

PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Physical Therapy Board (“Board”) will hold a rule hearing on Wednesday, December 01, 2021, at 12:00 p.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 virtually at the Regulation and Licensing located at 2550 Cerrillos Road, Santa Fe, NM 87505, via Cisco WebEx Meetings.

To join the meeting online by Cisco WebEx Meeting, please use the following link:
<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e38f66bf3dbfb2ca5c1d2efc4278722ec>

Event number: 2486 084 3221

United States Toll: 1-415-655-0002
Access code: 2486 084 3221

The purpose of the rule hearing is to consider proposed amendments, repealing and/ or replacing the following rules:
16.20.3 NMAC – Issuance of Licenses
16.20.8 NMAC – Renewal Requirements and Continuing Education
16.20.12 NMAC – Licensing of 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/physical-therapy/pt-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 Bertha Valerio, Board Administrator, via electronic mail (email) at Physical.Therapy@state.nm.us or by regular mail at Physical Therapy Board Rules, P.O. Box 25101, Santa Fe, NM 87504, no later than Tuesday, November 30, 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/physical-therapy/pt-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 Bertha Valerio, Board Administrator at (505) 476-4622 or Physical.Therapy@state.nm.us.

Statutory Authority: The Physical Therapy Act Subsections (C) of Section 61-12D-5 to 61-12D-18. NMSA 1978 of the Physical Therapy Act, Sections 61-12D-1 to -18 NMSA 1978, specifically authorizes the Board to file, adopt, amend or repeal and regulations in accordance with the Uniform Licensing Act, Sections 61-1-1 to -36, NMSA 1978.

Summary of Proposed Changes:

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

16.20.3 NMAC – Issuance of Licenses

The proposed amendment repealing and replacing the current language includes the addition of the list of specific criminal convictions which could disqualify an applicant from receiving or renewing a license based on a previous felony conviction. The rule also adds new language governing the Board’s consideration of criminal convictions in applications and disciplinary matters, pursuant to Section 61-1-36, NMSA 1978 of the Uniform Licensing Act,

listing the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction and adding related limitations on the Board's consideration of such convictions. The purpose of the rule is to ensure that applications and complaints against licensees and certification holders are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public's continued confidence in the profession. In addition, the biennial licensing requirement referencing its 2009 introduction in 16.20.3.9 NMAC is being removed as it is now well-established and is moved to Section 8 of 16.20.8 as it relates to renewal requirements. The subsequent subsections following Section 9 of 16.20.3 NMAC are being renumbered due to the removal of this subsection.

16.20.8 NMAC – Renewal Requirements and Continuing Education

The proposed amendment repealing and replacing the current language is to move the biennial licensing requirement from 16.20.3.9 NMAC into this Section 8 of 16.20.8 that pertains to the renewal of licenses. In addition, clarification is provided that no continuing education is required for licensees who are renewing their license for the first time in Subsection A, Section 9 of 16.20.8 NMAC.

16.20.12 NMAC – Licensing for Military Service Members, Spouses and Veterans

The proposed amendment to this part includes a repeal and replace of its subsections to comply with 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.

Technical Information: No technical information provided the basis for any of the proposed rules.