

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The Advisory Board of Respiratory Care Practitioners will hold a rule hearing on Friday, December 9, 2022, at 2:00 p.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The hearing and subsequent meeting may also be accessed virtually via Cisco Webex.

Meeting Link: <https://nmrld.webex.com/nmrld/j.php?MTID=m8ffc78ecca9187ba9cff854a58a6468>

Webex Meeting (Access) Code: 2495 191 6130

or

Join by Phone: +1-415-655-0002

Phone Access Code: 2495 191 6130

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

16.23.1 NMAC - General Provisions

16.23.2 NMAC - Fees

16.23.3 NMAC - Practitioner License Qualifications, Application, Renewal, and Expiration

16.23.4 NMAC - Part 4 will be repealed.

16.23.5 NMAC - Licensure for Military Service Members, Spouses, Dependent Children, and Veterans

Copies of the proposed rule may be obtained through the board website or contacting the Board Administrator through the information below:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/respiratory-care/rc-board-information/rc-board-meetings/>

Nicholas Henderson, Board Administrator

(505) 476-4607 – Board Administrator Direct Line

respiratorycarebd@rld.nm.gov

Written comment will be accepted during the public comment period, up until Friday, December 9, 2022, and may be submitted either by email or by postal mail to the following addresses:

respiratorycarebd@rld.nm.gov

Attn: Advisory Board of Respiratory Care Practitioners

P.O. Box 25101

Santa Fe, NM 87504

Written comments received during the public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing, but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the Board website linked above or by contacting the Board Administrator.

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 the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Regulation and Licensing Act, Sections 9-16-6 NMSA and the Respiratory Care Act, Section 61-12B-6 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Sections 61-1-1 through -including the specific conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board's statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply with the updates to the Uniform Licensing Act and the Board's statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, 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 satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rule includes standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rule is very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board's potential denial of an application for expedited licensure.

The proposed rule also updates expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rule are non-substantive updates to licensing references made to reduce any confusion between the board's other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.