

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 5 TEMPORARY LICENSING

16.2.5.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine.
[16.2.5.1 NMAC - Rp 16.2.5.1 NMAC, 10-22-03]

16.2.5.2 SCOPE: All licensees, applicants, temporary licensees, applicants for temporary licensure, externs, educational programs and applicants for approval of educational programs.
[16.2.5.2 NMAC - Rp 16.2.5.2 NMAC, 10-22-03]

16.2.5.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8, 9 and 12, NMSA 1978.
[16.2.5.3 NMAC - Rp 16.2.5.3 NMAC, 10-22-03]

16.2.5.4 DURATION: Permanent.
[16.2.5.4 NMAC - Rp 16.2.5.4 NMAC, 10-22-03]

16.2.5.5 EFFECTIVE DATE: October 22, 2003, unless a later date is cited at the end of a section.
[16.2.5.5 NMAC - Rp 16.2.5.5 NMAC, 10-22-03]

16.2.5.6 OBJECTIVE: This part establishes requirements for temporary licensure and limited temporary licensure, prior disciplinary action relating to other licenses, prior litigation and prior felonies, the educational requirements for temporary licensure, the renewal period for temporary licensure and the requirements for renewal of temporary licenses.
[16.2.5.6 NMAC - Rp 16.2.5.6 NMAC, 10-22-03]

16.2.5.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC (Section 7 of Part 1 of the rules).
[16.2.5.7 NMAC - Rp 16.2.5.7 NMAC, 10-22-03; A, 02-15-05]

16.2.5.8 GENERAL REQUIREMENTS:

A. Any applicant for temporary licensure or applicant for a limited temporary license who has been subject to any action or proceeding comprehended by Subsection E of 16.2.5.10 NMAC and Subsection D of 16.2.5.12 NMAC (Subsections 10.E and 12.D of Part 5 of the rules), 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.

B. Any applicant for temporary licensure or an applicant for a limited temporary license 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.
[16.2.5.8 NMAC - Rp 16.2.5.8 NMAC, 10-22-03]

16.2.5.9 TEMPORARY LICENSE EDUCATIONAL REQUIREMENTS:

A. An applicant for temporary licensure shall provide satisfactory proof that he or she has completed an approved educational program. An applicant for temporary licensure who is legally recognized in any state or foreign country to practice another health care profession and who possesses knowledge and skills that are included in the scope of practice of doctors of oriental medicine shall provide satisfactory proof that he or she has completed the education required for legal recognition in that state or foreign country.

B. The board, by a vote of the majority of the members of the board acting at a duly convened meeting of the board, may determine not to require the applicant for temporary licensure to complete the requirements of Subsection A of 16.2.5.9 NMAC (Subsection 9.A. of Part 5 of the rules), if the board determines that there is good cause and the health and safety of the citizens of New Mexico will not be jeopardized.
[16.2.5.9 NMAC - Rp 16.2.5.9 NMAC, 10-22-03]

16.2.5.10 TEMPORARY LICENSE APPLICATION: Upon approval of an application for a temporary license that fulfills the requirements listed below, the board shall issue a temporary license that will be valid for the dates specified on the license but shall not exceed six (6) months. The temporary license shall include the name of the temporary licensee, the effective dates of the license, the name of the sponsoring New Mexico doctor of oriental medicine or New Mexico educational program, and a statement that the license shall be for the exclusive purpose of one or more of the following: teaching acupuncture and oriental medicine; consulting, in association with the sponsoring doctor of oriental medicine, regarding the sponsoring doctor's patients; performing specialized diagnostic or treatment techniques in association with the sponsoring doctor of oriental medicine regarding the sponsoring doctor's patients; assisting in the conducting of research in acupuncture and oriental medicine; or assisting in the implementation of new techniques and technology related to acupuncture and oriental medicine. The application requirements for a limited temporary license shall be receipt of the following by the board.

- A. The fee for application for temporary license specified in 16.2.10 NMAC (Part 10 of the rules).
- B. A application for temporary license that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth, social security number, if available, and the name of the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program.
- C. One (1) passport-type photograph of the applicant taken not more than six months prior to the submission of the application.
- D. An affidavit as provided on the "temporary license application" from the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program attesting to the qualifications of the applicant and the activities the applicant will perform.
- E. An affidavit as provided on the "temporary license 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; or
 - (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; or
 - (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; or
 - (4) is in arrears on a court-ordered child support payment.
- F. 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 other profession, including other health care professions, in any jurisdiction, pursuant to any authority other than the New Mexico Acupuncture and Oriental Medicine Practice Act.
- G. An affidavit as provided on the "temporary license application" stating that the applicant understands that:
 - (1) an applicant who has been subject to any action or proceeding comprehended by Subsection E of 16.2.5.10 NMAC (Subsection 10.E of Part 5 of the rules) 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.
- H. An affidavit as provided on the "temporary license 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; and
 - (2) the applicant must notify the board within ten (10) days if the applicant's address changes or the circumstances of the applicant's relationship to the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program change; and

(3) the applicant may only engage in those activities authorized on the temporary license and only in association with the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program for the limited time specified on the temporary license.

I. A copy of the applicant's license, certification or registration or other document proving that the applicant is legally recognized in another state or country to practice acupuncture and oriental medicine or another health care profession and who possesses knowledge and skill that are included in the scope of practice of doctors of oriental medicine. The copy shall include on it an affidavit by the applicant certifying that it is a true copy of the original. For applicants in the United States who practice in a state in which there is no legal recognition, a copy of the certification document in acupuncture, Chinese herbal medicine or Asian body work, whichever is appropriate for the type of material they will be teaching or studying, by the national certification commission for acupuncture and oriental medicine (NCCAOM) shall be sufficient. The copy shall include on it an affidavit by the applicant certifying that it is a true copy of the original. For applicants outside the United States who practice in a country in which there is no specific legal recognition document but where graduation from an appropriate educational program is the legal requirement for practice, the above provisions in this paragraph shall not apply.

J. A copy of the applicant's diploma for graduation from the educational program that is required to be licensed, certified, registered or legally recognized to practice in the state or country where the applicant practices. This copy shall include on it an affidavit by the applicant certifying that it is a true copy of the original.

K. 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. 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.

L. An affidavit stating that the applicant has been officially informed by the board in writing that either of the following two requirements has been fulfilled:

(1) the educational program in acupuncture and oriental medicine from which the applicant graduated has been approved by the board as an educational program; or

(2) the board, by a vote of the majority of the members of the board acting at a duly convened meeting of the board, has determined not to require the applicant for temporary licensure to have graduated from an approved educational program as provided for in Subsection B of 16.2.5.9 NMAC (Subsection 9.B of Part 5 of the rules).

M. 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.

[16.2.5.10 NMAC - Rp 16.2.5.10 NMAC, 10-22-03; A, 02-15-05]

16.2.5.11 TEMPORARY LICENSE RENEWAL: A temporary license issued by the board may be renewed a maximum of two times only, for a period of six (6) months for each renewal. Renewals shall run sequentially so that a renewal shall begin immediately when the previous temporary license period expires. Upon approval of an application for renewal of a temporary license that fulfills the requirements listed below, the board shall issue a temporary license. The application requirements for renewal of a temporary license shall be receipt of the following by the board:

A. The fee for renewal of a temporary license specified in 16.2.10 NMAC (Part 10 of the rules).

B. An application for renewal of a Temporary License that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth, social security number, if available, and the name of the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program.

C. An affidavit from the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program attesting to the qualifications of the applicant and the activities the applicant will perform.

[16.2.5.11 NMAC - Rp 16.2.5.11 NMAC, 10-22-03]

16.2.5.12 LIMITED TEMPORARY LICENSE APPLICATION: Upon approval of an application for a limited temporary license that fulfills the requirements listed below, the board shall issue a limited temporary license that will be valid for the dates specified on the license but shall not exceed twelve (12) consecutive months from the date of issuance and is not renewable. A limited temporary license shall be for the exclusive purpose of teaching a single complete course in acupuncture and oriental medicine, and assisting in the implementation of new techniques in acupuncture and oriental medicine including the study of such techniques by licensed, registered, certified or legally recognized health care practitioners from jurisdictions other than New Mexico. A limited temporary license shall be required for any person who demonstrates, practices or performs diagnostic and treatment techniques on another person as part of teaching or assisting in the implementation of new techniques, if they are not a licensee or temporary licensee. Limited temporary licenses shall not be issued to teachers for the purpose of teaching full semester courses that are part of an approved educational program. The limited temporary license shall include the name of the limited temporary license holder, the effective dates of the license, the name of the sponsoring New Mexico doctor of oriental medicine or New Mexico educational program, and a statement that the license shall be for the exclusive purpose of teaching acupuncture and oriental medicine, and assisting in the implementation of new techniques in acupuncture and oriental medicine including the study of such techniques by licensed, registered, certified or legally recognized health care practitioners from jurisdictions other than New Mexico. The requirements for a limited temporary license shall be:

A. the fee for application for a limited temporary license specified in 16.2.10 NMAC (Part 10 of the rules);

B. an application for limited temporary license that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth, social security number, if available, and the name of the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program;

C. an affidavit as provided on the "temporary license application" from the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program attesting to the qualifications of the applicant and the activities the applicant will perform; and

D. an affidavit 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; or

(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; or

(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; or

(4) is in arrears on a court-ordered child support payment; and

E. an affidavit as provided on the "temporary license application" stating that the applicant understands that:

(1) an applicant who has been subject to any action or proceeding comprehended by Subsection D of 16.2.5.12 NMAC (Subsection 12.D of Part 5 of the rules), 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.; and

F. an affidavit as provided on the "temporary license 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; and

(2) the applicant must notify the board within ten (10) days if the applicant's address changes or the circumstances of the applicant's relationship to the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program change; and

(3) the applicant may only engage in those activities authorized on the temporary license and only in association with the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico educational program for the limited time specified on the temporary license; and

G. a copy of the applicant's license, certification or registration or other document proving that the applicant is legally recognized in another state or country to practice acupuncture and oriental medicine or another health care profession and who possesses knowledge and skill that are included in the scope of practice of doctors of oriental medicine; the copy shall include on it an affidavit by the applicant certifying that it is a true copy of the original; for applicants in the United States who practice in a state in which there is no legal recognition, a copy of the certification document in acupuncture, Chinese herbal medicine or Asian body work, whichever is appropriate for the type of material they will be teaching or studying, by the national certification commission for acupuncture and oriental medicine (NCCAOM) shall be sufficient; the copy shall include on it an affidavit by the applicant certifying that it is a true copy of the original; for applicants outside the United States who practice in a country in which there is no specific legal recognition document but where graduation from an appropriate educational program is the legal requirement for practice, the above provisions in this paragraph shall not apply; and

H. a copy of the applicant's diploma for graduation from the educational program that is required to be licensed, certified, registered or legally recognized to practice in the state or country where the applicant practices; this copy shall include on it an affidavit by the applicant certifying that it is a true copy of the original; and

I. 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.

[16.2.5.12 NMAC - Rp 16.2.5.12 - 16.2.5.16 NMAC, 10-22-03; A, 02-15-05]

History of 16.2.5 NMAC:

Pre-NMAC History: None

History of Repealed Material:

16.2.5 NMAC, Temporary Licensing (filed 9-22-00) - Repealed 11-22-01;

16.2.5 NMAC Temporary Licensing (filed 10-25-01) - Repealed 10-22-03.

Other History:

16 NMAC 2.5, Acupuncture and Oriental Medicine - Temporary Licensing, (filed 06-14-96) renumbered, reformatted and amended and replaced by 16.2.5 NMCA, Temporary Licensing, effective 10-22-2000;

16.2.5 NMAC, Temporary Licensing (filed 09-22-00) replaced by 16.2.5 NMAC, Temporary Licensing, effective 11-25-01.

16.2.5 NMAC, Temporary Licensing (filed 10-25-01) replaced by 16.2.5 NMAC, Temporary Licensing, effective 10-22-03.