

NOTICE OF PUBLIC RULE HEARING AND BOARD OF OPTOMETRY MEETING

The New Mexico Board of Optometry and the Regulation and Licensing Department will hold a rule hearing on Friday, November 21, 2025, at 9:00 a.m., immediately followed by a meeting of the board for adoption of the proposed rules 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, Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The hearing and subsequent Board of Optometry meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: <https://teams.microsoft.com/meet/2612364332724?p=rRNLqswEJO22lwScfl> or by Meeting ID: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 261 236 433 272 4

Passcode: fH9TF7bm

or

Join by Phone: +1 505-312-4308

Phone conference ID: 205 427 871#

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

Rule 16.16.2.8 NMAC – APPLICATION PROCESSING FEE

Rule 16.16.2.23 NMAC – OTHER ADMINISTRATIVE FEES

Rule 16.16.13.8 NMAC – CONTINUING EDUCATION

Rule 16.16.22.8 NMAC – DISCIPLINARY PROCEEDINGS

On Friday, October 21, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Optometry website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/optometry/board-information/> or by contacting the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

The New Mexico Board of Optometry and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, October 21, 2025, 9:00 a.m. and ending Friday, November 21, 2025, 9:00 a.m. Written public comment may be submitted either by email to optometry.bd@rld.nm.gov or by postal mail to the following address:

Attn: New Mexico Board of Optometry
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (October 21, 2025 – November 21, 2025) will be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Board of Optometry will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Board of Optometry regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website above or by contacting the board Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298 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.

For inclement weather: If the New Mexico state offices are placed on a two-hour delay 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.

Statutory Authority:

The proposed rule changes are authorized by the Optometry Act, Sections 61-2-5 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions 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 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule changes are intended to add an administrative fee for electronic processing to allow the board to pay for the ongoing maintenance and licensing of the NM-Plus system. More generally, the proposed rule changes 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 the public health, safety and welfare.

Summary of Proposed Changes:

Rule 16.13.2.8 NMAC – Application Processing Fees

Changes to this rule will allow for a ten dollar (\$10) administrative fee for electronic processing per year to fund the ongoing maintenance and licensing of the NM-Plus system.

Rule 16.16.2.23 NMAC – Other Administrative Fees

Changes to this rule will allow for a thirty-five (\$35) returned check or returned electronic check processing fee for returned checks or electronic checks.

Rule 16.16.13.8 NMAC – Continuing Education

Changes to this rule will allow 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 non-compliant during a random audit will be subject to fines and other penalties determined appropriate by the board.

Rule 16.16.22.8 NMAC – Disciplinary Proceedings

Changes to this rule will allow for an individual who submits records or a sworn affidavits to demonstrate compliance with information requested by investigators or representatives of the board within a ten (10) day business day time period.