

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Advisory Board of Respiratory Care Practitioners will hold a rule hearing on Friday, October 25, 2024, at 2:00 p.m. immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the 30-day public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Rio Grande Conference Room, located at 2550 Cerrillos Rd, Santa Fe, New Mexico 87505.

The hearing and subsequent meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: **[Join the meeting now](#)**

Meeting ID: 281 348 564 668

Passcode: Jiwamv

Or

Join by Phone: +1-505-312-4308

Phone Access Code: 240025606#

The purpose of the rule hearing is to consider changes to the current rules:

16.23.1 - GENERAL PROVISIONS

16.23.3 - PRACTITIONER LICENSE QUALIFICATIONS, APPLICATION, RENEWAL AND EXPIRATION

16.23.5 - EXPEDITED LICENSURE

16.23.12 - CONTINUING EDUCATION

16.23.14 - SCOPE OF PRACTICE GUIDELINES FOR NON-LICENSED, NON-EXEMPTED PERSONS

Copies of the proposed rule may be obtained through the board website or by contacting the board administrator: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/respiratory-care/statutes-rules-and-rule-hearings/> Kathleen Gonzales, Board Administrator (505) 476-4622 - Main Line for the Boards and Commissions Division respiratorycarebd@rld.nm.gov.

Written comment may be submitted via email or postal mail during the 30-day public comment period. All written comment must be received by the Regulation and Licensing Department by October 25, 2024, at 8:00 AM to be included in the public comment portion: respiratorycarebd@rld.nm.gov

or

Attn: New Mexico Advisory Board of Respiratory Care Practitioners

P.O. Box 25101

Santa Fe, NM 87504

Written comments received during the 30-day public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting on the Board website.

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 the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Respiratory Care Act, Sections 61-12B-1 through 61-12B-17 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule changes aim to standardize language and align with the updated licensing standards within the RLD system.

Key updates include:

1. **Elimination of Paper Processes:** All references to paper applications and non-electronic forms of payment will be removed to streamline the application process and promote a fully digital system.
2. **Jurisprudence Exam Requirement (16.23.3):** To ensure that new practitioners are well-versed in the rules and regulations governing Respiratory Care in New Mexico, a jurisprudence exam will be required with all new applications.
3. **Human Trafficking Course Requirement (16.23.12):** To enhance the ability of practitioners to identify and respond to human trafficking situations, a human trafficking course will be mandated for all renewing applicants. This training aims to equip practitioners with the knowledge to recognize signs of human trafficking in their patients.

These changes are designed to improve the efficiency of the licensing process and ensure that practitioners are adequately informed and prepared to address critical issues in their field.

Summary of Proposed Rules:

The proposed updates include transitioning to a fully digital licensing system by removing paper application requirements. New applicants will need to pass a jurisprudence exam to confirm their understanding of Respiratory Care regulations in New Mexico. Additionally, all renewing practitioners will be required to complete a human trafficking course to enhance their ability to recognize and address human trafficking signs in patients.