



New Mexico Medical Board
2055 S. Pacheco Street, Building 400
Santa Fe, NM 87505
Phone: (505) 476-7220
Fax: (505) 476-7233

Susana Martinez, Governor

Steven Weiner, M.D., Chair

- - - ATTENTION ALL LICENSEES - - -

**STATE AND NATIONWIDE
CRIMINAL HISTORY SCREENING REQUIRED**

The New Mexico Medical Board was created by the State Legislature in the interest of the public health, safety and welfare. Its statutory mandate is to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine. In the fulfillment of that mission, the NMMB has joined the majority of states in the country by requiring all applicants for license and current license holders to submit to a state and nationwide criminal background check. Effective July 1, 2007, the NM Medical Board began requiring that all applicants for initial licensure and reinstatement submit fingerprints and other information necessary for a state and national criminal background check.

LICENSE RENEWALS: Beginning with the 2008 renewal cycle, every licensee seeking to renew their license will be required to submit fingerprints for a state and national criminal background check in accordance with the provisions of 61-6-11(G) of the Medical Practice Act and Title 16, Chapter 10, Part 2, Part 7 and Part 15 of the rules and regulations.

The Board is committed to processing background checks as quickly and efficiently as possible. If you have any questions or comments, please do not hesitate to contact Board staff directly so they may assist you.

What is a criminal history record?

The nationwide criminal history record includes information concerning a person's arrests, indictments or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the computerized data bases of the Federal Bureau of Investigations (FBI), the national law enforcement telecommunications systems, the Department of Public Safety (DPS) or the repositories of criminal history information of other states.

Will the criminal background check slow down my license or renewal application?

No. There will be absolutely no delay in the Board's timeline for processing completed license applications or renewals. In order for your application, renewal or reinstatement to be considered complete, the Board office will need to receive the completed fingerprint cards and authorization forms. ***The office will proceed to approve your application or renewal while the background screening is pending and you should receive your license in a timely manner.*** Neglecting to complete and send the fingerprint cards would delay license issuance because your application will be considered incomplete. If the background screening reveals a felony or a violation of the Medical Practice Act, the applicant or licensee will be notified, and the Board will determine what action may be taken.

How frequently am I going to have to submit to a background check?

ONE-TIME-ONLY. Recent advancements in technology mean that each applicant will only have to submit to a single combined state and national background check, rather than a background check at each renewal; a new background check will only be required if new information about the licensee becomes available.

Where would I go to have my fingerprints taken?

Most public law enforcement agencies offer fingerprinting services; such as, Department of Public Safety, county sheriff, city police, campus, military and tribal police. Check your local “yellow pages” for other qualified fingerprinting sources. Remember, you need to obtain the cards and forms from the NM Medical Board office before having your fingerprints taken.

What will a criminal history screening cost me?

The cost is \$36.00, payable to the NM Medical Board, in addition to the fee charged by the fingerprinting agency.

Do I have to wait until I receive a renewal application to submit fingerprints?

No. You may submit fingerprints at any time or wait until you receive a renewal application in 2008, 2009, or 2010. Remember, this is a one-time-only requirement so you will not be required to submit fingerprints when renewing after 2010. Fingerprint cards will be mailed to all licensees with their renewal application; however, if you want to submit fingerprints sooner, contact the Board office for the required cards and forms to be mailed to you.

What if my criminal history screening reveals an arrest?

The Board will consider each instance where a background check reveals relevant information very carefully. It will take into consideration all aspects of the situation, including the type of offense, when the offense occurred, and any evidence – or lack thereof – of continued problems. The Board predicts (based on statistical information from other states that conduct background checks) that there will be very few disciplinary actions resulting from the screenings. The Board’s intention is not to uncover each and every past indiscretion however minor which resulted in an arrest and charges with the goal to punish and invoke disciplinary action. The Board is committed to its statutory mission—to protect the public—and; therefore, will use every tool available to uncover and investigate the most egregious actions.

What if I suspect my criminal history screening may reveal an arrest and I can’t remember if—or I forgot to—report it to the Board?

The Board only intends to consider the actual infraction and as stated before, will consider all relevant aspects of the arrest. Of course the Board expects full and honest disclosure. The initial application for a NM license and every license renewal application thereafter require NM physicians to disclose any arrest or conviction they may have had. However, the Board is not conducting these background checks for the purpose of identifying or prosecuting any historical instances of failure to disclose. Nevertheless, you are well advised to voluntarily report a previously undisclosed violation to the Board prior to the criminal background check. And again, the Board does not contemplate any allegations based on failure to disclose.

Why can't you use the criminal history screening when I previously applied to the board or from my employer or university?

The FBI does not allow criminal background check documentation to be shared from agency to agency or from one employer to another. If you supplied us with prints in the past the fingerprint cards are no longer accepted by the FBI.

What if I refuse to submit to a criminal history screening when I renew my license?

Because the law requires a criminal history screening, refusing to submit fingerprints with your initial or renewal application will result in an incomplete application and your license will not be issued or renewed. You may voluntarily choose not to renew and let your license lapse with no disciplinary action. Reference Part 7, Subsection C of Section 13 NMAC. A physician may inform the Board that he does not wish to renew an active license to practice in New Mexico and will voluntarily allow the license to lapse. A voluntarily lapsed license is not valid for practice in New Mexico.