

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Optometry will hold a rule hearing on Thursday January 13, 2022, at 8:15 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=ec22a72719dbad879a2b11cf7c3712c03>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2490 658 3741

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

- 16.16.3 NMAC – Requirements for Licensure by Examination
- 16.16.4 NMAC – Requirements for Licensure by Endorsement
- 16.16.10 NMAC – Renewal of New Mexico Optometry License
- 16.16.21 NMAC – Unprofessional Conduct
- 16.16.25 NMAC – Licensure for Military Service Members, Spouses 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/optometry/optometry-board-information/optometry-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4626.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Jennie James, Board Administrator, via electronic mail at: Optometry.Bd@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, January 13, 2022 by the end of the rule hearing. 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/optometry/optometry-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/optometry/optometry-board-information/optometry-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Jennie James, Board Administrator at (505) 476-4626.

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 Jennie James, Board Administrator (505) 476-4626.

Statutory Authority: The Optometry Act, Sections 61-2-1 to 18 NMSA 1978. Paragraph (2) of Subsection E of Section 61-2-6 NMSA 1978 specifically provides that the board shall “adopt, publish and file, in accordance with the Uniform Licensing Act and the State Rules Act, all rules for the implementation and enforcement of the provisions of the Optometry Act.”. Additional legal authority for this rulemaking can be found in the Uniform Licensing Act, Sections 61-1-1 to 36 NMSA 1978.

Purpose and Summary of the Proposed Rules Changes:

16.16.3 NMAC – Requirements for Licensure by Examination

The amendments to this part include removal of the requirement for applicants to submit a copy of their birth certificate as well as the removal of the notary requirement because licensure is going to be completed using an online system moving forward. Other amendments include a stylistic change with respect to numbering as well as the addition of a requirement to provide proof of any disqualifying criminal conviction which is further described in a proposed amendment to 16.16.21 NMAC.

16.16.4 NMAC – Requirements for Licensure by Endorsement

The amendments to this part include removal of the requirement for applicants to submit a copy of their birth certificate as well as the removal of the notary requirement because licensure is going to be completed using an online system moving forward. Other amendments include the addition of a requirement to provide proof of any disqualifying criminal conviction which is further described in a proposed amendment to 16.16.21 NMAC.

16.16.10 NMAC – Renewal of New Mexico Optometry License

The amendments to this part include the revision of citations to legal authority in 16.16.10.3 NMAC as well as the addition of a requirement to provide proof of any disqualifying criminal conviction which is further described in a proposed amendment to 16.16.21 NMAC.

16.16.21 NMAC – Unprofessional Conduct

The amendment to this part adds a new section to the rule to comply with the 2021 legislative change regarding SB2. The proposed amendment sets out what criminal felony convictions directly relate to the particular employment, trade, business or profession of Optometry that may disqualify the applicant or licensee from holding a license. Additional amendments include a reference to the definition of “disqualifying criminal conviction” as defined in Subsection E of Section 16-1-36 NMSA 1978.

16.16.25 NMAC – Licensure for Military Service Members, Spouses and Veterans

The amendments to this part includes changes 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.