

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Acupuncture and Oriental Medicine (Board) will hold a rule hearing on Friday, December 10, 2021, at 9:00 a.m. Following the rule hearing, the Board will convene a regular 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:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e73290a53047ac054fc9c3e906597a868>

Meeting number (access code): 2497 688 9572

To join the meeting by phone:

1-415-655-0002 United States Toll

The purpose of the rule hearing is to consider proposed amendments and repeal/replace to the following rules:

16.2.1 NMAC - General Provisions

16.2.3 NMAC - Licensure Requirements

16.2.5 NMAC - Temporary Licensing

16.2.8 NMAC - License Renewal

16.2.12 NMAC - Grounds for Denial, Suspension or Revocation of License

16.2.14 NMAC - Externships

16.2.15 NMAC - Inactive License

16.2.16 NMAC - Auricular Detoxification

16.2.17 NMAC - Licensure by Endorsement

16.2.21 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/acupuncture-and-oriental-medicine/aom-rules-and-law/> or contact the New Mexico Board of Acupuncture and Oriental Medicine at (505) 476-4622 or by email at acuormedboard@state.nm.us.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Sue Sneeringer, Board Administrator, via electronic mail at: acuormedboard@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, December 9, 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/acupuncture-and-oriental-medicine/aom-rules-and-law/>, no more than three business days following receipt to allow for public viewing.

An individual with a disability who is in need of a reader, amplifier, qualified signed language interpreter, or other form of auxiliary aid or service to participate in the hearing, please contact Sue Sneeringer, Board Administrator at (505) 476-4622.

The agenda for the regular board meeting will be posted and available at least 72 hours before the meeting on the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/acupuncture-and-oriental-medicine/board-information/board-meetings/>. Copies may also be obtained by contacting Sue Sneeringer, Board Administrator at (505) 476-4622.

Statutory Authority: Subsection B of Section 61-14A-8 NMSA 1978 of the Acupuncture and Oriental Medicine Practices Act and Sections 61-14A-1 through -22 NMSA 1978 generally, authorizes the Board to "adopt, publish and file, in accordance with the Uniform Licensing Act." 61-1-1 through 61-1-31 NMSA 1978 and the State Rules

Act Chapter 14, article 4 NMSA 1978, all rules necessary for the implementation and enforcement of the provisions of the Acupuncture and Oriental Medicine Practices Act.

Purpose of the proposed rules:

The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and registrants, and to generally satisfy the Board's statutory obligation to "adopt rules and regulations and establish policy necessary to carry out the provisions of the Acupuncture and Oriental Medicine Practices Act in accordance with the Uniform Licensing Act Subsection B of Section 61-14A-8 NMSA 1978". In addition, several of the proposed rule changes are intended to address to recent statutory changes to the Uniform Licensing Act. See S.B. 2, 55th Leg., 1st S.S. (N.M. 2021), available at <https://nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=2&year=21s> , and H.B. 120, 55th Leg., 1st Sess. (N.M. 2021), available at <https://nmlegis.gov/Legislation/Legislation?Chamber=H&LegType=B&LegNo=120&year=21>.

Summary of Proposed Changes:

The Board summarizes its proposed changes to its administrative rules as follows:

16.2.1 NMAC - General Provisions

As a general summary, the proposed changes to 16.2.1 NMAC update the rule to reflect changes to rule definitions based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, adding or redefining terms used within the Board's body of regulations.

16.2.3 NMAC - Licensure Requirements

As a general summary, the proposed changes to 16.2.3 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, concerning applicant criminal convictions that may result in a denial of an application for a license or renewal, including amendments addressing how the Board may use criminal convictions in the application process.

16.2.5 NMAC - Temporary Licensing

As a general summary, the proposed changes to 16.2.5 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, removing all language concerning applicant criminal background matters in reliance on 16.2.3.10 NMAC's proposed amendments.

16.2.8 NMAC - License Renewal

As a general summary, the proposed changes to 16.2.8 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, removing all language concerning applicant criminal background matters in reliance on 16.2.3.10 NMAC's proposed amendments.

16.2.12 NMAC - Grounds for Denial, Suspension or Revocation of License

As a general summary, the proposed changes to 16.2.12 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, adding language to the relevant portion of the rule concerning applicant criminal convictions and inserting a direct reference to 16.2.3.10 NMAC's proposed amendments.

16.2.14 NMAC - Externships

As a general summary, the proposed changes to 16.2.14 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, removing all language concerning applicant criminal background matters in reliance on 16.2.3.10 NMAC's proposed amendments.

16.2.15 NMAC - Inactive License

As a general summary, the proposed changes to 16.2.15 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, removing all language concerning applicant criminal background matters in reliance on 16.2.3.10 NMAC's proposed amendments.

16.2.16 NMAC - Auricular Detoxification

As a general summary, the proposed changes to 16.2.16 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, removing all language concerning applicant criminal background matters in reliance on 16.2.3.10 NMAC's proposed amendments.

16.2.17 NMAC - Licensure by Endorsement

As a general summary, the proposed changes to 16.2.17 NMAC update the rule to reflect changes based on 2021 legislative changes found in SB 2 and HB 120, subsequently codified into statute, removing all language concerning applicant criminal background matters in reliance on 16.2.3.10 NMAC's proposed amendments.

16.2.21 NMAC - Licensure for Military Service Members, Spouses and Veterans

As a general summary, the proposed changes to 16.2.21 NMAC update the rule to reflect changes to rule definitions changes found in SB 2 and HB 120, subsequently codified into statute, regarding expedited licensure for military service members. The updated rule expands the definition of eligibility for individuals applying for expedited licensure as a service member. Additionally, the new rule reflects the requirements for individuals applying through this process. Finally, this proposed amendment provides for a new fee structure, updated definitions, and licensure timeframes as required by 61-1-34 NMSA 1978.