TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 1 GENERAL PROVISIONS

16.10.1.1 ISSUING AGENCY: New Mexico Medical Board hereafter called the board.
[16.10.1.1 NMAC - Rp 16 NMAC 10.1.1, 7/15/01; A, 4/3/05]

16.10.1.2 SCOPE: This part applies to licensees, board members and members of the public.
[16.10.1.2 NMAC - Rp 16 NMAC 10.1.2, 7/15/01]

16.10.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to and in accordance with the Medical Practice Act, sections 61-6-1 through 61-6-35 NMSA 1978.
[16.10.1.3 NMAC - Rp 16 NMAC 10.1.3, 7/15/01]

16.10.1.4 DURATION: Permanent
[16.10.1.4 NMAC - Rp 16 NMAC 10.1.4, 7/15/01]

16.10.1.5 EFFECTIVE DATE: July 15, 2001 unless a later date is cited at the end of a section.
[16.10.1.5 NMAC - Rp 16 NMAC 10.1.5, 7/15/01]

16.10.1.6 OBJECTIVE: This part establishes procedures for change of name, public records policies, board meetings by telephone conference call, election of officers, and information sharing with other agencies.
[16.10.1.6 NMAC - Rp 16 NMAC 10.1.6, 7/15/01]

16.10.1.7 DEFINITIONS: [Reserved]
[16.10.1.7 NMAC - Rp 16 NMAC 10.1.7, 7/15/01]

16.10.1.8 NAME CHANGE: Any licensee desiring to change his or her name in the board record or on the license shall so notify the board and shall provide a copy of a court order, marriage certificate, or other document legally effecting the name change. A new wall license may be issued under the original number with the changed name appearing on the license.
[16.10.1.8 NMAC - Rp 16 NMAC 10.1.8, 7/15/01]

16.10.1.9 PUBLIC RECORDS:

A. Inspection. Any citizen of the state may examine public records in the board's custody. Persons requesting inspection of public records shall give reasonable notice to the board's administrator. When the records requested are in active use or are in storage, the requestor must notify the administrator five (5) days in advance. The board shall provide copies of public records upon request and may charge a reasonable copying and administrative fee as set forth in 16.10.9 NMAC. No person shall remove board documents from the board office.

B. Non-public records. Pursuant to Section 61-6-34 NMSA 1978, all complaints against physicians and physician assistants, all investigation files and matters of opinion are confidential and are not subject to inspection.

C. Public records will also be available on the internet. The following public information will be made available on the board website:

(1) demographic information to include name, date of birth, business address, business telephone, and gender;

(2) education information to include medical school, date of graduation, self-reported specialties, board certification(s);

(3) licensing information to include number, status, initial license date, last renewal date, expiration date, and disciplinary actions taken by the board.

D. Files. The board shall maintain a separate legal file for complaints, investigative reports and legal opinions. This information is confidential and shall not be disclosed.
[16.10.1.9 NMAC - Rp 16 NMAC 10.1.9, 7/15/01]

16.10.1.10 MEETINGS BY TELEPHONE: Pursuant to Section 10-15-1 (C) NMSA 1978 and Section 61-

6-3 NMSA, a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment under the following conditions:

A. This part shall only apply when it is otherwise difficult or impossible for the member to attend the meeting in person.

B. Each member participating by conference telephone must be identified when speaking.

C. All participants must be able to hear each other at the same time.

D. Members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.

E. The member of the board participating by telephone can only vote on a matter if he/she has copies of the documents that are available to the members who are physically present.

F. The member participating by telephone cannot vote on any matter where the credibility of a witness who physically appears at the meeting is an issue that the board members must consider when voting on a pending matter.

[16.10.1.10 NMAC - Rp 16 NMAC 10.1.10, 7/15/01]

16.10.1.11 INFORMATION SHARING: Any and all information in the board files regarding actual or potential disciplinary actions may be disclosed to state and federal law enforcement agencies and to this state's and other states' health care provider and pharmacy boards upon receipt of an authorized request for the copies of the information from these agencies and boards.

[16.10.1.11 NMAC - Rp 16 NMAC 10.1.11, 7/15/01]

16.10.1.12 BOARD ELECTION OF OFFICERS:

A. The board chair, vice chair, and secretary-treasurer are elected annually at the second quarterly meeting.

B. The terms of office of the board officers shall run from July 1st of the year of the election through June 30th of the subsequent year.

[16.10.1.12 NMAC - Rp 16 NMAC 10.1.12, 7/15/01, A, 4/3/05]

16.10.1.13 BUSINESS ENTITIES – AUTHORIZATION TO PROVIDE HEALTHCARE SERVICES:

A. Purpose. The purpose of this regulation is to clarify and confirm that certain business entities are and have been authorized to provide healthcare services in New Mexico.

B. Healthcare services-certain business entities. A business entity formed pursuant to the laws of the state of New Mexico is authorized to provide healthcare services in the state of New Mexico if the healthcare services are provided by or under the direction of persons who are duly licensed to engage in the practice of medicine pursuant to the provisions of the Medical Practice Act.

C. Retroactivity. This section is intended to be a clarification and therefore, it necessarily operates retroactively, as well as prospectively, and is expressly so provided.

[16.10.1.13 NMAC - N, 7/1/10]

HISTORY OF 16.10.1 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

BME R1-15, Public Records, 1/22/85
Rule 6, Fees and Change of Name, 6-21-93
Rule 6, Fees and Change of Name, 10-26-94
Rule 87-1, Open Meeting Notice Resolution, 1/5/88
BME Rule 1, General Provisions, 12/19/89
BME Rule 2, Public Records, 12/19/89
RULE 24, Meeting by Telephone, 3/3/94
Rule 26, Information Sharing, 11/30/95

NMAC History:

16 NMAC 10.1 General Provisions, 3/5/97

History of the Repealed Material:

16 NMAC 10.1 General Provisions - Repealed 7/15/01