

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 15 OCCUPATIONAL THERAPISTS
PART 2 LICENSING REQUIREMENTS

16.15.2.1 ISSUING AGENCY: Board of Examiners for Occupational Therapy
[06-14-97; 16.15.2.1 NMAC - Rn & A, 16 NMAC 15.2.1, 06-29-00]

16.15.2.2 SCOPE: All those individuals who wish to practice occupational therapy in the state of New Mexico.
[06-14-97; 16.15.2.2 NMAC - Rn, 16 NMAC 15.2.2, 06-29-00]

16.15.2.3 STATUTORY AUTHORITY: Section 61-12A-6 NMSA 1978.
[06-14-97; 16.15.2.3 NMAC - Rn, 16 NMAC 15.2.3, 06-29-00]

16.15.2.4 DURATION: Permanent.
[06-14-97; 16.15.2.4 NMAC - Rn, 16 NMAC 15.2.4, 06-29-00]

16.15.2.5 EFFECTIVE DATE: June 14, 1997, unless a later date is cited at the end of a section.
[06-14-97; 16.15.2.5 NMAC - Rn & A, 16 NMAC 15.2.5, 06-29-00]

16.15.2.6 OBJECTIVE: To outline the application, examination, provisional permit, and renewal requirements.
[06-14-97; 16.15.2.6 NMAC - Rn, 16 NMAC 15.2.6, 06-29-00]

16.15.2.7 DEFINITIONS:

A. Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

B. Recent veteran: means a person who has received an honorable discharge or separation from military service within the two (2) years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

C. Spouse: means a person married to the military service member or recent veteran, in a marriage recognized by the state of New Mexico.

[06-14-97; 16.15.2.7 NMAC - Rn, 16 NMAC 15.2.7, 06-29-00; A, 01/30/2015]

16.15.2.8 EXAMINATION:

A. The examination prescribed by the board is the national board for certification in occupational therapy examination for an occupational therapist registered or certified occupational therapy assistant. All applicants for licensure, pursuant to the Occupational Therapy Act, must obtain a passing grade on the examination, as determined by the national board for certification in occupational therapy (NBCOT), in order to be eligible for licensure.

B. The board requires each applicant to pass an examination on the state laws, rules and regulations that pertain to the practice of occupational therapy in New Mexico. All applicants for licensure must take the New Mexico jurisprudence exam and have a passing score of 80%, based on a total available score of 100%. Any applicant who fails to pass the jurisprudence examination may retake the exam upon receipt of the required fees.

[06-14-97; 16.15.2.8 NMAC - Rn, 16 NMAC 15.2.8, 06-29-00; A, 04-03-03]

16.15.2.9 INITIAL APPLICATION FOR LICENSURE:

A. An application packet may be obtained from the state licensure board office.

B. The application must be submitted on completed forms as supplied by the board.

C. A photograph of the applicant taken within six (6) months prior to filing application must be submitted with the application. (Passport size recommended; scanned or computer-generated photographs must be printed on photo quality paper).

D. Application fees in the form of a check or money order must be submitted in full with the application. Personal checks may delay processing of your application for up to ten (10) days.

E. Verification of registration or certification may be provided in any of the following ways.

(1) Written verification must be received by the board directly from the national board for certification in occupational therapy (NBCOT) certifying that the applicant's certification is active and in good standing.

(2) Written verification of initial certification must be received by the board directly from the national board for certification in occupational therapy (NBCOT) and verification of licensure from each state in which the applicant has been licensed. Such proof of licensure must be received by the board directly from the state boards where currently and previously licensed. For applicants who practiced in states that do not require licensure, written verification of employment shall be received by the board office directly from the applicant's previous employers on a verification of employment form to be provided by the board.

F. An occupational therapy assistant (OTA), shall file with the board a signed, current statement of supervision by the occupational therapist (OT) who will be responsible for the supervision of the occupational therapy assistant (OTA). Both the supervisor and supervisee carry responsibility for notifying the board within ten (10) work days when there is a change of supervisor.

G. On-line applications will require a notarized signature card be filed with the board office.

H. All licenses are the property of the board and shall forthwith be returned to the board, if requested.

I. No license is valid without the official board seal.

J. Questions of felony convictions or misdemeanors involving moral turpitude have to be satisfactorily resolved. The board may require proof that the person has been sufficiently rehabilitated to warrant the public trust. Proof of sufficient rehabilitation may include, but not be limited to; certified proof of completion of probation or parole supervision, payment of fees, community service or any other court ordered sanction. [06-14-97; 02-14-98; 16.15.2.9 NMAC - Rn, 16 NMAC 15.2.9, 06-29-00; A, 04-03-03; A, 08-29-05; A, 01/30/2015]

16.15.2.10 PROVISIONAL PERMITS:

A. Any persons who have completed the education and experience requirements of the occupational therapy act and who have applied for the national board for certification in occupational therapy (NBCOT) examination may apply for a provisional permit.

B. The provisional permit allows the applicant to practice occupational therapy under the supervision of a licensed occupational therapist as defined in 16.15.3 NMAC.

C. The provisional permit is in effect for a maximum of six (6) months after issuance. Failure to sit for the NBCOT examination within six (6) months automatically voids the provisional permit. A license may be issued when results of the examination have been made public.

D. The provisional permit will automatically be invalidated upon notice to the board that the applicant has failed the examination.

E. Any previous failures of the NBCOT certification exam will prevent a person from obtaining a provisional permit.

F. Persons practicing on a provisional permit shall file with the board a signed current statement of supervision by the occupational therapist or occupational therapists (OT or OTs) who will be responsible for the supervision of the person practicing on a provisional permit. Both the supervisor and supervisee carry responsibility for notifying the board within ten (10) work days when there is a change of supervisor.

G. Persons practicing on a provisional permit pending certification as an occupational therapy assistant (OTA) or an occupational therapist (OT) are not eligible to supervise. (Refer 16.15.3 NMAC)

H. All provisional permits are the property of the board and shall forthwith be returned to the board, if requested.

I. The provisional permit requires the official board seal and is valid for no more than six months. [06-14-97; 16.15.2.10 NMAC - Rn, 16 NMAC 15.2.10, 06-29-00; A, 04-03-03]

16.15.2.11 EDUCATIONAL PROGRAMS:

A. The occupational therapy educational program completed by the occupational therapist or occupational therapy assistant must have been accredited by the accreditation council for occupational therapy education (ACOTE) of the american occupational therapy association (AOTA).

B. Occupational therapists trained outside the United States must have had their education accepted by the national board for certification in occupational therapy. The board must receive written verification in the form of an eligibility letter received by the board directly from the national board for certification in occupational therapy (NBCOT).

[06-14-97; 16.15.2.11 NMAC - Rn, 16 NMAC 15.2.11, 06-29-00]

16.15.2.12 LICENSURE BY ENDORSEMENT: Applicants for licensure by reciprocity from other states, must submit all of the requirements as set forth in 16.15.2.9 NMAC. All application information is subject to verification by the board.

[06-14-97; 16.15.2.12 NMAC - Rn, 16 NMAC 15.2.12, 06-29-00; A, 04-03-03]

16.15.2.13 ANNUAL RENEWAL:

A. Annual renewal fees in the form of a check or money order must be remitted when due or license will expire automatically.

B. Licenses may be renewed upon receipt of a renewal application submitted on the form provided by the board, or via on-line renewal application through the board's on-line professional licensing system, the applicable annual renewal fee, and proof of continuing education requirements pursuant to regulations of the board.

C. The annual renewal date is October 1st of each year. All licenses issued by the board will expire on September 30th of each year.

[06-14-97; 16.15.2.13 NMAC - Rn & A, 16 NMAC 15.2.13, 06-29-00; A, 04-03-03]

16.15.2.14 EXPIRED LICENSE OR NON-PRACTICE:

A. A license not renewed on the annual renewal date is expired.

B. Validation of competency for applicants who have not practiced since his or her graduation from an occupational therapy program, or who have not practiced as an occupational therapist or occupational therapy assistant for a period of more than three (3) years, full licensure requires the following;

(1) a completed application form as required under 16.15.2.9 NMAC;

(2) passage of the jurisprudence exam;

(3) twenty (20) continuing education contact hours for each year the applicant was not practicing as an occupational therapist or occupational therapy assistant, not to exceed one hundred (100) hours (course work to be pre-approved by the board);

(4) the board may require the applicant to provide or demonstrate additional evidence of his or her competency to practice (e.g. passage of the national board for certification in occupational therapy exam, AOTA courses, university sponsored courses, supervision or mentorship).

[06-14-97; 16.15.2.14 NMAC - Rn & A, 16 NMAC 15.2.14, 06-29-00; A, 04-03-03; A, 08-29-05; A, 01/30/2015]

16.15.2.15 INACTIVE LICENSE:

A. A license in good standing may be transferred to inactive status upon written request to the board. Such request shall be made prior to the expiration of the license.

B. An annual inactive fee must be submitted to the board. (Refer to Part 6, Fee Schedule).

C. A licensee may reactivate the license upon submission of the following:

(1) A renewal form.

(2) Payment of the annual renewal fee for the year in which the licensee wishes to reactivate.

(3) Proof of continuing education units for each year of inactive status.

(4) Additional proof of competency as requested and prescribed by the Board will be required after five (5) years of an inactive license.

(5) Passage of the jurisprudence exam.

(6) Completion of a verification of employment form for licensees who have practiced outside New Mexico while on inactive status.

[06-14-97; 16.15.2.15 NMAC - Rn, 16 NMAC 15.2.15, 06-29-00; A, 04-03-03; A, 01/30/2015]

16.15.2.16 REINSTATEMENT OF LICENSURE:

A. Reinstatement of a New Mexico occupational therapist or occupational therapy assistant license that has lapsed for less than one year requires the following:

(1) completion of the renewal form;

(2) payment of late fee;

(3) proof of the required continuing education contact hours;

(4) passage of the jurisprudence examination and

(5) submit a notarized statement, by the therapist, that they have not practiced occupational therapy in New Mexico while their license was expired.

B. Reinstatement of an occupational therapist or occupational therapy assistant license that has lapsed in New Mexico for more than one (1) year, where there is evidence of continued practice with an unrestricted license/registration/certification in another state requires the following:

(1) completion of the initial application;
(2) payment of the application;
(3) payment of the current year renewal fee;
(4) proof of twenty (20) continuing education hours for each year of the lapsed New Mexico license; not to exceed one hundred (100) hours.

(5) passage of the jurisprudence examination; and
(6) verification of all current, valid unrestricted licenses/registrations/certifications from other U.S. jurisdictions; verifications may be received by the board via regular mail, electronic mail, or facsimile; verifications must be signed and dated by an official of the agency licensing the applicant and include the following data:

(a) name and address of the applicant;
(b) license/registration/certification number and date of issuance;
(c) expiration date of the license/registration/certification;
(d) a statement of whether the applicant was denied a license/registration/certification by the agency;
(e) a statement of whether any disciplinary action is pending or has been taken against the applicant; and;
(f) receipt of verification of employment for states not requiring licensure, registration, or certification.

[16.15.2.16 NMAC - N, 08-29-05; A, 01/30/2015]

16.15.2.17 PROVISIONS FOR EMERGENCY LICENSURE:

A. Occupational therapists and occupational therapy assistants currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following the declared disaster upon:

(1) a completed application signed and notarized and accompanied by proof of identity, which may consist of a copy of a driver's license, passport or other photo identification issued by a governmental entity;
(2) proof of successful completion of the national board for certification in occupational therapy (NBCOT) and New Mexico jurisprudence exam;
(3) verification of licenses held in other states and verification of employment if applicable. (verification may be obtained by mail, fax or email, through online verification from the state of licensure)
(4) proof or documentation of residency and employment in the area of the federal disaster.

B. The board may waive the following requirements for licensure:

(1) application fee's prorated for four (4) months;
(2) the specific forms required under 16.15.2.9 NMAC if the applicant is unable to obtain documentation from the federal declared disaster areas.

C. Nothing in this section shall constitute a waiver of the requirements for licensure contained in the board's rules and regulations.

D. Licenses issued under (this emergency provision) shall expire four (4) months following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before October 1, following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.

[16.15.2.17 NMAC - N/E, 11-16-05; A, 01/30/2015]

16.15.2.18 EMERGENCY LICENSURE TERMINATION:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of a permanent license under 16.15.2.9 NMAC; or
(2) proof that the emergency license holder has engaged in fraud deceit, misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.

[16.15.2.18 NMAC - N/E, 11-16-05]

16.15.2.19 EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS: Application Requirements.

A. Applications for registration shall be completed on a form (electronic or hard copy) provided by the department.

B. The information shall include:

(1) completed application and fee;

(2) satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 2 through 34 NMSA 1978;

(3) proof of honorable discharge (DD214) or military identification card or proof of marriage for spousal status.

C. Electronic signatures will be acceptable for applications submitted pursuant to Sections 14-16-1 through 14-16-21 NMSA 1978.

[16.15.2.19 NMAC - N, 01/30/2015; A, 02/13/2015]

HISTORY of 16.15.2 NMAC:

Pre-NMAC History: Material in this Part was derived from that previously filed with State Records and Archives:

BOTP 84-1, Licensing Regulations, filed 12-10-84

BOTP 90-1, Licensing Regulations, filed 04-27-90

Rule 92-1, Licensing Regulations, filed 04-15-92

Rule 95-1, Licensing Regulations, filed 02-14-95

Rule 95-1, Licensing Regulations, filed 04-13-95.

History of the Repealed Material: [RESERVED]