TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 2 LICENSURE REQUIREMENTS

16.26.2.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[16.26.2.1 NMAC - Rp, 16 NMAC 26.2.1, 2/3/06]

16.26.2.2 SCOPE: The provisions of Part 2 of Chapter 26 apply to all individuals seeking licensure under the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act.
[16.26.2.2 NMAC - Rp, 16 NMAC 26.2.2, 2/3/06; A, 1/29/15]

16.26.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978.
[16.26.2.3 NMAC - Rp, 16 NMAC 26.2.3, 2/3/06]

16.26.2.4 DURATION: Permanent.
[16.26.2.4 NMAC - Rp, 16 NMAC 26.2.4, 2/3/06]

16.26.2.5 EFFECTIVE DATE: February 3, 2006, unless a later date is cited at the end of a section.
[16.26.2.5 NMAC - Rp, 16 NMAC 26.2.5, 2/3/06]

16.26.2.6 OBJECTIVE: The objective of Part 2 is to state and establish that licensure is mandated by statute to practice as a speech-language pathologist, audiologist, clinical fellow and hearing aid dispenser and to outline requirements. Persons and practices not affected are defined.
[16.26.2.6 NMAC - Rp, 16 NMAC 26.2.6, 2/3/06]

16.26.2.7 DEFINITIONS: [RESERVED]

16.26.2.8 LICENSING REQUIRED TO PRACTICE:
A. Section 61-14B-7 NMSA 1978 of the act provides that no person shall practice or hold himself or herself out as being able to practice speech-language pathology, audiology, hearing aid dispensing in the state of New Mexico unless he or she is licensed in accordance with the provisions of this act.
B. All individuals licensed under this act must display their license in their primary location at their place of employment.
C. Separate licenses shall be granted in speech-language pathology, audiology, and hearing aid dispensing. An applicant may be granted a dual license for speech-language pathology and audiology upon successful completion of requirements for both of these licenses. A hearing aid dispensing license does not indicate that the person holding the license is an audiologist.
D. The board shall have 30 days from the receipt of a complete application to process and approve an application.
E. The board shall issue a license by reciprocity to an applicant from another state who holds a current license in good standing with no pending disciplinary action, provided the requirements for the current license held meet or exceed requirements for licensure for Speech Language Pathology, Audiology, or Hearing Aid Dispensing in the State of New Mexico.
[16.26.2.8 NMAC - Rp, 16 NMAC 26.2.8, 2/3/06, Amendment]

16.26.2.10 REQUIREMENTS FOR ALL APPLICANTS: An applicant for a license to practice under the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act must submit the following:
A. a complete and signed application on a form prescribed by the board;
B. a check or money order payable to the board for the applicable fee(s) outlined in 16.26.6.8 NMAC;
C. documentation relevant to the license sought under 16.26.2 NMAC;
D. [certify certification] that the applicant is not guilty of any activities listed in Section 61-14B-21 NMSA 1978.
16.26.2.14 QUALIFICATIONS AND APPLICATION FOR LICENSURE FOR A HEARING AID DISPENSER:

A. Application for licensure as a hearing aid dispenser must be accompanied by documentation of the following:

1. Proof that the applicant is 18 years of age or older;
2. Proof that the applicant has a high school education or the equivalent; and
3. Proof that the applicant has a business location in New Mexico and can provide satisfactory evidence of the following:
   (a) a notarized letter from an employer verifying completion of all training requirements as outlined for the temporary hearing aid dispensing trainee permit;
   (b) written examination: the board will require each candidate to pass the international hearing society (IHS), or the national board for certification in hearing instruments sciences (NBC-HIS) hearing aid written examination, or a nationally recognized hearing aid dispensers examination approved by the board; the examination must have occurred within 48 months prior to the application; and proof of having passed the current IHS administered International Licensing Exam (ILE) within the previous 24 months;
   (c) practical examination: the board will require each candidate to pass the hearing aid practical examination or other exams approved by the board with an overall score of no less than seventy percent; and
   (d) passing the board administered practical exam with a score of no less than 70%;
4. have no disciplinary actions taken against any professional license they hold in any state or jurisdiction;
5. any applicant who fails any portion of the licensing examination two times may not reapply until he/she has waited six months and repeated the training and application requirements; at that time the entire exam must be repeated.

B. If currently or previously licensed in another state a verification of licensure must be sent directly to the board by the issuing jurisdiction.

An applicant who is licensed as a Hearing Aid Dispenser or Hearing Aid Specialist in another state or jurisdiction may be issued a license as a Hearing Aid Dispenser in New Mexico upon the board’s acceptance of the following:

1. Proof that the applicant is eighteen (18) years of age or older;
2. Proof that the applicant has a high school education or the equivalent;
3. Proof that the applicant has a business location in New Mexico;
4. The requirements for licensure in the issuing state or jurisdiction meet or exceed the standards for New Mexico and;
5. The applicant has no disciplinary actions taken or pending against any professional license they hold in any state or jurisdiction.

16.26.2.15 QUALIFICATION AND APPLICATION FOR TEMPORARY HEARING AID DISPENSING TRAINEE PERMIT: APPLICATION AND REQUIREMENTS FOR TEMPORARY HEARING AID DISPENSING TRAINEE PERMIT: Individuals who meet all requirements for a hearing aid dispenser's license but do not have the required practical experience in dispensing of hearing aids shall apply for a temporary hearing aid dispensing permit.

A. A trainee permit may be issued at any time and will be valid for one year.

B. Upon expiration, another training permit may not be issued for one calendar year following expiration of the previous permit or if the applicant has failed the examination twice within a five year period. The trainee must identify a qualified sponsor who has held a license under this act as an Audiologist or Hearing Aid Dispenser or a New Mexico licensed Otolaryngologist for no less than 3 of the previous 5 calendar years

(1) The qualified sponsor must have no disciplinary actions against them at the time of issuance of the training permit.
(2) The qualified sponsor must have no more than two temporary training permits associated with them at any single time.
(3) Trainee must receive a minimum of 320 logged hours of direct supervision in hearing science and hearing aid fitting within 3 consecutive months.

[16.26.2.10 NMAC - Rp, 16 NMAC 26.3.8, 2/3/06; A, 11/29/08; A, 4/6/16, Amendment]
Upon completion of the 320 hours of direct supervision the log of training must be submitted to the board for review.

The trainee must identify a qualified sponsor as specified in the act.

Each trainee shall receive intensive training working under the direct supervision of his/her sponsor for a minimum of 320 hours within a three-month period.

Following completion of 320 hours, an additional five continuous months of full-time work is required. All activities of the trainee during this time must be reviewed and approved by the sponsor and may include dispensing hearing aids, making adjustments in fitting and modifying and repairing hearing aids and earmolds. All sales receipts must have some evidence of the sponsor's approval of the sale.

Another training permit may not be issued for one calendar year following expiration of the previous permit or if the applicant has failed the examination twice within a five-year period.

Proof of having passed the jurisprudence examination with a grade of no less than seventy percent.

HEARING AID DISPENSER TRAINEE EXAMINATION FOR COMPETENCE:
Following completion of a minimum the board’s acceptance of the 320 hours all candidates under a temporary hearing aid dispensing permit under a training program shall the board’s acceptance of the 320 hours of certified direct supervision in 3 months, persons temporary training permit are eligible to:

A. [pass the practical examination which tests proficiency in pure tone audiometry, including air conduction and bone conduction testing, live voice or recorded voice speech audiometry, including speech reception threshold and speech discrimination tests, masking when indicated, recording and evaluation audiograms and speech audiometry determining proper selection and adjustment of hearing aids.]

B. [taking earmold impressions]

C. the board office will schedule [written and practical examinations once each quarter; each applicant will be notified of the examination schedule for the next year when they receive their trainee permit;] the schedule will be posted on the board website, applicants must register for the examination a minimum of [90] days prior to the scheduled exam;

D. An applicant who fails the written or the practical portion of the examination must pay the application fee before being allowed to retake the examination;

E. Applicants who cannot sit for the examinations due to circumstances beyond their control must submit a written request prior to the scheduled examination; extenuating circumstances include illness, death in the immediate family, military service, or other severe circumstances which do not allow an applicant to attend the scheduled examination; applicant must provide documentation of extenuating circumstances; and

F. Applicants who fail to sit for scheduled examinations without prior notification must submit a new application, including the fee and all documentation.

REQUIREMENTS FOR ALL APPLICANTS WHO PRACTICE TELEHEALTH

A. An audiologist, speech-language pathologist or hearing aid dispenser licensed in New Mexico may use telecommunication technology to deliver services to a person residing in New Mexico who is physically present at a different location from the provider at the time services are received, so long as the services delivered through use of telecommunication technology meets or exceeds the quality of services delivered face-to-face.
B. An audiologist, speech-language pathologist or hearing aid dispenser who resides outside the boundaries of the state of New Mexico and deliver services or products to residents of New Mexico shall be licensed by the board.

C. An audiologist, speech-language pathologist and hearing aid dispenser using telecommunication technology to deliver services shall have necessary knowledge and skills, obtained through education, training and experience to use such technology competently.

D. Telecommunication technology used to deliver services must be equivalent to that provided in person.

E. A licensed audiologist, speech-language pathologist or hearing aid dispenser must be physically present at all times at the hub site while interactive telecommunication technology is used to deliver services to a client physically present at a remote site.

F. A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall:
   (1) assess the client’s ability to participate meaningfully in the services delivered through telecommunication, including but not limited to the client’s physical, cognitive and behavioral abilities;
   (2) calibrate properly the clinical instruments used for delivery of services in accordance with standard operating procedures and manufacturer specifications;
   (3) train properly the facilitator at the client-patient site if used;
   (4) comply with all laws and rules governing maintenance of client records, including but not limited to client confidentiality requirements; and
   (5) comply with all professional standards governing delivery of services including the applicable Code of Ethics.

G. A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall provide notice to the client, guardian, caregiver and multi-disciplinary team as appropriate, including but not limited to the right to refuse telehealth services, options for service delivery and instruction on filing and resolving complaints.

H. An audiologist, speech-language pathologist or hearing aid dispenser shall not deliver services to a client solely through the use of regular mail, facsimile or electronic mail, although these methods of communication may be used to supplement the face-to-face delivery of services or through the use of telecommunication technology.

HISTORY OF 16.26.2 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
HADF 71-1, Rules and Regulations, filed 12/21/71.
HADF 77-1, Rules and Regulations, filed 5/23/77.
HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.
HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.
HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.
HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.
HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.
HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.
HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.
BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.
BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.
Rule 91-2, Qualifications for Licensure, filed 10/25/91.
Rule 91-3, Temporary Trainee Permits, filed 10/25/91.
Rule 91-4, Applications for Licensure, filed 10/25/91.
Rule 91-5, Examination for Competence, filed 10/25/91.

History of Repealed Material: