

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 15 OCCUPATIONAL THERAPISTS
PART 1 GENERAL PROVISIONS

16.15.1.1 ISSUING AGENCY: Board of Examiners for Occupational Therapy.
[06-14-97; 16.15.1.1 NMAC - Rn & A, 16 NMAC 15.1.1, 06-29-00]

16.15.1.2 SCOPE: All those individuals who wish to practice occupational therapy in the state of New Mexico.
[06-14-97; 16.15.1.2 NMAC - Rn, 16 NMAC 15.1.2, 06-29-00]

16.15.1.3 STATUTORY AUTHORITY: Sections 61-12A-6, 61-12A-8, 61-12A-16, NMSA 1978 of the Occupational Therapy Act. Sections 40-5A-1 through 40-5A-13 NMSA 1978 of the Parental Responsibility Act.
[06-14-97; 16.15.1.3 NMAC - Rn, 16 NMAC 15.1.3, 06-29-00]

16.15.1.4 DURATION: Permanent.
[06-14-97; 16.15.1.4 NMAC - Rn, 16 NMAC 15.1.4, 06-29-00]

16.15.1.5 EFFECTIVE DATE: June 14, 1997, unless a later date is cited at the end of a section.
[06-14-97; 16.15.1.5 NMAC – Rn & A, 16 NMAC 15.1.5, 06-29-00]

16.15.1.6 OBJECTIVE: The objective of Part 1 is to set forth the provisions which apply to all of Chapter 15, and to all persons and entities affected or regulated by Chapter 15 of Title 16.
[06-14-97; 16.15.1.6 NMAC - Rn, 16 NMAC 15.1.6, 06-29-00]

16.15.1.7 DEFINITIONS:

- A. “Board” means the board of examiners for occupational therapy.
- B. “Occupational therapist” means a person who holds an active license to practice occupational therapy in New Mexico.
- C. “Occupational therapy assistant” means a person who holds an active license to assist in the practice of Occupational Therapy under this Act and who shall work under the appropriate supervision of and in partnership with an Occupational Therapist ~~having no less than an associate degree in occupational therapy and holding an active license to practice occupational therapy in New Mexico who assists an occupational therapist under the supervision of the occupational therapist.~~ [06-14-97; 16.15.1.7 NMAC - Rn, 16 NMAC 15.1.7, 06-29-00; A, 01-30-15]

16.15.1.8 TELEPHONE CONFERENCES: Board members may participate in a meeting of the board by means of a conference telephone or similar communications equipment and participation by such means shall constitute presence in person at the meeting. ~~However, Such~~ participation by telephone, video teleconferencing or similar communications equipment may ~~only~~ occur if it is difficult or impossible for a member of the Board to attend a meeting in person. Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.
[06-14-97; 16.15.1.8 NMAC - Rn, 16 NMAC 15.1.8, 06-29-00]

16.15.1.9 LICENSE DISPLAY:

- A. Each licensee shall display his current license certificate in a conspicuous place in the principal office where he practices occupational therapy.
- B. At secondary places of employment, documentation of license shall be verified by photocopy with a note attached indicating where the current license certificate is posted.
- C. A consumer information sign shall be displayed in the principal place of practice. The consumer information sign shall read: “Complaints regarding noncompliance with the Occupational Therapy Act can be directed to the Board of Examiners for Occupational Therapy at P.O. Box 25101, Santa Fe, New Mexico 87504.”
[06-14-97; 16.15.1.9 NMAC - Rn & A, 16 NMAC 15.1.9, 06-29-00]

16.15.1.10 IDENTIFICATION: A person offering or assisting in the offering of occupational therapy shall be properly identified by a name badge or other identification indicating whether he is a registered occupational therapist, certified occupational therapy assistant, an occupational therapy aide or technician or a person practicing under a provisional permit.

[06-14-97; 16.15.1.10 NMAC - Rn, 16 NMAC 15.1.10, 06-29-00]

16.15.1.11 BOARD MEMBER REQUIREMENTS:

A. Board members are required to attend board meetings as scheduled by the board. Any board member failing to attend three (3) consecutive board meetings shall automatically be recommended for removal from the board in accordance with Section 8 of the Occupational Therapy Act.

B. Board members may be excused from attending board meetings for any of the reasons set forth below:

- (1) illness;
- (2) death in the immediate family;
- (3) military service;
- (4) inclement weather;
- (5) any other reason deemed appropriate by the President of the Board.

[06-14-97; 16.15.1.11 NMAC - Rn, 16 NMAC 15.1.11, 06-29-00]

16.15.1.12 PUBLIC RECORDS: Except as provided herein and except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record at the time of filing with the board. Upon notification of the defendant, the notice of contemplated action and information contained in the complaint file becomes a public record and subject to disclosure.

[06-14-97; 16.15.1.12 NMAC - Rn, 16 NMAC 15.1.12, 06-29-00; A, 04-03-03]

16.15.1.13 INSPECTION OF PUBLIC RECORDS: The board operates in compliance with the Inspection of Public Records Act, NMSA 1978 Sections 14-2-1 through 14-2-16. The board administrator is the custodian of the board's records.

[06-14-97; 16.15.1.13 NMAC - Rn, 16 NMAC 15.1.13, 06-29-00]

16.15.1.14 NON-PUBLIC RECORDS: The following records are considered confidential and are not subject to public inspection.

- A.** Letters of reference, if applicable.
- B.** Medical reports and/or records of chemical dependency, physical or mental examinations or treatment in an impaired practitioner program.
- C.** Examination scores.
- D.** The contents of any examination used to test for an individual's knowledge or competence.
- E.** Investigative files.
- F.** Written and oral communication relating to actual or potential disciplinary action, including complaints.
- G.** Matters of opinion.

[06-14-97; 16.15.1.14 NMAC - Rn, 16 NMAC 15.1.14, 06-29-00]

16.15.1.15 PARENTAL RESPONSIBILITY ACT (PRA): By the end of each month in which a certified list is received, the board shall report to the New Mexico human services department the names of board applicants and licensees who are on the certified list as being more than thirty days in arrears in payment of amounts required to be paid pursuant to an outstanding judgment and order for child support in New Mexico, and the action the board has taken in connection with such applicants and licensees.

[6-14-97; 16.15.1.15 NMAC - Rn, 16 NMAC 15.1.15, 06-29-00]

16.15.1.16 COERCION PROHIBITED: No person(s) shall coerce an occupational therapist or occupational therapy assistant into compromising client safety by requiring them to delegate activities or tasks if the occupational therapist or occupational therapy assistant determines that it is inappropriate to do so. Occupational therapists or occupational therapy assistants shall not be subject to disciplinary action by the board for refusing to delegate or refusing to provide the required training for delegation if the occupational therapist or occupational therapy assistant determines that delegation may compromise client safety.

[16.15.1.16 NMAC - N, 01-30-15]

16.15.1.17

HISTORY of 16.15.1 NMAC:

Pre-NMAC History:

Material in this Part was derived from that previously filed with State Records and Archives:

Rule 95-4, Telephone Conferences, filed 2/14/95.

[Rp, 16 NMAC 15.1.3A, 06-29-00]

History of the Repealed Material: [RESERVED]