

Frequently Asked Questions By PRACTITIONERS

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Q. What types of licenses does the New Mexico Medical Board offer?

A. Medical License: An unrestricted license to practice medicine and surgery.

Telemedicine License: A limited medical license that allows a Physician located outside New Mexico to practice medicine on patients located in New Mexico.

Post-graduate Training License: A limited training license issued by the Board to Physicians who are enrolled in a Board approved training program.

Public Service License: A limited license issued by the Board to Physicians in training who have successfully completed one year of post-graduate training.

Temporary (Temporary Camp & Temporary Teaching): A limited license that allows a Physician to practice medicine for a limited time after meeting certain specific conditions.

Federal Emergency: An unrestricted license to practice medicine and surgery issued without receipt of all documentation required for a medical license because of a major disaster.

Part 12, Supervision of Non-Licensed Physicians (a special purpose permit): Strictly speaking, this is not a license. A Physician licensed in New Mexico can obtain permission to function temporarily as the Supervising Physician of a Physician actively licensed to practice medicine in a jurisdiction other than New Mexico. Please refer to NMMB Rule 16.10.12 for specifics.

Physician Assistant License: A license for a healthcare professional to practice medicine under the direct supervision of a New Mexico licensed Physician. Must meet the qualifications for licensure specified in NMMB Rule 16.10.15.8.

Anesthesiologist Assistant License: A special category of “Assistants to Physicians” who provide anesthesia services to patients under the direct supervision of an Anesthesiologist.

Pharmacist Clinician Supervisor: A licensed NM Physician who is approved by the Board as a Pharmacist Clinician Supervisor after the Pharmacist Clinician registers with the Board by submitting an application for authority to practice under the supervision of the Physician.

Genetic Counselor License: A license to practice Genetic Counseling in New Mexico after meeting the requirements set forth in NMMB Rule 16.10.21.

Polysomnographic Technologist (Sleep Technologist) License: A license to practice Polysomnographic technology after meeting the requirements set forth NMMB Rule 16.10.20.

Q. The Licensing process. How long does it take to obtain a license to practice Medicine?

A. It depends on the Physician’s background. Generally, the licensing process by the Board, by the Health Services Corporation (HSC) or by the Federation (of State Medical Boards) Credentials Verification Service (FCVS)) takes approximately 60 days for an American medical school graduate and 90 days for an International graduate. The most important factor is the prompt submission of the application! Several other factors may prolong the process: licensing of a Physician with many years of experience, various hospitals, and several state licenses will take as much as 30 days longer; International medical graduates from slightly less than completely cooperative medical schools may also experience prolonged processing by 30 days or more; experience with discipline or other license restriction in another State may trigger an investigation and create a delay; and, similarly, previous

criminal action may cause a delay while the requisite documents are obtained. It is always important for the applicant to track the status of the application and to personally contact the source of any documents not furnished to the Board. That said, once the application is complete, it is reviewed for quality assurance, and then forwarded to the Medical or the Executive Director for review. From that point, it usually takes less than 2 weeks from the time the application is deemed complete to the time a license is issued.

Q. Will I need to be interviewed as part of the licensing process?

A. The Board no longer requires that every applicant be interviewed prior to being granted a license. Interviews are now conducted on a case-by-case basis. If, for example, a question arises regarding the information supplied in support of the application, the Board Chairman, Executive Director or Medical Director may wish to discuss that issue with the applicant in more depth.

Q. License Application: Do I qualify for licensure by Exam or Endorsement?

A. To qualify by Endorsement you must be able to respond “Yes” to the following four questions:

1. Am I American Board of Medical Specialties certified?
2. Have I continuously practiced outside of my post-graduate training program for at least three years immediately preceding my application?
3. Did I graduate from an approved school or am I ECFMG certified? And,
4. I have never had any disciplinary action taken against any state license that I have ever held?

If you responded “Yes” to all four of the above you are qualified to apply for licensure by endorsement. You will **NOT** need to provide the Board with primary source verification of your medical education, post graduate training or exams, and therefore the process may be a bit faster. You will still need to have your work experience, state licenses and professional recommendations sent into the Board directly from their sources. If you have extensive work history, e.g. many Locum Tenens, it may take longer for your work experience to be verified.

To qualify for Licensure by Examination, you must have:

1. Graduated from a Board approved medical school. The NM Medical Board uses the California State Medical Board list of approved schools;
2. Successfully passed one of the exams or a combination of exams set forth in NMMB Rule 16.10.3;
3. Completed two years of Board-approved post-graduate training; and,
4. If you are a foreign medical school graduate, you must be ECFMG certified.

To apply for licensure by examination, you will need to provide primary source verification of your medical education, post-graduate training, examinations, work experience, professional recommendations, and license verifications. All the requirements may be found on the web site under Information for Practitioners: Application:

<http://www.nmmb.state.nm.us/#>

Q. Does the New Mexico Medical Board have exceptions to the 7 year examination rule?

A. YES. , Please refer to the Board’s website at the link below, under Governing Statute and Rules. Part 3 of the Board’s Rules addresses the examination requirements and Paragraph 16.10.23.10 F. 1-9, and G. address the requirements for applying for an exception to the 7 year rule. http://www.nmmb.state.nm.us/pdf/Files/Rules/NMAC16.10.03_Examinations.pdf

Q. License Application: Primary Source Verification. What is “Primary Source Verification” and how is it accomplished?

A. Almost all materials that are requested by a Medical Board must come from the *original (primary) source*. For examples: graduate medical education; medical school transcripts; examination scores; and letters of recommendation. Each of the individuals or institutions from which these materials are requested *must send them directly to the Medical Board*. When such information is provided by the practitioner (an *original* medical school transcript, for example) it is called *secondary source verification*, and may or may not be accepted, depending on the result of a process of verification.

Q. License application: expiration. How long do I have to complete my application for licensure in New Mexico?

A. One year from the date of receipt by the Board. When the initial application is received from the Physician, it is “date stamped.” If all required materials have not been received by the end of one year (365 days), and there is no acceptable reason given by the applicant and agreed to by the Board, the file becomes “dormant” and the applicant must start over from the beginning. Your original application fee is non-refundable.

Q. License Activity. I will not be using my NM license for a couple of years. What should its status be?

A. You have choices. There are five levels of activity for medical licenses: Active, Inactive, Retired, Voluntarily Lapsed, and Lapsed for Non-Renewal.

ACTIVE: For Active status, you must fulfill the triennial requirement of 75 hours of Category I AMA CME’s, submit a renewal application, and pay the renewal fee.

INACTIVE: To place your license on Inactive status, you would pay a one-time fee of \$25.00. That would lead to two choices: To reinstate your license within 2 years, you would need to request a reinstatement form, submit proof of 75 hours of Category 1 AMA CME’s and pay the renewal fee plus the \$200.00 reinstatement fee. To reinstate after 2 years, you would request an application in which you would detail your activities and provide us with 2 letters of recommendation, work experience verifications for the previous five years, and proof of 75 hours of Category 1 AMA CME’s. Also, you would pay the renewal fee plus the \$200.00 reinstatement fee.

RETIRED: For Retired status, you must submit a request in writing to the Board. There is no fee for this status. Were you to choose later to re-activate, you would submit a new application to the Board.

VOLUNTARY LAPSED: This would occur by allowing your license to lapse. The difference is that there is no fee and your Board license file would indicate "Voluntary Lapsed" instead of "Lapsed." The method for re-instatement for this "Voluntary" approach is identical to that for Inactive status. Also, you would pay the renewal fee plus the \$200.00 reinstatement fee.

LAPSED DUE TO NON-RENEWAL: If you choose not to renew, your license will automatically be "lapsed due to non-renewal". The method for reinstatement of such a "lapsed" license would also be the same as for the Inactive status, except that in addition to the renewal fee and reinstatement fee, there would be a penalty of \$200 for not having chosen one of the other four categories of licensure at the time of renewal by June 30th: Active, Inactive, Retired, or Voluntary Lapsed.

Q. Notification of Address Change. What happens if I forget to notify the Board of an Address change?

A. Prompt notification of an address change (business or personal) is a mandatory licensing requirement (and it is the Physician's responsibility). *If you have provided the Board with both a home address and a business address, it is very important that you specify which address you are changing and to specify which address you want the Board to use as your mailing address.* Address changes should be in writing and may be submitted by fax, letter, or e-mail. If you provide an address change over the phone, we will make the change and ask you to follow-up with the request in writing. There are two principal times when a problem is created by the Board not having a current address. The first is when it is time to send the Physician a license renewal notification. The second is when there is a current, formal complaint against the Physician. Normally, the Board takes no action against the Physician who just "forgot" to notify the Board; however, penalties may be incurred if the Board is unable to communicate with the Physician at the time a formal complaint is filed.

Q. Why do I have to renew if I just recently received my Medical License?

A. When an application is approved and a license is issued, the license is placed in the next renewal cycle, which gives an expiration date of the following July 1st. Initial New Mexico licenses are not issued for more than 13 months and not less than 1 month and expire on July 1. After the Physician renews, the next renewal will occur in (3) years. See Board Rule: 16.10.2.9 G.

Q. What happens if I forget to renew my license?

A. This usually happens when the Board has not received the required notification of a change of address. License renewal notices are sent out approximately 3 months before the date of license expiration. You may begin to renew online 3 months before the date of expiration. You must renew no later than the 30th of June. The Rules impose a fine for late renewal within 45 days, and a larger fine for the next 45 days. If the license is not renewed by October 1st of the year due, the license is *auto-*

matically “lapsed due to non-renewal”. After October 1st you must apply for reinstatement of your license if you wish to keep it in active status.

Q. When will I receive my license after I renew?

A. If we have received your fingerprints as required, your license will be issued and mailed within five working days after you renew. If you answered “Yes” to any of the professional practice questions, issuance of the license may take somewhat longer.

Q. I sent my fingerprints to the Board office, why was my license not renewed?

A. The fingerprints are only one portion of the license renewal or application process. You still need to renew your license and pay the renewal fee, either online or by requesting a paper renewal application from the Board office by calling 505-476-7220 or toll free at (800) 945-5845. If the license application and the fingerprint cards have been submitted, and everything is in order, the Board will issue a license even though the fingerprint results are not yet available. If, after renewal, the Board discovers that the fingerprint record reflects prior, undisclosed concerns, an investigation may be opened into the incident(s) and/or result in a case of non-disclosure.

Q. For the online renewal, is my “pin” number the same as my “registration code” found on my renewal notice?

A. YES. When you register as a new user, you will be able to create your own unique user id and password that you will use to log into the New Mexico Board online renewal site.

Q. Can I renew my controlled substance registration and medical license at the same time online?

A. NO, you need to register online separately. The renewal site for the New Mexico Controlled Substance registration (Board of Pharmacy) is <http://www.rld.state.nm.us/Pharmacy/>.

Q. How do I have a license verification sent to another state?

A. The Board has contracted with VeriDoc to send license verifications to other state Boards. Go to www.veridoc.org and follow the steps recommended. The verification is sent electronically to the requested state within two days. All state Boards accept VeriDoc verifications. There is a \$30.00 fee for this service.

For verifications to be sent to entities other than another state Board, please put a request in writing to the NM Medical Board with the \$30.00 verification fee, and the Board will send the verification promptly.

Q. What happens if I cannot complete my required 75 AMA Category I Continuing Medical Education credit hours by the required time?

A. It depends. If you have had a major illness, or other critical issue, you may request an emergency deferral of the CME requirement, however, you still must complete the remaining hours by October 1st. You will continue to be licensed during that time. In the event that there is no acceptable justification, your license may be suspended by the Board until such time as the CME's are completed and the appropriate fees and fines paid.

The important steps include: *prompt notification* to the Board; *prompt completion of the renewal*; *payment* of the Triennial fee; AND a *letter explaining the circumstances* and how the CME requirement will be met. With that information, the Board will usually continue the practitioner's license in an *Active Status* until the requirement is met, provided that occurs *before October 1st of the renewal year*. In the absence of prompt notification (before June 30th), the Board will automatically impose the appropriate fine for lateness. If the CME requirement is not met by October 1st, the *license will automatically be lapsed for non-renewal*.

Anyone *not* completing the CME requirement on time will *automatically be audited* on the next renewal cycle and will *not be allowed to use the same CME hours again*, even though they fall within the "current" renewal cycle for the subsequent renewal.

Q. How do I know what counts as CME credit hours?

A. The Rules are on the Web Site. Follow this link to find the rules for CME:
http://www.nmb.state.nm.us/pdf/Files/Rules/NMAC16.10.04_ContinuingMedicalEducation.pdf

Q. Where can I get the background check packet to support my application?

A. Once your application is received, a background check packet with all the instructions will be mailed to you. You can also call the Board office (505-476-7220) and request a background check packet.

Q. Will the background check delay the application process?

A. The New Mexico Medical Board does not hold up licensure for clearance of your background check. As soon as the Board receives your fingerprint cards and all supporting documentation, the application will go for its final step in licensure review. HOWEVER, your application is not considered complete until we receive your fingerprint cards in the Board office.

Q. What do I do if the Court told me my "record of arrest will be expunged"?

A. Answer the Professional practice question on the application "Yes" and then explain. It is far better to err on the side of explanation than not to give an accurate answer to *ANY professional*

practice question and then have the Board discover that omission. In the case of "expunged records" that followed an arrest, they have almost invariably been expunged, BUT the fingerprint records obtained at the time of the arrest remain in the system.

Q. Do I have to go to a law enforcement agency to have my fingerprints taken?

A. NO. There are several qualified fingerprinting sources that will take your fingerprints on *our cards* and notarize the forms. Check in the yellow pages of the phone book, with the campus police at a university, with the human resource department at your hospital, or on the Board website where there is a list of agencies in New Mexico: <http://www.nmmb.state.nm.us/pdf/files/FingerprintSourceList.pdf>

Q. Why are fingerprints rejected?

A. Your fingerprint card may be rejected if the prints appear too light, or too dark, or are smudged, or your fingers have not been completely rolled from side to side, or your finger-tips have not been completely printed from their tips to slightly proximal to the distal inter-phalangeal joints. Also, be aware that the fingerprints of older persons may lose their whorls and be difficult to register.

Please take the time to look at your prints prior to leaving the fingerprinting facility. If you note any one of these issues, do not hesitate to ask that your prints to be taken again. It could save you from needing to go back and have them repeated at a later time.

Q. Were there any problems with my fingerprints? I did not receive confirmation that you received them in the Board office.

A. We do not send a confirmation when fingerprints are received. If we have any questions regarding the prints, we will contact you.

Q. If I have had my fingerprints completed for another entity, can I send the prints or a copy of the report in with my application?

A. NO. The FBI does not at this time allow one entity to share information with another entity.

Q. Do I have to have my fingerprints taken every time I renew my license?

A. NO, they are obtained one time only by the New Mexico Medical Board.

Q. Can a Medical Assistant perform laser treatments in my office?

A. A New Mexico Licensed Physician may delegate the use of devices and performance of procedures to a Medical Assistant (MA). The MA is limited to using medical therapeutic and cosmetic

devices that are non-invasive and non-ablative. The MA MUST be certified to use each specific device, and the Supervising Physician must be immediately available on the premises.

THE INJECTION OF COSMETIC OR AESTHETIC SUBSTANCES IS CONSIDERED TO BE THE PRACTICE OF MEDICINE AND CANNOT BE DELEGATED TO AN MA.

To register an MA with the Medical Board, the following must be submitted to the Board office:

1. A completed Certification of Training form:
(<http://www.nmmb.state.nm.us/pdf/CertificationLaserTraining.pdf>)
2. A training outline that includes:
 - device physics and safety,
 - basic principles of use,
 - clinical application of the device,
 - indications for use,
 - contraindications for use,
 - pre-operative care,
 - post-operative care,
 - recognition and acute management of complications, and,
 - infectious disease recognition.
3. The certification and C.V. or résumé of the trainer.

You should go to the following link to see the complete New Mexico Medical Board Rule regarding Medical Assistants:

http://www.nmmb.state.nm.us/pdf/Rules/NMAC16.10.13_MedAsstCosmetic.pdf

Q. Does a professional license need to be posted in the office?

A. A current professional license *must* be conspicuously displayed at all times, usually at the place of the Physician's, the Physician Assistant's, Anesthesiologist Assistant's, the Genetic Counselor's and the Polysomnographer's principal place of employment.

Q. Where do I apply for a DEA number and Controlled Substance Registration?

A. Contact the New Mexico Board of Pharmacy at www.rld.state.nm.us/pharmacy or at 505-222-9830 for information regarding DEA and Controlled Substance Registration.

Q. How do I know when treatment of pain is "enough"? Too much? Too little?

A. Follow the Guidelines! The Board recommends that you review the following link to the Board's Management of Chronic Pain with Controlled Substances Rule/Guidelines:
http://www.nmmb.state.nm.us/pdf/Rules/NMAC16.10.14_PainManagement.pdf

Q. Does New Mexico license trainees (Intern, Resident, Fellowship Licenses)?

A. YES. All Physicians who are receiving post-graduate training in New Mexico will be licensed by the Board through the University of New Mexico. The Graduate Medical Education office of the University is the central point for registration of all such Physicians (Contact: Mr. Joe Sparkman, 505-272-6225) irrespective of where the training will take place.

Q. Licenses: Federal Government; Armed Forces; Public Health Service. I will be working at an Indian Hospital, do I need a New Mexico License?

A. If you have an unrestricted license in another State or Territory (Puerto Rico, for example), that license is valid for practice in the Military, in Public Health Service settings, or in Government facilities like the VA (Veteran's Administration). Verify this with the Federal entity you will be employed by, as your employer may require you have an active license in New Mexico.

Q. Interstate Consultation: Can a Physician from another State render a consultation or treatment for a NM patient without having a NM medical license?

A. Yes and No. The NM Physician has the primary accountability for the patient's care. However, as the Medical Practice Act states in 61-6-17.L, "(The Medical Practice Act [requirement for a license to practice medicine] shall not apply to or affect: a physician licensed to practice under the laws of another state who acts as a consultant to a New Mexico-licensed physician on an irregular or infrequent basis, as defined by rule of the board." The Rule states (**16.10.2.11 E.**) "exemption from licensure requirements is defined in Section 61-6-17 of the Medical Practice Act and includes a physician licensed to practice under the laws of another state who acts as a consultant to a New Mexico licensed physician on an irregular or infrequent basis not to exceed ten patients per year. The key word is "consultant", that is the consultation is rendered to the patient's *physician* who, in turn, assumes responsibility for interpretation and actions leading from that consultation. As the rule states, infrequent (less than 10 patients per year) consultations do not require licensure. If a *written diagnosis or consultation* is submitted by the consulting physician (or laboratory) and is placed in the medical record as a basis for diagnosis or treatment, that is considered the "practice of medicine across state lines" (telemedicine). That is defined in 61-1-6 K. as: (1) the rendering of a written or otherwise documented medical opinion concerning diagnosis or treatment of a patient within this state [NM] by a physician located outside this state as a result of transmission of individual patient data by electronic, telephonic or other means from within that state to the physician or the physician's agent; or (2) the rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic, telephonic or other means from within that state to the physician or the physician's agent.

Q. Interstate Prescription: Can a New Mexico Pharmacy fill a prescription written by an out-of-state Physician for a New Mexico patient?

A. Yes and No. The key to this (which also includes interstate Internet activity) is the presence or absence of an established Physician-patient relationship. This is defined as the Physician having recorded a history, performed a physical examination, and obtained an informed consent. If an out-of-

state Physician has an established relationship with a New Mexico patient, then the pharmacy can fill a prescription brought or mailed to New Mexico. If not, then that Physician must have a New Mexico medical (and, possibly, controlled substance) license. The only exception would be for treatment in an emergency, or if the out-of-state Physician is formally “covering” for a New Mexico licensed Physician and has at least a valid temporary New Mexico license.

Q. Reporting “requirements”. Is there a legal *requirement* to report alcohol abuse, drug abuse or disruptive behavior to the New Mexico Medical Board?

A. NO. There is, however, pursuant to the AMA Code of Ethics, an *ethical obligation* to report such behaviors, especially if the safety of the patient is compromised. In each instance, the purpose is to identify the individual, and to send the person for treatment as promptly as possible so as to be able to allow that individual to continue to practice safely while being treated.

A major stumbling point for reporting these types of issues has been a threat to the relationship between the reporter and reported. The Board will accept anonymous reports of impairment and unethical conduct. All reports remain confidential pursuant to NMSA 1978, § 61-6-34 (B)-(C).

You may also report licensees with possible impairment issues to the New Mexico Monitored Treatment Program (MTP) in Albuquerque. Their number is (505) 271-0800.

A licensee who is impaired and is seeking assistance may contact MTP voluntarily without reporting it to the Board.

In the case where there is imminent danger to the public, the Board may take immediate action through summary suspension of licensure. **Remember**, any conduct that threatens patient care and/or violates the Medical Practice Act should be reported to the Board.

Q. I was issued a traffic ticket. Do I have to report that to the Board?

A. NO. Licensees are only required to report acts or conduct that would constitute grounds for action under the Medical Practice Act. This requirement includes **arrests** for either a misdemeanor or felony. Reports must be received by the Board within 45 days from the date the action occurs. **Arrests must be reported within 45 days from the date of the arrest.** See NMSA 1978, § 61-6-15(D)(21)(a) through (g) and 16.10.10.13 NMAC.

Q. The Parental Responsibility Act of New Mexico. What is it?

A. Responsibility for Child Support. The Board has adopted the Parental Responsibility Act. If a licensee is identified as not in compliance with a judgment and order for child support, the Board can deny the renewal of a license, or suspend or revoke a license. See 16.10.6.29 NMAC.

Q. Who can obtain a copy of my patient’s medical record?

A. Very simply, anyone with a valid release. This includes *attorneys, insurance companies, government agencies, the patient himself/herself, appointed representatives, or a subpoena from an appropriate agency.* You need to make sure that the patient’s signature is on the release. If the pa-

tient is dead, you need to make sure whoever is signing for the record is the personal, legal representative of the estate. Just because someone is a spouse, he or she is not automatically entitled to the records of a deceased spouse. The same is also true regarding living spouses. A husband is not automatically entitled to the records of the wife nor is the wife entitled to the records of the husband; there must be a signed release.

With a proper authorization, all records can be released. However, the first thing to do is make sure it is an appropriately signed release, and see what is being asked for in the records. If the requester just wants a copy of H & P's, discharge summaries, labs, etc., send *only* what is requested.

Please also look at the wording in the release. If it says a copy of the entire record, then you need to make a copy of the entire record. Traditionally, the policy was to send only the records which the doctor generated. However, that policy has changed as a result of court cases throughout the country. Now, the practitioner must send the entire chart if that is what is requested in the release.

Note: Psychotherapy records must be maintained separately from the patient's main medical record, and may be withheld unless specific permission for such records has been provided. Specific permission must also be given for the release of records of substance abuse or HIV/AIDS.

Q. Can a Physician or his office staff charge for copying records?

A. YES, assuming it is a reasonable amount. The New Mexico Board Rule 16.10.17.8 B, allows for a reasonable cost-based charge to be made for the cost of duplicating and mailing medical records. The Board considers a reasonable charge to be NOT more than \$30.00 for the first 15 pages, and \$.25 per page thereafter. The actual cost of reproduction for electronic records and record formats other than paper, such as x-rays, may be charged.

Q. Can I refuse to send a copy of the records if the patient owes me money?

A. NO, you must send a copy regardless of whether or not the patient owes you money.
Caution: never send the original records: make copies and send those.

Q. How long must I retain medical records in New Mexico?

A. 1. For **adults**, you must retain medical records for at least ten (10) years after the date of the last treatment or the time frame set by state or Federal insurance laws or by Medicare and Medicaid regulations.

2. For **minors**, the records must be retained until the date the patient is twenty-one years old.

NOTE: If hard copies of medical records have been converted to an electronic format, the hard copy must be retained by the Physician for a minimum of thirty (30) days after the conversion.

Q. How do I destroy medical records?

A. Destruction of medical records must be such that confidentiality is maintained. Hard copy records should be incinerated (where permitted) or shredded. Electronic records must be purged from computer hard drives, server hard drives or other computer media or disks with existing practices for da-

ta deletion available at the time. In addition, some companies are in the business of destroying printed material and can provide you with a certificate of destruction. Whatever method is used, records should be rendered completely illegible. Maintain a log of all records destroyed, including the patient's name and the date of destruction.

Q. Can I, as a Physician, discharge a patient from my medical or surgical practice? How?

A. Occasionally, a Physician may feel that the quality of the Physician-patient relationship is no longer a productive one and may wish to discharge the patient from the practice. It may be because a patient consistently fails to follow medical advice, displays hostility, is disruptive to the practice, or misses many appointments. The Board has adopted the ethical standards set forth in the latest published version of the AMA's "Code of Medical Ethics". Please refer to Section 8.115 of the "Code of Ethics" which states, "*While Physicians have the option of withdrawing from a case, they cannot do so without giving notice to the patient, the relatives, or responsible friends sufficiently long in advance of withdrawal to permit another medical attendant to be secured.*" The Board considers thirty (30) days a sufficient amount of time for notification of dismissal. Notice of dismissal shall be given in writing via the United States Postal Service (and may be certified), electronically, or by facsimile.

Q. What is an "Anesthesiologist Assistant?" (AA).

A. A special category of "**Assistants to Physicians**" that provides anesthesia services to patients under the direct supervision of a **Board-Certified Anesthesiologist**. The rules for provision of these services are somewhat different from those governing the PA's (Physician Assistants). The average "AA" educational program is 108 weeks. "AA's" only provide anesthesia services, and cannot otherwise work as "PA's". They work only in the operating room or in special anesthesia clinics, and only under the supervision of a Board-Certified Anesthesiologist. In order to maintain licensure, the "AA" must take the National Commission on Certification of Anesthesiologist Assistants (NCCAA) exam and maintain 100 hours of Continuing Professional Education every two years.

Q. What is a "Physician Assistant?"

A. A "**PA**", or **Physician Assistant**, is a health professional licensed to practice medicine with **Physician supervision**. PA's are educated in accredited programs located in schools of medicine or allied health, universities, or teaching hospitals. The average PA program is 108 weeks. In order to maintain licensure, the PA must take the National Commission on Certification of Physician Assistants (NCCPA) exam and maintain 100 hours of Continuing Professional Education every two years.

Q. What types of services may the PA provide?

A. The guiding principle is that the **PA provides services that are within the Scope of Practice of the Supervising Physician (or Alternate Supervising Physician) and the PA**. The specific services that are provided by the PA are determined by agreement between the Supervising Physician and the PA, and must conform to the Rules of the Board under the Medical Practice Act.

Q. Can I apply to the Board office for PA Licensure without being NCCPA certified?

A. YES. You have one year from date of graduation to become NCCPA certified. This allows the PA to practice under a Supervising Physician while fulfilling the examination requirement for certification.

Q. I work at two facilities. Can I have more than one Primary Supervising Physician?

A. YES. You must submit a signed Supervising Physician Statement of Responsibility Form to the Board office for each Primary Supervising Physician, and inform the Board about any other Alternate Supervising Physicians.

Q. What is a “Supervising Physician Statement of Responsibility?”

A. The Physician who assumes primary responsibility for the medical supervision of the PA must submit a special form so stating. A fee of \$25 must also be submitted *at the time of employment*. The PA cannot begin work until this form is filed with and approved by the Board. *The fee does not apply to new applicants prior to beginning employment*, but the form and the fee must be re-submitted each time the PA changes the *Primary* Supervising Physician. There is no fee for the “Alternate” supervisors, though the PA must inform the Board of the names of such Alternate Physicians. *Always allow at least 5 working days for processing.*

Q. What is the Supervising Physician’s responsibility to the Board when a PA ends employment?

A. The Supervising Physician and/or the Physician Assistant must inform the Board of employment termination within *thirty days*. Notification must be in writing and provide the date of termination and the reason for termination. Notification of termination may be faxed and no further correspondence is necessary.

Q. If the Primary Supervising Physician moves, or retires, can the PA continue to practice?

A. NO. The Physician Assistant will need to find a new Primary Supervising Physician and file the necessary Supervising Physician Statement of Responsibility before continuing to work as a PA.

Q. Are there restrictions as to where the PA can work, if not in the same office as the Supervising Physicians?

A. NO. The Physician Assistant need not function only in the office of the Primary Supervising Physician or any registered alternate Supervising Physician. However, the PA must have prompt ac-

cess to the Supervising Physician or alternate Supervising Physician by telephone, two-way radio, email or other electronic means.

Also, a Quality Assurance program for review of medical services provided by the PA must be in place and actively followed.

Q. Is the PA allowed to charge a fee for the services the PA provides?

A. NO. The PA works under the supervision and an employment contract with the Supervising Physician. The Supervising Physician bills for the PA's services as part of the services provided to the patient, and the PA is paid a salary.

Q. What medicines and drugs is a PA allowed to prescribe or administer?

A. Those that are specified in the PA's individual "formulary." Part 16 of the Rules describes the PA's responsibilities in prescribing, administering, and dispensing all forms of medications. (See http://www.nmmb.state.nm.us/pdf/Files/Rules/NMAC16.10.16_PrescribingMedications.pdf, of the Governing Statutes and Rules). PA's may administer formulary drugs; including Schedule II-V controlled substances, where there is an established Physician-patient, or Physician Assistant-patient relationship, under the direct supervision of the Supervising Physician. PA's must comply with all other state and federal laws. The guiding principle is that the PA's formulary must be within the scope of practice both of the PA and of the Primary Supervising and Alternate Physicians.

Q. Is a PA allowed to accept, sign for, and distribute professional sample medications?

A. Physician Assistants may request, receive and sign for professional sample medications and may distribute sample medication to patients. Samples requested or received *must* be appropriate to the scope of the Supervising Physician's practice and be consistent with the Board of Pharmacy regulations. See Board Rule 16.10.16 for details.

http://www.nmmb.state.nm.us/pdf/Files/Rules/NMAC16.10.16_PrescribingMedications.pdf

Q. How many PA's may a Supervising Physician "supervise?"

A. A Physician may supervise as many Physician Assistants as the Physician can effectively supervise and with whom he can effectively communicate within the circumstances of a particular practice setting.

Q. Who is responsible if a PA makes a significant error?

A. Both the PA and the Supervising Physician. A Physician supervising a licensed PA is responsible and liable for the performance of acts and omissions by the PA supervised by the Physician. However, this does not relieve the PA of responsibility and liability for any acts and omissions.

Q. Is the New Mexico Medical Board an MD/DO combined Board?

A. NO. They are separate Boards. You may contact the New Mexico Board of Osteopathic Examiners at 505-476-4950 or at www.rld.state.nm.us/osteopathy and the New Mexico Medical Board at 505-476-7220 or at www.nmmb.state.nm.us/.

Q. Job Opportunities in New Mexico. I am changing to an H-1 Visa and looking for an opportunity to practice in New Mexico. Who should I contact for employment opportunities?

A. Whether you are fulfilling your obligation under the requirements of an H-1 visa or you are simply looking for employment in New Mexico, try contacting one of the following organizations.

-----**New Mexico Medical Society.** Go to <http://www.nmms.org/> or click on <http://healthcarecareers.nmms.org/> or call (505) 828-0237.

-----**New Mexico Health Resources.** Go to <http://www.nmhr.org/> or call 1-800-288-6930 for information.

Q. Who regulates Health Facilities?

A. The New Mexico Department of Health, Health Facility and Licensing Bureau. Go to: <http://dhi.health.state.nm.us/hflc/index.php> or call (505) 476-9025.

Q. Where do I find information regarding the New Mexico Medical Cannabis Program (Medical Marijuana)?

A. At the New Mexico Department of Health: <http://www.health.state.nm.us/marijuana.html> or call (505) 827-2321.
