

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Acupuncture and Oriental Medicine will hold a rule hearing on Wednesday, November 30, 2022, at 9:00 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, 5500 San Antonio Dr. NE, Albuquerque, New Mexico, 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=ecd74a676eeaaa7966b6a77be18d3d718>
Meeting (Access) Code: 2487 469 6143
Join by phone: 1-415-655-0002 United States Toll
Access Code: 2487 469 6143

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

16.2.6 NMAC - Expedited Licensing

16.2.10 NMAC - Fees

16.2.12 NMAC - Grounds for Denial, Suspension or Revocation of a License

16.2.21 NMAC - Licensure for Military Service Members, Spouse and Veterans

To obtain and review copies of the proposed changes you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/acupuncture-and-oriental-medicine/board-information/board-meetings/> or contact the New Mexico Board of Acupuncture and Oriental Medicine at (505) 476-4617 or by e-mail at Acuormedboard@state.nm.us.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Martha Gallegos, Senior Board Administrator, via electronic mail to Acuormedboard@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Wednesday, November 30, 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/acupuncture-and-oriental-medicine/board-information/board-meetings/>. 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/acupuncture-and-oriental-medicine/board-information/board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Martha Gallegos, Senior Board Administrator at (505) 476-4617.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Martha Gallegos, Senior Board Administrator (505) 476-4617.

Statutory Authority: The proposed rule changes are authorized by the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-1 through 61-14A-22 NMSA 1978, and specifically Section 61-14A-2 NMSA 1978 (empowering the Board to protect the public, public health, safety and welfare and to protect the public from the unprofessional, improper, incompetent and unlawful practice of acupuncture and oriental medicine), Section 61-14A-8 NMSA 1978 (authorizing the Board to enforce the provisions of the Acupuncture and Oriental Medicine Practice Act and promulgate rules to that effect) and Section 61-14A-9 NMSA 1978 (authorizing the Board to provide rules establishing fees, examinations for licensing, and to maintain records of all persons so licensed under the Acupuncture and Oriental Medicine Practice Act). The public hearing is governed by the New Mexico Attorney General's default rules for rulemaking proceedings, Sections 1.24.25.1 through 1.24.25.16 NMAC and the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978.

Purpose of Proposed Rules: The proposed rule changes to Parts 6, 10, and 21 are intended to align the Board's rules with HB 191 (General Session 2022), which amended Sections 61-14A-8, 61-14A-13, and 61-14A-16 NMSA 1978 of the Acupuncture and Oriental Medicine Practice Act. The proposed rule changes to Part 12 are intended to update the Board's rules concerning records retention by licensees to rendering it consistent with applicable federal laws and to modify the section governing use of acupuncture needles.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.2.6 NMAC - Expedited Licensing: The Board proposes to amend 16.2.6 NMAC to reflect the changes required by HB 191 and its amendment of Sections 61-14A-8, 61-14A-13, and 61-14A-16 NMSA 1978 of the Acupuncture and Oriental Medicine Practice Act. Specifically, the Board's proposed amendments to 16.2.6 NMAC include: adding a section updating the purpose of the rule (to provide for the issuance of expedited licenses pursuant to Section 61-1-31.1 and 61-1-34 NMSA 1978); adding definitions to the rule to define, among other things, "eligible jurisdiction," "expedited license," and related definitions; providing a list of disapproved licensing jurisdictions and reasons in support thereof as required by HB 191; providing a list of approved jurisdictions as required by HB 191; adding a section governing expedited licensure applications; defining the duration of expedited licenses and renewals; adding a new section governing licensing fees for military service members and veterans; adding a testing requirement that applicants pass the New Mexico Clinical Skills Examination as contemplated by Subsection F of Section 61-14A-11 NMSA 1978; and to renumber subsections of 16.2.6 NMAC.

16.2.10 NMAC - Fees: The Board proposes to amend 16.2.10 NMAC to reflect the changes required by HB 191 and its amendment of Sections 61-14A-8, 61-14A-13, and 61-14A-16 NMSA 1978 of the Acupuncture and Oriental Medicine Practice Act. Specifically, the Board's proposed amendments to 16.2.10 NMAC include: removing outdated language concerning the deposit and use of fees; removing outdated language concerning fees charged to applicants; and replacement of the term "reciprocal" with "expedited."

16.2.12 NMAC - Grounds for Denial, Suspension or Revocation of a License: The Board proposes to amend 16.2.12 NMAC to update records retention requirements for licensees to be compatible with federal healthcare law and remove surplus language from the rule. Specific changes include: requiring licensees to maintain care records for at least seven years from the date of each patient visit; requiring licensees to provide patient records to patients within thirty days of receipt of a written request from the patient, unless other laws require disclosure under those laws' terms; adding HIPAA language to the Breach of Confidentiality section; and removing "or removal" from the Permitting of Insertion of Acupuncture Needles section.

16.2.21 NMAC - Licensure for Military Service Members, Spouse and Veterans: The Board proposes to amend 16.2.21 NMAC to reflect the changes required by HB 191 and its amendment of Sections 61-14A-8, 61-14A-13, and 61-14A-16 NMSA 1978 of the Acupuncture and Oriental Medicine Practice Act. Specifically, the Board proposes to repeal the entirety of this rule as it is outdated under HB 191 and is addressed in Board's proposed amendments to rule 16.2.6 NMAC.