TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 2 PHYSICIANS: LICENSURE REQUIREMENTS

16.10.2.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.10.2.1 NMAC - Rp/E, 16 10.2.1 NMAC 7/7/2023]

16.10.2.2 SCOPE: This part applies to all physicians applying for licensure in New Mexico.
[16.10.2.2 NMAC - Rp/E, 16 10.2.2 NMAC 7/7/2023]

16.10.2.3 STATUTORY AUTHORITY: This part governs the licensing of physicians in New Mexico and is promulgated pursuant to and in accordance with the Medical Practice Act, Sections 61-6-11, 61-6-11.1, 61-6-12, 61-6-13, 61-6-14, 61-6-15, 61-6-18, 61-6-18.1, and 61-6-19 NMSA 1978.
[16.10.2.3 NMAC - Rp/E, 16 10.2.3 NMAC 7/7/2023]

16.10.2.4 DURATION: Permanent.
[16.10.2.4 NMAC - Rp/E, 16 10.2.4 NMAC 7/7/2023]

16.10.2.5 EFFECTIVE DATE: July 7, 2023, unless a later date is cited at the end of a section.
[16.10.2.5 NMAC - Rp/E, 16 10.2.5 NMAC 7/7/2023]

16.10.2.6 OBJECTIVE: This part establishes requirements and procedures for licensure as a physician in New Mexico.
[16.10.2.6 NMAC - Rp/E, 16 10.2.6 NMAC 7/7/2023]

16.10.2.7 DEFINITIONS:

A. "Absence of good moral character" means any conduct that calls into question an applicant's fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the board, constitutes a lack of good moral character. The conduct subject to the board's evaluation for good moral character may or may not arise in the context of professional practice.

B. "ABMS" means the American board of medical specialties.

C. "AOA" means the American osteopathic association.

D. "AOA-BOS" means the American osteopathic association bureau of osteopathic specialists.

E. "Board approved school" means a medical school that has been approved by the liaison committee on medical education, composed of the American medical association and the association of American medical colleges, has a liaison council on medical education (LCME)-approved curriculum or equivalent for graduates of Canadian schools, is accredited by the American osteopathic association or commission on osteopathic accreditation, or has been approved by the board. Foreign medical graduates that are vetted and approved for a board approved training program and hold an ECFMG certification are considered to have graduated from an acceptable medical education, as if they have graduated from a board approved school.

F. "Board approved training program" means a program approved by the accrediting council on graduate medical education of the American medical association (ACGME), is approved by American osteopathic association (AOA), the royal college of physicians and surgeons of Canada (RCPSC), or a residency program located within an ACGME approved institution that has been approved by the board.

G. "Board approved credential verification service" means a credential verification service certified by the national commission on quality assurance (NCQA) and approved by the board.

H. "Complete application" means an application for licensure that includes all required documentation in 16.10.2 NMAC and subject to the provisions of Section 61-6-11 NMSA 1978 and Section 61-1-3.5 NMSA 1978.

I. "Disqualifying criminal conviction" means a conviction pursuant to the Uniform Licensing Act, Section 61-1-36 NMSA 1978, for a crime that is job-related for the position in question and consistent with business necessity.

J. "ECFMG" means educational commission for foreign medical students.

K. "FCVS" means the federation credential verification service of the federation of state medical boards.

L. **"Good moral character"** means qualities evidencing an applicant's present good moral character for purposes of licensure including candor, honesty, integrity, a respect for the law, regard for the welfare, safety, and rights of another, and fidelity and trustworthiness in the practice of the professions for which they may be licensed. Conversely, an applicant whose conduct reflects the absence of one or more of these qualities may be said to lack the good moral character required for licensure. It is a continuing duty to exhibit good moral character as a licensee. Absence of good moral character means any conduct that calls into question an applicant's fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the board, constitutes a lack of good moral character. The conduct subject to the board's evaluation for good moral character may or may not arise in the context of professional practice.

M. **"HSC"** means the hospital services corporation, a New Mexico corporation, and a credential verification organization certified by the national commission on quality assurance (NCQA).

N. **"License renewal"** means the renewal of an active license with the required documentation and the submission by the licensee to a state and national background check, as determined by the board.

O. **"Major disaster"** means a declaration of a major disaster by the federal emergency management agency (FEMA).

P. **"Military service member"** means a person who is:

(1) serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard;

(2) the spouse of 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, or a surviving spouse of a member who at the time of the member's death was serving on active duty; or

(3) the child of a military service member if the child is also a dependent of that person for federal income tax purposes.

Q. **"Nationwide criminal history record"** information concerning a person's arrests, indictments, or other formal criminal charges and any dispositions arising therefrom, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states.

R. **"Nationwide criminal history screening"** a criminal history background investigation of an applicant for licensure by examination or endorsement through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

S. **"Out of state sports team"** means an entity or organization:

(1) for which athletes engage in sporting events;

(2) headquartered or organized under laws other than the laws of New Mexico; and

(3) a majority of whose staff and athletes are residents of another state.

T. **"Physician"** means allopathic doctor (MD) or doctor of osteopathy (DO).

U. **"Qualified applicant"** means an applicant for licensure who satisfies the requirements and standards for licensure established by the board.

V. **"Sporting event"** means a scheduled sporting event involving an out of state sports team for which an admission fee is charged to the public, including any preparation or practice related to the activity.

W. **"Telemedicine"** means the practice of medicine across state lines as defined in the Medical Practice Act, Subsection K of Section 61-6-6 NMSA 1978.

X. **"Veteran"** means a person who received an honorable discharge or separation from military service.

[16.10.2.7 NMAC - Rp/E, 16 10.2.7 NMAC 7/7/2023; A, 3/12/2024]

16.10.2.8 **CATEGORIES OF ACTIVE LICENSES:** Individuals holding one of the following categories of medical license are eligible to practice medicine and surgery in New Mexico.

A. **Expedited license:** a one-year provisional license that confers the same rights, privileges and responsibilities as a medical license issued by the board as defined in Section 61-6-13 NMSA.

B. **Medical:** An unrestricted license to practice medicine and surgery.

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

D. **Post-graduate:** A limited training license issued by the board to physicians who are enrolled in a board approved training program.

E. Public service: A limited license issued by the board to physicians in training who have successfully completed one year of post-graduate training.

F. Temporary: A limited license that allows a physician to practice medicine for a limited time after meeting certain specific conditions.

G. 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.

[16.10.2.8 NMAC - Rp/E, 16 10.2.8 NMAC 7/7/2023 A, 3/12/2024]

16.10.2.9 MEDICAL LICENSE BY EXAMINATION:

A. Prerequisites for licensure: Each applicant for a license to practice as a physician in New Mexico must be of good moral character and must possess the following qualifications:

(1) graduated and received a diploma from a board approved school, completed a program determined by the board to be substantially equivalent to a U.S. medical school, based on board review of a full ECFMG certification, or the board shall, in its sole discretion, determine if the applicant's total educational and professional clinical experience is substantially equivalent to that which is required for licensure in New Mexico; and

(2) successfully passed one of the examinations or combinations of examinations defined in 16.10.3 NMAC; and

(3) completed two years of postgraduate training or been approved by the board in accordance with the provisions of Subsection B of Section 61-6-11 NMSA 1978;

(4) when the board has reason to believe that an applicant for licensure is not competent to practice medicine it may require the applicant to complete a special competency examination or to be evaluated for competence by other means that have been approved by the board; and

(5) a qualified applicant who has not been actively and continuously in practice for more than two years prior to application may be required to successfully complete a special examination or evaluation such as, but not limited to, the SPEX (special purpose examination), the PLAS (post-licensure assessment system of the federation of state medical boards), or specialty re-certification.

B. Required documentation for all applicants: Each applicant for a license must submit the required fees as specified in 16.10.9.8 NMAC and the following documentation:

(1) a completed signed application with a passport-quality photo taken within the previous six months; applications are valid for one year from the date of receipt by the board;

(2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must attest to the status, issue date, license number, and other information requested and contained on the form; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(3) two recommendation forms from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant's character and competence to practice medicine; the recommending physicians must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; forms must be sent directly to the board from the recommending physicians, chiefs of staff, department chairs, or equivalent. This information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(4) verification of all work experience and hospital affiliations in the last two years, if applicable, not to include postgraduate training; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(5) a copy of all American board of medical specialties (ABMS) specialty board certifications, or American osteopathic association bureau of osteopathic specialists (AOA-BOS) if applicable; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board; and

(6) the board may request that applicants be investigated by the biographical section of the American medical association (AMA), the drug enforcement administration (DEA), the federation of state medical boards (FSMB), the national practitioner data bank, and other sources as may be deemed appropriate by the board;

C. Additional documentation for applicants using the FCVS: Applicants are encouraged to use the FCVS as once a credential file is created future applications for medical licensure will be streamlined. However, application through FCVS is not required. Applicants using the FCVS must submit a completed application to the FCVS, who will provide primary source documentation to the board. Only the documents required in Subsection B of 16.10.2.9 NMAC are required in addition to the FCVS report.

D. Additional documentation for applicants using HSC or another board-approved credentials verification service:

(1) status report of educational commission for foreign medical graduates (ECFMG) certification sent directly to the board from ECFMG, if applicable;

(2) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

(3) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency;

(4) proof of identity may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas.

E. Additional documentation for applicants applying directly to New Mexico and not using FCVS or HSC or another board-approved credentials verification service:

(1) verification of medical education form with school seal or notarized, sent directly to the board from the school;

(2) transcripts sent directly to the board from the medical school;

(3) status report of ECFMG certification sent directly to the board from ECFMG, if applicable;

(4) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

(5) postgraduate training form sent to the board directly from the training program;

(6) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency;

(7) proof of identity may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas; and

(8) certified copies of source documents obtained directly from another state licensing jurisdiction who has the original document on file will be accepted in lieu of original documents when the originals cannot be obtained for a valid cause.

F. Licensure process: Upon receipt of a completed application, including all required documentation and fees, the applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board and must present original documents as requested by the board. The initial license will be issued following completion of any required interview, or approval by a member or agent of the board.

G. Initial license expiration: Medical licenses shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than thirteen months or less than one month. If New Mexico is the first state of licensure, initial licenses are valid for a period of not less than 24 months or more than 35 months and shall be renewed on July 1.

[16.10.2.9 NMAC - Rp/E, 16 10.2.9 NMAC 7/7/2023 A, 3/12/2024]

16.10.2.10 EXPEDITED LICENSURE:

A. Prerequisites for expedited licensure: Each applicant for a license to practice as a physician in New Mexico must be of good moral character, hold a full and unrestricted license to practice medicine in another state, and possess the following qualifications:

(1) have practiced medicine in the United States or Canada immediately preceding the application for at least three years;

(2) be free of disciplinary history, license restrictions, or pending investigations in all jurisdictions where a medical license is or has been held;

(3) graduated from a board approved school or hold current ECFMG certification; and

(4) current certification from a medical specialty board recognized by the ABMS or the AOA-BOS.

B. Required documentation for all applicants: Each applicant for a license must submit the required fees as specified in 16.10.9.8 NMAC and the following documentation:

(1) a completed signed application that has been verified as including all required documentation with a passport-quality photo taken within the previous six months; applications are valid for one year from the date of receipt by the board;

(2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must attest to the status, issue date, license number, and other information requested and contained on the form;

(3) two recommendation forms from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant's character and competence to practice medicine; the recommending physician(s) must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; forms must be sent directly to the board from the recommending physician(s), chief(s) of staff, department chair(s) or equivalent(s). This information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board;

(4) verification of all work experience and hospital affiliations in the last three years; if more than one work experience and hospital affiliation, provide at least three verifications of all work and hospital affiliations during the past three years, if applicable, not to include postgraduate training; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board;

(5) a copy of all ABMS or AOA-BOS specialty board certifications, if applicable; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board; and

(6) the board may request that applicants be investigated by the biographical section of the AMA, the DEA, the FSMB, the NPDB, and other sources as may be deemed appropriate by the board. The board shall require fingerprints and, in its discretion, a state and national background check.

C. Expedited licensure process: Upon receipt of a completed application, required fees, and verification of licensure in all states or territories where the applicant actively holds a license to practice medicine, the board shall issue an expedited license to a qualified applicant within thirty (30) days from the date the completed application was received unless the board may have other cause to deny the application pursuant to Section 61-6-15 NMSA 1978.

D. Expedited license expiration: Expedited licenses shall be valid for no more than 12 months from the date of issuance.

E. Procedure for incomplete application. If an incomplete application for an expedited license is received, the board shall notify the applicant in writing within 30 days from the date the incomplete application was received by the board. The written notification shall include how the application is incomplete and what is needed to complete the application; this written notification shall be titled "notice to cure." After receipt of the notice to cure, the applicant must submit a completed application within 30 days of the receipt of the notice to cure. An extension may be granted, at the board's discretion and based on good cause, for submission beyond 30 days after receipt of the notice to cure.

F. **Accepted applications for expedited licensure:** The NMMB will accept an application for expedited licensure from any individual who holds an active medical license in all 50 states of the United States, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and all other territories or dependencies of the United States. The NMMB will also accept an application for expedited licensure from individuals licensed to practice medicine in Canada, provided they meet the requirements outlined in 16.10.2.10 NMAC. Licensees from all other foreign countries are not eligible for expedited licensure, as their accreditation standards have not been verified as equivalent to those of the United States.

[16.10.2.10 NMAC - Rp/E, 16 10.2.10 NMAC 7/7/2023 A, 3/12/2024; A, 7/14/2026]

16.10.2.11 TELEMEDICINE LICENSE:

A. Prerequisites for licensure: Each applicant for a telemedicine license must be of good moral character and hold a full and unrestricted license to practice medicine in another state or territory of the United States.

B. Required documentation: Each applicant for a telemedicine license must submit the required fees as specified in 16.10.9.8 NMAC and the documentation required by 16.10.2.10 NMAC for an expedited license. An applicant for a telemedicine license shall be subject to the same provisions as an applicant seeking an expedited license.

(1) A completed signed application, with a passport quality photo taken within six months. Applications are valid for one year from the date of receipt.

(2) Verification of licensure in all states where the applicant holds or has held a license to practice medicine, or other health care profession. Verification must be received directly from the other state(s) board, and must attest to the status, issue date, license number, and other information requested and contained on the form.

(3) Applicants who have had previous disciplinary or other action against them may be required to meet with the entire board. The board may, in its discretion, issue a license to practice medicine across state lines if it finds that the previous disciplinary or other action does not indicate that the physician is a potential threat to the public.

C. Licensure process: Upon receipt of a completed application, including all required documentation and fees, board staff will request and review an AMA physician profile and FSMB board action databank search. When the application is complete, a member or agent of the board will review and may approve the application. A personal interview is not required unless there is a discrepancy in the application that cannot be resolved.

D. Initial license expiration: Telemedicine licenses shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than thirteen months or less than one month.

E. Exemption from licensure requirements are defined in Section 61-6-17 NMSA of the Medical Practice Act and include 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.

[16.10.2.11 NMAC - Rp/E, 16 10.2.11 NMAC 7/7/2023]

16.10.2.12 POSTGRADUATE TRAINING LICENSE: A postgraduate training license is required for all interns, residents, and fellows enrolled in board approved training programs within the state. Individuals enrolled in board approved training programs outside of New Mexico may apply for a postgraduate training license as a pre-requisite to obtaining a New Mexico public service license.

A. Prerequisites for licensure: Each applicant for a postgraduate training license must possess the following qualifications:

(1) graduated from a board approved school or completed a program determined by the board to be substantially equivalent to a U.S. medical school or college of osteopathic medicine;

(2) passed part I of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX); and

(3) be of good moral character.

B. Required documentation: Each applicant shall submit the required fee as specified in 16.10.9.8 NMAC and complete the board-approved application.

(1) Applicants enrolled at the university of New Mexico health science center must submit an application through the office of graduate medical education for review before it is forwarded to the board for review and approval.

(2) Applicants enrolled at a board-approved training program outside New Mexico must submit the postgraduate training license application directly to the board.

(3) A copy of the official examination results must be attached to each application.

C. Licensure process: Upon receipt of a completed signed application and fee, a member or agent of the board will review the application and may approve the license. The applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board.

D. License expiration: Postgraduate training licenses are valid for no longer than one year, but may be renewed for a period not to exceed eight years or completion of the residency, whichever is shorter, and as long as the license holder is enrolled in a board approved training program. Postgraduate training licenses may be renewed prior to expiration.

[16.10.2.12 NMAC - Rp/E, 16 10.2.12 NMAC 7/7/2023]

16.10.2.13 PUBLIC SERVICE LICENSE: A resident physician may apply for a public service license, which enables him to practice medicine outside the training program. The resident physician must be continuing in the board approved training program.

A. Prerequisites for licensure: Each applicant for a public service license shall have graduated from a board approved school, passed all required examinations as defined in 16.10.3 NMAC, and completed one year of postgraduate training. In addition, the applicant shall have completed an application for licensure including all

required documentation required in Subsection B through Subsection E of 16.10.2.9 NMAC, as applicable. Other requirements include:

(1) written approval from his training program director;

(2) a postgraduate training license issued by the New Mexico medical board;

(3) a resident physician with one year postdoctoral training may only apply for a public service license when he is under the direct supervision of a New Mexico physician or when employed in a medically underserved area; and

(4) if a physician is not being supervised directly, there must be procedures in place for a licensed New Mexico physician to review, on at least a quarterly basis, prescriptions written and dispensed for controlled substances and operative procedures performed.

B. Required documentation: Each applicant for a public service license shall submit the required fee as specified in 16.10.9.8 NMAC and the following documentation:

(1) a completed signed application, with a passport quality photo taken within the previous six months; applications are valid for one year from the date of receipt;

(2) letter of approval from the training program director.

C. Licensure process: Upon receipt of a completed application, including all required documentation and fees, the applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board and must present original documents as requested by the board. The initial license will be issued following completion of any required interview, or approval by a member or agent of the board.

D. License expiration: Public service licenses shall be renewed annually on September 1 as long as the applicant remains eligible.

[16.10.2.13 NMAC - Rp/E, 16 10.2.13 NMAC 7/7/2023]

16.10.2.14 TEMPORARY TEACHING, RESEARCH, AND SPECIALIZED DIAGNOSTIC AND TREATMENT LICENSES: The board may issue a temporary license to physicians licensed in other states or jurisdictions for the purpose of teaching, conducting research, performing specialized diagnostic and treatment procedures, implementing new technology, or for physician educational purposes in New Mexico on a temporary basis under the supervision of a New Mexico licensed physician.

A. Prerequisites for licensure: The applicant must:

(1) be otherwise qualified to practice medicine in New Mexico;

(2) hold an unrestricted license in another state or country;

(3) submit the name of the sponsoring or associating physician(s), who must be actively licensed in New Mexico.

B. Required documentation:

(1) specific program or protocol of work planned;

(2) address of sponsoring institution or organization where the work will be performed;

(3) an affidavit from the sponsoring physician attesting to the qualifications of the applicant and the purpose of the functions or medical procedures the applicant will perform;

(4) verification of licensure in state or jurisdiction where physician is practicing; and

(5) a license fee as set forth in 16.10.9 NMAC.

C. Licensure process: Upon receipt of a completed signed application, including all required documentation and fees, board staff will request and review an AMA physician profile and FSMB board action databank search. When the application is complete, a member or agent of the board will review and may approve the application. A personal interview is not required unless there is a discrepancy in the application that cannot be resolved or if there are any actions or restrictions on any license held in another state or jurisdiction.

D. The applicant may perform only those functions listed in the application. The supervising physician must notify the board and obtain approval prior to any change in the activities of the temporary license holder.

E. The duration of a temporary teaching, research, or specialized diagnostic and treatment license shall not exceed three months, provided however that the license may be renewed up to three times upon payment of appropriate fees and written justification for the plan remaining in effect. After the third renewal of a temporary license, the physician shall re-apply under the provisions of this rule.

[16.10.2.14 NMAC - Rp/E, 16 10.2.14 NMAC 7/7/2023]

16.10.2.15 YOUTH CAMP OR SCHOOL LICENSES: The board may approve a temporary license for physicians to provide temporary medical services to organized youth camps or schools. Youth camp or school licenses are issued for a period not to exceed three months. Practice under the temporary license shall be limited to enrollees, leaders and employees of the camp or school. Applicants must be qualified for licensure in New Mexico and shall submit the following documentation:

A. a completed signed application with a passport-quality photograph, taken within the previous six months, attached;

B. a verification of current unrestricted license from state or jurisdiction where applicant is currently practicing or licensed;

C. a verification of DEA permit; and,

D. a temporary license fee as set forth in 16.10.9.8 NMAC.

E. Licensure process: Upon receipt of a completed application, including all required documentation and fees, board staff will request and review an AMA physician profile and FSMB board action databank search. When the application is complete, a member or agent of the board will review and may approve the application. A personal interview is not required unless there is a discrepancy in the application that cannot be resolved or if there are any actions or restrictions on any license held in another state or jurisdiction.
[16.10.2.15 NMAC - Rp/E, 16 10.2.15 NMAC 7/7/2023]

16.10.2.16 PROVISIONS FOR PHYSICIAN LICENSURE DURING A DECLARED DISASTER: The board will make accommodations for physicians who have been impacted by a major disaster. Based on the nature of the disaster, the extent of the damage, and the number of individuals and institutions that have been affected, the board may waive documentation requirements for any new or pending applications when the disaster delays or prohibits the procuring of the required documents. The board may also waive any required fees for applications submitted after the major disaster. The board will determine the length of time the emergency provisions will be in effect for each major disaster that results in applications for a federal emergency license.

A. Federal emergency license by examination: Physicians currently licensed in a state in which a major disaster has been declared may be issued a federal emergency license in New Mexico. The board may waive specific documentation required in Subsection B through E of 16.10.2.9 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.10.2.9 NMAC.

B. Federal emergency license by endorsement: Physicians currently licensed in a state in which a major disaster has been issued a federal emergency license in New Mexico. The board may waive specific requirements of Subsection B of 16.10.2.10 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.10.2.10 NMAC. The following requirements will apply to applicants under this provision:

(1) a completed signed application, is required, accompanied by proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;

(2) the board will consider the required three years of practice experience to be met through any combination of postgraduate medical education and actual work experience;

(3) the board may waive any requirements for recommendation forms or verification of work experience forms;

(4) other required verification will be obtained online by board staff to include: current licensure status, national practitioners data bank (NPDB), federation of state medical board (FSMB) disciplinary database, American medical association or AOA records of education and postgraduate training, and the records of the American board of medical specialties or AOA-BOS to confirm board certification status.

C. License expiration: Initial federal emergency licenses shall be valid for not less than three months or more than fifteen months. Licenses shall be renewed on July 1 following the date of issue, pursuant to 16.10.7 NMAC. 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. At the time a federal emergency license is approved for renewal, it will be transferred to a full medical license.
[16.10.2.16 NMAC - Rp/E, 16 10.2.16 NMAC 7/7/2023]

16.10.2.17 EXPEDITED MEDICAL LICENSURE FOR MILITARY AND SPOUSES LICENSED IN ANOTHER JURISDICTION: If a military service member, the spouse of a military service member, or a recent veteran submits an application for a medical license and is a qualified applicant pursuant to this part, the board shall

expedite the processing of such application and issue the appropriate license as soon as practicable. Any qualified applicant seeking expedited consideration pursuant to this section shall submit a copy of form DD214 with their application.
[16.10.2.17 NMAC - Rp/E, 16 10.2.17 NMAC 7/7/2023]

16.10.2.18 TEMPORARY LICENSURE EXEMPTION FOR OUT OF STATE SPORTS TEAM PHYSICIAN:

A. Physician who is licensed in good standing to practice medicine in another state, and who has never been disciplined by the New Mexico medical board, may practice medicine without a license provided that:

(1) the physician has a written agreement with the out-of-state sports team governing body to provide health care services to an out-of-state sports team athlete or staff member at a scheduled sporting event;

(2) the physician's practice is limited to medical care to assist injured and ill players and staff and coordinate appropriate referral to in-state health care providers as needed;

(3) the healthcare services to be provided by the physician are within the scope of practice authorized pursuant to the medical practice act and rules of the board; and

(4) the physician has professional liability coverage for the duration of the sporting event.

B. Licensure exemption registration. Physician registrants shall submit the following documentation to the board:

(1) copy of the agreement with the out-of-state sports team governing body to provide health care services to an out-of-state sports team athlete or staff member at a scheduled sporting event;

(2) proof of professional liability coverage for the duration of the sporting event;

(3) a signed affidavit that the physician will limit their medical practice in New Mexico to care and assist injured or ill out-of-state team athletes or staff, and

(4) coordinate appropriate referral to in-state health care providers.

C. The physician will further attest that they will not provide care or consultation to a resident of New Mexico and will not practice medicine in New Mexico, outside of the sporting event.
[16.10.2.18 NMAC - Rp/E, 16 10.2.18 NMAC 7/7/2023]

16.10.2.19 NATIONWIDE CRIMINAL HISTORY SCREENING: All applicants for initial licensure in any category in New Mexico are subject to a state and national criminal history screening at their expense. All applicants must submit two full sets of fingerprints, completed fingerprint certificate form, signed authorization for criminal background screening and fee at the time of application.

A. Applications for licensure will not be processed without submission of fingerprints, completed fingerprint certificate form, signed authorization for criminal background screening and fee.

B. Applications will be processed pending the completion of the nationwide criminal background screening and may be granted while the screening is still pending.

C. If the criminal background screening reveals a felony or a violation of the Medical Practice Act, the applicant/licensee will be notified to submit copies of legal documents and other related information to the board which will make the determination if the applicant is eligible for licensure or if disciplinary action will be taken.
[16.10.2.19 NMAC - Rp/E, 16 10.2.19 NMAC 7/7/2023]

16.10.2.20 CRIMINAL ARRESTS AND CONVICTIONS:

A. Arrests: The Board shall not exclude from licensure a person who is otherwise qualified on the sole basis that the person has been previously arrested for or convicted of a crime unless the person has a disqualifying criminal conviction.

B. Convictions for any of the following misdemeanor or felony offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license or certificate issued by the board:

(1) homicide;

(2) aggravated assault, aggravated battery, kidnapping, false imprisonment, human trafficking, stalking, or other crimes of violence against persons;

(3) robbery, larceny, burglary, extortion, receiving stolen property, possession of burglary tools, unlawful taking of a motor vehicle, or other crimes involving theft or appropriation of personal property or funds;

(4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, child solicitation, or other crimes constituting sexual offenses;

(5) crimes against children; crimes involving child abuse or neglect; child sexual exploitation, child pornography;

(6) driving under the influence of intoxicating liquor or drugs;

(7) trafficking controlled substances;

(8) fraud, forgery, money laundering, embezzlement, credit card fraud, counterfeiting, financial exploitation, or other crimes of altering any instrument affecting the rights or obligations of another;

(9) making a false statement under oath or in any official document;

(10) evasion of a lawful debt or obligation, including but not limited to tax obligations; or

(11) an attempt, solicitation or conspiracy involving any of the felonies in this subsection.

[16.10.2.20 NMAC - Rp/E, 16 10.2.20 NMAC 7/7/2023]

HISTORY OF 16.10.2 NMAC:

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

Rule 3, Licensure as a Medical Practitioner, filed 10/26/1994.
Rule 3, Licensure as a Medical Practitioner, filed 06/21/1993.
Rule 4, Temporary Licenses, filed 12/19/1989.
NMBME Rule 88-1, Temporary Licenses, filed 05/31/1988.

History or Repealed Material:

16 NMAC 10.2, Licensure as a Medical Practitioner - Repealed 4/18/2002.
16 NMAC 10.3, Interim and Temporary Licenses - Repealed 4/18/2002.
16.10.2 NMAC - Physicians: Licensure Requirements filed 3/18/2002 emergency repealed 7/7/2023.

Other:

16.10.2 NMAC - Physicians: Licensure Requirements filed 3/18/2002 was Replaced, via emergency filing, by 16.10.2 NMAC - Physicians: Licensure Requirements 7/7/2023.