

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 7 MASSAGE THERAPISTS
PART 11 CONTINUING EDUCATION

16.7.11.1 ISSUING AGENCY: Regulation and Licensing Department, Massage Therapy Board.
[16.7.11.1 NMAC - Rp 16.7.11.1 NMAC 11/15/2019]

16.7.11.2 SCOPE: This part applies to licensed massage therapists.
[16.7.11.2 NMAC - Rp 16.7.11.2 NMAC 11/15/2019]

16.7.11.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Massage Therapy Practice Act, Section 61-12C-17 NMSA 1978.
[16.7.11.3 NMAC - Rp 16.7.11.3 NMAC 11/15/2019]

16.7.11.4 DURATION: Permanent.
[16.7.11.4 NMAC - Rp 16.7.11.4 NMAC 11/15/2019]

16.7.11.5 EFFECTIVE DATE: November 15, 2019, unless a later date is cited at the end of a section.
[16.7.11.5 NMAC - Rp 16.7.11.5 NMAC 11/15/2019]

16.7.11.6 OBJECTIVE: This part is to establish the continuing education requirements and procedures and to ensure that licensed massage therapists provide the highest quality professional service. Therefore, licensees should engage in education activities that foster this objective.
[16.7.11.6 NMAC - Rp 16.7.11.6 NMAC 11/15/2019]

16.7.11.7 DEFINITIONS: (Refer to 16.7.1.7 NMAC).
[16.7.11.7 NMAC - Rp 16.7.11.7 NMAC 11/15/2019]

16.7.11.8 GENERAL PROVISIONS: The board does not maintain a list of continuing education providers. The licensee must determine where to obtain the required continuing education.

A. As a condition for license renewal, each massage therapist licensed pursuant to the Massage Therapy Practice Act must complete 16 hours of continuing education of which up to eight hours can be taken on-line.

(1) continuing education must be completed within the 24 months immediately preceding the renewal date of October 31;
(2) excess hours cannot be carried over to future renewals;
(3) continuing education taken prior to the 24 month period will not be accepted;
(4) each licensee will maintain documentation of all completed continuing education, including contact information for the provider of each course.

B. Audit process: The board will audit continuing education to verify compliance.
(1) a minimum of ten percent of renewing licensees will be randomly selected for audit;
(2) audit requests may be included in the renewal notice;
(3) licensees not selected for audit shall attest to the completion of continuing education for the current renewal cycle;
(4) the board may audit any licensee's continuing education records at any time before the next scheduled license renewal;

(5) ~~[audited licensees who fail to provide the requested continuing education documentation are not eligible for license renewal.]~~ **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 noncompliant during a random audit will be subject to fines and other penalties determined appropriate by the board.**

[16.7.11.8 NMAC - Rp 16.7.11.8 NMAC 11/15/2019]

16.7.11.9 CONTINUING EDUCATION REQUIREMENTS:

A. The board will accept, towards a licensee's continuing education requirements, courses, seminars, workshops, or classes in an area related to the practice of massage therapy. This includes, but is not limited to:

- (1) massage;
- (2) bodywork;

(3) health care;

- (4) psychology;
- (5) anatomy and physiology;
- (6) business;
- (7) insurance;
- (8) ethics;
- (9) professional development;
- (10) movement therapy;
- (11) stress management; and
- (12) exempt modalities as defined by Section 61-12C-5.1 NMSA 1978.

B. The board will also accept, towards a licensee's continuing education requirements, a licensee's publication of an article relating to massage therapy in a local, regional, or national publication. No more than 12 hours of continuing education credit shall be granted in any given renewal period for the publication of such an article. The number of continuing education hours shall be determined by the massage therapy board, provided that in the interim the board's staff may grant the continuing education hours to then be ratified at the next regular meeting of the board.

C. All massage therapists shall be required to complete a minimum of four hours of ethics training as part of the 16-hour requirement for each renewal period.

D. All massage therapists shall be required to complete a minimum of eight hours of live, in-person training as part of the 16-hour requirement for each renewal period.

E. Continuing education courses are the responsibility of every massage therapy licensee, and it is the obligation of each licensee to comply with these rules. A licensee's lack of knowledge as to whether a continuing education course was previously approved by the board will not be a valid justification or defense for a licensee's failure to comply with continuing education requirements.

[16.7.11.9 NMAC - Rp 16.7.11.9 NMAC 11/15/2019]

16.7.11.10 CONTINUING EDUCATION COURSES TAUGHT BY CONTINUING EDUCATION PROVIDERS:

A. The board will accept all courses offered by a continuing education provider, as defined in 16.7.1 NMAC and Section 61-12C-3 NMSA 1978, towards a licensee's continuing education requirements regardless of the location at which the course is taught.

B. Any continuing education provider who was an active New Mexico registered independent massage therapy instructor on February 4, 2019, must provide both the course syllabus and the required fee for each new course not previously approved by the board prior to such course being counted towards a licensee's continuing education requirements. This is a one-time requirement per continuing education course.

C. A course taught by a continuing education provider, as defined in Subsection 7 of 16.7.1 NMAC who was not an active New Mexico registered independent massage therapy instructor on February 4, 2019, does not require prior approval by the board before being counted towards a licensee's continuing education requirements.

[16.7.11.10 NMAC - Rp 16.7.11.10 NMAC 11/15/2019]

16.7.11.11 OTHER CONTINUING EDUCATION COURSES:

A. Applicants seeking the board's approval of other continuing education courses must submit the following documentation to the board:

- (1) completed application form;
- (2) course syllabus for the proposed course;
- (3) copy of any license, registration, or certification applicable to the course, if offered by the applicant's home jurisdiction;
- (4) proof of a minimum of two years' experience in the area of instruction;
- (5) applicant's up-to-date resume;
- (6) fee as outlined by 16.7.3.8 NMAC.

B. Technique courses will only be accepted towards a licensee's continuing education requirements if taught hands-on and live, in-person.

C. Provided that the applicant has submitted a complete application, the board will approve or deny the course's use towards a licensee's continuing application requirements based on the following non-exhaustive factors:

- Practice Act;
- (1) whether the applicant has violated any of the board's rules or the Massage Therapy Practice Act;
 - (2) whether the applicant has any recent administrative disciplinary history in New Mexico or any other jurisdiction;
 - (3) whether the applicant was dishonest in his or her application, or has a history of criminal offenses that substantially relate to the practice of massage therapy or a failure to pay child support; and
 - (4) any other factor deemed relevant by the board.

D. Upon receipt of a complete application, the board's staff shall, with the consultation of the board's application committee, make a preliminary and tentative recommendation as to whether the application should be approved or denied. This recommendation will be conveyed to the applicant in writing within 30 days of the board's receipt of the completed application. The final decision will be made by the board at its next regularly-scheduled meeting.

E. In the event that the board's staff tentatively recommends the denial of an application, the applicant may request in writing the opportunity to be heard at the next regularly-scheduled board meeting. Where the applicant has made a request to be heard and the board votes to deny the application, the board will issue a final written decision no later than 15 business days following the board's meeting.

[16.7.11.11 NMAC - Rp 16.7.11.11 NMAC 11/15/2019]

HISTORY OR 16.7.11 NMAC:

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

Rule 10, Continuing Education, 9/3/1993.

History of Repealed Material: 16.7.11 NMAC - Massage Therapists - Continuing of Education filed 5/29/2001, Repealed effective 11/15/2019.

Other History:

16.7.11 NMAC - Massage Therapists - Continuing of Education filed 5/29/2001 was replaced by 16.7.11 NMAC - Massage Therapists - Continuing of Education filed 5/29/2001 effective 11/15/2019.