

NOTICE OF PUBLIC RULE HEARING AND MASSAGE THERAPY BOARD MEETING

The New Mexico Massage Therapy Board and the Regulation and Licensing Department will hold a rule hearing on Friday, December 5, 2025 at 10:00 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 Massage Therapy Board meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> Massage Therapy Board - Special Board Meeting | Meeting-Join | Microsoft Teams

Meeting ID: 285 895 042 057 4

Passcode: qB6JA7Q9

or

Join by Phone: +1 505-312-4308

Phone conference ID: 685 217 890#

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

Rule 16.7.3 NMAC – FEES

Rule 16.7.4 NMAC – REQUIREMENTS FOR LICENSURE BY EXAMINATION

Rule 16.7.8 NMAC – EXPEDITED LICENSURE BY CREDENTIALS

Rule 16.7.11 NMAC – CONTINUING EDUCATION

On Tuesday, November 4, 2025, copies of the proposed rules may be obtained through the New Mexico Massage Therapy Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/massage-therapy/statutes-rules-and-rule-hearings/> or by contacting the Senior Manager, Dr. Arthur Culpepper at (505) 470-2298.

The New Mexico Massage Therapy Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, November 4, 2025, 10:00 a.m. and ending Friday, December 5, 2025, 10:00 a.m. Written public comment may be submitted either by email to message.board@rld.nm.gov or by postal mail to the following address:

Attn: New Mexico Massage Therapy Board
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period, beginning Tuesday, November 4, 2025, 10:00 a.m. and ending Friday, December 5, 2025, 10:00 a.m., 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 Massage Therapy Board 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 Massage Therapy Board 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 Massage Act, Section 61-12C-7 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 16.7.3 NMAC – 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, and 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 16.7.4 NMAC – Requirements for Licensure by Examination

Changes to this rule will allow for a photograph of a professional licensee to accompany the license providing reassurance that they are doing business with a verified and officially licensed individual.

Rule 16.7.8 NMAC – Expedited Licensure by Credential

Changes to this rule will allow for a photograph of a professional licensee to accompany the license providing reassurance that they are doing business with a verified and officially licensed individual.

Rule 16.7.11 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.