

New Mexico Physical Therapy Board



RULES AND REGULATIONS TABLE OF CONTENTS

CHAPTER 20 PHYSICAL THERAPISTS

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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 1 GENERAL PROVISIONS

16.20.1.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[12-15-97; 16.20.1.1 NMAC - Rn & A, 16 NMAC 20.1.1, 08-31-00]

16.20.1.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[12-15-97; 16.20.1.2 NMAC - Rn & A, 16 NMAC 20.1.2, 08-31-00]

16.20.1.3 STATUTORY AUTHORITY: Sections 61-12-4, 61-12-9, 61-12-14 NMSA 1978.
[03-29-83 . . . 12-15-97; 16.20.1.3 NMAC - Rn, 16 NMAC 20.1.3, 08-31-00]

16.20.1.4 DURATION: Permanent.
[12-15-97; 16.20.1.4 NMAC - Rn, 16 NMAC 20.1.4, 08-31-00]

16.20.1.5 EFFECTIVE DATE: December 15, 1997, unless a later date is cited at the end of a section.
[12-15-97; 16.20.1.5 NMAC - Rn & A, 16 NMAC 20.1.5, 08-31-00]

16.20.1.6 OBJECTIVE: The objective of Part 1 of Chapter 20 is to set forth the provisions which apply to all of Chapter 20, and to all persons and entities affected or regulated by Chapter 20 of Title 16.
[12-15-97; 16.20.1.6 NMAC - Rn, 16 NMAC 20.1.6, 08-31-00]

16.20.1.7 DEFINITIONS: [RESERVED]
[12-15-97; 16.20.1.7 NMAC - Rn, 16 NMAC 20.1.7, 08-31-00]

16.20.1.8 TELEPHONE CONFERENCES: Telephone conferences shall be held in accordance with the Open Meetings Act (Section 10-15-1 NMSA 1978). In accordance with the Open Meetings Act, Section 10-15-1C, board members may participate in a meeting of the board by means of a conference telephone or similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person. Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.
[12-15-97; 16.20.1.8 NMAC - Rn, 16 NMAC 20.1.8, 08-31-00]

16.20.1.9 DISPLAY OF LICENSE:

A. License and renewal certificate - displayed reproduction of the original license and/or the annual renewal certificate is unauthorized. The original license and renewal certificate must be displayed in the principal place of practice. The wallet-size certificate of license renewal may be presented for identification. Reproduction of the original license or renewal certificate is authorized for institutional file purpose only. At secondary places of employment, documentation of license must be verified by photocopy with a note attached indicating where original license is posted.

B. Consumer information sign - a consumer information sign must be displayed in the principal place of practice. The consumer information sign shall read: Complaints regarding non-compliance with the New Mexico Physical Therapy Practice Act can be directed to: New Mexico Physical Therapy Board, P.O. Box 25101 Santa Fe, NM 87504.

[12-15-97; 16.20.1.9 NMAC - Rn, 16 NMAC 20.1.9, 08-31-00; A, 9-30-14]

16.20.1.10 USE OF TITLES:

A. Only a person holding a license as a physical therapist may use the title "physical therapist," "licensed physical therapist", or the letters "P.T."

B. Only a person holding a license as a physical therapist assistant may use the title "physical therapist assistant", "licensed physical therapist assistant", or the letters "P.T.A."

C. Only a student in a college program accredited or actively pursuing accreditation by the American physical therapy association may use the title "student physical therapist", or the letters "S.P.T."

D. Only a student in a college program accredited or actively pursuing accreditation by the American

physical therapy association may use the title "student physical therapist assistant", or the letters "S.P.T.A."
[12-15-97; 16.20.1.10 NMAC - Rn, 16 NMAC 20.1.10, 08-31-00]

16.20.1.11 BOARD MEMBER REQUIREMENTS:

A. Board members are required to attend board meetings as scheduled by the board. Any board member failing to attend three (3) consecutive board meetings shall automatically be recommended for removal from the board.

B. Board members may be excused from attending board meetings for any of the reasons set forth below:

- (1) illness;
- (2) death in the immediate family;
- (3) military service;
- (4) inclement weather;
- (5) any other reason deemed appropriate by the president of the board.

[12-15-97; 16.20.1.11 NMAC - Rn, 16 NMAC 20.1.11, 08-31-00]

16.20.1.12 CONFIDENTIAL INFORMATION:

A. Confidential information and requests for inspection of public records pertaining to any proceeding before the New Mexico physical therapy board shall be governed by the Inspection of Public Records Act (Section 14-2-1 NMSA 1978).

(1) Copies of public records may be made for any person at a cost to be approved by the board. Under no circumstances will any person be allowed to remove board records from the board premises, by any means, without permission. Permission to examine, inspect or obtain copies of public records must be obtained from the board administrator.

(2) Complaints against licensees may result in legal action by the board and may involve denial, suspension or revocation of a license and be subject to review and recommendations by legal counsel for the board. Such complaints shall be considered confidential, unless otherwise directed by the board, until final action or disposition is taken on the complaint. A separate legal file shall be maintained for complaints, investigative reports, legal opinions, briefs and other legal papers. The contents of the file shall be considered privileged as documents accumulated in anticipation of legal action except as otherwise provided by law. Provided, however, any proceeding before the board may be made public upon written request of the licensee or applicant involved.

B. Waiver of rules - upon its own motion or by motion of any party showing good cause and such notice as the board or hearing officer may deem proper, the board or any hearing officer may waive the application of any of these General Provisions, except where otherwise precluded by law.

C. Construction and amendment - these rules, and any policies incorporated herein by reference, shall be so constructed by the board or any hearing officer as to secure just and speedy determination of the issues. Amendments to these rules may be made periodically by the board under its general rule-making authority.

[12-15-97; 16.20.1.12 NMAC - Rn, 16 NMAC 20.1.12, 08-31-00; A, 9-30-14]

16.20.1.13 PARENTAL RESPONSIBILITY ACT (PRA): By the end of each month in which a certified list is received, the board shall report to the New Mexico human services department the names of board applicants and licensees who are on the certified list as being more than thirty days in arrears in payment of amounts required to be paid pursuant to an outstanding judgment and order for child support in New Mexico, and the action the board has taken in connection with such applicants and licensees.
[12-15-97; 16.20.1.13 NMAC - Rn, 16 NMAC 20.1.13, 08-31-00]

16.20.1.14 CODE OF ETHICS: The New Mexico physical therapy board adopts the current New Mexico physical therapy and physical therapist assistant code of ethics as per Section 61-12D-13L NMSA 1978.

A. Physical therapists and physical therapist assistants will honor the significance of patients and their families' needs, rights, and dignity. When addressing patients' needs, rights, and dignity, all will be adhered to with confidentiality and compassion.

B. Physical therapists and physical therapist assistants will make appropriate and well informed decisions, regarding patient care, that are within their scope of practice.

C. Physical therapists and physical therapist assistants should avoid conflicts of interest that would impact negatively on a patient's care.

D. Physical therapists and physical therapist assistants will have integrity in all dealings with patients

and others associated with their care.

E. Physical therapists and physical therapist assistants will fulfill all professional duties, as required.

F. Physical therapists and physical therapist assistants will seek new ways of improving patient care and encourage best practice skills through continuing education and interaction with other providers.

G. Physical therapists and physical therapist assistants will participate in sound and reasonable business practice.

H. Physical therapists and physical therapist assistants will use proper utilization practice patterns to meet the needs of those they serve.

[16.20.1.14 NMAC - N, 02-15-04; A, 1-12-08; A, 9-30-14]

16.20.1.15 PUBLIC RECORDS: Except as provided herein and except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record at the time of filing with the board. Upon notification of the defendant, the *notice of contemplated action* and information contained in the complaint file becomes public record and subject to disclosure.

[16.20.1.15 NMAC - N, 03-02-2006]

HISTORY of 16.20.1 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 89-8, Display of License, filed 8-1-89

Rule 91-8, Display of License, filed 5-8-91

Rule 89-9, Use of Titles, filed 8-1-89

Rule 91-9, Use of Titles, filed, 5-8-91

Rule 92-9, Use of Titles, filed 9-3-92

Rule 89-10, Definition of 61-12-13 Unprofessional Conduct, filed 9-11-89

Rule 91-10, Definition of 61-12-13 Unprofessional Conduct, filed 5-8-91

Rule 94-10, Definition of 61-12-13 Unprofessional Conduct, filed 6-3-94

Rule 91-12, Confidential Information, filed 5-8-91

Rule 94-14, Telephone Conferences, filed 6-3-94

History of the Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 2 EXAMINATIONS

16.20.2.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[05-15-96; 10-15-97; 16.20.2.1 NMAC - Rn & A, 16 NMAC 20.2.1, 08-31-00]

16.20.2.2 SCOPE: All individuals who wish to practice physical therapy in the State of New Mexico.
[05-15-96; 10-15-97; 16.20.2.2 NMAC - Rn & A, 16 NMAC 20.2.2, 08-31-00]

16.20.2.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[03-29-83 . . . 10-15-97; 16.20.2.3 NMAC - Rn, 16 NMAC 20.2.3, 08-31-00]

16.20.2.4 DURATION: Permanent.
[05-15-96; 10-15-97; 16.20.2.4 NMAC - Rn, 16 NMAC 20.2.4, 08-31-00]

16.20.2.5 EFFECTIVE DATE: October 15, 1997, unless a later date is cited at the end of a section
[03-29-83 . . . 10-15-97; 16.20.2.5 NMAC - Rn & A, 16 NMAC 20.2.5, 08-31-00]

16.20.2.6 OBJECTIVE: The objective of Part 2 of Chapter 20 is to establish examination requirements for applicants applying for a license to practice as a physical therapist or physical therapist assistant.
[05-15-96; 10-15-97; 16.20.2.6 NMAC - Rn, 16 NMAC 20.2.6, 08-31-00]

16.20.2.7 DEFINITIONS: [RESERVED]
[10-15-97; 16.20.2.7 NMAC - Rn, 16 NMAC 20.2.7, 08-31-00]

16.20.2.8 REQUIREMENTS FOR THE NATIONAL PHYSICAL THERAPY EXAMINATION:

A. All applicants for licensure must take the national physical therapy examination (NPTE), or show proof of having taken the NPTE in another state. The examination must be taken in English, without the use of an interpreter, and without the aid of an English/foreign language dictionary.

B. A complete licensure application, all required fees, and verification of successful completion of a physical therapy or physical therapist assistant program **MUST** be received by the board for verification of eligibility for licensure in New Mexico prior to registering to sit for the exam.

C. The federation of state boards of physical therapy (FSBPT) will notify applicants, in writing, of the procedure to follow in order to register for the exam with an approved computer based testing (CBT) company.

(1) Applicants **MUST** take the exam within 60 days from the date of notification to register by [FSBPT].

(2) Applicants will register in New Mexico, but may take the exam in any state.

(3) Applicants will be scheduled to sit for the exam within 30 days from the time they call the computer based testing (CBT) company.

(4) Applicants may change their appointment up to two days prior to the test date.

D. Effective August 28, 1995, an applicant for licensure as a physical therapist shall obtain a score on the NPTE for physical therapists that equals or exceeds the criterion-referenced passing point of 600, based on a scale ranging from 200 to 800. Per changes in the eligibility requirements through the FSBPT, effective January 2016, applicants scoring 400 or less on two exams will be unable to test again for licensure. In addition, applicants will be able to take the exam a maximum of six times (three attempts annually) with no additional attempts allowed.

(1) For applicants who took the NPTE during the period from June 10, 1971 to August 28, 1995, the passing score for the national examination shall be 1.5 standard deviation below the national mean on the date the exam was taken by the applicant.

(2) Exams taken prior to June 10, 1971 may be reviewed on a case-by-case basis or the applicant may qualify under 16.20.3.10 NMAC (Licensure by Endorsement).

E. Effective August 28, 1995, an applicant for licensure as a physical therapist assistant shall obtain a score on the NPTE for physical therapist assistants that equals or exceeds the criterion-referenced passing point of 600, based on a scale ranging from 200 to 800. Per changes in the eligibility requirements through the FSBPT, effective January 2016, applicants scoring 400 or less on two exams will be unable to test again for licensure. In addition, applicants will be able to take the exam a maximum of six times (three attempts annually) with no

additional attempts allowed.

(1) For applicants who took the NPTE during the period from June 10, 1971 to August 28, 1995, the passing score for the national examination shall be 1.5 standard deviation below the national mean on the date the exam was taken by the applicant.

(2) Exams taken prior to June 10, 1971 may be reviewed on a case-by-case basis or the applicant may qualify under 16.20.3.10 NMAC (Licensure by Endorsement).

F. Any applicant who fails the NPTE may retake the exam at the next available opportunity.

G. Any applicant who has failed the NPTE will not be issued a temporary license, or if a temporary license has been issued, it will automatically be revoked. The revocation is effective upon recording of the test results by the registrar. The registrar will promptly notify the applicant of results by certified mail.

H. An applicant who fails the NPTE two or more times must complete and submit proof of completion of remedial work as recommended by the board before being permitted to take subsequent NPTE's. Refer to the remedial criteria for specific requirements for each subsequent exam failed, up to six lifetime attempts.

CRITERIA FOR REMEDIAL WORK, DESCRIBED BY THE PHYSICAL THERAPY BOARD			
Number of failures	Number of points from passing	Mentorship and tutorial	Other
2	Score is within 6 points of passing	20 hours of mentorship or tutorial or any combination of both	Proof of a national licensing exam review course
2	Score is greater than 6 points of passing	40 hours of either mentorship or tutorial or any combination of both	Proof of a national licensing exam review course
3	Score is within 6 points of passing	20 hours of mentorship and 40 hours of tutorial	NONE
3	Score is greater than 6 points of passing	60 hours of mentorship and 60 hours of tutorial	NONE

After the fourth failure of the NPTE for PT/PTA applicant, the applicant must complete the following remedial work, to sit for the exam

(1) Letter confirming completion of remedial clinical mentorship with a licensed PT/PTA Supervisor for:

- (a) 160 hours in an outpatient clinic/facility
- (b) 160 hours in an inpatient/rehabilitation clinic/ facility
- (c) 160 hours in a clinic/ facility of their choice

(2) Letter confirming (with both scores listed) completion of a National License Review course and the FSBPT PEAT exam.

(a) Applicant must retake a national licensing review course (providing proof of completion)

(b) Applicant must retake the FSBPT PEAT exam (providing both scores). Per FSBPT guidelines, beginning January 2016, all applicants will be restricted to six lifetime attempts at passing the national licensing exam. In addition, two scores at 400/800 will preclude the applicant from any additional attempts at examination.

[03-29-83; 02-19-88; 08-01-89; 05-08-91; 06-03-94; 07-28-95; 05-15-96; 16.20.2.8 NMAC - Rn & A, 16 NMAC 20.2.8, 08-31-00; A, 7-28-01; A, 8-16-10; A, 09-30-14]

16.20.2.9 PHYSICAL THERAPIST ASSISTANT EXAM REQUIREMENTS: The minimum knowledge and skill required of applicants to take the physical therapist assistant examination requires graduation from a physical therapist assistant program accredited by the commission on accreditation in physical therapy education (CAPTE).

[10-15-97; 16.20.2.9 NMAC - Rn, 16 NMAC 20.2.9, 08-31-00; A, 7-28-01; A, 03-02-06]

16.20.2.10 REQUIREMENTS FOR THE JURISPRUDENCE EXAMINATION: All applicants for licensure must take the New Mexico jurisprudence exam and have a passing score of eighty percent, based on a total available score of one hundred percent. Any applicant who fails to pass the jurisprudence examination may retake the exam upon receipt of the required fees.

[06-03-94; 10-15-97; 16.20.2.10 NMAC - Rn, 16 NMAC 20.2.10, 08-31-00]

HISTORY of 16.20.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records and

Archives:

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

Rule 80-3, General Rules and Regulations, filed 4-14-80

Rule 83-2, Examinations, filed 3-29-83

Rule 88-2, Examinations, filed 2-19-88

Rule 89-2, Examinations, filed 8-1-89

Rule 91-2, Examinations, filed 5-8-91

Rule 94-2, Examinations, filed 6-3-94

Rule 95-2, Examinations, filed 7-28-95

Rule 95-2, Examinations, filed 9-18-95

Rule 92-11, P.T.A. Examination Requirements, filed 1-28-93

[Rp, 16 NMAC 20.2.3A, 8-31-00]

History of the Repealed Material: [Reserved]

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 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.
- 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 (1) 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;

(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) 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;
- (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 RECIPROACITY:

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);
(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 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.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 4 TEMPORARY LICENSES

16.20.4.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[11-30-95; Rn, 16 NMAC 20.5, 10-15-97; 16.20.4.1 NMAC - Rn & A, 16 NMAC 20.4.1, 08-31-00]

16.20.4.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[11-30-95; Rn, 16 NMAC 20.5, 10-15-97; 16.20.4.2 NMAC - Rn & A, 16 NMAC 20.4.2, 08-31-00]

16.20.4.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[03-29-83 . . . 11-30-95; Rn, 16 NMAC 20.5, 10-15-97; 16.20.4.3 NMAC - Rn, 16 NMAC 20.4.3, 08-31-00]

16.20.4.4 DURATION: Permanent.
[11-30-95; Rn, 16 NMAC 20.5, 10-15-97; 16.20.4.4 NMAC - Rn, 16 NMAC 20.4.4, 08-31-00]

16.20.4.5 EFFECTIVE DATE: November 30, 1995, unless a later date is cited at the end of a section.
[03-29-83 . . . 11-30-95; Rn, 16 NMAC 20.5, 10-15-97; A, 10-15-97; 16.20.4.5 NMAC - Rn & A, 16 NMAC 20.4.5, 08-31-00]

16.20.4.6 OBJECTIVE: The objective of Part 4 of Chapter 20 is to establish regulations for applicants applying for a temporary license to practice as a physical therapist or physical therapist assistant.
[11-30-95; Rn, 16 NMAC 20.5, 10-15-97; A, 10-15-97; 16.20.4.6 NMAC - Rn, 16 NMAC 20.4.6, 08-31-00]

16.20.4.7 DEFINITIONS:

A. "On-site" means a physical therapist shall be continuously present in the same building where the assistive personnel are performing services.

B. "NPTE" means the national physical therapy examination.
[Rn, 16 NMAC 20.5, 10-15-97; 16.20.4.7 NMAC - Rn & A, 16 NMAC 20.4.7, 08-31-00]

16.20.4.8 TEMPORARY LICENSES FOR U.S. TRAINED APPLICANTS:

A. Upon receipt of an application form which evidences satisfactory completion of all application requirements for licensure as provided in Section 61-12-10 NMSA 1978, of the Physical Therapy Act except passage of the NPTE, the registrar of the board may issue to the applicant a non-renewable temporary license to practice physical therapy in New Mexico.

B. Under no circumstance will the non-renewable temporary license be valid for a period longer than 180 days.

C. Issuance of a temporary license may be denied if:
(1) the applicant has worked as a physical therapist or physical therapist assistant without a license in New Mexico;
(2) the applicant has violated the New Mexico physical therapy and physical therapist assistant code of ethics.
(3) the applicant has failed the licensure examination in any state.

D. The holder of a temporary license **must** sit for the NPTE within 180 days after issuance of the temporary license. Failure to sit for the examination within 180 days automatically voids the temporary license. Where the holder of the temporary license is a foreign national, the 180 days begin to run once the foreign national has entered the United States.

E. The holder of a temporary license may work only under the direct supervision of a New Mexico unrestricted licensed physical therapist who is on-site. The supervising physical therapist may **not** hold a temporary license. The supervising physical therapist shall be licensed in New Mexico with a minimum of six months experience in a clinical setting. Prior to the issuance of an applicant's temporary license, the supervising physical therapist shall file with the board a written statement assuming full responsibility for the temporary licensee's professional activities. Filing is effective upon receipt by the board. This statement shall remain in effect until licensure of the temporary licensee, or until expiration of the temporary license.

F. The temporary licensee may not provide physical therapy services until the temporary license is received and is posted in a conspicuous place at the temporary licensee's principle place of practice.

G. No supervising physical therapist shall be responsible for the simultaneous supervision of more than two temporary licensees.

H. The supervising physical therapist shall co-sign all evaluations, progress notes, and discharge summaries written by the temporary licensee.

I. The temporary license shall state the name and address of the licensee's place of employment. Should the place of employment or the employer change during the period of temporary licensure, the temporary licensee **must** notify the board of any such change within five workdays of termination of employment. A new temporary supervisory form from the new employer will be required before a revised temporary license is issued. The board will issue a revised temporary license as per the fee schedule as set forth in 16.20.5 NMAC, for each issuance; however, the date of issue and expiration will remain the same as the first temporary license.

J. The temporary supervisory form may be obtained from the board office.
[03-29-83; 02-19-88; 08-01-89; 09-03-92; 02-01-95; Rn & A, 16 NMAC 20.4, 10-15-97; 16.20.4.8 NMAC - Rn & A, 16 NMAC 20.4.8, 08-31-00; A, 03-02-06; A, 01-12-08; A, 08-01-09; A, 08-16-10; A, 09-30-14]

16.20.4.9 TEMPORARY LICENSES FOR FOREIGN-TRAINED APPLICANTS: Foreign-trained applicants for temporary licenses must fulfill all application requirements provided in 16.20.3 NMAC, "Issuance of Licenses" and 16.20.9 NMAC, "Education Criteria for Foreign-Educated Applicants", and subject to the requirements of 16.20.4.8 NMAC, "Temporary Licenses for U.S. Trained Applicants".
[03-29-83; 02-19-88; 08-01-89; 09-03-92; 06-04-94; 09-30-95; 11-30-95; Rn, 16 NMAC 20.5, 10-15-97, 10-15-97; 16.20.4.9 NMAC - Rn, 16 NMAC 20.4.9, 08-31-00; A, 03-02-06; A, 8/1/09]

16.20.4.10 TEMPORARY LICENSES FOR PT'S OR PTA'S TEACHING AN EDUCATIONAL SEMINAR:

A. Completion of an instructor license application and pay the non-refundable application fee as provided in Part 5.

B. The instructing physical therapist must provide the board with proof of a valid current license to practice from the state in which they are currently practicing. This verification of licensure must be received by the New Mexico board directly from the state board where the instructing therapist is licensed.

C. A temporary license may not be used to practice physical therapy for any other purposes than for the continuing education program for which it was issued.

D. This section applies only to educational seminars which include hands-on demonstrations.

E. A temporary license for an instructor shall only be valid through the end of the calendar year in which the license is issued.

[10-15-97; 16.20.4.10 NMAC - Rn & A, 16 NMAC 20.4.10, 08-31-00; A, 03-02-06; A, 8/16/10]

HISTORY of 16.20.4 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 83-1, Temporary Licenses, filed 3-29-83;
Rule 88-1, Temporary (Interim) Licenses, filed 2-19-88;
Rule 89-1, Temporary (Interim) Licenses, filed 8-1-89;
Rule 91-1, Temporary (Interim) Licenses, filed 5-8-91;
Rule 92-1, Temporary (Interim) Licenses, filed 9-3-92;
Rule 94-1, Temporary (Interim) Licenses, filed 6-3-94;
Rule 95-1, Temporary (Interim) Licenses, filed 2-1-95;
Rule 95-1, Temporary (Interim) Licenses, filed 7-28-95;
Rule 95-1, Temporary (Interim) Licenses, filed 9-18-95.

History of the Repealed Material: [Reserved]

Other History:

Rule 95-1, Temporary (Interim) Licenses (filed 9-18-95) was renumbered, reformatted and amended to 16 NMAC 20.5, Temporary (Interim) Licenses, effective 11-30-95.
16 NMAC 20.5, Temporary (Interim) Licenses (filed 11/17/95) was renumbered and amended to 16 NMAC 20.4, Temporary (Interim) Licenses, effective 10-15-97. 16 NMAC 20.4, Temporary (Interim) Licenses (filed 9-30-97)

was renumbered, reformatted, and amended to 6.20.4 NMAC, Temporary Licenses, effective 8-31-00.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 5 SCHEDULE OF FEES

16.20.5.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[10-15-97; 16.20.5.1 NMAC - Rn & A, 16 NMAC 20.5.1, 08-31-00]

16.20.5.2 SCOPE: All individuals who wish to practice physical therapy in the State of New Mexico.
[10-15-97; 16.20.5.2 NMAC - Rn & A, 16 NMAC 20.5.2, 08-31-00]

16.20.5.3 STATUTORY AUTHORITY: Section 61-12-7 NMSA 1978.
[10-15-97; 16.20.5.3 NMAC - Rn, 16 NMAC 20.5.3, 08-31-00]

16.20.5.4 DURATION: Permanent.
[10-15-97; 16.20.5.4 NMAC - Rn, 16 NMAC 20.5.4, 08-31-00]

16.20.5.5 EFFECTIVE DATE: October 15, 1997, unless a later date is cited at the end of a section.
[10-15-97; 16.20.5.5 NMAC - Rn & A, 16 NMAC 20.5.5, 08-31-00]

16.20.5.6 OBJECTIVE: The objective of Part 5 of Chapter 20 is to outline fees for examinations, application, renewal, late penalty fee, duplicate license, and administrative fees.
[10-15-97; 16.20.5.6 NMAC - Rn, 16 NMAC 20.5.6, 08-31-00]

16.20.5.7 DEFINITIONS: [Reserved]
[10-15-97; 16.20.5.7 NMAC - Rn, 16 NMAC 20.5.7, 08-31-00]

16.20.5.8 SCHEDULE OF FEES: The following fees shall be nonrefundable.

- A. Application for full licensure:
 - (1) physical therapist: \$250.00;
 - (2) physical therapist assistant: \$200.00.
- B. Request for temporary license: \$35.00; revised temporary license: \$10.00.
- C. Jurisprudence exam: \$25.00; applicants who fail to pass this exam will need to pay the fee for each subsequent exam taken.
- D. National physical therapy examination: contact the board for the current fees set by the testing contractor for both physical therapists and physical therapist assistants.
- E. Biennial renewal:
 - (1) physical therapist: \$160.00;
 - (2) physical therapist assistant: \$120.00.
- F. Penalty for late renewal:
 - (1) physical therapist: \$250.00;
 - (2) physical therapist assistant: \$200.00.
- G. Replacement license: \$25.00; a replacement license may be provided subject to administrative review.
- H. Mailing list (paper copy): \$250.00.
- I. Electronic list: \$250.00.
- J. Verification of licensure by endorsement: \$30.00.
- K. Continuing education approval for course provider: to be determined by board designee.
- L. Copy charge for public records (per page): \$0.25.
- M. Returned check charge (per check): \$25.00.
- N. Other administrative fees, i.e., credit card transactions, bank fees.
- O. Inactive status fees:
 - (1) inactive status fee: \$20.00;
 - (2) reactivation fee for physical therapists: \$160.00;
 - (3) reactivation fee for physical therapist assistants: \$120.00;
- P. Instructor license fee: \$50.00

[10-15-97; 16.20.5.8 NMAC - Rn & A, 16 NMAC 20.5.8, 08-31-00; A, 11-01-04; A, 03-02-06; A, 1-12-08; A,

8/1/09; A, 8/16/10]

HISTORY of 16.20.5 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 81-1, Fees for Services, filed 12-3-81
- Rule 83-4, License Expiration and Renewal, filed 3-29-83
- Rule 88-4, Schedule of Fees, filed 2-19-88
- Rule 89-4, Schedule of Fees, filed 8-1-89
- Rule 91-4, Schedule of Fees, filed 5-8-91
- Rule 92-4, Schedule of Fees, filed 9-3-92
- Rule 94-4, Schedule of Fees, filed 6-3-94.

History of the Repealed Material: [Reserved]

Other History:

- Rule 94-4, Schedule of Fees (filed 06-03-94) was renumbered, reformatted, amended, and replaced by 16 NMAC 20.5, Schedule of Fees, effective 10-15-1997.
- 16 NMAC 20.5, Schedule of Fees (filed 9-30-1997) was renumbered, reformatted, amended, and replaced by 16.20.5 NMAC, Schedule of Fees, effective 8-31-2000.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 6 PHYSICAL THERAPIST ASSISTANTS

16.20.6.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[05-15-96; Rn, 16 NMAC 20.7, 10-15-97; 16.20.6.1 NMAC - Rn & A, 16 NMAC 20.6.1, 08-31-00]

16.20.6.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[05-15-96; Rn, 16 NMAC 20.7, 10-15-97; 16.20.6.2 NMAC - Rn & A, 16 NMAC 20.6.2, 08-31-00]

16.20.6.3 STATUTORY AUTHORITY: Section 61-12-12 NMSA 1978.
[03-29-83 . . . 05-15-96; Rn, 16 NMAC 20.7, 10-15-97; 16.20.6.3 NMAC - Rn, 16 NMAC 20.6.3, 08-31-00]

16.20.6.4 DURATION: Permanent.
[05-15-96; Rn, 16 NMAC 20.7, 10-15-97; 16.20.6.4 NMAC - Rn, 16 NMAC 20.6.4, 08-31-00]

16.20.6.5 EFFECTIVE DATE: May 1, 1996, unless a later date is cited at the end of a section.
[03-29-83 . . . 05-15-96; Rn, 16 NMAC 20.7, 10-15-97; A, 10-15-97; 16.20.6.5 NMAC - Rn & A, 16 NMAC 20.6.5, 08-31-00]

16.20.6.6 OBJECTIVE: The objective of Part 6 of Chapter 20 is to establish regulations for physical therapist assistants.
[05-15-96; Rn, 16 NMAC 20.7, 10-15-97; A, 10-15-97; 16.20.6.6 NMAC - Rn, 16 NMAC 20.6.6, 08-31-00]

16.20.6.7 DEFINITIONS: "Referring physical therapist" is the licensed therapist who sets the plan of care for the patient being treated by the physical therapist assistant.
[10-15-97; 16.20.6.7 NMAC - Rn, 16 NMAC 20.6.7, 08-31-00; A, 1-12-08]

16.20.6.8 PHYSICAL THERAPIST ASSISTANTS:

A. A physical therapist assistant may work only under the direction and supervision of a New Mexico physical therapist who is licensed pursuant to Section 61-12-10, (A) and (B) of the Physical Therapy Act. The referring physical therapist shall assume full responsibility for the professional activities of the assistant, which are undertaken pursuant to his/her direction or supervision.

B. A physical therapist may not be responsible for the direction and supervision of more than three full-time physical therapist assistants of three FTE's (full-time equivalency, totaling one 120 work hours per week) requiring supervision, including temporary physical therapists, temporary physical therapist assistants, or full-licensed physical therapist assistants.

C. A physical therapist may supervise more than three physical therapist assistants provided combined FTE's do not exceed 120 hours per week.

D. The direction and supervision of the physical therapist assistant shall require the following:

(1) the referring physical therapist is responsible for the patient's care;

(2) when physical therapy services are being provided, a licensed physical therapist must be on call and readily available for consultation by phone, electronic mail or cellular phone when the referring physical therapist leaves the area or facility, for any length of time, or the referring physical therapist must appoint a stand in physical therapist as a supervising therapist until such time the referring physical therapist returns to the facility;

(3) the referring physical therapist will formulate a current written plan of care for each patient; the referring physical therapist will review the plan of care at least every 30 days;

(4) the physical therapist should only delegate interventions to physical therapist assistant's that are competent and trained in these interventions; the physical therapist assistant shall not:

(a) interpret referrals;

(b) specify or perform definitive (initial, progress/re-evaluation, discharge) evaluative and assessment procedures;

(c) alter goals or a plan of care; or

(d) determine when to utilize the physical therapist assistant to perform selected interventions of physical therapy care.

(5) the physical therapist assistant may sign daily notes without the physical therapist's co-

signing; each daily treatment note in a patient's permanent record completed by a physical therapist assistant must include the name of the referring physical therapist; and

(6) the physical therapist assistant shall respond to acute changes in the patient's physiological state; the physical therapist assistant shall notify the referring physical therapist of those changes prior to the next treatment session.

[03-29-83; 02-19-88; 08-01-89; 05-08-91; 09-03-92; 05-01-96; 16 NMAC 20.6.8 - Rn & A, 16 NMAC 20.7, 10-15-97; 16.20.6.8 NMAC - Rn, 16 NMAC 20.6.8, 08-31-00; A, 03-02-06; A, 1-12-08; A, 4-15-10; A, 8/16/10; A, 09-30-14; A, 02-27-15]

HISTORY of 16.20.6 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 83-5, Physical Therapist Assistants, filed 3-29-83;

Rule 88-5, Physical Therapist Assistants, filed 2-19-88;

Rule 89-5, Physical Therapist assistants, filed 8-1-89;

Rule 91-5, Physical Therapist Assistants, filed 5-8-91;

Rule 92-5, Physical Therapist Assistants, filed 9-3-92.

History of the Repealed Material: [Reserved]

Other History:

Rule 92-5, Physical Therapist Assistants (filed 9-3-92) was renumbered and reformatted to 16 NMAC 20.7, effective 5-15-96.

16 NMAC 20.7, Physical Therapist Assistants (filed 5-1-96) was renumbered to 16 NMAC 20.6, effective 10-15-97.

16 NMAC 20.6, Physical Therapist Assistants (filed 09-30-97) was renumbered, reformatted, amended and replaced by 16.20.6 NMAC effective 8-31-00.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 7 SUPERVISION

16.20.7.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[10-15-97; 16.20.7.1 NMAC - Rn & A, 16 NMAC 20.7.1, 08-31-00]

16.20.7.2 SCOPE: All individuals who wish to practice physical therapy in the State of New Mexico.
[10-15-97; 16.20.7.2 NMAC - Rn & A, 16 NMAC 20.7.2, 08-31-00]

16.20.7.3 STATUTORY AUTHORITY: Section 61-12-12 NMSA 1978.
[10-15-97; 16.20.7.3 NMAC - Rn, 16 NMAC 20.7.3, 08-31-00]

16.20.7.4 DURATION: Permanent.
[10-15-97; 16.20.7.4 NMAC - Rn, 16 NMAC 20.7.4, 08-31-00]

16.20.7.5 EFFECTIVE DATE: October 15, 1997, unless a later date is cited at the end of a section.
[10-15-97; 16.20.7.5 NMAC - Rn & A, 16 NMAC 20.7.5, 08-31-00]

16.20.7.6 OBJECTIVE: The objective of Part 7 of Chapter 20 is to outline the definitions and requirements of supervision.
[10-15-97; 16.20.7.6 NMAC - Rn, 16 NMAC 20.7.6, 08-31-00; A, 1-12-08]

16.20.7.7 DEFINITIONS: "Unlicensed physical therapy assistive personnel (physical therapy aide or other assistive personnel)" means a person trained under the direction of a physical therapist that performs designated and supervised routine physical therapy tasks related to physical therapy services.
[10-15-97; 16.20.7.7 NMAC - Rn, 16 NMAC 20.7.7, 08-31-00; A, 1-12-08; A, 08-01-09; A, 08-16-10; A, 09-30-14]

16.20.7.8 SUPERVISION OF LICENSED PERSONNEL:

A. A physical therapist may not be responsible for the direction and supervision of more than three full-time physical therapist assistants, or three FTE's (full-time equivalency totaling 120 work hours per week) requiring supervision, including temporary physical therapists, temporary physical therapist assistants, and licensed physical therapist assistants.

B. A physical therapist may supervise three or more physical therapist assistants provided combined FTE's do not exceed more than 120 hours per week.

C. When physical therapy services are being provided, a licensed physical therapist must be on call and readily available for consultation by phone or electronic mail when the referring physical therapist leaves the area or facility, for any length of time or the referring physical therapist must appoint a stand in physical therapist as a supervising therapist until such time the referring physical therapist returns to the facility.

D. A physical therapist supervising a temporary licensee must notify the New Mexico physical therapy licensing board, in writing, when they are no longer responsible for supervision of a temporary licensee.

E. The referring physical therapist must hold documented conferences with the physical therapist assistant regarding the patient. The physical therapist is responsible for determining the frequency of the conferences consistent with accepted standards of practice.

[10-15-97; 16.20.7.8 NMAC - Rn, 16 NMAC 20.7.8, 08-31-00; A, 03-02-06; A, 1-12-08; A, 08-01-09; A, 09-30-14]

16.20.7.9 SUPERVISION OF UNLICENSED ASSISTIVE PERSONNEL (PHYSICAL THERAPY AIDE/TECHNICIAN/ATTENDANT): A licensed physical therapist may only supervise unlicensed aides working as care-giving assistive personnel, provided the assistive personnel's combined full time equivalency does not exceed 120 hours per week.
[10-15-97; 16.20.7.9 NMAC - Rn, 16 NMAC 20.7.9, 08-31-00; A, 1-12-08; A, 08-01-09; A, 08-16-10; A, 09-30-14]

HISTORY of 16.20.7 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 91-13, Supervision, filed 5-8-91,

Rule 92-13, Supervision, filed 9-3-92.

History of the Repealed Material: [Reserved]

Other History:

Rule 92-13, Supervision (filed 9-3-92) was renumbered and reformatted to 16 NMAC 20.7, Supervision, effective 10-15-97.

16 NMAC 20.7, Supervision (filed 9-30-97) was renumbered, reformatted and amended to 16.20.7 NMAC, Supervision, effective 8-31-00.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 8 RENEWAL REQUIREMENTS AND CONTINUING EDUCATION

16.20.8.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[10-15-97; 16.20.8.1 NMAC - Rn & A, 16 NMAC 20.8.1, 08-31-00]

16.20.8.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[10-15-97; 16.20.8.2 NMAC - Rn & A, 16 NMAC 20.8.2, 08-31-00]

16.20.8.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[10-15-97; 16.20.8.3 NMAC - Rn, 16 NMAC 20.8.3, 08-31-00]

16.20.8.4 DURATION: Permanent.
[10-15-97; 16.20.8.4 NMAC - Rn, 16 NMAC 20.8.4, 08-31-00]

16.20.8.5 EFFECTIVE DATE: October 15, 1997, unless a later date is cited at the end of a section.
[10-15-97; 16.20.8.5 NMAC - Rn & A, 16 NMAC 20.8.5, 08-31-00]

16.20.8.6 OBJECTIVE: The objective of Part 8 of Chapter 20 is to inform licensees of continuing education requirements for license renewal.
[10-15-97; 16.20.8.6 NMAC - Rn & A, 16 NMAC 20.8.6, 08-31-00]

16.20.8.7 DEFINITIONS:

- A. One "contact hour" requires 60 minutes.
 - B. "Lecture" means an educational talk given by a qualified individual.
 - C. "Continuing professional education" means learning experiences which enhance and expand the skills, knowledge, and abilities of physical therapists and physical therapist assistants to enable them to remain current and render competent professional service to clients, the profession, and the public.
 - D. "Fellowship" means a planned program designed to provide greater depth in a specialty or subspecialty area and requires a minimum of 1000 hours of instruction.
 - E. "Panel" means the presentation of a number of views by several qualified individuals on a given subject.
 - F. "Workshop" means a series of meetings designed for intensive study, skill development, or discussion in a specific field of interest.
 - G. "Seminar/In-service" means directed study for a group for advanced study, work or discussion in a specific field of interest.
 - H. "Symposium" means a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.
- [10-15-97; 16.20.8.7 NMAC - Rn & A, 16 NMAC 20.8.7, 08-31-00; A, 01-12-08; A, 09-30-14]

16.20.8.8 RENEWAL REQUIREMENT:

- A. Renewal of license.
 - (1) A licensed physical therapist and a physical therapist assistant shall apply for license renewal and pay the renewal fee as set forth in 16.20.5 NMAC, Schedule of Fees.
 - (2) Licenses that expire February 1, 2010 will be renewed according to the following schedule:
 - (a) if the last digit of the license number ends in an even number, the license will expire on February 1, 2012 and biennially thereafter;
 - (b) if the last digit of the license number ends in an odd number, the license will expire on February 1, 2011 and biennially thereafter; the renewal fee will be prorated.
- B. The board office will mail a renewal notice to each licensee no later than December 15 at the address on record. Timely renewal of license is the full and complete responsibility of the licensee. If the licensee does not receive the renewal notification within a reasonable time after December 15, it is the responsibility of the licensee to contact the board office. Non-receipt of the renewal form by the licensee will not exempt licensure expiration or late penalty fees.

C. Each licensee is responsible for submitting the required renewal fee by the expiration date whether or not a renewal notice is received by the licensee and licensee shall not practice if license is expired.

D. All license renewals postmarked after February 1 will be subject to a late fee of \$250.00 for a physical therapist and \$200.00 for a physical therapist assistant. (Refer to 16.20 5 NMAC, Schedule of Fees.) [10-15-97; 16.20.8.8 NMAC - Rn & A, 16 NMAC 20.8.8, 08-31-00; A, 02-15-04; A, 11-01-04; A, 03-02-06; A, 1-12-08; A, 08-01-09; A, 09-30-14]

16.20.8.9 CONTINUING EDUCATION REQUIREMENT: Continuing education is required for license renewal of physical therapists and physical therapist assistants in order to ensure that New Mexico licensees are providing the highest quality professional services.

A. Thirty hours of continuing education will be required biennially. All continuing education hours must be earned during the current two year renewal period of February 1 through January 31.

B. The board shall audit a percentage of renewal applications each year to verify the continuing education requirement. If the licensee is audited, proof of participation in or presentation of continuing education activity must be submitted along with a renewal form.

(1) If a **notice of audit** is received with the license renewal notice, the licensee must submit evidence of continuing education hours earned during the current biennial renewal cycle to the board as requested and as required in the Physical Therapy Act and by this rule.

(2) If the licensee is **not audited**, the licensee will have to sign an affidavit attesting to the completion of the required hours of continuing education and the licensee shall retain all documentation of attendance for the previous cycle immediately preceding the current renewal.

(3) The board reserves the right to audit continuing education attendance certificates whenever there is reasonable doubt the courses submitted, dates, or hours may be incorrect.

C. Licensees serving in the armed forces reserve or national guard.

(1) The license of a physical therapist or physical therapist assistant who does not earn the required continuing education contact hours as provided in this section due to his or her call to active duty in the armed forces reserves or the New Mexico national guard, will not lapse for failure to earn continuing education hours.

(2) A physical therapist or physical therapist assistant who was or is called to active duty in the armed forces reserves or New Mexico national guard is required to provide official documentation that the licensee is a member of the armed forces reserves or the national guard and was or is being called to active duty.

(3) Upon the physical therapist or physical therapist assistant's return to civilian status, the licensee shall pay the license renewal fee and resume earning continuing education contact hours prorated according to the licensee's months of service as required to maintain his or her licensure as a physical therapist or physical therapist assistant.

[10-15-97; 16.20.8.9 NMAC - Rn & A, 16 NMAC 20.8.9, 08-31-00; A, 02-15-04; A, 03-02-06; A, 1-12-08; 16.20.8.9 NMAC - Rn, 16.20.8.8 NMAC & A, 08-01-09; A, 08-16-10]

16.20.8.10 CONTINUING EDUCATION CREDIT CARRYOVER: No carryover hours will be permitted. Thirty continuing education hours must be earned during the current two year renewal period of February 1 thru January 31.

[10-15-97; 16.20.8.10 NMAC - Rn & A, 16 NMAC 20.8.10, 08-31-00; Repealed, 03-02-06; 16.20.8.10 NMAC - N, 08-01-09]

16.20.8.11 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS: Failure to meet continuing education requirements will cause the board to refuse to renew the physical therapist or physical therapist assistant license in accordance with the Uniform Licensing Act.

[16.20.8.11 NMAC - N, 08-01-09]

16.20.8.12 APPROVAL OF CONTINUING EDUCATION CONTACT HOURS:

A. The process for approval of continuing education is as follows:

(1) the board or its designee will approve each request for continuing education credit; course approval must be requested by the course sponsor prior to the course or retroactively; however, licensee's are not required to obtain approval but can request approval prior to a course or retroactively to ascertain that a course is acceptable as continuing education;

(2) the party requesting approval will be informed of the board's or designee's determination

within 30 calendar days of receipt of the request;

(3) the course sponsor or licensee whose request has been denied may appeal the denial at the next board meeting; and

(4) the same program may be provided more than one time and at different locations within the calendar year in which the fee was paid without the payment of additional fees.

B. Programs must follow the criteria and guidelines established by the board as follows to receive continuing education credit:

(1) each program or any course(s), with board approval that are sponsored by the APTA/NMAPTA will automatically be accepted for CEU approval without the need to apply for such approval;

(2) each program addresses needs (problems and issues) faced by physical therapists and physical therapist assistants;

(3) each program has specific written learning outcomes (objectives) based on identified needs;

(4) each program is planned and conducted by qualified individuals;

(5) program content and instructional methods for each program are based on learning objectives; and

(6) participants demonstrate their attainment of the learning outcomes, (i.e., various methods can be used such as: questions, discussions, written oral exercises, problems, case studies, etc.); and

(7) programs approved by the APTA will be automatically accepted by the board.

C. Final determination of values of continuing education will remain at the discretion of the board.

D. Programs considered appropriate for continuing education, include, but are not limited to those listed below.

(1) **Live programs**, (i.e., various programs such as workshops, in-service two-way video conferencing, etc.) awarded by providing the board with the following:

(a) certificate of completion;

(b) course schedule;

(c) learning outcomes (objectives); and

(d) name of instructor and credentials; (up to 30 contact hours will be accepted).

(2) In the case of **university or college courses** taken for credit, provide the board with:

(a) name of course;

(b) number of course credit hours;

(c) inclusive dates of attendance;

(d) name of instructor and instructor's credentials;

(e) published course description from college or university;

(f) completed transcript or grade report with a passing grade of "C" or better;

(g) name of institution; and

(h) brief course summary demonstrating the course's relationship to physical

therapy; (maximum 30 contact hours are awarded for each three credit course).

(3) **Physician in-service programs** or regular physical therapy staff in-service programs, provide the board with:

(a) name of program;

(b) number of hours spent in program;

(c) inclusive dates of attendance;

(d) name of instructor or supervisor of program; documentation of instructor

background and expertise;

(e) name of institution; and

(f) brief course summary demonstrating the course's relationship to physical

therapy; (maximum allowed biennially is 30 contact hours).

(4) **Management courses**: (maximum allowed biennially is 15 contact hours.)

(5) **Preparation or presentation of a workshop/in-service**, awarded on a case by case basis for any one given presentation, by providing the board the following:

(a) proof of preparation may be an outline, copy of handouts, copy of overheads or transparencies, and

(b) a copy of the agenda showing name of licensee as presenter; (maximum allowed biennially is 15 contact hours);

(c) contact hours for the presenter will be calculated at three times the number of

hours of audience participation (e.g., a two hour workshop equals six hours for the presenter).

(6) **Certificate courses for an advanced specialty**, provide the board a certificate of completion signed by the program sponsor. (Maximum allowed biennially is 30 contact hours.)

(7) **Reading journal articles**, provide the board the following:

- (a) title of article and journal;
- (b) author and author's credentials'; and
- (c) summary (subject of article, what was learned, and how it relates to the physical

therapy scope of practice or the licensee's position; (maximum allowed per article is one-half contact hour); (maximum allowed biennially is 15 contact hours).

(8) **Conducting physical therapy research**, provide the board the following:

- (a) title and description of research project, including brief timeline;
- (b) names of other persons involved in project (i.e., co-investigators or supervisors);
- (c) a brief statement indicating how participation in the project is related to the

licensee's present or future position in the field of physical therapy;

- (d) a brief statement indicating how participation in the project is benefiting the

applicant's therapy skills or research skills; and

- (e) provide a copy of the research report (if project has been completed); (if report

is incomplete), credit will be allowed by providing the listed information or by receipt of the college transcript; (the board will determine the number of contact hours allowed); (maximum allowed biennially is 30 contact hours).

(9) **Home study courses**, awarded by providing the board with the following:

- (a) certificate of completion;
- (b) course schedule;
- (c) learning outcomes (objectives); and
- (d) name of instructor and credentials; (maximum allowed biennially is 30 contact

hours).

(10) **Internet courses**, awarded by providing the board with the following:

- (a) certificate of completion;
- (b) course schedule;
- (c) learning outcomes (objectives); and
- (d) name of instructor and credentials; (maximum allowed biennially is 30 contact

hours).

(11) **Alternative medicine seminars**, provide the board a letter from the licensee explaining how the course relates to the physical therapy scope of practice. The board will approve these courses on a case by case basis.

(12) **Courses where certificates of attendance are not issued**, provide the board the

following:

- (a) a canceled check for the course registration fee (submit copy of front and back of check);
- (b) proof of transportation (i.e., copy of plane ticket and hotel receipt); and
- (c) list of courses attended and hours attended (i.e., copy descriptions of courses and

hours from program agenda).

(13) **Credit for supervising a student in clinical education**, provide the board with a copy of the cover and signature page (with student's name blacked out to maintain confidentiality) of the student evaluation completed by the licensee-supervisor. One continuing education contact hour may be approved for each 40 contact hours of supervision in clinical education. The maximum number of continuing education contact hours approved for supervision in clinical education is 15 contact hours biennially.

(14) **Residencies, fellowships, and examinations.**

(a) Successful completion of a specialty examination may be submitted for continuing education consideration. A list of the specialty examinations that qualify for continuing education will be maintained by the board. The maximum number of continuing education contact hours is 30 biennially.

(b) Successful completion of an American physical therapy association (APTA) credentialed residency or fellowship program may be submitted for continuing education consideration. The maximum number of continuing education contact hours is 30 biennially.

(c) Successful completion of an examination of the federation of state boards of physical therapy pertaining to continued competence may be submitted for continuing education consideration. The maximum number of continuing education contact hours is 30 biennially.

(15) **The American physical therapy association code of ethics for physical therapists and standards of ethical conduct for physical therapist assistants**, online course or live program, awarded by providing the board with the following:

- (a) certificate of completion;
- (b) course schedule;
- (c) learning outcomes (objectives); and
- (d) name of instructor and credentials; (the maximum number of contact hours

awarded will be accepted).

(16) **Education presentations on state and federal legislative updates, and APTA house of delegates at NMAPTA business meetings**, awarded by providing the board with the following:

- (a) proof of attendance;
- (b) outline of agenda; and
- (c) name of instructor and instructor's credentials; (maximum allowed biennially is

eight contact hours or four contact hours annually).

E. Ineligible activities include, but are not limited to:

(1) orientation and in-service programs dealing with organizational structures, processes, or procedures;

- (2) meetings for purposes of policy making;
- (3) annual association, chapter, district, or organizational and non-educational meetings;
- (4) entertainment or recreational meetings or activities;
- (5) committee meetings, holding of offices, serving as an organizational delegate;
- (6) visiting exhibits; and
- (7) CPR education.

[16.20.8.12 NMAC - Rn , 16.20.8.9 NMAC, 08/01/09; A, 08-16-10; A, 09-30-14]

HISTORY of 16.20.8 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records and Archives:

- Rule 80-1, Continuing Education, filed 4-18-80
- Rule 80-2, New Rules and Regulations (Continuing Education), filed 4-18-80
- Rule 83-8, Continuing Education, filed 3-29-83
- Rule 88-7, Continuing Education, filed 2-19-88
- Rule 89-7, Continuing Education, filed 8-1-89
- Rule 91-7, Continuing Education, filed 5-8-91
- Rule 92-7, Continuing Education, filed 9-3-92
- Rule 92-7, Continuing Education, filed 1-28-93
- Rule 89-11, Preferred Provider of Continuing Education Units, filed 8-1-89
- Rule 91-11, Preferred Provider of Continuing Education Units, filed 5-8-91
- Rule 92-11, Preferred Provider of Continuing Education Units, filed 9-3-92.

History of the Repealed Material: [RESERVED]

Other History:

- Rule 92-7, Continuing Education (filed 1-28-93) renumbered, reformatted, amended and replaced by 16 NMAC 20.8, Continuing Education, effective 10-15-1997.
- 16 NMAC 20.8, Continuing Education (filed 9-30-97) renumbered, reformatted, amended and replaced by 16.20.8 NMAC, Continuing Education, effective 8-31-00.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 9 EDUCATION CRITERIA FOR FOREIGN-EDUCATED APPLICANTS

16.20.9.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[11-30-95; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.1 NMAC - Rn & A, 16 NMAC 20.9.1, 08-31-00]

16.20.9.2 SCOPE: All individuals who wish to practice physical therapy in the State of New Mexico.
[11-30-95; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.2 NMAC - Rn & A, 16 NMAC 20.9.2, 08-31-00]

16.20.9.3 STATUTORY AUTHORITY: Section 61-12-10 NMSA 1978.
[03-29-83 . . . 11-30-95; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.3 NMAC - Rn, 16 NMAC 20.9.3, 08-31-00]

16.20.9.4 DURATION: Permanent.
[11-30-95; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.4 NMAC - Rn, 16 NMAC 20.9.4, 08-31-00]

16.20.9.5 EFFECTIVE DATE: December 15, 1997, unless a later date is cited at the end of a section.
[03-29-83 . . . 11-30-95; Rn, 16 NMAC 20.10, 12-15-97, A, 12-15-97; 16.20.9.5 NMAC - Rn & A, 16 NMAC 20.9.5, 08-31-00]

16.20.9.6 OBJECTIVE: The objective of Part 9 of Chapter 20 is to establish regulations for foreign educated applicants applying for licensure and to establish educational criteria providing proof of competency to practice as a physical therapist in the state of New Mexico.
[11-30-95; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.6 NMAC - Rn, 16 NMAC 20.9.6, 08-31-00]

16.20.9.7 DEFINITIONS:

- A. "Foreign-educated applicant" means a physical therapist that graduated from any physical therapy educational program outside the fifty states, Puerto Rico, District of Columbia, or U.S. territories.
- B. "Substantially equivalent" means the applicant meets criteria as set forth in 16.20.9.8 NMAC.
[Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.7 NMAC - Rn, 16 NMAC 20.9.7, 08-31-00]

16.20.9.8 EQUIVALENT: The foreign-educated applicant must have graduated from a physical therapist educational program that prepares the applicant to practice without restriction in the United States. This includes coursework in those elements of practice that are necessary for autonomous practice such as determining a patient's diagnosis for physical therapy and managing a patient's care within healthcare systems found in the United States. The coursework content should be substantially equivalent to coursework completed by graduates of accredited programs in the United States. Substantially equivalent means the applicant has satisfied or exceeded the minimum number of credits required in general and professional education needed for a U.S. first professional degree in physical therapy. Substantial equivalency in coursework content, as well as, required semester credits is determined by a board-sanctioned credentials review using the appropriate coursework evaluation tool (CWT) adopted by the federation of state boards of physical therapy (FSBPT). The appropriate CWT means the latest edition CWT that applies to the time the foreign educated physical therapist graduated from his or her physical therapy program.
[03-29-83; 02-19-88; 01-28-93; 06-30-94; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.8 NMAC - Rn & A, 16 NMAC 20.9.8, 08-31-00; A, 02-15-04; A, 01-12-08; A, 09-30-14]

16.20.9.9 CREDENTIAL EVALUATION: Foreign-educated applicants must submit a credential evaluation from an educational credentialing evaluation service that uses a course work evaluation tool approved by the board.

- A. The minimum educational credentials of a foreign-educated physical therapist should be a degree in physical therapy with all credits being earned at an institution of higher learning.
- B. The board will accept final credential reports only from the credentialing service and only if the credential evaluation has been prepared within one year prior to the application date.
- C. The credentialing agency must identify and list those courses which would not transfer to the U.S. as a "C" or above or "pass" or "credit" in accordance with the most current version of the *national association for foreign student affairs handbook on the placement of foreign graduate students*. The agency must omit any of these courses that are required physical therapy courses when evaluating the equivalency of the credentials to a U.S.

degree in physical therapy.

D. Should the foreign-educated applicant's credential evaluation fail to demonstrate equivalency according to standards of accredited physical therapy programs in the United States, upon a request by the applicant for reconsideration, the board will reconsider whether the applicant has substantially met the requirements of 16.20.9.8 NMAC.

[03-29-83; 08-01-89; 05-08-91; 09-30-95; Rn & A, 16 NMAC 20.10.11, 12-15-97; 16.20.9.9 NMAC - Rn, 16 NMAC 20.9.9, 08-31-00; A, 02-15-04; A, 1-12-08]

16.20.9.10 CURRENT LICENSE:

A. Foreign-educated applicants must show evidence of an active, valid license in good standing, without limitation, or other current authorization to practice physical therapy from an appropriate authority in the country where the foreign-educated applicant was educated or eligible for licensure. Original documentation must be sent directly to the board by the licensure authority in the country of education (documents handled by a courier service or third party will not be accepted). All documentation must be in English or accompanied by a certified English translation.

B. Foreign-educated applicants who have been licensed and have practiced in good standing for a minimum of one year in another state, in the United States, will not be required to provide proof of a license from their country of education. Proof of licensure will be required from each state in which the applicant has been licensed. Such proof of licensure must be received by the New Mexico board directly from the state boards where currently and previously licensed.

[1-28-93; 06-03-94; 09-30-95; 11-30-95; Rn & A, 16 NMAC 20.10, 12-15-97; 16.20.9.10 NMAC - Rn, 16 NMAC 20.9.10, 08-31-00; A, 03-02-06; A, 09-30-14]

16.20.9.11 VERIFICATION OF EDUCATION: Foreign-educated applicants must provide the board with original transcripts submitted directly from the educational institution in the country of origin; (documents handled by courier service or third party will not be accepted), signed only by the university registrar, physiotherapy school director or dean of the college. All documentation must be in English or accompanied by a certified English translation.

[Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.11 NMAC - Rn, 16 NMAC 20.9.11, 08-31-00]

16.20.9.12 VERIFICATION OF EMPLOYMENT: Foreign-educated applicants must provide the board with a letter from the applicant's most recent employer verifying the applicant's position and dates of employment in the field of physical therapy. This letter must be received by the board directly from the employer. (Documents handled by courier service or third party will not be accepted).

[09-30-95; Rn & A, 16 NMAC 20.10, 12-15-97; 16.20.9.12 NMAC - Rn, 16 NMAC 20.9.12, 08-31-00]

16.20.9.13 CORRECTION OF EDUCATIONAL DEFICIENCIES: Applicants may correct educational deficiencies by completing any of the following requirements.

A. College level examination program (CLEP) scores may be applied towards college credit. The conversion of CLEP scores to college credits must be provided by a board approved credentialing agency.

B. An applicant may obtain college-level credits in the deficient areas.

C. Complete other course work as approved by the board.

[03-29-83; 09-30-95; Rn, 16 NMAC 20.10, 12-15-97; 16.20.9.13 NMAC - Rn, 16 NMAC 20.9.13, 08-31-00]

16.20.9.14 CERTIFICATION: The documentation required in 16.20.9.8 NMAC through 16.20.9.12 NMAC does not have to be submitted if the applicant provides a notarized copy of a type I comprehensive credential evaluation certificate for the physical therapist from the foreign credentialing commission of physical therapy (FCCPT) that is required for all applicants who received their education outside the United States to verify that the applicant's education is substantially equivalent to a US degree in physical therapy, that the applicant satisfies the FCCPT's English proficiency requirements, and that the license or authority to practice obtained in the applicant's country of education is unencumbered.

[03-29-83; R, 12-15-97; 16.20.9.14 NMAC - Rn & N, 16 NMAC 20.9.14, 08-31-00]

HISTORY of 16.20.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records and Archives:

Rule 83-7, Education Criteria for Foreign-Trained Applicants, filed 3-29-83
Rule 88-6, Education Criteria for Foreign-Trained Applicants, filed 2-19-88
Rule 89-6, Education Criteria for Foreign-Trained Applicants, filed 8-1-89
Rule 91-6, Education Criteria for Foreign-Trained Applicants, filed 5-8-91
Rule 92-6, Education Criteria for Foreign-Trained Applicants, filed 9-3-92
Rule 92-6, Education Criteria for Foreign-Trained Applicants, filed 1-28-93
Rule 94-6, Education Criteria for Foreign-Trained Applicants, filed 6-3-94
Rule 95-6, Education Criteria for Foreign-Trained Applicants, filed 7-28-95
Rule 95-6, Education Criteria for Foreign Trained Applicants, filed 9-18-95, 11-17-95

History of the Repealed Material: [Reserved]

Other History:

16 NMAC 20.10, Education Criteria for Foreign-Trained Applicants, filed 11-17-95 renumbered and amended to 16 NMAC 20.9, Education Criteria for Foreign Educated Applicants, filed 12-1-97.
16 NMAC 20.9, Education Criteria for Foreign Educated Applicants, filed 12-1-97 renumbered, reformatted, and amended to 16.20.9 NMAC, effective 8-31-00.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 10 DIRECT CARE REQUIREMENTS

16.20.10.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[12-15-97; 16.20.10.1 NMAC - Rn & A, 16 NMAC 20.10.1, 08-31-00]

16.20.10.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[12-15-97; 16.20.10.2 NMAC - Rn & A, 16 NMAC 20.10.2, 08-31-00]

16.20.10.3 STATUTORY AUTHORITY: Section 61-12D-10 NMSA 1978.
[12-15-97; 16.20.10.3 NMAC - Rn, 16 NMAC 20.10.3, 08-31-00; A, 10-10-15]

16.20.10.4 DURATION: Permanent.
[12-15-97; 16.20.10.4 NMAC - Rn, 16 NMAC 20.10.4, 08-31-00]

16.20.10.5 EFFECTIVE DATE: December 15, 1997, unless a later date is cited at the end of a section.
[03-29-83 . . . 12-15-97; 16.20.10.5 NMAC - Rn & A, 16 NMAC 20.10.5, 08-31-00]

16.20.10.6 OBJECTIVE: The objective of Part 10 of Chapter 20 is to define direct care requirements.
[12-15-97; 16.20.10.6 NMAC - Rn, 16 NMAC 20.10.6, 08-31-00]

16.20.10.7 DEFINITIONS: As used in this section, "licensed health care provider" means: a physician licensed pursuant to the Medical Practice Act; an osteopathic physician licensed pursuant to Chapter 61, Article 10 NMSA 1978; a chiropractic physician licensed pursuant to the Chiropractic Physician Practice Act; a podiatrist licensed pursuant to the Podiatry Act; a dentist licensed pursuant to the Dental Health Care Act; a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act; a certified nurse practitioner licensed pursuant to the Nursing Practice Act; a certified nurse-midwife licensed pursuant to the Nursing Practice Act and registered with the public health division of the department of health as a certified nurse-midwife; a certified nurse specialist licensed pursuant to the Nursing Practice Act; or a physician assistant licensed pursuant to the Medical Practice Act.
[12-15-97; 16.20.10.7 NMAC - Rn, 16 NMAC 20.10.7, 08-31-00; A, 02-15-04; A, 8-16-10; A, 10-10-15]

16.20.10.8 DIRECT CARE REQUIREMENTS: A physical therapist shall refer a patient to the patient's licensed health care provider if:

A. After 30 days of initiating physical therapy intervention, the patient has not made measurable or functional improvement with respect to the primary complaints of the patient; provided that the 30-day limit shall not apply to:

- (1) treatment provided for a condition related to a chronic, neuromuscular or developmental condition for a patient previously diagnosed by a licensed health care provider as having a chronic, neuromuscular or developmental condition;
- (2) services provided for health promotion, wellness, fitness or maintenance purposes; or
- (3) services provided to a patient who is participating in a program pursuant to an individual education plan or individual family service plan under federal law; or

B. At any time, the physical therapist has reason to believe the patient has symptoms or conditions requiring treatment that is beyond the scope of practice of the physical therapist.
[12-15-97; 16.20.10.8 NMAC - Rn, 16 NMAC 20.10.8, 08-31-00; A, 10-10-15]

HISTORY of 16.20.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records and Archives:

- Rule 89-10, Definition of 61-12-13 Unprofessional Conduct, filed 9-11-89
- Rule 91-10, Definition of 61-12-13 Unprofessional Conduct, filed 5-8-91
- Rule 94-10, Definition of 61-12-13 Unprofessional Conduct, filed 6-3-94.

History of the Repealed Material: [Reserved]

Other History:

16 NMAC 20.10, Direct Care Requirements, filed 12-1-97 renumbered, reformatted, and amended to 16.20.10 NMAC, Direct Care Requirements, effective 8-31-00.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 11 DISCIPLINARY PROCEEDINGS

16.20.11.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[16.20.11.1 NMAC - N, 1-12-08]

16.20.11.2 SCOPE: All individuals who wish to practice physical therapy in the state of New Mexico.
[16.20.11.2 NMAC - N, 1-12-08]

16.20.11.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Physical Therapy Act, Sections 61-12D-5C, 61-12D-13, 61-12D-14 and 61-12D-15 NMSA 1978.
[16.20.11.3 NMAC - N, 1-12-08]

16.20.11.4 DURATION: Permanent.
[16.20.11.4 NMAC - N, 1-12-08]

16.20.11.5 EFFECTIVE DATE: January 12, 2008, unless a later date is cited at the end of a section.
[16.20.11.5 NMAC - N, 1-12-08]

16.20.11.6 OBJECTIVE: The objective of Part 11 of Chapter 20 is to establish the procedures for filing complaints and taking disciplinary actions against licensed physical therapists and physical therapist assistants, applicants for such licensure and unlicensed persons engaging in the practice of physical therapy.
[16.20.11.6 NMAC - N, 1-12-08; A, 9-30-14]

16.20.11.7 DEFINITIONS:

- A. "Complaint" means a sworn written complaint, filed with the board.
 - B. "Complaint committee" means the committee consisting of a member of the board appointed by the chairperson and the board administrator.
 - C. "Complainant" means the complaining party who has filed a complaint with the board.
 - D. "Notice of contemplated action" means the administrative process used by the board for a licensee, registrant or applicant for licensure or registration to be afforded notice and an opportunity to be heard in a formal hearing before the board, before the board has authority to take any action which would result in denial, suspension, revocation, restriction, probation, monitoring, censuring, etc., of a license, registration, application or licensure or registration.
 - E. "Respondent" is the party against whom a complaint is filed.
- [16.20.11.7 NMAC - N, 1-12-08]

16.20.11.8 COMPLAINT PROCEDURES: A complaint may be initiated by any person through a telephone call, in writing or by visiting the board office. Only complaints written on the official physical therapy complaint form will be formally addressed by the board. The forms required for an official complaint can be obtained from the board office, board of examiners for physical therapy, P.O. Box 25101, Santa Fe, NM, 87504. Complaints must contain factual allegations, constituting the alleged violations of any provisions of the Physical Therapy Act.
[16.20.11.8 NMAC - N, 1-12-08]

16.20.11.9 GENERAL PROVISIONS:

- A. A complaint may be initiated in writing by any person.
 - B. Complaints must be legible, either printed in black ink or typed.
 - C. Complaints must contain factual allegations, constituting the alleged violations of any provisions of the Physical Therapy Practice Act and 16.20 NMAC.
- [16.20.11.9 NMAC - N, 1-12-08]

16.20.11.10 PROCEDURES FOR RECEIPT OF A COMPLAINT:

- A. The board's designee will maintain a written log of all complaints received which records at a minimum, the date the complaint was received, and name, addresses of the complainant(s) and respondent(s).

- B.** Upon receipt of a complaint the board's designee will:
- (1) log in the date the complaint was received;
 - (2) determine whether the respondent is licensed, registered or an applicant for licensure or registration with the board;
 - (3) assign a complaint number and create an individual file. Complaint numbering shall begin in January of each year;
 - (4) send complainant written acknowledgment of receipt of the complaint;
 - (5) immediately forward the complaint to the complaint committee; the complaint committee chair will be responsible for convening the complaint committee to review the complaint(s).
- [16.20.11.10 NMAC - N, 1-12-08]

16.20.11.11 COMPLAINT COMMITTEE:

- A.** The board chair will appoint a complaint committee consisting of at least one member of the board, who will chair the committee. The board chair may also appoint to the complaint committee the board administrator and/or a complaint manager.
- B.** The complaint committee will handle complaints in a confidential manner as required by law.
- C.** The complaint committee will review all complaints received by the board and make recommendations for disposition of the complaint to the full board in executive session.
- D.** No complaint committee meeting will be held without the presence of the board member.
- E.** A complaint committee member who believes he or she is not capable of judging a particular complaint fairly on the basis of its own circumstances will not participate; another professional member will be appointed by the chair to serve as committee chair for the complaint being considered.
- F.** For any complaint which the complaint committee reasonably anticipates may be referred to the board for consideration of the issuance of a notice of contemplated action, the respondent will be provided a copy of the complaint and will be allowed a reasonable time in which to respond to the allegations in the complaint.
- G.** The foregoing notwithstanding, the complaint committee will not be required to provide the respondent with a copy of the complaint, or with notice of the filing of a complaint or any related investigation, prior to the issuance of a notice of contemplated action if the committee determines that disclosure may impair, impede or compromise the efficacy or integrity of the investigation.
- H.** If the complaint committee determines that further information is needed, it may issue investigative subpoenas pursuant to the Uniform Licensing Act; it may employ an investigator, experts, or other persons whose services are determined to be necessary to assist in the processing and investigation of the complaint. The complaint committee will have independent authority to employ such persons without prior approval of the board. The board administrator will determine budgetary availability and will contract for investigative services.
- I.** Upon completion of its review or investigation of a complaint, the complaint committee will present a summary of the case to the board for the purpose of enabling the board to decide whether to proceed with the case or to dismiss the case. A complaint number will identify the summary without identifying the complainant(s) or respondent(s) by name.
- [16.20.11.11 NMAC - N, 1-12-08; A, 9-30-14]

16.20.11.12 BOARD ACTION:

- A.** If the board determines that it lacks jurisdiction or that there is not sufficient evidence or cause to issue a notice of contemplated action, the case shall be closed.
- B.** The board's designee shall send a letter of the board's decision to both the complainant and respondent. The letter will state the board's actions and the reasons for its decision.
- C.** If the board determines that there is sufficient evidence or cause to issue a notice of contemplated action, the board may vote to issue a notice of contemplated action.
- D.** The board's designee shall forward a complete copy of the complaint committee's report, including exhibits to the attorney general's office for assignment of an administrative prosecutor.
- E.** The board may take any other action with regard to a complaint which is within its authority and which is within the law, including referring the complaint to the attorney general for injunctive proceedings, or referring the complaint to district attorneys for prosecution of persons alleged to be practicing physical therapy without a proper license or registration.
- F.** Any board member who believes that he/she is not capable of judging a particular complaint fairly on the basis of its own circumstances shall not participate in the decision to issue a notice of contemplated action and will not participate in the hearing, deliberation, or decision of the board.

G. Where the appearance of impropriety or any violation of the government conduct act may occur a board member shall recuse himself/herself from any hearing, deliberation or decision of the board.

H. A member of the complaint committee will not participate in the decision whether to issue a notice of contemplated action, other than by making a recommendation to the board whether to issue a notice of contemplated action, and shall not participate in the hearing, deliberation, or decision of the board.
[16.20.11.12 NMAC - N, 1-12-08]

16.20.11.13 SETTLEMENT AGREEMENT:

A. The board may enter into a settlement with the licensee or registrant as a means of resolving the complaint.

B. Any proposed settlement agreement must be approved by the board, and must also be approved by the respondent, upon a knowing and intentional waiver by the respondent of his/her right to a hearing as provided by the Uniform Licensing Act.

C. The licensee's attorney must sign the settlement agreement or the licensee must acknowledge that he or she has been advised to seek the advice of an attorney.
[16.20.11.13 NMAC - N, 1-12-08; A, 9-30-14]

16.20.11.14 NOTICE OF CONTEMPLATED ACTION:

A. All disciplinary proceedings will be conducted in accordance with the Uniform licensing Act.

B. The board chair, or his/her designee, will serve as hearing officer for disciplinary proceedings for the purpose of administering pre-hearing procedural matters. The hearing officer will be fully authorized to make all necessary procedural decisions on behalf of the board, including, but not limited to, matters related to discovery, continuances, time extensions, amendment, pre-hearing conferences, and proposed findings of fact and conclusions of law.

C. The hearing officer may make such orders as he or she determines may be necessary to implement the authority conferred by Subsection B of 16.20.11.14 NMAC above, including but not limited to discovery schedules, pleading schedules, and briefing schedules.

D. No party will engage in ex-parte communications with the hearing officer or any member of the board in any matter in which a notice of contemplated action has been issued.

E. Licensees and registrants who have been found culpable and sanctioned by the board will be responsible for the payments of all costs of the disciplinary proceedings.

F. Following the board's order for suspending or revoking the license, any license or registration, including a wall certificate, issued by the board and subsequently suspended or revoked will be promptly returned to the board office, but no later than 30 days of receipt of such order, by the licensee or registrant of the board's order suspending or revoking the license.

[16.20.11.14 NMAC - N, 1-12-08; A, 9-30-14]

HISTORY OF 16.20.11 NMAC: [Reserved]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 20 PHYSICAL THERAPISTS
PART 12 LICENSING OF MILITARY SERVICE MEMBERS, SPOUSES, AND VETERANS

16.20.12.1 ISSUING AGENCY: New Mexico Physical Therapy Board.
[16.20.12.1 NMAC - N, 09-30-14]

16.20.12.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.
[16.20.12.2 NMAC - N, 09-30-14]

16.20.12.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Subsection C of Section 62-23D-5 and Section 61-1-1 to -34 (ULA) (HB 180) NMSA 1978.
[16.20.12.3 NMAC - N, 09-30-14]

16.20.12.4 DURATION: Permanent.
[16.20.12.4 NMAC - N, 09-30-14]

16.20.12.5 EFFECTIVE DATE: September 30, 2014, unless a later date is cited at the end of a section.
[16.20.12.5 NMAC - N, 09-30-14]

16.20.12.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses, and veterans.
[16.20.12.6 NMAC - N, 09-30-14]

16.20.12.7 DEFINITIONS:

- A.** "Military service member": means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.
- B.** "Recent Veteran": means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.
[16.20.12.7 NMAC - N, 09-30-14]

16.20.12.8 APPLICATION REQUIREMENTS:

- A.** Applications for registration shall be completed on a form provided by the board.
- B.** The information shall include:
- (1) Completed application and fee pursuant to 16.20.3.11 and 16.20.3.8 and 16.20.5.8 NMAC.
- (2) Satisfactory evidence that the applicant holds a license, issued by another jurisdiction, including a branch of armed forces of the United States, that is current and in good standing and that the applicant has met the minimal licensing requirements that are substantially equivalent to the New Mexico physical therapy or physical therapist assistant licensing requirements.
- (3) Proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status.
[16.20.12.8 NMAC - N, 09-30-14]

16.20.12.9 RENEWAL REQUIREMENTS: A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance set forth in 16.20.3 NMAC and for the renewal of a license set forth in 16.20.8 NMAC.
[16.20.12.9 NMAC - N, 09-30-14]

HISTORY OF 16.20.12 NMAC: [Reserved]