

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 3 ISSUANCE OF LICENSES

16.20.3.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[16.20.3.1 NMAC - Rp, 16.20.3.1 NMAC, 11-01-04]

16.20.3.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[16.20.3.2 NMAC - Rp, 16.20.3.2 NMAC, 11-01-04]

16.20.3.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[16.20.3.3 NMAC - Rp, 16.20.3.3 NMAC, 11-01-04]

16.20.3.4 DURATION: Permanent.
[16.20.3.4 NMAC - Rp, 16.20.3.4 NMAC, 11-01-04]

16.20.3.5 EFFECTIVE DATE: November 1, 2004, unless a later date is cited at the end of a section.
[16.20.3.5 NMAC - Rp, 16.20.3.5 NMAC, 11-01-04]

16.20.3.6 OBJECTIVE: The objective of Part 3 of Chapter 20 is to establish regulations for applicants applying for a license to practice as a physical therapist or physical therapist assistant.
[16.20.3.6 NMAC - Rp, 16.20.3.6 NMAC, 11-01-04]

16.20.3.7 DEFINITIONS: [Reserved]
[16.20.3.7 NMAC - Rp, 16.20.3.7 NMAC, 11-01-04]

16.20.3.8 APPLICATION FOR LICENSURE.

A. The board may issue a license to an applicant, other than one applying for licensure by reciprocity, who fulfills the following requirements:

- (1) completes the application;
- (2) includes a passport-size photograph taken within the preceding 12 months and affixes it to the application;
- (3) pays the non-refundable application fee in full as provided in Part 5;
- (4) passes the jurisprudence exam (as specified in 16.20.2.10 NMAC) and pays the non-refundable exam fee as provided in Part 5;
- (5) submits official college or university transcripts from a program approved by the commission on accreditation in physical therapy education (CAPTE) verifying one of the following:
 - (a) post-baccalaureate degree in physical therapy;
 - (b) associate degree as a physical ~~therapy~~ therapist assistant;
- (6) if official transcripts are not available because of school closure or destruction of the records, e.g., the applicant must provide satisfactory evidence of meeting the required physical therapy educational program [requirements](#) by submitting documentation that will be considered on a case-by-case basis by the board and pursuant to the following:
 - (a) for applicants who graduated after January 1, 2002, documentation of graduation with a post-baccalaureate degree in physical therapy from an educational program accredited by CAPTE;
 - (b) for applicants who graduated prior to January 1, 2002, documentation of graduation with a baccalaureate degree in physical therapy or a certificate in physical therapy from an educational program accredited by CAPTE;
 - (c) for physical therapist assistant applicants, documentation of graduation from an accredited physical therapist assistant program accredited by CAPTE and approved by the board;
- (7) passes the national physical therapy licensure examination (NPTE) (as specified in 16.20.2.8 NMAC); if the applicant has previously taken the NPTE, the testing entity shall send the test scores directly to the board; test scores sent by individuals, organizations or other state boards will not be accepted.
- (8) [Effective February 1, 2019, all applicants for licensure must submit](#) nationwide and statewide department of public safety (DPS) criminal history screening background check. All applicable

application fees associated with the nationwide and statewide criminal history screening background check shall be paid by the applicant.

(a) applicants will follow the criminal background check process required by the New Mexico department of public safety or its agents.

(b) applications for exam or endorsement will not be processed without results of a criminal background check.

(c) if the criminal background check reveals a crime of moral turpitude or relevant felony or violation of the New Mexico Physical Therapy Practice Act, the applicant/licensee will be notified to submit copies of legal documents and other related information to the board that will make the determination if the applicant is eligible for licensure or if disciplinary action will be taken.

B. For applicants who have not practiced since graduating from a physical therapy education program, or who have not practiced as a physical therapist or physical therapist assistant for a period of more than three consecutive years, full licensure requires fulfilling the following requirements:

(1) satisfactory completion of all application requirements for licensure as provided in Subsection A of 16.20.3.8 NMAC;

(2) provides proof of having taken 15 continuing education contact hours for each year the applicant was not practicing as a physical therapist or physical therapist assistant (coursework to be pre-approved by the board);

(3) provides evidence of additional competency to practice as required by the board.

C. Felony or misdemeanor convictions involving moral turpitude directly related to employment in the profession have to be satisfactorily resolved. The board may require proof that the person has been sufficiently rehabilitated to warrant the public trust if the prior conviction does not relate to employment in the profession. Proof of sufficient rehabilitation may include, but is not limited to: certified proof of completion of probation or parole supervision, payment of fees, community service or any other court ordered sanction.

D. A licensee requesting a name change must submit proof of name change, the original license and a replacement license fee.

E. Foreign educated applicants must meet all requirements for licensure as provided in Subsection A of 16.20.3.8 NMAC as well as those requirements listed in 16.20.9 NMAC.

F. Initial application is valid for a period of 12 months.

[16.20.3.8 NMAC - Rp, 16.20.3.8 NMAC, 11-01-04; A, 03-02-06; A, 1-12-08; A, 8/1/09; A, 8/16/10; A, 7/27/2017]

16.20.3.9 BIENNIAL LICENSING AS OF AUGUST 2009 FOR NEW APPLICANTS:

A. Initial Licensure:

(1) for an applicant whose first physical therapy or physical therapist assistant license is issued between August 1, 2009, and January 31, 2010, that license will be valid until February 1, 2011;

(2) for an applicant whose first physical therapy or physical therapist license is issued between February 1, 2010, and July 31, 2010, that license will be valid until February 1, 2012;

(3) no license will be issued for a period exceeding 24 months;

(4) this section expires on July 31, 2010.

B. License renewals will be done in accordance with the requirements set forth in 16.20.8 NMAC and 16.20.5 NMAC.

[16.20.3.9 NMAC - Rp, 16.20.3.9 NMAC, 11-01-04; A, 03-02-06; A, 1-12-08; 16.20.3.9 NMAC - N, 8/1/09]

16.20.3.10 REINSTATEMENT OF LICENSURE:

A. To reinstate a New Mexico physical therapist or physical therapist assistant license that has lapsed for less than one year one must:

(1) complete the renewal form;

(2) pay the late fee;

(3) pay the current year renewal fee;

(4) submit proof of the required continuing education contact hours; and

(5) submit a notarized statement by the therapist that they have not practiced physical therapy in the state of New Mexico while their physical therapy license was expired.

B. To reinstate a New Mexico physical therapist or physical therapist assistant license that has lapsed for more than one year, where there is evidence of continued practice with an unrestricted license in another state one must:

- (1) complete the initial application;
- (2) pay the application fee;
- (3) pay the jurisprudence exam fee; and
- (4) submit verification of all licenses from other U.S. jurisdictions; verifications may be sent

to the board via regular mail, electronic mail, or facsimile; verifications must be signed and dated by an official of the agency licensing the applicant and must include the following:

- (a) name and address of the applicant;
- (b) license number and date of issuance;
- (c) current status of the license;
- (d) expiration date of the license;
- (e) a statement as to whether the applicant was denied a license by the agency; and
- (f) a statement as to whether any disciplinary action is pending or has been taken

against the applicant;

(5) submit verification of employment from the applicant's most recent physical therapy employer; the applicant must use the board approved verification of employment form;

- (6) pass the jurisprudence examination; and
- (7) meet the continuing education requirement in the state of practice during the period of

lapse.

C. To reinstate a New Mexico physical therapist or physical therapist assistant license that has lapsed for more than one year, where there is no evidence of continued practice with an unrestricted license in another state one must:

- (1) complete the initial application;
- (2) pay the application fee;
- (3) pay the jurisprudence exam fee; and
- (4) submit verification of all licenses from other U.S. jurisdictions; verifications may be sent

to the board via regular mail, electronic mail, or facsimile; verifications must be signed and dated by an official of the agency licensing the applicant and must include the following:

- (a) name and address of the applicant;
- (b) license number and date of issuance;
- (c) current status of the license;
- (d) expiration date of the license;
- (e) a statement as to whether the applicant was denied a license by the agency;
- (f) a statement as to whether any disciplinary action is pending or has been taken

against the applicant;

- (5) pass the jurisprudence examination; and

(6) take continuing education hours in the amount of 15 contact hours for each year the New Mexico license had lapsed.

D. To reinstate a New Mexico physical therapist or physical therapist assistant license that has lapsed for more than three years, where there is no evidence of practice in another state one must:

(1) complete and submit a new application form satisfying all requirements for original licensure pursuant to 16.20.3.8 NMAC; and

(2) the board will require 15 contact hours for each year the New Mexico license has lapsed as well as an additional course of study on a case-by-case basis, to ensure competence and fitness to practice.

[16.20.3.10 NMAC - Rp, 16.20.3.10 NMAC, 11-01-04; A, 03-02-06; A, 1-12-08; 16.20.3.10 NMAC - Rn, 16.20.3.9 NMAC & A, 8/1/09; A, 8/16/10]

16.20.3.11 LICENSURE BY RECIPROCITY:

A. The board shall issue a license by reciprocity to an applicant who holds a current license in good standing in another U.S. jurisdiction that meets or exceeds the licensing and qualification requirements set out in Section 61-12D-10 NMSA 1978, provided the applicant submits an application on a form approved by the board with the required fee as forth in Subsection F of Section 61-12D-10 NMSA 1978 and 16.20.3.8 NMAC.

B. A foreign-educated physical therapist or physical therapist assistant who has a current license in good standing from another U.S. jurisdiction may be issued a license provided the applicant meets all of the

requirements set forth in Subsection A and B of Section 61-12D-10 NMSA 1978 and Section A of 16.20.3.11 NMAC and 16.20.4.8 NMAC.
[16.20.3.11 NMAC - N/E, 11-16-2005; Re-pr, 03-02-06; A, 1-12-08; 16.20.3.11 NMAC - Rn, 16.20.3.10 NMAC, 8/1/09; A, 7/27/2017]

16.20.3.12 PROVISIONS FOR EMERGENCY LICENSURE:

- A.** Physical therapists and physical therapist assistants currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following the declared disaster upon:
- (1) completing a signed application accompanied by proof of identity, which may consist of a copy of a driver's license, passport or other photo identification issued by a governmental entity;
 - (2) submitting documentation of graduation from an educational program approved by the commission on accreditation in physical therapy education (CAPTE), proof of successful completion of the national physical therapy examination (NPTE) and jurisprudence exam as specified in 16.20.3.8 NMAC, of these rules (verification may be obtained by email, online verification from the testing agency or university, mail or by fax);
 - (3) verification of licenses held in other states and verification of employment if applicable (verification may be sent to the board by mail, fax or email, through online verification from the state of licensure); and
 - (4) proof or documentation of residency and or employment in the area of the federal disaster.
- B.** The board may waive the following requirements for licensure:
- (1) application [~~fee's~~] Fees prorated for four months;
 - (2) the specific forms required under 16.20.3.8 if the applicant is unable to obtain documentation from the federal declared disaster areas.
- C.** Nothing in this section shall constitute a waiver of the requirements for licensure contained in the board's rules and regulations.
- D.** Licenses issued under (this emergency provision) shall expire four months following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before February 1, following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.
[16.20.3.12 NMAC - N/E, 11-16-2005; Re-pr & A, 03-02-06; 16.20.3.12 NMAC - Rn, 16.20.3.11 NMAC, 8/1/09; A, 8/16/10]

16.20.3.13 EMERGENCY LICENSURE TERMINATION:

- A.** The emergency license shall terminate upon the following circumstances:
- (1) the issuance of a permanent license under 16.20.3.8 NMAC; or
 - (2) proof that the emergency license holder has engaged in fraud deceit, misrepresentation in procuring or attempting to procure a license under this section.
- B.** Termination of an emergency license shall not preclude application for permanent licensure.
[16.20.3.13 NMAC - N, 03/06/09; 16.20.3.13 NMAC - Rn, 16.20.3.12 NMAC, 8/1/09]

16.20.3.14 INACTIVE LICENSE:

- A.** A license in good standing may be transferred to inactive status upon written request to the board. Such request shall be made prior to the expiration of the license.
- B.** Until the inactive license has been reactivated, the licensee may not practice physical therapy in New Mexico unless employed by the federal government.
- C.** An annual inactive fee must be submitted to the board as set forth in 16.20.5.8 NMAC.
- D.** A licensee may reactivate the license upon submission of the following:
- (1) the renewal form for the year in which the licensee wishes to reactivate;
 - (2) payment of the annual renewal fee for the year in which the licensee wishes to reactivate;
 - (3) proof of 15 continuing education contact hours for each year of inactive status;
 - (4) passage of the jurisprudence examination;
 - (5) submit verification of licenses from other U.S. jurisdictions; verifications may be sent to the board via regular mail, electronic mail, or facsimile; verifications must be signed and dated by an official of the agency licensing the applicant and must include the following:

- (a) name and address of the applicant;
- (b) license number and date of issuance;
- (c) current status of the license;
- (d) expiration date of the license;
- (e) a statement as to whether the applicant was denied a license by the agency; and
- (f) a statement as to whether any disciplinary action is pending or has been taken

against the applicant.

E. A license can only be placed in an inactive status for four years.

[16.20.3.14 NMAC - Rn, 16.20.3.13 NMAC, 8/1/09; A, 8/16/10; A, 9-30-14]

16.20.3.15 ELECTRONIC APPLICATIONS AND SIGNATURES

A. ELECTRONIC APPLICATIONS: In accordance with Sections 14-16-1 thru 14-16-21 NMSA 1978 of the Uniform Electronic Transactions Act, the board or its designee will accept electronic applications.

(1) Any person seeking a New Mexico physical therapy or physical therapist assistant license may do so by submitting an electronic application. Applicants are required to also submit all required information as stated in 16.20.3.8 and 16.20.3.9 NMAC.

(2) Any licensee may renew his or her license electronically through a designated website provided by the board. All license holders renewing their physical therapy or physical therapist assistant license are also required to submit all documentation as stated in 16.20.3.8 NMAC.

(3) Any persons whose license has been expired may apply electronically to the board for renewal of the license at any time within 60 days of expiration. Any persons seeking renewal are also required to submit all supporting documents as stated in 16.20.3.8 NMAC.

(4) Any persons whose license has lapsed may apply electronically to the board for reinstatement of the license at any time. Any persons seeking reinstatement are also required to submit all supporting documents as stated in 16.20.3.8 and 16.20.3.10 NMAC.

(5) Any persons seeking licensure by endorsement in New Mexico, 16.20.3.16 NMAC may apply electronically to the board for endorsement, at any time. Any persons seeking endorsement are also required to submit all supporting documents as stated in 16.20.3.11 NMAC.

(6) Any persons seeking emergency licensure or termination of emergency licensure in New Mexico may apply electronically to the board, at any time. Any persons seeking emergency licensure or termination of emergency licensure are also required to submit all supporting documents as stated in 16.20.3.12 and 16.20.3.13 NMAC.

(7) Any persons seeking transfer of licensure to an inactive status in New Mexico may apply electronically to the board, at any time. Any persons seeking inactive status of their license are required to submit all supporting documents as stated in 16.20.3.14 NMAC.

B. ELECTRONIC SIGNATURES: Electronic signatures will be acceptable for applications pursuant to Sections 14-16-1 through 14-16-19 NMSA 1978.

[16.20.3.15 NMAC - N, 9-30-14]

HISTORY of 16.20.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records, State Records Center and Archives:

Rule 71-1, License, filed 6-10-71

Rule No. 80-3, General Rules and Regulations, filed 4/18/80

Rule 83-3, Issuance of Licenses, filed 3/29/83

Rule 88-3, Issuance of Licenses, filed 2/19/88

Rule 89-3, Issuance of Licenses, filed 8/1/89

Rule 91-3, Issuance of Licenses, filed 5/8/91

Rule 94-3, Issuance of Licenses, filed 6/3/94

Rule 95-3, Issuance of Licenses, filed 7/28/95

Rule 95-3, Issuance of Licenses, filed 9/18/95.

History of the Repealed Material:

16.20.3 NMAC, Issuance of Licenses (filed 8/14/2000), repealed 11/1/2004.

Other History:

Rule 95-3, Issuance of Licenses (filed 9/18/1995) was renumbered, reformatted, amended, and replaced by 16 NMAC 20.4, Issuance of Licenses, effective 5/15/1996.

16 NMAC 20.4, Issuance of Licenses (filed 5/1/1996) was renumbered, reformatted, amended, and replaced by 16 NMAC 20.3, Issuance of Licenses, effective 10/15/1997.

16 NMAC 20.3, Issuance of Licenses (filed 9/30/1997) was renumbered, reformatted, amended, and replaced by 16.20.3 NMAC, Issuance of Licenses, effective 8/31/2000.

16.20.3 NMAC, Issuance of Licenses (filed 8/14/2000) was replaced by 16.20.3 NMAC, Issuance of Licenses, effective 11/1/2004.