

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 4 EXAMINATIONS

16.2.4.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine.
[7-1-96; 16.2.4.1 NMAC -Rn, 16 NMAC 2.4.1, 5-20-00]

16.2.4.2 SCOPE: All applicants for licensure as doctors of oriental medicine.
[7-1-96; 16.2.4.2 NMAC - Rn, 16 NMAC 2.4.2, 5-20-00]

16.2.4.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8, 9, 10(F) and 11, NMSA 1978.
[7-1-96; 16.2.4.3 NMAC - Rn, 16 NMAC 2.4.3, 5-20-00]

16.2.4.4 DURATION: Permanent.
[7-1-96; 16.2.4.4 NMAC - Rn, 16 NMAC 2.4.4, 5-20-00]

16.2.4.5 EFFECTIVE DATE: July 1, 1996, unless a later date is cited at the end of a section.
[7-1-96, 4-1-97; 16.2.4.5 NMAC - Rn & A, 16 NMAC 2.4.5, 5-20-00]

16.2.4.6 OBJECTIVE: This part clarifies the contents, language, number and type of the examinations for licensure, the requirements for issuance of a license, the frequency of examination administration and re-examination requirements in the event of a failing score.
[7-1-96; 16.2.4.6 NMAC - Rn, 16 NMAC 2.4.6, 5-20-00; A, 7-26-01]

16.2.4.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC (Section 7 of Part 1 of the rules).
[7-1-96; 16.2.4.7 NMAC - Rn, 16 NMAC 2.4.7, 5-20-00; A, 02-15-05]

16.2.4.8 APPROVED EXAMINATIONS: The board approved examinations shall consist of a written examination portion and a practical examination portion.

A. The written examinations approved by the board shall be:

- (1) the national certification commission for acupuncture and oriental medicine foundations of oriental medicine module;
- (2) the national certification commission for acupuncture and oriental medicine acupuncture module;
- (3) the national certification commission for acupuncture and oriental medicine Chinese herbology module;
- (4) the national certification commission for acupuncture and oriental medicine biomedicine module;
- (5) the national certification commission for acupuncture and oriental medicine approved clean needle technique course; and
- (6) the board approved and board administered jurisprudence examination covering the act and the rules.

B. The practical examinations approved by the board shall be:

- (1) the national certification commission for acupuncture and oriental medicine point location module; and
- (2) the clinical skills examination; the clinical skills examination includes examination in acupuncture, herbal medicine and biomedicine competencies.

C. The board may adopt such other examinations as may be necessary for psychometric evaluation of its approved examinations.

[11-3-81...7-1-96; 4-1-97, 8-31-98, 5-15-99, 7-3-99; 16.2.4.8 NMAC - Rn & A, 16 NMAC 2.4.8, 5-20-00; A, 7-26-01; A, 02-15-05; A, 11-28-09]

16.2.4.9 EXAMINATION LANGUAGE: All examinations required by the board shall be given in English.

[11-3-81...7-1-96; 16.2.4.9 NMAC - Rn, 16 NMAC 2.4.9, 5-20-00; A, 7-26-01]

16.2.4.10 EXAMINATION REQUIREMENTS FOR LICENSURE: The following shall be the examination requirements for licensure. All fees for nationally recognized examinations shall be paid by the applicant and are not included in fees charged by the board.

A. Achievement of a passing score as determined by the national certification commission for acupuncture and oriental medicine (NCCAOM) on each of the following:

- (1) the NCCAOM foundations of oriental medicine module;
- (2) the NCCAOM acupuncture module;
- (3) the NCCAOM Chinese herbology module;
- (4) the NCCAOM biomedicine module; and
- (5) the NCCAOM point location module.

B. Achievement of a passing score of at least 75 percent on the clinical skills examination. To determine a passing score when the applicant is examined by more than one examiner, if the applicant is examined by two examiners, the applicant must receive a score of at least 75 percent after both scores are averaged and if the applicant is examined by three examiners, the applicant must receive a score of at least 75 percent from a majority of the examiners.

C. Successful completion of the national certification commission for acupuncture and oriental medicine approved clean needle technique course.

D. Achievement of a passing score of not less than 90 percent on the board approved and board administered jurisprudence examination covering the act and the rules.

E. Applicants who completed the national certification commission for acupuncture and oriental medicine (NCCAOM) examinations in acupuncture and Chinese herbology prior to June 2004 are not required to pass the NCCAOM foundations of oriental medicine module.

[11-3-81...7-1-96; 4-1-97, 8-31-98, 5-15-99; 16.2.4.10 NMAC - Rn, 16 NMAC 2.4.10, 5-20-00; A, 7-26-01; A, 02-15-05; A, 11-28-09]

16.2.4.11 CLINICAL SKILLS EXAMINATION FREQUENCY AND DEADLINES: The board shall hold a clinical skills examination at least once each year provided that applications for licensure are pending. The initial application specified in 16.2.3.11 NMAC shall be received at the board office at least 60 calendar days before the next scheduled clinical skills examination date. The board shall send a written response to the applicant informing the applicant of the application's completeness or needed documentation postmarked at least 45 calendar days before the next scheduled clinical skills examination date. All documentation required to complete the initial application for licensure shall be received at the board office at least 35 calendar days before the next scheduled clinical skills examination date. If the application requirements are received at the board office after a deadline, the application will be held and not processed until the deadline schedule for the next subsequent clinical skills examination. The applicant shall be notified of approval or denial of his or her completed initial application for licensure specified in 16.2.3.11, by mail postmarked at least 25 calendar days prior to the next scheduled clinical skills examination date.

[11-3-81...7-1-96; 16.2.4.11 NMAC - Rn, 16 NMAC 2.4.11, 5-20-00; A, 7-26-01; A, 03-02-03; A, 11-28-09]

16.2.4.12 CLINICAL SKILLS EXAMINATION CONFIRMATION: The board approved confirmation card, provided to the applicant, shall be mailed to the applicant upon receipt of the clinical skills examination fee specified in 16.2.10 NMAC. Confirmation of clinical exam passage will be valid for 24 months. After 24 months has passed, the applicant will have to retake the clinical exam and reapply as a new applicant.

[16.4.2.12 NMAC - N, 7-26-01; A, 03-02-03; A, 11-28-09]

16.2.4.13 PAYMENT OF CLINICAL SKILLS EXAMINATION FEE: The non refundable clinical skills examination fee specified in 16.2.10 NMAC shall be paid by check or money order in U.S. funds and received in the board's office at least forty five (45) calendar days prior to the next scheduled clinical skills examination.

[11-3-81...7-1-96; 4-1-97; N, 8-31-98, 5-15-99, 2-17-00; 16.2.4.12 NMAC - Rn & A, 16 NMAC 2.4.12, 5-20-00; 16.2.4.13 NMAC - Rn, 16.2.4.12 NMAC, 7-26-01; A, 7-26-01; A, 03-02-03; A, 11-28-09; A, 02-08-13; A, 6-16-15]

16.2.4.14 CLINICAL SKILLS EXAMINATION COMMITMENT: Upon receipt of the clinical skills examination fee for the next scheduled clinical skills examination, the applicant shall sit for the exam or forfeit the fee. The non-refundable clinical skills examination fee may be applied to a subsequent exam only as provided in Section 15 of 16.2.4 NMAC.

[11-3-81...7-1-96; 4-1-97; N, 8-31-98, 5-15-99, 2-17-00; 16.2.4.13 NMAC - Rn, 16 NMAC 2.4.13, 5-20-00; 16.2.4.14 NMAC - Rn, 16.2.4.13 NMAC, 7-26-01; A, 7-26-01; A, 03-02-03; A, 11-28-09]

16.2.4.15 FORFEITURE OF CLINICAL SKILLS EXAMINATION FEE: Once the clinical skills examination fee is received in the board office, the applicant shall take the next scheduled clinical skills examination or forfeit the clinical skills examination fee. Under special circumstances the applicant may be allowed to take the next subsequent scheduled clinical skills examination without paying an additional examination fee.
[3-23-93...7-1-96; 4-1-97; N, 8-31-98, 5-15-99, 2-17-00; 16.2.4.14 NMAC - Rn & A, 16 NMAC 2.4.14, 5-20-00; 16.2.4.15 NMAC - Rn, 16.2.4.14 NMAC, 7-26-01; A, 7-26-01; A, 3-02-03; A, 6-16-15; A, 9-15-15]

16.2.4.16 FAILING SCORE: In the event that an applicant fails to achieve a passing score on the clinical skills examination, he may apply as provided in 16.2.4.17 NMAC, and must pay the required fees.
[11-3-81...7-1-96; 4-1-97; Rn, 16 NMAC 2.4.12, 8-31-98, 5-15-99; 2-17-00; 16.2.4.15 NMAC - Rn, 16 NMAC 2.4.15, 5-20-00; 16.2.4.16 NMAC - Rn, 16.2.4.15 NMAC, 7-26-01; A, 7-26-01; A, 11-28-09]

16.2.4.17 RE-EXAMINATION: Applicants who have failed the clinical skills examination may apply to take the next subsequent clinical skills examination. The applicant shall notify the board of his commitment to take the next subsequent clinical skills examination with a written and signed letter received at the board office at least 60 days before the next clinical skills examination date. The applicant shall then be notified by the board of his acceptance to take the next clinical skills examination by mail postmarked at least 45 days prior to the next scheduled clinical skills examination date. The applicant shall pay the clinical skills examination fee in accordance with the provisions of 16.2.4.13 NMAC. If the applicant does not pass the next scheduled clinical skills examination, the applicant shall file a new application on the current form provided by the board, pay all the required fees, and satisfy all current requirements in effect at the time the application is made. If the applicant passes the exam, but does not complete license application within 24 months, the applicant will have to reapply as an initial applicant.
[7-1-96; 4-1-97; Rn, 16 NMAC 2.4.13, 8-31-98, 5-15-99, 2-17-00; 16.2.4.16 NMAC - Rn, 16 NMAC 2.4.16, 5-20-00; A, 10-22-00; 16.2.4.17 NMAC - Rn, 16.2.4.16 NMAC, 7-26-01; A, 7-26-01; A, 11-28-09]

16.2.4.18 EXAMINERS: The board shall select a group of doctors of oriental medicine to act as examiners for the clinical skills examination. These examiners shall have had five years of clinical experience at the time they are selected. The board or its designated agent shall train these examiners to judge applicants taking the board approved clinical skills examination in the application of the diagnostic and treatment techniques of acupuncture and oriental medicine.
[Rn, 16 NMAC 2.4.16, 8-31-98; A, 8-31-98; 16.2.4.19 NMAC - Rn, & A, 16 NMAC 2.4.19, 5-20-00; 16.2.4.18 NMAC - Rn, 16.2.4.19 NMAC, 7-26-01; A, 7-26-01; A, 11-28-09]

16.2.4.19 REVIEW OF CLINICAL SKILLS EXAMINATION SCORE: Applicants may request review of their clinical skills examination results by the board or its examination committee for significant procedural or computational error if such review request is received in writing at the board office within 30 calendar days of notification to the applicant of the clinical skills examination results.
[Rn, 16 NMAC 2.4.17, 8-31-98, 5-15-99; 16.2.4.20 NMAC - Rn & A, 16 NMAC 2.4.20, 5-20-00; 16.2.4.19 NMAC - Rn, 16.2.4.20 NMAC, 7-26-01; A, 7-26-01; A, 02-15-05; A, 11-28-09]

History of 16.2.4 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 91-6, Regulations Governing Acupuncture Practitioners, Tutors and Institutes Licensure by Examination, filed 2-18-91;
ACU 91-6, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, Licensure by Examination, filed 12-18-91;

Rule 6, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, Licensing by Examination, filed 8-28-92;

Rule 6, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, Licensing by Examination, filed 1-26-93.

History of Repealed Material: 16.2.4.17 NMAC and 16.2.4.18 NMAC (both filed 04-20-00) repealed 7-26-01.

Other History:

Rule 6, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, Licensing by Examination (filed 1-26-93) renumbered, reformatted and replaced by 16 NMAC 2.4, Examinations, effective 07-01-96.

16 NMAC 2.4, Examinations (filed 6-14-96) renumbered, reformatted, amended and replaced as 16.2.4 NMAC, Examinations, effective 5-20-00.