NEW MEXICO BOARD OF NURSING HOME ADMINISTRATORS
New Mexico Regulation and Licensing Department
Toney Anaya Building ▪ 2550 Cerrillos Road ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87504
(505) 476-4622 ▪ Fax (505) 476-4665 ▪ www.RLD.state.nm.us/boards

NEW MEXICO STATUTORY ACT: ARTICLE 13

NURSING HOME ADMINISTRATORS

61-13-1 Short title. (Repealed effective July 1, 2020.)

61-13-2 Definitions. (Repealed effective July 1, 2020.)

61-13-3 Criminal offender's character evaluation. (Repealed effective July 1, 2020.)

61-13-4 Board of nursing home administrators. (Repealed effective July 1, 2020.)

61-13-4.1 Repealed.

61-13-5 Organization of board; meetings. (Repealed effective July 1, 2020.)

61-13-6 Duties of the board. (Repealed effective July 1, 2020.)

61-13-7 Compensation of board members. (Repealed effective July 1, 2020.)

61-13-8 Licensure of nursing home administrators. (Repealed effective July 1, 2020.)

61-13-9 Educational programs. (Repealed effective July 1, 2020.)

61-13-10 Licensure by examinations by board. (Repealed effective July 1, 2020.)

61-13-11 Licensure without examination. (Repealed effective July 1, 2020.)

61-13-12 License and renewal fees; board expenditures. (Repealed effective July 1, 2020.)

61-13-13 Refusal, suspension or revocation of license. (Repealed effective July 1, 2020.)

61-13-14 Penalties. (Repealed effective July 1, 2020.)

61-13-15 Injunctive proceedings. (Repealed effective July 1, 2020.)

61-13-16 Exemptions. (Repealed effective July 1, 2020.)

61-13-17 Termination of agency life; delayed repeal. (Repealed effective July 1, 2020.)

61-13-1. Short title. (Repealed effective July 1, 2020.)
Chapter 61, Article 13 NMSA 1978 may be cited as the "Nursing Home Administrators Act".
History: 1953 Comp., § 67-37-1, enacted by Laws 1970, ch. 61, § 1; 2013, ch. 166, § 1.

61-13-2. Definitions. (Repealed effective July 1, 2020.)
As used in the Nursing Home Administrators Act:

A. "board" means the board of nursing home administrators;

B. "nursing home administrator" means any individual who is responsible for planning, organizing, directing and controlling the operation of a nursing home or who shares such functions with one or more persons in operating a nursing home;

C. "nursing home" means any nursing institution or facility required to be licensed under state law as a nursing facility by the public health division of the department of health, whether proprietary or nonprofit, including skilled nursing home facilities, and whether a separate entity or a part of a medical institutional facility; and

D. "practice of nursing home administration" means the planning, organizing, directing and control of the operation of a nursing home.

History: 1953 Comp., § 67-37-2, enacted by Laws 1970, ch. 61, § 2; 1993, ch. 245, § 1.

61-13-3. Criminal offender's character evaluation. (Repealed effective July 1, 2020.)
The provisions of the Criminal Offender Employment Act [28-2-1 to 28-2-6 NMSA 1978] shall govern any consideration of criminal records required or permitted by the Nursing Home Administration [Administrators] Act.
History: 1953 Comp., § 67-37-2.1, enacted by Laws 1974, ch. 78, § 35.

61-13-4. Board of nursing home administrators. (Repealed effective July 1, 2020.)

A. There is created the "board of nursing home administrators". The board shall be administratively attached to the regulation and licensing department. The board shall consist of seven members appointed by the governor to three-year terms staggered so that no more than three terms expire in any one year. Three members of the board shall be nursing home administrators licensed and practicing under the Nursing Home Administrators Act for a minimum of five years and who have never been disciplined by the board, one member shall be a practicing physician licensed in this state and three members shall be from the public who have no significant financial interest, direct or indirect, in the nursing home industry.

B. Within ninety days of a vacancy, the governor shall appoint a person to fill the unexpired portion of the term. Board members shall be citizens of the United States and residents of the state, and not more than one member shall be an employee of a state or other public agency.

History: 1953 Comp., § 67-37-3, enacted by Laws 1970, ch. 61, § 3; 1977, ch. 34, § 1; 1991, ch. 189, § 19; 1993, ch. 245, § 2; 1997, ch. 267, § 1; 2003, ch. 408, § 19.

61-13-4.1. Repealed.

61-13-5. Organization of board; meetings. (Repealed effective July 1, 2020.)
The board shall elect annually from its membership a chairman and such other officers as may be necessary. The board shall meet at least three times a year and at such other times as it deems appropriate. Meetings shall be at the call of the chairman of the board or upon the call of any two members of the board. A majority of the board shall constitute a quorum at any meeting or hearing of the board. Any board member failing to attend three consecutive meetings of the board, at least two of which were regular meetings, shall automatically be dropped as a member of the board.
History: 1953 Comp., § 67-37-4, enacted by Laws 1970, ch. 61, § 4.

61-13-6. Duties of the board. (Repealed effective July 1, 2020.)
It is the duty of the board to:

A. formulate, adopt and regularly revise such rules and regulations not inconsistent with law as may be necessary to adopt and enforce standards for licensing nursing home administrators and to carry into effect the provisions of the Nursing Home Administrators Act;

B. approve for licensure applicants for:

(1) initial licensure;
(2) annual renewal of current, active licenses;
(3) reciprocity;
(4) reinstatement of revoked or suspended licenses; and

(5) reactivation of inactive or expired licenses;

C. cause the prosecution or enjoinder of all persons violating the Nursing Home Administrators Act and deny, suspend or revoke licenses in accordance with the provisions of the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978];

D. submit a written annual report to the governor and the legislature detailing the actions of the board and including an accounting of all money received and expended by the board; and

E. maintain a register of licensees and a record of all applicants for licensure received by the board.

History: 1953 Comp., § 67-37-5, enacted by Laws 1970, ch. 61, § 5; 1993, ch. 245, § 3; 2003, ch. 408, § 20.

61-13-7. Compensation of board members. (Repealed effective July 1, 2020.)

Members of the board shall receive per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978] but shall receive no other compensation, perquisite or allowance.

History: 1953 Comp., § 67-37-6, enacted by Laws 1970, ch. 61, § 6.

61-13-8. Licensure of nursing home administrators. (Repealed effective July 1, 2020.)

The board shall issue a license as a nursing home administrator to each applicant who files an application in the form and manner prescribed by the board, accompanied by the required fee, and who furnishes evidence, including a criminal records check, satisfactory to the board that he:

A. is of good moral character;

B. has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution in a course of study approved by the board as being adequate preparation for nursing home administrators;

C. demonstrates professional competence by passing an examination in nursing home administration as prepared and published by the professional examination service or such other nationally recognized examination as the board shall prescribe in its rules and regulations;

D. demonstrates knowledge of state regulations governing the operation of nursing homes in a manner as the board shall prescribe in its rules and regulations; and

E. has successfully completed an internship or administrator-in-training program as prescribed by the board in its rules and regulations.

History: 1953 Comp., § 67-37-7, enacted by Laws 1970, ch. 61, § 7; 1973, ch. 68, § 1; 1993, ch. 245, § 4; 1997, ch. 267, § 2.

61-13-9. Educational programs. (Repealed effective July 1, 2020.)

The board shall:

A. approve or establish appropriate courses of study within and without the state to enable applicants for licensure to attain the requisite professional skill to qualify them to sit for the examination for licensure; and

B. approve or establish appropriate courses of study to further the professional qualifications of licensees through continuing educational programs.

History: 1953 Comp., § 67-37-8, enacted by Laws 1970, ch. 61, § 8; 1993, ch. 245, § 5.

61-13-10. Licensure by examinations by board. (Repealed effective July 1, 2020.)

A. Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to any scheduled examination, notify each applicant that the application and evidence submitted is satisfactory or unsatisfactory and rejected. If rejected, the notice shall state the reasons for rejection.

B. Examinations shall be held at least twice each year at such a time and place as the board may determine, and at other times as in the opinion of the board the number of applicants for licensure warrants.

C. The board shall administer the national standards examination in a manner specified by the national examination service with which it contracts.

History: 1953 Comp., § 67-37-9, enacted by Laws 1970, ch. 61, § 9; 1993, ch. 245, § 6.

61-13-11. Licensure without examination. (Repealed effective July 1, 2020.)

The board shall issue a nursing home administrator's license, temporary or regular, without examination, to any person who holds a nursing home administrator's license current and in good standing in another jurisdiction, provided that the board finds that the standards of licensure in the other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant meets the qualifications of the Nursing Home Administrators Act.

History: 1953 Comp., § 67-37-10, enacted by Laws 1970, ch. 61, § 10; 1993, ch. 245, § 7; 1997, ch. 267, § 3.

61-13-12. License and renewal fees; board expenditures. (Repealed effective July 1, 2020.)

A. The board shall require by appropriate rule or regulation that applicants for licensure as nursing home administrators pay a license fee in an amount set by the board not to exceed two hundred fifty dollars ($250) and an annual renewal fee in an amount set by the board not to exceed two hundred dollars ($200).

B. The board shall deposit all fees received by the board in a special fund maintained by the state treasurer for use in defraying the expenses of administration of the Nursing Home Administrators Act. All unexpended balance remaining in the fund at the end of each fiscal year shall remain to the credit of the board.

C. The board may obtain and administer programs of grants-in-aid or financial assistance from any governmental agency or private source in the furtherance of programs consistent with the Nursing Home Administrators Act.

History: 1953 Comp., § 67-37-11, enacted by Laws 1970, ch. 61, § 11; 1992, ch. 69, § 1.

61-13-13. Refusal, suspension or revocation of license. (Repealed effective July 1, 2020.)

The board may refuse to issue or renew, or may suspend or revoke, any license in accordance with the procedures contained in the Uniform Licensing Act [61-1-1through 61-1-31 NMSA 1978], on the grounds that the licensee or applicant:

A. is guilty of fraud or deceit in procuring or attempting to procure or renew a license to practice as a nursing home administrator;

B. is convicted of a felony;

C. is guilty of gross incompetence;

D. is habitually intemperate or is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render him unfit to practice as a nursing home administrator;

E. is guilty of failing to comply with any of the provisions of the Nursing Home Administrators Act or any rules or regulations of the board adopted and filed in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978];

F. has been declared mentally incompetent by regularly constituted authorities; provided that the revocation shall only be in effect during the period of such incompetency; or

G. is guilty of conduct that substantially deviates from reasonable standards of acceptable practice of nursing home administration, including but not limited to the following:

(1) he has been convicted of a misdemeanor substantially relating to the practice of nursing home administration;

(2) he has been found by a court of law, the board, an agency responsible for the certification and licensure of nursing homes, a state medicaid fraud and abuse unit or any other duly recognized state agency to be responsible for the neglect or abuse of nursing home residents or the misappropriation of their personal funds or property;

(3) he has been found by a state nursing home licensing board, an agency responsible for the certification and licensure of nursing homes or any other duly recognized state agency as responsible for substandard care in a nursing home;

(4) he has been found to have falsified records related to the residents or employees of a nursing home on the basis of race, religion, color, national origin, sex, age or handicap in violation of federal or state laws; or

(5) he has had a license revoked, suspended or denied by another state for any of the reasons contained in this section.

History: 1953 Comp., § 67-37-12, enacted by Laws 1970, ch. 61, § 12; 1993, ch. 245, § 8; 1997, ch. 267, § 4.

61-13-14. Penalties. (Repealed effective July 1, 2020.)

It shall be a misdemeanor for any person to:

A. sell or fraudulently obtain or furnish any license or aid or abet in the obtaining or furnishing of any license under the Nursing Home Administrators Act;

B. practice as a nursing home administrator, under cover of any license or registration illegally or fraudulently obtained or unlawfully issued;

C. practice as a nursing home administrator or use in connection with his name any designation tending to imply that he is a nursing home administrator unless duly licensed and registered to so practice under the provisions of the Nursing Home Administrators Act; or

D. practice as a nursing home administrator without a valid license or during the time his license or registration issued under the provisions of the Nursing Home Administrators Act is suspended or revoked.

History: 1953 Comp., § 67-37-13, enacted by Laws 1970, ch. 61, § 13.

61-13-15. Injunctive proceedings. (Repealed effective July 1, 2020.)

A. The board may, in the name of the state of New Mexico, through the attorney general, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act declared to be a misdemeanor by the Nursing Home Administrators Act.

B. If it be established that the defendant has been or is committing an act declared to be a misdemeanor by the Nursing Home Administrators Act, the court shall enter a decree perpetually enjoining said defendant from further committing such act.

C. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies in the Nursing Home Administrators Act.

History: 1953 Comp., § 67-37-14, enacted by Laws 1970, ch. 61, § 14.

61-13-16. Exemptions. (Repealed effective July 1, 2020.)

The Nursing Home Administrators Act does not apply to boardinghouses or to sheltered-care facilities.

History: 1953 Comp., § 67-37-15, enacted by Laws 1970, ch. 61, § 15.

61-13-17. Termination of agency life; delayed repeal.

The board of nursing home administrators is terminated on July 1, 2019 pursuant to the Sunset Act [12-9-11 to 12-9-21 NMSA 1978]. The board shall continue to operate according to the provisions of Chapter 61, Article 13 NMSA 1978 until July 1, 2020. Effective July 1, 2020, Chapter 61, Article 13 NMSA 1978 is repealed.

History: 1953 Comp., § 67-37-16, enacted by Laws 1978, ch. 206, § 1; 1981, ch. 241, § 26; 1985, ch. 87, § 11; 1991, ch. 189, § 20; 1997, ch. 46, § 15; 2005, ch. 208, § 9; 2013, ch. 166, § 2.