

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board (Board) will hold a rule hearing on Thursday, December 30, 2021, at 9:00 a.m. Due to the ongoing public health concerns posed by the threat of the contagious disease Covid-19, the rule hearing will be virtual via an Internet video conference and via telephone. 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=e2fbf7ebfce634190bf0c6244209c4c47>
Meeting number (access code): 2487 691 1171
To join the meeting by phone:
1-415-655-0002 United States Toll

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

16.26.2 NMAC – Licensure Requirements

16.26.7 NMAC – Grounds for Disciplinary Action

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

On November 30, 2021, to obtain and review copies of the proposed rule amendments you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/speech-language-pathology-audiology-and-hearing-aid-dispensing-practices/slp-rules-and-laws/> or contact the Sue Sneeringer, Board Administrator at (505) 476-4646 or by email at speech.hearing@state.nm.us.

The Board will begin accepting public comments on the proposed amendments on November 30, 2021. Please submit written comments on the proposed changes to Sue Sneeringer, Board Administrator, via electronic mail at speech.hearing@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Wednesday, December 29, 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/speech-language-pathology-audiology-and-hearing-aid-dispensing-practices/slp-rules-and-laws/>, 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) 476-4646.

Statutory Authority: Section 61-14B-11(A) of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices (Act), NMSA 1978, Sections 61-14B-1 through 61-14B-25 (1990, as amended through 2021), authorizes the Board to “adopt rules necessary to implement the provisions of the Act in accordance with the Uniform Licensing Act.” Section 61-14B-11(C) of the Act requires the Board to “adopt a code of ethics that includes rules requiring audiologists and hearing aid dispensers, at the time of the initial examination for possible sale and fitting of a hearing aid if a hearing loss is determined, to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems.” Further, Section 61-14B-11(H) of the Act requires the Board to adopt rules that provide for licensure by reciprocity, including temporary permits for speech-language pathologists, audiologists, or hearing aid dispensers. Finally, Section 61-1-36 of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to 61-1-36 (1957, as amended through 2021), requires the Board to “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.”

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 Act in accordance with the Uniform Licensing Act." NMSA 1978, Section 61-14B-11(A). In addition, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act codified in Sections 61-1-34 and 61-1-36 NMSA 1978.

Summary of Proposed Changes:

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

16.26.2 NMAC - Licensure Requirements

As a general summary, the proposed changes to 16.26.2 NMAC add the requirement that all applicants certify that they have not been convicted of felonies listed in 16.26.7.8 NMAC. Additionally, the proposed changes provide for a bilingual/multicultural endorsement for out of state and out of country applicants that is consistent with the requirements for those applicants in New Mexico.

16.26.7 NMAC – Grounds for Disciplinary Action

As a general summary, the proposed changes to 16.26.2 NMAC would bring the rules into compliance with Section 61-1-36 NMSA 1978, which mandates that boards and commissions update identify specific disqualifying felony convictions which may preclude licensure under the Act. The proposed changes remove previous references to certain misdemeanors and violations of the Controlled Substances Act and replaces those references with a list of disqualifying felonies which are job related for the position in question and consistent with business necessity. Further, the proposed change to this subsection outlines that practitioner could be disciplined for failing to deliver a person supplied with a hearing aid a receipt that contains particular information mandated by statute. Finally, the proposed change outlines the Board's ability to consider certain evidence of disqualifying convictions.

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

As a general summary, the proposed changes to 16.26.2 NMAC update the rule to reflect recent legislative changes 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 and expands expedited licensure to all veterans with a license in good standing in another jurisdiction. Additionally, the new rule reflects the specific requirements for individuals applying through this process.