

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Massage Therapy Board will hold a rule hearing on Thursday, December 1, 2022, at 10:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to consider adoption of 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., Albuquerque, NM, Sandia 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.

Event address for attendees:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e11d16eb103096e2a02c15ef3ddb2b281>

Event number: 2494 514 6282

United States Toll

+1-415-655-0002

Access code: 2494 514 6282

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

16.7.3 NMAC - Fees

16.7.4 NMAC – Requirements for Licensure

16.7.8 NMAC – Licensure for Military Service Members, Spouses and Veterans

16.7.10 NMAC- Examination

To obtain and review copies of the full text of the proposed rule and proposed changes you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/massage-therapy/mt-laws-rules-and-policies/>, or contact the Boards and Commissions Division at (505) 476-4622.

Pursuant to 20.1.1.304 NMAC, all interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of providing oral testimony at the hearing, must file the written statement prior to the hearing or submit it at the hearing.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Roxann Ortiz-Pena, Board Administrator, via electronic mail at message.board@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Wednesday November 30, 2022. Persons will also be given the opportunity to present their comments at the rule hearing. All written comments will be posted to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/massage-therapy/mt-laws-rules-and-policies/>, no more than three business days following receipt to allow for public view.

Please note that formatting and minor technical changes in the regulations other than those proposed by the New Mexico Massage Therapy Board may be proposed at the hearing. In addition, the Board may make other changes as necessary to accomplish the purpose of protecting public health and safety in response to public comments and evidence presented at the hearing.

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 Nicolas Alderete, Board Administrator at (505) 476-4622.

Statutory Authority: Subsection A of Section 61-12C-8 NMSA 1978 of the Massage Therapy Practice Act, Sections 61-12C-1 to -28 NMSA 1978, specifically authorizes the Board to, “adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Massage Therapy Practice Act, in accordance with the provisions of the Uniform Licensing Act. In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and 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.”

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 licensees and certificate holders, and to generally satisfy the Board’s statutory obligation to further the interests of public health, safety, and welfare by “protect(ing) the public from unlawful, improper and incompetent practice of massage therapy.” See Section 61-12C-2 NMSA 1978. In addition, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act, Sections 61-1-1 through 37 NMSA 1978 and the Massage Therapy Practice Act, Sections 61-12C-1 to 28 NMSA 1978. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

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

16.7.3 - NMAC - Fees

The proposed changes to Part 3 of the Board’s current rules consist of adding language. In addition to minor non-substantive changes including amendments providing necessary renumbering, the new Part 3 provides for pro-rated license fees per month for the initial license term of licensees receiving their license pursuant to the provisions for expedited licensure.

16.7.4 – NMAC - Requirements for Licensure

The proposed changes to Part 4 of the Board’s current rules are to amend the existing language. In addition to minor non-substantive changes including amendments providing necessary renumbering and citation, amended Part 4 proposed amendments change the objective of Part 4 to reflect the legislative purpose of the Board, the general provisions for licensure by examination. Additionally, proposed amendments to Part 4 remove provisions for licensure by credentials, which is to be replaced with the process for expedited licensure under the proposed changes to Part 8 (see below). Finally, proposed amendments to Part 4 clarify that the initial licensing period provision, providing for the award of an initial license period for up to two years to provide for syncing individual licensee license renewal to the Board’s annual licensing renewal cycle.

16.7.8 – NMAC - Expedited Licensure

The proposed changes to Part 8 of the Board’s current rules consist of repealing and replacing existing language. The new Part 8 provides for expedited licensure for applicants currently licensed in an eligible jurisdiction and expedited licensure for military service members, their family members, and veterans. These additions include definitions applicable to Part 8, a listing of disapproved licensing jurisdictions and the reasons therefore, provisions for the requirements of the expedited licensure application for applicants currently licensed in an eligible jurisdiction, and provisions regarding the initial term of an expedited license and its renewal.

16.7.10 – NMAC - Examination

The proposed changes to Part 10 of the Board’s current rules are to amend existing language. The proposed amendments to Part 10 clarify that the Board’s jurisprudence examination is required for both applicants for licensure by examination and those licensees that received their license pursuant to the expedited licensure provisions for those applicants then currently licensed in an eligible jurisdiction, after their initial expedited licensure period has expired.