

NOTICE OF PUBLIC RULE HEARING AND BOARD OF EXAMINERS FOR OCCUPATIONAL THERAPY MEETING

The New Mexico Board of Examiners for Occupational Therapy and the Regulation and Licensing Department will hold a rule hearing on Friday, December 5, 2025, at 1:30 p.m., immediately followed by a meeting of the board of Occupational Therapy 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. SE., Albuquerque, New Mexico 87109.

The hearing and subsequent board of examiners for occupational therapy meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: <https://teams.microsoft.com/meet/2119851031815?p=dOJknkgBO8IqwPen3c>

Meeting ID: 211 985 103 1815

Passcode: rK2ib2Qr

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

16.15.1 NMAC – GENERAL PROVISIONS

16.15.2 NMAC – LICENSING REQUIREMENTS

16.15.3 NMAC – SUPERVISION

16.15.4 NMAC – CONTINUING EDUCATION REQUIREMENTS

16.15.5 NMAC – DISCIPLINARY PROCEEDINGS

16.15.6 NMAC – FEE SCHEDULE

16.15.7 NMAC – EXPEDITED LICENSING REQUIREMENTS

On Friday, November 4, 2025, copies of the proposed rules may be obtained through the New Mexico Occupational Therapy Board website at RLD | Occupational Therapy Laws, Rules, and Policies or by contacting the Team Manager, Richard Espinoza at (505) 618-0321.

The New Mexico Occupational Therapy Board and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday November 4, 2025, 8:00 a.m. and ending Friday December 5, 2025, 1:30 p.m. Written public comment may be submitted either by email to occupationaltherapy@rld.nm.gov or by postal mail to the following address:

Attn: New Mexico Board of Examiners for Occupational Therapy
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (November 4, 2025 – December 5, 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 Examiners for Occupational Therapy 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 Examiners for Occupational Therapy 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 linked above or by contacting the board Team Manager Richard Espinoza.

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 Team Manager Richard Espinoza at (505) 618-0321 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 rule changes are authorized by the Occupational Therapy Act (Act), Section 61-12A-1 through 61-12A-25 NMSA 1978, which provides explicit authority for the Occupational Therapy Board to protect public health and safety and adopt rules for the administration of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 16-15-1 through 16-15-7 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25 through 1.24.25.16 NMAC

Purpose of Proposed Rules: The proposed rule changes aim to implement changes to the definitions regarding occupational therapy assistant. The changes also update the rules for remote participation, initial application for license renewal to reflect the requirements for the online application and remove references to paper applications, introduce the standard for auditing continuing education requirements for license renewal, and change the current fee for returned checks from \$25.00 to \$35.00. 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 Board's statutory obligation to promote, preserve and protect public health, safety and welfare.

Summary of Proposed Changes: 16.15.1 NMAC -General Provisions. Clarify the definition of Occupational Therapy assistant, and update remote participation. 16.15.2 NMAC- Licensing Requirements. Update Initial Application for Licensure from using paper to electronic applications. 16.15.3 Supervision. Update the verbiage for the New Mexico Telehealth Act. Add verbiage to task delegation for clarity. 16.15.4 NMAC-Continuing Education Requirements. Add more clarity to annual continuing education requirements, and add clarity to continuing education audit. Add the continuing education (CEU) required to obtain or maintain an active license, allow the board to conduct a random

audit and allow the board to impose disciplinary action if the licensee attests to and does not have the CEU's need to renew their license. 16.15.5 NMAC – Disciplinary Proceedings. Add verbiage to Conduct of Hearing Regulations, changing from written complaint to online complaint. 16.15.6 – Fee Schedule Strike out \$20.00 dollars for return checks. and adding \$35.00 dollar fee for return checks, or electronic checks. Add \$10 electronic processing fee. 16.15.7 – Expedited Licensing Requirements. Update Verbiage.