

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Nutrition and Dietetics Practice Board will hold a rule hearing on Friday, November 12, 2021, at 8:30 a.m. Following the rule hearing, the Board will convene a Board meeting to consider adoption of the rules and address regular business. The rule hearing and Board meeting will be held via Cisco Webex Meetings.

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.14.3 NMAC - Requirements for Licensure
- 16.14.11 NMAC - Disciplinary Proceedings
- 16.14.12 NMAC - Licensure for Military Service Members, Spouses and Veterans

To obtain and review copies of the proposed changes you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nutrition-and-dietetics/nd-laws-rules-and-policies/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Richard Espinoza, Executive Director, via electronic mail at: nutritiondieteticsbd@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, November 11, 2021. Persons will also be given the opportunity to present their comments at the rule hearing. All written comments will be posted to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nutrition-and-dietetics/nd-laws-rules-and-policies/>

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Richard Espinoza, Executive Director at (505) 476-4622.

Any individual who does not have access to the internet and would like to participate in the rules hearing, please contact Richard Espinoza, Executive Director at (505) 476-4622.

Statutory Authority: The Nutrition and Dietetics Practice Act, Sections 61-7A-1 to -15 NMSA 1978 (1993, as amended through 2017), among other provisions, specifically authorizes the Board to "adopt and file all rules necessary for the implementation and enforcement of the provisions of the Nutrition and Dietetics Practice Act." See also NMSA 1978, Section 61-7A-6(A)(8)

Summary of Proposed Changes:

Expedited Licensure for Military Members and Veterans

The Board proposes to amend Part 14 of its rules to conform with the provisions of House Bill 120 passed by the 2021 legislature that require professional and occupational licensing boards to issue licenses to military members, their spouses and dependent children, and veterans, within 30 days of receiving a completed application and to waive initial licensing fees.

Disqualifying Convictions

The Board proposes to amend Part 14 of its rules to conform with the provisions of Senate Bill 2 passed by the 2021 legislature that limit a professional and occupational licensing board's ability to deny, suspend, revoke, or condition a license only for felony convictions that relate to the profession or occupation in which the applicant has applied for licensure.

Pursuant to the provisions of Senate Bill 2, the Commission proposes to amend Part_14_ to include a list of felony convictions that would disqualify an applicant from being issued a nutritionist, nutritionist associate or dietitian license.

In addition to making minor clarification changes, the proposed rules are summarized as follows:

16.14.3.8. NMAC – Requirements for Dietitian License

This adoption is to add language to define a potentially disqualifying conviction for purposes of licensure pursuant to SB2 guidelines

16.14.3.9. NMAC – Requirements for Nutritionist License

This adoption is to add language to define a potentially disqualifying conviction for purposes of licensure pursuant to SB2 guidelines.

16.14.3.10. NMAC – Requirements for Nutritionist Associate

This adoption is to add language to define a potentially disqualifying conviction for purposes of licensure pursuant to SB2 guidelines.

16.14.11.11. NMAC – Disciplinary Guidelines

This adoption is to add language to explain the hearing process for potential denial of licensure for disqualifying convictions under SB2 guidelines

16.14.12.7. NMAC – Definitions

This adoption is 1) to add definitions related to military license pursuant to HB 120 and 2) to add definitions regarding potentially disqualifying convictions for licensure under SB 2.

16.14.12.9. NMAC – Fees

This adoption is to delineate waiver of such fees for military personnel, veterans, spouses and dependents pursuant to HB120

16.14.12.10. NMAC – Renewal Requirements

This adoption is to clarify prerequisites and additional requirements for renewal procedure.