

This is an amendment to 16.13.5 NMAC, Sections 3, 8, 9, 10, 11, and 12, effective 2/26/2022.

**16.13.5.3 STATUTORY AUTHORITY:** Part 5 of Chapter 13 is promulgated pursuant to the Nursing Home Administrators Act, [~~NMSA-1978~~] Sections 61-13-6, 61-13-8, 61-13-11, 61-13-12 and 61-13-13 NMSA1978. (1997 Repl. Pam.). [2/24/1988; 2/13/1994; 10/31/1995; 11/29/1997; 16.13.5.3 NMAC - Rn, 16 NMAC 13.5.3, 1/25/2001; A, 2/26/2022]

**16.13.5.8 LICENSE REQUIRED TO PRACTICE:** The applicant may not engage in the practice of nursing home administration in New Mexico until approval for licensure by reciprocity has been given and the board has issued an initial license. An applicant may, however, practice nursing home administration in New Mexico if [~~he or she has been issued~~] a temporary permit has been issued by the board pursuant to the provisions in 16.13.5.11 NMAC. [2/24/1988; 9/18/1992; 10/31/1995; 1/10/2000; 16.13.5.8 NMAC - Rn, 16 NMAC 13.5.8, 1/25/2001; A, 2/15/2004; A, 2/26/2022]

**16.13.5.9 PREREQUISITE REQUIREMENTS:** Acceptance of a reciprocity applicant for licensure is subject to board approval. All applicants for licensure by reciprocity shall:

- A. be of good moral character;
- B. be duly and currently licensed as a nursing home administrator in at least one other state;
- C. have no history of disciplinary action against any professional licenses ever held;
- D. passed the [~~PES or NAB~~] a national licensing examination for nursing home administrators in another licensing state; and
- E. has completed an approved administrator-in-training program, or worked full-time for 12 consecutive months as an administrator, as evidenced by affidavit from an authorized representative of the governing body of the facility where the applicant worked:

~~[E.]~~ **F.** provide proof of having met education requirements in the state of licensure similar to or better than those required in New Mexico at the time of licensure.

**(1) Educational requirements prior to June 1993:**

- (a) a baccalaureate degree in a course of study approved by the board; or
- (b) graduation from high school and four years of experience in a nursing home as a director of nursing, administrative assistant, assistant administrator, administrative or professional manager, or department director in a nursing home; or
- (c) graduation from high school and four years of experience as a hospital administrator

**(2) Educational requirements after June 1993:** A baccalaureate degree from an accredited institution in a course of study approved by the board as being adequate preparation for nursing home administration.

[2/24/1988; 9/18/1992; 2/13/1994; 10/31/1995; 16.13.5.9 NMAC - Rn, 16 NMAC 13.5.9, 1/25/2001; A, 2/26/2022]

**16.13.5.10 DOCUMENTATION REQUIRED:** All applicants for licensure by reciprocity are required to provide the following documentation to the board. Applications for licensure are valid for one year from the date of receipt.

- A. a completed board-approved application form, signed in the presence of a notary public;
- B. a recent (within the last year) passport-type photograph of the applicant, [~~which~~] that the applicant has signed on the back [~~in the presence of a notary public~~];
- C. a copy of the applicant's birth certificate;
- D. a statement of other professional license(s) held by the applicant with copies of each license attached;
- E. three letters of reference from persons unrelated to the applicant sent directly to the board by the references;
- F. the required application/licensure fee for reciprocity (See Subsection F of 16.13.2.8 NMAC);
- G. a completed board-approved verification of licensure form sent directly to the board by any other

state professional licensing board verifying:

- (1) the status of the applicant's license, whether current and in good standing or otherwise;
- (2) the applicant's pass score on the NAB or PES national licensing exam; and
- (3) the educational requirements the applicant met for licensure.

**H.** A completed, approved release form authorizing the board to conduct a criminal records check. [10/31/1995; 11/29/1997; 1/10/2000; 16.13.5.10 NMAC - Rn, 16 NMAC 13.5.10, 1/25/2001; A, 2/26/2022]

**16.13.5.11 TEMPORARY PERMIT PROVISION:** Applicants for licensure by reciprocity may be issued a temporary permit to practice nursing home administration in New Mexico while the application process is being completed.

**A.** The permit may be issued after the board has received a completed board-approved application form; proof of being currently licensed as a nursing home administrator in another licensing jurisdiction, such as a copy of the state license; and reciprocity application fee as set forth in Paragraph (1) of Subsection F [~~(4)~~] of ~~16.13.2~~ 16.13.2.8 NMAC.

**B.** If the reciprocity applicant desires a temporary permit, he or she must request it in writing, specifying the desired date of issuance, and providing the necessary temporary permit fee as set forth in Subsection P of 16.13.2 NMAC.

**C.** Upon receipt of the items set forth in Subsections A and B of 16.13.5.11 NMAC, the temporary permit shall be issued for a maximum period of [~~one hundred twenty (120)~~] 120 days from the requested date of issuance.

**D.** The temporary permit is not renewable. [11/29/1997; 1/10/2000; 16.13.5.11 NMAC - Rn & A, 16 NMAC 13.5.11, 1/25/2001; A, 2/15/2004; A, 2/26/2022]

**16.13.5.12 PROVISIONS FOR EMERGENCY LICENSURE:**

**A. Nursing home administrators** currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the (4) four months following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the nursing home administrators board office a completed application which has been signed and notarized and which is accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) refer to 16.13.3.9 NMAC, Documentation and Other Requirements and 16.13.5.8 NMAC, License Required to Practice;

(3) other required verification may be obtained by the national association of boards of examiners for long term care administrators (NAB);

(4) sworn affidavit that the applicant was personally [~~and/or~~] or professionally [~~effected~~] affected by the disaster;

(5) nothing in this section shall constitute a waiver of qualifications of the requirements for licensure contained in 16.13.3.9 NMAC, 16.13.5.8 NMAC.

**B.** **The board** may waive the application fees.

**C.** **The board** may waive the specific forms required under **16.13.3.9 NMAC** **only** if the applicant is unable to obtain documentation from the federal declared disaster areas.

**D.** **EMERGENCY PROVISIONAL LICENSE** shall expire on March 31st, following the date of issue. Application for initial license shall be made on or before Feb 1st following the date of issue of the emergency provisional license.

**E.** The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving the initial license.

[16.13.5.12 NMAC - N/E, 11/29/2005; A, 2/26/2022]