

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 23 RESPIRATORY CARE PRACTITIONERS
PART 3 PRACTITIONER LICENSE QUALIFICATIONS, APPLICATION, RENEWAL, AND EXPIRATION

16.23.3.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department in consultation with the Advisory Board of Respiratory Care Practitioners.
[16.23.3.1 NMAC - Rp, 16.23.3.1 NMAC, 6/27/2023]

16.23.3.2 SCOPE: The provisions of Part 3 of Chapter 23 apply to all persons applying to the board for a license to practice respiratory care in New Mexico.
[16.23.3.2 NMAC - Rp, 16.23.3.2 NMAC, 6/27/2023]

16.23.3.3 STATUTORY AUTHORITY: Part 3 of Chapter 23 is promulgated pursuant to the Respiratory Care Act, Section 61-12B-6 NMSA 1978.
[16.23.3.3 NMAC - Rp, 16.23.3.3 NMAC, 6/27/2023]

16.23.3.4 DURATION: Permanent.
[16.23.3.4 NMAC - Rp, 16.23.3.4 NMAC, 6/27/2023]

16.23.3.5 EFFECTIVE DATE: June 27, 2023, unless a later date is cited at the end of a section.
[16.23.3.5 NMAC - Rp, 16.23.3.5 NMAC, 6/27/2023]

16.23.3.6 OBJECTIVE: The objective of Part 3 of Chapter 23 is to establish the required qualifications necessary for licensure as a respiratory care practitioner.
[16.23.3.6 NMAC - Rp, 16.23.3.6 NMAC, 6/27/2023]

16.23.3.7 DEFINITIONS: All definitions related to this section are in 16.23.1.7 NMAC.
[16.23.3.7 NMAC - Rp, 16.23.3.7 NMAC, 6/27/2023]

16.23.3.8 LICENSE REQUIRED TO PRACTICE: The applicant may not engage in the practice of respiratory care in New Mexico until approval for licensure has been given, and the department has issued an initial license. The applicant may not represent or hold him or herself out to be a respiratory care practitioner or RCP without a valid license.
[16.23.3.8 NMAC - Rp, 16.23.3.8 NMAC, 6/27/2023]

16.23.3.9 INITIAL LICENSURE REQUIREMENTS: The board only recognizes accreditation by the commission on accreditation for respiratory care (CoARC) or its successor approval body. All references to the national board examinations in this part are to the national board for respiratory care, (NBRC) examination. In accordance with Section 61-12B-7 and Section 61-12B-8, NMSA 1978, and the qualifications set forth therein, the applicant must provide verification of the following:

- A. successful completion of an accredited respiratory care education program;
- B. proof of passing the NBRC examination resulting in credentialing as a registered respiratory therapist or RRT and maintaining a current RRT credential; or
- C. Applicants for licensure must provide the following items of documentation to the department:
 - (1) A complete application provided by the board.
 - (2) A copy of an official transcript, certificate or diploma showing completion of an approved respiratory care program, or a letter sent directly from the program director prior to matriculation.
 - (3) A copy of one of the following documents from the NBRC:
 - (a) identification card from the NBRC confirming that the applicant holds a current RRT credential; or
 - (b) the examination results showing successful passing of the NBRC, RRT examination if the applicant has not yet received the NBRC certificate;
 - (c) a verification letter from the NBRC showing CRT (prior to January 1, of 2018 in New Mexico or another United States jurisdiction), or RRT credential;
 - (4) Payment of any applicable fee set forth in 16.23.2.8 NMAC.

(5) Verification of licensure, to include any disciplinary history, by all jurisdictions where the applicant is or has ever been licensed.

(6) Jurisprudence examination with a passing score of seventy-five percent or higher. Each applicant will be afforded three opportunities to pass the exam. If the applicant has not achieved a passing score after three attempts, the applicant must wait three months before attempting to retake the exam.

D. If applicable, those returning to the field and are applying for new licensure shall meet the requirements set in this rule.

E. After the above listed documentation has been reviewed and approved by the department, in consultation with the board, the applicant will be issued a respiratory care practitioner's license valid until September 30 of the next odd numbered year.

[16.23.3.9 NMAC - Rp, 16.23.3.9 NMAC, 6/27/2023, A, 12/10/2024]

16.23.3.10 INITIAL LICENSE TERM AND EXPIRATION DATE:

A. Initial regular licenses, including initial licenses issued to applicants for expedited licensure, shall be issued for an initial term until September 30 of the next odd numbered year.

B. No initial license, except for provisional license, shall be issued for less than 12 months.
[16.23.3.10 NMAC - N, 6/27/2023]

16.23.3.11 REQUIREMENTS FOR UPGRADING LICENSE TYPE: Respiratory therapists wanting to upgrade their license type from CRT to RRT must complete an application and submit the required fee.

[16.23.3.11 NMAC - Rp, 16.23.3.11 NMAC, 6/27/2023]

16.23.3.12 ELECTRONIC SIGNATURES: Electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through 14-16-21 NMSA 1978.

[16.23.3.12 NMAC - Rp, 16.23.3.12 NMAC, 6/27/2023]

16.23.3.13 [RESERVED]

[16.23.3.13 NMAC - Repealed, 6/27/2023]

16.23.3.14 VERIFICATION OF LICENSURE TO EMPLOYER: A copy of the initial license and any subsequent renewal licenses must be kept on file with the licensee's employer.

[16.23.3.14 NMAC - Rp 16.23.3.14 NMAC, 6/27/2023]

16.23.3.15 PRACTITIONER LICENSE EXPIRATION DATE: Respiratory care practitioner licenses expire on September 30 of each odd-numbered year.

[16.23.3.15 NMAC - Rp, 16.23.3.15 NMAC, 6/27/2023]

16.23.3.16 RENEWAL OF PRACTITIONER LICENSE, NOTIFICATION: No less than 45 days prior to the license expiration date, notices and renewal applications will be mailed to the licensee at the address on file with the department.

A. Failure to receive the renewal application notice will not relieve the licensee of the responsibility of renewing the license by the expiration date.

B. It is the licensee's responsibility to request a renewal application if one has not been received.

C. Practitioner licenses shall be renewed by the department, in consultation with the board, only upon receipt of the following:

- (1) a completed renewal application;
- (2) certification of continuing education requirements; and
- (3) proof of current national board of respiratory care (NBRC) credential;
- (4) payment of any applicable fee.

D. Expedited license renewals and fees are issued pursuant to 16.23.5.NMAC.

[16.23.3.16 NMAC - Rp, 16.23.3.16 NMAC, 6/27/2023]

16.23.3.17 RENEWAL DEADLINE: The deadline for renewal of current respiratory care practitioner licenses is September 30 of each odd-numbered year.

A. **September 30 postmark requirement.** Completed renewal applications must be completed on-line on or before September 30 of the renewal year.

- B. Application rejected.** Incomplete renewal applications will be rejected by the board.
- C. Late renewal.** Any renewal application received after September 30 of the renewal year, is expired and must be accompanied by the fee required for reactivation.
[16.23.3.17 NMAC - Rp, 16.23.3.17 NMAC, 6/27/2023, A, 12/10/2024]

16.23.3.18 LICENSE EXPIRATION:

- A.** Respiratory care licenses not renewed by the end of the renewal year will be expired and invalid.
- B.** Official notification of license expiration may be sent via electronic mail to the last address on file with the department.
- C.** A person continuing to practice without a valid license is in violation of Section 61-12B-4 NMSA of the Respiratory Care Act and may be guilty of a misdemeanor. The department may seek civil action against the violator in accordance with Section 61-12B-15 NMSA 1978.
[16.23.3.18 NMAC - Rp, 16.23.3.18 NMAC, 6/27/2023]

HISTORY OF 16.23.3 NMAC:

PRE-NMAC HISTORY: The material in PART 3 was derived from regulations previously filed with the State Records Center and Archives by former department name Health and Environment Department, rule numbers, HED-85-1 (HSD), “Regulations Governing the Respiratory Care Act,” filed 1/22/1985; HED-87-3 (HSD), “Regulations Governing the Respiratory Care Act,” filed 5/11/1987; by department name Regulation & Licensing Department, former division name, Boards & Commissions Division rule number BCD 87-3, “Regulations Governing the Respiratory Care Act,” filed 12/10/1987; and by department name Regulation and Licensing Department, Respiratory Care Advisory Board rule numbers, Rule 91-2, “Qualifications for Practitioner Licenses,” filed 8/20/1991 and Rule 2, “Qualification for Practitioner License,” filed 03/22/1995.

HISTORY OF THE REPEALED MATERIAL:

16.23.3 NMAC, “Qualifications for Practitioner License”, filed 12/30/2002 - Repealed effective 7/15/2017.
16.23.3 NMAC, “Qualifications for Practitioner License”, filed 6/15/2019 - Repealed effective 4/21/2022.
16.23.3 NMAC, Practitioner License Qualifications, Application, Renewal, and Expiration, filed 3/10/2022 - Repealed effective 6/27/2023.

Other History: Rule 2, “Qualification for Practitioner License,” filed 3/22/1995 was renumbered, reformatted and replaced into first version of the New Mexico Administrative Code as 16 NMAC 23.3, “Qualifications for Practitioner License”, filed 11/10/1997.

16 NMAC 23.3, “Qualifications for Practitioner License”, filed 11/10/1997, renumbered and reformatted to 16.23.3 NMAC, “Qualifications for Practitioner License”, effective 1/30/2003.

16.23.3 NMAC, “Qualifications for Practitioner License”, (filed 12/30/2002) was replaced by 16.23.3 NMAC, “Qualifications for Practitioner License”, effective 7/15/2017.

16.23.3 NMAC, “Qualifications for Practitioner License (filed 06/15/2019) was replaced by 16.23.3 NMAC, Practitioner License Qualifications, Application, Renewal, and Expiration, effective 4/21/2022.

16.23.3 NMAC, Practitioner License Qualifications, Application, Renewal, and Expiration (filed 3/10/2022) was replaced by 16.23.3 NMAC, Practitioner License Qualifications, Application, Renewal, and Expiration, effective 6/27/2023.