

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Athletic Trainers Practice Board will hold a rule hearing on Friday, November 5, 2021, at 9:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM, in the Rio Grande Conference Room for those desiring to attend in person.

Face masks are required to be worn in the Toney Anaya Building for all in-person attendees.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e988b807fa27e6f050136a640716a71e7>
To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2496 862 1982

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

- 16.3.1 NMAC – General Provisions
- 16.3.2 NMAC – Scope of Practice
- 16.3.4 NMAC – Initial Licensing Requirements
- 16.3.6 NMAC – Examinations
- 16.3.7 NMAC – Annual Renewal of License
- 16.3.9 NMAC – Disciplinary Proceedings
- 16.3.10 NMAC – Emergency Licensure
- 16.3.11 NMAC – Licensure for Military Service Members, Spouses, Dependent Children and Veterans

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-trainers/athletic-trainers-board-information/athletic-trainers-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Roxann Ortiz, Board Administrator, via electronic mail at: athletic.trainers@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, November 4, 2021. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-trainers/athletic-trainers-rules-and-laws/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-trainers/athletic-trainers-board-information/athletic-trainers-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Roxann Ortiz, Board Administrator at (505) 476-4622.

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 Roxann Ortiz, Board Administrator at (505) 476-4622.

Statutory Authority: Legal authority for this rulemaking can be found in the Athletic Trainer Practice Act, NMSA 1978, 16-14D-1 to -19, which, among other provisions, specifically authorizes the Board to “adopt and file...rules and regulations necessary to carry out the Athletic Trainer Practice Act.” NMSA 1978, Section 61-14D-9(F).

Purpose of the Proposed Rules:

The purposes of the amendments to **16.3.1 NMAC** are to update this part to reflect the current BOC certification process (internships are no longer permissible). Also, the definition of BOC was added because the BOC is a separate entity from the NATA and references to virtual meetings as an attendance option have been added to include and define how meetings can be conducted during the pandemic and the future.

The purposes of the amendments to **16.3.2 NMAC** are to provide clarity in the regulations by including the definitions provided by the statute in the regulations, by expounding on the scope of practice to, among other things, include references to the BOC, and by removing two categories of records that are not required to be kept.

The purposes of the amendment to **16.3.4 NMAC** is to comply with the 2021 legislative change which requires that each board, among other things, “promulgate and post on the board’s website rules relating to licensing requirements to list the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction.” NMSA 1978, § 61-1-36.

The purpose of the amendment to **16.3.6 NMAC** is to update the accepted examination for licensure because a state examination is no longer permissible.

The purpose of the amendment to **16.3.7 NMAC** is to align continuing education requirements with the national standards of the BOC since there is no longer a state examination.

The purpose of the amendment to **16.3.9 NMAC** is to remove outdated terminology from the rule.

The purpose of the amendment to **16.3.10 NMAC** is to remove the requirement for notarization with respect to applications that are being transitioned to an all-online platform and to change the certification from NATA to the current certification which is BOC.

The purpose of the amendment to **16.3.11 NMAC** is to alter the language of the rule so that it aligns with the 2021 legislative changes mandated by HB 120.

Summary of Proposed Changes:

16.3.1 NMAC – General Provisions

The amendments to this part include removing the definition of “approved internship program” and adding a definition for “disqualifying criminal conviction” and “BOC.” Additional changes include the addition of “video conference, or other virtual means” with respect to how meetings may be attended remotely.

16.3.2 NMAC – Scope of Practice

The amendments to this part include the addition of several definitions as well as an addition to the explanation of the scope of practice. Additional changes include the removal of some of the categories of records that are required to be maintained by athletic trainers.

16.3.4 NMAC – Initial Licensing Requirements

The amendment to this part adds a new section to the rule to comply with the 2021 legislative change regarding SB2. The proposed rule sets out what criminal felony convictions directly relate to the particular employment, trade, business or profession of athletic training that may disqualify the applicant or licensee from holding a license. The rule also defines how the conviction may and may not be used when reviewing an application for licensure or for violation of Board statute or rules by a current licensee.

16.3.6 NMAC – Examinations

The amendment to this part changes the examination accepted by the board from the national athletic trainers association to the board of certification for athletic trainers.

16.3.7 NMAC – Continuing Education Requirements

The amendments to this part include a change to the continuing education requirements to simply state that “[e]ach licensee shall be required to maintain good standing with the BOC CEU requirements.” Additional changes include

an elaboration with respect to the process for a licensee to go on inactive status as well changes with respect to reactivating a license that has been inactive.

16.3.9 Disciplinary Proceedings

The amendment to this part merely removes “or paragraph” from the description of effective date.

16.3.10 Emergency Licensure

The amendments to this part include removing the requirement that applications be notarized as well as changing the certification from NATA to BOC.

16.3.11 NMAC - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

The amendments to this part includes a repeal and replace due to the 2021 legislative change regarding HB120 Military Spouses Expedited Licensure. The proposed rule changes the time for approving an application for license from sixty days to thirty days and removes "recent" from the definition of veteran. The rule also sets out application and renewal requirements.