

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 1 GENERAL PROVISIONS

16.26.1.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/96; 16.26.1.1 NMAC - Rn, 16 NMAC 26.1.1, 2/3/06]

16.26.1.2 SCOPE: All individuals wishing to practice as a speech-language pathologist, audiologist, hearing aid dispenser, paraprofessional apprentice, individuals working towards their clinical fellowship or university students who will be offering services in the speech-language pathology and/or audiology field and individuals under a training permit as hearing aid dispenser trainees.
[11/9/96; 16.26.1.2 NMAC - Rn, 16 NMAC 26.1.2, 2/3/06]

16.26.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology and Audiology and Hearing Aid Dispensing Practices Act, (Sections 61-14B-1 to 61-14B-25 NMSA 1978) and the Uniform Licensing Act NMSA 1978 (Sections 61-1-1 to 61-1-33).
[12/21/71; 11/9/96; 16.26.1.3 NMAC - Rn, 16 NMAC 26.1.3, 2/3/06]

16.26.1.4 DURATION: Permanent.
[11/9/96; 16.26.1.4 NMAC - Rn, 16 NMAC 26.1.4, 2/3/06]

16.26.1.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/96; 11/7/98; 16.26.1.5 NMAC - Rn & A, 16 NMAC 26.1.5, 2/3/06]

16.26.1.6 OBJECTIVE: Pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Part 1 establishes definitions and defines the duties and makeup of the board.
[12/21/71; 11/9/96; 16.26.1.6 NMAC - Rn, 16 NMAC 26.1.6, 2/3/06]

16.26.1.7 DEFINITIONS:

A. "AAA" refers to the American academy of audiology, a national professional association of audiologists concerned with professional qualifications, standards of practice, ethics, scientific progress and continuing education.

B. "ABA" refers to the American board of audiology, which offers board certification in the discipline of audiology and is affiliated with the American academy of audiology.

C. "Act" means the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act (Sections 61-14B-1 to 61-14B-25 NMSA 1978) as it may be amended.

D. "Apprentice" means a person working towards full licensure in speech-language pathology and who meets the requirements for licensure as an apprentice in speech and language pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

E. "ASHA" refers to the American speech-language and hearing association, a national professional association of speech-language pathologists and audiologists recognized by the secretary of the United States (U.S.) department of education for the accrediting of university graduate degree programs in audiology and speech-language pathology. ASHA also maintains a professional membership of speech-language pathologists and audiologists concerned with professional qualifications, standards of practice, ethics, scientific progress and continuing education.

F. "Audiologist" means a person who engages in the practice of audiology, who may or may not dispense hearing aids, and who meets the qualifications set forth in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

G. "Certified" means a notarized statement of authenticity of a true copy.

H. "Client/patient" means an individual receiving services from an Audiologist, Speech Language Pathologist or Hearing Aid Dispenser

I. "CFY plan" (clinical fellowship year plan) means a written plan submitted to the board outlining the duration of the CFY (up to a maximum of three years), the CFY plan must designate a CFY supervisor and outline the amount and type of supervision.

J. “Direct supervision” means on-site, in-view observation and guidance while a clinical activity is performed by the supervisee. This can include viewing and communicating with the supervisee via telecommunication technology so long as the supervisor or qualified sponsor is able to provide ongoing immediate feedback. Direct supervision does not include reviewing a taped session at a later time.

K. “Electronic signature” means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

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

M. “Facilitator” means a person at the client site who facilitates telehealth service delivery at the direction of the audiologist, speech-language pathologist or hearing aid dispenser. For purposes of fulfilling their role, as defined, an individual may serve as a facilitator, at the direction of the audiologist or speech language pathologist, without becoming licensed.

N. “IHS” refers to the *international hearing society*, an international membership association that represents hearing healthcare professionals engaged in the practice of testing human hearing and selecting, fitting and dispensing hearing instruments and counseling patients. IHS conducts programs in competency accreditation, education and training and encourages specialty-level certification for its members.

O. “ILE” refers to the *international licensing examination for hearing healthcare professionals* administered by IHS on behalf of the board for the purposes of licensing hearing aid dispensers.

P. “Indirect supervision” means supervision that does not require the SLP to be physically present or available via telecommunication in real time while the supervisee is providing services. Indirect supervisory activities may include demonstration tapes, record review, review and evaluation of audio or videotaped sessions, or supervisory conferences that may be conducted by telephone or live, secure webcam via the internet.

Q. “Jurisprudence examination” means the evaluation of knowledge of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and these regulations, given as a requirement for licensure to all applicants.

R. “License” means a document identifying a legal privilege and authorization to practice within one of the categories established by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act. A license under this act is not transferable.

S. “Licensing year” means the period from January 31, of any year through January 30 of the next year; initial, renewed and reinstated licenses may be issued at any time set herein but shall expire on January 30 of the following year except as otherwise provided in these rules.

T. “NBC-HIS” means national board for certification in hearing instruments sciences.

U. “Qualified Sponsor” means a person who currently holds an audiology or hearing aid dispenser license in good standing with the board and who voluntarily accepts the responsibility of supervising, training or overseeing an individual interested in obtaining an endorsement or license to fit and dispense hearing aids.

V. “Referral” means the process of directing or redirecting a customer or patient to a specialist, hearing aid dispenser, therapist or clinician for services or diagnosis.

W. “Site” means the client/patient location for receiving telehealth services.

X. “Stored clinical data” means video clips, sound/audio files, photo images, electronic records, and written records that may be available for transmission via telehealth communications.

Y. “Student” means any person who is a full or part time student enrolled in an accredited college or university program in speech-language pathology, audiology or communication disorders.

Z. “Telecommunication technology” includes but is not limited to a dedicated video system, computer or other similar device linked via hardware or internet connection, equipment, connectivity, software, hardware and network-compatible devices.

AA. “Telehealth” means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of Audiology, Speech-Language Pathology or Hearing Aid Dispensing services to an individual from a provider through hardware or internet connection.

BB. “Telepractice” means the practice of telehealth.

CC. “Temporary paraprofessional license” means a license issued to a person working towards full licensure as a speech-language pathologist and who provides adjunct speech-language pathology services under the supervision of a speech-language pathologist who is licensed under this act.

DD. “Temporary trainee permit” means a permit issued by the board to a person authorized to fit and dispense hearing aids only under the supervision of a qualified sponsor as defined by these regulations. Temporary trainee permits will be issued for a one-year period and are non-renewable.

[12/21/71; 2/5/80; 8/1/81; 8/4/81; 3/18/82; 10/21/91; 11/09/96; 11/7/98; 11/27/99; 16.26.1.7 NMAC - Rn & A, 16 NMAC 26.1.7, 2/3/06; A, 1/29/15; A, 4/6/16; A, 2/14/2017; A, 01/08/2023]

HISTORY OF 16.26.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.

Rule 91-1, Definitions, filed 10/25/91.

History of Repealed Material: [RESERVED]