

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 16 OPTOMETRIC PRACTITIONERS
PART 12 RETIREMENT AND REINSTATEMENT OF OPTOMETRY LICENSE

16.16.12.1 ISSUING AGENCY: New Mexico Board of Optometry.
[10-14-95; 16.16.12.1 NMAC - Rn, 16 NMAC 16.12.1, 03-15-2001; A, 03-15-2004; A, 07-06-2012]

16.16.12.2 SCOPE: Part 12 of Chapter 16 applies to all optometrists who wish to place their New Mexico licenses in retirement status.
[10-14-95; 16.16.12.2 NMAC - Rn, 16 NMAC 16.12.2, 03-15-2001]

16.16.12.3 STATUTORY AUTHORITY: The authority for Part 12 of Chapter 16 is NMSA 1978 Section 61-2-12 and 61-2-6.D. (2) (1995 Repl. Pamp.).
[11-20-73; 3-31-91; 8-21-92; 6-24-94; 10-14-95; 16.16.12.3 NMAC - Rn, 16 NMAC 16.12.3, 03-15-2001]

16.16.12.4 DURATION: Permanent.
[10-14-95; 16.16.12.4 NMAC - Rn, 16 NMAC 16.12.4, 03-15-2001]

16.16.12.5 EFFECTIVE DATE: October 14, 1995, unless a later date is cited at the end of a section.
[8-21-92...10-14-95, 10-15-97; 16.16.12.5 NMAC - Rn, 16 NMAC 16.12.5, 03-15-2001; A, 03-15-2004]

16.16.12.6 OBJECTIVE: The objective of Part 11 of Chapter 16 is to set forth the requirements and procedures for placing a New Mexico optometry license in retirement status and having it reinstated from retirement status.
[10-14-95; 16.16.12.6 NMAC - Rn, 16 NMAC 16.12.6, 03-15-2001]

16.16.12.7 DEFINITIONS: "Retired status" means a license that has been withdrawn from active status at the request of the licensee due to retirement provided the licensee is not practicing optometry in another jurisdiction. Such license is still subject to the board authority for five (5) years from the date the license is placed on retired status as specified in 16.16.12.15 NMAC.
[10-14-95; 16.16.12.7 NMAC - Rn, 16 NMAC 16.12.7, 03-15-2001, A, 03-15-2004; A 03-22-2008]

16.16.12.8 RETIREMENT OF LICENSE: Any optometrist who wishes to retire from practice shall notify the board, **in writing, prior to** the expiration date of his or her license.

A. If the licensee meets the time frame and continuing education requirements set forth in 16.16.12.8 NMAC, the license will be retired. The licensee's date of retirement will be recorded as the expiration date of that year in the minutes of the next regularly scheduled board meeting.

B. The optometrist shall be exempt from payment of the yearly renewal fees during the period of retirement.
[8-21-92; 6-24-94; 10-14-95; 10-15-97; 16.16.12.8 NMAC - Rn, 16 NMAC 16.12.8, 03-15-2001; A, 03-15-2004; A, 07-06-2012]

16.16.12.9 PRACTICE PROHIBITED: During the period of retirement, the optometrist is prohibited from practicing optometry in the state of New Mexico.
[8-21-92; 6-24-94; 10-14-95; 16.16.12.9 NMAC - Rn, 16 NMAC 16.12.9, 03-15-2001]

16.16.12.10 NOTIFICATION OF INTENT TO REINSTATE LICENSE: Any optometrist who has retired as provided in 16.16.12.8 NMAC may, within five years from the date his/her license was retired, notify the board in writing of his/her desire to resume active practice. The applicant shall provide the following information.

A. The license number of the former license;

B. The applicant's full name;

C. The applicant's home address and phone number;

D. The date the applicant's license was originally issued; and

E. The date of the applicant's retirement.
[8-21-92; 6-24-94; 10-14-95; 16.16.12.10 NMAC - Rn, 16 NMAC 16.12.10, 03-15-2001]

16.16.12.11 REINSTATEMENT PROCESS: Upon receipt of the written request required in 16.16.12.10 NMAC, the board shall mail the applicant a reinstatement form stipulating the fees and the number of board-approved continuing education hours required for reactivation of his or her license.

A. The reactivation fee shall be the total of the renewal fees for each year the license was in retired status.

B. Continuing education shall be at the current requirement of board approved continuing education taken for each year during the retirement period, and the provisions set forth in Subsection A of 16.16.13.8 NMAC related to optometrists holding certification in ocular therapeutics will apply for each year in retired status.

C. Twenty-two (22) of those hours shall be taken during the year immediately preceding reactivation of the license. At least ten (10) of the twenty-two (22) hours must be in a board approved program in ocular therapeutic pharmacology.

[8-21-92; 6-24-94; 10-14-95; 10-15-97; 16.16.12.11 NMAC - Rn, 16 NMAC 16.12.11, 03-15-2001; A, 03-22-2008; A, 07-06-2012]

16.16.12.12 REINSTATEMENT APPLICATION REVIEW: The optometrist shall return the completed, signed, and notarized reinstatement form, the required fee, and copies of the continuing education proofs of attendance certificates to the board office.

[8-21-92; 6-24-94; 10-14-95; 10-15-97; 16.16.12.12 NMAC - Rn, 16 NMAC 16.12.12, 03-15-2001]

16.16.12.13 REINSTATEMENT APPROVED:

A. If the board finds the application in order and is satisfied that the applicant has fulfilled the requirements as specified, the board shall reinstate the applicant's license.

B. The retiree may not resume the practice of optometry until the reactivated license has been received from the board.

[8-21-92; 6-24-94; 10-14-95; 10-15-97; 16.16.12.13 NMAC - Rn, 16 NMAC 16.12.13, 03-15-2001]

16.16.12.14 INELIGIBILITY FOR REINSTATEMENT:

A. The retired optometrist will be ineligible for reinstatement if he or she is under investigation, is facing disciplinary proceedings, or has had a disciplinary action taken against his or her license in any jurisdiction while on retired status in New Mexico.

B. A retired optometrist whose application for reinstatement has been denied shall be afforded an opportunity for a hearing under Section 61-1-4 of the Uniform Licensing Act.

[8-21-92; 6-24-94; 10-14-95; 10-15-97; 16.16.12.14 NMAC - Rn, 16 NMAC 16.12.14, 03-15-2001]

16.16.12.15 TIME LIMITATIONS ON RETIREMENT STATUS: If application for reinstatement of the license is not made before the end of the five-year retirement or reinstatement period, the optometrist's New Mexico license shall Lapse. The optometrist must reapply to the board for licensure by examination. All application requirements as stated in Part 3 of 16.16 NMAC must be met.

[6-24-94; 10-14-95; 10-15-97; 16.16.12.15 NMAC - Rn, 16 NMAC 16.12.15, 03-15-2001]

HISTORY of 16.16.12 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

NMBO Rule 21, Board Rule No. 21 - Retirement And Reinstatement, filed 7-22-92.

NMBO Rule 21, Board Rule No. 21 - Retirement And Reinstatement, filed, 5-25-94.

History of Repealed Material: [Reserved]

Other History:

16 NMAC 16.12, Retirement And Reinstatement Of Optometry License, filed 9-21-95, replaced NMBO Rule 21, Board Rule No. 21 - Retirement And Reinstatement.

16 NMAC 16.12, Retirement And Reinstatement Of Optometry License, filed 9-21-95, renumbered and reformatted to 16.16.12 NMAC, Retirement And Reinstatement Of Optometry License, effective 03-15-2001.