

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 4 TEMPORARY LICENSES

16.20.4.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997; 16.20.4.1 NMAC - Rn & A, 16 NMAC 20.4.1, 8/31/2000]

16.20.4.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997; 16.20.4.2 NMAC - Rn & A, 16 NMAC 20.4.2, 8/31/2000]

16.20.4.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[3/29/1983 . . . 11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997; 16.20.4.3 NMAC - Rn, 16 NMAC 20.4.3, 8/31/2000]

16.20.4.4 DURATION: Permanent.
[11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997; 16.20.4.4 NMAC - Rn, 16 NMAC 20.4.4, 8/31/2000]

16.20.4.5 EFFECTIVE DATE: November 30, 1995, unless a later date is cited at the end of a section.
[3/29/1983 . . . 11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997; A, 10/15/1997; 16.20.4.5 NMAC - Rn & A, 16 NMAC 20.4.5, 8/31/2000]

16.20.4.6 OBJECTIVE: The objective of Part 4 of Chapter 20 is to establish regulations for applicants applying for a temporary license to practice as a physical therapist or physical therapist assistant.
[11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997; A, 10/15/1997; 16.20.4.6 NMAC - Rn, 16 NMAC 20.4.6, 8/31/2000]

16.20.4.7 DEFINITIONS:

A. “On-site” means a physical therapist shall be continuously present in the same building where the assistive personnel are performing services.

B. “NPTE” means the national physical therapy examination.
[Rn, 16 NMAC 20.5, 10/15/1997; 16.20.4.7 NMAC - Rn & A, 16 NMAC 20.4.7, 8/31/2000]

16.20.4.8 TEMPORARY LICENSES FOR U.S. TRAINED APPLICANTS:

A. Upon receipt of an application form which evidences satisfactory completion of all application requirements for licensure as provided in Section 61-12-10 NMSA 1978, of the Physical Therapy Act except passage of the NPTE, the registrar of the board may issue to the applicant a non-renewable temporary license to practice physical therapy in New Mexico.

B. Under no circumstance will the non-renewable temporary license be valid for a period longer than 180 days.

C. Issuance of a temporary license may be denied if:
(1) the applicant has worked as a physical therapist or physical therapist assistant without a license in New Mexico;

(2) the applicant has violated the New Mexico physical therapy and physical therapist assistant code of ethics.

(3) the applicant has failed the licensure examination in any state.

D. The holder of a temporary license **must** sit for the NPTE within 180 days after issuance of the temporary license. Failure to sit for the examination within 180 days automatically voids the temporary license. Where the holder of the temporary license is a foreign national, the 180 days begin to run once the foreign national has entered the United States.

E. The holder of a temporary license may work only under the direct supervision of a New Mexico unrestricted licensed physical therapist who is on-site. The supervising physical therapist may **not** hold a temporary license. The supervising physical therapist shall be licensed in New Mexico with a minimum of six months experience in a clinical setting. Prior to the issuance of an applicant’s temporary license, the supervising physical therapist shall file with the board a written statement assuming full responsibility for the temporary licensee’s professional activities. Filing is effective upon receipt by the board. This statement shall remain in effect until licensure of the temporary licensee, or until expiration of the temporary license.

F. The temporary licensee may not provide physical therapy services until the temporary license is received and is posted in a conspicuous place at the temporary licensee’s principle place of practice.

G. No supervising physical therapist shall be responsible for the simultaneous supervision of more than two temporary licensees.

H. The supervising physical therapist shall co-sign all evaluations, progress notes, and discharge summaries written by the temporary licensee.

I. The temporary license shall state the name and address of the licensee's place of employment. Should the place of employment or the employer change during the period of temporary licensure, the temporary licensee **must** notify the board of any such change within five workdays of termination of employment. A new temporary supervisory form from the new employer will be required before a revised temporary license is issued. The board will issue a revised temporary license as per the fee schedule as set forth in 16.20.5 NMAC, for each issuance; however, the date of issue and expiration will remain the same as the first temporary license.

J. The temporary supervisory form may be obtained from the board office.
[03-29-83; 2/191988; 08-01-89; 09-03-92; 02-01-95; Rn & A, 16 NMAC 20.4, 10/15/1997; 16.20.4.8 NMAC - Rn & A, 16 NMAC 20.4.8, 8/31/2000; A, 03-02-06; A, 01-12-08; A, 08-01-09; A, 08-16-10; A, 09-30-14]

16.20.4.9 TEMPORARY LICENSES FOR FOREIGN-TRAINED APPLICANTS: Foreign-trained applicants for temporary licenses must fulfill all application requirements provided in 16.20.3 NMAC, "Issuance of Licenses" and 16.20.9 NMAC, "Education Criteria for Foreign-Educated Applicants", and subject to the requirements of 16.20.4.8 NMAC, "Temporary Licenses for U.S. Trained Applicants".

[3/291983; 2/191988; 8/1/1989; 9/3/1992; 6/4/1994; 9/30/1995; 11/30/1995; Rn, 16 NMAC 20.5, 10/15/1997, 10/15/1997; 16.20.4.9 NMAC - Rn, 16 NMAC 20.4.9, 8/31/2000; A, 3/2/2006; A, 8/1/2009]

16.20.4.10 TEMPORARY LICENSES FOR PT'S OR PTA'S TEACHING AN EDUCATIONAL SEMINAR:

A. Completion of an instructor license application and pay the non-refundable application fee as provided in Part 5.

B. The instructing physical therapist must provide the board with proof of a valid current license from the state in which they are currently practicing. This verification of licensure must be received by the New Mexico board directly from the state board where the instructing therapist is licensed.

C. A temporary license may not be used to practice physical therapy for any other purposes than for the continuing education program for which it was issued.

D. This section applies only to educational seminars which include hands-on demonstrations.

E. A temporary license for an instructor shall only be valid through the end of the calendar year in which the license is issued.

[10/15/1997; 16.20.4.10 NMAC - Rn & A, 16 NMAC 20.4.10, 8/31/2000; A, 3/2/2006; A, 8/16/2010; A, 7/28/2019]

HISTORY of 16.20.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records, state records center and archives:

Rule 83-1, Temporary Licenses, filed 3/29/1983;
Rule 88-1, Temporary (Interim) Licenses, filed 2/19/1988;
Rule 89-1, Temporary (Interim) Licenses, filed 8/1/1989;
Rule 91-1, Temporary (Interim) Licenses, filed 5/8/1991;
Rule 92-1, Temporary (Interim) Licenses, filed 9/3/1992;
Rule 94-1, Temporary (Interim) Licenses, filed 6/3/1994;
Rule 95-1, Temporary (Interim) Licenses, filed 2/1/1995;
Rule 95-1, Temporary (Interim) Licenses, filed 7/28/1995;
Rule 95-1, Temporary (Interim) Licenses, filed 9/18/1995.

History of the Repealed Material: [Reserved]

Other History:

Rule 95-1, Temporary (Interim) Licenses (filed 9/18/1995) was renumbered, reformatted and amended to 16 NMAC 20.5, Temporary (Interim) Licenses, effective 11/30/1995.

16 NMAC 20.5, Temporary (Interim) Licenses (filed 11/17/1995) was renumbered and amended to 16 NMAC 20.4, Temporary (Interim) Licenses, effective 10/15/1997.

16 NMAC 20.4, Temporary (Interim) Licenses (filed 9/30/1997) was renumbered, reformatted, and amended to

16.20.4 NMAC, Temporary Licenses, effective 8/31/2000.