

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 6 EXPEDITED LICENSING

16.2.6.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine.
[16.2.6.1 NMAC - Rp, 16.2.6.1 NMAC 12/27/2022]

16.2.6.2 SCOPE: All licensees and applicants.
[16.2.6.2 NMAC - Rp, 16.2.6.2 NMAC 12/27/2022]

16.2.6.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8; 61-14A-9; and 61-14A-13 NMSA 1978.
[16.2.6.3 NMAC - Rp, 16.2.6.3 NMAC 12/27/2022]

16.2.6.4 DURATION: Permanent.
[16.2.6.4 NMAC - Rp, 16.2.6.4 NMAC 12/27/2022]

16.2.6.5 EFFECTIVE DATE: December 27, 2022, unless a later date is cited at the end of a section.
[16.2.6.5 NMAC - Rp, 16.2.6.5 NMAC 12/27/2022]

16.2.6.6 OBJECTIVE: The purpose of this part is to provide for the issuance of expedited licenses pursuant to Section 61-1-31.1 NMSA 1978 and Section 61-1-34 NMSA 1978.
[16.2.6.6 NMAC - Rp, 16.2.6.6 NMAC 12/27/2022]

16.2.6.7 DEFINITIONS:

- A. “Eligible jurisdiction”** means:
- (1) any state or territory of the United States except those included in the list of disapproved licensing jurisdictions under 16.2.6.8 NMAC; and
 - (2) any foreign country included under 16.2.6.8 NMAC.
- 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 or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.
- D. “Jurisdiction”** has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.
- E. “Licensing fee”** has the same meaning as defined in Paragraph (1) of Subsection E of Section 61-1-34 NMSA 1978.
- F. “Qualified applicant”** means an applicant who:
- (1) holds a current license in good standing in an eligible jurisdiction, as defined by Subsection A of this rule;
 - (2) does not have a disqualifying criminal conviction, as defined in Paragraph (10) of 16.2.3 NMAC of the board’s rules; and
 - (3) is not subject to pending disciplinary action in New Mexico.
- G. “Veteran”** has the same meaning as defined in Paragraph (3) of Subsection E of Section 61-1-34 NMSA 1978.
[16.2.6.7 NMAC - Rp, 16.2.6.7 NMAC 12/27/2022]

16.2.6.8 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS:

- A.** Applicants for expedited licensure as doctors of oriental medicine licensed in the following states and territories of the United States shall not be eligible or expedited licensure under Section 61-14A-13 NMSA 1978 of the Acupuncture and Oriental Medicine Practice Act (pursuant to the list of disapproved jurisdiction list, below, only four states are unequivocally approved for purposes of expedited licensure, which include Arkansas, Florida, Nevada, and Texas):
- (1) California, on the grounds that it does not recognize the national certification commission for acupuncture and oriental medicine (NCCAOM) examinations or certifications, as it utilizes its own examination, the California acupuncture licensing exam;

(2) Michigan, on the grounds that licensure was not required until 2019 and there were no education or examination requirements for then registered acupuncturists to become licensed through 2024;

(3) Ohio, on the grounds that Ohio no longer licenses oriental medicine professionals and does not allow the use of Chinese herbal medicine by licensed acupuncturists;

(4) Wyoming, on the grounds that licensure was not required prior to 2018, and there were no education or examination requirements consistent with New Mexico's examination requirements, for then registered acupuncturists to become licensed. Further, education requirements cannot be determined to be consistent with New Mexico;

(5) Guam, on the grounds that licensure of acupuncturists is determined based on the licensure an applicant holds in the U.S., and there is no way to determine whether such licensure is consistent with New Mexico other than on a case-by-case basis; and

(6) American Samoa, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Montana, Nebraska, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin, on the grounds that education and licensure examination requirements in these jurisdictions cannot be determined to be consistent with those requirements in New Mexico;

(7) Northern Mariana Islands, on the grounds that education and licensure examination requirements in this jurisdiction cannot be determined to be consistent with those requirements in New Mexico. Further, licensure as an acupuncturist is allowed if an applicant is licensed in one of the U.S. states or territories, and there is no way to determine whether such licensure is consistent with New Mexico other than on a case-by-case basis; and

(8) Unless the applicant holds a current or active oriental medicine certification, or both the acupuncture and chinese herbology certifications, from the NCCAOM, Alaska, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Kansas, Massachusetts, Mississippi, Missouri, New Jersey, and North Dakota, on the grounds that New Mexico required the rigorous NCCAOM oriental medicine certification.

B. An applicant may not apply for expedited licensure on the basis of practice in any jurisdiction that does not license, register, certify, or regulate the practice of acupuncture or oriental medicine, including each of the following:

- (1) Alabama;
- (2) Oklahoma;
- (3) South Dakota;
- (4) Puerto Rico; and
- (5) U.S. Virgin Islands.

[16.2.6.8 NMAC - Rp, 16.2.6.8 NMAC 12/27/2022; A, 10/22/2024]

16.2.6.9 EXPEDITED LICENSURE APPLICATION:

A. A candidate for expedited licensure under Section 61-1-31.1 NMSA 1978 must submit to the board a complete application containing all the following:

- (1) a completed application;
- (2) proof of a current license in good standing from an eligible jurisdiction as defined in these rules;
- (3) pass a written jurisprudence examination on the state laws and rules as required by Paragraph (4) of Subsection A of Section 61-14A-13 NMSA 1978;
- (4) 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 the materials required by Subsection A of 16.2.6.11 NMAC, including documentation from third parties.

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

D. If the applicant has a potentially disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-14A-17 NMSA 1978:

- (1) the matter of the applicant's application shall be submitted to the board for consideration and 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.
[16.2.6.9 NMAC - N, 12/27/2022; A, 10/22/2024]

16.2.6.10 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS:

A. A candidate for expedited licensure under Section 61-1-34 NMSA 1978 must submit to the board, a complete application containing all the following:

- (1) a completed application;
- (2) proof of a current license in good standing from another jurisdiction, including a branch of the United States Armed Forces; and
- (3) Submission of the following documentation:
 - (a) for military service member: 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 service members: copy of decedent's DD214 and copy of marriage license;
 - (d) for dependent children of military service members: 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 board staff is in receipt of all of the materials, including documentation from third parties, required by Subsection A of 16.2.6.11 NMAC.

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

D. If the applicant is not a qualified applicant as defined by this rule and has a potentially disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-14A-7 NMSA 1978:

- (1) the matter of the applicant's application shall be submitted to the board for consideration and 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.

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.
[16.2.6.10 NMAC - N, 12/27/2022; A, 10/22/2024]

16.2.6.11 EXPEDITED LICENSE DURATION AND RENEWAL:

A. An expedited license shall be valid for the same length of time as a regular initial license issued by the board.

B. A licensee holding an expedited license may apply for license renewal in the manner provided by the board's rules. However, if the licensee is not an NCCAOM certified diplomate in oriental medicine or has not passed the NCCAOM in another jurisdiction, the licensee shall be required to take and pass the NCCAOM or become an NCCAOM certified diplomate in oriental medicine prior to renewing the license. Additionally, if the licensee has not passed any additional examinations as required by 16.2.4.10 NMAC, including the New Mexico clinical skills examination, the licensee shall be required to take and pass such examinations prior to renewing the license.

C. Upon renewal, the board shall issue a regular license to a licensee holding an expedited license granted under this rule.

[16.2.6.11 NMAC - N, 12/27/2022, A, 10/22/2024]

History of 16.2.6 NMAC:

Pre-NMAC History: None

History of Repealed Material:

16 NMAC 2.6, Reciprocal Licensing filed 4/16/1999 repealed effective 12/1/2001.

16.2.6 NMAC, Reciprocal Licensing filed 11/1/2001 repealed effective 12/27/2022.

Other:

16.2.6 NMAC, Reciprocal Licensing filed 11/1/2001, replaced by 16.2.6 NMAC, Expedited Licensing effective 12/27/2022.