

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 23 RESPIRATORY CARE PRACTITIONERS
PART 12 CONTINUING EDUCATION

16.23.12.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department in consultation with the Advisory Board of Respiratory Care Practitioners.
[16.23.12.1 NMAC - Rp, 16.23.12.1 NMAC, 04/21/2022]

16.23.12.2 SCOPE: The provisions of Part 12 of Chapter 23 applies to all respiratory care practitioners intending to renew or reactivate their New Mexico license.
[16.23.12.2 NMAC - Rp, 16.23.12.2 NMAC, 04/21/2022]

16.23.12.3 STATUTORY AUTHORITY: Part 12 of Chapter 23 is promulgated pursuant to Section 61-12B-6 NMSA 1978.
[16.23.12.3 NMAC - Rp, 16.23.12.3 NMAC, 04/21/2022]

16.23.12.4 DURATION: Permanent.
[16.23.12.4 NMAC - Rp, 16.23.12.4 NMAC, 04/21/2022]

16.23.12.5 EFFECTIVE DATE: April 21, 2022, unless a later date is cited at the end of a section.
[16.23.12.5 NMAC - Rp, 16.23.12.5 NMAC, 04/21/2022]

16.23.12.6 OBJECTIVE: The objective of Part 12 of Chapter 23 is to set forth the requirements and procedures for the New Mexico licensed respiratory care practitioner to meet the continuing education requirements for license renewal or reactivation.
[16.23.12.6 NMAC - Rp, 16.23.12.6 NMAC, 04/21/2022]

16.23.12.7 DEFINITIONS: All definitions related to this section are in 16.23.1.7 NMAC.
[16.23.12.7 NMAC - Rp, 16.23.12.7 NMAC, 04/21/2022]

16.23.12.8 CONTINUING EDUCATION REQUIREMENTS: The completion of 20 clock hours of continuing education is a requirement for biennial license renewal or license reactivation.

A. Continuing education hours must be directly related to respiratory therapy, pulmonary function technology, or related inter-disciplinary areas of health care.

B. All licensees must complete at least one hour of ethics related continuing education in the license renewal cycle.

C. The department may consult with the board to resolve questions as to appropriate continuing education hours.

(1) The department shall be the final authority on acceptance of any educational activity submitted by a licensee or a sponsor for approval.

(2) Each respiratory care practitioner must participate in at least 20 clock hours of continuing education activities every renewal cycle, or as provided by 16.23.12.12 NMAC and 16.23.12.13 NMAC.

D. A minimum of twelve clock hours of the twenty clock hours of continuing education must be consistent with American Medical Association Category I, which includes any of the following types of educational offerings:

(1) lecture - a discourse given for instruction before an audience or through teleconference;

(2) panel - a presentation of a number of views by several professionals on a given subject with none of the views considered a final solution;

(3) workshop - a series of meetings for intensive, hands on, study or discussion, in a specific area of interest;

(4) seminar - a directed advanced study or discussion in a specific field of interest;

(5) symposium - conference of more than a single session organized for the purpose of discussion of a specific subject from various viewpoints and by various presenters;

(6) distance education - includes such enduring materials as text, internet or CD, provided the provider has included an independently scored test as part of the learning package; and

(7) **NBRC-awarded continuing education credit for successful completion of re-credentialing examination(s) for renewal of credential as a CRT (if the CRT was issued prior to January 1, 2018) or RRT.**
[16.23.12.8 NMAC - Rp, 16.23.12.8 NMAC, 04/21/2022]

16.23.12.9 APPROVED CONTINUING EDUCATION PROGRAMS:

A. The department will approve, on a clock hour basis, continuing education activities which meet the criteria in Subsection A of 16.23.12.8 NMAC, and which are sponsored or approved for respiratory care practitioners. Below is the list of approved continuing education providers:

- (1) AAP, American academy of pediatrics;
- (2) ACCP, American college of chest physicians;
- (3) ATS, American thoracic society;
- (4) AOA, American osteopathic association;
- (5) AMA, American medical association;
- (6) ASA, American society of anesthesiologists;
- (7) ABIM, American board of internal medicine;
- (8) ALA, American lung association;
- (9) ACC. American college of cardiologists;
- (10) AAST American association of sleep technologists;
- (11) NMSRC New Mexico society for respiratory care;
- (12) AARC American association for respiratory care;
- (13) any AARC state affiliate; and
- (14) AASM, American academy of sleep medicine.

B. The department will approve, on a clock hour basis, a maximum of eight clock hours per renewal cycle of the following type of educational activities listed within Subsection B of 16.23.12.9 NMAC for licensees:

- (1) any hospital or healthcare organization respiratory care-related continuing education in-service;
- (2) respiratory care-related science courses taken in an academic setting and received toward RRT credentialing;
- (3) infection control certification or re-certification courses;
- (4) hazardous materials certification or re-certification courses;
- (5) advanced life support courses. This includes training offered by the American heart Association, American safety and health institute, American Academy of Pediatrics, Sugar/Safe Care, Temperature, Airway, Blood Pressure, Lab & Emotional Support (STABLE) program, Neonatal Resuscitation program (NRP), Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS), or other courses as deemed acceptable by the board; and

(6) Any non-Category 1 CRCE credits granted by the American Association for Respiratory Care or continuing education units granted by the New Mexico Society for Respiratory Care.

C. The department will approve respiratory care-related education taken in an academic setting. One semester hour or its equivalent converts to 15 clock hours.

D. The department will automatically approve for licensed respiratory care practitioners a maximum of six clock hours of continuing education credit for each renewal period for teaching approved respiratory care-related continuing education offerings as provided in 16.23.12 NMAC. Credits will be granted one time only for each course taught no matter how many times or how many years the course is repeated.

[16.23.12.9 NMAC - Rp, 16.23.12.9 NMAC, 04/21/2022]

16.23.12.10 DOCUMENTATION: Licensees shall be responsible for maintaining documentation of their continuing education activities and shall be required to submit copies of proofs of attendance at the time of license renewal if requested by the department.

A. Proofs of attendance. Proofs of attendance, including those for in-services, must clearly state the following:

- (1) name, address, and phone number of the sponsor or in-service provider;
- (2) date the educational offering or in-service was completed;
- (3) location where the educational offering was presented;
- (4) complete name of the seminar, course, or in-service (acronyms are not sufficient);
- (5) number of clock hours credited;
- (6) name of the attendee receiving credit for the continuing education offering or in-service;

(7) signature of the person authorized by the sponsoring agency to verify licensee attendance;
and
(8) name of the instructor.

B. Academic credit courses. A copy of the transcript of completed, approved academic credit hour courses as provided in Subsection C of 16.23.12.9 NMAC, must be submitted with the renewal documentation.

C. Teaching activities. A licensed respiratory care practitioner seeking credit for teaching respiratory care related courses must submit documentation of the teaching activity which clearly states the following:

- (1) name, address, and phone number of the sponsor or in-service provider;
- (2) complete name of the seminar, course, or in-service (acronyms are not sufficient);
- (3) date the educational offering or in-service was presented;
- (4) location where the educational offering was presented;
- (5) name of the licensee instructor;
- (6) number of clock hours credited; and
- (7) signature of the person authorized by the sponsoring agency to verify the licensee's

teaching activity.

[16.23.12.10 NMAC - Rp, 16.23.12.10 NMAC, 04/21/2022]

16.23.12.11 OTHER EDUCATIONAL OFFERINGS: The department, in consultation with the board, has an informal arrangement with the New Mexico Society for Respiratory Care (NMSRC) in which the NMSRC will review for approval other continuing education offerings, for individual licensees or continuing education sponsors.

A. Any continuing education activity that is not covered by 16.23.12.8 NMAC through 16.23.12.10 NMAC must be submitted to the NMSRC for review and approval.

(1) Approval must be granted by the NMSRC before the CE may be considered applicable toward meeting the continuing education renewal requirement for respiratory care practitioners licensed in New Mexico. Any deadlines for submission of these requests to the NMSRC will be established by the NMSRC as needed.

(2) Approval must be granted by the NMSRC before the continuing education can be submitted to the department and the board to meet the licensee's continuing education renewal requirement.

B. The request for approval of an educational seminar or course must include the following, at a minimum. The NMSRC may require additional information to process the request.

- (1) Name of the seminar or course.
- (2) Sponsoring party.
- (3) Objective of the seminar.
- (4) Format and subjects of seminar or course.
- (5) Number of clock hours credited for the offering.
- (6) Sample "proof of attendance" certificate.
- (7) Name and qualifications of the instructor.
- (8) Evaluation mechanism to be used.

C. Any processing fee established by the NMSRC for the continuing education review service must be payable to the NMSRC and must accompany the request to the NMSRC for approval of an educational offering.

D. The NMSRC will give written notification to the sponsor or licensee of the approval or denial of the educational program or seminar.

[16.23.12.11 NMAC - Rp, 16.23.12.11 NMAC, 04/21/2022]

16.23.12.12 CONTINUING EDUCATION REQUIREMENT PRORATED: Any applicant whose initial licensure application is postmarked on or after October 1 of the even numbered year, through May 31 of the odd-numbered renewal year, shall be required to meet one half (10 clock hours) of the continuing education requirements for renewal at the time of renewal.

[16.23.12.12 NMAC - Rp, 16.23.12.12 NMAC, 04/21/2022]

16.23.12.13 CONTINUING EDUCATION REQUIREMENT WAIVED: Any applicant whose initial licensure application is postmarked on or after June 1 of the odd-numbered (renewal) year through July 31 of the same year shall have the continuing education requirement waived for that renewal cycle.

[16.23.12.13 NMAC - Rp, 16.23.12.13 NMAC, 04/21/2022]

16.23.12.14 CONTINUING EDUCATION AUDIT: The department, in consultation with the board, may elect to use an audit system for verifying continuing educational activities at the time of renewal.

A. In this case, the department will randomly select a minimum of ten percent of the currently licensed respiratory care practitioners to provide, with their renewal applications, hard-copy proof of having met the continuing education requirement.

B. Audit requests will be included in the renewal notice.

C. Licensees not selected for audit will be required only to list the continuing education activities completed on their renewal applications. The department shall still have the option to audit these individuals' continuing education records at any time before the next scheduled license renewal.

[16.23.12.14 NMAC - Rp, 16.23.12.14 NMAC, 04/21/2022]

16.23.12.15 [RESERVED]

[16.23.12.15 NMAC - Rp, 16.23.12.15 NMAC, 04/21/2022]

16.23.12.16 [RESERVED]

[16.23.12.16 NMAC - Rp, 16.23.12.16 NMAC, 04/21/2022]

16.23.12.17 EXTENUATING CIRCUMSTANCES - DEFERRAL OR WAIVER OF CONTINUING EDUCATION REQUIREMENT:

A. Licensees generally have 24 months to complete the continuing education requirement for renewal, which is sufficient time to meet the continuing education requirement.

B. In the event a licensee experiences an extenuating circumstance such as a prolonged debilitating personal illness; or a prolonged debilitating illness of an immediate family member; or being mobilized to active duty by the national guard or other branch of service in the United States armed forces, which makes it impossible to meet the continuing education requirement for license renewal, the individual may request an emergency deferral or a waiver of the continuing education requirement by submitting one of the following items to the board before the license expiration date.

(1) A written request for deferral or waiver explaining the circumstances that made it impossible for the licensee to meet the requirement in the 24 months prior to the expiration date of the license.

(2) Documentation accompanying the request for deferral or waiver that verifies the extenuating circumstances, such as a signed affidavit from a physician or medical provider, or a copy of the mobilization orders from the branch of government calling the person to active duty; etc.

C. A licensee mobilized for active military duty, but who is still in training when the license renewal comes due, is required to renew his/her license and meet the continuing education requirements, but the license renewal fee will not be assessed.

D. A licensee mobilized into active military duty, and who is in military action at the time the license renewal comes due, is not required to renew his/her license or meet the continuing education requirements. However, upon return to civilian status, the licensee shall renew the license without having to pay the renewal or late penalty fee.

E. The license of a respiratory therapist who does not earn the required continuing education for renewal due to his/her call to active military duty will not lapse for failure to earn continuing education hours provided the licensee submits a copy of the mobilization orders to the department prior to the expiration of the license.

F. The license renewal extension authorized by this regulation shall end one month after deployment is concluded.

G. Upon return to civilian status, the licensee shall resume earning continuing education prorated as follows after the deployment ends.

(1) If the deployment ends in October of the odd-numbered year through March of the even-numbered year, the licensee will accrue 20 hours of continuing education for the next renewal cycle.

(2) If the deployment ends in April of the even-numbered year through September of the even-numbered year, the licensee will accrue 15 hours of continuing education for the next renewal cycle.

(3) If the deployment ends in October of the even-numbered year through March of the odd-numbered year, the licensee will accrue 10 hours of continuing education for the next renewal cycle.

(4) If the deployment ends in April of the odd-numbered year through July of the odd-numbered year, the licensee will accrue zero hours of continuing education for the year's renewal cycle.

[16.23.12.17 NMAC - Rp, 16.23.12.17 NMAC, 04/21/2022]

HISTORY OF 16.23.12 NMAC:

Pre-NMAC History: The material in Part 12 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 01/22/1985; HED-87-3 (HSD), “Regulations Governing the Respiratory Care Act,” filed 05/11/1987; 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 in rule numbers, Rule 91-5, “Renewal of Licenses,” filed 08/20/1991; Rule 91-8, “Expiration/License Renewal,” filed 08/20/1991; Rule 91-6, “Continuing Education”, filed on 08/20/1991; and Rule 6, “Continuing Education,” filed on 03/22/1995.

History of Repealed Material:

16.23.12 NMAC, “Continuing Education”, filed 12/30/2002 - Repealed effective 7/15/2017.

16.23.12 NMAC, “Continuing Education” filed 6/15/2017 - Repealed effective 04/21/2022.

Other History: Rule 6, “Continuing Education,” (filed 03/22/1995) was renumbered, reformatted and replaced into first version of New Mexico Administrative Code as 16 NMAC 23.12, “Continuing Education”, effective 11/29/1997.

16 NMAC 23.12, “Continuing Education” (filed 11/10/1997), renumbered and reformatted to 16.23.12 NMAC, “Continuing Education” effective 01/30/2003.

16.23.12 NMAC, “Continuing Education”, (filed 12/30/2002) was replaced by 16.23.12 NMAC, “Continuing Education”, effective 7/15/2017.

16.23.12 NMAC, “Continuing Education” (filed 06/15/2017) was replaced by 16.23.12 NMAC, “Continuing Education”, effective 04/21/2022.