

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Examiners for Occupational Therapy (“Board”) has scheduled a rule hearing on Thursday, December 15, 2022, at 9:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to consider the adoption of the rules and address regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, in the Toney Anaya Building’s Rio Grande Conference Room, 2nd floor, located at 2550 Cerrillos Road, Santa Fe, NM 87505, for those desiring to attend in person and via Cisco WebEx Meetings hosted in Santa Fe, New Mexico for those desiring to attend virtually.

To join the meeting online by Cisco WebEx Meeting, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e2479619539263ddec85d2b85216afc88>

Event number: 2493 541 1001

United States: Toll: 1-415-655-0002

Access code: 2493 541 1001

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules:
16.15.2 NMAC – Licensing Requirements
16.15.6 NMAC – Fee Schedule
16.15.7 NMAC – Expedited Licensing Requirements

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/occupational-therapy/ot-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 OccupationalTherapy@state.nm.us or by regular mail at Board of Examiners for Occupational Therapy Rules, P.O. Box 25101, Santa Fe, NM 87504, no later than December 08, 2022. 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/occupational-therapy/ot-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 forms of auxiliary aid or service to attend or participate in the hearing, please contact Bertha Valerio, Board Administrator at (505) 476-4622 or OccupationalTherapy@state.nm.us.

Statutory Authority: Subsection A of Section 61-12A-9 NMSA 1978 of the Occupational Therapy Act, Sections 61-12A-1 to -25 NMSA 1978, specifically authorizes the Board to adopt, file, amend or repeal rules in accordance with the Uniform Licensing Act, Sections 61-1-1 to -37 NMSA 1978, to carry out the provisions of the Occupational Therapy Act. Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act (“ULA”), Sections 61-1-1 to -37 NMSA 1978, require the Board to update its expedited licensure provisions.

Purpose of the Proposed Rules: The proposed amendment/repeal/replacement of the rules is intended to provide greater clarity in existing regulatory and statutory requirements and to generally satisfy the Board’s obligation “to safeguard the public health, safety and welfare” by regulating persons offering occupational therapy services. Section 61-12A-2 NMSA 1978. Several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act. See H.B. 191, 57th Leg., regular session (N.M. 2022) available at <https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of the Proposed Changes:

16.15.2 NMAC – Licensing Requirements

The proposed amendments to this part removes the definition of military service member and to remove the subsection referring to the expedite licensure of military service members to its own subsection. In addition, the annual renewal of licenses removes unnecessary verbiage and details the process for expedited license renewals and fees.

16.15.6 NMAC – Fee Schedule

The proposed amendments to this part adds prorated renewal fees for licensees who may be issued a license for a period that is less than a full calendar year.

16.15.7 NMAC – Expedited Licensing Requirements

The proposed new section adds subsections to comply with the statutory changes to the Occupational Therapy Act and the Uniform Licensing Act regarding expedited licensure by endorsement, including disapproved licensing jurisdictions and modifications to the expedited licensure for military service members, spouses, dependents, and veterans.

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