

This is an amendment to 16.7.4 NMAC, Section 10 and 16 and adding a new Section 24 effective xx/xx/20xx.

16.7.4.10 GENERAL PROVISIONS FOR LICENSURE:

- A. **Age:** The applicant must be 18 years of age or older on the date the application is submitted.
- B. **Pre-requisite education to ~~massage therapy training~~:** The applicant must have completed high school or its equivalent.
- C. **Photograph:** The applicant must provide a 2"x 2" passport photo taken of the applicant within the six months prior to making application for licensure.
- D. **Application fee:** The applicant must pay the required application-processing fee as set forth in Subsection D of 16.7.3.8 NMAC of the board's regulations.
- E. **Board-approved application form:** The applicant must provide a completed, legible board-approved application form that must either be typed or printed in black ink, along with any other documents required in the board's application process.
 - (1) incomplete application for licensure forms will be returned to the applicant for completion;
 - (2) faxed application for licensure forms will not be accepted.
- F. **First Aid and Cardiopulmonary Resuscitation (CPR):** The applicant must have completed four ~~[(4)]~~ contact course hours of cardiopulmonary resuscitation (CPR) to include automatic external defibrillator (CPR/AED) and four contact course hours of first aid and must provide proof, with the application, of current ~~accepted by certification in basic life support [EMS safety services, the American heart association, pro training, LLC, or the American red cross.]~~ No on-line courses will be accepted. Courses must be maintained in current standing.
[16.7.4.10 NMAC - Rp, 16.7.4.10 NMAC, 11/15/2019; A, xx/xx/20xx]

16.7.4.16 SPECIFIC PROVISIONS FOR A TEMPORARY LICENSE: A license issued one time only for a maximum period of three months to practice massage therapy while the application for permanent license is in process, and which may only be issued to applicants who have never sat for a licensing examination.

- A. **Qualifications for temporary license:**
 - (1) the applicant for temporary license must meet all the requirements set forth in Sections 16.7.4.10 through 16.7.4.15 NMAC;
 - (2) the applicant for temporary license must not have previously sat for a certification examination for therapeutic massage and bodywork (NCETMB), the national certification examination for therapeutic massage (NCETM), the massage board licensing examination (MBLEx), or other examining or certification agency approved by the board;
 - (3) the applicant may obtain a temporary license while waiting to sit for the national examination;
 - (4) upon submitting the application for licensure, the applicant for a temporary license must submit a temporary license fee, as set forth in Subsection D of 16.7.3.8 NMAC;
 - (5) the board may deny issuance of a temporary license for the same reasons a permanent license may be denied.
- B. **Issuance of the temporary license:**
 - (1) the applicant for temporary license may not begin work until the temporary license has been issued by the board, has been received by the licensee, and has been publicly posted in principal place of practice;
 - (2) the temporary licensee may *not* advertise in the yellow pages or other similar advertising book;
 - (3) the temporary licensee must keep the board informed at all times of any change in address and contact phone number(s);
~~[(4) if the temporary license has not yet expired and the board receives official notice that the temporary licensee has passed a national examination, the temporary license will automatically become null and void. Provided that all other requirements have been met, a permanent license will be issued when payment of the initial license fee has been made.]~~
- C. **Surrender of temporary license required:**
 - (1) if a temporary license holder fails the national examination, the temporary license immediately becomes null and void and must be surrendered directly to the board office within 15 days of the examination date; and the privileges to practice authorized by the temporary license are no longer valid;

(2) Expired or null and void temporary licenses shall be surrendered to the board;
(3) If an applicant, who holds a temporary license that must be surrendered, has misplaced or lost the temporary license and cannot return it to the board as required, the applicant must provide the board with an affidavit attesting that the license has been lost or misplaced and that the applicant is no longer practicing massage therapy.

[16.7.4.16 NMAC - Rp, 16.7.4.16 NMAC, 11/15/2019; A, xx/xx/20xx]

16.7.4.24 CRIMINAL CONVICTIONS:

A. Convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or a licensee retaining a license issued by the board:

(1) homicide or manslaughter;
(2) kidnapping, false imprisonment, aggravated assault or aggravated battery;
(3) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, promoting prostitution, accepting the earnings of a prostitute, human trafficking, willfully or knowingly failing to comply with the registration or verification requirements of the sex offender registration and notification act, or other related felony sexual offenses;

(4) crimes involving robbery, larceny, extortion, burglary, bribery, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property;

(5) failure to comply with a proclamation of the governor; or

(6) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

B. The board shall not consider the fact of a criminal conviction as part of an application for licensure or licensure renewal unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

C. The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of 16.7.4.24 NMAC.

D. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Massage Therapy Practice Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this rule.

E. In connection with an application for licensure or license renewal, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(1) an arrest not followed by a valid conviction;

(2) a conviction that has been sealed, dismissed, expunged or pardoned;

(3) a juvenile adjudication; or

(4) a conviction for any crime other than the disqualifying criminal convictions listed in

Subsection A of 16.7.4.21 NMAC.

[16.7.4 NMAC - N, xx/xx/20xx]