

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 1 GENERAL PROVISIONS

16.26.1.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/96; 16.26.1.1 NMAC - Rn, 16 NMAC 26.1.1, 2/3/06]

16.26.1.2 SCOPE: All individuals wishing to practice as a speech-language pathologist, audiologist, hearing aid dispenser, paraprofessional apprentice, individuals working towards their clinical fellowship or university students who will be offering services in the speech-language pathology and/or audiology field and individuals under a training permit as hearing aid dispenser trainees.
[11/9/96; 16.26.1.2 NMAC - Rn, 16 NMAC 26.1.2, 2/3/06]

16.26.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology and Audiology and Hearing Aid Dispensing Practices Act, [Sections 61-14B-1 to 61-14B-25 NMSA 1978] and the Uniform Licensing Act NMSA 1978 [Sections 61-1-1 to 61-1-33]
[12/21/71; 11/9/96; 16.26.1.3 NMAC - Rn, 16 NMAC 26.1.3, 2/3/06]

16.26.1.4 DURATION: Permanent.
[11/9/96; 16.26.1.4 NMAC - Rn, 16 NMAC 26.1.4, 2/3/06]

16.26.1.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/96; 11/7/98; 16.26.1.5 NMAC - Rn & A, 16 NMAC 26.1.5, 2/3/06]

16.26.1.6 OBJECTIVE: Pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Part 1 establishes definitions and defines the duties and makeup of the board.
[12/21/71; 11/9/96; 16.26.1.6 NMAC - Rn, 16 NMAC 26.1.6, 2/3/06]

16.26.1.7 DEFINITIONS:

A. "AAA" refers to the American academy of audiology, a national professional association of audiologists concerned with professional qualifications, standards of practice, ethics, scientific progress and continuing education.

B. "Act" means the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act [Sections 61-14B-1 to 61-14B-25 NMSA 1978] as it may be amended.

C. "Apprentice" means a paraprofessional working towards full licensure as a speech-language pathologist who provides adjunct services, is not actively engaged as clinical fellow and meets the education, employment and supervisory requirements as set forth in these regulations.

D. "ASHA" refers to the American speech-language and hearing association, a national professional association of speech-language pathologists and audiologists recognized by the secretary of the U.S. department of education for the accrediting of university graduate degree programs in audiology and speech-language pathology. ASHA also maintains a professional membership of speech-language pathologists and audiologists concerned with professional qualifications, standards of practice, ethics, scientific progress and continuing education. Subsection C of Section 61-14-B-2 NMSA 1978.

E. "Audiologist" means a person holding at least a master's degree in audiology issued prior to January 1, 2007, or a doctoral degree in audiology who engages in the practice of audiology who may or may not dispense hearing aids and who meets the qualifications set forth in the act.

F. "CFY plan" (clinical fellowship year plan) means a written plan submitted to the board outlining the duration of the CFY (up to a maximum of three years), amount and type of supervision of the clinical fellow and designates a CFY supervisor.

G. "Direct supervision" means on-site, in-view observation and guidance by a licensed professional in the applicant's field present (other than a paraprofessional or clinical fellow) during a therapy session with clients while an assigned activity is performed by support personnel.

H. "Indirect supervision" means those activities other than direct supervision conducted by a licensed professional (other than a paraprofessional or clinical fellow) that may include demonstration, record review, consultations, meetings and evaluation of audio or video-taped sessions.

I. "Jurisprudence examination" means the evaluation of knowledge of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and these regulations, given as a requirement for licensure to all applicants.

J. "License" means a document identifying a legal privilege and authorization to practice within one of the categories established by the act. A license under this act is not transferable.

K. "Licensing year" means the period from January 31, of any year through January 30 of the next year; initial, renewed and reinstated licenses may be issued at any time set herein but shall expire on January 30 of the following year except as otherwise provided in these rules.

L. "NBC-HIS" means national board for certification in hearing instruments sciences.

M. "IHS" refers to the international hearing society, an international organization of persons in the hearing aid industry concerned with professional qualifications, standards of practice, ethics, scientific progress, and continuing education.

N. "Referral" means the process of directing or redirecting a customer or patient to a specialist, hearing aid dispenser, therapist or clinician for services or diagnosis.

O. "Student" means any person who is a full or part time student enrolled in an accredited college or university program in speech-language pathology, audiology or communication disorders.

P. "Temporary paraprofessional license" means a license issued to a person working towards full licensure as a speech-language pathologist and who provides adjunct speech-language pathology services under the supervision of a speech-language pathologist who is licensed under this act.

Q. "Temporary trainee permit" means a permit issued by the board to a person authorized to fit and dispense hearing aids only under the supervision of a sponsor as defined by these regulations. Temporary trainee permits will be issued for a one-year period and are non-renewable.

[12/21/71; 2/5/80; 8/1/81; 8/4/81; 3/18/82; 10/21/91; 11/9/96; 11/7/98; 11/27/99; 16.26.1.7 NMAC - Rn & A, 16 NMAC 26.1.7, 2/3/06]

16.26.1.8 BOARD CREATED:

A. In order to insure the safety and welfare of the public served, the speech-language pathology, audiology and hearing aid dispensing practices board is appointed by the governor, and is to consist of ten members who have been New Mexico residents of at least five years:

- (1) two licensed speech-language pathologists;
- (2) two licensed audiologists;
- (3) two licensed hearing aid dispensers;
- (4) one licensed otolaryngologist; and
- (5) three public members.

B. The licensed members of the board shall not hold any elected or appointed office in any related professional organization.

C. The public members of the board shall not be licensed as speech-language pathologists, audiologists, or hearing aid dispensers nor shall the public members have any significant financial interest, whether direct or indirect, in the occupation regulated.

D. The board shall develop rules and regulations and establish policy for the implementation of the act, and perform such other functions as may be necessary to carry out its functions. The members of the board serve at the pleasure of the governor.

E. The members of the board shall serve staggered three-year terms. The term of a member of the board shall end on the 30th day of June of the calendar year. Vacancies shall be filled for the unexpired term in the same manner as original appointments. No board member may serve more than two consecutive terms and board members shall serve until their replacements are appointed.

F. The board members shall receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act (Section 10-8-1 et seq., NMSA 1978) and shall receive no other compensation, perquisite or allowance for discharge of their duties as members.

G. At least 6 board members constitutes a quorum.

H. The board shall meet at least once a year. A meeting of the board may be called by any board member or board administrator. The board shall elect its own chairperson, and vice-chairperson annually, during the first meeting.

I. The board shall receive and investigate all public complaints alleging violations of this act, regulations and code of ethics. The board shall make determinations for appropriate disciplinary action.

J. Any member failing to attend three meetings after proper notice shall be automatically recommended for removal as a board member, unless excused by the board chair for one of the following reasons: personal or family illness, pre-arranged activities out of town, or good cause.

K. The board shall review the Open Meetings Act and adopt an open meetings resolution at the first meeting in each calendar year.

L. Except as provided herein and except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record as of the time of filing with the board.

M. The board operates in compliance with the Inspection of Public Records Act Sections 14-2-1 through 14-2-16 NMSA 1978. The board administrator or designee is the custodian of the board's records. Individuals may make written requests to inspect the public records of the board. The request must include the name, address and phone number of the individual seeking access. Requests for access to public records will be processed in a timely manner. If the inspection is not permitted within 3 business days, the custodian will notify the individual requesting access to the records in writing and explain when the records will be made available. The board may provide copies of public records upon request and upon payment of a reasonable copying fee, except as may be ordered by a court of competent jurisdiction. No person shall remove original board documents from the board office. The board maintains files for all individuals. Information in an individual's file is a matter of public record except for the following:

- (1) letters of reference;
- (2) test scores;
- (3) medical reports and/or records of chemical dependency, physical or mental examinations or treatment;
- (4) complaints and investigative materials; and
- (5) social security number.

N. If it is difficult or impossible for a member of the board to attend a meeting in person, the member may participate through a conference telephone if available. Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting. [12/21/71; 3/18/82; 11/9/96; 11/7/98; 11/27/99; 16.26.1.8 NMAC - Rn & A, 16 NMAC 26.1.8, 2/3/06]

16.26.1.9 PARENTAL RESPONSIBILITY ACT COMPLIANCE: The Parental Responsibility Compliance Act (Sections 40-5A-1 to 40-5A-13 NMSA 1978) is incorporated in full into these rules. [11/9/96; 16.26.1.9 NMAC - Rn, 16 NMAC 26.1.9, 2/3/06]

HISTORY OF 16.26.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.

Rule 91-1, Definitions, filed 10/25/91.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 2 LICENSURE REQUIREMENTS

16.26.2.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.

[16.26.2.1 NMAC - Rp, 16 NMAC 26.2.1, 2/3/06]

16.26.2.2 SCOPE: All individuals wishing to practice as a speech-language pathologist, audiologist, hearing aid dispenser or individuals working as a clinical fellow, persons working under a hearing aid dispensing training permit and temporary professional license holders who will be offering adjunct services in speech-language pathology or audiology.

[16.26.2.2 NMAC - Rp, 16 NMAC 26.2.2, 2/3/06]

16.26.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978.

[16.26.2.3 NMAC - Rp, 16 NMAC 26.2.3, 2/3/06]

16.26.2.4 DURATION: Permanent.

[16.26.2.4 NMAC - Rp, 16 NMAC 26.2.4, 2/3/06]

16.26.2.5 EFFECTIVE DATE: February 3, 2006, unless a later date is cited at the end of a section.

[16.26.2.5 NMAC - Rp, 16 NMAC 26.2.5, 2/3/06]

16.26.2.6 OBJECTIVE: The objective of Part 2 is to state and establish that licensure is mandated by statute to practice as a speech-language pathologist, audiologist, clinical fellow and hearing aid dispenser and to outline requirements. Persons and practices not affected are defined.

[16.26.2.6 NMAC - Rp, 16 NMAC 26.2.6, 2/3/06]

16.26.2.7 DEFINITIONS: [RESERVED]

16.26.2.8 LICENSING REQUIRED TO PRACTICE:

A. Section 61-14B-7 NMSA 1978 of the act provides that no person shall practice or hold him or herself out as being able to practice speech-language pathology, audiology, hearing aid dispensing in the state of New Mexico unless he or she is licensed in accordance with the provisions of this act.

B. All individuals licensed under this act must display their license in their primary location at their place of employment.

C. Separate licenses shall be granted in speech-language pathology, audiology, and hearing aid dispensing. An applicant may be granted a dual license for speech-language pathology and audiology upon successful completion of requirements for both of these licenses. A hearing aid dispensing license does not indicate that the person holding the license is an audiologist.

D. The board shall have 30 days from the receipt of a complete application to process and approve an application.

[16.26.2.8 NMAC - Rp, 16 NMAC 26.2.8, 2/3/06]

16.26.2.9 PERSONS AND PRACTICES NOT AFFECTED:

A. Recognized professional groups: The act does not prohibit members of recognized professional groups, other than speech-language pathologists, audiologists and/or hearing aid dispensers, from doing appropriate work in the area of communication disorders consistent with their professional qualifications and with the standards and ethics of their respective professions. Such professional groups include, but are not limited to the following:

- (1) physicians licensed to practice medicine in New Mexico;
- (2) orthodontists;
- (3) certified teachers of the deaf.

B. Students: The act does not restrict the supervised activities of a speech-language pathology or an audiology student which constitute a part of his or her supervised course of study wherein the student is designated

as a speech-language pathology student, audiology student or other such title clearly indicating the training status appropriate to his or her level of training.

[16.26.2.9 NMAC - Rp, 16 NMAC 26.2.9, 2/3/06]

16.26.2.10 APPLICATIONS FOR LICENSURE: Application shall be made on forms prescribed by the board office.

A. All applications for licensure must be accompanied by a check or money order payable to the board in the amount of the application and initial licensing fee. The licensing and renewal fee are set by the board and are non-refundable.

B. All initial applications must be signed by the applicant.

C. All applications must be accurate.

D. All applications must be complete before they will be accepted by the board office.

[16.26.2.10 NMAC - Rp, 16 NMAC 26.3.8, 2/3/06; A, 11/29/08]

16.26.2.11 QUALIFICATIONS AND APPLICATION FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST: Application for licensure as a speech-language pathologist must be accompanied by the following documents:

A. official transcripts verifying at least a master's degree in speech-language pathology, speech-language and hearing science, communication disorders or equivalent degree regardless of degree name; or

B. a certification bearing an official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution; and

C. a certified copy of a certificate of clinical competency from a board recognized national speech-language association or proof of completion of the clinical fellowship year or equivalent; and

D. proof of having passed a nationally recognized standard examination in speech-language pathology;

E. passing the jurisprudence examination with a grade of no less than 70%; and

F. if currently or previously licensed in another state a verification of licensure must be sent directly to the board by the issuing jurisdiction.

[16.26.2.11 NMAC - Rp, 16 NMAC 26.2.11, 2/3/06; A, 11/29/08]

16.26.2.12 QUALIFICATIONS AND APPLICATION FOR LICENSURE AS A NONDISPENSING AUDIOLOGIST: Application for licensure as an audiologist must be accompanied by the following documents:

A. official transcripts verifying at least a master's degree in audiology, or communication disorders or equivalent degree in audiology or communication disorders awarded prior to January 1, 2007; or a doctoral degree in audiology or equivalent degree regardless of degree name; or

B. a certification bearing an official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution; and

C. a certified copy of a certificate of clinical competency from a board recognized national speech-language association or proof of completion of the clinical fellowship year or equivalent; and

D. proof of having passed a nationally recognized standard examination in audiology;

E. passing the jurisprudence examination with a grade of no less than 70%; and

F. if currently or previously licensed in another state a verification of licensure must be sent directly to the board by the issuing jurisdiction.

G. physicians eligible for certification or certified by the American board of otolaryngology head and neck surgery, who wish to be licensed as a hearing aid dispenser, must provide the following documents:

(1) a certified copy of current New Mexico medical license; and

(2) a notarized letter from a qualified sponsor as specified in the act verifying work experience of at least six months in the fitting of the hearing aids, the initial 320 hours of which must be under direct supervision of the sponsor.

[16.26.2.12 NMAC - Rp, 16 NMAC 26.3.9, 2/3/06; A, 11/29/08; A, 06/07/10]

16.26.2.13 QUALIFICATIONS AND APPLICATION FOR ENDORSEMENT TO DISPENSE HEARING AIDS BY AUDIOLOGIST OR OTOLARYNGOLOGIST: A licensed audiologist or otolaryngologist may apply for hearing aid dispensing endorsement by providing evidence satisfactory to the board of:

- A. six months experience in the dispensing of hearing aids through practical examination, a notarized letter from an employer, graduate training program, or a clinical fellow supervisor verifying the required six months;
 - B. maintains or occupies in New Mexico a business location, hospital, clinical medical practice or other facility where hearing aids are regularly dispensed and records may be examined;
 - C. passes the jurisprudence examination, with a grade of no less than 70%; and
 - D. certifies that the applicant is not guilty of any activities listed in Section 61-14B-21 NMSA 1978.
- [16.26.2.13 NMAC - Rp, 16 NMAC 26.3.10, 2/3/06; A, 11/29/08]

16.26.2.14 QUALIFICATIONS AND APPLICATION FOR LICENSURE FOR A HEARING AID DISPENSER:

- A. Application for licensure as a hearing aid dispenser must be accompanied by documentation of the following:
 - (1) applicant is eighteen years of age or older;
 - (2) has a high school education or the equivalent; and
 - (3) has a business location in New Mexico and can provide satisfactory evidence of the following:
 - (a) a notarized letter from an employer verifying completion of the training requirements as outlined for the temporary hearing aid dispensing trainee permit;
 - (b) written examination: the board will require each candidate to pass the IHS, or the NBC-HIS hearing aid written examination, or a nationally recognized hearing aid dispensers examination approved by the board or other exams approved by the board with an overall score of no less than 70%;
 - (c) practical examination: the board will require each candidate to pass the hearing aid practical examination or other exams approved by the board with an overall score of no less than 70%; and
 - (d) passing the jurisprudence examination with an overall score of no less than 70%;
 - (4) any applicant who fails any portion of the licensing examination two times may not reapply until he/she has waited six months and repeated the training and application requirements; at that time the entire exam must be repeated.
 - B. If currently or previously licensed in another state a verification of licensure must be sent directly to the board by the issuing jurisdiction.
 - C. Physicians eligible for certification or certified by the American board of otolaryngology head and neck surgery, who wish to be licensed as a hearing aid dispenser, must provide the following documents:
 - (1) a certified copy of current New Mexico medical license; and
 - (2) a notarized letter from a qualified sponsor as specified in the act verifying work experience of at least six months in the fitting of the hearing aids, the initial 320 hours of which must be under direct supervision of the sponsor.
- [16.26.2.14 NMAC - Rp, 16 NMAC 26.3.11, 2/3/06; A, 06/07/10]

16.26.2.15 QUALIFICATION AND APPLICATION FOR TEMPORARY HEARING AID DISPENSING TRAINEE PERMIT:

- Individuals who meet all requirements for a hearing aid dispenser's license but do not have the required practical experience in dispensing of hearing aids shall apply for a temporary hearing aid dispensing permit.
- A. A trainee permit may be issued at any time and will be valid for one (1) year.
 - B. Upon expiration, another training permit may not be issued for one calendar year following expiration of the previous permit or if the applicant has failed the examination twice within a five year period.
 - C. The trainee must identify a qualified sponsor as specified in the act.
 - D. Each trainee shall receive intensive training working under the direct supervision of his/her sponsor for a minimum of three hundred twenty (320) hours within a three (3) month period.
 - E. Following completion of 320 hours, an additional five (5) continuous months of full time work is required. All activities of the trainee during this time must be reviewed and approved by the sponsor and may include dispensing hearing aids, making adjustments in fitting and modifying and repairing hearing aids and earmolds. All sales receipts must have some evidence of the sponsor's approval of the sale.
 - F. Passing the jurisprudence examination with a grade of no less than 70%.
- [16.26.2.15 NMAC - Rp, 16 NMAC 26.3.12, 2/3/06; A, 06/07/10]

16.26.2.16 HEARING AID DISPENSER TRAINEE EXAMINATION FOR COMPETENCE:

Following completion of a minimum 320 hours all candidates under a temporary hearing aid dispensing permit under a training program shall:

- A.** pass the practical examination which tests proficiency in pure tone audiometry, including air conduction and bone conduction testing, live-voice or recorded-voice speech audiometry, including speech reception threshold and speech discrimination tests, masking when indicated, recording and evaluation audiograms and speech audiometry determining proper selection and adjustment of hearing aids;
 - B.** taking earmold impressions;
 - C.** the board office will schedule written and practical examinations once each quarter; each applicant will be notified of the examination schedule for the next year when they receive their trainee permit; applicants must register for the examination a minimum of 90 days prior to the scheduled exam;
 - D.** an applicant who fails the written or the practical portion of the examination must pay the application fee before being allowed to retake the examination;
 - E.** applicants who cannot sit for the examinations due to circumstances beyond their control must submit a written request prior to the scheduled examination; extenuating circumstances include illness, death in the immediate family, military service, or other severe circumstances which do not allow an applicant to attend the scheduled examination; applicant must provide documentation of extenuating circumstances; and
 - F.** applicants who fail to sit for scheduled examinations without prior notification must submit a new application, including the fee and all documentation.
- [16.26.2.16 NMAC - Rp, 16 NMAC 26.3.13, 2/3/06; A, 06/07/10]

16.26.2.17 QUALIFICATION FOR LICENSURE FOR CLINICAL FELLOWS:

- A.** Clinical fellow (CF) has met all academic course work and practicum requirements for a master's degree in speech-language pathology, speech pathology, communication disorders or audiology or both or equivalent degree(s) regardless of degree name that would enable the individual to successfully be granted certification from a nationally recognized speech-language and or hearing association after completion of the clinical fellowship if the individual chooses to apply national certification.
- B.** Procedure for applying for licensure as a clinical fellow.
 - (1)** An individual will complete application including appropriate fee and clinical fellow plan and submit to the board office at the initiation of the clinical fellow period. The individual shall also submit:
 - (a)** official transcripts verifying at least a master's degree in speech-language pathology, audiology, speech-language and hearing science, communication disorders or equivalent degree regardless of degree name; or
 - (b)** a certification bearing an official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution; and
 - (c)** certify that he/she has received no reprimands of unprofessional conduct or incompetency; and
 - (d)** file a clinical fellow plan that meets with board approval that designates a clinical fellow supervisor who is licensed in accordance of this act and is practicing in the same field as the clinical fellow.
 - (e)** CFY means no less than 9 months full time employment defined as a minimum of 32 clock hours of work per week. This requirement also may be fulfilled by part time employment as follows:
 - (i)** work of 15 - 19 hours per week over 18 months;
 - (ii)** work of 20 - 24 hours per week over 15 months; or
 - (iii)** work of 25 -31 hours per week over 12 months.
 - (iv)** In the event that part time employment is used to fulfill a part of the CFY, 100% of the minimum hours of part time work per week requirements must be spent in direct professional experience as defined above. Professional employment of less than 15 hours per week will not fulfill any part of this requirement.
 - (f)** a clinical fellow in audiology is not required to have a temporary hearing aid training permit.
 - (g)** the clinical fellow must understand and abide by the code of ethics adopted by the board.
 - (2)** Speech-language pathologist's supervision requirements for CFYs:
 - (a)** Duties of clinical fellow supervisor: Clinical fellow supervision must be based on no less than 36 occasions of monitoring. These can include on site monitoring activities such as conferences with the clinical fellow, evaluation of written reports, evaluation by professional colleagues or may be executed by correspondence.
 - (b)** Should the clinical fellow supervisor suspect at anytime during the clinical fellow plan that the clinical fellow under her/his supervision will not meet regulations, the clinical fellow supervisor must counsel the clinical fellow both orally and in writing and maintain careful written records of all contacts, contracts and conferences in the ensuing months.

(c) It is the responsibility of the clinical fellow to request feedback from their supervisor when the clinical fellow requires such feedback.

C. Completion of clinical fellowship: Upon completion of CFY, the CF is required to submit application for licensure as a speech-language pathologist or audiologist or both.
[16.26.2.17 NMAC - Rp, 16 NMAC 26.3.14, 2/3/06]

16.26.2.18 TEMPORARY PARAPROFESSIONAL LICENSURE AS AN APPRENTICE IN SPEECH-LANGUAGE (ASL):

A. Prerequisite requirements:

(1) Acceptance of a temporary paraprofessional licensee as an apprentice in speech-language is subject to board approval. Such licensees shall:

(a) be working towards a license pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(b) certify that he/she is not guilty of any activities listed in Section 61-14B-21 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; and

(c) provide proof of having met educational, supervision, and employment requirements.

(2) It is the responsibility of the apprentice in speech-language and the supervising speech-language pathologist to insure the distinction between the roles of the apprentice in speech-language and the graduate student.

B. Educational requirements:

(1) a baccalaureate degree in communication disorders or baccalaureate degree in another field with thirty (30) semester hours of credit in communication disorders;

(2) enrolled in a master's degree program in speech-language pathology or communication disorders and completes a minimum rate of nine (9) semester hours per year of graduate courses in communication disorders per year; or

(a) if not accepted into a master's degree program in speech-language pathology or communication disorders completes nine (9) semester hours of graduate courses per year with at least three (3) hours in communication disorders, six (6) hours may be taken in a related field;

(b) if the educational institution does not permit students who are not matriculated into a graduate program to take graduate courses in communication disorders, the student may substitute three (3) hours in a related field for the three (3) hours in communication disorders, in addition to the other six (6) hours in a related field;

(c) acceptance in a master's degree program must take place within two (2) years of initial license; and

(3) maintains a minimum of a 3.0 GPA in communication disorders course work and/or master's degree program.

C. Supervision requirements:

(1) Work of the apprentice in speech-language must be supervised by a speech-language pathologist licensed by this act and who has a minimum of two years experience in the field.

(a) Minimum of ten (10) percent of contact time of the apprentice in speech-language must be direct supervision.

(b) Minimum of ten (10) percent of contact time of the apprentice in speech-language must be indirect supervision.

(2) It is recommended that the speech-language pathologist's and audiologist's direct caseload size be limited to no more than 40 clients.

(a) A speech-language pathologist may supervise a maximum of three apprentices at one time.

(b) The supervising speech-language pathologist is expected to appropriately reduce their direct caseload for each apprentice they supervise, ensuring the maintenance of high professional standards as stated in the code of ethics.

(c) It is the responsibility of the supervising speech-language pathologist and the apprentice in speech-language to ensure the distinction between the roles of the apprentice in speech-language and the graduate student.

D. Employment requirements:

(1) Terms of employment must require at least a temporary paraprofessional license as an apprentice in speech-language. The role of the apprentice in speech-language shall be determined in collaboration with the supervising speech-language pathologist (SLP) and the employer.

(2) Employment duties must be limited to the following:

(a) conduct speech-language and/or hearing screenings;

(b) conduct treatment programs and procedures that are planned, selected and/or designed by the supervising SLP;

(c) prepare written daily plans based on the overall intervention plan designed by the supervising SLP;

(d) record, chart, graph, or otherwise display data relative to the client performance and report performance changes to the supervising SLP;

(e) maintain daily service/delivery treatment notes and complete daily charges as requested;

(f) report but not interpret data relative to client performance to teachers, family, or other professionals;

(g) assist the speech-language pathologists during assessment of clients, such as those who are difficult to test;

(h) perform clerical duties, including maintenance or therapy/diagnostic material/equipment, client files, as directed by the SLP supervisor;

(i) participate with the speech-language pathologist in research projects, in-service training, and public relations programs.

E. Employment duties must not include any of the following:

(1) administer diagnostic tests;

(2) interpret data into diagnostic statements or clinical management strategies or procedures;

(3) select or discharge clients for services;

(4) interpret clinical information including data or impressions relative to client performance;

(5) treat clients without following the individualized treatment plan;

(6) independently compose clinical reports except for progress notes to be held in the client's file;

(7) refer a client to other professionals or agencies;

(8) provide client or family counseling;

(9) develop or modify a client's individual treatment plan: IEP/IFSP/ clinical report or plan of care in anyway without the approval of the SLP supervisor;

(10) disclose clinical or confidential information;

(11) sign any formal documents without the supervising SLP co-signature;

(12) represent himself/herself as a speech-language pathologist.

F. Documentation required: All applicants for temporary paraprofessional license as an apprentice in speech-language are required to provide the following documentation to the board each year:

(1) a completed board approved license application form, signed in the presence of a notary public;

(2) the required license application fee; and

(3) a completed board approved verification of employment form verifying:

(a) applicant's employment;

(b) performance responsibilities of the apprentice in speech-language;

(c) limitations on employment practices of the apprentice in speech-language license holder (apprentice in speech-language);

(d) provision for supervision by an SLP licensed according to this act;

(4) a completed board approved verification of education form verifying:

(a) course work completed in communication disorders or other courses as outlined in the degree plan with a minimum GPA of 3.0;

(b) current degree plan once the applicant is admitted to a master's degree program; and

(c) official copy of transcripts from college or university.

[16.26.2.18 NMAC - Rp, 16 NMAC 26.2.15, 2/3/06; A, 11/29/08; A, 06/07/10]

HISTORY OF 16.26.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.
HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.
HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.
BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.
BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.
BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.
Rule 91-2, Qualifications for Licensure, filed 10/25/91.
Rule 91-3, Temporary Trainee Permits, filed 10/25/91.
Rule 91-4, Applications for Licensure, filed 10/25/91.
Rule 91-5, Examination for Competence, filed 10/25/91.

History of Repealed Material:

16 NMAC 26.2, Licensure and Licensure Requirements, filed 10/9/96 - Repealed effective 2/3/2006.
16 NMAC 26.3, Application Procedures and Qualifications for Licensure, filed 10/9/96 - Repealed effective 2/3/2006.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 4 ANNUAL RENEWAL OF LICENSES

16.26.4.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/96; 16.26.4.1 NMAC - Rn & A, 16 NMAC 26.4.1, 2/3/06]

16.26.4.2 SCOPE: All licensees complying with the annual renewal of licenses to practice speech-language pathology, audiology or hearing aid dispensing.
[11/9/96; 16.26.4.2 NMAC - Rn, 16 NMAC 26.4.2, 2/3/06]

16.26.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act NMSA 1978, Sections 61-14B-1 to 61-14B-25 and the Uniform Licensing Act NMSA 1978, Sections 61-1-1 to 61-1-33.
[11/9/96; 11/7/98; 16.26.4.3 NMAC - Rn, 16 NMAC 26.4.3, 2/3/06]

16.26.4.4 DURATION: Permanent.
[11/9/96; 16.26.4.4 NMAC - Rn, 16 NMAC 26.4.4, 2/3/06]

16.26.4.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/96; 11/7/98; 16.26.4.5 NMAC - Rn & A, 16 NMAC 26.4.5, 2/3/06]

16.26.4.6 OBJECTIVE: The objective of Part 4 is to outline requirements, procedures, and criteria for annual renewal of licenses.
[12/21/71; 11/9/96; 16.26.4.6 NMAC - Rn, 16 NMAC 26.4.6, 2/3/06]

16.26.4.7 DEFINITIONS: [RESERVED]

16.26.4.8 ANNUAL RENEWAL OF LICENSES:

A. Section 8 requires all licensees except clinical fellows and apprentices to apply for license renewal on or before January 30 on the renewal forms supplied by the board office. The renewal requirements for clinical fellows and apprentices are set forth in Sections 9 and 10 of this part.

B. Licensees shall assume the total responsibility for:

- (1) filing a current mailing address with the board office;
- (2) completing the renewal form and ensuring its delivery to the board office on or before January 30;
- (3) enclosing the appropriate fee; and
- (4) enclosing documentation of meeting continuing education requirements.

C. To assist in the renewal process, the board office will:

- (1) mail renewal notices and the appropriate forms to the licensee's address of record on or before December 15; and
- (2) mail renewed and reinstated licenses no later than 30 days from day of receipt of application, fees and appropriate documentation.

D. Expiration: All speech-language pathology, audiology and hearing aid dispensing licenses expire on January 30 of each year and renewal forms must be complete and postmarked no later than the expiration date or a late fee will be assessed without exception.

E. Grace period: There is a grace period permitting renewal of expired licenses which ends March 31 of the intended licensure year. However the license shall be considered expired and the licensee must refrain from practicing.

F. Renewal of license during the grace period ending March 31 of the intended license year will require a late fee. Individuals renewing during the grace period may not practice with the expired license.

G. If a licensee fails to renew within the grace period, the licensee must reapply as a new applicant, meet all applicable requirements, meet CEU requirements and pay the application fee, renewal fee and late penalty fee.

H. Licensees shall be notified by the board office of all license expirations ten (10) days after the close of the grace period.

I. Timely renewal of license(s) is the full and complete responsibility of the licensee. Pursuant to Subsection C of 16.26.4.8 NMAC of these regulations, renewal forms are mailed to the licensee at address on record no later than December 15. If the renewal form is not received by the licensee within a reasonable time after December 15, it is the responsibility of the licensee to contact the board office. Non-receipt of the renewal form by the licensee will not exempt licensure expiration or late penalty fees.

[12/21/71; 2/5/80; 4/5/83; 11/9/96; 11/7/98; 11/27/99; 16.26.4.8 NMAC - Rn & A, 16 NMAC 26.4.8, 2/3/06; A, 11/29/08; A, 06/07/10]

16.26.4.9 RENEWAL OF CLINICAL FELLOW LICENSE: The CFY must be completed within a maximum period of 36 consecutive months. Prior to or during the first twelve months an individual has his/her CF license, he/she must take and pass a nationally recognized examination in their field. Proof of passing this exam is required for renewing the CF license. Clinical fellowship licenses expire twelve months after initial licensure.

A. The clinical fellowship licenses shall be renewed on forms supplied by the board office and must be postmarked no later than the expiration date.

B. A late penalty fee will be assessed if the license is not renewed by the expiration date.

C. If a licensee fails to renew within sixty (60) days, the licensee must reapply, meet all applicable requirements, meet CEU requirements and pay the application fee, renewal fee and late penalty fee.

[11/7/98; 16.26.4.9 NMAC - Rn & A, 16 NMAC 26.4.9, 2/3/06]

16.26.4.10 RENEWAL OF TEMPORARY PARAPROFESSIONAL LICENSE (APPRENTICE IN SPEECH-LANGUAGE PATHOLOGY):

A. All temporary paraprofessional licensees shall apply for license renewal on or before August 30th and are required to provide the following documentation to the board each year:

- (1) a completed renewal form;
- (2) the required license renewal fee; and
- (3) a completed board approved verification of employment form verifying:
 - (a) licensee's employment;
 - (b) performance responsibilities of the apprentice in speech-language;
 - (c) imitations on employment practices of the apprentice in speech-language license holder

(apprentice in speech-language);

(d) provision for supervision by an SLP licensed according to this act;

- (4) a completed board approved verification of education form verifying:

- (a) course work completed in communication disorders or other courses as outlined in the degree plan with a minimum GPA of 3.0;
- (b) current degree plan once the licensee is admitted to a master's degree program; and
- (c) copy of transcripts from college or university.

B. Expiration: All temporary paraprofessional licenses expire on August 30th of each year and renewal of licenses must be postmarked no later than the expiration date or a late fee will be assessed without exception.

C. A temporary paraprofessional license may not be renewed if the licensee has not been accepted into a master's degree program within two years of initial licensure.

D. If a licensee fails to renew within sixty (60) days, the licensee must reapply, meet all applicable requirements, meet CEU requirements and pay the application fee, renewal fee and late penalty fee.

E. Temporary paraprofessional license as an apprentice in speech-language is a terminal license and as such may be renewed no more than five times total.

[11/7/98; 11/27/99; 16.26.4.10 NMAC - Rn & A, 16 NMAC 26.4.10, 2/3/06; A, 11/29/08]

HISTORY OF 16.26.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.
HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.
HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.
HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.
HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.
BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.
Rule 91-6, Renewal of Licenses, filed 10/25/91.
Rule 92-6, Renewal of Licenses, filed 10/15/92.
Rule 91-9, License Expiration, filed 10/25/91.
Rule 92-9, License Expiration, filed 10/15/92

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 5 CONTINUING EDUCATION

16.26.5.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/96; 16.26.5.1 NMAC - Rn & A, 16 NMAC 26.5.1, 2/3/06]

16.26.5.2 SCOPE: All licensed individuals wishing to renew their license must comply with the continuing education prerequisite of continuing education in order to retain and annually renew their speech-language pathology, audiology or hearing aid dispensing license.
[12/21/71; 11/9/96; 16.26.5.2 NMAC - Rn, 16 NMAC 26.5.2, 2/3/06]

16.26.5.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978 and Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
[12/21/71; 11/9/96; 16.26.5.3 NMAC - Rn, 16 NMAC 26.5.3, 2/3/06]

16.26.5.4 DURATION: Permanent.
[11/9/96; 16.26.5.4 NMAC - Rn, 16 NMAC 26.5.4, 2/3/06]

16.26.5.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/96; 16.26.5.5 NMAC - Rn & A, 16 NMAC 26.5.5, 2/3/06]

16.26.5.6 OBJECTIVE: The objective of Part 5 is to outline continuing education requirements, criteria and procedures.
[11/9/96; 16.26.5.6 NMAC - Rn, 16 NMAC 26.5.6, 2/3/06]

16.26.5.7 DEFINITIONS: [RESERVED]

16.26.5.8 CONTINUING EDUCATION PHILOSOPHY: Continuing education is one of the most important responsibilities of the speech-language pathologist, audiologist, and hearing aid dispenser. It is also a life-long process. A diversity of information related to speech-language pathology, audiology, and hearing aid dispensing regarding changing requirements, laws, and trends in the field is recommended to enhance the professional skills and development the speech-language pathologist, audiologist, and hearing aid dispenser. The responsibility of continuing education rests solely with the speech-language pathologist, audiologist, or hearing aid dispenser.
[11/9/96; 16.26.5.8 NMAC - Rn & A, 16 NMAC 26.5.8, 2/3/06]

16.26.5.9 CONTINUING EDUCATION REQUIREMENTS OF LICENSEES:

A. The board will require twenty (20) hours of continuing education every two years. These may be distributed over the two year period, or they may all be obtained in one year. These continuing education hours must be in the field of his or her licensure, or in a related field if justified to the board office. The board office will consult with the board and/or with the New Mexico speech-language and hearing association (or similar statewide professional association) to resolve questions as to appropriate continuing education hours. Renewal of a license shall be contingent upon the fulfillment of the continuing education standards and the supplying of evidence thereof by the licensee. The board shall be the final authority on acceptance of any educational activity submitted by a licensee to meet the continuing education requirement.

B. The number of continuing education hours required for renewal of a license may be prorated by the board office.

(1) A newly licensed individual or a person who reinstates his or her license and whose next renewal date occurs less than twelve (12) months after the license is issued will be required to earn continuing education hours equivalent to one (1) hour per month each month the license is issued or reinstated to the last day of the renewal month up to a maximum of ten (10) clock hours.

(2) Any approved continuing education hours accrued prior to receiving a license during the year the license is issued can be applied toward the continuing education requirements.

C. Any person licensed as both a speech-language pathologist and an audiologist or hearing aid dispenser must fulfil the requirements of twenty (20) clock hours of continuing education every two years in the field in which they are actively practicing.

[2/5/80; 8/4/81; 11/9/96; 16.26.5.9 NMAC - Rn & A, 16 NMAC 26.5.9, 2/3/06; A, 11/29/08]

16.26.5.10 CRITERIA APPLYING TO OFFER CONTINUING EDUCATION OPPORTUNITY:

A. The board or board office will approve professional education activities sponsored or approved by a national or state professional association of speech-language pathologists, audiologists and hearing aid dispensers.

B. All other proposed educational programs or seminars must be submitted to the board office prior approval.

C. Requests must be submitted in writing with appropriate fees to the board office at least sixty (60) days prior to the program. The board office shall give written notice of the approval or disapproval of the educational program or seminar within thirty (30) days of receiving the application.

D. The individual/organization requesting approval of an educational seminar or course must provide the board office with the following material:

- (1) name of the seminar or course;
- (2) sponsor;
- (3) objective of the seminar or course;
- (4) format and subjects of seminar or course;
- (5) number of clock hours of study or continuing education units;
- (6) method of verification of attendance or completion of self study program; and
- (7) name and qualifications of faculty or institution material.

[4/5/83; 11/9/96; 16.26.5.10 NMAC - Rn & A, 16 NMAC 26.5.10, 2/3/06]

16.26.5.11 CONTINUING EDUCATION VERIFICATION: The board shall audit a percentage of renewal applications each year to verify the continuing education requirement. The licensee should maintain a file that includes the continuing education course documentation up to two (2) years.

A. If a NOTICE OF AUDIT letter is received with the annual renewal form, evidence of continuing education hours earned during the last two years must be submitted to the board as requested by this rule.

B. If the licensee is NOT AUDITED, the licensee will have to sign an affidavit attesting to the completion of the required hours of continuing education and all documentation of attendance and agendas should be retained by the licensee for a minimum of two (2) years immediately preceding the current renewal.

C. The board reserves the right to audit continuing education attendance certificates whenever there is reasonable doubt the courses submitted, dates, or hours may be incorrect.

D. Beginning January 30, 2009 the board will no longer allow carry over hours.

[11/9/96; 16.26.5.11 NMAC - Rn, 16 NMAC 26.5.11, 2/3/06; A, 11/29/08]

16.26.5.12 [RESERVED]

[11/9/96; 16.26.5.12 NMAC - Rn & A, 16 NMAC 26.5.12, 2/3/06; Repealed, 11/29/08]

HISTORY OF 16.26.5 NMAC:

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.

Rule 91-7, Continuing Education, filed 10/25/91.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 6 FEES

16.26.6.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
 [11/9/96; 16.26.6.1 NMAC - Rn & A, 16 NMAC 26.6.1, 2/3/06]

16.26.6.2 SCOPE: All those individuals who wish to make application and practice speech-language pathology, audiology or hearing aid dispensing or individuals working towards their clinical fellowship, paraprofessionals as defined in these regulations, and hearing aid dispensing trainees who will be offering services in the speech-language pathology, audiology or hearing aid dispensing field in the state of New Mexico. All individuals or groups wishing to offer continuing education courses.
 [11/9/96; 16.26.6.2 NMAC - Rn & A, 16 NMAC 26.6.2, 2/3/06]

16.26.6.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B to 61-14B-25 NMSA 1978 and Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
 [11/9/96; 11/7/98; 16.26.6.3 NMAC - Rn & A, 16 NMAC 26.6.3, 2/3/06]

16.26.6.4 DURATION: Permanent
 [11/9/96; 16.26.6.4 NMAC - Rn, 16 NMAC 26.6.4, 2/3/06]

16.26.6.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
 [11/9/96; 11/7/98; 16.26.6.5 NMAC - Rn & A, 16 NMAC 26.6.5, 2/3/06]

16.26.6.6 OBJECTIVE: Pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Part 6 establishes fees application, licensure, renewal, late penalty fees, exams, processing continuing education offerings, administrative fees, labels, mailings, etc., the practice of speech-language pathology, audiology and hearing aid dispensing.
 [12/21/71; 11/9/96; 16.26.6.6 NMAC - Rn & A, 16 NMAC 26.6.6, 2/3/06]

16.26.6.7 DEFINITIONS: [RESERVED]

16.26.6.8 FEES: All fees are payable to the board and are non-refundable. Fees are as follows:

	Initial fee	Renewal fee
A. Hearing aid dispenser trainee temporary permits includes hearing aid practical and written exam	\$300.00	
B. Temporary paraprofessional license (apprentice)	\$50.00	\$50.00
C. Clinical fellow license	\$50.00	\$50.00
D. Speech-language pathologist and audiologist license	\$100.00	\$85.00
E. Hearing aid dispensers	\$175.00	\$180.00
F. Hearing aid practical, and written exams	\$200.00	
G. Endorsement to dispense hearing aids	\$100.00	\$95.00
H. Processing continuing education offerings per offering	\$50.00	
I. Late renewal fee	\$75.00	
J. All application packet fees	\$10.00	
K. Dual licensure (SLP/audiology)	\$200.00	\$150.00
L. Verification of licensure	\$15.00	
M. Paper list	\$125.00	
N. Mailing labels	\$150.00	
O. Electronic list	\$175.00	
P. Duplicate license	\$10.00	
Q. Insufficient funds	\$25.00	

[10/25/91; 11/9/96; 11/7/98; 11/27/99; 16.26.6.8 NMAC - Rn & A, 16 NMAC 26.6.8, 2/3/06; A, 06/07/10]

HISTORY OF 16.26.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED 80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.

Rule 91-8, Fees, filed 10/25/91.

Rule 92-8, Fees, filed 10/15/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 7 GROUNDS FOR DISCIPLINARY ACTION

16.26.7.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/7/98; 16.26.7.1 NMAC - Rn & A, 16 NMAC 26.7.1, 2/3/06]

16.26.7.2 SCOPE: The provisions of Part 7 apply to applicants or licensees under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.
[11/7/98; 16.26.7.2 NMAC - Rn, 16 NMAC 26.7.2, 2/3/06]

16.26.7.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978 and the Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
[11/7/98; 16.26.7.3 NMAC - Rn, 16 NMAC 26.7.3, 2/3/06]

16.26.7.4 DURATION: Permanent
[11/7/98; 16.26.7.4 NMAC - Rn, 16 NMAC 26.7.4, 2/3/06]

16.26.7.5 EFFECTIVE DATE: November 7, 1998, unless a later date is cited at the end of a section.
[11/7/98; 16.26.7.5 NMAC - Rn & A, 16 NMAC 26.7.5, 2/3/06]

16.26.7.6 OBJECTIVE: The objective of Part 7 is to set forth the grounds for disciplinary action which may subject an applicant or licensee to disciplinary action by the board.
[11/7/98; 16.26.7.6 NMAC - Rn, 16 NMAC 26.7.6, 2/3/06]

16.26.7.7 DEFINITIONS: [RESERVED]

16.26.7.8 DISCIPLINARY GROUNDS: In accordance with the provisions of the Uniform Licensing Act, the board may take disciplinary action if the board determines that the applicant or licensee has violated the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act or the boards regulations. The following shall subject the applicant or licensee to disciplinary action by the board.

A. Engaging in unprofessional conduct: Unprofessional conduct includes, but is not limited to, the following:

(1) violations of the principles of ethics or the ethical proscriptions as set forth in board regulations concerning its Code of Ethics (16.26.9 NMAC);

(2) committing a misdemeanor substantially related to the practice of speech language pathology, audiology or hearing aid dispensing or a misdemeanor involving moral turpitude; a certified copy of the record of conviction shall be conclusive evidence of conviction;

(3) for an audiologist or dispensing otorhinolaryngologist to accept a case referred from a hearing aid dispenser and not return the case to the referring professional unless the person seeking the hearing aid refuses to return to the referring professional or if the professional determines, using his best professional judgement, the return of the case would not be in the person's best medical or audiological interest.

B. Engaging in acts that constitute incompetence: Incompetence includes, but is not limited to, the following:

(1) failure to possess the knowledge, apply the skill or provide the care required by generally accepted standards of the professions of speech-language pathology, audiology or hearing aid dispensing; or

(2) violation of the principles of ethics II or the ethical proscriptions thereunder as set forth in board regulations relating to professional competence (Subsections D and E of 16.26.9.8 NMAC);

(3) a finding of incompetence may be based upon a single act or omission of competence or upon a course of conduct or series of acts or omissions which extend over a period of time and which, taken as a whole, demonstrate incompetence.

C. Violation of the Controlled Substances Act (Sections 30-31-1 to 30-31-41 NMSA 1978). A certified copy of the record of conviction shall be conclusive evidence of conviction.

D. Aiding or abetting the practice by a person not licensed by the board. Aiding or abetting the practice of speech language pathology by a person not licensed by the board includes, but is not limited to, the following.

(1) A licensee shall not authorize or otherwise permit a speech language paraprofessional or assistant working under his or her supervision to diagnose, conduct diagnostic testing, interpret diagnostic testing, develop a plan of care or deviate from a plan of care.

(2) A licensee shall ensure that a speech language paraprofessional or assistant working under his or her supervision follows the plan of care.

(3) A licensee shall not authorize or otherwise permit an apprentice in speech-language pathology working under his or her supervision to conduct any of the duties set forth in Subsection E of 16.26.2.18 NMAC of the boards rules and shall ensure that the apprentice only engages in those duties authorized in Subsection D of 16.26.2.18 NMAC of the boards rules.

E. Failing to deliver to any person supplied with a hearing aid a receipt which contains the following information:

(1) licensee's license number and signature;

(2) the sponsor's/supervisor's signature approving of the fitting if the seller is a clinical fellow, graduate student or trainee;

(3) address of the licensee's regular place of business;

(4) make and model of the hearing aid;

(5) full financial terms of the sale;

(6) statement as to whether the hearing aid is new, used or reconditioned;

(7) statement that the purchaser was advised that the licensee was not a licensed physician and that the examination and recommendation was made as a hearing aid dispenser, audiologist, clinical fellow, trainee or graduate student and not as a medical diagnosis or prescription;

(8) terms of guarantee, if any.

[11/7/98, 11/27/99, 12/5/99; 16.26.7.8 NMAC - Rn & A, 16 NMAC 26.7.8, 2/3/06]

HISTORY OF 16.26.7 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 8 PROCEDURES FOR DISCIPLINARY ACTION

16.26.8.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/7/98; 16.26.8.1 NMAC - Rn & A, 16 NMAC 26.8.1, 2/3/06]

16.26.8.2 SCOPE: The provisions in Part 8 may be of interest to anyone who may wish to file a complaint against a person licensed by the board. Disciplinary proceedings may be initiated against licensees or applicants.
[11/7/98; 16.26.8.2 NMAC - Rn, 16 NMAC 26.8.2, 2/3/06]

16.26.8.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978 and the Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
[11/7/98; 16.26.8.3 NMAC - Rn, 16 NMAC 26.8.3, 2/3/06]

16.26.8.4 DURATION: Permanent.
[11/7/98; 16.26.8.4 NMAC - Rn, 16 NMAC 26.8.4, 2/3/06]

16.26.8.5 EFFECTIVE DATE: November 7, 1998, unless a later date is cited at the end of a section.
[11/7/98; 16.26.8.5 NMAC - Rn & A, 16 NMAC 26.8.5, 2/3/06]

16.26.8.6 OBJECTIVE: The objective of Part 8 is to set forth procedures for filing complaints against applicants and licensees and the procedures for the board to follow in processing complaints.
[11/7/98; 16.26.8.6 NMAC - Rn, 16 NMAC 26.8.6, 2/3/06]

16.26.8.7 DEFINITIONS:

- A. “Complaint”** means a complaint filed with the board against an applicant for licensure or against a licensee.
- B. “Complainant”** means the party who files a complaint against a licensee or an applicant for licensure.
- C. “Respondent”** means the applicant for licensure or the licensee who is the subject of the complaint filed with the board.
- D. “Hearing”** means the formal process whereby the respondent is afforded the opportunity to be heard by the board, or its designated hearing officer, before the board takes action which might result in the disciplinary action against the respondent’s application for licensure or his or her license to practice speech-language pathology, audiology or hearing aid dispensing.
- E. “Violation”** means a violation of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act or the rules and regulations duly adopted by the board.
- F. “Notice of contemplated action”** or “NCA” means the administrative process provided for by the Uniform Licensing Act whereby the respondent is notified of the boards intent to take action based upon the alleged violations of practice and whereby the respondent is afforded the opportunity for a hearing before the board.
- G. “License revocation”** means to prohibit the conduct authorized by the license.
- H. “License suspension”** means to prohibit, for a stated period of time, the conduct authorized by the license.
- I. “License restricted subject to conditions”** means to allow the conduct authorized by the license for a stated period of time, subject to conditions that are reasonably related to the grounds for disciplinary action.
[11/7/98; 16.26.8.7 NMAC - Rn, 16 NMAC 26.8.7, 2/3/06]

16.26.8.8 COMPLAINTS: The disciplinary process may be instituted by a complaint on a board approved form by any person, including board members and board staff.
[11/7/98; 16.26.8.8 NMAC - Rn, 16 NMAC 26.8.8, 2/3/06]

16.26.8.9 INVESTIGATION: Upon receipt of the complaint, the board will cause an investigation to be made into the subject complaint by the boards standards of practice committee.

[11/7/98; 16.26.8.9 NMAC - Rn, 16 NMAC 26.8.9, 2/3/06]

16.26.8.10 STANDARDS OF PRACTICE COMMITTEE: The standards of practice committee is formed for the purpose of investigating disciplinary matters referred to it by the board. The board chairperson shall appoint a member or members of the board to the standards of practice committee.

A. The standards of practice committee shall review all documentation provided to it in reference to the subject complaint.

B. The standards of practice committee may provide the respondent with a copy of the complaint and allow a reasonable time for the respondent to respond to the allegations in the complaint.

C. The foregoing notwithstanding, the standards of practice committee will not be required to provide the respondent with notice of the complaint filing, or a copy of the complaint, or any related investigatory evidence prior to the notice of contemplated action, if the committee determines that disclosure may impair, impede, or compromise the efficacy or integrity of the investigation.

D. The standards of practice committee may employ an investigator or other persons determined to be necessary in order to assist in the processing and investigation of the complaint.

E. The standards of practice committee will have independent authority to direct the board administrator to contract for the services of such persons without prior approval of the board after the board administrator has determined budgetary availability for such services.

F. Upon completion of its investigation, the standards of practice committee shall submit to the board its proposed recommendations concerning the proper disposition of the subject complaint.

G. Upon review the board shall vote upon the proposed recommendations and either uphold, reverse, or modify the standards of practice committee recommendations.

H. Standards of practice committee members who participate in the preparation of recommendations to the remaining board members shall not participate further in any actions initiated by the board against the licensee or applicant who is the subject of the complaint.

I. If the board determines that it lacks jurisdiction, or that there is insufficient evidence or cause to issue a notice of contemplated action, the board may vote to dismiss or close the complaint.

J. If the board determines that there is sufficient evidence or cause to issue a notice of contemplated action, it may vote to refer the complaint to the attorney general's office for possible prosecution in accordance with the provisions contained in the Uniform Licensing Act.

K. The board may take any other action with regard to the complaint which is within its authority and which is within the law, including referring the complaint to the attorney general and/or the district attorney for prosecution of persons alleged to be practicing without a valid license.

[11/7/98; 16.26.8.10 NMAC - Rn, 16 NMAC 26.8.10, 2/3/06]

16.26.8.11 PRIVATE CAUSE OF ACTION: Neither the action nor inaction by the board on any complaint shall preclude the initiation of any private cause of action by the complainant.

[11/7/98; 16.26.8.11 NMAC - Rn, 16 NMAC 26.8.11, 2/3/06]

16.26.8.12 DISCIPLINARY ACTION: In accordance with the Uniform Licensing Act, the board has authority to impose penalties in disciplinary matters. The Uniform Licensing Act allows discipline in many forms including but not limited to fines, letters of reprimand, corrective action plans, suspension, and revocation of license.

A. Formal letter of reprimand: The board shall have discretionary authority to issue formal letters of reprimand or warning instead of revocation or suspension. Issuance of formal letters of reprimand shall be subject to the provisions of the Uniform Licensing Act and shall be matters of public record.

B. Prehearing motions: The board may appoint a hearing officer to decide non-dispositive motions filed prior to a hearing. Until such time as the board appoints a hearing officer, the chair of the board shall serve as hearing officer.

C. Settlement agreements: Following the issuance of a notice of contemplated action, the board may enter into a settlement agreement with the respondent as a means of resolving a complaint.

D. Costs of disciplinary proceedings: Licensees or applicants shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees, or if they prevail at the hearing and an action in Section 61-1-3 NMSA 1978 of the Uniform Licensing Act is not taken by the board.

E. Uniform licensing provisions: In accordance with Section 61-1-7.G NMSA 1978 of the Uniform Licensing Act, a licensee who directly or through an agent intimidates, threatens, injures or takes any adverse action against a person for providing information to the board shall be subject to disciplinary action.

F. License returned to the board: Any license, renewal license or temporary permit issued by the board must be returned to the board subsequent to revocation or suspension. The item(s) listed must be returned in person or by certified mail no later than thirty (30) days after the suspension or revocation order to the board.

G. Federal fraud and abuse data bank: As required by federal law, final adverse disciplinary actions taken by the board against applicants or licensees will be reported to the federal health care integrity and protection data bank (or its successor data bank), which was established by the enactment of the federal Health Insurance Portability and Accountability Act of 1996.

[11/7/98; 16.26.8.12 NMAC - Rn, 16 NMAC 26.8.12, 2/3/06]

HISTORY OF 16.26.8 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 9 CODE OF ETHICS

16.26.9.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/96; 16.26.9.1 NMAC - Rn & A, 16 NMAC 26.9.1, 2/3/06]

16.26.9.2 SCOPE: Any and all individuals licensed under the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act shall abide under this Code of Ethics.
[11/9/96; 16.26.9.2 NMAC - Rn, 16 NMAC 26.9.2, 2/3/06]

16.26.9.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978.
[12/21/71; 11/9/96; 16.26.9.3 NMAC - Rn, 16 NMAC 26.9.3, 2/3/06]

16.26.9.4 DURATION: Permanent
[11/9/96; 16.26.9.4 NMAC - Rn, 16 NMAC 26.9.4, 2/3/06]

16.26.9.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/96; 11/7/98; 16.26.9.5 NMAC - Rn & A, 16 NMAC 26.9.5, 2/3/06]

16.26.9.6 OBJECTIVE: The objective of Part 9 is to outline standards in order to preserve integrity and ethical principles of professionals serving the public in the speech-language pathology audiology and/or hearing aid dispensing fields.
[11/9/96; 16.26.9.6 NMAC - Rn, 16 NMAC 26.9.6, 2/3/06]

16.26.9.7 DEFINITIONS: [RESERVED]

16.26.9.8 CODE OF ETHICS:

A. The purpose of the Code of Ethics is to preserve high standards of integrity and ethical principles in the discharge of obligations to the public by the professions of speech-language pathologists, audiologists and hearing aid dispensers. Every individual who practices as a licensed speech-language pathologist, audiologist or hearing aid dispenser shall abide by the Code of Ethics. Any action that violates the Code of Ethics is to be considered unethical and subject to disciplinary action by the board. Failure of the code to specify any particular responsibility or practice is not to be construed as a denial of the existence of a responsibility or practice in that area. The rules of ethics are specific statements of minimally acceptable professional conduct or of prohibitions and are applicable to all licensed individuals. The fundamental rules of ethical conduct as they relate to responsibility to the public are described in three categories, principles of ethics, ethical proscriptions and matters of professional propriety.

(1) Principles of ethics: Six principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Licensed individuals subscribing to this code shall observe these principles as affirmative obligations under all conditions of professional activity.

(2) Ethical proscriptions: Ethical proscriptions are formal statements of prohibitions that are derived from the principles of ethics.

(3) Matters of professional propriety: Matters of professional propriety represent guidelines of conduct designed to promote the public interest and thereby better inform the public and particularly the persons in need of service by the speech-language pathologist, audiologist and/or hearing aid dispenser as to the availability and the rules governing the delivery of these services.

B. Principles of ethics 1: Individuals shall honor their responsibility to hold paramount the welfare of the persons they serve professionally.

(1) Licensed individuals shall use every resource including referral to other specialists as needed, to ensure that high quality service is provided.

(2) Licensed individuals shall fully inform the persons they serve of the nature and possible effects of the services rendered and products dispensed.

(3) Licensed individuals shall fully inform subjects participating in research or teaching activities of the nature and possible effects of these activities.

(4) Licensed individuals shall evaluate the effectiveness of services rendered and of products dispensed and shall provide services or dispense products only when benefit can reasonably be expected.

(5) Licensed individuals shall maintain adequate records of professional services rendered and products dispensed and shall provide access to those records when appropriately authorized.

(6) Licensed individuals shall use persons in research or as subjects of teaching demonstrations only with their fully informed consent.

(7) Licensed individuals' fees shall be commensurate with services rendered.

(8) Licensed individuals shall take all reasonable precautions to avoid injury to persons in the delivery of professional services.

(9) Licensed individuals whose services are adversely affected by substance abuse or other health-related conditions shall seek professional assistance and, where appropriate, withdraw from the affected area of practice.

C. Ethical proscriptions:

(1) Licensed individuals shall not discriminate in the delivery of professional services on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

(2) Licensed individuals shall not guarantee the results of any treatment, procedure, or product, directly or by implication; however, they may make a reasonable statement of prognosis. Caution must be exercised not to mislead any person served professionally to expect results that cannot be predicted from sound evidence.

(3) Licensed individuals must not evaluate, treat, or dispense except in a professional relationship.

(4) Licensed individuals shall not evaluate, treat, or dispense solely by correspondence. This does not preclude follow-up correspondence with persons previously served, nor providing them with general information of an educational nature.

(5) Licensed individuals shall not reveal, without proper authorization any professional or personal information about the person served professionally, unless required to do so, or unless doing so is necessary to protect the welfare of the person or of the community.

(6) Licensed individuals must not charge for services not rendered.

(7) Licensed individuals must not exploit any person in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment when it is no longer necessary.

D. Principles of ethics II: Licensed individuals shall maintain high standards of professional competence.

(1) Licensed individuals shall engage in those aspects of the professions that are within the scope of their licensed professional competence.

(2) Licensed individuals shall identify competent, dependable referral sources for persons served professionally.

(3) Licensed individuals shall insure that all equipment used in the provision of services is in proper working order and is properly calibrated.

(4) Licensed individuals shall continue their professional development.

(5) Licensed individuals shall possess appropriate qualifications for services provided.

E. Ethical proscriptions:

(1) Licensed individuals must not provide services by prescriptions from anyone who is not licensed pursuant to these regulations.

(2) Licensed individuals shall prohibit any of their staff from providing services that they are not licensed or qualified to perform.

(3) Licensed individuals must not require or delegate any service requiring professional competence and licensure of/to anyone who is not competent and licensed to engage in any practice that is a violation of the Code of Ethics.

(4) Licensed individuals must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

(5) Licensed individuals shall not provide professional services without exercising independent professional judgement, regardless of referral source or prescription.

F. Principles of ethics III:

(1) Licensed individuals shall honor their responsibility to the public by providing accurate information in all communications involving any aspect of professional service rendered.

(2) Licensed individuals' statements to the public - advertising, announcing, and marketing their professional services and products - shall adhere to prevailing and acceptable professional standards.

(3) Licensed individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, the products dispensed thereof, about the professions and about professional services.

G. Ethical proscriptions:

(1) Licensed individuals shall not misrepresent their credentials, competence, education, training, title, or experience.

(2) Licensed individuals shall not misrepresent diagnostic information, services rendered, or products dispensed, or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

(3) Licensed individuals must not make public statements regarding professional services and products that contain representations or claims that are false, deceptive or misleading.

(4) Licensed individuals must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.

H. Matters of professional propriety: Licensed individuals should announce services in a manner consistent with highest professional standards in the community.

I. Principles of ethics IV:

(1) Licensed individuals shall maintain objectivity in all matters concerning the welfare of persons served professionally. Licensees who dispense products to the public shall observe the following standards.

(a) Products associated with professional practice must be dispensed as a part of a program of comprehensive habilitative care.

(b) Fees established for professional services must be independent of whether a product is dispensed.

(c) Persons served shall be provided freedom of choice for the source of services and products.

(d) Price information about professional services rendered and products dispensed must be disclosed by providing or posting a complete schedule of fees and charges in advance of rendering services, which differentiates between fees for professional services and charges for products dispensed.

(e) Products dispensed to the person served must be evaluated to determine effectiveness.

(2) Any person who practices the sale or fitting of hearing aids shall deliver to any person supplied with a hearing aid, a receipt that shall contain:

(a) the licensee's signature, the address of the licensee's regular place of business and the number of his license; it shall also show the make and model of the hearing aid furnished along with the full terms of the sale clearly stated; if the hearing aid is not new, the receipt must clearly show whether the hearing aid is used or reconditioned, whichever is applicable in terms of any guarantee; the receipt shall also show that the purchaser was advised that the licensee was not a licensed physician and that the examination and recommendation was made as a hearing aid dispenser or fitter and not as a medical diagnosis or prescription;

(b) the information regarding the trial period which shall be a minimum of 45 consecutive days; if the 45th day falls on a holiday, weekend, or a day the business is not open, the effective date shall be the first day the business reopens; full disclosure of the conditions of any offer of a trial period with a money back guarantee or partial refund; a trial period shall not include any time that the hearing aid is in the possession of the dispenser or the manufacturer; any extension of the 45-day refund period must be in writing and submitted to the client;

(c) shall also include the name, address, and telephone number of the speech language pathology, audiology and hearing aid dispensing practices board in the event a complaint needs to be filed.

(3) Any purchaser of a hearing instrument shall be entitled to a refund of the purchase price advanced by purchaser for the hearing instrument, less the agreed-upon amount associated with the trial period, upon return of the instrument to the licensee in good working order within the trial period. Should the order be canceled by purchaser prior to the delivery of the instrument, the licensee may retain the agreed-upon charges and fees as specified in the written contract. The purchaser shall receive the refund due no later than the 30th day after the date on which the purchaser cancels the order or returns the hearing instrument to the licensee.

J. Ethical proscriptions:

(1) Licensed individuals must not participate in activities that constitute a conflict of interest.

(2) Licensed individuals must not directly or indirectly give or offer to give money or anything of value to any person who advises another person in a professional capacity as an inducement to influence him/her or have him/her influence others to purchase or contract to purchase products sold or offered for sale by the licensee, or to refrain from dealing in the products of competitors.

K. Matters of professional propriety:

(1) Licensed individuals should not accept compensation for supervision or sponsorship from a supervised or sponsored individual.

(2) Individuals should present products they have developed to their colleagues in a manner consonant with highest professional standards.

L. Principles of ethics V: Licensed individuals shall honor their responsibilities to the professions and their relationships with members of allied professions.

M. Matters of professional propriety:

(1) Licensed individuals should seek to provide and expand services to persons with speech, language and hearing handicaps as well as assist in establishing high professional standards for such programs.

(2) Licensed individuals should educate the public about speech, language and hearing processes and handicaps, and matters related to professional competence.

(3) Licensed individuals should strive to increase knowledge within the professions and share research with colleagues.

(4) Licensed individuals should establish harmonious relations with colleagues and members of other professions and endeavor to inform members of the related professions of services provided by speech-language pathologists, audiologists and hearing aid dispensers.

(5) Licensed individuals should assign credit to those who have contributed to a publication in proportion to their contribution.

N. Principles of ethics VI:

(1) Licensed individuals shall uphold the dignity of the professions and freely accept the professional self imposed standards.

(2) Licensed individuals who have reason to believe that the Code of Ethics has been violated shall inform the board.

(3) Licensed individuals shall cooperate fully with the board in any investigation and adjudication of matters of professional conduct related to this Code of Ethics.

[8/4/81; 8/4/96; 11/9/96; 11/7/98; 16.26.9.8 NMAC - Rn & A, 16 NMAC 26.9.8, 2/3/06; A, 06/07/10]

HISTORY OF 16.29.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 10 EMERGENCY LICENSURE

16.26.10.1 ISSUING AGENCY: New Mexico Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[16.26.10.1 NMAC - N/E, 11/9/05; A, 2/3/06]

16.26.10.2 SCOPE: An individual wishing to practice as a speech-language pathologist, audiologist or hearing aid dispenser following a federally declared disaster.
[16.26.10.2 NMAC - N/E, 11/9/05]

16.26.10.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act NMSA 1978, Sections 61-14B-1 to 61-14B-25 and the Uniform Licensing Act NMSA 1978, Sections 61-1-1 to 61-1-33.
[16.26.10.3 NMAC - N/E, 11/9/05]

16.26.10.4 DURATION: Permanent.
[16.26.10.4 NMAC - N/E, 11/9/05]

16.26.10.5 EFFECTIVE DATE: November 9, 2005, unless a later date is cited at the end of a section.
[16.26.10.5 NMAC - N/E, 11/9/05]

16.26.10.6 OBJECTIVE: The objective of Part 10 is to outline requirements, procedures, and criteria for issuance of an emergency license.
[16.26.10.6 NMAC - N/E, 11/9/05]

16.26.10.7 DEFINITIONS: [RESERVED]

16.26.10.8 PROVISIONS FOR EMERGENCY LICENSURE:

A. Speech-language pathologist, audiologist and hearing aid dispenser currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the board of a completed application that has been signed and notarized and that is accompanied by proof of identity, that may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;

(2) refer to 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC and Section 61-14B-12.1 NMSA 1978;

(3) sworn affidavit that the applicant was personally or professionally affected by the disaster; the board will verify the qualifications of the applicant.

B. The board may waive the following requirements for licensure:

(1) application and initial license fee;

(2) practical examination for hearing aid dispensers (the applicant will be required to take and pass the practical exam within six months from the date the emergency license is issued); and

(3) jurisprudence exam (the applicant will be required to take and pass the jurisprudence exam within 60 days from the date the emergency license is issued).

C. The board may waive the specific forms required under 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC and Section 61-14B-12.1 NMSA 1978, if the applicant is unable to obtain documentation from the federal declared disaster areas.

(1) An applicant for licensure as a speech-language pathologist may submit a sworn affidavit if they are unable to produce the following documentation:

(a) transcripts verifying a master's degree in speech-language pathology or communication disorders;

(b) certificate of clinical competence issued by the American speech-language hearing association (ASHA).

(2) An applicant for licensure as an audiologist may submit a sworn affidavit if they are unable to produce the following documentation:

(a) holds a master's degree in audiology or communication disorders; or an equivalent degree in audiology or communication disorders; or an equivalent degree awarded prior to January 1, 2007; meets the academic requirements for certification of clinical competence from a nationally recognized speech language or hearing association in the area that the applicant is seeking licensure; or

(b) holds a doctoral degree in audiology or equivalent degree regardless of degree name and meets academic requirements for certification by a nationally recognized hearing association; and

(c) has completed the current academic, practicum and employment requirements of a nationally recognized speech-language or hearing association; and has passed a nationally recognized standard examination in audiology.

(3) If an applicant for hearing aid dispenser or an endorsement to dispense may submit a sworn affidavit if they are unable to produce the following documentation:

(a) proof the applicant has a high school education or equivalent;

(b) a business location in New Mexico;

(c) proof of passing the HIS, or the NBC-HIS hearing aid written examination or a nationally recognized hearing aid dispensers examination approved by the board or other exams approved by the board with an overall score of at least 70%;

(d) proof of passing a practical examination with an overall score of at least 70%; if the applicant has not taken the practical exam he/she must take it within 6 months from the date the emergency license is issued; failure to pass the required practical exam will result in termination of the emergency license.

D. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC.

E. Licenses issued under 16.26.10 NMAC shall expire six (6) months following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before the expiration date, following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.

[16.26.10.8 NMAC - N/E, 11/9/05; A, 2/3/06]

16.26.10.9 EMERGENCY LICENSE TERMINATION:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of a permanent license under sections 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC;

or

(2) proof that the emergency license holder has engaged in fraud, deceit, or misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.

[16.26.10.9 NMAC - N/E, 11/9/05]

HISTORY OF 16.26.10 NMAC: [RESERVED]