

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 23 RESPIRATORY CARE PRACTITIONERS
PART 3 PRACTITIONER LICENSE QUALIFICATIONS, APPLICATION, RENEWAL, AND EXPIRATION

16.23.3.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department in consultation with the Advisory Board of Respiratory Care Practitioners.
[16.23.3.1 NMAC - Rp, 16.23.3.1 NMAC, xx/xx/2021]

16.23.3.2 SCOPE: The provisions of Part 3 of Chapter 23 apply to all persons applying to the board for a license to practice respiratory care in New Mexico.
[16.23.3.2 NMAC - Rp, 16.23.3.2 NMAC, xx/xx/2021]

16.23.3.3 STATUTORY AUTHORITY: Part 3 of Chapter 23 is promulgated pursuant to the Respiratory Care Act, Section 61-12B-6 NMSA 1978.
[16.23.3.3 NMAC - Rp, 16.23.3.3 NMAC, xx/xx/2021]

16.23.3.4 DURATION: Permanent.
[16.23.3.4 NMAC - Rp, 16.23.3.4 NMAC, xx/xx/2021]

16.23.3.5 EFFECTIVE DATE: xxxx xx, 2021 unless a later date is cited at the end of a section.
[16.23.3.5 NMAC - Rp, 16.23.3.5 NMAC, xx/xx/2021]

16.23.3.6 OBJECTIVE: The objective of Part 3 of Chapter 23 is to establish the required qualifications necessary for licensure as a respiratory care practitioner.
[16.23.3.6 NMAC - Rp, 16.23.3.6 NMAC, xx/xx/2021]

16.23.3.7 DEFINITIONS: All definitions related to this section are in 16.23.1.7 NMAC.
[16.23.3.7 NMAC - Rp, 16.23.3.7 NMAC, xx/xx/2021]

16.23.3.8 LICENSE REQUIRED TO PRACTICE: The applicant may not engage in the practice of respiratory care in New Mexico until approval for licensure has been given, and the department has issued an initial license. The applicant may not represent or hold him or herself out to be a respiratory care practitioner or RCP without a valid license.
[16.23.3.8 NMAC - Rp, 16.23.3.8 NMAC, xx/xx/2021]

16.23.3.9 LICENSURE REQUIREMENTS: The board only recognizes accreditation by the commission on accreditation for respiratory care (CoARC) or its successor approval body. All references to the national board exams in this part are to the national board for respiratory care, inc (NBRC) examination. In accordance with Section 61-12B-7 and Section 61-12B-8, NMSA 1978, and the qualifications set forth therein, the applicant must provide verification of the following:

- A. successful completion of an accredited respiratory care education program;
- B. proof of passing the NBRC examination resulting in credentialing as a registered respiratory therapist or RRT and maintaining a current RRT credential; or
- C. current licensure in another state that has educational and examination requirements at least equal to or better than those established for licensure in New Mexico at the time of original licensure.
- D. Applicants for licensure must provide the following items of documentation to the department:
 - (1) A completed and signed application on a form approved and provided by the department, that includes the applicant's:
 - (a) full name;
 - (b) date and place of birth;
 - (c) current mailing address;
 - (d) current electronic mail address for all communications, including renewal notices;
 - (e) main contact phone number;
 - (f) description of respiratory care therapy program;

- (g) date of program diploma;
 - (h) type of NBRC certification;
 - (i) description of other NBRC certifications, if any;
 - (j) education history; and
 - (k) licensure history, if any.
- (2) A color passport-type photograph of the applicant taken within the last year.
- (3) A copy of an official transcript, certificate or diploma showing completion of an approved respiratory care program or a letter sent directly from the program director prior to matriculation as provided in 16.23.3.9. NMAC.
- (4) A copy of one of the following documents from the NBRC:
- (a) identification card from the NBRC confirming that the applicant holds a current RRT credential; or
 - (b) the examination results showing successful passing of the NBRC, RRT examination if the applicant has not yet received the NBRC certificate;
 - (c) a verification letter from the NBRC showing CRT (prior to January 1, of 2018 in New Mexico or another United States jurisdiction), or RRT credential;
 - (d) upon being credentialed by the NBRC, an applicant has one year to apply to the board for licensure;
 - (e) an initial applicant may also successfully complete a one year graduate respiratory license in lieu of being credentialed by the NBRC.
- (5) Payment to the board of the applicable fee as provided in 16.23.2.8 NMAC.
- (6) If applicable, verification of licensure status sent directly to the department by all state licensing boards where the applicant is or has ever been licensed.
- (7) A resume.
- (8) If applicable, those returning to the field and are applying for new licensure shall meet the requirements set in this rule.

E. After the above listed documentation has been reviewed and approved by the department, in consultation with the board, the applicant will be issued a respiratory care practitioner’s license valid until September 30 of the next odd numbered year.

F. Initial respiratory care practitioner licenses issued after June 1 of the odd-numbered year, will not expire until September 30 of the next renewal period, see Subsection D of 16.23.3.17 NMAC. [16.23.3.9 NMAC - Rp, 16.23.3.9 NMAC, xx/xx/2021]

16.23.3.10 [RESERVED]
[16.23.3.10 NMAC - Rp, 16.23.3.10 NMAC, xx/xx/2021]

16.23.3.11 REQUIREMENTS FOR UPGRADING LICENSE TYPE: Respiratory therapists wanting to upgrade their license type from CRT to RRT must complete an affidavit and submit the required fee as set forth in 16.23.2.8 NMAC. [16.23.3.11 NMAC - Rp, 16.23.3.11 NMAC, xx/xx/2021]

16.23.3.12 ELECTRONIC SIGNATURES: Electronic signatures will be acceptable for applications submitted pursuant to 14-16-1 through 14-16-21 NMSA 1978. [16.23.3.12 NMAC - Rp, 16.23.3.12 NMAC, xx/xx/2021]

16.23.3.13 EXPEDITED LICENSURE BY RECIPROCITY: The board will issue a license by reciprocity to an applicant who holds a current license in good standing in another United States jurisdiction that meets or exceeds the licensing requirements set out in Section 61-12B-7 NMSA 1978, provided the applicant submits a completed application on a form approved and provided by the department with the information required in Subsection d of Section 16.23.3.9 NMAC, and with the required fee, and meets all the other requirements set forth in 16.23.3.9 NMAC. [16.23.3.13 NMAC - Rp, 16.23.3.13 NMAC, xx/xx/2021]

16.23.3.14 VERIFICATION OF LICENSURE TO EMPLOYER: A copy of the initial license and any subsequent renewal licenses must be kept on file with the licensee’s employer.

16.23.3.15 PRACTITIONER LICENSE EXPIRATION DATE: Respiratory care practitioner licenses expire on September 30 of each odd-numbered year except as provided in Subsection D of 16.23.3.17 NMAC. [16.23.3.15 NMAC - Rp, 16.23.3.15 NMAC, xx/xx/2021]

16.23.3.16 RENEWAL OF PRACTITIONER LICENSE, NOTIFICATION: No less than 45 days prior to the license expiration date, notices and renewal applications will be mailed to the licensee at the last official address on file with the department.

A. Failure to receive the renewal application notice will not relieve the licensee of the responsibility of renewing the license by the expiration date.

B. It is the licensee's responsibility to request a renewal application if one has not been received at least thirty days prior to the license expiration date.

C. Practitioner licenses shall be renewed by the department, in consultation with the board, only upon receipt of the following:

(1) a completed renewal application;

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

(3) proof of current national board of respiratory care (NBRC) credential;

(4) payment in the amount of the required fee as provided in 16.23.2.8 NMAC.

[16.23.3.16 NMAC - Rp, 16.23.3.16 NMAC, xx/xx/2021]

16.23.3.17 RENEWAL DEADLINE: The deadline for renewal of current respiratory care practitioner licenses is September 30 of the odd-numbered year, except as provided in Subsection D below.

A. September 30 postmark requirement. Completed renewal applications must be postmarked or completed on-line on or before September 30 of the renewal year.

B. Application rejected. Incomplete renewal applications will be rejected by the board.

C. Late renewal. Any renewal application, corrected or otherwise returned to the department postmarked after September 30, of the odd-numbered year, is expired and must be accompanied by the penalty fee required for reactivation (see 16.23.2.8 NMAC).

D. A practitioner license issued after June 1 of the renewal (odd-numbered) year will not expire until September 30 of the renewal cycle following the current renewal cycle.

[16.23.3.17 NMAC - Rp, 16.23.3.17 NMAC, xx/xx/2021]

16.23.3.18 LICENSE EXPIRATION:

A. Respiratory care licenses not renewed by the end of the renewal cycle will be expired and invalid.

B. Official notification of license expiration will be sent via electronic mail to the last electronic mail address on file with the department.

C. 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 may seek civil action against the violator in accordance with Section 61-12B-15.

[16.23.3.18 NMAC - Rp, 16.23.3.18 NMAC, xx/xx/2021]

HISTORY OF 16.23.3 NMAC:

PRE-NMAC HISTORY: The material in PART 3 was derived from regulations previously filed with the State Records Center and Archives by former department name Health and Environment Department, rule numbers, HED-85-1 (HSD), "Regulations Governing the Respiratory Care Act," filed 1/22/1985; HED-87-3 (HSD), "Regulations Governing the Respiratory Care Act," filed 5/11/1987; 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 rule numbers, Rule 91-2, "Qualifications for Practitioner Licenses," filed 8/20/1991 and Rule 2, "Qualification for Practitioner License," filed 03/22/1995.

HISTORY OF THE REPEALED MATERIAL:

16.23.3 NMAC, "Qualifications for Practitioner License", filed 12/30/2002 - Repealed effective 7/15/2017.

16.23.3 NMAC, "Qualifications for Practitioner License", filed xx/xx/20xx – Repealed effective xx/xx/20xx.

Other History: Rule 2, “Qualification for Practitioner License,” filed 3/22/1995 was renumbered, reformatted and replaced into first version of the New Mexico Administrative Code as 16 NMAC 23.3, “Qualifications for Practitioner License”, filed 11/10/1997.

16 NMAC 23.3, “Qualifications for Practitioner License”, filed 11/10/1997, renumbered and reformatted to 16.23.3 NMAC, “Qualifications for Practitioner License”, effective 1/30/2003.

16.23.3 NMAC, “Qualifications for Practitioner License”, (filed 12/30/2002) was replaced by 16.23.3 NMAC, “Qualifications for Practitioner License”, effective 7/15/2017.

16.23.3 NMAC, “Qualifications for Practitioner License (filed xx/xx/20xx) was replaced by 16.23.3 NMAC, ‘Qualifications for Practitioner License”, effective xx/xx/20xx.