

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 7 MASSAGE THERAPISTS
PART 8 EXPEDITED LICENSURE BY CREDENTIAL

16.7.8.1 ISSUING AGENCY: New Mexico Massage Therapy Board.
[16.7.8.1 NMAC - Rp, 16.7.8.1 NMAC, 03/14/2023]

16.7.8.2 SCOPE: The provisions in Part 8 of Chapter 7 apply to all applicants for expedited licensure, also referred to as expedited licensure by credentials in Section 61-12C-16 NMSA 1978.
[16.7.8.1 NMAC - Rp, 16.7.8.1 NMAC, 03/14/2023]

16.7.8.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Massage Therapy Practice Act, Sections 61-12C-1 to -28 NMSA 1978.
[16.7.8.3 NMAC - Rp, 16.7.8.3 NMAC, 03/14/2023]

16.7.8.4 DURATION: Permanent.
[16.7.8.4 NMAC - Rp, 16.7.8.4 NMAC, 03/14/2023]

16.7.8.5 EFFECTIVE DATE: March 14, 2023, unless a later date is cited at the end of a section.
[16.7.8.5 NMAC - Rp, 16.7.8.5 NMAC, 03/14/2023]

16.7.8.6 OBJECTIVE: The objective of Part 8 is to promote, preserve and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited licensure.
[16.7.8.6 NMAC - Rp, 16.7.8.6 NMAC, 03/14/2023]

16.7.8.7 DEFINITIONS:

A. “Eligible jurisdiction” means any state or territory of the United States except those included in the list of disapproved licensing jurisdictions in 16.7.8.8 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 61-1-34 NMSA 1978.

F. “Military service member” has the same meaning as defined in Paragraph (2) Subsection E 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, provided that an applicant who is not a military service member or veteran must hold a current license in good standing in an eligible jurisdiction;

(2) does not have a disqualifying criminal conviction, as defined 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 Paragraph (3) of Subsection E of Section 61-1-34 NMSA 1978.

[16.7.8.7 NMAC - Rp, 16.7.8.7 NMAC, 03/14/2023]

16.7.8.8 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS:

A. Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure under Section 61-12C-16 NMSA 1978 of the Massage Therapy Practice Act:

(1) U.S. Virgin Islands, on the grounds that the board cannot determine the education and training requirements for this jurisdiction; and

(2) Vermont, on the grounds that this jurisdiction does not impose educational or examination requirements.

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

- (1) American Samoa;
- (2) California;
- (3) Guam;
- (4) Kansas;
- (5) Minnesota;
- (6) Northern Mariana Islands;
- (7) Wyoming.

[16.7.8.8 NMAC - Rp, 16.7.8.8 NMAC, 03/14/2023]

16.7.8.9 [RESERVED]

16.7.8.10 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 of the following:

- (1) a completed and signed application form;
- (2) proof of current licensure in an eligible jurisdiction as defined in these rules;
- (3) certificate of good standing for the license held by the applicant in an eligible

jurisdiction; and

- (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 of the materials required by Subsection A of 16.7.8.10 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 disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-12C-24.1 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.

[16.7.8.10 NMAC - N, 03/14/2023]

16.7.8.11 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 of the following:

- (1) a completed and signed application form;
- (2) proof of current licensure in another jurisdiction;
- (3) certificate of good standing for the license held by the applicant in another jurisdiction, including a branch of the United States armed forces;
- (4) 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 service members: 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, a 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 required by subsection A, 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 disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-12C-24.1 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 a licensing fee for the first three years of licensure with the board.

[16.7.8.11 NMAC - N, 03/14/2023]

16.7.8.12 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, provided that, upon renewal, the licensee must also satisfy the following examination requirements:

(1) The licensee shall be required to pass the New Mexico jurisprudence examination.

(2) If the licensee holding an expedited license was not required by the licensee's original jurisdiction outside of New Mexico to pass the MBLEx, NCETM, or NCETMB, the licensee shall be required to pass one of these three examinations as a prerequisite to license renewal.

C. Upon renewal, the board shall issue a regular license to a licensee holding an expedited license issued pursuant to these rules.

[16.7.8.12 NMAC - N, 03/14/2023]

HISTORY OF 16.7.8 NMAC: [RESERVED]

History of Repealed Material: 16.7.8 NMAC - Massage Therapists - Expedited Licensure filed 3/17/2015, Repealed effective 03/14/2023.

Other History: 16.7.8 NMAC - Massage Therapists - Expedited Licensure filed 3/17/2015, was replaced by 16.7.8 NMAC - Massage Therapists - Expedited Licensure effective 03/14/2023.