

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 3 ATHLETIC TRAINERS
PART 4 LICENSURE BY EXAMINATION

16.3.4.1 ISSUING AGENCY: Regulation and Licensing Department New Mexico Athletic Trainers Practice Board Post Office Box 25101 Santa Fe, New Mexico 87504.
[1/16/2000; 16.3.4.1 NMAC - Rn, 16 NMAC 3.4.1, 8/16/2001]

16.3.4.2 SCOPE: All individuals who wish to apply to practice the profession of athletic training in the state of New Mexico.
[1/16/2000; 16.3.4.2 NMAC - Rn, 16 NMAC 3.4.2, 8/16/2001]

16.3.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Athletic Trainers Practice Act, Section 61-14D-1 to 61-14D-19 NMSA 1978.
[1/16/2000; 16.3.4.3 NMAC - Rn, 16 NMAC 3.4.3, 8/16/2001]

16.3.4.4 DURATION: Permanent
[1/16/2000; 16.3.4.4 NMAC - Rn, 16 NMAC 3.4.4, 8/16/2001]

16.3.4.5 EFFECTIVE DATE: January 16, 2000, unless a later date is cited at the end of a section.
[1/16/2000; 16.3.4.5 NMAC - Rn, 16 NMAC 3.4.5, 8/16/2001; A, 11/23/2006]

16.3.4.6 OBJECTIVE: Outlines and details requirements for individuals applying for licensure in the state of New Mexico.
[1/16/2000; 16.3.4.6 NMAC - Rn, 16 NMAC 3.4.6, 8/16/2001]

16.3.4.7 DEFINITIONS: [RESERVED]

16.3.4.8 APPLICANTS FOR LICENSURE BY EXAMINATION: Applicants for licensure by examination must possess the following qualifications and provide the required documentation with the application.

- A.** Application for licensure shall be made on forms prescribed by the board.
- (1) Completed application signed and dated.
 - (2) Applications must be accompanied by the required fee, which shall be non-refundable.
 - (3) Education requirements: holds a baccalaureate degree.
 - (4) Current BOC certification.
 - (5) Current competence in cardiopulmonary resuscitation (CPR) and; use of automated electrical defibrillator units (AED).
- B.** Documentation required for licensure:
- (1) completed application;
 - (2) one hundred twenty-five (\$125.00) application fee (non-refundable);
 - (4) proof of current BOC certification;
 - (5) proof of current competence in CPR and; use of AED;
 - (6) demonstrates professional competence by satisfactorily passing the New Mexico jurisprudence examination; and
 - (7) demonstrates professional competency by satisfactorily passing the BOC examination;
- and
- (8) proof of disqualifying criminal convictions as provided in 16.3.4.9 NMAC, if applicable.
- C.** Each applicant must, in addition to the other requirements, pass an examination on the New Mexico laws and regulations pertaining to the practice of athletic training before an initial license may be issued (jurisprudence examination).
[1/16/2000; 16.3.4.8 NMAC - Rn & A, 16 NMAC 3.4.8, 8/16/2001; A, 11/23/2006; A, 12/24/2021; A, 12/30/2022]

16.3.4.9 CRIMINAL CONVICTIONS:

A. Felony convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or a licensee from retaining a license issued by the board:

- (1) homicide or manslaughter;
 - (2) trafficking, or trafficking in controlled substances;
 - (3) kidnapping, false imprisonment, aggravated assault or aggravated battery;
 - (4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;
 - (5) crimes involving adult abuse, neglect or financial exploitation;
 - (6) crimes involving child abuse, neglect or abandonment;
 - (7) crimes involving robbery, larceny, extortion, burglary, bribery, fraud, forgery, embezzlement, credit card fraud, commercial gambling or receiving stolen property;
 - (8) practicing medicine without a license;
 - (9) failure to comply with a proclamation of the governor;
 - (10) harboring or aiding a felon, tampering with evidence, or tampering with public documents;
 - (11) possession of a controlled substance, violations of the administrative provisions of the Controlled Substance Act, or engaging in other acts prohibited by the Controlled Substance Act;
 - (12) delivering drug paraphernalia to a person under eighteen years of age and who is at least three years the person's junior;
 - (13) intentionally selling an imitation controlled substance to a person under the age of eighteen years;
 - (14) manufacturing, distributing or possessing with intent to distribute an imitation controlled substance;
 - (15) falsification of documents in connection with the Medicaid Fraud Act, failure to retain records in connection with the Medicaid Fraud Act, or obstruction of investigation in connection with the Medicaid Fraud Act;
 - (16) willfully or knowingly failing to comply with the registration or verification requirements of the Sex Offender Registration and Notification Act;
 - (17) willfully or knowingly providing false information when complying with the registration or verification requirements of the Sex Offender Registration and Notification Act;
 - (18) selling or giving alcoholic beverages to minors;
 - (19) giving false testimony or information as to any matter material to an examination by the Superintendent of Insurance; or
 - (20) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.
- B.** The board shall not consider the fact of a criminal conviction as part of an application for licensure or licensure renewal unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this section.
- C.** The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this section.
- D.** Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Athletic Trainer Practice Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this section.
- E.** In connection with an application for licensure or licensure renewal, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:
- (1) an arrest not followed by a valid conviction;
 - (2) a conviction that has been sealed, dismissed, expunged or pardoned;
 - (3) a juvenile adjudication; or
 - (4) a conviction for any crime other than the disqualifying criminal convictions listed in Subsection A of this section.

[16.3.4.9 NMAC – N, 12/24/2021]

HISTORY OF 16.3.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives Under: HED 84-4 (HSD), Regulations Governing The Athletic Trainers Act, filed 7-11-84; AT-01-88,

Regulations Governing The Athletic Trainers Act, filed 9/19/1988; AT-01-89, Regulations Governing The Athletic Trainers Act, filed 7/11/1989; Rule 91-5, Qualifications For Licensure, filed 8/30/1991; Rule 4, Initial Licensing Requirements, filed 2/3/1994; Rule 91-7, Application Procedure, filed 8/30/1991.

HISTORY OF REPEALED MATERIAL: [RESERVED]