

**NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING**

The New Mexico Athletic Trainers Practice Board will hold a rule hearing on Monday, November 14, 2022, at 9:30 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM, in the Rio Grande Conference Room for those desiring to attend in person.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e3a707b7e2595fca3d94d5af00b8885c2>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2495 096 7905

The purpose of the rule hearing is to consider proposed amendments to the following rules:

16.3.4 NMAC – Initial Licensing Requirements

16.3.7 NMAC – Annual Renewal of Licenses

16.3.10 NMAC – Emergency Licensure

16.3.11 NMAC – Licensure for Military Service Members, Spouses, Dependent Children and Veterans

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-trainers/athletic-trainers-rules-and-laws/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Roxann Ortiz, Board Administrator, via electronic mail at:

[athletic.trainers@state.nm.us](mailto:athletic.trainers@state.nm.us), or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, November 11, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-trainers/athletic-trainers-rules-and-laws/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/athletic-trainers/athletic-trainers-board-information/athletic-trainers-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Roxann Ortiz, Board Administrator at (505) 476-4622.

An individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Roxann Ortiz, Board Administrator at (505) 476-4622.

**Statutory Authority:**

Subsection F of Section 61-14D-9 of the Athletic Trainer Practice Act, NMSA 1978, Sections 61-14D-1 to -19, specifically authorizes the Board to “adopt and file, [...], rules and regulations necessary to carry out the provisions of the Athletic Trainer Practice Act.” In addition, 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, Sections 61-1-1 to -36 NMSA 1978, provides that “A board by rule shall determine those states and territories of the United States and the District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the board will accept an applicant for expedited licensure.” Section 61-1-34(A) NMSA 1978 of the Uniform Licensing Act, requires that “as soon as practicable but no later than thirty days after a military service member or a veteran file an application, and provides a background check if required” the Board must “process the application; and issue a license prima facie to a qualified applicant [...]” Additionally, Laws 2022, ch. 39, § 104

provides that a board that is required by Laws 2022, ch. 39 to change its licensing provisions to allow for new or different expedited licensure shall have rules in place and operational by January 1, 2023.

**Purpose of the Proposed Rules:**

The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among expedited licensure applicants, and to generally satisfy the Board's statutory obligation to provide for "the interest of public health, safety and welfare and to protect the public from the unprofessional, improper, incompetent and unlawful practice of athletic training [...]." Section 61-14D-2. In addition, the proposed rule changes are intended to comply with 2022 legislative changes made during the regular session in HB 191 Uniform Licensing Act signed into law by Governor Lujan Grisham on March 3, 2022.

**Summary of Proposed Changes:**

**16.3.4 NMAC – Licensure by Examination**

The amendments to this part are to be in compliance with the 2022 legislative change regarding HB 191. The proposed rule removes generic "initial licensing" language and clarifies the process as "licensure by examination." The proposed rule changes ensure the rule's language regarding licensure by examination is consistent. Additionally, the proposed rule change clarifies licensure by examination's scope and objective for all applicants.

**16.3.7 NMAC – Annual Renewal of License**

The amendments to this part are to be in compliance with the 2022 legislative change regarding HB 191. The proposed rule change clarifies the annual license expiration and renewal cycle. The rule includes language that specifies that an initial license may be issued for a period greater than twelve months but must be less than twenty-four months to align license expiration dates with the renewal cycle.

**16.3.10 NMAC – Expedited Licensure**

The amendments to this part include a repeal and replace due to the 2022 legislative change regarding HB 191 Uniform Licensing Act. This proposed rule sets out the requirements to apply for an "expedited license" in New Mexico. It also lists the states and territories that are excluded from the expedited licensure process and the grounds for their exclusion. The proposed rule also includes a section defining the expedited licensure process for military service members and veterans. Lastly, the proposed rule defines an expedited license's duration and the renewal process.

**16.3.11 NMAC – Licensure for Military Service Members, Spouses and Veterans**

The proposed rule change considers a repeal of 16.3.11 NMAC due to its provisions being incorporated into 16.3.10 NMAC. The proposed rule change repeals the Licensure for Military Service Members, Spouses and Veterans rule, which affords an expedited licensure process to members of the military, and consolidates the expedited licensure process into 16.3.10 for both military and non-military applicants.