

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 14 INACTIVE STATUS

16.63.14.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.14.1 NMAC - Rn, 16 NMAC 63.14.1, 06/19/02]

16.63.14.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.14.2 NMAC - Rn, 16 NMAC 63.14.2, 06/19/02]

16.63.14.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.14.3 NMAC - Rn, 16 NMAC 63.14.3, 06/19/02]

16.63.14.4 DURATION: Permanent
[9/8/96; 16.63.14.4 NMAC - Rn, 16 NMAC 63.14.4, 06/19/02]

16.63.14.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.14.5 NMAC - Rn & A, 16 NMAC 63.14.5, 06/19/02]

16.63.14.6 OBJECTIVE: To inform the licensees of the procedure to change their license to inactive status, and the reinstatement process.
[9/8/96; 16.63.14.6 NMAC - Rn, 16 NMAC 63.14.6, 06/19/02]

16.63.14.7 DEFINITIONS: [Reserved]

16.63.14.8 PROCEDURE

A. Any person licensed under the Social Work Practice Act (NMSA 1978 Sections 61-31-1 to 61-31-24) who wishes to assume inactive status in the practice of social work shall notify the board's administrator in writing postmarked on or before July 1st of the year the license expires. As part of the written request for inactive status, the licensee must show proof of having completed the required continuing education hours defined in Part 12 of these rules. If the licensee has not met the continuing education requirements, inactive status may be granted but the licensee will be subject to all rules related to continuing education if reinstatement of license is requested.

B. Upon approval by the board, the licensee shall assume inactive status. Any license in inactive status will be subject to an annual fee of fifteen dollars (\$15.00) for LBSW, twenty dollars (\$20.00) for LMSW and twenty-five dollars (\$25.00) for LISW.

C. The practice of social work in New Mexico under an inactive license is strictly prohibited.

D. Any person licensed under the Social Work Practice Act who has assumed inactive status as provided in this section, may notify the board, in writing, of his desire to resume active practice.

E. Upon receipt of the notice required in Subsection D of 16.63.14.8 NMAC, the administrator shall send to the licensee an application for reinstatement of license.

F. The fee for reinstatement of a license shall be in accordance with 16.63.8 NMAC, Sections 8, 9, 10 & 11.

G. The applicant must, in addition, provide satisfactory proof of:

(1) completion of no less than ten (10) hours of continuing education for each year of inactive status; such continuing education to be accumulated in accordance with Part 12.

(2) completion of all continuing education requirements determined to have been unmet at the time inactive status was granted.

H. If the board finds the application in order and is satisfied that the applicant has fulfilled his continuing education requirements as outlined in Subsection G of 16.63.14.8 NMAC, the board shall reinstate the applicant's license.

I. No person licensed under the Social Work Practice Act who has assumed inactive status shall reactivate his practice until he receives notification from the board that his license is active.

J. The board will not accept applications for inactive status from licensees who are under investigation for violations of the Social Work Practice Act or who have an active complaint pending with the board.

K. The board will accept applications under this section from any social worker who is impaired as further defined in this section and who is participating in a rehabilitation plan approved by the board.

(1) For purposes of this section, impaired means inability to practice social work with reasonable skill or safety to clients by reason of one or more of the following:

(2) mental illness;

(3) habitual or excessive use or abuse of drugs, as defined in the Controlled Substances Act (NMSA Sections 30-31-1 to 30-31-40) or alcohol.

L. The board may, in its discretion, require that an applicant for reinstatement take and pass a written or oral examination as prescribed by the board.

[6/22/92, 1/5/95, 5/1/99; 16.63.14.8 NMAC - Rn & A, 16 NMAC 63.14.8, 06/19/02; A, 4/24/06; A, 09/01/14]

HISTORY OF 16.63.14 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:

Rule 14, Inactive Status, 5/22/92.

Rule 14, Inactive Status, 12/5/94.

History of Repealed Material: [RESERVED]