

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 23 RESPIRATORY CARE PRACTITIONERS
PART 11 [~~LICENSE REACTIVATION; LICENSE LAPSE~~] [RESERVED]

~~[16.23.11.1 — **ISSUING AGENCY:** New Mexico Regulation and Licensing Department Respiratory Care Advisory Board P.O. Box 25101 Santa Fe, New Mexico 87504.
[16.23.11.1 NMAC — Rp, 16.23.11.1 NMAC, 7/15/2017]~~

~~[16.23.11.2 — **SCOPE:** The provisions of Part 11 of Chapter 23 apply to all respiratory care practitioners who have ever been licensed in New Mexico.
[16.23.11.2 NMAC — Rp, 16.23.11.2 NMAC, 7/15/2017]~~

~~[16.23.11.3 — **STATUTORY AUTHORITY:** Part 11 of Chapter 23 is promulgated pursuant to the Respiratory Care Act, Section 61-12B-9.A NMSA 1978.
[16.23.11.3 NMAC — Rp, 16.23.11.3 NMAC, 7/15/2017]~~

~~[16.23.11.4 — **DURATION:** Permanent.
[16.23.11.4 NMAC — Rp, 16.23.11.4 NMAC, 7/15/2017]~~

~~[16.23.11.5 — **EFFECTIVE DATE:** July 15, 2017, unless a later date is cited at the end of the section.
[16.23.11.5 NMAC — Rp, 16.23.11.5 NMAC, 7/15/2017]~~

~~[16.23.11.6 — **OBJECTIVE:** The objective of Part 11 of Chapter 23 is to set forth requirements and procedures for reactivation of a New Mexico respiratory care practitioner license from expired status. Part 11 also states the requirements the person with a lapsed license must meet to be able to practice respiratory care in New Mexico again.
[16.23.11.6 NMAC — Rp, 16.23.11.6 NMAC, 7/15/2017]~~

~~[16.23.11.7 — **DEFINITIONS:** [RESERVED]~~

~~[16.23.11.8 — **LICENSE EXPIRATION DUE TO NON RENEWAL:** Respiratory care practitioner licenses not renewed or which have not been placed on inactive status by the end of the renewal cycle will be expired and invalid.
[16.23.11.8 NMAC — Rp, 16.23.11.8 NMAC, 7/15/2017]~~

~~[16.23.11.9 — **PRACTICE PROHIBITED:** A person continuing to practice without a valid license is in violation of Section 61-12B-4 of the Respiratory Care Act, and is guilty of a misdemeanor. The department will seek civil action against the violator in accordance with Section 61-12B-15 NMSA 1978.
[16.23.11.9 NMAC — Rp, 16.23.11.9 NMAC, 7/15/2017]~~

~~[16.23.11.10 — **LICENSE REACTIVATION FROM EXPIRED STATUS:** The individual who has allowed his or her license to expire, must reactivate the expired license before the next scheduled renewal expiration date for licensed respiratory care practitioners September 30 of the next odd numbered year. The applicant must complete the following process in order to reactivate his or her license.
—— **A.** Contact the department to request a reactivation application form or download it from the board's website.
—— **B.** Complete and return to the department, the reactivation application form with the necessary continuing education documentation required in 16.23.12 NMAC.
—— **C.** Submit to the department a check or money order payable to the board in the amount of the renewal and penalty fee (See 16.23.2.8 NMAC).
[16.23.11.10 NMAC — Rp, 16.23.11.10 NMAC, 7/15/2017]~~

~~[16.23.11.11 — **LICENSE LAPSE:** An expired license which has not been reactivated before the next scheduled license expiration date September 30 of the next odd numbered year, will lapse and become null and void.
—— **A. Re licensure required.** Before resuming the practice of respiratory care in New Mexico, the individual whose license has lapsed must be approved for licensure by the department.
—— **B. Application required.** The applicant with a lapsed license must repeat the entire initial licensure~~

~~application process as set forth in 16.23.3 and 16.23.4 NMAC.~~
~~[16.23.11.11 NMAC - Rp, 16.23.11.11 NMAC, 7/15/2017] [REPEALED]~~

HISTORY OF 16.23.11 NMAC:

PRE-NMAC HISTORY: The material in PART 11 was derived from regulations previously filed with the State Records Center and Archives Center by former department name Health and Environment Department, rule numbers, HED-85-1 (HSD), “Regulations Governing the Respiratory Care Act,” filed 01/22/1985; HED-87-3 (HSD), “Regulations Governing the Respiratory Care Act,” filed 05/11/1987; by department name Regulation & Licensing Department, former division name, Boards & Commissions Division rule number BCD 87-3, “Regulations Governing the Respiratory Care Act,” filed 12/10/1987; and by department name Regulation and Licensing Department, Respiratory Care Advisory Board in rule numbers, Rule 91-8, “Expiration/License Renewal,” filed 08/20/1991, Rule 5, “Renewal and Expiration of Practitioner Licenses,” filed 03/22/1995.

HISTORY OF REPEALED MATERIAL:

16.23.11 NMAC, “License Reactivation; License Lapse” filed 12/30/2002 - Repealed effective 7/15/2017.
16.23.11 NMAC, “License Reactivation; License Lapse” filed xx/xx/20xx - Repealed effective xx/xx/20xx.

Other History: Rule 5, “Renewal and Expiration of Practitioner Licenses,” filed 03/22/1995 was renumbered, reformatted and replaced into first version of the New Mexico Administrative Code as 16 NMAC 23.11, “License Reactivation; License Lapse”, filed 11/10/1997.

16 NMAC 23.11, “License Reactivation; License Lapse”, filed on 11/10/1997, renumbered and reformatted to 16.23.11 NMAC, “License Reactivation; License Lapse”, effective 01/30/2003.

16.23.11 NMAC, “License Reactivation; License Lapse”, filed 12/30/2002 was replaced by 16.23.11 NMAC, “License Reactivation; License Lapse”, effective 7/15/2017.