

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, 2/3/2006]

16.26.2.2 SCOPE: The provisions of Part 2 of Chapter 26 apply to all individuals seeking licensure under the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act.
[16.26.2.2 NMAC - Rp, 16 NMAC 26.2.2, 2/3/2006; A, 1/15/2015]

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, 2/3/2006]

16.26.2.4 DURATION: Permanent.
[16.26.2.4 NMAC - Rp, 16 NMAC 26.2.4, 2/3/2006]

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, 2/3/2006]

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, 2/3/2006]

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.

E. The board shall issue a license by reciprocity to an applicant from another state who holds a current license in good standing with no pending disciplinary action, provided the requirements for the current license held meet or exceed requirements for licensure for Speech Language Pathology, Audiology, or Hearing Aid Dispensing in the state of New Mexico.

[16.26.2.8 NMAC - Rp, 16 NMAC 26.2.8, 2/3/2006; A, 2/14/2017]

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~~ and 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, 2/3/2006; A, x/xx/xxxx]

16.26.2.10 REQUIREMENTS FOR ALL APPLICANTS: An applicant for a license to practice under the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act must submit the following:

- A.** a complete and signed application on a form prescribed by the board;
- B.** a check or money order payable to the board for the applicable fee(s) outlined in 16.26.6.8

NMAC;

- C.** documentation relevant to the license sought under 16.26.2 NMAC; ~~and~~
- D.** certification that the applicant is not guilty of any activities listed in Section 61-14B-21 NMSA 1978; and

E. The certification that the applicant has not been convicted of felonies listed in Subsection F of 16.26.8 NMAC

[16.26.2.10 NMAC - Rp, 16 NMAC 26.3.8, 2/3/2006; A, 11/29/2008; A, 4/6/2016; A, 2/14/2017; A, x/xx/xxxx]

16.26.2.11 QUALIFICATIONS AND APPLICATION FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST: An 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.** proof of having earned a certificate in speech-language pathology 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. proof of having passed the jurisprudence examination with a grade of no less than seventy percent; 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, 2/3/2006; A, 11/29/2008; A, 4/6/2016; A, 1/4/2020]

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

- A.** official transcripts or certification from the registrar verifying the following:
 - (1)** a master's degree in audiology, communication disorders or equivalent degree in audiology or communication disorders awarded prior to January 1, 2007; or
 - (2)** a doctoral degree in audiology or equivalent degree regardless of degree name.
- B.** proof of having earned certification in audiology from the American speech-language and hearing association (ASHA) or the American board of audiology (ABA);
- C.** proof of having passed a nationally recognized standard examination in audiology;
- D.** proof of having passed the jurisprudence examination with a grade of no less than seventy percent;
- E.** if the applicant was awarded a master's degree in audiology or communication disorders or equivalent degree in audiology or communication disorders prior to January 1, 2007, the applicant must also provide proof of at least six months' experience in the dispensing of hearing aids or other evidence as determined by the board in either a graduate training program or in a work training experience;

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

[16.26.2.12 NMAC - Rp, 16 NMAC 26.3.9, 2/3/2006; A, 11/29/2008; A, 6/7/2010; A, 1/15/2015; A, 4/6/2016]

16.26.2.13 QUALIFICATIONS AND APPLICATION FOR ENDORSEMENT TO DISPENSE HEARING AIDS AS AN OTOLARYNGOLOGIST: The board shall grant an endorsement to dispense hearing

aids to a physician certified, or eligible for certification, by the American board of otolaryngology, upon submission of the following:

- A. verification that the applicant maintains or occupies a business location, hospital, clinical medical practice or other facility in New Mexico where hearing aids are regularly dispensed;
- B. a license verification from the New Mexico medical board;
- C. proof of six months' experience in the dispensing of hearing aids as evidenced by a notarized letter from an employer, a graduate training program supervisor or a clinical fellow supervisor, the 320 hours of which must be under the direct supervision of a person licensed to dispense hearing aids; and
- D. proof of having passed the jurisprudence examination, with a grade of no less than seventy percent.

[16.26.2.13 NMAC - Rp, 16 NMAC 26.3.10, 2/3/2006; A, 11/29/2008; A, 4/6/2016]

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) proof that the applicant is 18 years of age or older;
- (2) proof that the applicant has a high school education or the equivalent;
- (3) proof that the applicant has a business location in New Mexico;
- (4) a notarized letter from the qualified sponsor verifying completion of all training requirements as outlined for the temporary hearing aid dispensing trainee permit;
- (5) proof of having passed the current IHS administered ILE within the previous 24 months;
- (6) passing the board administered practical exam with a score of no less than seventy percent;
- (7) proof of having passed the jurisprudence examination with an overall score of no less than seventy percent; and
- (8) have no disciplinary actions taken against any professional license they hold in any state or jurisdiction.

B. An applicant who is licensed as a hearing aid dispenser or hearing aid specialist in another state or jurisdiction may be issued a license as a hearing aid dispenser in New Mexico upon the board's acceptance of the following:

- (1) proof that the applicant is 18 years of age or older;
- (2) proof that the applicant has a high school education or the equivalent;
- (3) proof that the applicant has a business location in New Mexico;
- (4) the requirements for licensure in the issuing state or jurisdiction meet or exceed the standards for New Mexico; and
- (5) the applicant has no disciplinary actions taken or pending against any professional license they hold in any state or jurisdiction

[16.26.2.14 NMAC - Rp, 16 NMAC 26.3.11, 2/3/2006; A, 6/7/2010; A, 1/15/2015; A, 4/6/2016; A, 2/14/2017]

16.26.2.15 APPLICATION AND REQUIREMENTS 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 year.

B. The trainee must identify a qualified sponsor who has held a license under this act as an audiologist or hearing aid dispenser or a New Mexico licensed otolaryngologist for no fewer than three of the previous five calendar years.

- (1) The qualified sponsor must have no disciplinary actions against them at the time of issuance of the training permit.
- (2) The qualified sponsor must have no more than two temporary training permits associated with them at any single time.
- (3) Trainee must receive a minimum of 320 logged and certified hours of direct supervision in hearing science and hearing aid fitting within three consecutive months.
- (4) Upon completion of the 320 hours of direct supervision, the log of training must be submitted to the board for review.

C. Following completion of 320 hours, an additional five continuous months of full time work is required. All activities of the trainee during this time must be reviewed and approved by a qualified 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.

D. 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.

E. The applicant shall submit proof of having passed the jurisprudence examination with a grade of no less than seventy percent.

[16.26.2.15 NMAC - Rp, 16 NMAC 26.3.12, 2/3/2006; A, 6/7/2010; A, 4/6/2016; A, 2/14/2017]

16.26.2.16 HEARING AID DISPENSER TRAINEE EXAMINATION FOR COMPETENCE:

Following the board's acceptance of the 320 hours of certified direct supervision in three months, persons with a temporary training permit are eligible to:

A. Take the IHS administered ILE;

B. Take the board-administered practical exam which evaluates proficiency in the following areas:

(1) Puretone audiometry including air conduction and bone conduction;

(2) recorded voice speech audiometry;

(3) masking when indicated;

(4) recording and evaluation of audiograms and speech audiometry;

(5) determining proper selection and adjustment of hearing aids;

(6) verification of efficacy of hearing aids; and

(7) taking earmold impressions

C. The board office will schedule practical examinations once each quarter; the schedule will be posted on the board website, and applicants must register for the examination a minimum of 30 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, 2/3/2006; A, 6/7/2010; A, 2/14/2017]

16.26.2.17 QUALIFICATION FOR LICENSURE FOR CLINICAL FELLOWS:

A. A clinical fellow (CF) must meet 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 the individual has received no reprimands of unprofessional conduct or incompetency; and

(d) file a CFY 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 nine 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, one-hundred percent 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] clinical fellow 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, 2/3/2006; A, 1/15/2015; A, x/xx/xxxx]

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] they are 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 speech-language pathology or communication disorders or baccalaureate degree in another field with 30 semester hours of credit in speech-language pathology or communication disorders;

(2) enrolled in a master's degree program in speech-language pathology or communication disorders and completes a minimum rate of nine 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, the applicant must be currently enrolled in nine semester hours of graduate courses per year with at least three hours in communication disorders, six hours may be taken in a related field; and

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

(3) maintains a minimum of a 3.0 GPA in communication disorders course work 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 percent of contact time of the apprentice in speech-language must be direct supervision.

(b) Minimum of ten 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~~ and hearing screenings;

(b) conduct treatment programs and procedures that are planned, selected ~~and/or~~ and 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~~ themselves 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:

- public;
- (1) a completed board approved license application form, signed in the presence of a notary
 - (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, 2/3/2006; A, 11/29/2008; A, 6/7/2010; A, 1/15/2015; A, x/xx/xxxx]

16.26.2.19 BILINGUAL MULTICULTURAL ENDORSEMENT:

A. Prerequisites for an endorsement: Any person applying for bilingual-multicultural endorsement shall:

- (1) file a completed application;
- (2) pay the fees required under 16.26.6 NMAC;
- (3) submit required documentation as outlined in Subsections B through D below; and
- (4) certify that the applicant is not guilty of any of the any of the activities listed in Section 61-14B-21 NMSA 1978.

B. Eligibility of non-licensed speech language pathology applicants: A speech-language pathology applicant who applies for a bilingual-multicultural endorsement must submit the following documentation:

- (1) a copy of a board-approved application for a license to practice as a New Mexico speech language pathologist or licensed by another state or country as a SLP or bilingual SLP; and
- (2) proof of language(s) proficiency and experience as evidenced by:
 - (a) an official transcript from a university's bilingual or multicultural speech-language pathology certificate program with a minimum eighty percent score in courses taken, and proof that the applicant has passed a board-approved language proficiency assessment; or
 - (b) if a university transcript and a language proficiency assessment are not available, a letter of verification from a university, tribe or other recognized official entity documenting successful completion of a language proficiency rubric with a minimum of seventy percent in all domains/areas that apply to the specified language, and proof of five years of experience; or
 - (c) in the event that an applicant cannot provide the documentation required in Subparagraphs (a) or (b) of Paragraph (2) of Subsection B of 16.26.2.19 NMAC, the board may consider other evidence of proficiency and experience on a case-by-case basis.

C. Eligibility of currently licensed New Mexico speech-language pathology applicants: A New Mexico licensed speech-language pathologist who applies for a bilingual-multicultural endorsement must submit the following documentation:

- (1) proof that the applicant has a New Mexico license to practice as a speech-language pathologist that is in good standing, or licensed by another state or country as a SLP or bilingual SLP that is in good standing; and
- (2) proof that the applicant is proficient in the specified language(s) as evidenced by:
 - (a) having passed a board-approved language proficiency assessment; or
 - (b) a letter of verification from a university, tribe or other recognized official entity documenting successful completion of a language proficiency rubric with a minimum of seventy percent in all domains/areas that apply to the specified language; or
 - (c) in the event that an applicant cannot provide the documentation required in Subparagraphs (a) or (b) of Paragraph (2) of Subsection C of 16.26.2.19 NMAC, the board may consider other evidence of proficiency on a case-by-case basis; and
- (3) ~~[proof that the applicant has a current bilingual endorsement from the New Mexico public education department; or]~~

proof that the applicant has a minimum of five years practicing with clients who utilize a language other than English as evidenced by a sworn and notarized affidavit from the applicant.

D. Eligibility of licensees from other jurisdictions: A speech-language pathologist licensed by another jurisdiction who applies for a bilingual-multicultural endorsement must submit the following:

(1) proof that the applicant has a license to practice as a speech-language pathologist in good standing in another jurisdiction;

(2) a copy of a board-approved application for a license to practice as a New Mexico speech language pathologist;

~~(3) proof that the applicant has a minimum of five years practicing with clients who utilize a language other than English as evidenced by a sworn and notarized affidavit from the applicant; and~~

~~(4)~~ (3) proof that the applicant is proficient in the specified language(s) as evidenced by:

(a) ~~[a current bilingual endorsement issued by a state public education department;~~
or] the applicant has a minimum of five years practicing with clients who utilize a language other than English as evidenced by a sworn and notarized affidavit from the applicant; or

(b) having passed a board-approved language proficiency assessment; or

(c) a letter of verification from a university, tribe or other recognized official entity documenting successful completion of a language proficiency rubric with a minimum of seventy percent in all domains/areas that apply to the specified language; or

(d) in the event that an applicant cannot provide the documentation required in Subparagraphs (a), (b) or (c) of Paragraph (4) of Subsection D of 16.26.2.19 NMAC, the board may consider other evidence of proficiency on a case-by-case basis.

[16.26.2.19 NMAC - N, 4/6/2016; A, x/xx/xxxx]

16.26.2.20 REQUIREMENTS FOR ALL APPLICANTS WHO PRACTICE TELEHEALTH

A. An audiologist, speech-language pathologist or hearing aid dispenser licensed in New Mexico may use telecommunication technology to deliver services to a person residing in New Mexico who is physically present at a different location from the provider at the time services are received, so long as the services delivered through use of telecommunication technology meet or exceed the quality of services delivered face-to-face.

B. An audiologist, speech-language pathologist or hearing aid dispenser who resides outside the boundaries of the state of New Mexico and delivers services or products to residents of New Mexico shall be licensed by the board.

C. An audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services shall have necessary knowledge and skills, obtained through education, training and experience to use such technology competently.

D. Telecommunication technology used to deliver services must be equivalent to that provided in person.

E. A licensed audiologist, speech-language pathologist or hearing aid dispenser must be physically present at all times at the hub site while interactive telecommunication technology is used to deliver services to a client physically present at a remote site.

F. A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall:

(1) assess the client's ability to participate meaningfully in the services delivered through telecommunications, including but not limited to the client's physical, cognitive and behavioral abilities;

(2) calibrate properly the clinical instruments used for delivery of services in accordance with standard operating procedures and manufacturer specifications;

(3) train properly the facilitator at the client-patient site if used;

(4) comply with all laws and rules governing maintenance of client records, including but not limited to client confidentiality requirements; and

(5) comply with all professional standards governing delivery of services including the applicable Code of Ethics

G. A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall provide notice to the client, guardian, caregiver and multi-disciplinary team as appropriate, including but not limited to the right to refuse telehealth services, options for service delivery and instruction on filing and resolving complaints.

H. An audiologist, speech-language pathologist or hearing aid dispenser shall not deliver services to a client solely through the use of regular mail, facsimile or electronic mail, although these methods of communication

may be used to supplement the face-to-face delivery of services or through the use of telecommunication technology.

[16.26.2.20 NMAC - N, 2/14/2017]

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 12/21/1971.

HADF 77-1, Rules and Regulations, filed 5/23/1977.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/1980.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/1982.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/1983.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/1981.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/1982.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/1983.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/1987.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/1987.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/1988.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/1988.

Rule 91-2, Qualifications for Licensure, filed 10/25/1991.

Rule 91-3, Temporary Trainee Permits, filed 10/25/1991.

Rule 91-4, Applications for Licensure, filed 10/25/1991.

Rule 91-5, Examination for Competence, filed 10/25/1991.

History of Repealed Material:

16 NMAC 26.2, Licensure and Licensure Requirements, filed 10/9/1996 - Repealed effective 2/3/2006.

16 NMAC 26.3, Application Procedures and Qualifications for Licensure, filed 10/9/1996 - Repealed effective 2/3/2006.