

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 3 APPLICATION FOR LICENSURE

16.2.3.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine
[7-1-96; 16.2.3.1 NMAC - Rn, 16 NMAC 2.3.1, 5-20-00]

16.2.3.2 SCOPE: All applicants for licensure as doctors of oriental medicine.
[7-1-96; 16.2.3.2 NMAC - Rn, 16 NMAC 2.3.2, 5-20-00]

16.2.3.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-4, 6, 8, 9 and 10, NMSA 1978.
[7-1-96; 8-31-98; 16.2.3.3 NMAC - Rn, 16 NMAC 2.3.3, 5-20-00]

16.2.3.4 DURATION: Permanent.
[7-1-96; 16.2.3.4 NMAC - Rn, 16 NMAC 2.3.4, 5-20-00]

16.2.3.5 EFFECTIVE DATE: July 1, 1996, unless a later date is cited at the end of a section.
[7-1-96; 4-1-97; 16.2.3.5 NMAC - Rn, 16 NMAC 2.3.5, 5-20-00]

16.2.3.6 OBJECTIVE: This part lists the requirements that an applicant must fulfill in order to apply for licensure as a doctor of oriental medicine.
[7-1-96; 16.2.3.6 NMAC - Rn & A, 16 NMAC 2.3.6, 5-20-00; A, 7-27-01]

16.2.3.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC (Section 7 of Part 1 of the rules).
[7-1-96; 16.2.3.7 NMAC - Rn, 16 NMAC 2.3.7, 5-20-00; A, 02-15-05]

16.2.3.8 GENERAL REQUIREMENTS:

A. Any applicant who has been subject to any action or proceeding comprehended by Subsection A of 16.2.3.8 NMAC (Part 3 of the Rules) may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of NMSA 1978, Section 61-14A-17; and subject to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq., and subject to the Criminal Offender Employment Act, NMSA 1978, Section 28-2-1, et seq.

B. Any applicant who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of Section 61-14A-17 NMSA 1978, and to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq.
[7-1-96, 8-31-98; 16.2.3.8 NMAC - Rn, 16 NMAC 2.3.8, 5-20-00; A, 7-27-01; A, 3-2-03]

16.2.3.9 EDUCATIONAL PROGRAM REQUIREMENTS: Every applicant shall provide satisfactory proof that he completed a board approved educational program as defined in 61-14A-14 of the act and 16.2.7 NMAC. If the educational program is no longer in existence, or if the applicant's records are not available for good cause, the applicant shall submit an affidavit so stating and shall identify the educational program, and shall provide the address, dates of enrollment, and curriculum completed, along with such other information and documents as the board shall deem necessary. The board, in its sole and sound discretion, may accept or reject as adequate and sufficient such evidence presented in lieu of the records otherwise required.
[11-3-81...7-1-96; 8-31-98; 5-15-99; 16.2.3.9 NMAC - Rn, 16 NMAC 2.3.9, 5-20-00; A, 7-27-01; A, 02-15-05; A, 11-28-09]

16.2.3.10 INITIAL LICENSURE APPLICATION: Upon approval of an application for licensure that fulfills the requirements listed below, the board shall issue a license that will be valid until July 31 following the initial licensure, except that licenses initially issued after May 1 will not expire until July 31 of the next renewal period as defined in 16.2.8.9 NMAC; the application requirements for a license shall be receipt of the following by the board:

A. the fee for application for licensure specified in 16.2.10 NMAC;

- B.** an application for licensure that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth and social security number, if available;
- C.** two (2) passport-type photographs of the applicant taken not more than six (6) months prior to the submission of the application;
- D.** an affidavit as provided on the "initial licensure application" as to whether the applicant:
- (1)** has been subject to any disciplinary action in any jurisdiction related to the practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, withdrawal or surrender of applicants license, certificate or registration during the pendency of disciplinary proceedings or investigation for potential disciplinary proceedings;
 - (2)** has been a party to litigation in any jurisdiction related to the applicants practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice;
 - (3)** has been convicted of a felony in any jurisdiction, including any finding of guilt by a court or jury, or any plea of guilty, or any plea of nolo contendere or no contest, or plea or disposition of conditional discharge, and including any such proceeding in which a sentence was imposed, suspended or deferred;
 - (4)** is in arrears on a court-ordered child support payment; or
 - (5)** has violated any provision of the act or the rules;
- E.** an official license history, which is a certificate from each jurisdiction stating the disciplinary record of the applicant, from each jurisdiction where the applicant has been licensed, certified, registered or legally recognized to practice any profession, including health care professions, in any jurisdiction, pursuant to any authority other than the New Mexico Acupuncture and Oriental Medicine Practice Act;
- F.** an affidavit as provided on the "initial licensure application" stating that the applicant understands that:
- (1)** an applicant who has been subject to any action or proceeding comprehended by Subsection D of 16.2.3.10 NMAC may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, NMSA 1978, Section 61-14A-17; and subject to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq., and subject to the Criminal Offender Employment Act, NMSA 1978, Section 28-2-1, et seq.; and
 - (2)** an applicant who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, NMSA 1978, Section 61-14A-17, and the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq.;
- G.** an affidavit as provided on the "initial licensure application" stating that the applicant understands that:
- (1)** the applicant is responsible for reading, understanding and complying with the state of New Mexico laws and rules regarding this application as well as the practice of acupuncture and oriental medicine;
 - (2)** the license must be renewed annually by July 31; and
 - (3)** the applicant must notify the board within ten (10) days if the applicant's address changes;
- H.** a copy of the applicant's certificate or diploma from an educational program evidencing completion of the required program; this copy shall include on it an affidavit certifying that it is a true copy of the original;
- I.** an official copy of the applicant's transcript that shall be sent directly to the board in a sealed envelope by the educational program from which the applicant received the certificate or diploma, and that shall verify the applicant's satisfactory completion of the required academic and clinical education and that shall designate the completed subjects and the hours of study completed in each subject; or this copy of the transcript shall remain in the closed envelope secured with the official seal of the educational program and shall be sent by the applicant to the board along with the applicant's application for licensure; and
- J.** an accurate translation in English of all documents submitted in a foreign language; each translated document shall bear the affidavit of the translator certifying that he or she is competent in both the language of the document and the English language and that the translation is a true and faithful translation of the foreign language original; each translated document shall also bear the affidavit of the applicant certifying that the translation is a true and faithful translation of the original; each affidavit shall be signed before a notary public; the translation of any document relevant to an application shall be at the expense of the applicant.

[11-3-81...7-1-96; 8-31-98; 5-15-99, 12-1-99; 16.2.3.13 NMAC - Rn & A, 16 NMAC 2.3.13, 5-20-00; 16.2.3.10 NMAC - Rn, 16.2.3.13 NMAC, 7-27-01; A, 7-27-01; A, 3-2-03; A, 02-15-05; A, 11-28-09; A, 02-08-13; A, 6-16-15]

16.2.3.11 EXAMINATION REQUIREMENTS: The examination requirements specified in 16.2.4 NMAC shall be received at the board office within twelve (12) months of the receipt of the initial application at the board office, with the exception of the national certification commission for acupuncture and oriental medicine (NCCAOM) score requirements which need to be submitted to the board office within twenty four (24) months of the initial application.

[11-3-81...7-1-96; 8-31-98; 5-15-99, 12-1-99; 16.2.3.13 NMAC - Rn & A, 16 NMAC 2.3.13, 5-20-00; 16.2.3.11 NMAC - Rn, 16.2.3.13 NMAC, 7-27-01; A, 7-27-01; A, 02-15-05; A, 11-28-09; A, 02-08-13]

16.2.3.12 DOCUMENTS IN A FOREIGN LANGUAGE: All documents submitted in a foreign language must be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that he or she is competent in both the language of the document and the English language and that the translation is a true and faithful translation of the foreign language original. Each translated document shall also bear the affidavit of the applicant certifying that the translation is a true and faithful translation of the original. Each affidavit shall be signed before a notary public. The translation of any document relevant to an applicant's application shall be at the expense of the applicant.

[11-3-81...7-1-96; 16.2.3.14 NMAC - Rn, 16 NMAC 2.3.14, 5-20-00; 16.2.3.12 NMAC - Rn, 16.2.3.14 NMAC, 7-27-01; A, 02-15-05]

16.2.3.13 SUFFICIENCY OF DOCUMENT: The board shall determine the sufficiency of the documentation that supports the application for licensure. The board may, at its discretion, request further proof of qualifications or require a personal interview with any applicant to establish his or her qualifications. If requested by the board, all further proof of qualifications shall be received at the board office at least forty five (45) days before the clinical skills examination date. Any required personal interview will be scheduled as determined by the board.

[11-3-81...7-1-96; 2-17-00; 16.2.3.15 NMAC - Rn & A, 16 NMAC 2.3.15, 5-20-00; 16.2.3.13 NMAC - Rn, 16.2.3.15 NMAC, 7-27-01; A, 7-27-01; A, 3-2-03; A, 11-28-09]

16.2.3.14 DEADLINE FOR COMPLETING ALL REQUIREMENTS FOR LICENSURE: Documentation required for licensure shall be received at the board office no later than twelve (12) months after the initial application is received at the board office, with the exception of the national certification commission for acupuncture and oriental medicine (NCCAOM) score requirements which need to be submitted to the board office within twenty four (24) months of the initial application.

[11-3-81...7-1-96; 4-1-97, 5-15-99; 16.2.3.16 NMAC - Rn & A, 16 NMAC 2.3.16, 5-20-00; 16.2.3.14 NMAC - Rn, 16.2.3.16 NMAC, 7-27-01; A, 7-27-01; A, 11-28-09; A, 02-08-13]

16.2.3.15 NOTIFICATION OF LICENSURE: The applicant shall be notified of approval or denial of his completed application requirements including examination requirements by mail postmarked no more than twenty one (21) days from the board's receipt of all required documentation. The board shall issue a license to all applicants who have met the requirements of 16.2.3 NMAC and 16.2.4 NMAC.

[11-3-81...7-1-96; 4-1-97, 5-15-99; 16.2.3.17 NMAC - Rn & A, 16 NMAC 2.3.17, 5-20-00; 16.2.3.15 NMAC - Rn, 16.2.3.17 NMAC, 7-27-01; A, 7-27-01; A, 11-28-09]

16.2.3.16 EXPIRATION AND ABANDONMENT OF APPLICATION: If all application requirements have not been met within twenty four (24) months of the initial application, the application will expire and will be deemed abandoned. Exceptions may be made, at the board's discretion, for good cause. If the application is abandoned and the applicant wants to reapply for licensure, the applicant shall be required to submit the completed current application form, pay the current application fee and satisfy the requirements for licensure then in effect at the time of the new application.

[11-3-81...7-1-96; 2-17-00; 16.2.3.18 NMAC - Rn & A, 16 NMAC 2.3.18, 5-20-00; 16.2.3.16 NMAC - Rn, 16.2.3.18 NMAC, 7-27-01; A, 7-27-01; A, 02-15-05; A, 11-28-09; A, 6-16-15]

History of 16.2.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

AB 81-1, Regulations Governing Acupuncture Practitioners, filed 10-5-81;

AB 82-1, Regulations Governing Acupuncture Practitioners, filed 6-16-82;

AB 84-1, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 3-13-84;

BCD 87-1, Emergency Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 10-30-87;

ACU 88-1 Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 3-13-89;

ACU Rule 91-5, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes Applications, filed 2-18-91;

Rule 5, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes, Application for Licensing, filed 1-26-93.

History of Repealed Material: 16.2.3.10 NMAC, 16.2.3.11 NMAC, and 16.2.3.12 NMAC (all filed 4-20-2000) repealed effective 7-27-01.

Other History:

Rule 5, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes, Application for Licensing (filed 1-26-93) renumbered, reformatted and replaced by 16 NMAC 2.3, Application for Licensure, effective 07-01-96.

16 NMAC 2.3, Application for Licensure (filed 6-14-96) renumbered, reformatted, amended and replaced as 16.2.3 NMAC effective 5-20-00.