORY AUTHORITY: ~~[16.64.7 NMAC is adopted pursuant to the Funeral Services Act, Section 61-32-4, 61-32-6, 61-32-7, 61-32-11, 61-32-21 and 61-32-22 NMSA 1978.]~~ These rules are issued pursuant to the Funeral Services Act, Chapter 61, Article 32 NMSA 1978.
[6/15/1996; 16.64.7.3 NMAC - Rn, 16 NMAC 64.7.3, 9/15/2001; A, 8/8/2012; A, 12/28/2021]

16.64.7.6 OBJECTIVE: 16.64.7 NMAC ~~[is to establish]~~ establishes the requirements for license renewal, and placement of license on inactive status and reinstatement of an inactive license.
[6/15/1996; 16.64.7.6 NMAC - Rn, 16 NMAC 64.7.6, 9/15/2001; A, 12/28/2021]

16.64.7.9 INACTIVE STATUS:

A. Any licensee, excluding funeral service intern licensees, who wishes to place his or her license on inactive status shall notify the board in writing, on a form prescribed by the board, prior to the expiration of his or her current license.

B. ~~[The board administrator shall determine if the inactive status of any license will be approved until the next scheduled board meeting.]~~ A license placed on inactive status by the board may be renewed within a period not to exceed five years following the date the board granted the inactive status.

C. Upon approval by the board of an inactive request, the licensee shall be exempt from the payment of the annual renewal fee during the period of inactive status.

D. No license will automatically be placed on inactive status by failure of the licensee to renew his or her license.

E. No license shall be placed on inactive status if the licensee is under investigation or if disciplinary proceedings have been initiated.

F. Disciplinary proceedings may be initiated or continued against a licensee who has been granted inactive status.

[F] G. Any licensee who has placed his or her license on inactive ~~[may, within five (5) years from the date of acceptance by the board of the inactive status,]~~ status shall notify the board of his or her desire to reinstate the inactive license. Upon receipt of such notice, the board administrator shall send to the inactive licensee an application for reinstatement.

[G] H. ~~[The applicant shall submit the application to the board together with the applicable fee(s) and proof of completion of one (1) CEU, as outlined in 16.64.6 NMAC, for the year in which reinstatement is sought.]~~ A licensee may reactivate the license upon submission of the following:

- (1) a reinstatement application;
- (2) payment of the renewal and reinstatement fee listed in 16.64.2 NMAC;
- (3) proof of continuing education units listed in 16.64.6 NMAC; and
- (4) successful completion of the written jurisprudence examination listed in Subsection B of 16.64.7 NMAC.

[H.] ~~If the board finds the application in order, the applicant shall be issued a license after successfully completing the written jurisprudence examination outlined in Subsection B of 16.64.5.9 NMAC. No person whose license is on inactive status shall practice funeral service in this state until receiving a reinstated license.]~~

I. Any person who, after five ~~[(5)]~~ years of inactive status, desires to reinstate his or her license, must make application to the board and comply with the same requirements as any previously unlicensed applicant.

J. If a request for reinstatement of an inactive license occurs in the same renewal period, as defined in Subsection C of 16.64.6.7 NMAC, that the inactive status was granted, the applicant shall not be required to complete additional continuing education requirements or the jurisprudence exam in order for the inactive license to be reinstated.

[9/27/1990...9/26/1993; 16.64.7.9 NMAC - Rn & A, 16 NMAC 64.7.9, 9/15/2001; A, 4/2/2010; A, 8/8/2012, A, 12/28/2021]

16.64.7.10 LICENSE RENEWAL:

A. All licensees shall renew their license on or before June 30th of each year.

B. Application for renewal shall be completed on a form provided by the board.

- C. A license may be renewed upon submission of the following:
- (1) a completed renewal application;
 - (2) payment of the renewal and reinstatement fee outlined in 16.64.2 NMSA;
 - (3) proof of continuing education units outlined in 16.64.6 NMAC.
- D. A licensee who is age is 65 or above and who has been licensed by the board for at least 20 consecutive years shall not be required to meet continuing education requirements.
- E. Failure to submit the required documents and fees by June 30th shall cause the license to expire and the license holder must refrain from practicing.
- F. The licensee may renew within a sixty-day grace period, by submitting payment of the renewal fee and late fee outlined in 16.64.2 NMAC and compliance with all renewal requirements.
- G. A license that has not renewed within the 60-day grace period shall be expired and invalid. A holder of an expired license shall be required to reapply as a new applicant.
- H. The board will send by electronic mail, license renewal notifications to licensees or registrants before the license expiration date to the last known email address on file with the board. Failure to receive the renewal notification shall not relieve the licensee or registrant of the responsibility of timely renewal on or before the expiration date.

[16.64.7.10 NMAC, N, 12/28/2021]