

PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Massage Therapy Board will hold a rule hearing on Tuesday, November 22, 2021, at 9:30 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 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.

Facemasks 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.

Event address for attendees:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e7dc02243556ab8a5620e3695c638f911>

Event number: 2494 816 5975

Event password: 5MPxMRY7P2q

United States Toll

+1-415-655-0002

Access code: 2494 816 5975

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

16.7.4 NMAC - Requirements for Licensure

16.7.8 NMAC - Licensure for Military Service Members

The purposes of the amendments to 16.7.4 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.” 61-1-36 NMSA 1978. Further, there is a proposed amendment to Subsection B of 16.7.4.10 NMAC which will allow high school students to begin massage therapy training before graduating from high school. There is a proposed amendment to Subsection F of 16.7.4.10 NMAC which removes the requirement that a specific organization be utilized with respect to obtaining first and CPR certification. Finally, there is a proposed amendment to Paragraph (4) of Subsection B of 16.7.4.16 to remove a provision that inadvertently renders a temporary license invalid upon the successful passage of a national certification examination.

The purpose of the amendment to 16.7.8 NMAC is to alter the language of the rule so that it aligns with the 2021 legislative changes mandated by HB 120 which relates to expedited licensure for military service members, their spouses, their dependent children and for veterans pursuant to Section 61-1-34 NMSA 1978.

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/massage-therapy/mt-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 Nicolas Alderete, Board Administrator, via electronic mail at massage.board@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Monday, November 1, 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/massage-therapy/mt-laws-rules-and-policies/>, no more than three business days following receipt to allow for public view.

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 Nicolas Alderete, Board Administrator at (505) 476-4622.

Statutory Authority: The Massage Therapy Practice Act, Sections 61-12C-1 to -28, NMSA 1978 (1991, as amended through 2019), among other provisions, specifically authorizes the Board to “adopt and file, in accordance with the provisions of the Uniform Licensing Act.” Subsection A of Section 61-12C-8 NMSA 1978.

Summary of Proposed Changes:

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

16.7.4 NMAC - Requirements for Licensure

The proposed amendments to 16.7.4 NMAC include the addition of list of specific criminal convictions which could disqualify an applicant from receiving or renewing a license based on a previous felony conviction. Additionally, there is a proposed amendment which will allow high school students to begin massage therapy training before graduating from high school. There is a proposed amendment which removes the requirement that first aid and CPR training be completed through specific organizations. Finally there is a proposed amendment that removes a provision that rendered a temporary license invalid upon the successful passage of a national certification examination.

16.7.8 NMAC - Licensure for Military Service Members

The proposed 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 60 days to 30 days and removes "recent" from the definition of veteran. The rule also sets out application and renewal requirements.