

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 15 INACTIVE LICENSE

16.2.15.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine.
[16.2.15.1 NMAC - Rp, 16.2.15.1 NMAC, 2/11/2022]

16.2.15.2 SCOPE: All licensed and inactive licensed doctors of oriental medicine.
[16.2.15.2 NMAC - Rp, 16.2.15.2 NMAC, 2/11/2022]

16.2.15.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8, 9 and 15, NMSA 1978.
[16.2.15.3 NMAC - Rp, 16.2.15.3 NMAC, 2/11/2022]

16.2.15.4 DURATION: Permanent.
[16.2.15.4 NMAC - Rp, 16.2.15.4 NMAC, 2/11/2022]

16.2.15.5 EFFECTIVE DATE: February 11, 2022 unless a later date is cited at the end of a section.
[16.2.15.5 NMAC - Rp, 16.2.15.5 NMAC, 2/11/2022]

16.2.15.6 OBJECTIVE: This part defines the requirements for renewal of licenses and the procedures to place an active license on inactive status or to reinstate the license to active status.
[16.2.15.6 NMAC - Rp, 16.2.15.6 NMAC, 2/11/2022]

16.2.15.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC.
[16.2.15.7 NMAC - Rp, 16.2.15.7 NMAC, 2/11/2022]

16.2.15.8 INACTIVE LICENSE GENERAL PROVISIONS: A licensee in good standing is eligible to have his or her license placed on inactive status. A licensee who failed to renew his or her license by July 31st shall renew the license in accordance with the provisions of 16.2.8.10 NMAC, 16.2.8.11 NMAC and 16.2.8.12 NMAC before the licensee can apply for an inactive license.

A. The board will not accept an inactive license application from a licensee who is under investigation for violations of the act or who has an active complaint pending before the board with the exception of an impaired licensee who is participating in a rehabilitation plan approved by the board. Impaired means the inability to practice acupuncture and oriental medicine with reasonable skill and safety to patients as a result of mental illness or habitual or excessive use or abuse of alcohol or drugs as defined in the Controlled Substances Act, Sections 30-31-1 NMSA 1978 et seq.,

B. An inactive licensee shall not practice acupuncture and oriental medicine, as defined in the act, in New Mexico. An inactive licensee shall not represent himself or herself as a doctor of oriental medicine in public statements that include, but are not limited to, paid or unpaid advertising, brochures, printed or copied materials, electronic or digital media, directory listings, personal resumes or curricula vitae, business cards, interviews or comments for use in media, statements in legal proceedings, lectures and public presentations. An inactive licensee shall not teach acupuncture and oriental medicine at an educational program.

C. Providing or offering to provide oriental medical services, engaging in the practice of acupuncture and oriental medicine or teaching acupuncture and oriental medicine at an educational program by an inactive licensee shall be grounds for disciplinary action by the board for unprofessional conduct and potentially for other appropriate reasons pursuant to Section 61-14A-17 NMSA 1978 of the Act and 16.2.12 NMAC.

D. An inactive licensee shall comply with the disciplinary requirements of Section 61-14A-17 NMSA 1978 of the act and 16.2.12 NMAC.
[16.2.15.8 NMAC - Rp, 16.2.15.8 NMAC, 2/11/2022]

16.2.15.9 INACTIVE LICENSE APPLICATION: A licensee in good standing may apply to have his or her license placed on inactive status. Upon submission of complete application for an inactive license that fulfills the requirements listed below, the board shall place the license on inactive status.

A. the administrative fee for inactive license application specified in 16.2.10 NMAC paid in U.S. funds; and

B. complete inactive license application in English that shall include the applicant's name, address, date of birth and social security number, or individual tax identification number;

C. an affidavit provided on the inactive license application form as to whether the applicant since last renewing his or her license with the board:

(1) has been subject to any disciplinary action in any jurisdiction related to the practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, withdrawal or surrender of applicants license, certificate or registration during the pendency of disciplinary proceedings or investigation for potential disciplinary proceedings; or

(2) has been a party to litigation in any jurisdiction related to the applicants practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice; or

(3) is in arrears on a court-ordered child support payment; or

(4) has violated any provision of the act or the rules; and

D. an official license history since last renewing his or her license with the board, which is a certificate from each jurisdiction stating the disciplinary record of the applicant, from each jurisdiction where the applicant has been licensed, certified, registered or legally recognized to practice acupuncture, oriental medicine or any other profession, including other health care professions, in any jurisdiction, pursuant to any authority other than the New Mexico Acupuncture and Oriental Medicine Practice Act; and

E. an affidavit as provided on the inactive license application form stating that the applicant understands that:

(1) an applicant who has been subject to any action or proceeding comprehended by Subsection C of 16.2.15.9 NMAC may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, Section 61-14A-17 NMSA 1978; and subject to the Uniform Licensing Act, Section 61-1-1 NMSA 1978, et seq., and subject to the Criminal Offender Employment Act, Section 28-2-1 NMSA 1978, et seq; and

(2) an applicant who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, Section 61-14A-17 NMSA 1978, and the Uniform Licensing Act, Section 61-1-1, NMSA 1978, et seq.; and

F. an affidavit as provided on the inactive license application form stating that the applicant understands that:

(1) the applicant is responsible for reading, understanding and complying with the state of New Mexico laws and rules regarding this application as well as the practice of acupuncture and oriental medicine; and

(2) the applicant must notify the board within ten days if the applicant's address changes; and

(3) an inactive licensee shall comply with any continuing education requirements established by the board; and

(4) an inactive license shall expire after five years; and

(5) an inactive licensee shall not practice acupuncture and oriental medicine, as defined in the act, in New Mexico; an inactive licensee shall not represent himself or herself as a doctor of oriental medicine in public statements that include, but are not limited to, paid or unpaid advertising, brochures, printed or copied materials, electronic or digital media, directory listings, personal resumes or curricula vitae, business cards, interviews or comments for use in media, statements in legal proceedings, lectures and public presentations; an inactive licensee shall not teach acupuncture and oriental medicine at an educational program; and

(6) providing or offering to provide oriental medical services, engaging in the practice of acupuncture and oriental medicine or teaching acupuncture and oriental medicine at an educational program by an inactive licensee shall be grounds for disciplinary action by the board for unprofessional conduct and potentially for other appropriate reasons pursuant to Section 61-14A-17 NMSA 1978 of the Act and 16.2.12 NMAC; and

(7) an inactive licensee shall comply with the appropriate requirements of Section 61-14A-17 NMSA 1978 of the Act and 16.2.12 NMAC; and

(8) the board will not accept an inactive license application from a licensee who is under investigation for violations of the act or who has an active complaint pending before the board with the exception of an impaired licensee who is participating in a rehabilitation plan approved by the board; and

G. an accurate translation in English of all documents submitted in a foreign language; each translated document shall bear the affidavit of the translator certifying that he or she is competent in both the

language of the document and the English language and that the translation is a true and faithful translation of the foreign language original; each translated document shall also bear the affidavit of the applicant certifying that the translation is a true and faithful translation of the original; each affidavit shall be signed before a notary public; the translation of any document relevant to an application shall be at the expense of the applicant.

[16.2.15.9 NMAC - Rp, 16.2.15.9 NMAC, 2/11/2022; A, 10/22/2024]

16.2.15.10 INACTIVE LICENSE RENEWAL: An inactive license shall be renewed by July 31st of every year. Upon approval of an application for inactive license renewal that fulfills the requirements listed below, the board shall renew the inactive license. The application requirements for inactive license renewal shall be receipt of the following by the board:

- A. the administrative fee for inactive license renewal specified in 16.2.10 NMAC paid in U.S. funds; and
- B. complete inactive license application in English that shall include the applicant's name, address, date of birth and social security number, or individual tax identification number;
- C. an affidavit as provided on the inactive license renewal form stating that the applicant understands that:
 - (1) the applicant must notify the board within ten days if the applicant's address changes; and
 - (2) an inactive license shall expire after five years; and
 - (3) an inactive license must be renewed annually.

[16.2.15.10 NMAC - Rp, 16.2.15.10 NMAC, 2/11/2022; A, 10/22/2024]

16.2.15.11 INACTIVE LICENSE EXPIRATION: An inactive license that is not renewed by September 30 shall expire and the person shall be required to reapply for licensure as a new applicant.

[16.2.15.11 NMAC - Rp, 16.2.15.11 NMAC, 2/11/2022; A, 10/22/2024]

16.2.15.12 INACTIVE LICENSE REINSTATEMENT GENERAL PROVISIONS: An inactive licensee whose license has been inactive for varying periods up to five years may apply to have the inactive license reinstated. The following provisions apply:

- A. applicants for inactive license reinstatement who has been subject to any action or proceeding comprehended by Subsection C of 16.2.15.13 NMAC may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of Section 61-14A-17 NMSA 1978, and subject to the Uniform Licensing Act, Section 61-1-1 NMSA 1978, et seq., and subject to the Criminal Offender Employment Act, Section 28-2-1 NMSA 1978, et seq.;
- B. applicants for inactive license reinstatement who provides the board with false information or makes a false statement to the board may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of Section 61-14A-17 NMSA 1978, and the Uniform Licensing Act, Section 61-1-1 NMSA 1978, et seq.;
- C. the board will not approve an inactive license reinstatement application from an inactive licensee who is under investigation for violations of the act or who has an active complaint pending before the board;
- D. the board will not approve an inactive license reinstatement application from an impaired inactive licensee, or an impaired inactive licensee who is currently participating in a rehabilitation plan approved by the board until the rehabilitation plan is successfully completed. Impaired means the inability to practice acupuncture and oriental medicine with reasonable skill and safety to patients as a result of mental illness or habitual or excessive use or abuse of alcohol or drugs as defined in the Controlled Substances Act, Section 30-31-1 NMSA 1978 et seq.; and
- E. once an inactive license has been reinstated, the licensee may not apply for inactive license status again for five years.

[16.2.15.12 NMAC - Rp, 16.2.15.12 NMAC, 2/11/2022; A, 10/22/2024]

16.2.15.13 INACTIVE LICENSE REINSTATEMENT APPLICATION - 5 YEARS OR LESS: An inactive licensee whose license has been inactive for five years or less may apply to have their license reinstated. Upon approval of an application for inactive license reinstatement that fulfills the requirements listed below, the board shall reinstate the inactive license. The application requirements for inactive license reinstatement shall be receipt of the following by the board:

- A. the administrative fee for inactive license reinstatement application specified in 16.2.10 NMAC paid by check or money order in U.S. funds;

B. an inactive license reinstatement application that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth and social security number;

C. an affidavit as provided on the inactive license reinstatement application form as to whether the applicant since last renewing his license with the board:

(1) has been subject to any disciplinary action in any jurisdiction related to the practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, withdrawal or surrender of applicants license, certificate or registration during the pendency of disciplinary proceedings or investigation for potential disciplinary proceedings;

(2) has been a party to litigation in any jurisdiction related to the applicants practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice;

(3) is in arrears on a court-ordered child support payment; or

(4) has violated any provision of the act or the rules;

D. an official license history since last renewing his or her license with the board, which is a certificate from each jurisdiction stating the disciplinary record of the applicant, from each jurisdiction where the applicant has been licensed, certified, registered or legally recognized to practice acupuncture, oriental medicine or any other profession, including other health care professions, in any jurisdiction, pursuant to any authority other than the New Mexico Acupuncture and Oriental Medicine Practice Act;

E. an affidavit as provided on the inactive license renewal application form stating that the applicant understands that:

(1) an applicant who has been subject to any action or proceeding comprehended by Subsection C of 16.2.15.13 NMAC may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, Section 61-14A-17 NMSA 1978; and subject to the Uniform Licensing Act, Section 61-1-1 NMSA 1978, et seq., and subject to the Criminal Offender Employment Act, Section 28-2-1 NMSA 1978, et seq; and

(2) an applicant who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, Section 61-14A-17 NMSA 1978, and the Uniform Licensing Act, Section 61-1-1 NMSA 1978 et seq.;

F. an affidavit as provided on the inactive license renewal application form stating that the applicant understands that:

(1) the applicant is responsible for reading, understanding and complying with the state of New Mexico laws and rules regarding this application as well as the practice of acupuncture and oriental medicine;

(2) the applicant must notify the board within 10 days if the applicant's address changes; and

(3) the applicant shall not practice acupuncture and oriental medicine in New Mexico until the applicant receives a new active license issued by the board except as provided in Paragraph (2) of Subsection B of 16.2.15.14 NMAC or Paragraph (2) of Subsection D of 16.2.15.15 NMAC;

G. an accurate translation in English of all documents submitted in a foreign language; each translated document shall bear the affidavit of the translator certifying that he or she is competent in both the language of the document and the English language and that the translation is a true and faithful translation of the foreign language original; each translated document shall also bear the affidavit of the applicant certifying that the translation is a true and faithful translation of the original; each affidavit shall be signed before a notary public; the translation of any document relevant to an application shall be at the expense of the applicant; and

H. satisfactory proof as determined by the board of completion of any continuing education requirements established by the board for all years the license was on inactive status.

[16.2.15.13 NMAC - Rp, 16.2.15.13 NMAC, 2/11/2022]

16.2.15.14 INACTIVE LICENSE EXPIRATION: An inactive license that has been inactive for more than five years shall expire and the person who was previously licensed shall be required to apply as a new applicant.

[16.2.15.16 NMAC - Rp, 16.2.15.16 NMAC, 2/11/2022, Rn and A, 10/22/2024]

16.2.15.15 [RESERVED]

16.2.15.16 [RESERVED]

History of 16.2.15 NMAC:

Pre-NMAC History: None

History of Repealed Material:

16.2.15 NMAC, Acupuncture and Oriental Medicine Practitioners - Inactive License (filed 1/11/2005) Repealed 2/11/2022.

Other History:

16.2.15 NMAC, Acupuncture and Oriental Medicine Practitioners - Inactive License (filed 1/11/2005) was Replaced by 16.2.15 NMAC, Acupuncture and Oriental Medicine Practitioners - Inactive License effective 2/11/2022.