

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 15 RETIREMENT

16.63.15.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.15.1 NMAC - Rn, 16 NMAC 63.15.1, 06/19/02]

16.63.15.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.15.2 NMAC - Rn, 16 NMAC 63.15.2, 06/19/02]

16.63.15.3 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; 16.63.15.3 NMAC - Rn, 16 NMAC 63.15.3, 06/19/02]

16.63.15.4 DURATION: Permanent
[9/8/96; 16.63.15.4 NMAC - Rn, 16 NMAC 63.15.4, 06/19/02]

16.63.15.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.15.5 NMAC - Rn & A, 16 NMAC 63.15.5, 06/19/02]

16.63.15.6 OBJECTIVE: To inform the licensees of the procedure to change their license to retirement status, and the reinstatement process.
[9/8/96; 16.63.15.6 NMAC - Rn, 16 NMAC 63.15.6, 06/19/02]

16.63.15.7 DEFINITIONS: [Reserved]

16.63.15.8 PROCEDURE

A. Any person licensed under the Social Work Practice Act (NMSA 1978 Sections 61-31-1 to 61-31-24) who wishes to retire from practice shall notify the board's administrator in writing prior to the July 1 expiration of his current license. As part of the written request for retirement 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, retirement status may be granted but the licensee will be subject to all rules related to continuing education if reinstatement of license is requested. The administrator shall acknowledge receipt of the request.

B. Upon approval by the board of the request, the licensee shall assume retirement status and shall be exempt from payment of the yearly renewal fees during the period of retirement.

C. The practice of social work in New Mexico under a retired license is strictly prohibited. Any person licensed under the Social Work Practice Act who has retired as provided in this section, may notify the board, in writing, of his desire to resume active practice.

D. Upon receipt of the notice required in Subsection C of 16.63.15.8 NMAC, the administrator shall send to the retired licensee an application for reinstatement of license.

E. The application must be completed and returned to the board's administrator with the appropriate fee as required in sections 8, 9, 10 and 11 of 16.63.8 NMAC.

F. 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 retirement; 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 retirement status was granted.

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

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 F of 16.63.15.8 NMAC, the board shall issue the applicant a new license.

I. No person licensed under the Social Work Practice Act who has retired shall reactivate his practice until he receives his new license certificate.

J. The board will not accept applications for retirement 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. 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:

(1) mental illness;

(2) 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.

[6/22/92, 1/5/95, 5/1/99; 16.63.15.8 NMAC - Rn, 16 NMAC 63.15.8, 06/19/02; A, 4/24/06; A, 11/30/06]

HISTORY OF 16.63.15 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 15, Retirement, 5/22/92.

Rule 15, Retirement, 12/5/94.

History of Repealed Material: [RESERVED]