

NOTICE OF PUBLIC RULE HEARING AND ADVISORY BOARD OF RESPIRATORY CARE PRACTITIONERS REGULAR BOARD MEETING

The New Mexico Advisory Board of Respiratory Care Practitioners and the Regulation and Licensing Department will hold a rule hearing on Friday, December 12, 2025, at 2:00 p.m., immediately followed by a regular meeting of the Advisory Board of Respiratory Care Practitioners for adoption of the proposed rules listed below. The hearing and subsequent board meeting will take place at the Regulation and Licensing Department, located at 5500 San Antonio Dr. NE., Albuquerque, New Mexico 87109.

The hearing and subsequent Advisory Board of Respiratory Care Practitioners meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 295 586 804 519

Passcode: zk7u7Co6

Dial in by phone

+1 505-312-4308, 158 032 18# United States, Albuquerque

(888) 506-1357, 158 032 18# United States (Toll-free)

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

Rule 16.23.2 NMAC, Fees

Rule 16.23.12 NMAC, Continuing Education

On Monday, November 10, 2025, copies of the proposed rules may be obtained through the New Mexico Advisory Board of Respiratory Care Practitioners website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/respiratory-care/board-information/respiratory-care-board-meetings/>. Copies may also be obtained by contacting Jen Rodriguez, Board Attorney, at respiratorycarebd@rld.nm.gov

The New Mexico Advisory Board of Respiratory Care Practitioners and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Monday, November 10, 2025, at 8:00 a.m. and ending Friday, December 12, 2025, at 2:00 p.m. Written public comment may be submitted either by email to respiratorycarebd@rld.nm.gov or by postal mail to the following address:

Attn: Advisory Board of Respiratory Care Practitioners
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (November 10, 2025 to December 12, 2025) will be posted to the website page 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 Advisory Board of Respiratory Care Practitioners 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 Advisory Board of Respiratory Care Practitioners 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 attorney, Jen Rodriguez.

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 Jen Rodriguez at (505) 476-4622 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 Respiratory Care Act, §§61-12B-1 through -17, 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 amend the rules to provide for additional administrative fees and revise the continuing education audit requirements. More generally, the proposed rules 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 Advisory Board of Respiratory Care Practitioners' statutory obligation to promote, preserve and protect public health, safety and welfare.

Summary of Proposed Changes:

Rule 16.23.2 NMAC, Fees – Changes to this rule will allow for a thirty-five-dollar (\$35) fee for returned checks and e-checks, and a ten dollar (\$10) administrative fee for electronic processing for initial applications and for renewals per year to fund the ongoing maintenance and licensing of the NM-Plus system.

Rule 16.23.12 NMAC, Continuing Education – Changes to this rule will provide clarity on the audit of continuing education requirements and allow the board to impose disciplinary action on a licensee who is not compliant with the continuing education requirement.