

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Nutrition and Dietetics Practice Board will hold a rule hearing on Friday, June 27, 2025, at 10:00 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rule listed below. Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Sandia Conference Room, located at 5500 San Antonio Drive NE, Albuquerque, New Mexico 87109.

The meeting will also be held via Microsoft Teams for those desiring to attend virtually.

Join the meeting now

Or by Meeting ID:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 224 531 783 034 4

Passcode: ER7m8s7S

Dial in by phone

+1 505-312-4308,495915127# United States, Albuquerque

Find a local number

Phone conference ID: 495 915 127#

The purpose of the rule hearing is to consider the initiation of rulemaking for the following rules:

16.14.2 Fees

16.14.3 Requirements for Licensure

16.14.6 License Renewal

16.14.10 Code of Ethics

16.14.11 Disciplinary Proceedings

The agenda for the rule hearing and board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nutrition-and-dietetics/board-information/nd-board-meetings>. Copies of the agenda may also be obtained by contacting Roxann Ortiz at 505-795-5576.

The Nutrition and Dietetics Practice Board will begin accepting written public comments regarding the proposed rule changes on May 27, 2025. If submitting written public comment prior to the rule hearing, the Nutrition and Dietetics Practice Board will accept written public comments received by 10:00 a.m. on June 27, 2025. Written comments may be submitted by email to nutritiondieteticsbd@rld.nm.gov or by postal mail to the following address:

New Mexico Regulation and Licensing Department

Attn: Nutrition and Dietetics Practice Board

P.O. Box 25101

Santa Fe, NM 87504

Public comment will also be accepted during the rule hearing and may be presented orally, or in writing. Individuals who would like to participate and offer public comment **must appear in person**. The members of the Nutrition and Dietetics Practice Board will not engage in substantive discussion of public comments during the rule hearing but will consider all public comments during the board meeting following the conclusion of the rule hearing.

For inclement weather: If New Mexico state offices are placed on a two-hour delay due to inclement weather, the rule hearing will be pushed back two hours from the noticed hearing time. If New Mexico state offices are closed due to inclement weather, the rule hearing will be rescheduled as soon as possible.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Roxann Ortiz at 505-795-5576.

Statutory Authority:

The proposed rule changes are authorized by the Nutrition and Dietetics Practice Act, Sections 61-7A-1 through 61-7A-15 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of the Proposed Rules:

The proposed rule changes aim to implement changes to the provisions of The Telehealth Act, Section 24-25-5 NMSA 1978, made by Sente Bill 252 in the 2025 legislative session for all licensees practicing under supervision. The changes will also introduce fees for returned payments and establish disciplinary measures for failure to comply with continuing education (CE) audit requirements. More broadly, the proposed revisions are intended to provide greater clarity regarding existing regulatory and statutory obligations. These changes are designed to support the Board's statutory mandate to promote, preserve, and protect the health, safety, and welfare of the public.

Summary of Proposed Changes:

16.14.2.7 NMAC: Fees: Adding fees for returned electronic and paper check payments

16.14.3.8 NMAC: Requirements for Dietitian License: Removing background check as it is not required in statute.

16.14.3.9 NMAC: Requirements for Nutritionist License: Removing background check as it is not required in statute.

16.14.3.10 NMAC: Requirements for Nutrition Associate License: Removing background check as it is not required in statute.

16.14.3.11 NMAC: Initial Licenses and License Period: Removing background check as it is not required in statute.

16.14.6.10 NMAC: Continuing Education Requirements: Adding language for auditing continuing education certificates and the licensee's responsibility for record keeping of continuing education.

16.14.11.11 NMAC: Disciplinary Guidelines: Adding language for discipline for those licensees that do not meet the required continuing education requirements.