

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 15 OCCUPATIONAL THERAPISTS
PART 7 EXPEDITED LICENSING REQUIREMENTS

16.15.7.1 ISSUING AGENCY: Board of Examiners for Occupational Therapy.
[16.15.7.1 NMAC - N, 6/27/2023]

16.15.7.2 SCOPE: All those individuals who wish to practice occupational therapy in the state of New Mexico.
[16.15.7.2 NMAC - N, 6/27/2023]

16.15.7.3 STATUTORY AUTHORITY: Section 61-12A-6 NMSA 1978.
[16.15.7.3 NMAC - N, 6/27/2023]

16.15.7.4 DURATION: Permanent.
[16.15.7.4 NMAC - N, 6/27/2023]

16.15.7.5 EFFECTIVE DATE: June 27, 2023, unless a later date is cited at the end of a section.
[16.15.7.5 NMAC - N, 6/27/2023]

16.15.7.6 OBJECTIVE: This purpose of this part is to provide for the issuance of expedited licenses pursuant to Section 61-1-31.1 NMSA and 1978 Section 61-1-34 NMSA 1978.
[16.15.7.6 NMAC - N, 6/27/2023]

16.15.7.7 DEFINITIONS:

A. “Eligible jurisdiction” means any state or territory of the United States except those included in the list of disapproved licensing jurisdictions under 16.15.7.8 NMAC of this rule;

B. “Expedited license” means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.

C. “Good standing” means a license is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee under the authority of the license.

D. “Jurisdiction” has the same meaning as defined in Subsection F of Section 61-1-34 NMSA 1978.

E. “Licensing fee” has the same meaning as defined in Subsection E of Paragraph (1) of Section 61-1-34 NMSA 1978.

F. “Military service member” has the same meaning as defined in Subsection E of Paragraph (2) of Section 61-1-34 NMSA 1978.

G. “Qualified applicant” means an applicant who:
(1) Holds a current license in good standing in another jurisdiction, as defined by Section D of 16.15.7.7 NMAC.

(2) Does not have a disqualifying criminal conviction, as defined in Section J of 16.15.2.9 NMAC of the Board’s rules; and

(3) Is not subject to pending disciplinary action in New Mexico.

H. “Veteran” has the same meaning as defined in Section E of Paragraph (3) of Section 61-1-34 NMSA 1978.

[16.15.7.7 NMAC - N, 6/27/2023]

16.15.7.8 EXPEDITED LICENSURE BY ENDORSEMENT; LIST OF DISAPPROVED LICENSING JURISDICTION; REASONS:

A. Applicants for licensure as an occupational therapist licensed in the following territories of the United States shall not be eligible for expedited licensure under Section 61-1-31.1 NMSA:

(1) American Samoa, on the grounds that education and exam requirements cannot be determined for this jurisdiction.

- (2) U.S Virgin Islands, on grounds that this jurisdiction does not regulate this professional.
- B.** Applicants for licensure as an occupational therapy assistant licensed in the following territories of the United States shall not be eligible for expedited licensure Section 61-1-31-1 NMSA:
- (1) American Samoa, on the grounds that this jurisdiction does not regulate this profession.
- (2) U.S Virgin Islands, on the grounds that this jurisdiction does not regulate this profession.
- [16.15.7.8 NMAC - N, 6/27/2023]

16.15.7.9 RESERVED:
[16.15.7.9 NMAC - N, 6/27/2023]

16.15.7.10 EXPEDITED LICENSURE APPLICATION:

- A.** A candidate for expedited licensure must submit to the board a completed application containing all of the following:
- (1) A complete and signed application form;
- (2) Proof of current unrestricted licensure in good standing held by the application in an eligible jurisdiction(s).
- (3) Payment of the required application fee.
- B.** An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of all of the materials, including documentation from third parties, as required by Subsection A of this section.
- C.** Upon receipt of a complete application, the board shall process the application and issue the expedited license to a qualified applicant within 30 days.
- D.** If the applicant has a disqualifying criminal conviction or the board may have other causes to deny the application pursuant to Section 61-12A-22 of the Occupational Therapy Act:
- (1) The matter of the applicant's application shall be submitted to the board for consideration and the action at its next available regular meeting;
- (2) The license may not be issued within 30 days of submission of the complete application :
and
- (3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.
- [16.15.7.10 NMAC - N, 6/27/2023]

16.15.7.11 EXPEDITED LICENSE BY ENDORSEMENT; DURATION AND RENEWAL:

- A.** An expedited license issued to an applicant under this rule shall be valid for one year from the date of issuance, provided that the board may extend the duration of the license beyond one year upon the licensee's showing of extenuating circumstances.
- B.** A licensee holding an expedited license may apply for license renewal in the manner provided by the board's rules pursuant to 16.15.2.13 NMAC and this section. If the licensee holding an expedited license was not required by the licensee's original jurisdiction outside of New Mexico to pass an examination prescribed by the national board for certification in occupational therapy or the board, the licensee shall be required to take and pass an examination prescribed by the national board for certification in occupational therapy or the board, and an examination on the state laws, rules, and regulations that pertain to the practice of occupational therapy in New Mexico as a prerequisite to license renewal pursuant to 16.15.2.7 NMAC of the board's rules.
- C.** Upon renewal, the board shall issue a regular license to a licensee holding an expedited license granted under this rule.
- [16.15.7.11 NMAC - N, 6/27/2023]

16.15.7.12 EXPEDITED LICENSE FOR MILITARY SERVICE MEMBER, SPOUSES AND VETERANS:

- A.** A candidate for expedited licensure must submit to the board a complete application containing all of the following:
- (1) A completed and signed application form;
- (2) Proof of current unrestricted license in good standing held by the applicant in another jurisdiction, including a branch of the United States armed forces;
- (3) Submission of the following documentation:
- (a) for military service member: a 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 members : a copy of decedent's DD 214 and copy of marriage license;

(d) for dependent children of military service members: a copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: a 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), proof of honorable discharge, such as a copy of DD form 214, DD form 215, DD form 256, DD form 257, NGB form 22, military ID card, driver's license or state ID card with a veteran's designation, or other documentation verifying honorable discharge.

B. An expedited license application shall not be deemed complete until the applicant has submitted and the board's staff is in receipt of all of the materials, including documentation from third parties, required by Subsection A.

C. Upon receipt of a complete application, the board's staff process the application and issued expedited license to a qualified applicant within 30 days.

D. If the applicant is not qualified applicant as defined by this rule and has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Subsection 61-12A-22 of the Occupational Therapy Act.

(1) The matter of the applicant's application shall be submitted to the board for consideration and action at its next board meeting;

(2) The license may not be issued within 30 days of submission of the completed application; and

(3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

E. A military service member or veteran who is issued an expedited license shall not be charged any initial licensing fees or renewal fees for the first three years of licensure with the board
[16.15.7.12 NMAC - N, 6/27/2023]

16.15.7.13 EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES, DEPENDENTS AND VETERANS; DURATION AND RENEWAL:

A. An expedited license issued to an applicant under this rule shall be valid for one year from the date of issuance.

B. A licensee holding an expedited license may apply for the license renewal in the manner provided by the board's rules 16.15.2.13 NMAC and this section. If the licensee holding an expedited license was not required by the licensee's original jurisdiction outside of New Mexico to pass an examination prescribed by the national board for certification in occupational therapy or the board, the licensee shall be required to take and pass an examination prescribed by the national board for certification in occupational therapy or the board, and an examination on the state laws, rules and regulations that pertain to the practice of occupational therapy in New Mexico as a prerequisite to license renewal pursuant to 16.15.2.7 NMAC of the board's ruled.

C. Upon renewal, the board shall issue a regular license to a licensee holding an expedited license granted under this rule.
[16.15.7.13 NMAC - N, 6/27/2023]

HISTORY of 16.15.7 NMAC:

Pre-NMAC History: none.

History of the Repealed Material: [RESERVED]

Other History: 16 NMAC 15.7