

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 16 OPTOMETRIC PRACTITIONERS
PART 13 CONTINUING EDUCATION

16.16.13.1 ISSUING AGENCY: New Mexico Board of Optometry.
[10-14-95; 2-15-99; 16.16.13.1 NMAC - Rn, 16 NMAC 16.13.1, 03-15-2001; A, 03-15-2004; A, 07-06-2012]

16.16.13.2 SCOPE: Part 13 of Chapter 16 applies to all optometrists intending to renew, reinstate, or reactivate their New Mexico license to practice optometry.
[10-14-95; 16.16.13.2 NMAC - Rn, 16 NMAC 16.13.2, 03-15-2001]

16.16.13.3 STATUTORY AUTHORITY: The authority for Part 13 of Chapter 16 is Section 61-2-12.C and Section 61-2-6.D. (2) NMSA 1978 (1995 Repl. Pamp.).
[11-17-73; 3-31-91; 8-21-92; 6-24-94; 10-14-95; 16.16.13.3 NMAC - Rn, 16 NMAC 16.13.3, 03-15-2001]

16.16.13.4 DURATION: Permanent.
[10-14-95; 16. 16.13.4 NMAC - Rn, 16 NMAC 16.13.4, 03-15-2001]

16.16.13.5 EFFECTIVE DATE: October 14, 1995, unless a later date is cited at the end of a section.
[11-17-73...10-14-95; 10-15-97; 16.16.13.5 NMAC - Rn, 16 NMAC 16.13.5, 03-15-2001; A, 03-15-2004]

16.16.13.6 OBJECTIVE: The objective of Part13 of Chapter 16 is to set forth the requirements and procedures for the New Mexico licensed optometrist to meet the continuing education requirements for license renewal, reactivation, or reinstatement.
[10-14-95; 16.16.13.6 NMAC - Rn, 16 NMAC 16.13.6, 03-15-2001; A, 04-24-2014]

16.16.13.7 DEFINITIONS: [RESERVED]
[10-14-95; 16.16.13.7 NMAC - Rn, 16 NMAC 16.13.7, 03-15-2001]

16.16.13.8 CONTINUING EDUCATION REQUIREMENTS: A minimum of 22 clock-hours of optometry related, board approved continuing education or postgraduate programs, are required for license renewal each year beginning July 1, as detailed below.

A. The continuing education shall be submitted as follows:
(1) at least 10 of the 22 hours of continuing education must be in a board approved program in clinical or ocular therapeutic pharmacology; and

(2) at least one of the 22 hours of continuing education must be in a board approved course in pain management or related topic pursuant to 16.16.15.11 NMAC. This requirement shall begin with the 2015 renewal period beginning July 2, 2014.

B. For optometrists on inactive status, a minimum of 10 hours of continuing education in a board approved program in clinical or ocular therapeutic pharmacology is required.

C. The continuing education must have been taken within the preceding renewal period (i.e. July 2 of one year through June 30 of the next).

D. The board may audit any licensee's continuing education documentation for the current licensing year and the two previous years.

E. A licensee who receives a notice of audit shall submit to the board office on or before July 1, unless otherwise specified, evidence of continuing education hours for the requested period.

F. A licensee who submits records or a sworn affidavit on their renewal application to demonstrate compliance with continuing education requirements but is found to be noncompliant during a random audit will be subject to fines and other penalties determined appropriate by the board.

~~[F]~~**G.** A license will be placed on expired status if the licensee fails to meet the continuing education requirements for renewal by the expiration date stated in this rule.

[G]. H. Reactivation of license expired due to non-renewal for failure to meet the continuing education requirement. The licensee may apply for license reactivation in the same manner as provided in Part 11 of 16.16 NMAC. The continuing education and fees will be calculated based on the number of years the license was expired due to non-renewal for failure to meet the continuing education requirement.

[H]. I. Newly licensed optometrists who graduated from optometry school within the same year of

licensure may submit the completed curriculum of their last year of optometry school to meet their continuing education requirement the first year of renewal.

[11-17-73; 2-6-87; 10-14-95; 10-15-97; 2-15-99; 16.16.13.8 NMAC - Rn, 16 NMAC 16.13.8, 03-15-2001; A, 03-15-2004; A 03-22-2008; A, 07-06-2012; A, 04-24-2014; A, 03-02-2016; A, 05-29-2019]

16.16.13.9 APPROVED CONTINUING EDUCATION: All subjects of education must be directly related to optometry. The New Mexico board of optometry approves the following programs for continuing education credit, as well as those listed on the updated list available on the board's web site.

- A.** Any convention of the American optometric association (AOA).
- B.** Any meeting of an American optometric association affiliated state or regional association meeting, or meeting of the armed forces optometric society (AFOS).
- C.** Any session of the optometric extension program congress (OEPC).
- D.** Any state seminar of the graduate clinic foundation of the optometric extension program.
- E.** Courses sponsored by or given by accredited optometry schools.
- F.** Courses sponsored by the following organizations.
 - (1)** Optometric councils: mid-west, mountain west, southern, New England, southwest (SWCO).
 - (2)** Optometric contact lens societies: southwest, southern, heart of America.
 - (3)** Optometric congresses: southern, mountain states.
 - (4)** Courses sponsored by the American academy of optometry.
 - (5)** Courses approved by the council on optometric practice education (COPE) or courses approved by the New Mexico optometric association (NMOA).

G. The certificates of attendance required by Subsection C of 16.16.13.8 NMAC shall be signed by the presiding officer or designee of the organization conducting or sponsoring the program and shall identify the therapeutic pharmaceutical agent (TPA) courses.

H. Certificates of attendance for courses approved by COPE must have the COPE trademark and approval number.

I. A maximum of six hours of internet-type course offerings, approved by COPE or any other board-approved sponsor, will be allowed for each annual renewal.

[11-17-73; 2-6-87; 8-21-92; 10-14-95; 10-15-97; 16.16.13.9 NMAC - Rn, 16 NMAC 16.13.9, 03-15-2001; A, 03-15-2004; A, 07-06-2012; A, 06-25-2015]

16.16.13.10 REQUESTS FOR APPROVAL OF OTHER CONTINUING EDUCATION PROGRAMS:

All requests for approval of courses not covered by 16.16.13.9 NMAC shall be submitted to the board in writing by the **individual optometrist** before the program is attended.

A. The request shall be addressed to the board office and directed to the continuing education committee.

B. Information such as the following will be required:

- (1)** The number of education hours to be completed.
- (2)** The organization sponsoring the program.
- (3)** The location and dates of the continuing education program.
- (4)** The names of the courses and the names of the instructors.
- (5)** Any other information deemed necessary.

C. Approval will be determined by the continuing education committee chairman.

(1) If the continuing education committee chairman is uncertain of course qualification, approval or disapproval will be determined by the continuing education committee.

(2) The continuing education committee will make this determination in a timely manner, creating no hardships or delay to the requesting optometrist.

D. If time does not permit, the approval or disapproval may be given verbally, but must always be followed by a written approval from the board.

E. The board's written approval must accompany the licensee's renewal documentation at the time of renewal.

[11-17-73; 2-6-87; 8-21-92; 10-14-95; 16.16.13.10 NMAC - Rn, 16 NMAC 16.13.10, 03-15-2001]

16.16.13.11 EXTENUATING CIRCUMSTANCES - DEFERRAL OR WAIVER CONTINUING EDUCATION REQUIREMENTS:

A. A licensee may request a deferral or waiver of continuing education or CPR certification requirements in writing, at least 30 days prior to the license's expiration, should any of the following occur:

- (1) licensee experiences prolonged debilitating illness; or
- (2) one of licensee's immediate family members suffers prolonged debilitating illness; or
- (3) licensee is called to active duty by the national guard, any branch of the United States armed forces, or other recognized public service.

B. The written request for deferral or waiver shall contain an explanation of the underlying circumstance and shall include documentation in support of the request. At its discretion, the board may grant the request or variance.

[16.16.13.11 NMAC - N, 03-10-2005; A, 03-22-2008; A, 07-06-2012]

HISTORY of 16.16.13 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

OEB 73-1, Rule No. 6 of the Administrative Rules and Regulations of the State Board of Examiners in Optometry, filed 10-18-73.

NMBO Rule 6, Board Rule No. 6 - Continuing Education, filed 1-17-87.

NMBO Rule 7, Board Rule No. 7 - Continuing Education, filed 7-22-92.

History of Repealed Material: [Reserved]

Other History:

16 NMAC 16.13, Continuing Education, filed 9-21-95, replaced that relevant portion of NMBO Rule 6, Board Rule No. 6 - Continuing Education and NMBO Rule 7, Board Rule No. 7 - Continuing Education.

16 NMAC 16.13, Continuing Education, filed 9-21-95, renumbered and reformatted to 16.16.13 NMAC, Continuing Education, effective 03-15-2001.