

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, 2/3/06]

16.26.2.2 SCOPE: All individuals wishing to practice as a speech-language pathologist, audiologist, hearing aid dispenser or individuals working as a clinical fellow, persons working under a hearing aid dispensing training permit and temporary professional license holders who will be offering adjunct services in speech-language pathology or audiology.
[16.26.2.2 NMAC - Rp, 16 NMAC 26.2.2, 2/3/06]

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, 2/3/06]

16.26.2.4 DURATION: Permanent.
[16.26.2.4 NMAC - Rp, 16 NMAC 26.2.4, 2/3/06]

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, 2/3/06]

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, 2/3/06]

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.
- [16.26.2.8 NMAC - Rp, 16 NMAC 26.2.8, 2/3/06]

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/or 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, 2/3/06]

16.26.2.10 APPLICATIONS FOR LICENSURE: Application shall be made on forms prescribed by the board office.

A. All applications for licensure must be accompanied by a check or money order payable to the board in the amount of the application and initial licensing fee. The licensing and renewal fee are set by the board and are non-refundable.

B. All initial applications must be signed by the applicant.

C. All applications must be accurate.

D. All applications must be complete before they will be accepted by the board office.

[16.26.2.10 NMAC - Rp, 16 NMAC 26.3.8, 2/3/06; A, 11/29/08]

16.26.2.11 QUALIFICATIONS AND APPLICATION FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST: 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. a certified copy of a certificate of clinical competency 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. passing the jurisprudence examination with a grade of no less than 70%; 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, 2/3/06; A, 11/29/08]

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

A. official transcripts verifying at least a master's degree in audiology, or communication disorders or equivalent degree in audiology or communication disorders awarded prior to January 1, 2007; or a doctoral degree in audiology 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. a certified copy of a certificate of clinical competency 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 audiology;

E. passing the jurisprudence examination with a grade of no less than 70%; 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;

G. physicians eligible for certification or certified by the American board of otolaryngology head and neck surgery, who wish to be licensed as a hearing aid dispenser, must provide the following documents:

(1) a certified copy of current New Mexico medical license; and

(2) a notarized letter from a qualified sponsor as specified in the act verifying work experience of at least six months in the fitting of the hearing aids, the initial 320 hours of which must be under direct supervision of the sponsor.

[16.26.2.12 NMAC - Rp, 16 NMAC 26.3.9, 2/3/06; A, 11/29/08; A, 06/07/10]

16.26.2.13 QUALIFICATIONS AND APPLICATION FOR ENDORSEMENT TO DISPENSE HEARING AIDS BY AUDIOLOGIST OR OTOLARYNGOLOGIST: A licensed audiologist or otolaryngologist may apply for hearing aid dispensing endorsement by providing evidence satisfactory to the board of:

- A. six months experience in the dispensing of hearing aids through practical examination, a notarized letter from an employer, graduate training program, or a clinical fellow supervisor verifying the required six months;
 - B. maintains or occupies in New Mexico a business location, hospital, clinical medical practice or other facility where hearing aids are regularly dispensed and records may be examined;
 - C. passes the jurisprudence examination, with a grade of no less than 70%; and
 - D. certifies that the applicant is not guilty of any activities listed in Section 61-14B-21 NMSA 1978.
- [16.26.2.13 NMAC - Rp, 16 NMAC 26.3.10, 2/3/06; A, 11/29/08]

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) applicant is eighteen years of age or older;
 - (2) has a high school education or the equivalent; and
 - (3) has a business location in New Mexico and can provide satisfactory evidence of the following:
 - (a) a notarized letter from an employer verifying completion of the training requirements as outlined for the temporary hearing aid dispensing trainee permit;
 - (b) written examination: the board will require each candidate to pass the IHS, 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 no less than 70%;
 - (c) practical examination: the board will require each candidate to pass the hearing aid practical examination or other exams approved by the board with an overall score of no less than 70%; and
 - (d) passing the jurisprudence examination with an overall score of no less than 70%;
 - (4) any applicant who fails any portion of the licensing examination two times may not reapply until he/she has waited six months and repeated the training and application requirements; at that time the entire exam must be repeated.
 - B. If currently or previously licensed in another state a verification of licensure must be sent directly to the board by the issuing jurisdiction.
 - C. Physicians eligible for certification or certified by the American board of otolaryngology head and neck surgery, who wish to be licensed as a hearing aid dispenser, must provide the following documents:
 - (1) a certified copy of current New Mexico medical license; and
 - (2) a notarized letter from a qualified sponsor as specified in the act verifying work experience of at least six months in the fitting of the hearing aids, the initial 320 hours of which must be under direct supervision of the sponsor.
- [16.26.2.14 NMAC - Rp, 16 NMAC 26.3.11, 2/3/06; A, 06/07/10]

16.26.2.15 QUALIFICATION AND APPLICATION 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 (1) year.
 - B. Upon expiration, 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.
 - C. The trainee must identify a qualified sponsor as specified in the act.
 - D. Each trainee shall receive intensive training working under the direct supervision of his/her sponsor for a minimum of three hundred twenty (320) hours within a three (3) month period.
 - E. Following completion of 320 hours, an additional five (5) continuous months of full time work is required. All activities of the trainee during this time must be reviewed and approved by the 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.
 - F. Passing the jurisprudence examination with a grade of no less than 70%.
- [16.26.2.15 NMAC - Rp, 16 NMAC 26.3.12, 2/3/06; A, 06/07/10]

16.26.2.16 HEARING AID DISPENSER TRAINEE EXAMINATION FOR COMPETENCE:

Following completion of a minimum 320 hours all candidates under a temporary hearing aid dispensing permit under a training program shall:

- A.** pass the practical examination which tests proficiency in pure tone audiometry, including air conduction and bone conduction testing, live-voice or recorded-voice speech audiometry, including speech reception threshold and speech discrimination tests, masking when indicated, recording and evaluation audiograms and speech audiometry determining proper selection and adjustment of hearing aids;
 - B.** taking earmold impressions;
 - C.** the board office will schedule written and practical examinations once each quarter; each applicant will be notified of the examination schedule for the next year when they receive their trainee permit; applicants must register for the examination a minimum of 90 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, 2/3/06; A, 06/07/10]

16.26.2.17 QUALIFICATION FOR LICENSURE FOR CLINICAL FELLOWS:

- A.** Clinical fellow (CF) has met 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 he/she has received no reprimands of unprofessional conduct or incompetency; and
 - (d)** file a clinical fellow 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 9 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, 100% 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 her/his 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, 2/3/06]

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 communication disorders or baccalaureate degree in another field with thirty (30) semester hours of credit in communication disorders;

(2) enrolled in a master's degree program in speech-language pathology or communication disorders and completes a minimum rate of nine (9) 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 completes nine (9) semester hours of graduate courses per year with at least three (3) hours in communication disorders, six (6) hours may be taken in a related field;

(b) if the educational institution does not permit students who are not matriculated into a graduate program to take graduate courses in communication disorders, the student may substitute three (3) hours in a related field for the three (3) hours in communication disorders, in addition to the other six (6) hours in a related field;

(c) acceptance in a master's degree program must take place within two (2) years of initial license; and

(3) maintains a minimum of a 3.0 GPA in communication disorders course work and/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 ten (10) percent of contact time of the apprentice in speech-language must be direct supervision.

(b) Minimum of ten (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/or hearing screenings;
 (b) conduct treatment programs and procedures that are planned, selected and/or 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 himself/herself 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, 2/3/06; A, 11/29/08; A, 06/07/10]

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 12/21/71.

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.

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 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.
BCD 88-2, Regulations Governing the Speech-Language Pathology and Audiology Act, filed 3/11/88.
Rule 91-2, Qualifications for Licensure, filed 10/25/91.
Rule 91-3, Temporary Trainee Permits, filed 10/25/91.
Rule 91-4, Applications for Licensure, filed 10/25/91.
Rule 91-5, Examination for Competence, filed 10/25/91.

History of Repealed Material:

16 NMAC 26.2, Licensure and Licensure Requirements, filed 10/9/96 - Repealed effective 2/3/2006.
16 NMAC 26.3, Application Procedures and Qualifications for Licensure, filed 10/9/96 - Repealed effective 2/3/2006.