

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 23 RESPIRATORY CARE PRACTITIONERS**  
**PART 13 EXPANDED PRACTICE**

**16.23.13.1 ISSUING AGENCY:** New Mexico Regulation and Licensing Department in consultation with the Advisory Board of Respiratory Care Practitioners.  
[16.23.13.1 NMAC - Rp, 16.23.13.1 NMAC, 04/21/2022]

**16.23.13.2 SCOPE:** The provisions of Part 13 of Chapter 23 apply to all respiratory care practitioners who intend to practice an expanded scope procedure in a facility; and to the facility that intends to employ a licensed respiratory care practitioner to perform expanded scope procedures.  
[16.23.13.2 NMAC - Rp, 16.23.13.2 NMAC, 04/21/2022]

**16.23.13.3 STATUTORY AUTHORITY:** Part 13 of Chapter 23 is promulgated pursuant to Section 61-12B-6 NMSA 1978.  
[16.23.13.3 NMAC - Rp, 16.23.13.3 NMAC, 04/21/2022]

**16.23.13.4 DURATION:** Permanent.  
[16.23.13.4 NMAC - Rp, 16.23.13.4 NMAC, 04/21/2022]

**16.23.13.5 EFFECTIVE DATE:** April 21, 2022, unless a later date is cited at the end of a section.  
[16.23.13.5 NMAC - Rp, 16.23.13.5 NMAC, 04/21/2022]

**16.23.13.6 OBJECTIVE:** The objective of Part 13 of Chapter 23 is to describe the procedure for gaining department approval for qualified respiratory care practitioners to practice expanded scope procedures.  
[16.23.13.6 NMAC - Rp, 16.23.13.6 NMAC, 04/21/2022]

**16.23.13.7 DEFINITIONS:** All definitions related to this section are in 16.23.1.7 NMAC.  
[16.23.13.7 NMAC - Rp, 16.23.13.7 NMAC, 04/21/2022]

**16.23.13.8 REQUIREMENTS FOR EXPANDED PRACTICE RECOGNITION:** Expanded practice procedures must have the approval of the facility's medical board, and the outcome of initiating the performance of specific expanded practice procedures by respiratory care practitioners should be monitored by the facility. Furthermore, the expanded practice must meet the standard of care in the health care community. In order for a licensed respiratory care practitioner to be permitted to perform expanded practice procedures, the practitioner must meet the following requirements:

- A.** complete a training program in the expanded practice procedure as defined Section 16.23.13.10, and approved by the facility's medical board;
- B.** obtain authorization from the facility to perform, under appropriate medical direction, those expanded practice functions;
- C.** file notice with the board when he or she is approved by the facility to perform procedures that are expanded practice procedures for him or herself; and
- D.** follow the initial training with ongoing competency verification.

[16.23.13.8 NMAC - Rp, 16.23.13.8 NMAC, 04/21/2022]

**16.23.13.9 [RESERVED]**

**16.23.13.10 TRAINING STANDARDS:**

- A.** The level of training and skill verification for the respiratory care practitioner performing in an area of expanded practice will be consistent with the respiratory care practitioner's facility's risk management guidelines and professional accreditation and licensing requirements.
- B.** The level of training and skill verification for a respiratory care practitioner performing in an area of expanded practice will be consistent with professional credentialing standards.

[16.23.13.10 NMAC - Rp, 16.23.13.10 NMAC, 04/21/2022]

**16.23.13.11 DEVELOPMENT OF AN EXPANDED PRACTICE PROCEDURE: [RESERVED]**

[16.23.13.11 NMAC - Rp, 16.23.13.11 NMAC, 04/21/2022]

**16.23.13.12 DEVELOPMENT OF AN APPROVED TRAINING PROGRAM: [RESERVED]**

[16.23.13.12 NMAC - Rp, 16.23.13.12 NMAC, 04/21/2022]

**16.23.13.13 APPROVAL OF TRAINING PROGRAM: [RESERVED]**

[16.23.13.13 NMAC - Rp, 16.23.13.13 NMAC, 04/21/2022]

**16.23.13.14 CONTINUING EDUCATION:**

**A.** Continuing education of expanded practice skills should be consistent with the facility's accreditation requirements.

**B.** Respiratory care practitioners who do not perform the expanded practice approved for them frequently enough to maintain performance at a competent and proficient level shall take refresher training courses consistent with the training standards outlined in 16.23.13.10 NMAC.

[16.23.13.14 NMAC - Rp, 16.23.13.14 NMAC, 04/21/2022]

**16.23.13.15 PENALTIES:**

**A.** Effective July 1, 1998, any respiratory care practitioner who performs expanded practice procedures without valid approval will be subject to penalties as set forth in the Respiratory Care Act and in accordance with those provisions contained in the Uniform Licensing Act.

**B.** Any respiratory care practitioner who intentionally falsifies information to the department or allows false information to be submitted on his or her behalf with regards to expanded practice, will be subject to penalties as set forth in the Respiratory Care Act and in accordance with those provisions contained in the Uniform Licensing Act.

[16.23.13.15 NMAC - Rp, 16.23.13.15 NMAC, 04/21/2022]

**HISTORY OF 16.23.13 NMAC:**

**Pre-NMAC History:** The material in Part 13 was derived from regulations previously filed with the State Records and Archives Center by department name Regulation and Licensing Department, Respiratory Care Advisory Board in rule number, Rule 8, "Expanded Practice," filed on 3/22/1995.

**History of Repealed Material:**

16.23.13 NMAC, "Expanded Practice", filed 12/30/2002 - Repealed 04/21/2022.

**Other History:** Rule 8, "Expanded Practice," filed 03-22-95 was renumbered, reformatted and replaced into first version of the New Mexico Administrative Code as 16 NMAC 23.13, "Expanded Practice", filed on 11/10/1997. 16 NMAC 23.13, "Expanded Practice", filed on 11/10/1997, renumbered and reformatted to 16.23.13 NMAC, "Expanded Practice" effective 1/30/2003.

16.23.13 NMAC, "Expanded Practice", filed 12/30/2002 was replaced by 16.23.13 NMAC, "Expanded Practice", effective 04/21/2022.