

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 23 RESPIRATORY CARE PRACTITIONERS**  
**PART 12 CONTINUING EDUCATION**

**16.23.12.1 ISSUING AGENCY:** New Mexico Regulation and Licensing Department Respiratory Care Advisory Board [P.O. Box 25101, Santa Fe, New Mexico 87504](#)  
[11-29-97; 16.23.12.1 NMAC - Rn, 16 NMAC 23.12.1, 01-30-2003; A, 07-10-03; **A, XX-XX-XX**]

**16.23.12.2 SCOPE:** The provisions of Part 12 of Chapter 23 applies to all respiratory care practitioners intending to renew or reactivate their New Mexico license.  
[11-29-97; 16.23.12.2 NMAC - Rn, 16 NMAC 23.12.2, 01-30-2003]

**16.23.12.3 STATUTORY AUTHORITY:** Part 12 of Chapter 23 is promulgated pursuant to the Respiratory Care Act, Section 61-12B-9(A) NMSA 1978.  
[11-29-97; 16.23.12.3 NMAC - Rn, 16 NMAC 23.12.3, 01-30-2003]

**16.23.12.4 DURATION:** Permanent.  
[11-29-97; 16.23.12.4 NMAC - Rn, 16 NMAC 23.12.4, 01-30-2003]

**16.23.12.5 EFFECTIVE DATE:** November 29, 1997, unless a later date is cited at the end of a section.  
[11-29-97; 16.23.12.5 NMAC - Rn, 16 NMAC 23.12.5, 01-30-2003; A, 07-10-03]

**16.23.12.6 OBJECTIVE:** The objective of Part 12 of Chapter 23 is to set forth the requirements and procedures for the New Mexico licensed respiratory care practitioner to meet the continuing education requirements for license renewal or reactivation.  
[11-29-97; 16.23.12.6 NMAC - Rn, 16 NMAC 23.12.6, 01-30-2003]

**16.23.12.7 DEFINITIONS: [RESERVED]**

**16.23.12.8 CONTINUING EDUCATION REQUIREMENTS:** Continuing education is a requirement for biennial license renewal or license reactivation.

**A.** Continuing education hours must be directly related to respiratory therapy, pulmonary function technology, or related inter-disciplinary areas of health care.

**B.** The department may consult with the board to resolve questions as to appropriate continuing education hours.

**(1)** The department shall be the final authority on acceptance of any educational activity submitted by a licensee or a sponsor for approval.

**(2)** Each respiratory care practitioner must participate in at least twenty (20) clock hours of continuing education activities every renewal cycle, or as provided by 16.23.12.12 NMAC and 16.23.12.13 NMAC.

**C.** A minimum of twelve of the twenty hours of continuing education must be category I that include any of the following types of educational offerings:

**(1) lecture** - a discourse given for instruction before an audience or through teleconference;

**(2) panel** - a presentation of a number of views by several professionals on a given subject with none of the views considered a final solution;

**(3) workshop** - a series of meetings for intensive, hands on, study or discussion, in a specific area of interest;

**(4) seminar** - a directed advanced study or discussion in a specific field of interest;

**(5) symposium** - conference of more than a single session organized for the purpose of discussion of a specific subject from various viewpoints and by various presenters;

**(6) distance education** - includes such enduring materials as text, Internet or CD, provided the proponent has included an independently scored test as part of the learning package; and

**(7) NBRC awarded continuing education credit for successful completion of re-credentialing exams for [certified respiratory therapist \(CRT\)](#) and [registered respiratory therapist \(RRT\)](#) level credentials.**

[2-21-85; 6-10-87; 1-9-88; 9-19-91; 4-21-95; 11-29-97; 16.23.12.8 NMAC - Rn, 16 NMAC 23.12.8, 01-30-2003; A, 07-10-03; A, 06-24-2004; **A, XX-XX-XX**]

**16.23.12.9 APPROVED CONTINUING EDUCATION PROGRAMS:**

**A.** The department will approve, on a clock hour basis, continuing education activities which meet the criteria in Subsection A of 16.23.12.8 NMAC, and which are sponsored or approved for respiratory care practitioners by the following:

- (1) the american association for respiratory care, inc. (AARC);
- (2) any american association for respiratory care (AARC) state chartered affiliate;
- (3) other state boards that license respiratory care practitioners;
- (4) the american lung association; and
- ~~(5) [the american heart association.]~~

**B.** The department will approve, on a clock hour basis, a maximum of eight hours per renewal cycle of the following type of education activities listed within 16.23.12.9.B NMAC for licensees:

(1) any hospital or healthcare organization respiratory care-related continuing education in-service;

(2) respiratory care-related science courses taken in an academic setting and received toward RRT credentialing;

~~(3) [CPR certification or re-certification courses;]~~

~~(4)3~~ infection control certification or re-certification courses;

~~(5)4~~ hazardous materials certification or re-certification courses; and

~~(6)5~~ advanced life support courses. (This includes american heart association, american academy of pediatrics, sugar and safe care temperature airway blood pressure lab work emotional support program (STABLE), neonatal resuscitation program (NRP), advanced cardiovascular life support (ACLS), pediatric advanced life support (PALS), or as deemed acceptable by the board.)

**C.** The department will approve respiratory care-related education taken in an academic setting. One (1) semester hour or its equivalent converts to fifteen (15) clock hours.

**D.** The department will automatically approve for licensed respiratory care practitioners a maximum of six (6) clock hours of continuing education credit for each renewal period for teaching approved respiratory care-related continuing education offerings as provided in Part 12 (this rule). Credits [credit] will be granted one (1) time only for each course taught no matter how many times or how many years the course is repeated.

**E.** A maximum of twenty (20) clock hours of CE credit will be approved by the department during each renewal period for additional examination passing scores in the highest credential registered respiratory therapist (RRT).

[2-21-85; 6-10-87; 1-9-88; 9-19-91; 4-21-95; 11-29-97; 16.23.12.9 NMAC - Rn, 16 NMAC 23.12.9, 01-30-2003, A, 06-24-2004; **A, XX-XX-XX**]

**16.23.12.10 DOCUMENTATION:** Licensees shall be responsible for maintaining documentation of their continuing education activities and shall be required to submit copies of proofs of attendance at the time of license renewal.

**A. Proofs of attendance.** Proofs of attendance, including those for in-services, must clearly state the following:

- (1) name, address, and phone number of the sponsor or in-service provider;
- (2) date the educational offering or in-service was completed;
- (3) location where the educational offering was presented;
- (4) complete name of the seminar, course, or in-service (acronyms are not sufficient);
- (5) number of clock hours credited;
- (6) name of the attendee receiving credit for the continuing education offering or in-service;
- (7) signature of the person authorized by the sponsoring agency to verify licensee attendance;

and

- (8) Name of the instructor.

**B. Academic credit courses.** A copy of the transcript of completed, approved academic credit hour courses as provided in Subsection C of 16.23.12.9 NMAC, must be submitted with the renewal documentation.

**C. Teaching activities.** A licensed respiratory care practitioner seeking credit for teaching respiratory care related courses must submit documentation of the teaching activity which clearly states the following:

- (1) name, address, and phone number of the sponsor or in-service provider;
- (2) complete name of the seminar, course, or in-service (acronyms are not sufficient);
- (3) date the educational offering or in-service was presented;

- (4) location where the educational offering was presented;
- (5) name of the licensee instructor;
- (6) number of clock hours credited; and
- (7) signature of the person authorized by the sponsoring agency to verify the licensee's

teaching activity

[1-9-88; 9-9-91; 4-21-95; 11-29-97; 16.23.12.10 NMAC - Rn, 16 NMAC 23.12.10, 01-30-2003]

**16.23.12.11 OTHER EDUCATIONAL OFFERINGS:** The department, in consultation with the board, has an informal arrangement with the New Mexico society for respiratory care (NMSRC) in which [the New Mexico society for respiratory care \(NMSRC\)](#) will review for approval other continuing education offerings, for individual licensees or continuing education sponsors.

**A.** Any continuing education (CE) activity that is not covered by 16.23.12.8 NMAC through 16.23.12.10 NMAC must be submitted to [the New Mexico society for respiratory care \(NMSRC\)](#) for review and approval.

(1) Approval must be granted by the [New Mexico society for respiratory care \(NMSRC\)](#) before the CE may be considered applicable toward meeting the continuing education renewal requirement for respiratory care practitioners licensed in New Mexico. Any deadlines for submission of these requests to the [New Mexico society for respiratory care \(NMSRC\)](#) will be established by the [New Mexico society for respiratory care \(NMSRC\)](#) as needed.

(2) Approval must be granted by [the New Mexico society for respiratory care \(NMSRC\)](#) before the continuing education can be submitted to the department and the board to meet the licensee's continuing education renewal requirement.

**B.** The request for approval of an educational seminar or course must include the following, at a minimum. The NMSRC may require additional information to process the request.

- (1) Name of the seminar or course.
- (2) Sponsoring party.
- (3) Objective of the seminar.
- (4) Format and subjects of seminar or course.
- (5) Number of clock hours credited for the offering.
- (6) Sample "proof of attendance" certificate.
- (7) Name and qualifications of the instructor.
- (8) Evaluation mechanism to be used.

**C.** Any processing fee established by the [New Mexico society for respiratory care \(NMSRC\)](#) for the continuing education review service must be payable to the [New Mexico society for respiratory care \(NMSRC\)](#) and must accompany the request to the [New Mexico society for respiratory care \(NMSRC\)](#) for approval of an educational offering.

**D.** The [New Mexico society for respiratory care \(NMSRC\)](#) will give written notification to the sponsor or licensee of the approval or denial of the educational program or seminar.  
[2-21-85; 6-10-87; 1-9-88; 9-19-91; 4-21-95; 11-29-97; 16.23.12.11 NMAC - Rn, 16 NMAC 23.12.11, 01-30-2003; A, 06-24-2004; A, 02-04-2005; [A, XX-XX-XX](#)]

**16.23.12.12 CONTINUING EDUCATION REQUIREMENT PRORATED:** Any applicant whose initial licensure application is postmarked on or after October 1 of the even numbered year, through May 31 of the odd-numbered renewal year, shall be required to meet one half (ten clock hours) of the continuing education requirements for renewal at the time of renewal.  
[9-19-91; 4-21-95; 11-29-97; 16.23.12.12 NMAC - Rn, 16 NMAC 23.12.12, 01-30-2003]

**16.23.12.13 CONTINUING EDUCATION REQUIREMENT WAIVED:** Any applicant whose initial licensure application is postmarked on or after June 1 of the odd-numbered (renewal) year through July 31 of the same year shall have the continuing education requirement waived for that renewal cycle.  
[9-19-91; 4-21-95; 11-29-97; 16.23.12.13 NMAC - Rn, 16 NMAC 23.12.13, 01-30-2003]

**16.23.12.14 CONTINUING EDUCATION AUDIT:** The department, in consultation with the board, may elect to use an audit system for verifying continuing educational activities at the time of renewal.

**A.** In this case, the department will randomly select a minimum of ten (10) percent of the currently licensed respiratory care practitioners to provide, with their renewal applications, hard-copy proof of having met the continuing education requirement.

**B.** Audit requests will be included in the renewal notice.

**C.** Licensees not selected for audit will be required only to list the continuing education activities completed on their renewal applications. The department shall still have the option to audit these individuals' continuing education records at any time before the next scheduled license renewal.  
[11-29-97; 16.23.12.14 NMAC - Rn, 16 NMAC 23.12.14, 01-30-2003]

**16.23.12.15** [RESERVED]

**16.23.12.16** [RESERVED]

**16.23.12.17 EXTENUATING CIRCUMSTANCES - DEFERRAL OR WAIVER OF CONTINUING EDUCATION REQUIREMENT:**

**A.** Licensees generally have twenty-four (24) months to complete the continuing education requirement for renewal, which is sufficient time to meet the continuing education requirement.

**B.** In the event a licensee experiences and extenuating circumstance such as a prolonged debilitating personal illness; or a prolonged debilitating illness of an immediate family member; or being mobilized to active duty by the national guard or other branch of service in the United States armed forces, which makes it impossible to meet the continuing education requirement for license renewal, the individual may request an emergency deferral or a waiver of the continuing education requirement by submitting one of the following items to the board before the license expiration date.

(1) A written request for deferral or waiver explaining the circumstances that made it impossible for the licensee to meet the requirement in the twenty-four months prior to the expiration date of the license.

(2) Documentation accompanying the request for deferral or waiver that verifies the extenuating circumstances, such as a signed affidavit from a physician or medical provider, or a copy of the mobilization orders from the branch of government calling the person to active duty; etc.

**C.** A licensee mobilized for active military duty, but who is still in training when the license renewal comes due, is required to renew his/her license and meet the continuing education requirements, but the license renewal fee will not be assessed.

**D.** A licensee mobilized into active military duty, and who is in military action at the time the license renewal comes due, is not required to renew his/her license or meet the continuing education requirements. However, upon return to civilian status, the licensee shall renew the license without having to pay the renewal or late penalty fee.

**E.** The license of a respiratory therapist who does not earn the required continuing education for renewal due to his/her call to active military duty will not lapse for failure to earn continuing education hours provided the licensee submits a copy of the mobilization orders to the board office prior to the expiration of the license.

**F.** The license renewal extension authorized by this regulation shall end one month after deployment is concluded.

**G.** Upon return to civilian status, the licensee shall resume earning continuing education prorated as follows after the deployment ends.

(1) If the deployment ends in October of the odd-numbered year through March of the even-numbered year, the licensee will accrue twenty (20) hours of continuing education for the next renewal cycle.

(2) If the deployment ends in April of the even-numbered year through September of the even-numbered year, the licensee will accrue fifteen (15) hours of continuing education for the next renewal cycle.

(3) If the deployment ends in October of the even-numbered year through March of the odd-numbered year, the licensee will accrue ten (10) hours of continuing education for the next renewal cycle.

(4) If the deployment ends in April of the odd-numbered year through July of the odd-numbered year, the licensee will accrue zero (0) hours of continuing education for the year's renewal cycle.

[16.23.12.17 NMAC - N, 02-04-2005]

**HISTORY OF 16.23.12 NMAC:**

**Pre-NMAC History:** The material in Part 12 was derived from regulations previously filed with the state records center and archives by former department name health and environment department, rule numbers, HED-85-1 (HSD), "Regulations Governing the Respiratory Care Act," filed 01-22-85; HED-87-3 (HSD), "Regulations Governing the Respiratory Care Act," filed 05-11-87; by department name regulation & licensing department,

former division name, boards & commissions division rule number BCD 87-3, "Regulations Governing the Respiratory Care Act," filed 12-10-87; and by department name regulation and licensing department, respiratory care advisory board in rule numbers, Rule 91-5, "Renewal of Licenses," filed 08-20-91; Rule 91-8, "Expiration/License Renewal," filed 08-20-91; Rule 91-6, "Continuing Education", filed on 08-20-91; and Rule 6, "Continuing Education," filed on 03-22-95.

**History of Repealed Material: [RESERVED]**

**Other History:** Rule 6, "Continuing Education," (filed 03-22-95) was renumbered, reformatted and replaced into first version of New Mexico Administrative Code as 16 NMAC 23.12, "Continuing Education", effective 11-29-97. 16 NMAC 23.12, "Continuing Education" (filed 11-10-97), renumbered and reformatted to 16.23.12 NMAC, "Continuing Education" effective 01-30-2003.