

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 23 RESPIRATORY CARE PRACTITIONERS
PART 5 EXPEDITED LICENSURE

16.23.5.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department in consultation with the Advisory Board of Respiratory Care Practitioners.
[16.23.5.1 NMAC - Rp, 16.23.5.1 NMAC, 6/27/2023.]

16.23.5.2 SCOPE: The provisions in Part 5 of Chapter 23 apply to all applicants for expedited licensure.
[16.23.5.2 NMAC - Rp, 16.23.5.2 NMAC, 6/27/2023.]

16.23.5.3 STATUTORY AUTHORITY: Part 5 of Chapter 23 is promulgated pursuant to the Respiratory Care Act, Section 61-12B-6 NMSA 1978.
[16.23.5.3 NMAC - Rp, 16.23.5.3 NMAC, 6/27/2023.]

16.23.5.4 DURATION: Permanent.
[16.23.5.4 NMAC - Rp, 16.23.5.4 NMAC, 6/27/2023.]

16.23.5.5 EFFECTIVE DATE: January 27, 2023, unless a later date is cited at the end of a section.
[16.23.5.5 NMAC - Rp, 16.23.5.5 NMAC, 6/27/2023.]

16.23.5.6 OBJECTIVE: The objective of Part 5 is to promote, preserve and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited licensure.
[16.23.5.6 NMAC - Rp, 16.23.5.6 NMAC, 6/27/2023.]

16.23.5.7 DEFINITIONS:

A. “Eligible jurisdiction” means any state or territory of the United States except those included in the list of disapproved licensing jurisdictions under Paragraph (1) of Subsection A of 16.23.5.8 NMAC of this rule.

B. “Expedited license” means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board/commission.

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 of Section 61-1-34 NMSA 1978.

F. “Military service member” has the same meaning as defined in Paragraph (2) of 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, as defined by Subsection D of this rule;
(2) does not have a disqualifying criminal conviction, as defined in Subsection A of 16.23.17.10 NMAC of 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.

[16.23.5.7 NMAC - Rp, 16.23.5.7 NMAC, 6/27/2023]

16.23.5.8 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS:

A. Applicants for licensure as a respiratory care practitioners licensed in the following states and territories of the United States shall not be eligible for expedited licensure under Section 61-12B-8 NMSA 1978 of the Respiratory Care Act:

(1) The following jurisdictions on that grounds that the profession is not licensed or otherwise regulated:

(a) Alaska;

(b) American Samoa;

- (c) Northern Mariana Islands; and
- (d) U.S. Virgin Islands.

(2) The following jurisdictions, unless the applicant holds a respiratory care practitioner license with NBRC Registered Respiratory Therapist (RRT) credentials, on the grounds that RRT credentials is a minimal qualification for licensure in New Mexico:

- (a) Alabama;
- (b) Arizona;
- (c) Arkansas;
- (d) California;
- (e) Colorado;
- (f) Connecticut;
- (g) Delaware;
- (h) District of Columbia;
- (i) Florida;
- (j) Georgia;
- (k) Hawaii;
- (l) Idaho;
- (m) Illinois;
- (n) Indiana;
- (o) Iowa;
- (p) Kansas
- (q) Kentucky;
- (r) Louisiana;
- (s) Maine;
- (t) Maryland;
- (u) Massachusetts;
- (v) Michigan;
- (w) Minnesota;
- (x) Mississippi;
- (y) Missouri;
- (z) Montana;
- (aa) Nebraska;
- (bb) Nevada;
- (cc) New Hampshire;
- (dd) New Jersey;
- (ee) New York;
- (ff) North Carolina;
- (gg) North Dakota;
- (hh) Ohio;
- (ii) Oklahoma;
- (jj) Oregon;
- (kk) Pennsylvania;
- (ll) Rhode Island;
- (mm) South Carolina;
- (nn) South Dakota;
- (oo) Tennessee;
- (pp) Texas;
- (qq) Utah;
- (rr) Vermont;
- (ss) Virginia;
- (tt) Washington;
- (uu) West Virginia;
- (vv) Wisconsin;
- (ww) Wyoming;
- (xx) Puerto Rico; and
- (yy) Guam.

[16.2.5.8 NMAC - N, 6/27/2023]

16.23.5.9 [RESERVED]

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

16.23.5.10 EXPEDITED LICENSE APPLICATION:

A. A candidate for expedited licensure must submit to the board a complete application containing all of the following:

- (1) A completed and signed application.
- (2) Proof of current unrestricted licensure in good standing held by the applicant in an eligible jurisdiction(s).
- (3) Payment of the required application fee set forth in 16.23.2.8 NMAC.

B. An expedited license application shall not be deemed complete until the applicant has submitted a complete application, including documentation from third parties, required by subsection A.

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 potentially disqualifying criminal conviction or the board or superintendent may have other cause to deny the application pursuant to 61-12B-12 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 and then provided to the superintendent for final action;
- (2) the license may not be issued within 30 days of submission of the complete application; and
- (3) the superintendent may grant the application or refer the matter to an administrative prosecutor for denial of the application as provided by the board's rules.

(4) 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.

[16.23.5.10 NMAC - N, 6/27/2023; A 12/10/2024]

16.23.5.11 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS:

A. A candidate for expedited licensure must submit to the board a complete application containing all of the following:

- (1) a completed and signed application;
- (2) proof of current license in good standing in another jurisdiction, including a branch of the United States armed forces; and
- (3) 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; or

(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, 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 a complete application, including documentation from third parties, required by Subsection A.

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 potentially disqualifying criminal conviction or the board or superintendent may have other cause to deny the application pursuant to Section 61-12B-12 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 and then provided to the superintendent for final action;

(2) the license may not be issued within 30 days of submission of the complete application;
and

(3) the superintendent may grant the application or refer the matter to an 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 any initial licensing fees or renewal fees for the first three years of licensure with the board.

[16.23.5.11 NMAC - N, 6/27/2023, A, 12/10/2024]

16.23.5.12 EXPEDITED LICENSE BY ENDORSEMENT; DURATION AND RENEWAL:

A. An expedited license shall be valid for the same length of time as a regular 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.

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

[16.23.5.12 NMAC N, 6/27/2023]

HISTORY OF 16.23.5 NMAC: [RESERVED]

HISTORY OF REPEALED MATERIAL:

16.23.5 NMAC, “Licensure for Military Service Members, Spouses, Dependent Children, And Veterans”, filed 6/15/2017 - Repealed effective 04/21/2022.

16.23.5 NMAC, “Licensure for Military Service Members, Spouses, Dependent Children, And Veterans”, filed 3/10/2022 - Repealed effective 6/27/2023.

Other History: 16.23.5 NMAC, “Licensure for Military Service Members, Spouses, Dependent Children, And Veterans”, filed 6/15/2017 was replaced by 16.23.5 NMAC, “Licensure For Military Service Members, Spouses, Dependent Children, And Veterans”, effective 04/21/2022.

16.23.5 NMAC, “Licensure for Military Service Members, Spouses, Dependent Children, And Veterans”, filed 3/10/2022 - Replaced by 16.23.5 NMAC, “Expedited Licensure” effective 6/27/2023.