

NEW MEXICO BOARD OF SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD



RULES AND STATUTES

**PO Box 25101
Santa Fe, NM 87504
(505) 476-4622**

Effective January 4, 2020

NEW MEXICO SPEECH LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD

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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 1 GENERAL PROVISIONS

16.26.1.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/96; 16.26.1.1 NMAC - Rn, 16 NMAC 26.1.1, 2/3/06]

16.26.1.2 SCOPE: All individuals wishing to practice as a speech-language pathologist, audiologist, hearing aid dispenser, paraprofessional apprentice, individuals working towards their clinical fellowship or university students who will be offering services in the speech-language pathology and/or audiology field and individuals under a training permit as hearing aid dispenser trainees.
[11/9/96; 16.26.1.2 NMAC - Rn, 16 NMAC 26.1.2, 2/3/06]

16.26.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology and Audiology and Hearing Aid Dispensing Practices Act, (Sections 61-14B-1 to 61-14B-25 NMSA 1978) and the Uniform Licensing Act NMSA 1978 (Sections 61-1-1 to 61-1-33).
[12/21/71; 11/9/96; 16.26.1.3 NMAC - Rn, 16 NMAC 26.1.3, 2/3/06]

16.26.1.4 DURATION: Permanent.
[11/9/96; 16.26.1.4 NMAC - Rn, 16 NMAC 26.1.4, 2/3/06]

16.26.1.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/96; 11/7/98; 16.26.1.5 NMAC - Rn & A, 16 NMAC 26.1.5, 2/3/06]

16.26.1.6 OBJECTIVE: Pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Part 1 establishes definitions and defines the duties and makeup of the board.
[12/21/71; 11/9/96; 16.26.1.6 NMAC - Rn, 16 NMAC 26.1.6, 2/3/06]

16.26.1.7 DEFINITIONS:

A. AAA refers to the American academy of audiology, a national professional association of audiologists concerned with professional qualifications, standards of practice, ethics, scientific progress and continuing education.

B. ABA refers to the American board of audiology, which offers board certification in the discipline of audiology and is affiliated with the American academy of audiology.

C. Act means the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act (Sections 61-14B-1 to 61-14B-25 NMSA 1978) as it may be amended.

D. Apprentice means a person working towards full licensure in speech-language pathology and who meets the requirements for licensure as an apprentice in speech and language pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

E. ASHA refers to the American speech-language and hearing association, a national professional association of speech-language pathologists and audiologists recognized by the secretary of the United States (U.S.) department of education for the accrediting of university graduate degree programs in audiology and speech-language pathology. ASHA also maintains a professional membership of speech-language pathologists and audiologists concerned with professional qualifications, standards of practice, ethics, scientific progress and continuing education.

F. Audiologist means a person who engages in the practice of audiology, who may or may not dispense hearing aids, and who meets the qualifications set forth in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

G. Certified means a notarized statement of authenticity of a true copy.

H. Client/patient means an individual receiving services from an Audiologist, Speech Language Pathologist or Hearing Aid Dispenser

I. CFY plan (clinical fellowship year plan) means a written plan submitted to the board outlining the duration of the CFY (up to a maximum of three years), the CFY plan must designate a CFY supervisor and outline the amount and type of supervision.

J. “**Direct supervision**” means on-site, in-view observation and guidance while a clinical activity is performed by the supervisee. This can include viewing and communicating with the supervisee via telecommunication technology so long as the supervisor or qualified sponsor is able to provide ongoing immediate feedback. Direct supervision does not include reviewing a taped session at a later time.

K. “**Electronic signature**” means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

L. “**Facilitator**” means a person at the client site who facilitates telehealth service delivery at the direction of the Audiologist, Speech-Language Pathologist or Hearing Aid Dispenser. For purposes of fulfilling their role, as defined, an individual may serve as a facilitator, at the direction of the Audiologist or Speech Language Pathologist, without becoming licensed.

M. “**IHS**” refers to the *international hearing society*, an international membership association that represents hearing healthcare professionals engaged in the practice of testing human hearing and selecting, fitting and dispensing hearing instruments and counseling patients. IHS conducts programs in competency accreditation, education and training and encourages specialty-level certification for its members.

N. “**ILE**” refers to the *international licensing examination for hearing healthcare professionals* administered by IHS on behalf of the board for the purposes of licensing hearing aid dispensers.

O. “**Indirect supervision**” means supervision that does not require the SLP to be physically present or available via telecommunication in real time while the supervisee is providing services. Indirect supervisory activities may include demonstration tapes, record review, review and evaluation of audio or videotaped sessions, or supervisory conferences that may be conducted by telephone or live, secure webcam via the internet.

P. “**Jurisprudence examination**” means the evaluation of knowledge of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and these regulations, given as a requirement for licensure to all applicants.

Q. “**License**” means a document identifying a legal privilege and authorization to practice within one of the categories established by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act. A license under this act is not transferable.

R. “**Licensing year**” means the period from January 31, of any year through January 30 of the next year; initial, renewed and reinstated licenses may be issued at any time set herein but shall expire on January 30 of the following year except as otherwise provided in these rules.

S. “**NBC-HIS**” means national board for certification in hearing instruments sciences.

T. “**Qualified Sponsor**” means a person who currently holds an audiology or hearing aid dispenser license in good standing with the board and who voluntarily accepts the responsibility of supervising, training or overseeing an individual interested in obtaining an endorsement or license to fit and dispense hearing aids.

U. “**Reciprocity**” means the ability of a qualified applicant from another state to obtain a license in the state of New Mexico.

V. “**Referral**” means the process of directing or redirecting a customer or patient to a specialist, hearing aid dispenser, therapist or clinician for services or diagnosis.

W. “**Site**” means the client/patient location for receiving telehealth services.

X. “**Stored clinical data**” means video clips, sound/audio files, photo images, electronic records, and written records that may be available for transmission via telehealth communications.

Y. “**Student**” means any person who is a full or part time student enrolled in an accredited college or university program in speech-language pathology, audiology or communication disorders.

Z. “**Telecommunication technology**” includes but is not limited to a dedicated video system, computer or other similar device linked via hardwire or internet connection, equipment, connectivity, software, hardware and network-compatible devices.

AA. “**Telehealth**” means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of Audiology, Speech-Language Pathology or Hearing Aid Dispensing services to an individual from a provider through hardwire or internet connection.

BB. “**Telepractice**” means the practice of telehealth.

CC. “**Temporary paraprofessional license**” means a license issued to a person working towards full licensure as a speech-language pathologist and who provides adjunct speech-language pathology services under the supervision of a speech-language pathologist who is licensed under this act.

DD. “**Temporary trainee permit**” means a permit issued by the board to a person authorized to fit and dispense hearing aids only under the supervision of a qualified sponsor as defined by these regulations. Temporary trainee permits will be issued for a one-year period and are non-renewable.

[12/21/71; 2/5/80; 8/1/81; 8/4/81; 3/18/82; 10/21/91; 11/09/96; 11/7/98; 11/27/99; 16.26.1.7 NMAC - Rn & A, 16 NMAC 26.1.7, 2/3/06; A, 1/29/15; A, 4/6/16; A, 2/14/2017]

HISTORY OF 16.26.1 NMAC:

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

HADF 71-1, Rules and Regulations, filed 12/21/71.

HADF 77-1, Rules and Regulations, filed 5/23/77.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/80.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/82.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/83.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/87.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/88.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/81.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/82.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/83.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/87.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.

Rule 91-1, Definitions, filed 10/25/91.

History of Repealed Material: [RESERVED]

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

16.26.2.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[16.26.2.1 NMAC - Rp, 16 NMAC 26.2.1, 2/3/2006]

16.26.2.2 SCOPE: The provisions of Part 2 of Chapter 26 apply to all individuals seeking licensure under the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act.
[16.26.2.2 NMAC - Rp, 16 NMAC 26.2.2, 2/3/2006; A, 1/15/2015]

16.26.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978.
[16.26.2.3 NMAC - Rp, 16 NMAC 26.2.3, 2/3/2006]

16.26.2.4 DURATION: Permanent.
[16.26.2.4 NMAC - Rp, 16 NMAC 26.2.4, 2/3/2006]

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

16.26.2.6 OBJECTIVE: The objective of Part 2 is to state and establish that licensure is mandated by statute to practice as a speech-language pathologist, audiologist, clinical fellow and hearing aid dispenser and to outline requirements. Persons and practices not affected are defined.
[16.26.2.6 NMAC - Rp, 16 NMAC 26.2.6, 2/3/2006]

16.26.2.7 DEFINITIONS: [RESERVED]

16.26.2.8 LICENSING REQUIRED TO PRACTICE:

A. Section 61-14B-7 NMSA 1978 of the act provides that no person shall practice or hold him or herself out as being able to practice speech-language pathology, audiology, hearing aid dispensing in the state of New Mexico unless he or she is licensed in accordance with the provisions of this act.

B. All individuals licensed under this act must display their license in their primary location at their place of employment.

C. Separate licenses shall be granted in speech-language pathology, audiology, and hearing aid dispensing. An applicant may be granted a dual license for speech-language pathology and audiology upon successful completion of requirements for both of these licenses. A hearing aid dispensing license does not indicate that the person holding the license is an audiologist.

D. The board shall have 30 days from the receipt of a complete application to process and approve an application.

E. The board shall issue a license by reciprocity to an applicant from another state who holds a current license in good standing with no pending disciplinary action, provided the requirements for the current license held meet or exceed requirements for licensure for Speech Language Pathology, Audiology, or Hearing Aid Dispensing in the state of New Mexico.

[16.26.2.8 NMAC - Rp, 16 NMAC 26.2.8, 2/3/2006; A, 2/14/2017]

16.26.2.9 PERSONS AND PRACTICES NOT AFFECTED:

A. Recognized professional groups: The act does not prohibit members of recognized professional groups, other than speech-language pathologists, audiologists and hearing aid dispensers, from doing appropriate work in the area of communication disorders consistent with their professional qualifications and with the standards and ethics of their respective professions. Such professional groups include, but are not limited to the following:

- (1) physicians licensed to practice medicine in New Mexico;
- (2) orthodontists;
- (3) certified teachers of the deaf.

B. Students: The act does not restrict the supervised activities of a speech-language pathology or an audiology student which constitute a part of his or her supervised course of study wherein the student is designated as a speech-language pathology student, audiology student or other such title clearly indicating the training status appropriate to his or her level of training.
[16.26.2.9 NMAC - Rp, 16 NMAC 26.2.9, 2/3/2006]

16.26.2.10 REQUIREMENTS FOR ALL APPLICANTS: An applicant for a license to practice under the Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Act must submit the following:

- A.** a complete and signed application on a form prescribed by the board;
- B.** a check or money order payable to the board for the applicable fee(s) outlined in 16.26.6.8 NMAC;
- C.** documentation relevant to the license sought under 16.26.2 NMAC; and
- D.** certification that the applicant is not guilty of any activities listed in Section 61-14B-21 NMSA 1978.

[16.26.2.10 NMAC - Rp, 16 NMAC 26.3.8, 2/3/2006; A, 11/29/2008; A, 4/6/2016; A, 2/14/2017]

16.26.2.11 QUALIFICATIONS AND APPLICATION FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST: An application for licensure as a speech-language pathologist must be accompanied by the following documents:

- A.** official transcripts verifying at least a master's degree in speech-language pathology, speech-language and hearing science, communication disorders or equivalent degree regardless of degree name; or
- B.** a certification bearing an official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution; and
- C.** proof of having earned a certificate in speech-language pathology from a board recognized national speech-language association or proof of completion of the clinical fellowship year or equivalent; and
- D.** proof of having passed a nationally recognized standard examination in speech-language pathology;
- E.** proof of having passed the jurisprudence examination with a grade of no less than seventy percent; and
- F.** if currently or previously licensed in another state a verification of licensure must be sent directly to the board by the issuing jurisdiction.

[16.26.2.11 NMAC - Rp, 16 NMAC 26.2.11, 2/3/2006; A, 11/29/2008; A, 4/6/2016; A, 1/4/2020]

16.26.2.12 QUALIFICATIONS AND APPLICATION FOR LICENSURE AS AN AUDIOLOGIST: Application for licensure as an audiologist must be accompanied by the following documents:

- A.** official transcripts or certification from the registrar verifying the following:
 - (1) a master's degree in audiology, communication disorders or equivalent degree in audiology or communication disorders awarded prior to January 1, 2007; or
 - (2) a doctoral degree in audiology or equivalent degree regardless of degree name.
- B.** proof of having earned certification in audiology from the American speech-language and hearing association (ASHA) or the American board of audiology (ABA);
- C.** proof of having passed a nationally recognized standard examination in audiology;
- D.** proof of having passed the jurisprudence examination with a grade of no less than seventy percent;
- E.** if the applicant was awarded a master's degree in audiology or communication disorders or equivalent degree in audiology or communication disorders prior to January 1, 2007, the applicant must also provide proof of at least six months' experience in the dispensing of hearing aids or other evidence as determined by the board in either a graduate training program or in a work training experience;
- F.** if currently or previously licensed in another state, a verification of the applicant's licensure must be sent directly to the board by the issuing jurisdiction.

[16.26.2.12 NMAC - Rp, 16 NMAC 26.3.9, 2/3/2006; A, 11/29/2008; A, 6/7/2010; A, 1/15/2015; A, 4/6/2016]

16.26.2.13 QUALIFICATIONS AND APPLICATION FOR ENDORSEMENT TO DISPENSE HEARING AIDS AS AN OTOLARYNGOLOGIST: The board shall grant an endorsement to dispense hearing aids to a physician certified, or eligible for certification, by the American board of otolaryngology, upon submission of the following:

- A. verification that the applicant maintains or occupies a business location, hospital, clinical medical practice or other facility in New Mexico where hearing aids are regularly dispensed;
 - B. a license verification from the New Mexico medical board;
 - C. proof of six months' experience in the dispensing of hearing aids as evidenced by a notarized letter from an employer, a graduate training program supervisor or a clinical fellow supervisor, the 320 hours of which must be under the direct supervision of a person licensed to dispense hearing aids; and
 - D. proof of having passed the jurisprudence examination, with a grade of no less than seventy percent.
- [16.26.2.13 NMAC - Rp, 16 NMAC 26.3.10, 2/3/2006; A, 11/29/2008; A, 4/6/2016]

16.26.2.14 QUALIFICATIONS AND APPLICATION FOR LICENSURE FOR A HEARING AID DISPENSER:

- A. Application for licensure as a hearing aid dispenser must be accompanied by documentation of the following:
 - (1) proof that the applicant is 18 years of age or older;
 - (2) proof that the applicant has a high school education or the equivalent;
 - (3) proof that the applicant has a business location in New Mexico;
 - (4) a notarized letter from the qualified sponsor verifying completion of all training requirements as outlined for the temporary hearing aid dispensing trainee permit;
 - (5) proof of having passed the current IHS administered ILE within the previous 24 months;
 - (6) passing the board administered practical exam with a score of no less than seventy percent;
 - (7) proof of having passed the jurisprudence examination with an overall score of no less than seventy percent; and
 - (8) have no disciplinary actions taken against any professional license they hold in any state or jurisdiction.
 - B. An applicant who is licensed as a hearing aid dispenser or hearing aid specialist in another state or jurisdiction may be issued a license as a hearing aid dispenser in New Mexico upon the board's acceptance of the following:
 - (1) proof that the applicant is 18 years of age or older;
 - (2) proof that the applicant has a high school education or the equivalent;
 - (3) proof that the applicant has a business location in New Mexico;
 - (4) the requirements for licensure in the issuing state or jurisdiction meet or exceed the standards for New Mexico; and
 - (5) the applicant has no disciplinary actions taken or pending against any professional license they hold in any state or jurisdiction
- [16.26.2.14 NMAC - Rp, 16 NMAC 26.3.11, 2/3/2006; A, 6/7/2010; A, 1/15/2015; A, 4/6/2016; A, 2/14/2017]

16.26.2.15 APPLICATION AND REQUIREMENTS FOR TEMPORARY HEARING AID DISPENSING TRAINEE PERMIT :

- Individuals who meet all requirements for a hearing aid dispenser's license but do not have the required practical experience in dispensing of hearing aids shall apply for a temporary hearing aid dispensing permit.
- A. A trainee permit may be issued at any time and will be valid for one year.
 - B. The trainee must identify a qualified sponsor who has held a license under this act as an audiologist or hearing aid dispenser or a New Mexico licensed otolaryngologist for no fewer than three of the previous five calendar years.
 - (1) The qualified sponsor must have no disciplinary actions against them at the time of issuance of the training permit.
 - (2) The qualified sponsor must have no more than two temporary training permits as associated with them at any single time.
 - (3) Trainee must receive a minimum of 320 logged and certified hours of direct supervision in hearing science and hearing aid fitting within three consecutive months.
 - (4) Upon completion of the 320 hours of direct supervision, the log of training must be submitted to the board for review.
 - C. Following completion of 320 hours, an additional five continuous months of full time work is required. All activities of the trainee during this time must be reviewed and approved by a qualified sponsor and may

include dispensing hearing aids, making adjustments in fitting and modifying and repairing hearing aids and earmolds. All sales receipts must have some evidence of the sponsor's approval of the sale.

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

E. The applicant shall submit proof of having passed the jurisprudence examination with a grade of no less than seventy percent.

[16.26.2.15 NMAC- Rp, 16 NMAC 26.3.12, 2/3/2006; A, 6/7/2010; A, 4/6/2016; A, 2/14/2017]

16.26.2.16 HEARING AID DISPENSER TRAINEE EXAMINATION FOR COMPETENCE:

Following the board's acceptance of the 320 hours of certified direct supervision in three months, persons with a temporary training permit are eligible to:

A. Take the IHS administered ILE;

B. Take the board-administered practical exam which evaluates proficiency in the following areas:

(1) Puretone audiometry including air conduction and bone conduction;

(2) recorded voice speech audiometry;

(3) masking when indicated;

(4) recording and evaluation of audiograms and speech audiometry;

(5) determining proper selection and adjustment of hearing aids;

(6) verification of efficacy of hearing aids; and

(7) taking earmold impressions

C. The board office will schedule practical examinations once each quarter; the schedule will be posted on the board website, and applicants must register for the examination a minimum of 30 days prior to the scheduled exam;

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

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

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

[16.26.2.16 NMAC- Rp, 16 NMAC 26.3.13, 2/3/2006; A, 6/7/2010; A, 2/14/2017]

16.26.2.17 QUALIFICATION FOR LICENSURE FOR CLINICAL FELLOWS:

A. A clinical fellow (CF) must meet all academic course work and practicum requirements for a master's degree in speech-language pathology, speech pathology, communication disorders or audiology or both or equivalent degree(s) regardless of degree name that would enable the individual to successfully be granted certification from a nationally recognized speech-language and or hearing association after completion of the clinical fellowship if the individual chooses to apply national certification.

B. Procedure for applying for licensure as a clinical fellow.

(1) An individual will complete application including appropriate fee and clinical fellow plan and submit to the board office at the initiation of the clinical fellow period. The individual shall also submit:

(a) official transcripts verifying at least a master's degree in speech-language pathology, audiology, speech-language and hearing science, communication disorders or equivalent degree regardless of degree name; or

(b) a certification bearing an official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution; and

(c) certify that the individual has received no reprimands of unprofessional conduct or incompetency; and

(d) file a CFY plan that meets with board approval that designates a clinical fellow supervisor who is licensed in accordance of this act and is practicing in the same field as the clinical fellow.

(e) CFY means no less than nine months full time employment defined as a minimum of 32 clock hours of work per week. This requirement also may be fulfilled by part time employment as follows:

(i) work of 15 - 19 hours per week over 18 months;

(ii) work of 20 - 24 hours per week over 15 months; or

(iii) work of 25 - 31 hours per week over 12 months.
(iv) In the event that part time employment is used to fulfill a part of the CFY, one-hundred percent of the minimum hours of part time work per week requirements must be spent in direct professional experience as defined above. Professional employment of less than 15 hours per week will not fulfill any part of this requirement.

(f) a clinical fellow in audiology is not required to have a temporary hearing aid training permit.

(g) the clinical fellow must understand and abide by the code of ethics adopted by the board.

(2) Speech-language pathologist's supervision requirements for CFYs:

(a) Duties of clinical fellow supervisor: Clinical fellow supervision must be based on no less than 36 occasions of monitoring. These can include on site monitoring activities such as conferences with the clinical fellow, evaluation of written reports, evaluation by professional colleagues or may be executed by correspondence.

(b) Should the clinical fellow supervisor suspect at anytime during the clinical fellow plan that the clinical fellow under clinical fellow supervision will not meet regulations, the clinical fellow supervisor must counsel the clinical fellow both orally and in writing and maintain careful written records of all contacts, contracts and conferences in the ensuing months.

(c) It is the responsibility of the clinical fellow to request feedback from their supervisor when the clinical fellow requires such feedback.

C. Completion of clinical fellowship: Upon completion of CFY, the CF is required to submit application for licensure as a speech-language pathologist or audiologist or both.
[16.26.2.17 NMAC - Rp, 16 NMAC 26.3.14, 2/3/2006; A, 1/15/2015]

16.26.2.18 TEMPORARY PARAPROFESSIONAL LICENSURE AS AN APPRENTICE IN SPEECH-LANGUAGE (ASL):

A. Prerequisite requirements:

(1) Acceptance of a temporary paraprofessional licensee as an apprentice in speech-language is subject to board approval. Such licensees shall:

(a) be working towards a license pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(b) certify that he/she is not guilty of any activities listed in Section 61-14B-21 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; and

(c) provide proof of having met educational, supervision, and employment requirements.

(2) It is the responsibility of the apprentice in speech-language and the supervising speech-language pathologist to insure the distinction between the roles of the apprentice in speech-language and the graduate student.

B. Educational requirements:

(1) a baccalaureate degree in speech-language pathology or communication disorders or baccalaureate degree in another field with 30 semester hours of credit in speech-language pathology or communication disorders;

(2) enrolled in a master's degree program in speech-language pathology or communication disorders and completes a minimum rate of nine semester hours per year of graduate courses in communication disorders per year; or

(a) if not accepted into a master's degree program in speech-language pathology or communication disorders, the applicant must be currently enrolled in nine semester hours of graduate courses per year with at least three hours in communication disorders, six hours may be taken in a related field; and

(b) acceptance in a master's degree program must take place within two years of initial license; and

(3) maintains a minimum of a 3.0 GPA in communication disorders course work or master's degree program.

C. Supervision requirements:

(1) Work of the apprentice in speech-language must be supervised by a speech-language pathologist licensed by this act and who has a minimum of two years experience in the field.

(a) Minimum of 10 percent of contact time of the apprentice in speech-language must be direct supervision.

(b) Minimum of 10 percent of contact time of the apprentice in speech-language must be indirect supervision.

(2) It is recommended that the speech-language pathologist's and audiologist's direct caseload size be limited to no more than 40 clients.

(a) A speech-language pathologist may supervise a maximum of three apprentices at one time.

(b) The supervising speech-language pathologist is expected to appropriately reduce their direct caseload for each apprentice they supervise, ensuring the maintenance of high professional standards as stated in the code of ethics.

(c) It is the responsibility of the supervising speech-language pathologist and the apprentice in speech-language to ensure the distinction between the roles of the apprentice in speech-language and the graduate student.

D. Employment requirements:

(1) Terms of employment must require at least a temporary paraprofessional license as an apprentice in speech-language. The role of the apprentice in speech-language shall be determined in collaboration with the supervising speech-language pathologist (SLP) and the employer.

(2) Employment duties must be limited to the following:

- (a) conduct speech-language and hearing screenings;
- (b) conduct treatment programs and procedures that are planned, selected and designed by the supervising SLP;
- (c) prepare written daily plans based on the overall intervention plan designed by the supervising SLP;
- (d) record, chart, graph, or otherwise display data relative to the client performance and report performance changes to the supervising SLP;
- (e) maintain daily service/delivery treatment notes and complete daily charges as requested;
- (f) report but not interpret data relative to client performance to teachers, family, or other professionals;
- (g) assist the speech-language pathologists during assessment of clients, such as those who are difficult to test;
- (h) perform clerical duties, including maintenance or therapy/diagnostic material/equipment, client files, as directed by the SLP supervisor;
- (i) participate with the speech-language pathologist in research projects, in-service training, and public relations programs.

E. Employment duties must not include any of the following:

- (1) administer diagnostic tests;
- (2) interpret data into diagnostic statements or clinical management strategies or procedures;
- (3) select or discharge clients for services;
- (4) interpret clinical information including data or impressions relative to client performance;
- (5) treat clients without following the individualized treatment plan;
- (6) independently compose clinical reports except for progress notes to be held in the client's file;
- (7) refer a client to other professionals or agencies;
- (8) provide client or family counseling;
- (9) develop or modify a client's individual treatment plan: IEP/IFSP/ clinical report or plan of care in anyway without the approval of the SLP supervisor;
- (10) disclose clinical or confidential information;
- (11) sign any formal documents without the supervising SLP co-signature;
- (12) represent themselves as a speech-language pathologist.

F. Documentation required: All applicants for temporary paraprofessional license as an apprentice in speech-language are required to provide the following documentation to the board each year:

- (1) a completed board approved license application form, signed in the presence of a notary public;
- (2) the required license application fee; and

- (3) a completed board approved verification of employment form verifying:
 - (a) applicant's employment;
 - (b) performance responsibilities of the apprentice in speech-language;
 - (c) limitations on employment practices of the apprentice in speech-language license holder (apprentice in speech-language);
 - (d) provision for supervision by an SLP licensed according to this act;
 - (4) a completed board approved verification of education form verifying:
 - (a) course work completed in communication disorders or other courses as outlined in the degree plan with a minimum GPA of 3.0;
 - (b) current degree plan once the applicant is admitted to a master's degree program;
- and
- (c) official copy of transcripts from college or university.

[16.26.2.18 NMAC - Rp, 16 NMAC 26.2.15, 2/3/2006; A, 11/29/2008; A, 6/7/2010; A, 1/15/2015]

16.26.2.19 BILINGUAL MULTICULTURAL ENDORSEMENT:

A. Prerequisites for an endorsement: Any person applying for bilingual-multicultural endorsement shall:

- (1) file a completed application;
- (2) pay the fees required under 16.26.6 NMAC;
- (3) submit required documentation as outlined in Subsections B through D below; and
- (4) certify that the applicant is not guilty of any of the any of the activities listed in Section 61-14B-21 NMSA 1978.

B. Eligibility of non-licensed speech language pathology applicants: A speech-language pathology applicant who applies for a bilingual-multicultural endorsement must submit the following documentation:

- (1) a copy of a board-approved application for a license to practice as a New Mexico speech language pathologist; and
- (2) proof of language(s) proficiency and experience as evidenced by:
 - (a) an official transcript from a university's bilingual or multicultural speech-language pathology certificate program with a minimum eighty percent score in courses taken, and proof that the applicant has passed a board-approved language proficiency assessment; or
 - (b) if a university transcript and a language proficiency assessment are not available, a letter of verification from a university, tribe or other recognized official entity documenting successful completion of a language proficiency rubric with a minimum of seventy percent in all domains/areas that apply to the specified language, and proof of five years of experience; or
 - (c) in the event that an applicant cannot provide the documentation required in Subparagraphs (a) or (b) of Paragraph (2) of Subsection B of 16.26.2.19 NMAC, the board may consider other evidence of proficiency and experience on a case-by-case basis.

C. Eligibility of currently licensed New Mexico speech-language pathology applicants: A New Mexico licensed speech-language pathologist who applies for a bilingual-multicultural endorsement must submit the following documentation:

- (1) proof that the applicant has a New Mexico license to practice as a speech-language pathologist that is in good standing; and
- (2) proof that the applicant is proficient in the specified language(s) as evidenced by:
 - (a) having passed a board-approved language proficiency assessment; or
 - (b) a letter of verification from a university, tribe or other recognized official entity documenting successful completion of a language proficiency rubric with a minimum of seventy percent in all domains/areas that apply to the specified language; or
 - (c) in the event that an applicant cannot provide the documentation required in Subparagraphs (a) or (b) of Paragraph (2) of Subsection C of 16.26.2.19 NMAC, the board may consider other evidence of proficiency on a case-by-case basis; and

(3) proof that the applicant has a current bilingual endorsement from the New Mexico public education department; or

(4) proof that the applicant has a minimum of five years practicing with clients who utilize a language other than English as evidenced by a sworn and notarized affidavit from the applicant.

D. Eligibility of licensees from other jurisdictions: A speech-language pathologist licensed by another jurisdiction who applies for a bilingual-multicultural endorsement must submit the following:

- (1) proof that the applicant has a license to practice as a speech-language pathologist in good standing in another jurisdiction;
 - (2) a copy of a board-approved application for a license to practice as a New Mexico speech language pathologist;
 - (3) proof that the applicant has a minimum of five years practicing with clients who utilize a language other than English as evidenced by a sworn and notarized affidavit from the applicant; and
 - (4) proof that the applicant is proficient in the specified language(s) as evidenced by:
 - (a) a current bilingual endorsement issued by a state public education department; or
 - (b) having passed a board-approved language proficiency assessment; or
 - (c) a letter of verification from a university, tribe or other recognized official entity documenting successful completion of a language proficiency rubric with a minimum of seventy percent in all domains/areas that apply to the specified language; or
 - (d) in the event that an applicant cannot provide the documentation required in Subparagraphs (a), (b) or (c) of Paragraph (4) of Subsection D of 16.26.2.19 NMAC, the board may consider other evidence of proficiency on a case-by-case basis.
- [16.26.2.19 NMAC - N, 4/6/2016]

16.26.2.20 REQUIREMENTS FOR ALL APPLICANTS WHO PRACTICE TELEHEALTH

- A.** An audiologist, speech-language pathologist or hearing aid dispenser licensed in New Mexico may use telecommunication technology to deliver services to a person residing in New Mexico who is physically present at a different location from the provider at the time services are received, so long as the services delivered through use of telecommunication technology meet or exceed the quality of services delivered face-to-face.
- B.** An audiologist, speech-language pathologist or hearing aid dispenser who resides outside the boundaries of the state of New Mexico and delivers services or products to residents of New Mexico shall be licensed by the board.
- C.** An audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services shall have necessary knowledge and skills, obtained through education, training and experience to use such technology competently.
- D.** Telecommunication technology used to deliver services must be equivalent to that provided in person.
- E.** A licensed audiologist, speech-language pathologist or hearing aid dispenser must be physically present at all times at the hub site while interactive telecommunication technology is used to deliver services to a client physically present at a remote site.
- F.** A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall:
 - (1) assess the client’s ability to participate meaningfully in the services delivered through telecommunications, including but not limited to the client’s physical, cognitive and behavioral abilities;
 - (2) calibrate properly the clinical instruments used for delivery of services in accordance with standard operating procedures and manufacturer specifications;
 - (3) train properly the facilitator at the client-patient site if used;
 - (4) comply with all laws and rules governing maintenance of client records, including but not limited to client confidentiality requirements; and
 - (5) comply with all professional standards governing delivery of services including the applicable Code of Ethics
- G.** A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall provide notice to the client, guardian, caregiver and multi-disciplinary team as appropriate, including but not limited to the right to refuse telehealth services, options for service delivery and instruction on filing and resolving complaints.
- H.** An audiologist, speech-language pathologist or hearing aid dispenser shall not deliver services to a client solely through the use of regular mail, facsimile or electronic mail, although these methods of communication may be used to supplement the face-to-face delivery of services or through the use of telecommunication technology.

[16.26.2.20 NMAC - N, 2/14/2017]

HISTORY OF 16.26.2 NMAC:

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

HADF 71-1, Rules and Regulations, filed 12/21/1971.

HADF 77-1, Rules and Regulations, filed 5/23/1977.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/1980.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/1982.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/1983.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/1981.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/1982.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/1983.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/1987.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/1987.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/1988.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/1988.

Rule 91-2, Qualifications for Licensure, filed 10/25/1991.

Rule 91-3, Temporary Trainee Permits, filed 10/25/1991.

Rule 91-4, Applications for Licensure, filed 10/25/1991.

Rule 91-5, Examination for Competence, filed 10/25/1991.

History of Repealed Material:

16 NMAC 26.2, Licensure and Licensure Requirements, filed 10/9/1996 - Repealed effective 2/3/2006.

16 NMAC 26.3, Application Procedures and Qualifications for Licensure, filed 10/9/1996 - Repealed effective 2/3/2006.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 3 [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 4 RENEWAL OF LICENSES

16.26.4.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/1996; 16.26.4.1 NMAC - Rn & A, 16 NMAC 26.4.1, 2/3/2006]

16.26.4.2 SCOPE: All licensees complying with the renewal of licenses to practice speech-language pathology, audiology or hearing aid dispensing.
[11/9/1996; 16.26.4.2 NMAC - Rn, 16 NMAC 26.4.2, 2/3/2006; A, 1/29/2015]

16.26.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to -25 NMSA 1978, and the Uniform Licensing Act, Sections 61-1-1 to -33 NMSA 1978.
[11/09/1996; 11/07/1998; 16.26.4.3 NMAC - Rn, 16 NMAC 26.4.3, 2/3/06; A, 1/29/2015]

16.26.4.4 DURATION: Permanent.
[11/9/1996; 16.26.4.4 NMAC - Rn, 16 NMAC 26.4.4, 2/3/2006]

16.26.4.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/1996; 11/7/1998; 16.26.4.5 NMAC - Rn & A, 16 NMAC 26.4.5, 2/3/2006]

16.26.4.6 OBJECTIVE: The objective of Part 4 is to outline requirements, procedures, and criteria for renewal of licenses.
[12/21/1971; 11/09/1996; 16.26.4.6 NMAC - Rn, 16 NMAC 26.4.6, 2/3/2006; A, 1/29/2015]

16.26.4.7 DEFINITIONS: [RESERVED]

16.26.4.8 RENEWAL OF LICENSES:

A. All licensees except clinical fellows and apprentices shall apply for license renewal biennially on or before January 30 of the renewal year, on the renewal forms supplied by the board office. The renewal requirements for clinical fellows and apprentices are set forth in Sections 9 and 10 of Part 4.

B. Licensees shall assume the total responsibility for:
(1) filing a current mailing address and electronic mail (email) with the board office;
(2) completing the renewal form and ensuring its delivery to the board office on or before January 30 of the renewal year;

(3) enclosing the appropriate fee; and
(a) initial licenses issued prior to the month of renewal will be granted a license term of the balance of the remainder of the current license year, plus one license year;

(b) no license shall be issued for longer than 24 months;
(4) enclosing documentation of meeting continuing education requirements.

C. To assist in the renewal process, the board office will:
(1) send renewal notices and the appropriate forms to the licensee's email address of record on or before December 15 prior to the expiration of the current license; and
(2) mail renewed and reinstated licenses no later than 30 days from day of receipt of application, fees and appropriate documentation.

D. Expiration: All speech-language pathology, audiology and hearing aid dispensing licenses expire on January 30 of the renewal year and renewal forms must be complete and postmarked, if submitted by mail no later than the expiration date or a late fee will be assessed without exception.

E. Grace period: There is a grace period permitting renewal of expired licenses which ends March 31 of the intended licensure year. However the license shall be considered expired during the grace period and the licensee must refrain from practicing.

F. Renewal of license during the grace period ending March 31 of the intended license year will require payment of a late fee.

G. If a licensee fails to renew within the grace period, the licensee must reapply as a new applicant, meet all applicable requirements, meet CEU requirements and pay the application fee and renewal fee.

H. Licensees shall be notified by the board office of all license expirations 10 days after the close of the grace period.

I. Timely renewal of license(s) is the full and complete responsibility of the licensee, Pursuant to Subsection C of 16.26.4.8 NMAC of these regulations. Non-receipt of the renewal notification by the licensee will not exempt licensure expiration or late penalty fees.
[12/21/1971; 2/5/1980; 4/5/1983; 11/9/1996; 11/7/1998; 11/27/1999; 16.26.4.8 NMAC - Rn & A, 16 NMAC 26.4.8, 2/3/2006; A, 11/29/2008; A, 6/7/2010; A, 1/29/2015; A, 11/28/2017; A, 1/4/2020]

16.26.4.9 RENEWAL OF CLINICAL FELLOW LICENSE: The CFY must be completed within a maximum period of 36 consecutive months. Prior to or during the first 12 months of clinical fellow licensure, the clinical fellow must take and pass a nationally recognized examination in the clinical fellow's field. Proof of passing this exam is required for renewing the CFY license.

A. The clinical fellowship license shall be renewed annually on a form supplied by the board office and shall expire annually one year after the date of initial licensure. The renewal must be postmarked no later than the expiration date.

B. A late penalty fee will be assessed if the license is not renewed by the expiration date.

C. If a licensee fails to renew within 60 days of expiration of the license, the licensee must reapply, meet all applicable requirements, meet CEU requirements and pay the application fee.
[11/7/1998; 16.26.4.9 NMAC - Rn & A, 16 NMAC 26.4.9, 2/3/2006; A, 1/29/2015; A, 11/28/2017; A, 1/4/2020]

16.26.4.10 RENEWAL OF TEMPORARY PARAPROFESSIONAL LICENSE (APPRENTICE IN SPEECH-LANGUAGE PATHOLOGY):

A. All temporary paraprofessional licensees shall apply for license renewal annually on or before August 30th and are required to provide the following documentation to the board each year:

- (1) a completed renewal form;
- (2) the required license renewal fee; and
- (3) a completed board approved verification of employment form verifying:
 - (a) licensee's employment;
 - (b) performance responsibilities of the apprentice in speech-language;
 - (c) imitations on employment practices of the apprentice in speech-language license holder (apprentice in speech-language);
 - (d) provision for supervision by an SLP licensed according to this act;
- (4) a completed board approved verification of education form verifying:
 - (a) course work completed in communication disorders or other courses as outlined in the degree plan with a minimum GPA of 3.0;
 - (b) current degree plan once the licensee is admitted to a master's degree program; and
 - (c) copy of transcripts from college or university.

B. Expiration: All temporary paraprofessional licenses expire on August 30th of each year and renewal of licenses must be postmarked no later than the expiration date of the license or a late fee will be assessed without exception.

C. A temporary paraprofessional license may not be renewed if the licensee has not been accepted into a master's degree program within two years of initial licensure.

D. If a licensee fails to renew within 60 days of expiration of the license, the licensee must reapply, meet all applicable requirements, meet CEU requirements and pay the application fee and renewal fee.

E. Temporary paraprofessional license as an apprentice in speech-language is a terminal license and as such may be renewed no more than four times total.
[11/7/1998; 11/27/1999; 16.26.4.10 NMAC - Rn & A, 16 NMAC 26.4.10, 2/3/2006; A, 11/29/2008; A, 11/28/2017; A, 1/4/2020]

HISTORY OF 16.26.4 NMAC:

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

HADF 71-1, Rules and Regulations, filed 12/21/1971.

HADF 77-1, Rules and Regulations, filed 5/23/1977.
HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/1980.
HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/1982.
HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/1983.
BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/1987.
BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/1988.
HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/1981.
HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/1982.
HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/1983.
HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/1987.
BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/1988.
Rule 91-6, Renewal of Licenses, filed 10/25/1991.
Rule 92-6, Renewal of Licenses, filed 10/15/1992.
Rule 91-9, License Expiration, filed 10/25/1991.
Rule 92-9, License Expiration, filed 10/15/1992.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 5 CONTINUING EDUCATION

16.26.5.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/1996; 16.26.5.1 NMAC - Rn & A, 16 NMAC 26.5.1, 2/3/2006]

16.26.5.2 SCOPE: All licensed individuals wishing to renew their license must comply with the continuing education prerequisite of continuing education in order to retain and annually renew their speech-language pathology, audiology or hearing aid dispensing license.
[12/21/1971; 11/9/1996; 16.26.5.2 NMAC - Rn, 16 NMAC 26.5.2, 2/3/2006]

16.26.5.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978 and Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
[12/21/1971; 11/9/1996; 16.26.5.3 NMAC - Rn, 16 NMAC 26.5.3, 2/3/2006]

16.26.5.4 DURATION: Permanent.
[11/9/1996; 16.26.5.4 NMAC - Rn, 16 NMAC 26.5.4, 2/3/2006]

16.26.5.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/1996; 16.26.5.5 NMAC - Rn & A, 16 NMAC 26.5.5, 2/3/2006]

16.26.5.6 OBJECTIVE: The objective of Part 5 is to outline continuing education requirements, criteria and procedures.
[11/9/1996; 16.26.5.6 NMAC - Rn, 16 NMAC 26.5.6, 2/3/2006]

16.26.5.7 DEFINITIONS: [RESERVED]

16.26.5.8 CONTINUING EDUCATION PHILOSOPHY: Continuing education is one of the most important responsibilities of the speech-language pathologist, audiologist, and hearing aid dispenser. It is also a life-long process. A diversity of information related to speech-language pathology, audiology, and hearing aid dispensing regarding changing requirements, laws, and trends in the field is recommended to enhance the professional skills and development the speech-language pathologist, audiologist, and hearing aid dispenser. The responsibility of continuing education rests solely with the speech-language pathologist, audiologist, or hearing aid dispenser.
[11/9/1996; 16.26.5.8 NMAC - Rn & A, 16 NMAC 26.5.8, 2/3/2006]

16.26.5.9 CONTINUING EDUCATION REQUIREMENTS OF LICENSEES:

A. The board requires 20 hours of continuing education every two years. These may be distributed over the two year period, or they may all be obtained in one year. These continuing education hours must be in the field of licensure, or in a related field if justified to the board office. The board office will consult with the board to resolve questions as to appropriate continuing education hours. Renewal of a license shall be contingent upon the fulfillment of the continuing education standards and the supplying of evidence thereof by the licensee. The board shall be the final authority on acceptance of any educational activity submitted by a licensee to meet the continuing education requirement.

B. The number of continuing education hours required for renewal of a license may be prorated by the board office.

(1) A licensed individual whose next renewal date occurs less than 12 months after the license is issued will be required to earn continuing education hours equivalent to one hour per month each month the license is issued or reinstated to the last day of the renewal month up to a maximum of 10 clock hours.

(2) Any approved continuing education hours accrued prior to receiving a license during the year the license is issued can be applied toward the continuing education requirements.

C. Any person licensed as both a speech-language pathologist and an audiologist or hearing aid dispenser must fulfill the requirements of 20 clock hours of continuing education every two years in each field in which the licensee is licensed.
[2/5/1980; 8/4/1981; 11/9/1996; 16.26.5.9 NMAC - Rn & A, 16 NMAC 26.5.9, 2/3/2006; A, 11/29/2008; A, 11/28/2017]

16.26.5.10 CRITERIA APPLYING TO OFFER CONTINUING EDUCATION OPPORTUNITY:

A. The board or board office will approve professional education activities sponsored or approved by a national or state professional association of speech-language pathologists, audiologists and hearing aid dispensers.

B. All other proposed educational programs or seminars must be submitted to the board office prior to approval.

C. Requests must be submitted in writing with appropriate fees to the board office at least 60 days prior to the program. The board office shall give written notice of the approval or disapproval of the educational program or seminar within 30 days of receiving the application.

D. The individual/organization requesting approval of an educational seminar or course must provide the board office with the following material:

- (1) name of the seminar or course;
- (2) sponsor;
- (3) objective of the seminar or course;
- (4) format and subjects of seminar or course;
- (5) number of clock hours of study or continuing education units;
- (6) method of verification of attendance or completion of self study program; and
- (7) name and qualifications of faculty or institution material.

[4/5/1983; 11/9/1996; 16.26.5.10 NMAC - Rn & A, 16 NMAC 26.5.10, 2/3/2006; A, 11/28/2017]

16.26.5.11 CONTINUING EDUCATION VERIFICATION: The board shall audit a percentage of renewal applications each year to verify the continuing education requirement. The licensee should maintain a file that includes the continuing education course documentation up to two years.

A. If a NOTICE OF AUDIT letter is received with the annual renewal form, evidence of continuing education hours earned during the last two years must be submitted to the board as requested by this rule.

B. 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 all documentation of attendance and agendas should be retained by the licensee for a minimum of two years immediately preceding the current renewal.

C. 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.

D. Beginning January 30, 2009 the board will no longer allow carry over hours.
[11/9/1996; 16.26.5.11 NMAC - Rn, 16 NMAC 26.5.11, 2/3/06; A, 11/29/2008]

16.26.5.12 [RESERVED]

[11/9/1996; 16.26.5.12 NMAC - Rn & A, 16 NMAC 26.5.12, 2/3/2006; Repealed, 11/29/2008]

HISTORY OF 16.26.5 NMAC:

HADF 71-1, Rules and Regulations, filed 12/21/1971.

HADF 77-1, Rules and Regulations, filed 5/23/1977.

HED-80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/1980.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/1982.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/1983.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/1987.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/1988.

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/1981.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/1982.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/1983.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/1987.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/1988.

Rule 91-7, Continuing Education, filed 10/25/1991.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 6 FEES

16.26.6.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
 [11/9/1996; 16.26.6.1 NMAC - Rn & A, 16 NMAC 26.6.1, 2/3/2006]

16.26.6.2 SCOPE: All those individuals who wish to make application and practice speech-language pathology, audiology or hearing aid dispensing or individuals working towards their clinical fellowship, paraprofessionals as defined in these regulations, and hearing aid dispensing trainees who will be offering services in the speech-language pathology, audiology or hearing aid dispensing field in the state of New Mexico. All individuals or groups wishing to offer continuing education courses.
 [11/9/1996; 16.26.6.2 NMAC - Rn & A, 16 NMAC 26.6.2, 2/3/2006]

16.26.6.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B to 61-14B-25 NMSA 1978 and Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
 [11/9/1996; 11/7/1998; 16.26.6.3 NMAC - Rn & A, 16 NMAC 26.6.3, 2/3/2006]

16.26.6.4 DURATION: Permanent
 [11/9/1996; 16.26.6.4 NMAC - Rn, 16 NMAC 26.6.4, 2/3/2006]

16.26.6.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
 [11/9/1996; 11/7/1998; 16.26.6.5 NMAC - Rn & A, 16 NMAC 26.6.5, 2/3/2006]

16.26.6.6 OBJECTIVE: Part 6 establishes fees for applications, licenses, license renewals, exams, penalties, and administrative fees, issued pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.
 [12/21/1971; 11/9/1996; 16.26.6.6 NMAC - Rn & A, 16 NMAC 26.6.6, 2/3/2006; A, 1/29/2015]

16.26.6.7 DEFINITIONS: [RESERVED]

16.26.6.8 FEES: All fees are payable to the board and are non-refundable. Fees are as follows:

	Initial fee	Renewal fee
A. Hearing aid dispenser trainee temporary permits	\$175.00	
B. Temporary paraprofessional license (apprentice)	\$50.00	\$50.00
C. Clinical fellow license	\$50.00	\$50.00
D. Speech-language pathologist or audiologist license	\$100.00	\$200.00
E. Hearing aid dispensers	\$175.00	\$360.00
F. Hearing aid practical exam	\$200.00	
G. Endorsement to dispense hearing aids	\$100.00	\$190.00
H. Processing continuing education offerings per offering	\$50.00	
I. Bilingual-Multicultural Endorsement	\$50.00	
J. Late renewal fee	\$75.00	
K. All application packet fees	\$10.00	
L. Verification of licensure	\$15.00	
M. Paper list	\$125.00	
N. Mailing labels	\$150.00	
O. Electronic list	\$175.00	
P. Duplicate license	\$10.00	
Q. Insufficient funds	\$25.00	

[10/25/1991; 11/09/1996; 11/7/1998; 11/27/1999; 16.26.6.8 NMAC - Rn & A, 16 NMAC 26.6.8, 2/3/2006; A, 6/7/2010; A, 1/29/2015; A, 11/28/2017; A, 1/4/2020]

HISTORY OF 16.26.6 NMAC:

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

HADF 71-1, Rules and Regulations, filed 12/21/1971.

HADF 77-1, Rules and Regulations, filed 5/23/1977.

HED 80-1 (HSD), Regulations Governing the Hearing Aid Act, filed 2/5/1980.

HED 82-3, Regulations Governing the Hearing Aid Act, filed 3/18/1982.

HED 83-1 (HSD), Regulations Governing the Hearing Aid Act, filed 4/5/1983.

BCD 87-2, Regulations Governing the Hearing Aid Act, filed 11/10/1987.

BCD 88-1, Regulations Governing the Hearing Aid Act, filed 3/8/1988.

Rule 91-8, Fees, filed 10/25/1991.

Rule 92-8, Fees, filed 10/15/1992.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 7 GROUNDS FOR DISCIPLINARY ACTION

16.26.7.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/7/98; 16.26.7.1 NMAC - Rn & A, 16 NMAC 26.7.1, 2/3/06]

16.26.7.2 SCOPE: The provisions of Part 7 apply to applicants or licensees under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.
[11/7/98; 16.26.7.2 NMAC - Rn, 16 NMAC 26.7.2, 2/3/06]

16.26.7.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978 and the Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
[11/7/98; 16.26.7.3 NMAC - Rn, 16 NMAC 26.7.3, 2/3/06]

16.26.7.4 DURATION: Permanent
[11/7/98; 16.26.7.4 NMAC - Rn, 16 NMAC 26.7.4, 2/3/06]

16.26.7.5 EFFECTIVE DATE: November 7, 1998, unless a later date is cited at the end of a section.
[11/7/98; 16.26.7.5 NMAC - Rn & A, 16 NMAC 26.7.5, 2/3/06]

16.26.7.6 OBJECTIVE: The objective of Part 7 is to set forth the grounds for disciplinary action which may subject an applicant or licensee to disciplinary action by the board.
[11/7/98; 16.26.7.6 NMAC - Rn, 16 NMAC 26.7.6, 2/3/06]

16.26.7.7 DEFINITIONS: [RESERVED]

16.26.7.8 DISCIPLINARY GROUNDS: In accordance with the provisions of the Uniform Licensing Act, the board may take disciplinary action if the board determines that the applicant or licensee has violated the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act or the board's regulations. The following shall subject the applicant or licensee to disciplinary action by the board.

A. Engaging in unprofessional conduct: Unprofessional conduct includes, but is not limited to, the following:

(1) violations of the principles of ethics or the ethical proscriptions as set forth in board regulations concerning its Code of Ethics (16.26.9 NMAC);

(2) committing a misdemeanor substantially related to the practice of speech language pathology, audiology or hearing aid dispensing or a misdemeanor involving moral turpitude; a certified copy of the record of conviction shall be conclusive evidence of conviction;

(3) for an audiologist or dispensing otorhinolaryngologist to accept a case referred from a hearing aid dispenser and not return the case to the referring professional unless the person seeking the hearing aid refuses to return to the referring professional or if the professional determines, using his best professional judgement, the return of the case would not be in the person's best medical or audiological interest.

B. Engaging in acts that constitute incompetence: Incompetence includes, but is not limited to, the following:

(1) failure to possess the knowledge, apply the skill or provide the care required by generally accepted standards of the professions of speech-language pathology, audiology or hearing aid dispensing; or

(2) violation of the principles of ethics II or the ethical proscriptions thereunder as set forth in board regulations relating to professional competence (Subsections D and E of 16.26.9.8 NMAC);

(3) a finding of incompetence may be based upon a single act or omission of competence or upon a course of conduct or series of acts or omissions which extend over a period of time and which, taken as a whole, demonstrate incompetence.

C. Violation of the Controlled Substances Act (Sections 30-31-1 to 30-31-41 NMSA 1978). A certified copy of the record of conviction shall be conclusive evidence of conviction.

D. Aiding or abetting the practice by a person not licensed by the board. Aiding or abetting the practice of speech language pathology by a person not licensed by the board includes, but is not limited to, the following.

(1) A licensee shall not authorize or otherwise permit a speech language paraprofessional or assistant working under his or her supervision to diagnose, conduct diagnostic testing, interpret diagnostic testing, develop a plan of care or deviate from a plan of care.

(2) A licensee shall ensure that a speech language paraprofessional or assistant working under his or her supervision follows the plan of care.

(3) A licensee shall not authorize or otherwise permit an apprentice in speech-language pathology working under his or her supervision to conduct any of the duties set forth in Subsection E of 16.26.2.18 NMAC of the board's rules and shall ensure that the apprentice only engages in those duties authorized in Subsection D of 16.26.2.18 NMAC of the board's rules.

E. Failing to deliver to any person supplied with a hearing aid a receipt which contains the following information:

(1) licensee's license number and signature;

(2) the sponsor's/supervisor's signature approving of the fitting if the seller is a clinical fellow, graduate student or trainee;

(3) address of the licensee's regular place of business;

(4) make and model of the hearing aid;

(5) full financial terms of the sale;

(6) statement as to whether the hearing aid is new, used or reconditioned;

(7) statement that the purchaser was advised that the licensee was not a licensed physician and that the examination and recommendation was made as a hearing aid dispenser, audiologist, clinical fellow, trainee or graduate student and not as a medical diagnosis or prescription;

(8) terms of guarantee, if any.

[11/7/98, 11/27/99, 12/5/99; 16.26.7.8 NMAC - Rn & A, 16 NMAC 26.7.8, 2/3/06]

HISTORY OF 16.26.7 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 8 PROCEDURES FOR DISCIPLINARY ACTION

16.26.8.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/7/98; 16.26.8.1 NMAC - Rn & A, 16 NMAC 26.8.1, 2/3/06]

16.26.8.2 SCOPE: The provisions in Part 8 may be of interest to anyone who may wish to file a complaint against a person licensed by the board. Disciplinary proceedings may be initiated against licensees or applicants.
[11/7/98; 16.26.8.2 NMAC - Rn, 16 NMAC 26.8.2, 2/3/06]

16.26.8.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978 and the Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978.
[11/7/98; 16.26.8.3 NMAC - Rn, 16 NMAC 26.8.3, 2/3/06]

16.26.8.4 DURATION: Permanent.
[11/7/98; 16.26.8.4 NMAC - Rn, 16 NMAC 26.8.4, 2/3/06]

16.26.8.5 EFFECTIVE DATE: November 7, 1998, unless a later date is cited at the end of a section.
[11/7/98; 16.26.8.5 NMAC - Rn & A, 16 NMAC 26.8.5, 2/3/06]

16.26.8.6 OBJECTIVE: The objective of Part 8 is to set forth procedures for filing complaints against applicants and licensees and the procedures for the board to follow in processing complaints.
[11/7/98; 16.26.8.6 NMAC - Rn, 16 NMAC 26.8.6, 2/3/06]

16.26.8.7 DEFINITIONS:

A. “Complaint” means a complaint filed with the board against an applicant for licensure or against a licensee.

B. “Complainant” means the party who files a complaint against a licensee or an applicant for licensure.

C. “Respondent” means the applicant for licensure or the licensee who is the subject of the complaint filed with the board.

D. “Hearing” means the formal process whereby the respondent is afforded the opportunity to be heard by the board, or its designated hearing officer, before the board takes action which might result in the disciplinary action against the respondent’s application for licensure or his or her license to practice speech -language pathology, audiology or hearing aid dispensing.

E. “Violation” means a violation of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act or the rules and regulations duly adopted by the board.

F. “Notice of contemplated action” or **“NCA”** means the administrative process provided for by the Uniform Licensing Act whereby the respondent is notified of the boards intent to take action based upon the alleged violations of practice and whereby the respondent is afforded the opportunity for a hearing before the board.

G. “License revocation” means to prohibit the conduct authorized by the license.

H. “License suspension” means to prohibit, for a stated period of time, the conduct authorized by the license.

I. “License restricted subject to conditions” means to allow the conduct authorized by the license for a stated period of time, subject to conditions that are reasonably related to the grounds for disciplinary action.
[11/7/98; 16.26.8.7 NMAC - Rn, 16 NMAC 26.8.7, 2/3/06]

16.26.8.8 COMPLAINTS: The disciplinary process may be instituted by a complaint on a board approved form by any person, including board members and board staff.
[11/7/98; 16.26.8.8 NMAC - Rn, 16 NMAC 26.8.8, 2/3/06]

16.26.8.9 INVESTIGATION: Upon receipt of the complaint, the board will cause an investigation to be made into the subject complaint by the boards standards of practice committee.

[11/7/98; 16.26.8.9 NMAC - Rn, 16 NMAC 26.8.9, 2/3/06]

16.26.8.10 STANDARDS OF PRACTICE COMMITTEE: The standards of practice committee is formed for the purpose of investigating disciplinary matters referred to it by the board. The board chairperson shall appoint a member or members of the board to the standards of practice committee.

A. The standards of practice committee shall review all documentation provided to it in reference to the subject complaint.

B. The standards of practice committee may provide the respondent with a copy of the complaint and allow a reasonable time for the respondent to respond to the allegations in the complaint.

C. The foregoing notwithstanding, the standards of practice committee will not be required to provide the respondent with notice of the complaint filing, or a copy of the complaint, or any related investigatory evidence prior to the notice of contemplated action, if the committee determines that disclosure may impair, impede, or compromise the efficacy or integrity of the investigation.

D. The standards of practice committee may employ an investigator or other persons determined to be necessary in order to assist in the processing and investigation of the complaint.

E. Upon completion of its investigation, the standards of practice committee shall submit to the board its proposed recommendations concerning the proper disposition of the subject complaint.

F. Upon review the board shall vote upon the proposed recommendations and either uphold, reverse, or modify the standards of practice committee recommendations.

G. Standards of practice committee members who participate in the preparation of recommendations to the remaining board members shall not participate further in any actions initiated by the board against the licensee or applicant who is the subject of the complaint.

H. If the board determines that it lacks jurisdiction, or that there is insufficient evidence or cause to issue a notice of contemplated action, the board may vote to dismiss or close the complaint.

I. If the board determines that there is sufficient evidence or cause to issue a notice of contemplated action, it may vote to refer the complaint to the attorney general's office for possible prosecution in accordance with the provisions contained in the Uniform Licensing Act.

J. The board may take any other action with regard to the complaint which is within its authority and which is within the law, including referring the complaint to the attorney general and/or the district attorney for prosecution of persons alleged to be practicing without a valid license.

[11/7/98; 16.26.8.10 NMAC - Rn, 16 NMAC 26.8.10, 2/3/06; A, 1/29/15]

16.26.8.11 PRIVATE CAUSE OF ACTION: Neither the action nor inaction by the board on any complaint shall preclude the initiation of any private cause of action by the complainant.

[11/7/98; 16.26.8.11 NMAC - Rn, 16 NMAC 26.8.11, 2/3/06]

16.26.8.12 DISCIPLINARY ACTION: In accordance with the Uniform Licensing Act, the board has authority to impose penalties in disciplinary matters. The Uniform Licensing Act allows discipline in many forms including but not limited to fines, letters of reprimand, corrective action plans, suspension, and revocation of license.

A. Formal letter of reprimand: The board shall have discretionary authority to issue formal letters of reprimand or warning instead of revocation or suspension. Issuance of formal letters of reprimand shall be subject to the provisions of the Uniform Licensing Act and shall be matters of public record.

B. Prehearing motions: The board may appoint a hearing officer to decide non-dispositive motions filed prior to a hearing. Until such time as the board appoints a hearing officer, the chair of the board shall serve as hearing officer.

C. Settlement agreements: Following the issuance of a notice of contemplated action, the board may enter into a settlement agreement with the respondent as a means of resolving a complaint.

D. Costs of disciplinary proceedings: Licensees or applicants shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees, or if they prevail at the hearing and an action in Section 61-1-3 NMSA 1978 of the Uniform Licensing Act is not taken by the board.

E. Uniform licensing provisions: In accordance with Section 61-1-7.G NMSA 1978 of the Uniform Licensing Act, a licensee who directly or through an agent intimidates, threatens, injures or takes any adverse action against a person for providing information to the board shall be subject to disciplinary action.

F. License returned to the board: Any license, renewal license or temporary permit issued by the board must be returned to the board subsequent to revocation or suspension. Unless otherwise ordered by the board,

a licensee or permit holder whose license has been suspended or revoked must return his/her license or permit to the board no later than thirty (30) days from receipt of a final order of suspension or revocation.

G. Federal fraud and abuse data bank: As required by federal law, final adverse disciplinary actions taken by the board against applicants or licensees will be reported to the federal health care integrity and protection data bank (or its successor data bank), which was established by the enactment of the federal Health Insurance Portability and Accountability Act of 1996.

[11/7/98; 16.26.8.12 NMAC - Rn, 16 NMAC 26.8.12, 2/3/06; A, 1/29/15]

HISTORY OF 16.26.8 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 9 CODE OF ETHICS

16.26.9.1 ISSUING AGENCY: New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[11/9/1996; 16.26.9.1 NMAC - Rn & A, 16 NMAC 26.9.1, 2/3/2006]

16.26.9.2 SCOPE: Any and all individuals licensed under the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act shall abide under this Code of Ethics.
[11/9/1996; 16.26.9.2 NMAC - Rn, 16 NMAC 26.9.2, 2/3/2006]

16.26.9.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Practices Act, Sections 61-14B-1 to 61-14B-25 NMSA 1978.
[12/21/1971; 11/9/1996; 16.26.9.3 NMAC - Rn, 16 NMAC 26.9.3, 2/3/2006]

16.26.9.4 DURATION: Permanent
[11/9/1996; 16.26.9.4 NMAC - Rn, 16 NMAC 26.9.4, 2/3/2006]

16.26.9.5 EFFECTIVE DATE: November 9, 1996, unless a later date is cited at the end of a section.
[11/9/1996; 11/7/98; 16.26.9.5 NMAC - Rn & A, 16 NMAC 26.9.5, 2/3/2006]

16.26.9.6 OBJECTIVE: The objective of Part 9 is to outline standards in order to preserve integrity and ethical principles of professionals serving the public in the speech-language pathology audiology and hearing aid dispensing fields.
[11/9/1996; 16.26.9.6 NMAC - Rn, 16 NMAC 26.9.6, 2/3/2006]

16.26.9.7 DEFINITIONS: [RESERVED]

16.26.9.8 CODE OF ETHICS:

A. The purpose of the Code of Ethics is to preserve high standards of integrity and ethical principles in the discharge of obligations to the public by the professions of speech-language pathologists, audiologists and hearing aid dispensers. Every individual who practices as a licensed speech-language pathologist, audiologist or hearing aid dispenser shall abide by the Code of Ethics. Any action that violates the Code of Ethics is to be considered unethical and subject to disciplinary action by the board. Failure of the code to specify any particular responsibility or practice is not to be construed as a denial of the existence of a responsibility or practice in that area. The rules of ethics are specific statements of minimally acceptable professional conduct or of prohibitions and are applicable to all licensed individuals. The fundamental rules of ethical conduct as they relate to responsibility to the public are described in three categories, principles of ethics, ethical proscriptions and matters of professional propriety.

(1) Principles of ethics: Six principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Licensed individuals subscribing to this code shall observe these principles as affirmative obligations under all conditions of professional activity.

(2) Ethical proscriptions: Ethical proscriptions are formal statements of prohibitions that are derived from the principles of ethics.

(3) Matters of professional propriety: Matters of professional propriety represent guidelines of conduct designed to promote the public interest and thereby better inform the public and particularly the persons in need of service by the speech-language pathologist, audiologist and hearing aid dispenser as to the availability and the rules governing the delivery of these services.

B. Principles of ethics 1: Individuals shall honor their responsibility to hold paramount the welfare of the persons they serve professionally.

(1) Licensed individuals shall use every resource including referral to other specialists as needed, to ensure that high quality service is provided.

(2) Licensed individuals shall fully inform the persons they serve of the nature and possible effects of the services rendered and products dispensed.

(3) Licensed individuals shall fully inform subjects participating in research or teaching activities of the nature and possible effects of these activities.

(4) Licensed individuals shall evaluate the effectiveness of services rendered and of products dispensed and shall provide services or dispense products only when benefit can reasonably be expected.

(5) Licensed individuals shall maintain adequate records of professional services rendered and products dispensed and shall provide access to those records when appropriately authorized.

(6) Licensed individuals shall use persons in research or as subjects of teaching demonstrations only with their fully informed consent.

(7) Licensed individuals' fees shall be commensurate with services rendered.

(8) Licensed individuals shall take all reasonable precautions to avoid injury to persons in the delivery of professional services.

(9) Licensed individuals whose services are adversely affected by substance abuse or other health-related conditions shall seek professional assistance and, where appropriate, withdraw from the affected area of practice.

C. Ethical proscriptions:

(1) Licensed individuals shall not discriminate in the delivery of professional services on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

(2) Licensed individuals shall not guarantee the results of any treatment, procedure, or product, directly or by implication; however, they may make a reasonable statement of prognosis. Caution must be exercised not to mislead any person served professionally to expect results that cannot be predicted from sound evidence.

(3) Licensed individuals must not evaluate, treat, or dispense except in a professional relationship.

(4) Licensed individuals shall not evaluate, treat, or dispense solely by correspondence. This does not preclude follow-up correspondence with persons previously served, nor providing them with general information of an educational nature.

(5) Licensed individuals shall not reveal, without proper authorization any professional or personal information about the person served professionally, unless required to do so, or unless doing so is necessary to protect the welfare of the person or of the community.

(6) Licensed individuals must not charge for services not rendered.

(7) Licensed individuals must not exploit any person in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment when it is no longer necessary.

D. Principles of ethics II: Licensed individuals shall maintain high standards of professional competence.

(1) Licensed individuals shall engage in those aspects of the professions that are within the scope of their licensed professional competence.

(2) Licensed individuals shall identify competent, dependable referral sources for persons served professionally.

(3) Licensed individuals shall insure that all equipment used in the provision of services is in proper working order and is properly calibrated.

(4) Licensed individuals shall continue their professional development.

(5) Licensed individuals shall possess appropriate qualifications for services provided.

E. Ethical proscriptions:

(1) Licensed individuals must not provide services by prescriptions from anyone who is not licensed pursuant to these regulations.

(2) Licensed individuals shall prohibit any of their staff from providing services that they are not licensed or qualified to perform.

(3) Licensed individuals must not require or delegate any service requiring professional competence and licensure of/to anyone who is not competent and licensed to engage in any practice that is a violation of the Code of Ethics.

(4) Licensed individuals must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

(5) Licensed individuals shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.

F. Principles of ethics III:

(1) Licensed individuals shall honor their responsibility to the public by providing accurate information in all communications involving any aspect of professional service rendered.

(2) Licensed individuals' statements to the public - advertising, announcing, and marketing their professional services and products - shall adhere to prevailing and acceptable professional standards.

(3) Licensed individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, the products dispensed thereof, about the professions and about professional services.

G. Ethical proscriptions:

(1) Licensed individuals shall not misrepresent their credentials, competence, education, training, title, or experience.

(2) Licensed individuals shall not misrepresent diagnostic information, services rendered, or products dispensed, or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

(3) Licensed individuals must not make public statements regarding professional services and products that contain representations or claims that are false, deceptive or misleading.

(4) Licensed individuals must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.

H. Matters of professional propriety: Licensed individuals should announce services in a manner consistent with highest professional standards in the community.

I. Principles of ethics IV:

(1) Licensed individuals shall maintain objectivity in all matters concerning the welfare of persons served professionally. Licensees who dispense products to the public shall observe the following standards.

(a) Products associated with professional practice must be dispensed as a part of a program of comprehensive habilitative care.

(b) Fees established for professional services must be independent of whether a product is dispensed.

(c) Persons served shall be provided freedom of choice for the source of services and products.

(d) Price information about professional services rendered and products dispensed must be disclosed by providing or posting a complete schedule of fees and charges in advance of rendering services, which differentiates between fees for professional services and charges for products dispensed.

(e) Products dispensed to the person served must be evaluated to determine effectiveness.

(2) Any person who practices the sale or fitting of hearing aids shall deliver to any person supplied with a hearing aid, a receipt that shall contain:

(a) the licensee's signature, address of the regular place of business and license number; it shall also show the make and model of the hearing aid furnished along with the full terms of the sale clearly stated; if the hearing aid is not new, the receipt must clearly show whether the hearing aid is used or reconditioned, whichever is applicable in terms of any guarantee; the receipt shall also show that the purchaser was advised that the licensee was not a licensed physician and that the examination and recommendation was made as a hearing aid dispenser or fitter and not as a medical diagnosis or prescription; the receipt shall also include language stating that each prospective purchaser was informed at the time of the initial examination for possible sale and fitting of a hearing aid about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems in accordance with the latest standards for accessible design adopted by the United States department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended. Each licensee and purchaser must initial acknowledging that counseling for the above-mentioned options took place and that the purchaser was informed concerning these options, and whether the hearing aid(s) contain(s) a tele-coil or t-switch;

(b) the information regarding the trial period which shall be a minimum of 45 consecutive days; if the 45th day falls on a holiday, weekend, or a day the business is not open, the effective date shall be the first day the business reopens; full disclosure of the conditions of any offer of a trial period with a money back guarantee or partial refund; a trial period shall not include any time that the hearing aid is in the possession of the dispenser or the manufacturer; any extension of the 45-day refund period must be in writing and submitted to the client;

(c) shall also include the name, address, and telephone number of the speech language pathology, audiology and hearing aid dispensing practices board in the event a complaint needs to be filed.

(3) Any purchaser of a hearing instrument shall be entitled to a refund of the purchase price advanced by purchaser for the hearing instrument, less the agreed-upon amount associated with the trial period, upon return of the instrument to the licensee in good working order within the trial period. Should the order be canceled by purchaser prior to the delivery of the instrument, the licensee may retain the agreed-upon charges and fees as specified in the written contract. The purchaser shall receive the refund due no later than the 30th day after the date on which the purchaser cancels the order or returns the hearing instrument to the licensee.

J. Ethical proscriptions:

(1) Licensed individuals must not participate in activities that constitute a conflict of interest.

(2) Licensed individuals must not directly or indirectly give or offer to give money or anything of value to any person who advises another person in a professional capacity as an inducement to influence them or have them influence others to purchase or contract to purchase products sold or offered for sale by the licensee, or to refrain from dealing in the products of competitors.

K. Matters of professional propriety:

(1) Licensed individuals should not accept compensation for supervision or sponsorship from a supervised or sponsored individual.

(2) Individuals should present products they have developed to their colleagues in a manner consonant with highest professional standards.

L. Principles of ethics V: Licensed individuals shall honor their responsibilities to the professions and their relationships with members of allied professions.

M. Matters of professional propriety:

(1) Licensed individuals should seek to provide and expand services to persons with speech, language and hearing handicaps as well as assist in establishing high professional standards for such programs.

(2) Licensed individuals should educate the public about speech, language and hearing processes and handicaps, and matters related to professional competence.

(3) Licensed individuals should strive to increase knowledge within the professions and share research with colleagues.

(4) Licensed individuals should establish harmonious relations with colleagues and members of other professions and endeavor to inform members of the related professions of services provided by speech-language pathologists, audiologists and hearing aid dispensers.

(5) Licensed individuals should assign credit to those who have contributed to a publication in proportion to their contribution.

N. Principles of ethics VI:

(1) Licensed individuals shall uphold the dignity of the professions and freely accept the professional self imposed standards.

(2) Licensed individuals who have reason to believe that the Code of Ethics has been violated shall inform the board.

(3) Licensed individuals shall cooperate fully with the board in any investigation and adjudication of matters of professional conduct related to this Code of Ethics.

O. Principles of Ethics VII: Licensed audiologists and hearing aid dispensers shall, at the time of the initial examination for possible sale and fitting of a hearing aid if a hearing loss is determined, inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems in accordance with the latest standards for accessible design adopted by the United States department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended. [8/4/1981; 8/4/1996; 11/9/1996; 11/7/1998; 16.26.9.8 NMAC - Rn & A, 16 NMAC 26.9.8, 2/3/2006; A, 06/07/2010; A, 1/4/2020]

HISTORY OF 16.29.9 NMAC:

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

HED-81-6 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 8/4/1981.

HED-82-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/17/1982.

HED-83-2 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 4/5/1983.

HED 86-13 (HSD), Regulations Governing the Speech-Language Pathology and Audiology Act, filed 1/7/1987.

BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/1988.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 10 EMERGENCY LICENSURE

16.26.10.1 ISSUING AGENCY: New Mexico Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[16.26.10.1 NMAC - N/E, 11/9/05; A, 2/3/06]

16.26.10.2 SCOPE: An individual wishing to practice as a speech-language pathologist, audiologist or hearing aid dispenser following a federally declared disaster.
[16.26.10.2 NMAC - N/E, 11/9/05]

16.26.10.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act NMSA 1978, Sections 61-14B-1 to 61-14B-25 and the Uniform Licensing Act NMSA 1978, Sections 61-1-1 to 61-1-33.
[16.26.10.3 NMAC - N/E, 11/9/05]

16.26.10.4 DURATION: Permanent.
[16.26.10.4 NMAC - N/E, 11/9/05]

16.26.10.5 EFFECTIVE DATE: November 9, 2005, unless a later date is cited at the end of a section.
[16.26.10.5 NMAC - N/E, 11/9/05]

16.26.10.6 OBJECTIVE: The objective of Part 10 is to outline requirements, procedures, and criteria for issuance of an emergency license.
[16.26.10.6 NMAC - N/E, 11/9/05]

16.26.10.7 DEFINITIONS: [RESERVED]

16.26.10.8 PROVISIONS FOR EMERGENCY LICENSURE:

A. Speech-language pathologist, audiologist and hearing aid dispenser 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 at no cost upon satisfying the following requirements:

(1) receipt by the board of a completed application that has been signed and notarized and that is accompanied by proof of identity, that may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;

(2) refer to 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC and Section 61-14B-12.1 NMSA 1978;

(3) sworn affidavit that the applicant was personally or professionally affected by the disaster; the board will verify the qualifications of the applicant.

B. The board may waive the following requirements for licensure:

(1) application and initial license fee;

(2) practical examination for hearing aid dispensers (the applicant will be required to take and pass the practical exam within six months from the date the emergency license is issued); and

(3) jurisprudence exam (the applicant will be required to take and pass the jurisprudence exam within 60 days from the date the emergency license is issued).

C. The board may waive the specific forms required under 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC and Section 61-14B-12.1 NMSA 1978, if the applicant is unable to obtain documentation from the federal declared disaster areas.

(1) An applicant for licensure as a speech-language pathologist may submit a sworn affidavit if they are unable to produce the following documentation:

(a) transcripts verifying a master's degree in speech-language pathology or communication disorders;

(b) certificate of clinical competence issued by the American speech-language hearing association (ASHA).

(2) An applicant for licensure as an audiologist may submit a sworn affidavit if they are unable to produce the following documentation:

(a) holds a master's degree in audiology or communication disorders; or an equivalent degree in audiology or communication disorders; or an equivalent degree awarded prior to January 1, 2007; meets the academic requirements for certification of clinical competence from a nationally recognized speech language or hearing association in the area that the applicant is seeking licensure; or

(b) holds a doctoral degree in audiology or equivalent degree regardless of degree name and meets academic requirements for certification by a nationally recognized hearing association; and

(c) has completed the current academic, practicum and employment requirements of a nationally recognized speech-language or hearing association; and has passed a nationally recognized standard examination in audiology.

(3) If an applicant for hearing aid dispenser or an endorsement to dispense may submit a sworn affidavit if they are unable to produce the following documentation:

(a) proof the applicant has a high school education or equivalent;

(b) a business location in New Mexico;

(c) proof of passing the HIS, or the NBC-HIS hearing aid written examination or a nationally recognized hearing aid dispensers examination approved by the board or other exams approved by the board with an overall score of at least 70%;

(d) proof of passing a practical examination with an overall score of at least 70%; if the applicant has not taken the practical exam he/she must take it within 6 months from the date the emergency license is issued; failure to pass the required practical exam will result in termination of the emergency license.

D. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC.

E. Licenses issued under 16.26.10 NMAC shall expire six (6) 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 the expiration date, 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.

[16.26.10.8 NMAC - N/E, 11/9/05; A, 2/3/06]

16.26.10.9 EMERGENCY LICENSE TERMINATION:

A. The emergency licenses shall terminate upon the following circumstances:

(1) the issuance of a permanent license under sections 16.26.3.9, 16.26.3.10 and 16.26.3.11 NMAC; or

(2) proof that the emergency license holder has engaged in fraud, deceit, or 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.

[16.26.10.9 NMAC - N/E, 11/9/05]

HISTORY OF 16.26.10 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 26 HEARING, SPEECH AND AUDIOLOGY PRACTITIONERS
PART 11 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

16.26.11.1 ISSUING AGENCY: New Mexico Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Board.
[16.26.11.1 NMAC - N, 1/29/2015]

16.26.11.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.
[16.26.11.2 NMAC - N, 1/29/2015]

16.26.11.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Section 61-1-34 of the Uniform Licensing Act NMSA 1978.
[16.26.11.3 NMAC - N, 1/29/2015]

16.26.11.4 DURATION: Permanent.
[16.26.11.4 NMAC - N, 1/29/2015]

16.26.11.5 EFFECTIVE DATE: January 29, 2015, unless a later date is cited at the end of a section.
[16.26.11.5 NMAC - N, 1/29/2015]

16.26.11.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses and veterans seeking licensure to practice under the provisions of Chapter 61, Articles 14B NMSA 1978.
[16.26.11.6 NMAC - N, 1/29/2015]

16.26.11.7 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.

[16.26.11.7 NMAC - N, 1/29/2015]

16.26.11.8 APPLICATION REQUIREMENTS:

A. Applications for registration shall be completed on a form provided by the board.

B. A completed application shall include:

(1) The required fee as outlined in 16.26.6 NMAC;

(a) initial licenses issued prior to the month of renewal will be granted a license term of the balance of the remainder of the current license year, plus one license year;

(b) no license shall be issued for longer than 24 months.

(2) Satisfactory evidence that the applicant for licensure for a military service member, spouse or veteran from another state holds a current license in good standing with no pending disciplinary action, provided the requirements for the current license held meet or exceed requirements for licensure for speech language pathology, audiology or hearing aid dispensing in the state of New Mexico; and

(3) Proof of honorable discharge (DD214), military ID card, or other recognized proof of military spouse status.

[16.26.11.8 NMAC - N, 1/29/2015; A, 11/28/2017; A, 1/4/2020]

16.26.11.9 RENEWAL REQUIREMENTS: A license issued pursuant to this section shall not be renewed unless the license holder submits the following.

A. A complete renewal application accompanied by the required documents listed under 16.26.4 NMAC.

B. Payment of required renewal fees under 16.26.6 NMAC.

C. Documentation required for initial licensure under 16.26.2 NMAC.

[16.26.11.9 NMAC - N, 1/29/2015]

HISTORY OF 16.26.11 NMAC: [RESERVED]

**NEW MEXICO SPEECH LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID
DISPENSING PRACTICES BOARD**

ARTICLE 14B

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ARTICLE 14B

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices

61-14B-1. Short title. (Repealed effective July 1, 2022.)

Chapter 61, Article 14B NMSA 1978 may be cited as the "Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act".

History: Laws 1996, ch. 57, § 1; 1999, ch. 128, § 1.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27, repealed 61-14B-1 NMSA 1978, as enacted by Laws 1981, ch. 249, § 1, and § 1 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 1999 amendment, effective June 18, 1999, updated statutory references.

61-14B-2. Definitions. (Repealed effective July 1, 2022.)

As used in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act:

A. "apprentice" means a person working toward full licensure in speech-language pathology who meets the requirements for licensure as an apprentice in speech and language pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

B. "appropriate supervisor" means a person licensed pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act who has a minimum of two years' experience as a speech-language pathologist after the clinical fellowship year;

C. "auditory trainer" means a custom-fitted FM amplifying instrument other than a hearing aid designed to enhance signal-to-noise ratios;

D. "audiologist" means a person who engages in the practice of audiology, who may or may not dispense hearing aids and who meets the qualifications set forth in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

E. "bilingual-multicultural endorsement" means an endorsement that is issued pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act to a qualified speech-language pathologist and that recognizes the licensee's or applicant's demonstrated proficiency in the use of languages other than English to provide speech-language pathology services;

F. "board" means the speech-language pathology, audiology and hearing aid dispensing practices board;

G. "business location" means a permanent physical business location in New Mexico where records can be examined and process served;

H. "certification by a national professional association" means certification issued by a board-approved national speech-language or hearing association;

I. "clinical fellow" means a person who has completed all academic course work and practicum requirements for a master's degree or the equivalent in speech-language pathology and engages in the practice of speech-language pathology as set forth in the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

J. "clinical fellowship year" or "CFY" means the time following the completion of all academic course work and practicum requirements for a master's degree in speech-language pathology and during which a clinical fellow is working toward certification by a national professional association;

K. "department" means the regulation and licensing department;

L. "hearing aid" means a wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including earmolds but excluding batteries and cords;

M. "hearing aid dispenser" means a person other than an audiologist or an otolaryngologist who is licensed to sell, fit and service hearing aids pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and maintains or occupies a permanent physical business location in New Mexico where records can be examined and process can be served;

N. "otolaryngologist" means a licensed physician who has completed a recognized residency in otolaryngology and is certified by the American board of otolaryngology;

O. "paraprofessional" means a person who provides adjunct speech-pathology or audiology services under the direct supervision of a licensed speech-language pathologist or audiologist;

P. "practice of audiology" means the application of principles, methods and procedures of measurement, testing, appraisal, prognostication, aural rehabilitation, aural habilitation, consultation, hearing aid selection and fitting, counseling, instruction and research related to hearing and disorders of hearing for the purpose of nonmedical diagnosis, prevention, identification, amelioration or the modification of communicative disorders involving speech, language auditory function or other aberrant behavior related to hearing disorders;

Q. "practice of hearing aid dispensing" means the behavioral measurement of human hearing for the purpose of the selection and fitting of hearing aids or other rehabilitative devices to ameliorate the dysfunction of hearing sensitivity; this may include otoscopic inspection of the ear, fabrication of ear impressions and earmolds, instruction, consultation and counseling on the use and care of these instruments, medical referral when appropriate and the analysis of function and servicing of these instruments involving their modification or adjustment;

R. "practice of speech-language pathology" means the rendering or offering to render to individuals, groups, organizations or the public any service in speech or language pathology involving the nonmedical application of principles, methods and procedures for the measurement, testing, diagnosis, prognostication, counseling and instruction related to the development and disorders of communications, speech, fluency, voice, verbal and written language, auditory comprehension, cognition, dysphagia, oral pharyngeal or laryngeal sensorimotor competencies and treatment of persons requiring use of an augmentative communication device for the purpose of nonmedical diagnosing, preventing, treating and ameliorating such disorders and conditions in individuals and groups of individuals;

S. "screening" means a pass-fail procedure to identify individuals who may require further assessment in the areas of speech-language pathology, audiology or hearing aid dispensing;

T. "speech-language pathologist" means a person who engages in the practice of speech-language pathology and who meets the qualifications set forth in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

U. "sponsor" means a licensed hearing aid dispenser, audiologist or otolaryngologist who has an endorsement to dispense hearing aids and:

(1) is employed in the same business location where the trainee is being trained; and

(2) has been actively engaged in the dispensing of hearing aids during three of the past five years;

V. "student" means a person who is a full- or part-time student enrolled in an accredited college or university program in speech-language pathology, audiology or communicative disorders;

W. "supervisor" means a speech-language pathologist or audiologist licensed pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act who provides supervision in the area of speech-language pathology or audiology; and

X. "trainee" means a person working toward full licensure as a hearing aid dispenser under the direct supervision of a sponsor.

History: Laws 1996, ch. 57, § 2; 1999, ch. 128, § 2; 2013, ch. 110, § 1; 2015, ch. 110, § 1.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-2 NMSA 1978, as enacted by Laws 1981, ch. 249, § 2, and Laws 1996, ch. 57, § 2 enacted a new section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2015 amendment, effective June 19, 2015, amended certain definitions and defined "bilingual-multicultural endorsement" and "certification by a national professional association" in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; added new Subsection E, which defined "bilingual-multicultural endorsement", and redesignated former Subsections E and F as Subsections F and G; added new Subsection H, which defined "certification by a national professional association", and redesignated former Subsections G through V as Subsections I through X, respectively; and in Subsection J, after "working toward", deleted "a certificate of clinical competence from a nationally recognized speech-language or hearing association or the equivalent" and added "certification by a national professional association".

The 2013 amendment, effective June 14, 2013, defined "appropriate supervisor"; added Subsection B; in Subsection G, after "speech-language pathology", deleted "or audiology or both"; in Subsection H, after "speech-language pathology", deleted "or audiology or both"; and deleted former Subsection H which defined "CFY" as a person licensed to oversee clinical fellows.

The 1999 amendment, effective June 18, 1999, added present Subsection A, and redesignated former Subsections A to C as Subsections B to D; added present Subsection E, and redesignated former Subsections D to G as Subsections F to I; deleted former Subsection H, which provided a definition for "dispensing audiologist", and redesignated former Subsections I and J as Subsections J and K; deleted former Subsection K, which defined "nondispensing audiologist"; in present Subsection K, deleted "dispensing" preceding "audiologist"; added present Subsection O, and redesignated former Subsections O and P as Subsections P and R; in present Subsection P, inserted "communications" preceding "disorders of"; added present Subsection Q, redesignated former Subsection Q as Subsection S, and rewrote it; added Subsections T and U; redesignated former Subsection R as Subsection V, and in it substituted "dispenser" for "dealer or fitter".

61-14B-3. Scope of practice; speech-language pathology. (Repealed effective July 1, 2022.)

A. The scope of practice for speech-language pathologists shall include:

(1) rendering or offering to render professional services, including diagnosis, prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, counseling, prognostication, training and research to individuals or groups of individuals who have or are suspected of having disorders of communication, including speech comprehension, voice, fluency, language in all its expressive and receptive forms, including oral expression, reading, writing and comprehension, oral pharyngeal function, oral motor function, dysphagia, functional maintenance therapy or cognitive-communicative processes; and

(2) determining the need for personal augmentative and alternative communication systems, computer access or assistive technology, recommending such systems, and providing set-up, modification, training, troubleshooting and follow-up in the utilization of such systems.

B. The scope of practice for speech-language pathologists may include:

(1) conducting pure-tone air conduction hearing screening, tympanometry screening, limited to a pass or fail determination, for the purpose of performing a speech and language evaluation or for the initial identification of individuals with other disorders of communications;

(2) aural rehabilitation that is defined as services and procedures for facilitation of adequate receptive and expressive communication in individuals with hearing impairment; or

(3) supervision of graduate students, clinical fellows or paraprofessionals.

History: Laws 1996, ch. 57, § 3.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-3 NMSA 1978, as enacted by Laws 1981, ch. 249, § 3, relating to appointment of the speech-language pathology and audiology advisory board, and § 3 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

61-14B-3.1. Scope of practice; apprentice in speech and language. (Repealed effective July 1, 2022.)

The scope of practice for an apprentice in speech and language is to provide adjunct services that are planned, selected or designed by the supervising speech-language pathologist. These services may include:

A. conducting speech-language or hearing screenings;

B. following documented intervention plans or protocols;

C. preparing written daily plans based on the overall intervention plan;

D. recording, charting, graphing or otherwise displaying data relative to client performance and reporting performance changes to the supervisor;

E. maintaining daily service notes and completing daily charges as requested;

F. reporting but not interpreting data relative to client performance to teacher, family or other professionals;

G. performing clerical duties, including maintenance of therapy and diagnostic materials, equipment and client files as directed by the supervisor;

H. assisting the speech-language pathologist during client treatment and assessment; and

I. assisting the speech-language pathologist in research, in-service, training and public relations programs.

History: Laws 1999, ch. 128, § 3; 2005, ch. 250, § 1.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2005 amendment, effective June 17, 2005, changed "treatment" to "intervention" in Subsection B; deleted "or delivery notes" in Subsection E; and deleted former Subsection F, which provided that the services may include reporting but not interpreting data relative to client performance to teacher, family or other professionals.

61-14B-3.2. Scope of practice; clinical fellow of speech-language pathology. (Repealed effective July 1, 2022.)

A. The scope of practice for a clinical fellow of speech-language pathology under supervision by an appropriate supervisor shall include:

(1) rendering or offering to render professional services, including diagnosis, prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, counseling, prognostication, training and research, to individuals or groups of individuals who have or are suspected of having disorders of communication, including speech comprehension; voice fluency; language in all its expressive and receptive forms, including oral expression, reading, writing and comprehension; oral pharyngeal function; oral motor function; dysphagia; functional maintenance therapy; or cognitive-communicative processes; and

(2) determining the need for personal augmentative and alternative communication systems, computer access systems or assistive technology systems; recommending such systems; and providing setup modification, training, troubleshooting and follow-up in the utilization of such systems.

B. The scope of practice for a clinical fellow of speech-language pathology under supervision by an appropriate supervisor may include:

(1) conducting pure-tone air conduction hearing screening or tympanometry screening, limited to a pass or fail determination, for the purpose of performing a speech and language evaluation or for the initial identification of individuals with other disorders of communication; and

(2) aural rehabilitation that is defined as services and procedures for facilitation of adequate receptive and expressive communication in individuals with hearing impairment.

History: Laws 2013, ch. 110, § 2.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

Effective dates. — Laws 2013, ch. 110 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 14, 2013, 90 days after the adjournment of the legislature.

61-14B-4. Repealed.

ANNOTATIONS

Repeals. — Laws 1999, ch. 128, § 11 repealed 61-14B-4 NMSA 1978, as enacted by Laws 1996, ch. 57, § 4, relating to the scope of practice for nondispensing audiologists, effective June 18, 1999. For provisions of former section, *see* the 1998 NMSA 1978 on *NMOneSource.com*. For present comparable provisions, *see* 61-14B-5 NMSA 1978.

61-14B-5. Scope of practice; audiologists. (Repealed effective July 1, 2022.)

The scope of practice for audiologists shall include:

A. the rendering or offering to render professional services, including nonmedical diagnosis, prevention, identification, evaluation, consultation, counseling, habilitation, rehabilitation and instruction on and prognostication of individuals having or suspected of having disorders of hearing, balance or central auditory processing;

B. identification and evaluation of auditory function through the performance and interpretation of appropriate behavioral or electrophysiological tests for this purpose;

C. making ear impressions for use with auditory trainers or for non-amplified devices such as swim molds or ear protectors;

D. cerumen management;

E. evaluation and management of tinnitus;

F. the scope of practice for hearing aid dispensers;

G. consultation regarding noise control or environmental noise evaluation;

H. hearing conservation;

I. calibration of equipment used in hearing testing and environmental evaluation;

J. fitting and management of auditory trainers, including their general service, adjustment and analysis of function, as well as instruction, orientation and counseling in the use and care of these instruments;

K. speech or language screening for the purposes of audiological evaluation or initial identification for referral of individuals with disorders of communication other than hearing;

L. supervision of students, clinical fellows and paraprofessionals; and

M. sponsorship of hearing aid dispenser trainees.

History: Laws 1996, ch. 57, § 5; 1999, ch. 128, § 4; 2013, ch. 110, § 3.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-5 NMSA 1978, as enacted by Laws 1981, ch. 249, § 5, relating to licensure and regulation of speech-language pathologists or audiologists, and § 5 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, broadened the scope of practice for audiologists; in Subsection B, deleted the introductory language "The scope of practice for audiologists may include"; added Subsection F; and deleted former Subsection G, which provided that authorized the scope of practice of audiologists to be expanded to include dispensing of hearing aids.

The 1999 amendment, effective June 18, 1999, in the section heading, deleted "dispensing" preceding "audiologists"; and rewrote the section to the extent that a detailed comparison is impracticable.

61-14B-6. Scope of practice; hearing aid dispenser. (Repealed effective July 1, 2022.)

The scope of practice of the hearing aid dispenser shall include:

- A. the measurement and evaluation of the sensitivity of human hearing by means of appropriate behavioral testing equipment for the purpose of amplification;
- B. the otoscopic observation of the outer ear in connection with the evaluation of hearing and the fitting of hearing aids and for the purpose of referral to other professionals;
- C. the fabrication of ear impressions or ear molds for the purpose of selecting and fitting hearing aids;
- D. the analysis of hearing aid function by means of the appropriate testing equipment;
- E. the selection and fitting of hearing aids with appropriate instruction, orientation, counseling and management regarding the use and maintenance of these devices; and
- F. the modification and general servicing of hearing aids.

History: Laws 1996, ch. 57, § 6.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-6 NMSA 1978, as enacted by Laws 1981, ch. 249, § 6, relating to persons and practices not restricted by provisions of the Speech-Language Pathology and Audiology Act, and § 6 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

Am. Jur. 2d, A.L.R. and C.J.S. references. — Validity and construction of state statutes regulating hearing aid fitting or sales, 96 A.L.R.3d 1030.

61-14B-7. License required. (Repealed effective July 1, 2022.)

A. Unless licensed to practice speech-language pathology, audiology or hearing aid dispensing under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, no person shall:

- (1) practice as a speech-language pathologist, audiologist or hearing aid dispenser;
- (2) use the title or make any representation as being a licensed speech-language pathologist, audiologist or hearing aid dispenser or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice as a speech-language pathologist, audiologist or hearing aid dispenser; or
- (3) advertise, hold out to the public or represent in any manner that one is authorized to practice speech-language pathology, audiology or hearing aid dispensing.

B. No person shall make any representation as being a speech-language pathologist or hold out to the public by any means or by any service or function perform, directly or indirectly, or by using the terms "speech pathology", "speech pathologist", "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic", "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiology", "aphasiologist", "phoniatrist" or "swallowing therapist" unless licensed as such under the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

C. No person shall make any representation as being an audiologist or hold out to the public by any means, or by any service or function perform directly or indirectly, or by using the terms "audiology", "audiologist", "audiometry", "audiometrist", "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing clinician", "hearing center", "hearing aid audiologist" or "audioprosthologist" unless licensed as such under the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

D. No person shall make any representation as being a hearing aid dispenser or use the terms "hearing aid dealer", "hearing aid fitter", "hearing aid sales", "hearing aid center" or "hearing aid service center" unless licensed as such under the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

History: Laws 1996, ch. 57, § 7; 2013, ch. 110, § 4.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-7 NMSA 1978, as enacted by Laws 1981, ch. 249, § 7, relating to enforcement by the department of rules and regulations of the Speech-Language Pathology and Audiology Act, and § 7 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, changed terminology; and in Paragraph (2) of Subsection A and in Subsections B, C, and D, deleted "represent himself to be" and added "make any representation as being".

61-14B-8. Exemptions. (Repealed effective July 1, 2022.)

A. Nothing in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act shall be construed to prevent qualified members of other recognized professions that are licensed, certified or registered under New Mexico law or regulation from rendering services within the scope of their licenses, certificates or registrations, provided that they do not represent themselves as holding licenses in speech-language pathology, audiology or hearing aid dispensing.

B. A person not meeting the requirements for licensure as a speech-language pathologist or audiologist under the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act may practice as a speech pathologist or audiologist until July 1, 1997 if:

- (1) the person is employed as a speech pathologist or audiologist on a waiver license issued by the public education department prior to the effective date of that act; and
- (2) the person is actively seeking the educational requirements for licensure under that act.

C. Nothing in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act prevents qualified members of other recognized professional groups, such as licensed physicians, dentists or teachers of the deaf, from doing appropriate work in the area of communication disorders consistent with the standards and ethics of their respective professions.

D. Nothing in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act restricts the activities and services of a speech-language pathology or audiology graduate student at an accredited or approved college or university or an approved clinical training facility; provided that these activities and services constitute part of the student's supervised course of study and that the student is designated as a speech-language pathology or audiology graduate student or other title clearly indicating the training status appropriate to the student's level of training.

History: Laws 1996, ch. 57, § 8; 2013, ch. 110, § 5.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-8 NMSA 1978, as enacted by Laws 1981, ch. 249, § 8, relating to qualifications of applicants for licensure as a speech-language pathologist or audiologist, and § 8 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, changed terminology; in Subsection A, changed "license", "certificate" and "registration" to their plural forms; in Subsection B, changed "he" to "the person" and "state department of public education" to "public education department"; and in Subsection D, changed "he" or "his" to "the student".

61-14B-9. Board created. (Repealed effective July 1, 2022.)

A. There is created the "speech-language pathology, audiology and hearing aid dispensing practices board" that shall be administratively attached to the department.

B. The board shall consist of eleven members who have been New Mexico residents for at least five years prior to their appointment. Among the membership, three members shall be licensed speech-language pathologists, two members shall be licensed audiologists, two members shall be licensed hearing aid dispensers, one member shall be a licensed otolaryngologist and three members shall represent the public and have no interest, direct or indirect, in the profession regulated.

C. A licensed member of the board shall not hold any elected or appointed office in any related professional organization.

History: Laws 1996, ch. 57, § 9; 2013, ch. 110, § 6.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-9 NMSA 1978, as enacted by Laws 1981, ch. 249, § 9, relating to special conditions for licensing of applicants to practice speech-language pathology or audiology, and § 9 of that act enacts the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, increased the number of board members; increased the number of board members who are licensed speech-language pathologists; in Subsection B, in the first sentence, after "shall

consist of", deleted "ten" and added "eleven" and in the second sentence, after "Among the membership" deleted "two" and added "three".

61-14B-10. Terms; reimbursement; meetings. (Repealed effective July 1, 2022.)

A. Members of the board shall be appointed by the governor for staggered terms of three years. Each member shall hold office until the member's successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

B. A majority of the board members serving constitutes a quorum of the board. The board shall meet at least once a year and at such other times as it deems necessary.

C. The board shall elect a chair and other officers as deemed necessary to administer its duties.

D. No board member shall serve more than two full consecutive terms, and a member failing to attend three meetings after proper notice shall automatically be recommended for removal as a board member unless excused for reasons set forth in board regulations.

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

F. No member of the board shall be liable in a civil action for any act performed in good faith in the performance of the member's duties.

History: Laws 1996, ch. 57, § 10; 2013, ch. 110, § 7.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-10 NMSA 1978, as enacted by Laws 1981, ch. 249, § 10, relating to powers and duties of the regulation and licensing department, and § 10 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, changed terminology; in Subsection A, in the second sentence, changed "successors are" to "the member's successor is"; in Subsection C, changed "chairman" to "chair"; and in Subsection F, changed "his" to "the member's".

61-14B-11. Board powers and duties. (Repealed effective July 1, 2022.)

The board shall:

A. adopt rules and regulations and establish policy necessary to carry out the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act in accordance with the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978];

B. adopt rules implementing continuing education requirements;

C. adopt a code of ethics that includes rules requiring audiologists and hearing aid dispensers, at the time of the initial examination for possible sale and fitting of a hearing aid if a hearing loss is determined, to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems. These rules shall be in accordance with the latest standards for accessible design adopted by the United States department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended;

D. conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of a license in accordance with the Uniform Licensing Act;

E. investigate complaints against licensees by issuing investigative subpoenas prior to the issuance of a notice of contemplated action;

F. establish fees for licensure;

G. provide for the licensing and renewal of licenses of applicants; and

H. adopt rules that provide for licensure by reciprocity, including temporary permits for speech-language pathologists, audiologists or hearing aid dispensers.

History: Laws 1996, ch. 57, § 11; 2003, ch. 408, § 22; 2019, ch. 100, § 1.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-11 NMSA 1978, as enacted by Laws 1981, ch. 249, § 11, relating to disposition of funds collected under the Speech-Language Pathology and Audiology Act, and § 11 of that act enacted the above section, effective July 1, 1996.

Cross references. — For the federal Americans with Disabilities Act of 1990, *see* Titles 29, 42 and 47 of the U.S.C.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2019 amendment, effective June 14, 2019, required the speech-language pathology, audiology and hearing aid dispensing practices board to include in its code of ethics rules requiring audiologists and hearing aid dispensers to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and the assistive listening systems; and in Subsection C, after "adopt a code of ethics", added the remainder of the subsection.

The 2003 amendment, effective July 1, 2003, deleted former Subsection F, concerning hire of staff, and redesignated the subsequent subsections accordingly.

61-14B-12. Requirements for licensure; speech-language pathologist. (Repealed effective July 1, 2022.)

A license to practice as a speech-language pathologist shall be issued to a person who files a completed application, accompanied by the required fees and documentation; certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; and submits satisfactory evidence that the applicant:

A. holds at least a master's degree in speech pathology, speech-language pathology or communication disorders or an equivalent degree regardless of degree name and meets the academic requirements for certification by a national professional association; and either

B. currently holds certification by a national professional association in the area for which the applicant is seeking licensure; or

C. has completed the current academic, practicum and employment experience requirements for certification by a national professional association in the area for which the applicant is applying for license and has passed a recognized standard national examination in speech-language pathology.

History: Laws 1996, ch. 57, § 12; 1999, ch. 128, § 5; 2005, ch. 250, § 2; 2015, ch. 110, § 2.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-12 NMSA 1978, as enacted by Laws 1981, ch. 249, § 12, relating to licensing of applicants in speech-language pathology and in audiology, and Laws 1996, ch. 57, § 12 enacted a new section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2015 amendment, effective June 19, 2015, amended the licensure requirements for speech-language pathologists by replacing the required certification from a nationally recognized speech-language association with a "certification by a national professional association"; in Subsection A, after "certification by a", deleted "nationally recognized speech-language" and added "national professional", and after "association; and", added "either"; in Subsection B, after "currently holds", deleted "a certificate of clinical competence from a nationally recognized speech-language" and added "certification by a national professional"; and in Subsection C, after "experience requirements for", deleted "a certificate of clinical competence from a nationally recognized speech-language" and added "certification by a national professional".

The 2005 amendment, effective June 17, 2005, deleted former references to audiology; provided that a license shall be issued to a person who certifies that the applicant is not guilty of any activities listed in Section 61-14B-21 NMSA 1978; deleted former Subsection B, which required the applicant to provide evidence that the applicant certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; deleted the provision in Subsection C that the applicant submit evidence of having completed the educational or experience requirements.

The 1999 amendment, effective June 18, 1999, deleted "nondispensing" preceding "audiologist" in the section heading and the introductory language; and in Subsection B, substituted "Section 61-14B-21 NMSA 1978" for "Section 21 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act".

61-14B-12.1. Requirements for licensure; audiologist. (Repealed effective July 1, 2022.)

A. A license to practice as an audiologist shall be issued to any person who:

- (1) files a completed application, accompanied by the required fees and documentation;
- (2) certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; and
- (3) submits satisfactory evidence that the applicant:

(a) holds a doctor of audiology degree or an equivalent degree regardless of degree name and meets the academic requirements for certification by a national professional association, as determined by the board by rule;

(b) has passed a nationally recognized standard examination in audiology, if required by rule; and

(c) has earned certification by a national professional association as evidence that the applicant meets the clinical experience and examination requirements of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

B. A license to practice as an audiologist shall be issued to a person who:

- (1) files a completed application, accompanied by the required fees and documentation;
- (2) certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978;
- (3) submits satisfactory evidence that the applicant:

(a) holds a master's degree in audiology or communication disorders or an equivalent degree in audiology or communication disorders or an equivalent degree awarded prior to January 1, 2007; has met the academic requirements for certification by a national professional association; and has earned certification by a national professional association in the area in which the applicant is seeking licensure; or

(b) has completed the current academic, practicum and employment experience requirements for certification by a national professional association and has passed a nationally recognized standard examination in audiology; and

(4) provides evidence satisfactory to the board of at least six months' experience in the dispensing of hearing aids through practical examination or other methods as determined by the board in either a graduate training program or in a work or training experience.

History: Laws 2005, ch. 250, § 3; 2013, ch. 110, § 8; 2015, ch. 110, § 3.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2015 amendment, effective June 19, 2015, amended the licensure requirements for audiologists by replacing the required certification from a nationally recognized hearing association with a certification by a national professional association; in Subparagraph A(3)(a), after "requirements for certification by a", deleted "nationally recognized hearing" and added "national professional", after "board by rule;", deleted "and"; in Subparagraph A(3)(b), after "by rule", added "and"; added Subparagraph A(3)(c); in Paragraph (4) of Subsection A, deleted "provides official documentation from a nationally recognized hearing association, as determined by the board by rule", redesignated the remaining language from Paragraph (4) of Subsection A as Subparagraph A(3)(c), added "has earned certification by a national professional association", and after "Hearing Aid Dispensing Practices Act", deleted "and"; deleted Paragraph (5) of Subsection A; in Paragraph (2) of Subsection B, after "NMSA 1978", deleted "and"; in Subparagraph B(3)(a), after "2007", deleted "meets" and added "has met", after "requirements for certification by a", deleted "nationally recognized hearing" and added "national professional", after "has earned a", deleted "a certificate of clinical competence from a nationally recognized hearing" and added "certification by a national professional"; in Subparagraph B(3)(b), after "experience requirements for", deleted "a certificate of competence in audiology from a nationally recognized hearing" and added "certification by a national professional"; redesignated Subparagraph B(3)(c) as Paragraph (4) of Subsection B, and after "training experience", deleted "and"; and deleted Subparagraph B(3)(d).

The 2013 amendment, effective June 14, 2013, changed the qualifications for licensure of audiologists; in Subsection A, Paragraph (3), Subparagraph (a), at the beginning of the sentence, after "holds a", deleted "master's degree in" and added "doctor of", after "doctor of audiology", added "degree", after "audiology degree or", deleted "communication disorders; or", after "equivalent degree", deleted "awarded prior to January 1, 2007" and added "regardless of degree name and", after "nationally recognized", deleted "speech-language or", after "hearing association", added "as determine by the board by rule", and after "board by rule; and", deleted "currently holds a certificate of clinical competence from a nationally recognized speech-language or hearing association in the area that the applicant is seeking licensure; or", in Subparagraph (b), at the beginning of the sentence, after "has", deleted "completed the current academic, practicum and employment experience requirements for a certificate of clinical competence in audiology from a nationally recognized speech-language or hearing association and has" and after "recognized standard examination", deleted "or" and added "in audiology, if required by rule"; added Paragraphs (4) and (5); and in Subsection B, added the introductory sentence, in Paragraph (3), in Subparagraph (a), after "holds a", deleted "doctoral" and added "master's", after "degree in audiology or", added "communication disorders or an", after "equivalent degree", deleted "regardless of degree name and" and added "in audiology or communication disorders or an equivalent degree awarded prior to January 1, 2007", after "nationally recognized", deleted "speech-language or", and after "hearing association; and", added the remainder of the sentence; in Subparagraph (b), after "practicum and employment", added "experience", after "experience requirements", added "for a certificate of competency in audiology from", and after "nationally recognized", deleted "speech-language or", and added Subparagraphs (c) and (d).

61-14B-13. Requirements for endorsement to dispense hearing aids as an otolaryngologist. (Repealed effective July 1, 2022.)

An endorsement to practice hearing aid dispensing shall be issued to a licensed otolaryngologist who files a completed application accompanied by the required fees and documentation and who:

- A. provides evidence satisfactory to the board of at least six months' experience in the dispensing of hearing aids through practical examination or other methods as determined by the board in either a graduate training program or in a work or training experience;
- B. maintains or occupies a business location, hospital, clinical medical practice or other facility where hearing aids are regularly dispensed;
- C. passes the jurisprudence examination given by the board; and
- D. certifies that the otolaryngologist is not guilty of any activities listed in Section 61-14B-21 NMSA 1978.

History: Laws 1996, ch. 57, § 13; 1999, ch. 128, § 6; 2015, ch. 110, § 4.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-13 NMSA 1978, as enacted by Laws 1981, ch. 249, § 13, relating to fees for speech-language pathologists or audiologists licenses, and Laws 1996, ch. 57, § 13 enacted a new section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

Cross references. — For the Parental Responsibility Act, *see* 40-5A-1 NMSA 1978 et seq.

The 2015 amendment, effective June 19, 2015, removed "audiologist" from the section of the law that provides for an endorsement to practice hearing aid dispensing; in the catchline, after "hearing aids as an", deleted "audiologist"; in the introductory sentence of the section, after "issued to a licensed", deleted "audiologist or"; and in Subsection D, after "certifies that", deleted "he" and added "the otolaryngologist".

The 1999 amendment, effective June 18, 1999, rewrote this section to the extent that a detailed comparison is impracticable.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 51 Am. Jur. 2d Licenses and Permits § 4; 61 Am. Jur. 2d Physicians, Surgeons and Other Healers § 144.

Practicing medicine, surgery, dentistry, optometry, podiatry or other healing arts without license as a separate or continuing offense, 99 A.L.R.2d 654.

53 C.J.S. Licenses § 34.

61-14B-13.1. Requirements for bilingual-multicultural endorsement. (Repealed effective July 1, 2022.)

A bilingual-multicultural endorsement shall be issued to any person who:

- A. files a completed application, accompanied by the required fees and documentation; certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; and submits satisfactory evidence that the applicant:
 - (1) is eligible for and in the process of obtaining a license to practice as a speech-language pathologist;
 - (2) has completed the required education as determined by rule;
 - (3) has met experience requirements approved by the board; and
 - (4) has demonstrated proficiency in the specified language as determined by the board; or
- B. files a completed application accompanied by the required fees and documentation; certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; and submits satisfactory evidence that the applicant:
 - (1) has an active license in good standing in the state of New Mexico as a speech-language pathologist;
 - (2) has a current bilingual endorsement from the public education department; or
 - (3) has a minimum of five years practicing with clients who utilize a language other than English and has demonstrated proficiency in the specified language as determined by the board; or
- C. files a completed application, accompanied by the required fees and documentation; certifies that the applicant is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; and submits satisfactory evidence that the applicant:
 - (1) has a license in good standing in another state or country as a speech-language pathologist;
 - (2) has a minimum of five years practicing with clients who utilize a language other than English; and
 - (3) has demonstrated proficiency in the specified language as determined by the board.

History: Laws 2013, ch. 110, § 16; 2015, ch. 110, § 5.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2015 amendment, effective June 19, 2015, specified that each applicant for a bilingual-multicultural endorsement must submit satisfactory evidence that the applicant is eligible for and in the process of obtaining a license to practice as a speech-language pathologist and required applicants to meet requirements in at least one of the listed subsections; in Paragraph (1) of Subsection A, after "obtaining a license", added "to practice as a speech-language pathologist"; in Paragraph (4) of Subsection A, after "board", added "or"; in the introductory paragraph of Subsection B, after "NMSA", added "1978"; in Paragraph (2) of Subsection B, after "department", added "or"; deleted the paragraph designation in Paragraph (4) of Subsection B and added the language from former Paragraph (4) of Subsection B to Paragraph (3) of Subsection B; in the introductory paragraph of Subsection C, after "NMSA", added "1978"; and in Paragraph (1) of Subsection C, after "has", deleted "an active" and added "a".

61-14B-14. Requirements for licensure by examination; hearing aid dispenser. (Repealed effective July 1, 2022.)

A. A license to practice as a hearing aid dispenser shall be issued to a person who files a completed application, passes the examination approved by the board, pays the required fees, provides required documentation and submits satisfactory evidence that the person:

- (1) is an audiologist or an otolaryngologist; or
- (2) is a person other than an audiologist or an otolaryngologist applying for a license pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- (3) has reached the age of majority and has at least a high school education or the equivalent;
- (4) has worked for no less than seven months under a training permit; and
- (5) certifies that the person is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978.

B. The examination for hearing aid dispenser shall be conducted by the board quarterly unless there are no applicants for examination.

C. The board:

- (1) shall provide procedures to ensure that examinations for licensure are offered as needed;
- (2) shall establish rules regarding the examination application deadline and other rules relating to the taking and retaking of licensure examinations;
- (3) shall determine a passing grade for the examination; and
- (4) may accept an applicant's examination scores used for national certification or other examination approved by the board.

History: Laws 1996, ch. 57, § 14; 1999, ch. 128, § 7; 2013, ch. 110, § 9.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-14 NMSA 1978, as enacted by Laws 1981, ch. 249, § 14, relating to denial, suspension and revocation of speech-language pathology or audiology licenses, and § 14 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, changed the qualifications for licensure as a hearing aid dispenser; in Paragraph (1) of Subsection A, after "audiologist", deleted "a clinical fellow in audiology" and in Paragraph (2) of Subsection A, after "audiologist", deleted "a clinical fellow in audiology".

The 1999 amendment, effective June 18, 1999, deleted "a dispensing" preceding "audiologist" in Subsections A and A(1); in Subsection A, inserted "provides required" preceding "documentation"; in Subsection A(1), deleted "who does not meet the qualifications regarding a dispensing otolaryngologist set forth in Section 13 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act" following "otolaryngologist"; in Subsection A(2), deleted "a nondispensing audiologist" preceding "a clinical fellow in audiology"; in Subsection A(2)(a), inserted "has reached the age of majority and"; and in Subsection A(2)(c), substituted "Section 61-14B-21 NMSA 1978" for "Section 21 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act".

61-14B-15. Requirements for licensure; clinical fellow of speech-language pathology. (Repealed effective July 1, 2022.)

A license to practice as a clinical fellow of speech-language pathology shall be issued to a person who files a completed application, pays the required fees, provides documentation and submits satisfactory evidence that the person:

- A. has met all academic course work and practicum requirements for a master's degree in speech-language pathology, speech pathology or communication disorders for certification by a national professional association;
- B. certifies that the person has received no reprimands of unprofessional conduct or incompetency;
- C. applies for licensure under Section 61-14B-12 NMSA 1978 after completing the clinical fellowship year; and
- D. has an appropriate supervisor, as defined in Section 61-14B-2 NMSA 1978.

History: Laws 1996, ch. 57, § 15; 2013, ch. 110, § 10; 2015, ch. 110, § 6.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-15 NMSA 1978, as enacted by Laws 1981, ch. 249, § 15, relating to penalties for violation of any of the provisions of the Speech-Language Pathology and Audiology Act, and Laws 1996, ch. 57, § 15 enacted a new section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2015 amendment, effective June 19, 2015, amended the certification requirements for an applicant for a license to practice as a clinical fellow of speech-language pathology; and in Subsection A, after "certification by a", deleted "nationally recognized speech-language or hearing" and added "national professional".

The 2013 amendment, effective June 14, 2013, eliminated the qualifications for licensure as a clinical fellow of audiology; in the title, after "pathology", deleted "clinical fellow of audiology"; in the introductory sentence, after "speech-language pathology", deleted "or audiology" and after "complete application", deleted "passes the examination approve by the board prior to or within one year of applying for the examination"; in Subsection A, after "communication disorders", deleted "or audiology or both", deleted former Subsection B, which required the filing of a GFY plan; in Subsection C, after "Section", deleted "12 of the Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Act" and added "61-14B-12 NMSA 1978"; in Subsection D, at the beginning of the sentence, after "has", deleted "a GFY" and added "an appropriate", deleted former Paragraph (1), which required the applicant to be a licensed speech-language pathologist or audiologist, deleted former Paragraph (2) which required the applicant to be registered as a CFY supervisor, and added "as defined in Section 61-14B-2 NMSA 1978".

61-14B-15.1. Requirements for licensure; apprentice in speech and language. (Repealed effective July 1, 2022.)

A license to practice as an apprentice in speech and language shall be issued by the board to a person who files a completed application accompanied by the required fees and documentation and provides satisfactory evidence that the applicant:

- A. is working toward full licensure pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- B. has a baccalaureate degree in speech-language pathology or communicative disorders or an equivalent degree or a baccalaureate degree in another field with thirty semester hours of credit in speech-language pathology or communicative disorder;
- C. is enrolled in and successfully completes graduate classes in speech-language pathology, communicative disorders or a related field at a minimum rate of nine semester hours per year and is accepted into a master's level program in speech-language pathology or communicative disorders within two years of initial licensing;
- D. maintains a minimum of a 3.0 grade point average in the master's degree course and other work;
- E. is supervised by an appropriate supervisor, as defined in Section 61-14B-2 NMSA 1978; and
- F. has arranged for appropriate supervision to meet the supervision requirement defined by rule.

History: Laws 1999, ch. 128, § 8; 2005, ch. 250, § 4; 2013, ch. 110, § 11.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, changed the qualifications for licensure as an apprentice in speech and language; in Subsection C, after "communicative disorders", added "or a related field"; in Subsection E, after "supervised by", deleted "a person licensed as a speech-language pathologist who has a minimum of two years experience as a speech-language pathologist" and added "an appropriate supervisor, as defined in Section 61-14B-2 NMSA 1978"; and in Subsection F, deleted "receives a minimum of ten percent direct supervision and ten percent indirect supervision" and added "has arranged for appropriate supervision to meet the supervision requirement defined by rule".

The 2005 amendment, effective June 17, 2005, deleted the provision that a person have an equivalent degree regardless of the degree name; deleted the reference to audiology in Subsection B and added the provision that a person be enrolled and complete graduate classes and is accepted into a master's level program in speech-language pathology in Subsection C.

61-14B-16. Licensure under prior laws. (Repealed effective July 1, 2022.)

Any license issued in accordance with the Speech-Language Pathology and Audiology Act or the Hearing Aid Act prior to the effective date of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act shall be valid until the expiration date of the license.

History: 1996, ch. 57, § 16.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-16 NMSA 1978, as enacted by Laws 1981, ch. 249, § 16, relating to annual renewal of speech-language pathology or audiology licenses, and § 16 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

Compiler's notes. — The Speech-Language Pathology and Audiology Act and the Hearing Aid Act were the precursors to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, and were compiled as Chapter 61, Article 14B and Chapter 61, Article 24A NMSA 1978, respectively, before their repeal in 1996.

The phrase "effective date of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act", referred to in this section, means July 1, 1996, the effective date of Laws 1996, ch. 57.

61-14B-17. Hearing aid dispensing temporary trainee permits; issuance. (Repealed effective July 1, 2022.)

A. A person who does not meet the requirements for licensure without examination as an audiologist or otolaryngologist as set forth in Section 61-14B-13 NMSA 1978 or as a hearing aid dispenser as set forth in Section 61-14B-14 NMSA 1978 may apply for a temporary trainee permit. A temporary trainee permit shall be issued to a person who:

- (1) has reached the age of majority and has a high school education or the equivalent;
- (2) has identified a sponsor;
- (3) pays an application fee as determined by the board;
- (4) has not failed the licensing examination twice within a five-year period; and
- (5) certifies that the person is not guilty of any of the activities listed in Section 61-14B-21 NMSA

1978.

B. A temporary trainee permit shall:

(1) be valid for one year from the date of its issuance and is nonrenewable for a period of one year following its expiration; and

(2) allow the person to complete a training period.

C. A person issued a temporary trainee permit may be eligible for licensure as a hearing aid dispenser upon:

(1) the completion of a minimum of three hundred twenty hours of training, to be completed within a three-month period under the direct supervision of the sponsor;

(2) the completion of five continuous months of full-time dispensing work, during which time all sales are approved by the sponsor prior to delivery; and

(3) the sponsor approving all fittings, adjustments, modifications or repairs to hearing aids and earmolds.

D. An audiologist or otolaryngologist issued a temporary trainee permit may be eligible for licensure without examination as a hearing aid dispenser upon the sponsor providing direct supervision for a minimum of three months of all fittings, adjustments, modifications or repairs to hearing aids and earmolds.

History: Laws 1996, ch. 57, § 17; 1999, ch. 128, § 9; 2013, ch. 110, § 12.

ANNOTATIONS

Repeals and reenactments. — Laws 1996, ch. 57, § 27 repealed 61-14B-17 NMSA 1978, as enacted by Laws 1990, ch. 16, § 4, relating to termination of the speech-language pathology and audiology advisory board, and § 17 of that act enacted the above section, effective July 1, 1996.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, changed the qualifications for issuance of a hearing aid dispensing temporary trainee permit; and in Subsection D, at the beginning of the sentence, after "An audiologist", deleted "clinical fellow in audiology".

The 1999 amendment, effective June 13, 1999, in Subsection A, deleted "a dispensing" preceding both "audiologist" and "otolaryngologist", substituted "Section 61-14B-13 NMSA 1978" for "Section 13 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act", and substituted "Section 61-14B-14 NMSA 1978" for "Section 14 of that act"; in Subsection A(1), inserted "has reached the age of majority and"; in Subsection A(2), deleted "as defined in the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act" from the end; in Subsection A(5), substituted "Section 61-14B-21 NMSA 1978" for "Section 21 of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act"; and in Subsection D, substituted "An audiologist" for "A dispensing audiologist, nondispensing audiologist".

61-14B-18. Scope of hearing aid dispensing examination. (Repealed effective July 1, 2022.)

In preparing the hearing aid dispensing examination, the board shall use tests that demonstrate:

A. knowledge in the fitting and sale of hearing aids, including basic physics of sound, anatomy and physiology of the ear and the function of hearing aids; and

B. proficient use of techniques for the fitting of hearing aids, including:

(1) pure-tone audiometry, including air conduction and bone conduction testing;

(2) live voice or recorded voice speech audiometry, including speech reception threshold and speech recognition score tests;

(3) masking when indicated;

(4) recording and evaluation of audiograms and speech audiometry for determining proper selection, fitting and adjustment of hearing aids;

- (5) taking earmold impressions; and
- (6) analyzing hearing aid function, modification and general service.

History: Laws 1996, ch. 57, § 18; 2013, ch. 110, § 13.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, required the board to test proficiency in fitting hearing aids; and in Paragraph (4) of Subsection B, after "proper selection", added "fitting".

61-14B-19. License renewal. (Repealed effective July 1, 2022.)

A. Each licensee shall renew the licensee's license biennially by submitting a renewal application as provided for in the board's regulations. The board may require proof of continuing education as a requirement for renewal. The board may establish a method to provide for staggered biennial terms. The board may authorize license renewal for one year to establish the renewal cycle.

B. A sixty-day grace period shall be allowed to each licensee after each licensing period. A license may be renewed during the grace period upon payment of a renewal fee and a late fee as prescribed by the board.

C. Any licensee not renewed by the end of the grace period will be considered expired and the licensee shall not be eligible to practice within the state until the license is renewed. The board shall develop rules regarding requirements for renewal of an expired license and may require the licensee to reapply as a new applicant.

D. Clinical fellow licenses may be renewed annually for no more than three years; provided the clinical fellow has submitted evidence of passing a recognized standard national examination in speech-language pathology prior to or within the clinical fellow's second year of the CFY. The CFY license shall not be renewed for a second year without evidence of passing a recognized standard national examination in speech-language pathology.

E. An apprentice in speech-language pathology shall renew the apprentice's license annually; provided that the apprentice is accepted into a master's-level program in speech-language pathology or communicative disorders within two years of initial licensing.

F. The board may issue rules providing for inactive status of licenses.

History: Laws 1996, ch. 57, § 19; 2013, ch. 110, § 14.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2013 amendment, effective June 14, 2013, provided for biennial renewal of licenses; in Subsection A, after "renew the licensee's license", deleted "every year" and added "biennially" and added the third sentence; in Subsection D, in the first sentence, after "may be renewed", added "annually" and in the second sentence, after "shall not be renewed", added "for a second year" and after "national examination in", deleted "either", and after "speech-language pathology", deleted "or audiology or both"; and added Subsection E.

61-14B-20. Fees. (Repealed effective July 1, 2022.)

Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees for applications, licenses, renewal of licenses, exams, penalties and administrative fees. The license and license renewal fees shall not exceed:

- A. one hundred dollars (\$100) for clinical fellows and apprentices in speech and language;
- B. two hundred dollars (\$200) for audiologists or speech-language pathologists;
- C. six hundred dollars (\$600) for hearing aid dispensers;
- D. four hundred dollars (\$400) for examinations;
- E. one hundred dollars (\$100) for late renewal fees;
- F. four hundred dollars (\$400) for hearing aid dispensing endorsement;
- G. five hundred dollars (\$500) for a hearing aid dispenser trainee license, which fee includes examination, both written and practical;
- H. one hundred dollars (\$100) for bilingual-multicultural endorsement; and
- I. reasonable administrative fees.

History: Laws 1996, ch. 57, § 20; 1999, ch. 128, § 10; 2013, ch. 110, § 15; 2020, ch. 6, § 41.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2020 amendment, effective July 1, 2020, provided an exception to the licensure fee for qualified military service members, their spouses and dependent children, and for certain veterans; and in the introductory paragraph, added "Except as provided in Section 61-1-34 NMSA 1978".

The 2013 amendment, effective June 14, 2013, increased the renewal fees; in Subsection A, at the beginning of the sentence, deleted "fifty dollars (\$50.00)" and added "one hundred dollars "(\$100)"; in Subsection B, at the beginning of the sentence, deleted "one hundred dollars (\$100)" and added "two hundred dollars "(\$200)"; in Subsection C, at the beginning of the sentence, deleted "three hundred dollars (\$300)" and added "six hundred dollars "(\$600)"; in Subsection D, at the beginning of the sentence, deleted "two hundred dollars (\$200)" and added "four hundred

dollars "\$400"; in Subsection F, at the beginning of the sentence, deleted "two hundred dollars (\$200)" and added "four hundred dollars (\$400); and added Subsection H.

The 1999 amendment, effective June 13, 1999, in Subsection A, substituted "apprentices in speech and language" for "hearing aid dispenser trainees"; in Subsection B, deleted "nondispensing" preceding "audiologists"; in Subsection C, deleted "or dispensing audiologists" following "hearing aid dispensers"; added Subsections F and G; and redesignated the former Subsection F as Subsection H.

61-14B-21. Disciplinary proceedings; judicial review. (Repealed effective July 1, 2022.)

A. The board may deny, revoke, suspend or impose conditions upon a license held or applied for under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act in accordance with the procedures set forth in the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978] upon findings by the board that the licensee or applicant:

- (1) is guilty of fraud or deceit in procuring or attempting to procure a license;
- (2) has been convicted of a felony. A certified copy of the record of conviction shall be conclusive evidence of the conviction;
- (3) is guilty of incompetence;
- (4) is guilty of unprofessional conduct;
- (5) is selling or fitting the first hearing aid of a child under sixteen years of age who has not been examined and cleared for the hearing aid by an otolaryngologist or a dispensing audiologist who has earned certification by a national professional association;
- (6) is selling or fitting a hearing aid on a person who has not been tested, except for replacement aids;
- (7) uses untruthful or misleading advertising;
- (8) makes any representation as being a medical doctor when the licensee or applicant is not a licensed medical doctor;
- (9) is addicted to the use of habit-forming drugs or is addicted to a substance to such a degree as to render the licensee or applicant unfit to practice as a speech-language pathologist, dispensing or nondispensing audiologist or hearing aid dispenser;
- (10) is guilty of unprofessional conduct, as defined by regulation of the board;
- (11) is guilty of a violation of the Controlled Substances Act [Chapter 30, Article 31 NMSA 1978];
- (12) has violated a provision of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- (13) is guilty of willfully or negligently practicing beyond the scope of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- (14) is guilty of aiding or abetting the practice of speech-language pathology, audiology or hearing aid dispensing by a person not licensed by the board;
- (15) is guilty of practicing without a license in violation of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and its regulations; or
- (16) has had a license, certificate or registration to practice speech-language pathology, audiology or hearing aid dispensing revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for actions of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction taking such disciplinary action will be conclusive evidence thereof.

B. Disciplinary proceedings may be initiated by a person filing a sworn complaint. A person filing a sworn complaint shall be immune from liability arising out of civil action if the complaint is filed in good faith and without actual malice.

History: Laws 1996, ch. 57, § 21; 2015, ch. 110, § 7.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

The 2015 amendment, effective June 19, 2015, amended the disciplinary proceedings provision of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act by authorizing the speech language pathology, audiology and hearing aid dispensing practices board to deny, revoke, suspend or impose conditions upon a license if the licensee sells or fits the first hearing aid of a child under sixteen years of age who has not been examined and cleared for a hearing aid by an otolaryngologist or a dispensing audiologist who has earned "certification by a national professional association"; the law previously required clearance from both an otolaryngologist and a dispensing audiologist; in the introductory sentence of Subsection A, after "conditions upon", deleted "any" and added "a"; in Paragraph (5) of Subsection A, after "first hearing aid of", deleted "any" and added "a", after "otolaryngologist", deleted "and" and added "or", after "dispensing audiologist who", deleted "is certified competent by a nationally recognized speech-language or hearing association or holds equivalent certification" and added "has earned certification by a national professional association"; in Paragraph (6) of Subsection A, after "hearing aid on", deleted "any" and added "a"; in Paragraph (8) of Subsection A, after "(8)", deleted "is representing himself as" and added "makes any representation as being", and after "medical doctor when", deleted "he" and added "the licensee or applicant"; in Paragraph (9) of Subsection A, after the second occurrence of "addicted to",

deleted "any" and added "a", and after "to render", deleted "him" and added "the licensee or applicant"; in Paragraph (11) of Subsection A, after "guilty of", deleted "any" and added "a"; in Paragraph (12) of Subsection A, after "violated", deleted "any" and added "a"; and in Subsection B, after "initiated by", deleted "any" and added "a", and after "complaint.", deleted "Any" and added "A".

61-14B-22. Penalties. (Repealed effective July 1, 2022.)

A. Any person who fails to furnish the board, its investigators or representatives with information requested by the board is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a period of one year or both.

B. Any person who violates any provision of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a period of one year or both.

History: Laws 1996, ch. 57, § 22.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

61-14B-23. Criminal Offender Employment Act. (Repealed effective July 1, 2022.)

The provisions of the Criminal Offender Employment Act [28-2-1 to 28-2-6 NMSA 1978] shall govern any consideration of criminal records required or permitted by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

History: Laws 1996, ch. 57, § 23.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

61-14B-24. Fund established. (Repealed effective July 1, 2022.)

A. There is created in the state treasury the "speech-language pathology, audiology and hearing aid dispensing practices board fund".

B. All money received by the board under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act shall be deposited with the state treasurer for credit to the speech-language pathology, audiology and hearing aid dispensing practices board fund. The state treasurer shall invest the fund as other state funds are invested. All balances in the fund shall remain in the fund and shall not revert to the general fund.

C. Money in the speech-language pathology, audiology and hearing aid dispensing practices board fund is appropriated to the board and shall be used only for the purpose of carrying out the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act.

History: Laws 1996, ch. 57, § 24.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

61-14B-25. Termination of agency life; delayed repeal. (Repealed effective July 1, 2022.)

The speech-language pathology, audiology and hearing aid dispensing practices board is terminated on July 1, 2021 pursuant to the Sunset Act [12-9-11 through 12-9-21 NMSA 1978]. The board shall continue to operate according to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act until July 1, 2022. Effective July 1, 2022, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act is repealed.

History: Laws 1996, ch. 57, § 25; 1997, ch. 46, § 17; 2005, ch. 208, § 12; 2015, ch. 119, § 15.

ANNOTATIONS

The 2015 amendment, effective June 19, 2015, extended the termination date for the speech-language pathology, audiology and hearing aid dispensing practices board to July 1, 2021, and the repeal date to July 1, 2022.

The 2005 amendment, effective June 17, 2005, changed the termination, operation and repeal dates.

The 1997 amendment, effective June 20, 1997, substituted "2005" for "1997" in the first sentence, and substituted "2006" for "1998" in the second and third sentences.