

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 9 CONTINUING EDUCATION

16.34.9.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.34.9.1 NMAC - Rp 16 NMAC 34.9.1, 6/16/2001]

16.34.9.2 SCOPE: All barbers, cosmetologists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, and providers.
[16.34.9.2 NMAC - Rp 16 NMAC 34.9.2, 6/16/2001]

16.34.9.3 STATUTORY AUTHORITY: Section 61-17A-7 - Board Powers and Duties - This authorizes the board to establish continuing education requirements for licensure renewal.
[16.34.9.3 NMAC - Rp 16 NMAC 34.9.3, 6/16/2001]

16.34.9.4 DURATION: Permanent
[16.34.9.4 NMAC - Rp 16 NMAC 34.9.4, 6/16/2001]

16.34.9.5 EFFECTIVE DATE: June 16, 2001 unless a different date is cited in the history note at the end of a section.
[16.34.9.5 NMAC - Rp 16 NMAC 34.9.5, 6/16/2001]

16.34.9.6 OBJECTIVE: Pursuant to the Barbers and Cosmetologists Act this part establishes continuing education requirements for licensees and to set guidelines for continuing education providers.
[16.34.9.6 NMAC - Rp 16 NMAC 34.9.6, 6/16/2001; A, 8/29/2023]

16.34.9.7 DEFINITIONS: Refer to Part 1
[16.34.9.7 NMAC - Rp 16 NMAC 34.9.7, 6/16/2001]

16.34.9.8 CONTINUING EDUCATION REQUIREMENTS:
A. Instructors licensed to teach any course authorized under this act shall provide proof of attendance at a seminar of twenty-four contact hours or more per year for professional development or improvement of professional proficiency. Instructor licenses are renewed every two years and expire on March thirty first. For initial instructor licenses, the continuing education requirement will not apply until after the first full year of licensure.

- (1)** Each instructor must obtain 24 hours of continuing education (12 hours per year), prior to renewal of Instructor License.
- (2)** Continuing education hours do not carry over and must be completed before the expiration of the license.
- (3)** Excess hours cannot be carried over to future renewals.
- (4)** Each instructor will maintain documentation of all completed continuing education, including contact information for the provider of each course.
- (5)** If all continuing education requirements are not met by the expiration date of the license, the licensee must contact the Board office and request to have their practitioner license reinstated.
- (6)** Each practitioner can request to have their instructor license reinstated upon completion of continuing education earned between April first and March thirty-first of the following two years.

[A.]B. The licensee must provide proof of attendance with license renewal. Educational programs provided for the purpose of continuing or advanced education must be specific to the field of licensure.

- (1)** cosmetology educators of America (CEA) seminars and workshops conducted in any state;
- (2)** adult continuing education association programs in professional development, education, counseling, instructing or related programs;
- (3)** continuing education units (CEU's) recognized by four year institutions in any state in professional development, education, counseling, teaching or related programs;
- (4)** all schools licensed by the New Mexico state board of barbers and cosmetologists;

(5) credits recognized for teacher certification in any state according to the following conversion table:

- (a) theory (cognitive/lecture): 1 credit hour = 30 clock hours;
- (b) practice/demonstration: 1 credit hour = 45 clock hours.

(6) attendance at accreditation and team training workshops and instructor continuing education programs offered by nationally recognized accrediting agencies;

(7) certification of completion of Dale Carnegie professional development and business courses;

- (8) the pivot point instructor symposium classes;
- (9) educational classes or conferences sponsored by the Aveda institute;
- (10) conferences sponsored by the American aesthetics education association;
- (11) classes sponsored by Milady/Thomson learning's career institute;
- (12) classes sponsored by Vidal Sassoon; or
- (13) local, state, regional, or national industry trade shows with credit not to exceed fifty percent of the annual requirement for continuing education, or ~~six hours~~; twelve hours; in addition, no more than fifty percent of the hours scheduled at such a trade show can contribute to the six hour maximum; the licensee must provide verifiable proof of attendance including an agenda of the event, a receipt for payment of attendance, or other such reasonable evidence of attendance;
- (14) online faculty and professional development programs.

~~[B:]~~[C] Licensee may also submit, subsequent to their attendance, copies of other programs and seminars that are not automatically approved. The board will consider such programs at the next regularly scheduled meeting and determine if credit is approved or denied. Detailed documentation of the program length and content must be submitted for the board to make a determination. Notification of approval or denial will be sent to the licensee within thirty days after the board meeting. Licensees can renew 45 days prior to the expiration of the license. There may not be a board meeting prior to the expiration of the license.

- D. Audit process: The board will audit continuing education to verify compliance, pursuant to the board's rules or act.
- (1) renewing licenses will be randomly selected for audit; the board may audit continuing education records at any time before the next scheduled license renewal or when deemed appropriate by the board;
 - (2) the licensee will be notified by email when selected for audit and will be given a deadline to submit the continuing education proof of completion;
 - (3) failure to respond to request by the Board may be subject to a fine and other penalties determined by the board;
 - (4) the board may, at its discretion, accept a sworn affidavit as evidence of certificate/license holder compliance with continuing education requirements in support of renewal applications in lieu of documented evidence of such. Reciprocity and reinstatement applications shall require documented evidence of compliance with continuing education provisions.
 - (5) An individual who submits records or a sworn affidavit on their renewal application to demonstrate compliance with continuing education requirements but is found to be in non-compliant during a random audit will be subject to fines and other penalties determined appropriate by the board
 - (6) An individual who submits records of completion, or a sworn affidavit on their renewal application as evidence of compliance with continuing education requirements and is found, as a result of a random audit, not to be in compliance will be subject to a fine and other penalties deemed appropriate by the board as permitted by Subsection B of Section [61-17A-7 NMSA 1978] of the Barbers and Cosmetologists Act.

[16.34.9.8 NMAC - Rp 16 NMAC 34.9.8, 6/16/2001; A, 10/4/2007; A, 12/17/2015; A, 8/29/2023 A, XX/XX/XXXX]

16.34.9.9 ~~[RESERVED]~~DISCIPLINARY ACTION

If all continuing education requirements are not met by the expiration date of the license or granted extensions date, the license shall be subject to disciplinary action.

[16.34.9.10 NMAC - Rp 16 NMAC 34.9.10, 6/16/2001; A, 7/16/2004; A, 12/17/2015; Repealed, 8/29/2023; A, xx/xx/xxxx]

16.34.9.10 [RESERVED]

[16.34.9.10 NMAC - Rp 16 NMAC 34.9.10, 6/16/2001; A, 7/16/2004; A, 12/17/2015; Repealed, 8/29/2023]

HISTORY OF 16.34.9 NMAC:

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

Article VIII, Continuing Education, 12/22/1981

Article VIII, Continuing Education, 3/24/1989

Rule 8, Continuing Education, 3/8/1990

Rule 8, Continuing Education, 3/9/1992

Rule 8, Continuing Education, 10/19/1993

Rule 8, Continuing Education, 5/13/1994

Rule 8, continuing Education, 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 34.9, Continuing Education - Repealed, 6/16/2001