

This is an amendment to 16.14.3 NMAC, Sections 8, 9, 10 and 11, effective 2/9/2022.

16.14.3.8 REQUIREMENTS FOR DIETITIAN LICENSE:

A. Prerequisites:

- (1) valid current registration with CDR which includes successful completion of the CDR examination and gives the applicant the right to use the term "registered dietitian" or "RD" or
- (2) license in another state which has standards for licensure not less stringent than those in New Mexico.

B. Documentation: Each applicant for a license to practice as a dietitian must submit the required fees and following documentation:

- (1) a completed and signed application;
- (2) a copy of CDR card; ~~and~~
- (3) applicants who are currently, or have previously been, licensed in another state(s) must provide a copy of each license and a verification of license status directly to the board from the state(s) where licensed; and
- (4) a background check shall be conducted within past 90 days for initial licensure only.

C. Disqualifying convictions:

Conviction by a court of competent jurisdiction of any of the following potentially disqualifying felony criminal convictions:

- (1) homicide, involuntary or voluntary manslaughter;
- (2) manufacturing of controlled substances, trafficking in controlled substances or distribution of controlled substances, driving while under the influence of drugs or intoxicating liquor;
- (3) kidnapping, false imprisonment, simple assault, simple battery, aggravated assault or aggravated battery or domestic violence offenses;
- (4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;
- (5) crimes involving adult/elder abuse, neglect, endangerment or financial exploitation;
- (6) crimes involving child abuse or neglect, child endangerment;
- (7) crimes involving robbery, larceny, extortion, burglary, tampering with evidence or receiving stolen property;
- (8) crimes involving fraud (including but not limited to insurance, medicare, medicaid and prescription), forgery, embezzlement, credit card fraud or misappropriation of funds.

D. Other convictions: This includes a conviction of an offense which, if committed in this state, would be deemed a felony under either state or federal law, without regard to its designation elsewhere. The term "conviction" shall include a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon or an appeal of the conviction has been sought.

E. Mental competency: Having been declared mentally incompetent by a regularly constituted authority within or outside this state.

(1) Any such adjudication shall be grounds for suspension of the license of any such person and shall prevent the reissuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect unless the board, upon a finding that the licensee is mentally competent, orders otherwise.

(2) Any applicant who has been so adjudged to be mentally incompetent shall not receive a license unless the board, upon a finding that the applicant is mentally competent, orders otherwise

F. Scope of conduct: Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Nutrition and Dietetics Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the potentially disqualifying felony convictions listed in Subsection A of this rule.

G. Prohibited disclosure: In connection with an application for licensure or licensure renewal, the board shall not use, distribute, disseminate or admit into evidence at an adjudicatory proceeding any criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;

- (2) a conviction that has been sealed, dismissed, expunged or sealed;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the potentially disqualifying felony criminal convictions listed in Subsection A of this rule.

H. Notice and hearing: If the board reserves approval of an applicant or licensee due to a potentially disqualifying felony criminal conviction, the applicant/licensee will receive notice and opportunity for a hearing. [3/30/1990...8/31/1996; 16.14.3.8 NMAC - Rn, 16 NMAC 14.3.8, 11/22/2005; A, 8/1/2011; A, 2/9/2022]

16.14.3.9 REQUIREMENTS FOR NUTRITIONIST LICENSE:

A. Education requirements: Each applicant for a license as a nutritionist must have one of the following:

- (1) master's degree or doctorate in human nutrition, nutrition education, foods and nutrition, or public health nutrition from a college or university accredited by a member of the council on post-secondary accreditation; or
- (2) valid current evidence of membership in one of the following organizations: American clinical board of nutrition or American society for nutrition.

B. Additional requirements:

- (1) pass an examination related to entry level nutrition practice and nutrition care services which has been approved by the board; or
- (2) be licensed in another state which has standards for licensure not less stringent than those in New Mexico.

C. Documentation: Each applicant for license to practice as a nutritionist must submit the required fees and following documentation:

- (1) completed and signed application;
- (2) official transcript verifying degree required in Paragraph (1) of Subsection A of 16.14.3.9 NMAC, mailed directly from the college or university; or
- (3) proof of membership in the organizations specified in Paragraph (2) of Subsection A of 16.14.3.9 NMAC;
- (4) applicants who are currently, or have previously been, licensed in another state(s) must provide a copy of each license and a verification of license status directly to the board from the state(s) where licensed;
- (5) a background check shall be conducted within past 90 days for initial licenses only

D. Disqualifying convictions: Conviction by a court of competent jurisdiction of any of the following potentially disqualifying felony criminal convictions:

- (1) homicide, involuntary or voluntary manslaughter;
- (2) manufacturing of controlled substances, trafficking in controlled substances or distribution of controlled substances, driving while under the influence of drugs or intoxicating liquor;
- (3) kidnapping, false imprisonment, simple assault, simple battery, aggravated assault or aggravated battery or domestic violence offenses;
- (4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;
- (5) crimes involving adult/elder abuse, neglect, endangerment or financial exploitation;
- (6) crimes involving child abuse or neglect, child endangerment;
- (7) crimes involving robbery, larceny, extortion, burglary, tampering with evidence or receiving stolen property;
- (8) crimes involving fraud (including but not limited to insurance, medicare, medicaid and prescription), forgery, embezzlement, credit card fraud or misappropriation of funds.

E. Other convictions: This includes a conviction of an offense which, if committed in this state, would be deemed a felony under either state or federal law, without regard to its designation elsewhere. The term "conviction" shall include a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon or an appeal of the conviction has been sought.

F. Mental competency: Having been declared mentally incompetent by a regularly constituted authority within or outside this state.

(1) Any such adjudication shall be grounds for suspension of the license of any such person and shall prevent the reissuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect unless the board, upon a finding that the licensee is mentally competent, orders otherwise.

(2) Any applicant who has been so adjudged to be mentally incompetent shall not receive a license unless the board, upon a finding that the applicant is mentally competent, orders otherwise

G. Scope of conduct: Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Nutrition and Dietetics Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the potentially disqualifying felony criminal convictions listed in Subsection A of this rule.

H. Prohibited disclosure: In connection with an application for licensure or licensure renewal, the board shall not use, distribute, disseminate or admit into evidence at an adjudicatory proceeding any criminal records of any of the following:

(1) an arrest not followed by a valid conviction;
(2) a conviction that has been sealed, dismissed, expunged or sealed;
(3) a juvenile adjudication; or
(4) a conviction for any crime other than the potentially disqualifying felony criminal convictions listed in Subsection A of this rule.

I. Notice and hearing: If the board reserves approval of an applicant or licensee due to a potentially disqualifying felony criminal conviction, the applicant/licensee will receive notice and opportunity for a hearing. [3/30/1990...8/31/1996; 16.14.3.9 NMAC - Rn, 16 NMAC 14.3.9, 11/22/2005; A, 8/1/2011; A, 2/9/2022]

16.14.3.10 REQUIREMENTS FOR NUTRITION ASSOCIATE LICENSE:

A. Education requirements: Each applicant for a license as a nutrition associate must have:
(1) a baccalaureate or higher degree from a college or university accredited by a member of the council on post-secondary accreditation; and

(2) completion of the academic requirements that qualify the applicant for an internship or equivalent program as approved by the commission on dietetic registration; and

B. Additional requirements:
(1) pass an examination related to entry level nutrition practice and nutrition care services which has been approved by the board; or
(2) be licensed in another state which has standards for licensure not less stringent than those in New Mexico.

C. Documentation: Each applicant for a license to practice as a nutrition associate must submit the required fees and following documentation:

(1) completed and signed application;
(2) official transcript verifying degree required in Paragraph (1) of Subsection A of 16.14.3.10 NMAC, mailed directly from the college or university; and
(3) American dietetic association verification statement completed by a program director which verifies eligibility for an internship or equivalent program approved by CDR; and
(4) applicants who are currently, or have previously been, licensed in another state(s) must provide a copy of each license and a verification of license status directly to the board from the state(s) where licensed; ~~and~~

(5) completed employment information form documenting supervision by a New Mexico licensed dietitian or nutritionist; documentation is required for subsequent changes in employment or supervision; and

(6) a background check shall be conducted within past 90 days for initial licenses only.

D. Disqualifying convictions: Conviction by a court of competent jurisdiction of any of the following potentially disqualifying felony criminal convictions:

(1) homicide, involuntary or voluntary manslaughter;
(2) manufacturing of controlled substances, trafficking in controlled substances or distribution of controlled substances, driving while under the influence of drugs or intoxicating liquor;
(3) kidnapping, false imprisonment, simple assault, simple battery, aggravated assault or aggravated battery or domestic violence offenses;
(4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;

(5) crimes involving adult/elder abuse, neglect, endangerment or financial exploitation;

(6) crimes involving child abuse or neglect, child endangerment;

(7) crimes involving robbery, larceny, extortion, burglary, tampering with evidence or receiving stolen property.

(8) crimes involving fraud (including but not limited to insurance, medicare, medicaid and prescription), forgery, embezzlement, credit card fraud or misappropriation of funds

E. Other convictions: This includes a conviction of an offense which, if committed in this state, would be deemed a felony under either state or federal law, without regard to its designation elsewhere. The term "conviction" shall include a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon or an appeal of the conviction has been sought.

F. Mental competency: Having been declared mentally incompetent by a regularly constituted authority within or outside this state.

(1) Any such adjudication shall be grounds for suspension of the license of any such person and shall prevent the reissuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect unless the board, upon a finding that the licensee is mentally competent, orders otherwise.

(2) Any applicant who has been so adjudged to be mentally incompetent shall not receive a license unless the board, upon a finding that the applicant is mentally competent, orders otherwise

G. Scope of conduct: Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Nutrition and Dietetics Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the potentially disqualifying felony criminal convictions listed in Subsection A of this rule.

H. Prohibited disclosure: In connection with an application for licensure or licensure renewal, the board shall not use, distribute, disseminate or admit into evidence at an adjudicatory proceeding any criminal records of any of the following:

(1) an arrest not followed by a valid conviction;

(2) a conviction that has been sealed, dismissed, expunged or sealed;

(3) a juvenile adjudication; or

(4) a conviction for any crime other than the potentially disqualifying felony criminal convictions listed in Subsection A of this rule.

I. Notice and hearing: If the board reserves approval of an applicant or licensee due to a potentially disqualifying felony criminal conviction, the applicant/licensee will receive notice and opportunity for a hearing. [3/30/1990...8/31/1996; 16.14.3.10 NMAC - Rn, 16 NMAC 14.3.10, 11/22/2005; A, 8/1/2011; A, 2/9/2022]

16.14.3.11 INITIAL LICENSES AND LICENSE PERIOD:

A. The board shall issue an initial license to an applicant who meets the requirements of the Nutrition and Dietetics Practice Act and has paid the fees required under Part 2. If the applicant fails to pay all required fees within 30 days of notification of board approval, the application shall be deemed withdrawn. The applicant shall then be required to reapply and pay all fees required under Part 2.

B. All licenses will be valid for one year.

(1) The issue date for all initial licenses will be the date payment is received following board approval of the request for licensure.

(2) Each renewal license shall be valid for a period of one year beginning the day after the date of expiration of the license being renewed.

(3) Licenses which lapse and are then reinstated will be valid for one year from the first day of the month following board approval of reinstatement.

(4) New licenses which are issued as the result of a change of licensing category will be valid for one year from the date of issuance of the new license.

C. Applications for registration shall be completed on a form provided by the nutrition and dietetics board.

D. The applicant shall provide a complete application that includes the following information:

(1) Applicant's full name;

(2) current mailing address;

(3) current electronic mail address, if any;

(4) date of birth;

(5) background check, if required; and
(6) proof as described in Subsection C below.
E. The applicant shall provide the following satisfactory evidence as follows:
(1) applicant is currently licensed and in good standing in another jurisdiction, including a branch of the United States armed forces;
(2) applicant has met the minimal licensing requirements in that jurisdiction and the minimal licensing requirements in that jurisdiction are substantially equivalent to the licensing requirements for New Mexico; and
(3) the following documentation:
(a) for military service member: copy of military orders;
(b) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;
(c) for spouses of deceased military service members: copy of decedent's DD 214 and copy of marriage license;
(d) for dependent children of military service members: copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: copy of birth certificate, military service member's federal tax return or other governmental or judicial documentation establishing dependency;
(e) for veterans (retired or separated): copy of DD 214 showing proof of honorable discharge.
F. The license or registration shall be issued by the board as soon as practicable but no later than thirty days after a qualified military service member, spouse, dependent child, or veteran files a complete application and provides a background check if required for a license, and any required fees.
G. Military service members and veterans shall not pay and the board shall not charge a licensing fee for the first three years for a license issued pursuant to this rule.
H. A license issued pursuant to this section shall be valid for the time period that is specified in the Nutrition and Dietetics Act.
[4/7/1993; 16.14.3.11 NMAC - Rn, 16 NMAC 14.3.11, 11/22/2005; A, 2/9/2022]