

MEMORANDUM

TO: Members of the Physical Therapy Board and Interested Parties
FROM: Evan Ortega, Board Administrator
DATE: June 13, 2025
RE: Rule Hearing and Regular Meeting

The New Mexico Physical Therapy Board will hold a rule hearing on Monday, July 14, 2025, at 10:00 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rule listed below. Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Rio Grande Conference Room, located at 2550 Cerrillos Rd., Santa Fe, NM 87505.

MICROSOFT TEAMS MEETING LINK: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzFIMjllMTMtMzczNi00MjRlLTkxM2YtOTg3ZjZmNWRhMDZk%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22d3fe0eed-1d12-48f7-a361-c27ae097daa2%22%7d

Or by Meeting ID:

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Meeting ID: 259 078 830 480 9

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The purpose of the rule hearing is to consider the initiation of rulemaking for the following rules:

16.20.3.8 NMAC - Application for Licensure

16.20.4.8 NMAC - Temporary Licenses for U.S. Trained Applicants

16.20.4.10 NMAC - Temporary licenses for PT's or PTA's Teaching an Educational Seminar

- 16.20.5.8 NMAC - Schedule of Fees
- 16.20.7.8 NMAC - Supervision of Licensed Personnel
- 16.20.8.7 NMAC - Definitions
- 16.20.8.8 NMAC - Renewal Requirement
- 16.20.8.9 NMAC - Continuing Education Requirement
- 16.20.8.10 NMAC - Continuing Education Credit Carryover
- 16.20.8.11 NMAC - Failure to Meet Continuing Education Requirements
- 16.20.8.12 NMAC - Approval of Continuing Education Contact Hours
- 16.20.9.8 NMAC - Equivalent
- 16.20.9.9 NMAC - Credential Evaluation
- 16.20.9.10 NMAC - Current License
- 16.20.13.8 NMAC - Requirements for Physical Therapist to Provide Dry Needling

PROPOSED RULES: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/physical-therapy/statutes-rules-and-rule-hearings/>

The agenda for the rule hearing and board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/physical-therapy/board-information/physical-therapy-board-meetings/>. Copies of the agenda may also be obtained by contacting Evan Ortega at 505-476-4622.

BOARD WEBSITE: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/physical-therapy/board-information/physical-therapy-board-meetings/>

The New Mexico Physical Therapy Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Wednesday, June 11, 2025, 8:00 a.m. and ending Friday, July 14, 2025 at 10:00 a.m. Written public comment may be submitted either by email to physical.therapy@rld.nm.gov

or by postal mail to the following address:

Attn: New Mexico Physical Therapy Board

P.O. Box 25101

Santa Fe, NM 87504

Public comment will also be accepted during the rule hearing and may be presented orally, or in writing. Individuals who would like to participate and offer public comment must appear in person. The members

of the Physical Therapy Board will not engage in substantive discussion of public comments during the rule hearing but will consider all public comments during the board meeting following the conclusion of the rule hearing.

For inclement weather: If New Mexico state offices are placed on a two-hour delay due to inclement weather, the rule hearing will be pushed back two hours from the noticed hearing time. If New Mexico state offices are closed due to inclement weather, the rule hearing will be rescheduled as soon as possible.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Evan Ortega at 505-476-4622 at least 7 days prior to the rules hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

Statutory Authority:

The rule changes are authorized by the Physical Therapy Practice Act (Act), Section 61-12D-1 through 61-12D-19 NMSA 1978, which provides explicit authority for the Physical Therapy Board to protect public health and safety and adopt rules for the administration of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25 through 1.24.25.16 NMAC

Purpose of Proposed Rules:

The proposed rule changes aim to implement changes to the provisions of The Telehealth Act, Section 24-25-5 NMSA 1978, made by Senate Bill 252 in the 2025 legislative session for all licensees practicing under supervision. The changes also update the rules to reflect the requirements for the online application and remove references to paper applications, introduce the standard for auditing continuing education requirements for license renewal, introducing a standard for continuing education course review and approval, revise standards for foreign educated applicants, and change the current fee for full licensure for physical therapists from \$250.00 to \$160.00, and from \$200.00 to \$120.00 for physical therapist assistants; biennial renewal went from \$160.00 for physical therapists to \$85.00, and from \$120.00 to \$60.00 for physical therapist assistants; penalty for late renewal went from \$250.00 for physical therapists, to \$200.00, and from \$200.00 to \$150.00 for physical therapist assistants. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect public health, safety and welfare.

Summary of Proposed Changes:

16.20.3.8 NMAC - Application for Licensure. Revise the background section to clearly reflect the ability of the board to utilize the New Mexico Department of Public Safety for backgrounds; revise the language

to allow for more efficient application process while awaiting results of the background; striking language for nationwide federal background checks, the use of moral turpitude as a criterion.

16.20.4.8 NMAC - Temporary Licenses for U.S. Trained Applicants. Clarify language regarding temporary licensure, how it can be denied, as well as additional requirements; striking language clarified in revisions.

16.20.4.10 NMAC - Temporary licenses for PT's or PTA's Teaching an Educational Seminar. Require a Department of Public Safety background check prior to temporary licensure for educational instruction.

16.20.5.8 NMAC - Schedule of Fees. Change the current fee for full licensure for physical therapists from \$250.00 to \$160.00, and from \$200.00 to \$120.00 for physical therapist assistants; biennial renewal went from \$160.00 for physical therapists to \$85.00, and from \$120.00 to \$60.00 for physical therapist assistants; penalty for late renewal went from \$250.00 for physical therapists, to \$200.00, and from \$200.00 to \$150.00 for physical therapist assistants.

16.20.7.8 NMAC - Supervision of Licensed Personnel. Clarify communication method from the board to licensees and include statutory language from the provisions of the Telehealth Act, Section 24-25-5 NMSA 1978, made by Senate Bill 252 in the 2025 legislative session.

16.20.8.7 NMAC - Definitions. Clarify the definitional language of Qualified Individual.

16.20.8.8 NMAC - Renewal Requirement. Clarify language regarding communication method by the board.

16.20.8.9 NMAC - Continuing Education Requirement. Introduce the standard for auditing continuing education requirements for license renewal; striking language that is clarified with revisions.

16.20.8.10 NMAC - Continuing Education Credit Carryover. Strike language no longer needed. Clarify language regarding no carryover hours.

16.20.8.11 NMAC - Failure to Meet Continuing Education Requirements. Clarify language regarding the failure of licensees to meet the continuing education requirement.

16.20.8.12 NMAC - Approval of Continuing Education Contact Hours. Introduce a standard for continuing education course review and approval, as well as additional requirements, and grammatical revisions; strike language that is replaced by revisions.

16.20.9.8 NMAC - Equivalent. Clarify language of acceptable documentation for foreign educated applicants, with coursework tool evaluations; strike language that no longer is needed.

16.20.9.9 NMAC - Credential Evaluation. Introduce additional requirements of foreign educated applicants to pass the National Physical Therapy Exam prior to full licensure.

16.20.9.10 NMAC - Current License. Clarify language as to acceptable categories of licensure in the United States for foreign educated applicants with existing licenses.

16.20.13.8 NMAC - Requirements for Physical Therapist to Provide Dry Needling. Clarify language as to acceptable qualifications prior to administering Dry Needling; strike language for the original transition to Dry Needling.