

New Mexico Medical Board

New Mexico Medical Board: Guidelines on the Treatment, Including Prescribing, for Self and Family

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Approved by: New Mexico Medical Board

Background Information

New Mexico Medical Board licensees occasionally inquire about the appropriateness and legality of treating themselves or their immediate family members. This includes prescribing medications for minor ailments, chronic conditions, or controlled substances. While the desire to assist loved ones is understandable, such practices raise significant ethical, clinical, and legal concerns.

The New Mexico Medical Board addresses this issue through its regulations under NMAC 16.10.8 (Medical Ethics) and relies on the guidance set forth in the American Medical Association (AMA) Code of Medical Ethics, Opinion 1.2.1: Treating Self or Family. These standards emphasize the importance of clinical objectivity, the creation and maintenance of medical records, and the avoidance of role confusion and power imbalances.

Purpose

The purpose of this guideline is to provide clear guidance to licensed licensees regarding the ethical and legal considerations of treating themselves or family members, including prescribing medications. This policy is intended to help clinicians avoid potential conflicts of interest, ensure high standards of patient care, and prevent behaviors that may trigger disciplinary actions.

Scope

This policy applies to all New Mexico Medical Board licensees. It governs clinical decision-making regarding self-treatment and the treatment of family members, regardless of setting or circumstance, including prescribing practices.

Guidelines

1. General Prohibition

New Mexico Medical Board licensees should not routinely treat themselves or immediate family members, particularly for chronic or complex medical conditions.

2. Permissible Exceptions

Treatment or prescribing for oneself or family may be acceptable in the following circumstances:

- Emergencies where no other qualified provider is readily available.
- Minor, self-limited illnesses (e.g., short course of antibiotics for a urinary tract infection or topical treatments for minor dermatologic conditions).
- Situations where the care is limited in scope, duration, and risk.

3. Creation of a Medical Record

When treatment is provided to a family member or self in any capacity, a complete and contemporaneous medical record must be created as required by NMAC 16.10.8.7.

4. Prescribing Controlled Substances

Clinicians should not prescribe controlled substances (Schedule II-V) to themselves or immediate family members under any circumstances, due to the high risk of misuse, lack of objectivity, and potential legal implications.

5. Referral to an Independent Provider

Whenever feasible, care for family members—especially for chronic, psychiatric, or high-risk conditions—should be referred to an independent, qualified health care provider to ensure appropriate oversight and objectivity.

Ethical and Legal Considerations

- The AMA Code of Medical Ethics, Opinion 1.2.1 strongly discourages treating oneself or family members, citing concerns about impaired professional judgment, lack of medical objectivity, and difficulty maintaining professional boundaries.
- The New Mexico Administrative Code (NMAC 16.10.8) requires that:
 - A medical record be created for all patient encounters, including those involving family members.
 - Professional conduct be aligned with accepted ethical standards, including those of the AMA.

Violations of these standards may result in board investigations, disciplinary action, and potential loss or restriction of license.

Education Requirements

New Mexico Medical Board licensees are encouraged to:

- Periodically review the AMA Code of Medical Ethics and state regulations (NMAC 16.10.8).
- Participate in continuing medical education (CME) related to medical ethics and professional boundaries.
- Seek legal or peer consultation when uncertain about the appropriateness of treating themselves or family members.

Enforcement and Disciplinary Action

Failure to adhere to this policy may result in disciplinary actions by the New Mexico Medical Board, including but not limited to:

- Letters of concern or reprimand.
- Fines and/or mandated CME.
- Suspension or revocation of license in cases of serious or repeated violations.

Complaints received by the Board that involve self-treatment or treatment of family members will be evaluated against the standards set forth in this policy and relevant legal and ethical frameworks.

References

1. New Mexico Administrative Code (NMAC) 16.10.8 – Medical Ethics
<https://www.srca.nm.gov/parts/title16/16.010.0008.html>
2. American Medical Association Code of Medical Ethics: Opinion 1.2.1 – Treating Self or Family
<https://code-medical-ethics.ama-assn.org/>
3. Podiatrists: New Mexico Administrative Code, 16.21.9.2
4. Naturopathic Doctors: New Mexico § 61-12G-6 (2024)

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