

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 6 EXPEDITED LICENSURE

16.34.6.1 ISSUING AGENCY: New Mexico Board of Barbers and Cosmetologists
[16.34.6.1 NMAC - Rp, 16.34.6.1 NMAC, xx/xx/2022]

16.34.6.2 SCOPE: The provisions in Part 6 of Chapter 34 apply to all applicants for expedited licensure.
[16.34.6.2 NMAC - Rp, 16.34.6.2 NMAC, xx/xx/2022]

16.34.6.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Barbers and Cosmetologists Act, Sections 61-17A-1 to -25 NMSA 1978.
[16.34.6.3 NMAC - Rp, 16.34.6.3 NMAC, xx/xx/2022]

16.34.6.4 DURATION: Permanent.
[16.34.6.4 NMAC - Rp, 16.34.6.4 NMAC, xx/xx/2022]

16.34.6.5 EFFECTIVE DATE XXXXXX XX, 2022, unless a later date is cited at the end of a section.
[16.34.6.5 NMAC - Rp, 16.34.6.5 NMAC, xx/xx/2022]

16.34.6.6 OBJECTIVE: The objective of Part 6 is to promote, preserve and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited licensure.
[16.34.6.6 NMAC - Rp, 16.34.6.6 NMAC, xx/xx/2022]

16.34.6.7 DEFINITIONS:

- A.** “Eligible jurisdiction” means:
(1) any state or territory of the United States except those included in the list of disapproved licensing jurisdictions in 16.34.6.8 NMAC; and
(2) any foreign country included in 16.34.6.9 NMAC.
- B.** “Expedited license” means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.
- C.** “Good standing” means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.
- D.** “Jurisdiction” has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.
- E.** “Licensing fee” has the same meaning as defined in Subsection E(1) of Section 61-1-34 NMSA 1978.
- F.** “Military service member” has the same meaning as defined in Subsection E(2) of Section 61-1-34 NMSA 1978.
- G.** “Qualified applicant” means an applicant who:
(1) holds a current license in good standing in another jurisdiction, provided that an applicant who is not a military service member or veteran must hold a current license in good standing in an eligible jurisdiction;
(2) does not have a disqualifying criminal conviction, as defined the board’s rules; and
(3) is not subject to pending disciplinary action in New Mexico.
- H.** “Veteran” has the same meaning as defined in Subsection E(3) of Section 61-1-34 NMSA 1978.
[16.34.6.7 NMAC - Rp, 16.34.6.7 NMAC, xx/xx/2022]

16.34.6.8 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS.

- A.** Barber License: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as a barber under Section 61-17A-17 of the Barbers and Cosmetologists Act:
(1) Florida, New Jersey, New York, Oregon, and the U.S. Virgin Islands, on the grounds that the education and/or training requirements for licensure are not consistent with New Mexico’s minimum requirements.

(2) American Samoa and the Northern Mariana Islands, on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate this profession.

B. Cosmetologist license: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as a cosmetologist under Section 61-17A-17 of the Barbers and Cosmetologists Act:

(1) California, Florida, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Texas, and Puerto Rico on the grounds that the education and/or training requirements for licensure are not consistent with New Mexico's minimum requirements.

(2) Alaska and the Northern Mariana Islands, on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate this profession.

(3) American Samoa, on the grounds that this jurisdiction will license applicants with a license from any U.S. state.

C. Manicurist/pedicurist license: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as a manicurist/pedicurist under Section 61-17A-17 of the Barbers and Cosmetologists Act:

(1) Alaska, Connecticut, Florida, Maine, Maryland, Massachusetts, Ohio, Oregon, Pennsylvania, and Virginia, on the grounds that the education and/or training requirements for licensure are not consistent with New Mexico's minimum requirements.

(2) American Samoa, Northern Mariana Islands, and Puerto Rico, on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate this profession.

D. Esthetician license: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as an esthetician under Section 61-17A-17 of the Barbers and Cosmetologists Act:

(1) Alaska, Florida, Massachusetts, Michigan, Oregon, Pennsylvania, South Carolina, and Wisconsin, on the grounds that the education and/or training requirements for licensure are not consistent with New Mexico's minimum requirements.

(2) American Samoa, the Northern Mariana Islands, and Puerto Rico, on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate this profession.

E. Electrologist license: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as an electrologist under Section 61-17A-17 of the Barbers and Cosmetologists Act:

(1) American Samoa, Alabama, Alaska, Arizona, Colorado, Georgia, Kentucky, Minnesota, Mississippi, Missouri, New York, the Northern Mariana Islands, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Texas, Virginia, Washington, West Virginia, and Wyoming, on the grounds that these jurisdictions do not license, register, certify, or otherwise regulate this profession.

(2) Guam, on the grounds that this jurisdiction will license applicants from a jurisdiction that allows estheticians to practice without regulation.

F. Instructor license: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as an instructor under Section 61-17A-17 of the Barbers and Cosmetologists Act:

(1) Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Kansas, Kentucky, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming, on the grounds that the education and/or training requirements for licensure are not consistent with New Mexico's minimum requirements.

(2) American Samoa, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, on the grounds that licensure requirements, if any, cannot be determined.

G. Hairstylist license: Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure as an esthetician under Section 61-17A-17 of the Barbers and Cosmetologists Act:

(1) Alabama, American Samoa, Arkansas, California, Delaware, District of Columbia, Florida, Guam, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Northern Marina Islands, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, U.S. Virgin Islands, Vermont, Virginia, and Wisconsin, on the grounds that these jurisdictions do not license this profession.

[16.34.6.8 NMAC - Rp, 16.34.6.8 NMAC, xx/xx/2022]

16.34.6.9 LIST OF APPROVED FOREIGN JURISDICTIONS. [RESERVED]

[16.34.6.9 NMAC - Rp, 16.34.6.9 NMAC, xx/xx/2022]

16.34.6.10 EXPEDITED LICENSURE APPLICATION

A. A candidate for expedited licensure under Section 61-1-31.1 NMSA 1978 must submit to the board a complete application containing all of the following:

(1) A completed and signed application form;

(2) Proof of a current license in good standing in an eligible jurisdiction as defined in these rules; and

(3) Payment of the required application fee.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of, all of the materials required by subsection A, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-17A-21 NMSA 1978:

(1) The matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;

(2) The license may not be issued within 30 days of submission of the complete application; and

(3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

[16.34.6.10 NMAC - Rp, 16.34.6.10 NMAC, xx/xx/2022]

16.34.6.11 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS:

A. A candidate for expedited licensure under Section 61-1-34 NMSA 1978 must submit to the board a complete application containing all of the following:

(1) A completed and signed application form;

(2) Proof of a current license in good standing in another jurisdiction, including a branch of the United States armed forces; and

(3) Submission of the following documentation:

(i) for military service member: a copy of military orders;

(ii) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;

(iii) for spouses of deceased military service members: copy of decedent's DD 214 and copy of marriage license;

(iv) for dependent children of military service members: a copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service member's federal tax return or other governmental or judicial documentation establishing dependency;

(v) for veterans (retired or separated): proof of honorable discharge such as a copy of DD Form 214, DD Form 215, DD Form 256, DD Form 257, NGB Form 22, military ID card, a driver's license or state ID card with a veteran's designation, or other documentation verifying honorable discharge.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of, all of the materials required by subsection A, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-17A-21 NMSA 1978:

(1) The matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;

(2) The license may not be issued within 30 days of submission of the complete application;
and

(3) The board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

E. A military service member or veteran who is issued an expedited license shall not be charged a licensing fee for the first three years of licensure with the board.
[16.34.6.11 NMAC - Rp, 16.34.6.11 NMAC, xx/xx/2022]

16.34.6.12 EXPEDITED LICENSE DURATION AND RENEWAL

A. An expedited license shall be valid for the same length of time as a regular initial license issued by the board. Initial licenses, including expedited licenses, may be issued for a period greater than twelve months, but less than twenty-four months, in order to align the license expiration date with the board's renewal cycle.

B. A licensee holding an expedited license may apply for license renewal in the manner provided by the board's rules, provided that, upon renewal, the licensee shall be required to pass the practical and written examination conducted by the board as a prerequisite to license renewal.

C. Upon renewal, the board shall issue a regular license to a licensee holding an expedited license issued pursuant to these rules.
[16.34.6.12 NMAC - Rp, 16.34.6.12 NMAC, xx/xx/2022]

HISTORY OF 16.34.6 NMAC:

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

Article IV, Licensing by Reciprocity: Credit for Out-of-State Training, 12/21/1981

Article IV, Licensing By Reciprocity: Credit for Out-of-State Training, 3/24/1989

Rule 4, Licensing By Reciprocity: Credit for Out-of-State Training, 3/8/1990

Rule 4, Licensing By Reciprocity: Credit for Out-of-State Training, 3/9/1992

Rule 5, Licensing By Reciprocity: Credit for Out-of-State Training, 10/19/1993

Rule 5, Licensing By Reciprocity: Credit for Out-of-State Training, 5/13/1994

Rule 5, Licensing By Reciprocity: Credit for Out-of-State Training, 8/12/1994

Rule 5, Licensing By Reciprocity: Credit for Out-of-State Training, 5/23/1995

BBE Rule 86-1, Board of Barber Examiners, Rules and Regulations - 1986, 6/27/1986

BBE Rule 87-1, NM Board of Barber Examiners, Rules and Regulations - 1987, 11/4/1987

BBE Rule 88-1, NM Board of Barber Examiners, Rules and Regulations - 1988, 10/4/1988

History of Repealed Material:

16 NMAC 34.6, Licensing By Reciprocity: Credit for Out-of-State Training - Repealed, 6/16/2001