

This is an amendment to 16.23.1 NMAC, Section 7 and 16 effective 12/10/2024.

16.23.1.7 DEFINITIONS: Unless otherwise defined below, terms used in Title 16, Chapter 23 NMAC, have the same meanings as set forth in the Respiratory Care Act or in other cited New Mexico statutes:

A. Definitions beginning with “A”:

- (1) **“Applicant”** means a person who has applied to the department for a temporary permit or a respiratory care practitioner’s license.
- (2) **“Approval”** means the review and acceptance of a specific activity.
- (3) **“Approval body”** means the agency, institution, or organization with the authorization to award continuing education credit.
- (4) **“Approved training and education program”** means a program supported by the commission accreditation for respiratory care (COARC), or its predecessor the joint review committee for respiratory therapy education (JRCRTE) or accredited by the commission on accreditation of allied health education programs (CAAHEP), or its successor approval body.
- (5) **“Audit”** means an examination and verification of continuing education documents by the department.

B. Definitions beginning with “B”: **“Board”** has the same meaning as defined in Subsection A of Section 61-12B-3 NMSA 1978.

C. Definitions beginning with “C”:

- (1) **“Clock hour”** means a unit of measurement to describe a continuing education offering which equals a 60-minute clock hour.
- (2) **“Complaint”** means a complaint, which has been filed with the department or the board, against a temporary permittee, respiratory care practitioner licensee, or applicant for either permit or license.
- (3) **“Complainant”** means the party who files a complaint against a temporary permittee, a respiratory care practitioner licensee, or an applicant for either a permit or a license governed by the Respiratory Care Act.
- (4) **“Continuing education” or “CE”** means a learning experience intended to enhance professional development and includes continuing education units (CEUs) and continuing medical education (CME).
- (5) **“Controlled Substances Act”** refers to Section 30-31-1 through Section 30-31-41 NMSA 1978.
- (6) **“CRT”** means certified respiratory therapist. This is the entry level of respiratory care.
- (7) **“CRTT”** means a certified respiratory therapy technician. This is the entry level of respiratory care.

D. Definitions beginning with “D”:

- (1) **“Department”** has the same meaning as defined in Subsection B of Section 61-12B-3 NMSA 1978.
- (2) **“Direct supervision”** means direction and control by a training supervisor over a student extern temporary permittee or a graduate temporary permittee while the permittee is providing respiratory care procedures under the authority of the training supervisor’s license.
- (3) **“DME or DME company”** refers to durable medical equipment or companies that provide durable medical equipment in the health care industry.

E. Definitions beginning with “E”:

- (1) **“Electronic signature”** has the same meaning as defined in Subsection 7 of Section 14-16-2 NMSA 1978.
- (2) **“Expired license”** means a license that has not been renewed on or before the end of the license renewal period.
- (3) **“Expanded practice”** has the same meaning as the definition in Subsection E of Section 61-12B-3 NMSA 1978.

F. Definitions beginning with “F”: **“Facility”** means the employer of a licensed respiratory care practitioner or temporary permit holder.

G. Definitions beginning with “G”:

(1) **“Graduate”** means a non-licensed person who has completed an approved respiratory care training program and is employed by a supervisory facility to provide respiratory care for remuneration and in accordance with the provisions for a temporary permit issued under these regulations.

(2) **“Gratuitous”** means to receive no form of payment or remuneration.

H. Definitions beginning with “H”: **“Home care setting”** as it applies to respiratory care, means any facility, including a patient’s home that would usually not employ respiratory care practitioners, specifically those facilities visited by a person from outside the facility to provide respiratory care services.

I. Definitions beginning with “I”:

(1) **“Impaired Health Care Provider Act”** refers to Section 61-7-1 through Section 61-7-12 NMSA 1978.

(2) **“Initial licensure”** [~~means the process of achieving the legal privilege to practice within a professional category upon the completion of educational and other licensing requirements.~~] Has the same meaning as defined in Subsection D of Section 61-1-2 NMSA 1978.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”:

(1) **“Lapsed license”** means an expired license which has not been reactivated within the time limitations set forth in Section 17 in 16.23.1 NMAC.

(2) **“License”** [~~means a document identifying the legal privilege and authorization to practice within a professional category. In the context of military and veterans’ applications submitted pursuant to 16.23.5 NMAC, “license”~~] has the same meaning as defined in [~~Paragraph (1) of Subsection F of Section 61-1-34 NMSA 1978~~] Subsection E of Section 61-1-2 NMSA 1978.

(3) **“License reactivation”** means the process of making current a license that has expired as a result of failure to comply with the necessary renewal requirements.

(4) **“Licensing period for extern permits”** means a one-year period from the date of issuance to the last day of the same month, one year later.

(5) **“Licensing period for graduate permits”** means six months from the date of application and is not renewable; or until receipt of failing national board of respiratory care (NBRC) registered respiratory therapist (RRT) exam results. Initial applicants who do not become licensed within one year of becoming (NBRC) credentialed are issued a one year graduate permit from the date of application.

M. Definitions beginning with “M”:

(1) **“Medical board”** as it applies to respiratory care, means a group of medical experts that review clinical practice in a facility to assure that the practice of health care meets the standard of care in the health care community.

(2) **“Medical direction”** as it applies to respiratory care, means a prescription or order by a physician authorized to practice medicine or by any other person authorized to prescribe under the laws of New Mexico.

(3) **“Military service member”** has the same meaning as defined in Paragraph (3) of Subsection F of Section 61-1-34 NMSA 1978.

N. Definitions beginning with “N”:

(1) **“NBRC”** means the national board for respiratory care, inc.

(2) **“National licensing exam”** means the national examination for respiratory care practitioners administered by the national board for respiratory care resulting in obtaining CRTT, CRT, or RRT credentials.

(3) **“Non-traditional training program”** refers to a respiratory care training program in which a person receives on-the-job training in respiratory care from a supervising medical director, a supervising physician, or a licensed respiratory care practitioner, and in which the trainee may receive compensation while in such a training program.

(4) **“Notice of contemplated action” or “NCA”** means the administrative action provided for by the Uniform Licensing Act, whereby the respondent is given notice of a pending disciplinary action against his or her application, permit or license, based upon violations of the department’s rules and regulations governing the practice of respiratory care or the Respiratory Care Act, which have been alleged in a complaint filed with the department or the board. The respondent is afforded an opportunity for a formal hearing before the department, in consultation with the board.

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:

(1) **“Prescription”** means an order given individually for the person for whom prescribed, either directly from the prescriber to the person licensed to fill the prescription or indirectly by means of a written order signed by the prescriber.

(2) **“Parental Responsibility Act” or “PRA”** refers to Section 40-5A-1 through Section 40-5A-13, NMSA 1978 (1995 Supp.) herein referred to as the Parental Responsibility Act or PRA.

(3) **“Permittee”** means a person who has been granted a temporary permit by the department, in consultation with the board.

(4) **“Public health emergency”** is an emergency declared pursuant to the All Hazards Emergency Management Act, Sections 12-10-1 to 12-10-21 NMSA 1978, and the Public Health Emergency Response Act, Sections 12-10A-1 to 12-10A-19 NMSA 1978.

(5) **“Public Records Act”** refers to Section 14-3-1 through Section 14-3-25, NMSA 1978.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”:

(1) **“Redacted”** means the act or process of editing or revising the complaint so that the parties, which are the subject of the complaint, are unknown to the board.

(2) **“Reinstatement”** means the process whereby a license that has been subject to revocation or suspension is returned to former status.

(3) **“Respiratory Care Act”** refers to Section 61-12B-1 through Section 61-12B-16, NMSA 1978.

(4) **“Respiratory Care Practitioner” or “RCP”** means a person who is licensed to practice respiratory care in New Mexico.

(5) **“Respiratory Therapy Training Program”** means a program approved by the commission on accreditation of allied health education programs (CAHEP), or its successor approval body.

(6) **“Respondent”** means the permit or license applicant or the temporary permittee or licensed practitioner who is the subject of the complaint.

(7) **“RRT”** means a registered respiratory therapist. This is the advanced level of respiratory care.

S. Definitions beginning with “S”:

(1) **“Student”** means a person enrolled in an approved respiratory care training and education program and who receives *no remuneration* for respiratory care services performed in a supervisory facility as part of an approved respiratory care training program.

(2) **“Student extern”** means a person who is engaged by a supervisory facility to provide respiratory care for remuneration while enrolled in an approved respiratory care training and education program, and in accordance with the provisions for a temporary permit issued under these regulations.

(3) **“Superintendent”** has the same meaning as defined in Subsection I of Section 61-12B-3 NMSA 1978.

(4) **“Supervisory facility”** means the employer of a temporary permit holder.

T. Definitions beginning with “T”:

(1) **“Telemedicine”** means the use of telephonic or electronic communications to provide clinical services to patients without an in-person visit.

(2) **“Traditional training program”** refers to a respiratory care training program that provides classroom instruction and clinical experience only to students or student externs under direct supervision of a licensed and responsible professional.

(3) **“Training supervisor”** means a New Mexico licensed respiratory care practitioner or a New Mexico licensed physician who agrees to be responsible for the respiratory care administered by student externs and graduates while these individuals are employed by a supervisory facility and are being trained there.

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[16.23.1.7 NMAC - Rp, 16.23.1.7 NMAC, 6/27/2023, A, 11/19/2024]

16.23.1.16 INACTIVE STATUS REQUIREMENTS: Currently licensed practitioners who are not currently practicing in New Mexico under the terms and provisions authorized by the Respiratory Care Act, or who

are working for the federal government, may place their licenses on inactive status at the time of renewal rather than let their licenses expire.

A practitioner's license will be placed on inactive status by the department after the licensee has provided the following:

A. A practitioner's license will be placed on inactive status by the department after the licensee has provided the following:

(1) a completed renewal application signed by the applicant under penalty of perjury, on which the "inactive status requested" box has been checked;

(2) documentation verifying that the continuing education requirements were met as set forth in 16.23.12 NMAC; and

(3) the applicable fee for inactive status set forth in 16.23.2.8 NMAC.

B. the practitioner must submit the completed renewal application [~~form~~] marked for inactive status [~~with a postmark dated~~] on or before September 30 in order to be processed for inactive status.

C. Upon approval of the inactive status application request, the department will send the licensee notice that the license has been placed on inactive status.

D. Until the inactive status license has been reactivated, the respiratory care practitioner may not practice respiratory care in New Mexico unless employed by the federal government.

E. Inactive status reactivation: The individual who has placed his or her license on inactive status may reactivate the license before September 30 of the next odd-numbered year by completing the following procedure.

(1) complete, sign, and submit the reactivation application [~~provided by the department~~]; and

(2) payment of any applicable fee for reactivation from inactive status set forth in 16.23.2.8

NMAC.

F. Upon approval of the reactivation application, the department will issue a reactivated license to the licensee. The license number will remain the same.

G. **Continuing education requirements for reactivation:** For the next renewal cycle, the number of continuing education hours that will be required will depend upon the reactivation date as follows:

(1) **Twenty clock hours per renewal cycle.** If the completed reactivation application is received by the department [~~postmarked~~] *on or before* September 30 of the *even*-numbered year, the number of continuing education hours due at the next renewal (September 30 of the next odd-numbered year) will be 20 hours.

(2) **Ten clock hours per renewal cycle.** If the completed reactivation application is received by the department [~~postmarked~~] on or after October 1 of the *even*-numbered year through May 31 of the odd-numbered year, the number of continuing education hours due at the next renewal (September 30 of the same year) will be 10 hours.

(3) **Zero clock hours.** If the completed reactivation application is approved by the department [~~postmarked~~] on or after June 1 of the *odd*-numbered (renewal) year through July 31 of the same year, the number of continuing education hours due at the next renewal (September 30 of the same year) will be zero hours.

[16.23.1.16 NMAC - Rp, 16.23.1.16 NMAC, 6/27/2023; A, 12/10/2024]