

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Podiatry will hold a rule hearing on Friday, December 16, 2022, at 9:00 a.m. Following the rule hearing the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, New Mexico, for those desiring to attend in person.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e256dda1d7c5e22ef93fe0f136137a5af>

Meeting (Access) Code: 2496 976 7437

Join by phone: 1-415-655-0002 United States Toll

Access Code: 2496 976 7437

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

16.21.2 NMAC - Fees

16.21.4 NMAC - Expedited Licensure by Reciprocity

16.21.6 NMAC - Licensure for Military Service Members, Spouse and Veterans

16.21.7 NMAC - License Expiration and Renewal

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/podiatry/pod-laws-rules-and-policies/> or contact the New Mexico Board of Acupuncture and Oriental Medicine at (505) 476-4617 or by e-mail at PodiatryBoard@state.nm.us.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Martha Gallegos, Senior Board Administrator, via electronic mail to PodiatryBoard@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, December 15, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/podiatry/pod-board-information/pod-board-meetings/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/podiatry/pod-board-information/pod-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Martha Gallegos, Senior Board Administrator at (505) 476-4617.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Martha Gallegos, Senior Board Administrator (505) 476-4617.

Statutory Authority: Subsection E, Paragraph 2 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to "promulgate, in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Podiatry Act." Subsection E, Paragraph 10 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to "promulgate rules setting standards of preliminary and professional qualifications for the practice of podiatry." Subsection E, Paragraph 11 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to "promulgate rules and prepare and administer examinations for the licensure and regulation of podiatric assistants as are necessary to protect the public." Subsection E, Paragraph

12 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “determine by rule all qualifications and requirements for applicants seeking licensure as podiatrists or podiatric assistants.” Subsection E, Paragraph 13 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “promulgate rules and prepare and administer examinations for applicants seeking licensure as foot and ankle radiation technologists.” In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the Board will accept an applicant for expedited licensure.”

Purpose of 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 certificate holders, and to generally to promote, preserve and protect the public health, safety and welfare. In addition, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act, Sections 61-1-1 through 37 NMSA 1978 and the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.21.2 NMAC - Fees

The proposed changes to Part 2 of the Board’s current rules consist of adding language. In addition to minor non-substantive changes, the new Part 2 provides for license fees for the initial license term of licensees receiving their license pursuant to the provisions for expedited licensure for applicants currently licensed in an eligible jurisdiction.

16.21.4 NMAC - Expedited Licensure by Reciprocity

The proposed changes to Part 4 of the Board’s current rules consist of repealing and replacing existing language. The new Part 4 provides for expedited licensure for applicants currently licensed in an eligible jurisdiction and expedited licensure for military service members, their family members, and veterans. These additions include definitions applicable to Part 8, a listing of disapproved licensing jurisdictions and the reasons therefore, a list of approved foreign jurisdictions, provisions for the requirements of the expedited licensure application for applicants currently licensed in an eligible jurisdiction, and provisions regarding the initial term of an expedited license and its renewal.

16.21.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

The Board proposes to amend 16.21.6 NMAC to reflect the changes required by HB 191 and its amendment of Section 61-1-34 NMSA 1978 of the Uniform Licensing Act and Section 61-8-9 NMSA 1978 of the Podiatry Act. Specifically, the Board proposes to repeal the entirety of this rule as its provisions as amended by HB 191 have been addressed in the Board’s proposed amendments to rule 16.21.4 NMAC.

16.21.7 NMAC - License Expiration and Renewal

The proposed changes to Part 7 of the Board’s current rules are to amend the existing language. In addition to minor non-substantive changes, the proposed amendments to Part 7 allows the initial licensing period for all licensees to extend beyond twelve months but less than twenty-four months in order to providing for syncing individual license renewal to the Board’s annual licensing renewal cycle.