

West's New Mexico Statutes Annotated

Chapter 61. Professional and Occupational Licenses

Article 6. Medicine and Surgery

N. M. S. A. 1978, Ch. 61, Art. 6, Refs & Annos

[Currentness](#)

NMSA 1978, Ch. 61, Art. 6, Refs & Annos, NM ST Ch. 61, Art. 6, Refs & Annos

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-1

§ 61-6-1. Short title; purpose

Effective: June 18, 2021

[Currentness](#)

A. Chapter 61, Article 6 NMSA 1978 may be cited as the “Medical Practice Act”.

B. In the interest of the public health, safety and welfare and to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine, it is necessary to provide laws and rules controlling the granting and use of the privilege to practice medicine and to establish a medical board to implement and enforce the laws and rules.

C. The primary duties and obligations of the medical board are to issue licenses to qualified health care practitioners, including physicians, physician assistants and anesthesiologist assistants, to discipline incompetent or unprofessional physicians, physician assistants or anesthesiologist assistants and to aid in the rehabilitation of impaired physicians, physician assistants and anesthesiologist assistants for the purpose of protecting the public.

Credits

L. 1989, Ch. 269, § 1; L. 2003, Ch. 19, § 1; L. 2021, Ch. 54, § 16, eff. June 18, 2021.

[Notes of Decisions \(1\)](#)

NMSA 1978, § 61-6-1, NM ST § 61-6-1

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-2

§ 61-6-2. New Mexico medical board; appointment; terms; qualifications

Effective: June 18, 2021

[Currentness](#)

A. There is created the “New Mexico medical board”, consisting of eleven members. The board shall be composed of two public members, one physician assistant and eight reputable physicians, at least two of whom shall be osteopathic physicians and at least two of whom shall be medical physicians. The osteopathic physicians and the medical physicians shall be of known ability, shall be graduates of medical colleges or schools in good standing and shall have been licensed physicians in and bona fide residents of New Mexico for a period of five years immediately preceding the date of their appointment. The physician assistant shall have been a licensed physician assistant and a resident of New Mexico for at least five years immediately preceding the date of appointment. Public members of the board shall be residents of New Mexico, shall not have been licensed by the board as a health care practitioner over which the board has licensure authority and shall have no significant financial interest, direct or indirect, in the occupation regulated.

B. The governor shall appoint the medical physician members from a list of names submitted to the governor by the New Mexico medical society or its authorized governing body or council. The list shall contain five names of qualified medical physicians for each medical physician member to be appointed. Medical physician member vacancies shall be filled in the same manner.

C. The governor shall appoint osteopathic physician members from a list of names submitted to the governor by the New Mexico osteopathic medical association or its authorized governing body or council. The list shall contain five names of qualified osteopathic physicians for each osteopathic physician member to be appointed. Osteopathic physician member vacancies shall be filled in the same manner.

D. The governor shall appoint the physician assistant member from a list of names submitted to the governor by the New Mexico academy of physician assistants or its authorized governing body or council. The list shall contain five names of qualified physician assistants.

E. Members shall be appointed to four-year terms, staggered so that not more than three terms expire in a year. All board members shall hold office until their successors are appointed.

F. A board member failing to attend three consecutive meetings, either regular or special, shall automatically be removed as a

member of the board unless excused from attendance by the board for good cause shown.

Credits

L. 1923, Ch. 44, § 1; L. 1949, Ch. 139, § 1; L. 1955, Ch. 44 [§ 1]; L. 1969, Ch. 46, § 1; L. 1979, Ch. 40, § 1; L. 1989, Ch. 269, § 2; L. 1991, Ch. 189, § 9; L. 2003, Ch. 19, § 2; L. 2021, Ch. 54, § 17, eff. June 18, 2021.

Formerly C.S. 1929, § 110-101; 1941 Comp., § 51-501; 1953 Comp., § 67-5-1; 1978 Comp., § 61-6-1.

[Notes of Decisions \(3\)](#)

NMSA 1978, § 61-6-2, NM ST § 61-6-2

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N. M. S. A. 1978, § 61-6-3

§ 61-6-3. Meetings of the board; quorum

Effective: June 18, 2021

Currentness

A. The board shall hold four regular meetings every fiscal year.

B. During the second quarter of each year, the board shall hold its annual meeting and shall elect officers.

C. In addition to the regular meetings, the board may hold special meetings at the call of the president after written notice to all members of the board or at the written or electronic request of any two members.

D. A majority of the members of the board shall constitute a quorum and shall be capable of conducting any board business. The vote of a majority of a quorum shall prevail, even though the vote may not represent an actual majority of all the board members.

Credits

L. 1989, Ch. 269, § 3; L. 2003, Ch. 19, § 3; L. 2021, Ch. 54, § 18, eff. June 18, 2021.

NMSA 1978, § 61-6-3, NM ST § 61-6-3

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N. M. S. A. 1978, § 61-6-4

§ 61-6-4. Election; duties of officers; reimbursement of board members

Effective: June 18, 2021

[Currentness](#)

- A. At its annual meeting, the board shall elect a chair, a vice chair and a secretary-treasurer.
- B. The chair shall preside over the meetings and affairs of the board.
- C. The vice chair shall perform such duties as may be assigned by the chair and shall serve as chair due to the absence or incompetence of the chair.
- D. The secretary-treasurer shall be a physician member of the board and shall:
- (1) review applications for licensure and interview applicants to determine eligibility for licensure;
 - (2) issue temporary licenses pursuant to [Section 61-6-14 NMSA 1978](#);
 - (3) serve on committees related to board activities that require physician participation;
 - (4) serve as a consultant on medical practice issues when a board action is not required; and
 - (5) perform any other functions assigned by the board or by the chair.
- E. The secretary-treasurer may be compensated at the discretion of the board.

F. Board members shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance, except that the secretary-treasurer may be additionally compensated as provided in Subsection E of this section and board members may be additionally compensated in accordance with Subsection G of this section.

G. Board members or agents performing interviews of applicants may be compensated at the board's discretion.

Credits

L. 1989, Ch. 269, § 4; L. 2003, Ch. 19, § 4; L. 2021, Ch. 54, § 19, eff. June 18, 2021.

NMSA 1978, § 61-6-4, NM ST § 61-6-4

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KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's New Mexico Statutes Annotated

Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-5

§ 61-6-5. Medical board duties and powers

Effective: June 16, 2023

Currentness

The board shall:

A. enforce and administer the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Impaired Health Care Provider Act, the Polysomnography Practice Act, the Naturopathic Doctors' Practice Act, the Podiatry Act and the Naprapathic Practice Act;

B. promulgate, in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Impaired Health Care Provider Act, the Polysomnography Practice Act, the Naturopathic Doctors' Practice Act, the Podiatry Act and the Naprapathic Practice Act;

C. adopt and use a seal;

D. administer oaths to all applicants, witnesses and others appearing before the board, as appropriate;

E. take testimony on matters within the board's jurisdiction;

F. keep an accurate record of all its meetings, receipts and disbursements;

G. maintain records in which the name, address and license number of all licensees shall be recorded, together with a record of all license renewals, suspensions, revocations, probations, stipulations, censures, reprimands and fines;

H. discipline licensees or deny, review, suspend and revoke licenses to practice medicine and censure, reprimand, fine and place on probation and stipulation licensees and applicants in accordance with the Uniform Licensing Act for any cause stated in the law that the board is charged with enforcing;

I. hire staff and administrators as necessary to carry out the provisions of the Medical Practice Act;

J. have the authority to hire or contract with investigators to investigate possible violations of the Medical Practice Act;

K. have the authority to hire a competent attorney to give advice and counsel in regard to any matter connected with the duties of the board, to represent the board in any legal proceedings and to aid in the enforcement of the laws in relation to a health care profession or occupation over which the board has authority and to fix the compensation to be paid to such attorney; provided, however, that such attorney shall be compensated from the funds of the board;

L. establish continuing education requirements for licensed practitioners over which the board has authority;

M. establish committees as it deems necessary for carrying on its business;

N. hire or contract with a licensed physician to serve as medical director and fulfill specified duties of the secretary-treasurer;

O. establish and maintain rules related to the management of pain based on review of national standards for pain management; and

P. have the authority to waive licensure fees for the purpose of the recruitment and retention of health care practitioners over which the board has authority.

Credits

L. 1973, Ch. 361, § 2; L. 1989, Ch. 269, § 5; L. 2003, Ch. 19, § 5; L. 2005, Ch. 140, § 5, eff. June 17, 2005; L. 2008, Ch. 53, § 11, eff. July 1, 2009; L. 2008, Ch. 54, § 11, eff. July 1, 2008; L. 2008, Ch. 55, § 1, eff. May 14, 2008; L. 2011, Ch. 31, § 1, eff. July 1, 2011; L. 2019, Ch. 244, § 15, eff. June 14, 2019; L. 2021, Ch. 54, § 20, eff. June 18, 2021; L. 2022, Ch. 39, § 28, eff. May 18, 2022; L. 2023, Ch. 141, § 1, eff. June 16, 2023.

Formerly 1953 Comp., § 67-5-3.2.

§ 61-6-5. Medical board duties and powers, NM ST § 61-6-5

NMSA 1978, § 61-6-5, NM ST § 61-6-5

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KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-6

§ 61-6-6. Definitions

Effective: June 16, 2023

Currentness

As used in the Medical Practice Act:

A. “approved postgraduate training program for physicians” means a program approved by the accreditation council for graduate medical education, the American osteopathic association or other board-approved program;

B. “board” means the New Mexico medical board;

C. “collaboration” means the process by which a licensed physician and a physician assistant jointly contribute to the health care and medical treatment of patients; provided that:

(1) each collaborator performs actions that the collaborator is licensed or otherwise authorized to perform; and

(2) collaboration shall not be construed to require the physical presence of the licensed physician at the time and place services are rendered;

D. “licensed physician” means a medical or osteopathic physician licensed under the Medical Practice Act to practice medicine in New Mexico;

E. “licensee” or “health care practitioner” means a medical physician, osteopathic physician, physician assistant, polysomnographic technologist, anesthesiologist assistant, naturopathic doctor, podiatric physician or naprapath licensed by the board to practice in New Mexico;

F. “medical college or school in good standing” for medical physicians means a board-approved medical college or school that has as high a standard as that required by the association of American medical colleges and the council on medical education of the American medical association; and for osteopathic physicians means a college of osteopathic medicine accredited by the commission of osteopathic college accreditation;

G. “medical student” means a student enrolled in a board-approved medical college or school in good standing;

H. “physician assistant” means a health care practitioner who is licensed by the board to practice as a physician assistant and who provides services to patients with the supervision of or in collaboration with a licensed physician as set forth in rules promulgated by the board;

I. “resident” means a graduate of a medical college or school in good standing who is in training in a board-approved and accredited residency training program in a hospital or facility affiliated with an approved hospital and who has been appointed to the position of “resident” or “fellow” for the purpose of postgraduate medical training;

J. “the practice of medicine” consists of:

(1) advertising, holding out to the public or representing in any manner that one is authorized to practice medicine or to practice health care that is under the authority of the board in this state;

(2) offering or undertaking to administer, dispense or prescribe a drug or medicine for the use of another person, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978;

(3) offering or undertaking to give or administer, dispense or prescribe a drug or medicine for the use of another person, except as directed by a licensed physician;

(4) offering or undertaking to perform an operation or procedure upon a person;

(5) offering or undertaking to diagnose, correct or treat in any manner or by any means, methods, devices or instrumentalities any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of a person;

(6) offering medical peer review, utilization review or diagnostic service of any kind that directly influences patient care, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978; or

(7) acting as the representative or agent of a person in doing any of the things listed in this subsection;

K. “the practice of medicine across state lines” means:

(1) the rendering of a written or otherwise documented medical opinion concerning diagnosis or treatment of 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 this 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 this state to the physician or the physician’s agent;

L. “sexual contact” means touching the primary genital area, groin, anus, buttocks or breast of a patient or allowing a patient to touch another’s primary genital area, groin, anus, buttocks or breast in a manner that is commonly recognized as outside the scope of acceptable medical or health care practice;

M. “sexual penetration” means sexual intercourse, cunnilingus, fellatio or anal intercourse, whether or not there is any emission, or introducing any object into the genital or anal openings of another in a manner that is commonly recognized as outside the scope of acceptable medical or health care practice; and

N. “United States” means the fifty states, its territories and possessions and the District of Columbia.

Credits

L. 1973, Ch. 361, § 1; L. 1982, Ch. 110, § 1; L. 1989, Ch. 269, § 6; L. 1991, Ch. 148, § 1; L. 1994, Ch. 80, § 1; L. 1997, Ch. 187, § 1, eff. July 1, 1997; L. 2001, Ch. 96, § 1, eff. April 2, 2001; L. 2003, Ch. 19, § 6; L. 2008, Ch. 54, § 12, eff. July 1, 2008.; L. 2011, Ch. 31, § 2, eff. July 1, 2011; L. 2017, Ch. 103, § 1, eff. June 16, 2017; L. 2019, Ch. 244, § 16, eff. June 14, 2019; L. 2021, Ch. 54, § 21, eff. June 18, 2021; L. 2023, Ch. 141, § 2, eff. June 16, 2023.

Formerly 1953 Comp., § 67-5-3.1; 1978 Comp., § 61-6-4.

[Notes of Decisions \(1\)](#)

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 61-6-7. Repealed by L. 2022, Ch. 39, § 106, eff. May 18, 2022

[West's New Mexico Statutes Annotated](#)

[Chapter 61. Professional and Occupational Licenses \(Refs & Annos\)](#)

[Article 6. Medicine and Surgery \(Refs & Annos\)](#)

N. M. S. A. 1978, § 61-6-7

§ 61-6-7. Repealed by L. 2022, Ch. 39, § 106, eff. May 18, 2022

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NMSA 1978, § 61-6-7, NM ST § 61-6-7

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N. M. S. A. 1978, § 61-6-7.1

§ 61-6-7.1. Recompiled as § 61-6C-2 by L. 2022, Ch. 39, § 30, eff. May 18, 2022

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NMSA 1978, § 61-6-7.1, NM ST § 61-6-7.1

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N. M. S. A. 1978, § 61-6-7.2

§ 61-6-7.2. Recompiled as § 61-6C-4 by L. 2022, Ch. 39, § 32, eff. May 18, 2022

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NMSA 1978, § 61-6-7.2, NM ST § 61-6-7.2

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N. M. S. A. 1978, § 61-6-7.3

§ 61-6-7.3. Recompiled as § 61-6C-5 by L. 2022, Ch. 39, § 105, eff. May 18, 2022.

Effective: May 18, 2022

[Currentness](#)

NMSA 1978, § 61-6-7.3, NM ST § 61-6-7.3

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N. M. S. A. 1978, § 61-6-7.4

§ 61-6-7.4. Recompiled as § 61-6C-6 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

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NMSA 1978, § 61-6-7.4, NM ST § 61-6-7.4

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment §§ 61-6-8, 61-6-8.1. Repealed by L. 2003, Ch. 19, § 29

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[Chapter 61. Professional and Occupational Licenses \(Refs & Annos\)](#)

[Article 6. Medicine and Surgery \(Refs & Annos\)](#)

N. M. S. A. 1978, § 61-6-8

§§ 61-6-8, 61-6-8.1. Repealed by L. 2003, Ch. 19, § 29


Currentness

NMSA 1978, § 61-6-8, NM ST § 61-6-8

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N. M. S. A. 1978, § 61-6-8.1

§§ 61-6-8, 61-6-8.1. Repealed by L. 2003, Ch. 19, § 29

Currentness

NMSA 1978, § 61-6-8.1, NM ST § 61-6-8.1

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N. M. S. A. 1978, § 61-6-9

§ 61-6-9. Recompiled as § 61-6C-7 by L. 2022, Ch. 39, § 33, eff. May 18, 2022

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[Currentness](#)

NMSA 1978, § 61-6-9, NM ST § 61-6-9

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N. M. S. A. 1978, § 61-6-10

§ 61-6-10. Recompiled as § 61-6C-8 by L. 2022, Ch. 39, § 34, eff. May 18, 2022

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NMSA 1978, § 61-6-10, NM ST § 61-6-10

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N. M. S. A. 1978, § 61-6-10.1

§ 61-6-10.1. Recompiled as § 61-6D-1 by L. 2022, Ch. 39, § 35, eff. May 18, 2022

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NMSA 1978, § 61-6-10.1, NM ST § 61-6-10.1

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N. M. S. A. 1978, § 61-6-10.2

§ 61-6-10.2. Recompiled as § 61-6D-2 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

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NMSA 1978, § 61-6-10.2, NM ST § 61-6-10.2

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N. M. S. A. 1978, § 61-6-10.3

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NMSA 1978, § 61-6-10.3, NM ST § 61-6-10.3

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NMSA 1978, § 61-6-10.4, NM ST § 61-6-10.4

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N. M. S. A. 1978, § 61-6-10.5

§ 61-6-10.5. Recompiled as § 61-6D-5 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

Effective: May 18, 2022

[Currentness](#)

NMSA 1978, § 61-6-10.5, NM ST § 61-6-10.5

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-10.6

§ 61-6-10.6. Recompiled as § 61-6D-6 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

Effective: May 18, 2022

[Currentness](#)

NMSA 1978, § 61-6-10.6, NM ST § 61-6-10.6

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-10.7

§ 61-6-10.7. Recompiled as § 61-6D-7 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

Effective: May 18, 2022

[Currentness](#)

NMSA 1978, § 61-6-10.7, NM ST § 61-6-10.7

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 61-6-10.8. Repealed by L. 2003, Ch. 19, § 29

[West's New Mexico Statutes Annotated](#)

[Chapter 61. Professional and Occupational Licenses \(Refs & Annos\)](#)

[Article 6. Medicine and Surgery \(Refs & Annos\)](#)

N. M. S. A. 1978, § 61-6-10.8

§ 61-6-10.8. Repealed by L. 2003, Ch. 19, § 29

Currentness

NMSA 1978, § 61-6-10.8, NM ST § 61-6-10.8

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-10.9

§ 61-6-10.9. Recompiled as § 61-6D-8 by L. 2022, Ch. 39, § 36, eff. May 18, 2022

Effective: May 18, 2022

[Currentness](#)

NMSA 1978, § 61-6-10.9, NM ST § 61-6-10.9

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N. M. S. A. 1978, § 61-6-10.10

§ 61-6-10.10. Recompiled as § 61-6D-9 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

Effective: May 18, 2022

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NMSA 1978, § 61-6-10.10, NM ST § 61-6-10.10

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-10.11

§ 61-6-10.11. Recompiled as § 61-6D-10 by L. 2022, Ch. 39, § 105, eff. May 18, 2022

Effective: May 18, 2022

[Currentness](#)

NMSA 1978, § 61-6-10.11, NM ST § 61-6-10.11

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-11

§ 61-6-11. Physician licensure

Effective: June 18, 2021

Currentness

A. The board may consider for licensure a person who is of good moral character, is a graduate of an accredited United States or Canadian medical or osteopathic medical school, has passed an examination approved by the board and has completed two years of an approved postgraduate training program for physicians.

B. An applicant who has not completed two years of an approved postgraduate training program for physicians, but who otherwise meets all other licensing requirements, may present evidence to the board of the applicant's other professional experience for consideration by the board in lieu of the approved postgraduate training program. The board shall, in its sole discretion, determine if the professional experience is substantially equivalent to the required approved postgraduate training program for physicians.

C. A graduate of a board-approved medical or osteopathic medical school located outside the United States or Canada may be granted a license to practice medicine in New Mexico, provided the applicant presents evidence to the board that the applicant is a person of good moral character and provided that the applicant presents satisfactory evidence to the board that the applicant has successfully passed an examination as required by the board and has successfully completed two years of postgraduate medical training in an approved postgraduate training program for physicians. A graduate of a medical school located outside the United States who successfully completes at least two years of an approved postgraduate training program for physicians at or affiliated with an institution located in New Mexico prior to December 30, 2007 and who meets the other requirements of this section may also be granted a license to practice medicine.

D. All applicants for licensure may be required to appear personally before the board or a designated agent for an interview.

E. An applicant for licensure by examination shall not be granted a license if the applicant has taken the examination in two or more steps and has failed to successfully pass the final step within seven years of the date that the first step was passed. An applicant for licensure who holds a medical or osteopathic doctor degree and a doctoral degree in a medically related field must successfully complete the entire examination series within ten years from the date the first step of the examination is passed. The board may, by rule, establish exceptions to the time requirements of this subsection.

F. Every applicant for licensure under this section shall pay the fees required by [Section 61-6-19 NMSA 1978](#).

G. The board may require fingerprints and other information necessary for a state and national criminal background check.

Credits

L. 1923, Ch. 44, § 3; L. 1939, Ch. 80, § 1; L. 1959, Ch. 189, § 1; L. 1969, Ch. 46, § 3; L. 1976, Ch. 16, § 1; L. 1983, Ch. 260, § 1; L. 1989, Ch. 269, § 7; L. 1994, Ch. 80, § 5; L. 1997, Ch. 221, § 2; L. 2001, Ch. 96, § 2, eff. April 2, 2001; L. 2003, Ch. 19, § 12; L. 2005, Ch. 159, § 1, eff. April 5, 2005; L. 2021, Ch. 54, § 27, eff. June 18, 2021.

Formerly C.S. 1929, § 110-104; 1941 Comp., § 51-504; 1953 Comp., § 67-5-4; 1978 Comp., § 61-6-10.

Notes of Decisions (1)

NMSA 1978, § 61-6-11, NM ST § 61-6-11

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-11.1

§ 61-6-11.1. Telemedicine license

Effective: July 1, 2023

Currentness

A. The board shall issue a licensed physician a telemedicine license to allow the practice of medicine across state lines to an applicant who holds a full and unrestricted license to practice medicine in another state or territory of the United States. The board shall establish by rule the requirements for licensure; provided that the requirements shall not be more restrictive than those required for expedited licensure.

B. A telemedicine license shall be issued for a period not to exceed three years and may be renewed upon application, payment of fees as provided in [Section 61-6-19 NMSA 1978](#) and compliance with other requirements established by rule of the board.

Credits

L. 2001, Ch. 96, § 10, eff. April 2, 2001; L. 2021, Ch. 54, § 28, eff. June 18, 2021; L. 2023, Ch. 190, § 27, eff. July 1, 2023.

NMSA 1978, § 61-6-11.1, NM ST § 61-6-11.1

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-12

§ 61-6-12. Criminal offender's character evaluation

Effective: June 18, 2021

Currentness

The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted by the Medical Practice Act and to all health care practitioners over which the board has licensure authority.

Credits

L. 1974, Ch. 78, § 15; L. 1989, Ch. 269, § 8; L. 2021, Ch. 54, § 29, eff. June 18, 2021.

Formerly 1953 Comp., § 67-5-4.1; 1978 Comp., § 61-6-11.

NMSA 1978, § 61-6-12, NM ST § 61-6-12

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-13

§ 61-6-13. Physician licensure by endorsement

Effective: June 18, 2021

[Currentness](#)

A. The board may grant a license by endorsement to a physician applicant who:

- (1) has graduated from an accredited United States or Canadian medical or osteopathic medical school;
- (2) is board certified in a specialty recognized by the American board of medical specialties, the American osteopathic association or other specialty boards as approved by the board;
- (3) has been a licensed physician in the United States or Canada and has practiced medicine in the United States or Canada immediately preceding the application for at least three years;
- (4) holds an unrestricted license in another state or Canada; and
- (5) was not the subject of a disciplinary action in a state or province.

B. The board may grant a physician license by endorsement to an applicant who:

- (1) has graduated from a medical or osteopathic medical school located outside the United States or Canada;
- (2) is of good moral character;

(3) is board certified in a specialty recognized by the American board of medical specialties, the American osteopathic association or other boards as approved by the board;

(4) has been a licensed physician in the United States or Canada and has practiced medicine in the United States or Canada immediately preceding the application for at least three years;

(5) holds an unrestricted license in another state or Canada; and

(6) was not the subject of disciplinary action in a state or province.

C. An endorsement provided pursuant to this section shall certify that the applicant has passed an examination that meets with board approval and that the applicant is in good standing in that jurisdiction. In cases when the applicant is board certified, has not been the subject of disciplinary action that would be reportable to the national practitioner data bank or the healthcare integrity and protection data bank and has unusual skills and experience not generally available in this state, and patients residing in this state have a significant need for such skills and experience, the board may waive a requirement imposing time limits for examination completion that are different from requirements of the state where the applicant is licensed.

D. An applicant for licensure under this section may be required to personally appear before the board or a designated agent for an interview.

E. An applicant for licensure under this section shall pay an application fee as provided in [Section 61-6-19 NMSA 1978](#).

F. The board may require fingerprints and other information necessary for a state and national criminal background check.

Credits

L. 1989, Ch. 269, § 9; L. 1994, Ch. 80, § 6; L. 2001, Ch. 96, § 3, eff. April 2, 2001; L. 2003, Ch. 19, § 13; L. 2005, Ch. 159, § 2, eff. April 5, 2005; L. 2021, Ch. 54, § 32, eff. June 18, 2021.

NMSA 1978, § 61-6-13, NM ST § 61-6-13

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-13

§ 61-6-13. Physician expedited licensure

Effective: July 1, 2023

Currentness

A. The board may grant an expedited license to a qualified applicant licensed in another state or territory of the United States, the District of Columbia or a foreign country as provided in [Section 61-1-31.1 NMSA 1978](#). The board shall process the application as soon as practicable but no later than thirty days after the out-of-state medical or osteopathic physician files an application for expedited licensure accompanied by any required fee if the applicant:

- (1) holds a license that is current and in good standing issued by another licensing jurisdiction approved by the board; and
- (2) has practiced medicine or osteopathy as a licensed physician for at least three years.

B. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require a person to pass an examination before applying for license renewal.

C. The board by rule shall determine those states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and shall determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on the board's website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted. The board may require fingerprints and other information necessary for a state and national criminal background check.

Credits

L. 1989, Ch. 269, § 9; L. 1994, Ch. 80, § 6; L. 2001, Ch. 96, § 3, eff. April 2, 2001; L. 2003, Ch. 19, § 13; L. 2005, Ch. 159, § 2, eff. April 5, 2005; L. 2021, Ch. 54, § 32, eff. June 18, 2021; L. 2021, Ch. 70, § 8, eff. June 18, 2021; L. 2023, Ch. 190, § 28, eff. July 1, 2023.

Notes of Decisions (2)

§ 61-6-13. Physician expedited licensure, NM ST § 61-6-13

NMSA 1978, § 61-6-13, NM ST § 61-6-13

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-14

§ 61-6-14. Organized youth camp or school temporary licenses and temporary licenses for out-of-state physicians

Effective: June 18, 2021

[Currentness](#)

A. The secretary-treasurer of the board or the board's designee may, either by examination or endorsement, approve a temporary license to practice medicine to an applicant qualified to practice medicine in this state who will be temporarily in attendance at an organized youth camp or school, provided that:

- (1) the practice shall be confined to enrollees, leaders and employees of the camp or school;
- (2) the temporary license shall be issued for a period not to exceed three months from date of issuance; and
- (3) the temporary license may be issued upon written application of the applicant, accompanied by such proof of the qualifications of the applicant as specified by board rule.

B. The secretary-treasurer of the board or the board's designee may approve a temporary license to practice medicine under the supervision of a licensed physician to an applicant who is licensed to practice medicine in another state, territory of the United States or another country and who is qualified to practice medicine in this state. The following provisions shall apply:

(1) the temporary license may be issued upon written application of the applicant, accompanied by proof of qualifications as specified by rule of the board. A temporary license may be granted to allow the applicant to assist in teaching, conducting research, performing specialized diagnostic and treatment procedures, implementing new technology and for physician educational purposes. A licensee may engage in only the activities specified on the temporary license, and the temporary license shall identify the licensed physician who will supervise the applicant during the time the applicant practices medicine in New Mexico. The supervising licensed physician shall submit an affidavit attesting to the qualifications of the applicant and activities the applicant will perform; and

(2) the temporary license shall be issued for a period not to exceed three months from date of issuance and may be renewed upon application and payment of fees as provided in [Section 61-6-19 NMSA 1978](#).

C. The application for a temporary license under this section shall be accompanied by a license fee as provided in [Section 61-6-19 NMSA 1978](#).

Credits

L. 1953, Ch. 48, § 2; L. 1969, Ch. 46, § 5; L. 1988, Ch. 11, § 1; L. 1989, Ch. 269, § 10; L. 1991, Ch. 148, § 2; L. 2003, Ch. 19, § 14; L. 2005, Ch. 159, § 3, eff. April 5, 2005; L. 2021, Ch. 54, § 33, eff. June 18, 2021.


Formerly 1941 Comp., § 51-125; 1953 Comp., § 67-5-7; 1978 Comp., § 61-6-13.

NMSA 1978, § 61-6-14, NM ST § 61-6-14

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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's New Mexico Statutes Annotated

Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-15

§ 61-6-15. License may be refused, revoked or suspended; licensee may be fined, censured or reprimanded; procedure; practice after suspension or revocation; penalty; unprofessional and dishonorable conduct defined; fees and expenses

Effective: June 16, 2023

[Currentness](#)

A. The board may refuse to license and may revoke or suspend a license that has been issued by the board or a previous board and may fine, censure or reprimand a licensee upon satisfactory proof being made to the board that the applicant for or holder of the license has been guilty of unprofessional or dishonorable conduct. The board may also refuse to license an applicant who is unable to practice as a physician, practice as a physician assistant, an anesthesiologist assistant, a genetic counselor, a naturopathic practitioner, a naprapathic practitioner or a podiatric physician or practice polysomnography, pursuant to [Section 61-7-3 NMSA 1978](#). All proceedings shall be as required by the Uniform Licensing Act or the Impaired Health Care Provider Act.

B. The board may, in its discretion and for good cause shown, place the licensee on probation on the terms and conditions it deems proper for protection of the public, for the purpose of rehabilitation of the probationer or both. Upon expiration of the term of probation, if a term is set, further proceedings may be abated by the board if the holder of the license furnishes the board with evidence that the licensee is competent to practice, is of good moral character and has complied with the terms of probation.

C. If evidence fails to establish to the satisfaction of the board that the licensee is competent and is of good moral character or if evidence shows that the licensee has not complied with the terms of probation, the board may revoke or suspend the license. If a license to practice in this state is suspended, the holder of the license may not practice during the term of suspension. A person whose license has been revoked or suspended by the board and who thereafter practices or attempts or offers to practice in New Mexico, unless the period of suspension has expired or been modified by the board or the license reinstated, is guilty of a felony and shall be punished as provided in [Section 61-6-20 NMSA 1978](#).

D. "Unprofessional or dishonorable conduct", as used in this section, means, but is not limited to because of enumeration, conduct of a licensee that includes the following:

(1) procuring, aiding or abetting an illegal procedure;

- (2) employing a person to solicit patients for the licensee;
- (3) representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured;
- (4) obtaining a fee by fraud or misrepresentation;
- (5) willfully or negligently divulging a professional confidence;
- (6) conviction of an offense punishable by incarceration in a state penitentiary or federal prison or conviction of a misdemeanor associated with the practice of the licensee. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence;
- (7) habitual or excessive use of intoxicants or drugs;
- (8) fraud or misrepresentation in applying for or procuring a license to practice in this state or in connection with applying for or procuring renewal, including cheating on or attempting to subvert the licensing examinations;
- (9) making false or misleading statements regarding the skill of the licensee or the efficacy or value of the medicine, treatment or remedy prescribed or administered by the licensee or at the direction of the licensee in the treatment of a disease or other condition of the human body or mind;
- (10) impersonating another licensee, permitting or allowing a person to use the license of the licensee or practicing as a licensee under a false or assumed name;
- (11) aiding or abetting the practice of a person not licensed by the board;
- (12) gross negligence in the practice of a licensee;
- (13) manifest incapacity or incompetence to practice as a licensee;

(14) discipline imposed on a licensee by another licensing jurisdiction, including denial, probation, suspension or revocation, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of disciplinary action or sanction taken by another jurisdiction is conclusive evidence of the action;

(15) the use of a false, fraudulent or deceptive statement in a document connected with the practice of a licensee;

(16) fee splitting;

(17) the prescribing, administering or dispensing of narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes;

(18) conduct likely to deceive, defraud or harm the public;

(19) repeated similar negligent acts or a pattern of conduct otherwise described in this section or in violation of a board rule;

(20) employing abusive billing practices;

(21) failure to report to the board any adverse action taken against the licensee by:

(a) another licensing jurisdiction;

(b) a peer review body;

(c) a health care entity;

(d) a professional or medical society or association;

(e) a governmental agency;

(f) a law enforcement agency; or

(g) a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(22) failure to report to the board the denial of licensure, surrender of a license or other authorization to practice in another state or jurisdiction or surrender of membership on any medical staff or in any medical or professional association or society following, in lieu of and while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(23) failure to furnish the board, its investigators or representatives with information requested by the board;

(24) abandonment of patients;

(25) being found mentally incompetent or insane by a court of competent jurisdiction;

(26) injudicious prescribing, administering or dispensing of a drug or medicine;

(27) failure to adequately supervise, as provided by board rule, a medical or surgical assistant or technician or professional licensee who renders health care;

(28) sexual contact with a patient or person who has authority to make medical decisions for a patient, other than the spouse of the licensee;

(29) conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public;

(30) the surrender of a license or withdrawal of an application for a license before another state licensing board while an investigation or disciplinary action is pending before that board for acts or conduct similar to acts or conduct that would constitute grounds for action pursuant to this section;

(31) sexual contact with a former mental health patient of the licensee, other than the spouse of the licensee, within one year from the end of treatment;

(32) sexual contact with a patient when the licensee uses or exploits treatment, knowledge, emotions or influence derived from the current or previous professional relationship;

(33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;

(34) failure to provide pertinent and necessary medical records to a physician or patient of the physician in a timely manner when legally requested to do so by the patient or by a legally designated representative of the patient;

(35) undertreatment of pain as provided by board rule;

(36) interaction with physicians, hospital personnel, patients, family members or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient;

(37) soliciting or receiving compensation by a physician assistant or anesthesiologist assistant from a person who is not an employer of the assistant;

(38) willfully or negligently divulging privileged information or a professional secret; or

(39) the use of conversion therapy on a minor.

E. As used in this section:

(1) “conversion therapy” means any practice or treatment that seeks to change a person’s sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. “Conversion therapy” does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person’s coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) “fee splitting” includes offering, delivering, receiving or accepting any unearned rebate, refunds, commission preference, patronage dividend, discount or other unearned consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients or customers to a person, irrespective of any membership, proprietary interest or co-ownership in or with a person to whom the patients, clients or customers are referred;

(3) “gender identity” means a person’s self-perception, or perception of that person by another, of the person’s identity as a male or female based upon the person’s appearance, behavior or physical characteristics that are in accord with or opposed to the person’s physical anatomy, chromosomal sex or sex at birth;

(4) “minor” means a person under eighteen years of age; and

(5) “sexual orientation” means heterosexuality, homosexuality or bisexuality, whether actual or perceived.

F. Licensees whose licenses are in a probationary status shall pay reasonable expenses for maintaining probationary status, including laboratory costs when laboratory testing of biological fluids is included as a condition of probation.

Credits

L. 1969, Ch. 46, § 6; L. 1979, Ch. 63, § 3; L. 1983, Ch. 260, § 2; L. 1989, Ch. 269, § 11; L. 1991, Ch. 148, § 3; L. 1994, Ch. 80, § 7; L. 1997, Ch. 221, § 1; L. 2001, Ch. 96, § 4, eff. April 2, 2001; L. 2003, Ch. 19, § 15; L. 2005, Ch. 159, § 4, eff. April 5, 2005; L. 2008, Ch. 53, § 12, eff. July 1, 2009; L. 2008, Ch. 54, § 13, eff. July 1, 2008; L. 2017, Ch. 132, § 3, eff. June 16, 2017; L. 2021, Ch. 54, § 34, eff. June 18, 2021; L. 2023, Ch. 141, § 3, eff. June 16, 2023.

Formerly 1953 Comp., § 67-5-9; 1978 Comp., § 61-6-14.

Notes of Decisions (7)

NMSA 1978, § 61-6-15, NM ST § 61-6-15

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-15.1

§ 61-6-15.1. Summary suspension or restriction of license

Effective: May 14, 2008

[Currentness](#)

A. The board may summarily suspend or restrict a license issued by the board without a hearing, simultaneously with or at any time after the initiation of proceedings for a hearing provided under the Uniform Licensing Act, if the board finds that evidence in its possession indicates that the licensee:

- (1) poses a clear and immediate danger to the public health and safety if the licensee continues to practice;
- (2) has been adjudged mentally incompetent by a final order or adjudication by a court of competent jurisdiction; or
- (3) has pled guilty to or been found guilty of any offense related to the practice of medicine or for any violent criminal offense in this state or a substantially equivalent criminal offense in another jurisdiction.

B. A licensee is not required to comply with a summary action until service has been made or the licensee has actual knowledge of the order, whichever occurs first.

C. A person whose license is suspended or restricted under this section is entitled to a hearing by the board pursuant to the Uniform Licensing Act within fifteen days from the date the licensee requests a hearing.

Credits

Added by L. 2008, Ch. 74, § 1, eff. May 14, 2008.

NMSA 1978, § 61-6-15.1, NM ST § 61-6-15.1

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

§ 61-6-15.1. Summary suspension or restriction of license, NM ST § 61-6-15.1

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-16

§ 61-6-16. Reporting of settlements and judgments, professional review actions and acceptance of surrendered license; immunity from civil damages; penalty

Currentness

A. All entities that make payments under a policy of insurance, self-insurance or otherwise in settlement or satisfaction of a judgment in a medical malpractice action or claim, hospitals, health care entities and professional review bodies shall report to the board all payments relating to malpractice actions or claims arising in New Mexico that involve a licensee and that are paid as a direct result of the licensee's care, all appropriate professional review actions of licensees and the acceptance or surrender of clinical privileges by a licensee while under investigation or in lieu of an investigation. For the purposes of this section, the meaning of these terms shall be as contained in Section 431 of the federal Health Care Quality Improvement Act of 1986, [42 USCA Section 11151](#).

B. The hospitals required to report under this section, health care entities or professional review bodies that provide such information in good faith shall not be subject to suit for civil damages as a result of providing the information.

C. A hospital, health care entity or professional review body failing to comply with the reporting requirements provided in this section shall be subject to civil penalty not to exceed ten thousand dollars (\$10,000).

Credits

L. 1989, Ch. 269, § 12; L. 2003, Ch. 19, § 16; L. 2008, Ch. 74, § 2, eff. May 14, 2008.

NMSA 1978, § 61-6-16, NM ST § 61-6-16

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-17

§ 61-6-17. Exceptions to act

Effective: June 18, 2021

[Currentness](#)

The Medical Practice Act shall not apply to or affect:

A. gratuitous services rendered in cases of emergency;

B. the domestic administration of family remedies;

C. the practice of midwifery as regulated in this state;

D. commissioned medical officers of the armed forces of the United States and medical officers of the commissioned corps of the United States public health service or the United States department of veterans affairs in the discharge of their official duties or within federally controlled facilities; provided that such persons who hold medical licenses in New Mexico shall be subject to the provisions of the Medical Practice Act; and provided further that all such persons shall be fully licensed to practice medicine in one or more jurisdictions of the United States;

E. the practice of medicine by a physician, unlicensed in New Mexico, who performs emergency medical procedures in air or ground transportation on a patient from inside of New Mexico to another state or back; provided that the physician is duly licensed in that state;

F. the practice, as defined and limited under their respective licensing laws, of:

(1) dentistry;

(2) podiatry;

(3) nursing;

(4) optometry;

(5) psychology;

(6) chiropractic;

(7) pharmacy;

(8) acupuncture and oriental medicine; or

(9) physical therapy;

G. an act, task or function of laboratory technicians or technologists, x-ray technicians, nurse practitioners, medical or surgical assistants or other technicians or qualified persons permitted by law or established by custom as part of the duties delegated to them by:

(1) a licensed physician or a hospital, clinic or institution licensed or approved by the public health division of the department of health or an agency of the federal government; or

(2) a health care program operated or financed by an agency of the state or federal government;

H. a properly trained medical or surgical assistant or technician or professional licensee performing under the physician's employment and direct supervision or a visiting physician or surgeon operating under the physician's direct supervision a medical act that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate if, in the opinion of the delegating physician, the act can be properly and safely performed in its customary manner and if the person does not hold the person's own self out to the public as being authorized to practice medicine in New Mexico. The delegating physician shall remain responsible for the medical acts of the person performing the delegated medical acts;

I. the practice of the religious tenets of a church in the ministrations to the sick or suffering by mental or spiritual means as

provided by law; provided that the Medical Practice Act shall not be construed to exempt a person from the operation or enforcement of the sanitary and quarantine laws of the state;

J. the acts of a physician licensed under the laws of another state of the United States who is the treating physician of a patient and orders home health or hospice services for a resident of New Mexico to be delivered by a home and community support services agency licensed in this state; provided that a change in the condition of the patient shall be physically reevaluated by the treating physician in the treating physician's jurisdiction or by a licensed New Mexico physician;

K. 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; and

L. a physician who engages in the informal practice of medicine across state lines without compensation or expectation of compensation; provided that the practice of medicine across state lines conducted within the parameters of a contractual relationship shall not be considered informal and is subject to licensure and rule by the board.

Credits

L. 1973, Ch. 361, § 8; L. 1989, Ch. 269, § 13; L. 1991, Ch. 148, § 4; L. 1991, Ch. 164, § 1; L. 1993, Ch. 158, § 7; L. 1994, Ch. 80, § 8; L. 1997, Ch. 221, § 3; L. 2000, Ch. 44, § 1; L. 2001, Ch. 96, § 5, eff. April 2, 2001; L. 2003, Ch. 19, § 17; L. 2017, Ch. 103, § 5, eff. June 16, 2017; L. 2021, Ch. 54, § 35, eff. June 18, 2021.

Formerly 1953 Comp., § 67-5-10.1; 1978 Comp., § 61-6-16.

Notes of Decisions (4)

NMSA 1978, § 61-6-17, NM ST § 61-6-17

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-17.1

§ 61-6-17.1. Temporary licensure exemption; out-of-state physicians; out-of-state sports teams

Effective: June 18, 2021

[Currentness](#)

A. An individual who is licensed in good standing to practice medicine in another state, and whom the board has not previously found to have violated a provision of the Medical Practice Act, may practice medicine without a license granted by the board if the individual has a written agreement with an out-of-state sports team to provide care to team members and staff traveling with the team for a specific sporting event to take place in this state; provided that:

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

(3) the services to be provided by the individual are within the scope of practice authorized pursuant to the Medical Practice Act and rules of the board;

(4) the individual has professional liability coverage for the duration of the sporting event;

(5) the individual shall not:

(a) provide care or consultation to a resident of this state, other than a member of the out-of-state sports team during a sporting event; or

(b) practice medicine in the state, outside of the sporting event;

(6) the authorization to practice without a board-issued license pursuant to this section shall be valid only during the time of the sporting event, while the individual granted the authorization is providing care to the out-of-state sports team, and is limited to the duration of the sporting event;

(7) the individual or out-of-state sports team shall report to the board any potential:

(a) medical license violation;

(b) practice negligence; or

(c) unprofessional or dishonorable conduct, as those terms are defined in board rules;

(8) the individual's practice of medicine pursuant to this section shall be subject to board oversight, investigation and discipline in accordance with the provisions of the Medical Practice Act; and

(9) the board may report to a licensing board in a state in which an individual practicing medicine pursuant to this section is licensed to practice medicine any findings it makes pursuant to an investigation or disciplinary action that the board undertakes.

B. The board shall adopt and promulgate rules to implement the provisions of this section.

C. As used in this section:

(1) "out-of-state sports team" means an entity or organization:

(a) for which athletes engage in a sporting event;

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

(c) a majority of whose staff and athletes are residents of another state; and

§ 61-6-17.1. Temporary licensure exemption; out-of-state..., NM ST § 61-6-17.1

(2) “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.

Credits

Added by L. 2019, Ch. 184, § 1, eff. June 14, 2019. Amended by L. 2021, Ch. 54, § 36, eff. June 18, 2021.

NMSA 1978, § 61-6-17.1, NM ST § 61-6-17.1

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-18

§ 61-6-18. Medical students; interns; residents; fellows

Effective: June 18, 2021

[Currentness](#)

A. Nothing in the Medical Practice Act shall prevent a medical student properly registered or enrolled in a medical college or school in good standing from diagnosing or treating the sick or afflicted, provided that the medical student does not receive compensation for services and such services are rendered under the supervision of the school faculty as part of the student's course of study.

B. Any intern, resident or fellow who is appointed in a board-approved residency or fellowship training program may pursue such training after obtaining a postgraduate training license from the board. The board may adopt by rule specific education or examination requirements for a postgraduate training license.

C. Any person serving in the assigned rotations and performing the assigned duties in a board-approved residency or fellowship training program accredited in New Mexico may do so for an aggregate period not to exceed eight years or completion of the residency, whichever is shorter.

D. The board may require any applicant for a postgraduate training license required in Subsections B and C of this section to personally appear before the board or a designated member of the board for an interview.

E. Every applicant for a postgraduate training license under this section shall pay the fees required by [Section 61-6-19 NMSA 1978](#).

F. Postgraduate training licenses shall be renewed annually and shall be effective during each year or part of a year of postgraduate training.

Credits

L. 1989, Ch. 269, § 14; L. 1994, Ch. 80, § 9; L. 2005, Ch. 159, § 5, eff. April 5, 2005; L. 2021, Ch. 54, § 37, eff. June 18, 2021.

NMSA 1978, § 61-6-18, NM ST § 61-6-18

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-18.1

§ 61-6-18.1. Public service license

Effective: June 18, 2021

Currentness

A. Applicants for a public service license shall meet all requirements for licensure and shall:

- (1) be enrolled in a board-approved residency or fellowship training program either in New Mexico or in another jurisdiction;
- (2) obtain written approval from the training program director of the applicant to pursue a public service practice opportunity outside the residency training program; and
- (3) satisfy other reasonable requirements imposed by the board.

B. A physician with one year of postdoctoral training may apply for a public service license to practice under the direct supervision of a licensed physician or with immediate access to a licensed physician by electronic means when the public service physician is employed in a medically underserved area.

C. A public service license shall expire on September 1 of each year and may be renewed by the board.

D. An applicant for a public service license shall pay the required fees set forth in [Section 61-6-19 NMSA 1978](#).

Credits

L. 1994, Ch. 80, § 10; L. 2003, Ch. 19, § 18; L. 2005, Ch. 159, § 6, eff. April 5, 2005; L. 2021, Ch. 54, § 38, eff. June 18, 2021.

§ 61-6-18.1. Public service license, NM ST § 61-6-18.1

NMSA 1978, § 61-6-18.1, NM ST § 61-6-18.1

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-19

§ 61-6-19. Fees

Effective: June 18, 2021

Currentness

A. Except as provided in [Section 61-1-34 NMSA 1978](#), the board shall impose the following fees:

- (1) an application fee not to exceed five hundred dollars (\$500) for licensure by endorsement as provided in [Section 61-6-13 NMSA 1978](#);
- (2) an application fee not to exceed five hundred dollars (\$500) for licensure by examination as provided in [Section 61-6-11 NMSA 1978](#);
- (3) a triennial renewal fee not to exceed five hundred dollars (\$500);
- (4) a fee of twenty-five dollars (\$25.00) for placing a physician's license or a physician assistant's license on inactive status;
- (5) a late fee not to exceed one hundred dollars (\$100) for physicians who renew their license within forty-five days after the required renewal date;
- (6) a late fee not to exceed two hundred dollars (\$200) for physicians who renew their licenses between forty-six and ninety days after the required renewal date;
- (7) a reinstatement fee not to exceed seven hundred dollars (\$700) for reinstatement of a revoked, suspended or inactive license;

- (8) a reasonable administrative fee for verification and duplication of license or registration and copying of records;
- (9) a reasonable publication fee for the purchase of a publication containing the names of all practitioners licensed under the Medical Practice Act;
- (10) an impaired physician fee not to exceed one hundred fifty dollars (\$150) for a three-year period;
- (11) an interim license fee not to exceed one hundred dollars (\$100);
- (12) a temporary license fee not to exceed one hundred dollars (\$100);
- (13) a postgraduate training license fee not to exceed fifty dollars (\$50.00) annually;
- (14) an application fee not to exceed one hundred fifty dollars (\$150) for physician assistants applying for initial licensure;
- (15) a licensure fee not to exceed one hundred fifty dollars (\$150) for physician assistants biennial license renewal and registration of supervising or collaborating licensed physician;
- (16) a late fee not to exceed fifty dollars (\$50.00) for physician assistants who renew their licensure within forty-five days after the required renewal date;
- (17) a late fee not to exceed seventy-five dollars (\$75.00) for physician assistants who renew their licensure between forty-six and ninety days after the required renewal date;
- (18) a reinstatement fee not to exceed one hundred dollars (\$100) for physician assistants who reinstate an expired license;
- (19) a fee not to exceed three hundred dollars (\$300) annually for a physician supervising a clinical pharmacist;
- (20) an application and renewal fee for a telemedicine license not to exceed nine hundred dollars (\$900);

(21) a reasonable administrative fee, not to exceed the current cost of application and license or renewal for a license, that may be charged for reprocessing applications and renewals that include minor but significant errors and that would otherwise be subject to investigation and possible disciplinary action; and

(22) a reasonable fee as established by the department of public safety for nationwide and statewide criminal history screening of applicants and licensees.

B. All fees are nonrefundable and shall be used by the board to carry out its duties efficiently.

Credits

L. 1989, Ch. 269, § 15; L. 1994, Ch. 80, § 11; L. 1997, Ch. 187, § 9, eff. July 1, 1997; L. 1997, Ch. 221, § 4; L. 2001, Ch. 96, § 6, eff. April 2, 2001; L. 2003, Ch. 19, § 19; L. 2008, Ch. 74, § 3, eff. May 14, 2008; L. 2017, Ch. 103, § 7, eff. June 16, 2017; L. 2020, Ch. 6, § 16, eff. July 1, 2020; L. 2021, Ch. 54, § 39, eff. June 18, 2021.

NMSA 1978, § 61-6-19, NM ST § 61-6-19

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-20

§ 61-6-20. Practicing without license; penalty

Currentness

A. Any person who practices medicine or who attempts to practice medicine without first complying with the provisions of the Medical Practice Act and without being the holder of a license entitling him to practice medicine in New Mexico is guilty of a fourth degree felony.

B. Any person who practices medicine across state lines or who attempts to practice medicine across state lines without first complying with the provisions of the Medical Practice Act and without being the holder of a telemedicine license entitling him to practice medicine across state lines is guilty of a fourth degree felony.

C. Any person convicted pursuant to Subsection A or B of this section shall be sentenced under the provisions of the Criminal Sentencing Act to imprisonment for a definite period not to exceed eighteen months and, in the discretion of the sentencing court, to a fine not to exceed five thousand dollars (\$5,000), or both. Each occurrence of practicing medicine or attempting to practice medicine without complying with the Medical Practice Act shall be a separate violation.

Credits

L. 1923, Ch. 44, § 9; L. 1955, Ch. 44 [§ 1]; L. 1969, Ch. 46, § 8; L. 1989, Ch. 269, § 16; L. 2001, Ch. 96, § 7, eff. April 2, 2001.

Formerly C.S. 1929, § 110-110; 1941 Comp., § 51-510; 1953 Comp., § 67-5-12; 1978 Comp., § 61-6-18.

Notes of Decisions (5)

NMSA 1978, § 61-6-20, NM ST § 61-6-20

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-21

§ 61-6-21. Continuing medical education; penalty

Effective: June 18, 2021

[Currentness](#)

A. For the purpose of protecting the health and well-being of the residents of this state and for maintaining and continuing informed professional knowledge and awareness, the board shall establish mandatory continuing educational requirements for licensees under its authority.

B. The board may suspend the license of a licensee who fails to comply with continuing medical education or continuing education requirements until the requirements are fulfilled and may take any further disciplinary action if the licensee fails to remediate the deficiencies, including revocation of license.

Credits

L. 1989, Ch. 269, § 17; L. 2003, Ch. 19, § 20; L. 2021, Ch. 54, § 40, eff. June 18, 2021.

NMSA 1978, § 61-6-21, NM ST § 61-6-21

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-22

§ 61-6-22. Injunction to prevent practice without a license

Currentness

The attorney general, the prosecuting attorney, the board or any citizen of any county where any person engages in the practice of medicine as defined by the laws of New Mexico without possessing a valid license to do so may, in accordance with the laws of the state governing injunctions, maintain an action in the name of the state to enjoin such person from engaging in the practice of medicine until a valid license to practice medicine is secured from the board. Any person who has been so enjoined who violates the injunction shall be punished for contempt of court. Provided, however, the injunction shall not relieve the person practicing medicine without a valid license from criminal prosecution therefor as provided by law, but such remedy by injunction shall be in addition to any remedy now provided for criminal prosecution of such offender. In charging any person in a petition for injunction or in an information or indictment with a violation of law by practicing medicine without a valid license, it is sufficient to charge that the person did, on a certain day and in a certain county, engage in the practice of medicine without having a valid license without alleging any further or more particular facts.

Credits

L. 1969, Ch. 46, § 10; L. 1989, Ch. 269, § 18.

Formerly 1953 Comp., § 67-5-15; 1978 Comp., § 61-6-21.

NMSA 1978, § 61-6-22, NM ST § 61-6-22

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-23

§ 61-6-23. Investigation; subpoena

Effective: June 18, 2021

[Currentness](#)

To investigate a complaint against an applicant or a licensee, the board may issue investigative subpoenas prior to the issuance of a notice of contemplated action.

Credits

L. 1989, Ch. 269, § 19; L. 2003, Ch. 19, § 21; L. 2021, Ch. 54, § 41, eff. June 18, 2021.

NMSA 1978, § 61-6-23, NM ST § 61-6-23

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-24

§ 61-6-24. Limitations on actions

Currentness

A. No action that would have any of the effects specified in Sections 61-6-15 and 61-6-15.1 NMSA 1978 may be initiated by the board later than two years after it is brought to the board's attention.

B. The time limitation contained in Subsection A of this section shall be tolled by any civil or criminal litigation in which the licensee or applicant is a party arising substantially from the same facts, conduct, transaction or transactions that would be the basis of the board's decision.

Credits

L. 1989, Ch. 269, § 20; L. 2008, Ch. 74, § 4, eff. May 14, 2008.

NMSA 1978, § 61-6-24, NM ST § 61-6-24

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-25

§ 61-6-25. False statement; penalty

Currentness

Any person making a false statement under oath or a false affidavit shall be guilty of a fourth degree felony and upon conviction shall be sentenced in accordance with the Criminal Sentencing Act to eighteen months imprisonment and, in the sentencing court's discretion, to a fine of not more than five thousand dollars (\$5,000).

Credits

L. 1989, Ch. 269, § 21.

NMSA 1978, § 61-6-25, NM ST § 61-6-25

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-26

§ 61-6-26. Triennial renewal fees; penalty for failure to renew license

Currentness

A. On or before July 1 of every third year, every licensed physician in this state shall apply for a certificate of triennial renewal of license for the ensuing three years. The fact that a licensed physician has not received a renewal form from the board shall not relieve the physician of the duty to renew the license and the omission by the board shall not operate to exempt the physician from the penalties provided by Chapter 61, Article 6 NMSA 1978 for failure to renew his license.

B. All licensed physicians shall pay a triennial renewal fee and impaired physicians fee as provided in [Section 61-6-19 NMSA 1978](#) and shall return the completed renewal form together with the renewal fee and other required documentation.

C. Each application for triennial renewal of license shall state the licensed physician's full name, business address, license number and date and all other information requested by the board.

D. A licensed physician who fails to submit his application for triennial renewal on or before July 1 but who submits his application for triennial renewal by August 15 shall be assessed a late fee as provided in [Section 61-6-19 NMSA 1978](#).

E. A physician who submits the application for triennial renewal between August 16 and September 30 shall be assessed a cumulative late fee as provided in Paragraph (6) of [Subsection A of Section 61-6-19 NMSA 1978](#).

F. After September 30, the board may, in its discretion, summarily suspend for nonpayment of fees the license of a physician who has failed to renew his license.

Credits

L. 1989, Ch. 269, § 22; L. 2001, Ch. 96, § 8, eff. April 2, 2001; L. 2003, Ch. 19, § 22.

NMSA 1978, § 61-6-26, NM ST § 61-6-26

§ 61-6-26. Triennial renewal fees; penalty for failure to renew license, NM ST § 61-6-26

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-27

§ 61-6-27. Issuance and display of renewal certificate

Currentness

The board shall issue to each licensed physician, upon application in accordance with the provisions of the Medical Practice Act and upon payment of the appropriate fees and upon documentation of continuing education requirements, a certificate of triennial renewal, under the seal of the board, for the ensuing three years. The certificate of renewal shall contain the licensed physician's name, business address, license date and number and other information as the board deems advisable. The certificate of triennial renewal shall, at all times, be displayed conspicuously in the principal office or practice location of the licensed physician to whom it has been issued.

Credits

L. 1945, Ch. 74, § 2; L. 1969, Ch. 46, § 12; L. 1989, Ch. 269, § 23; L. 2003, Ch. 19, § 23.

Formerly 1941 Comp., § 51-2802; 1953 Comp., § 67-5-18; 1978 Comp., § 61-6-23.

NMSA 1978, § 61-6-27, NM ST § 61-6-27

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-28

§ 61-6-28. Licensed physicians; changing location

Effective: June 18, 2021

Currentness

A licensed physician or practitioner under licensure authority of the board or who applies for a license issued by the board who changes the location of the physician's or practitioner's office or residence shall promptly notify the board of the change. Applicants and licensees shall maintain a current address, phone number and email address with the board.

Credits

L. 1945, Ch. 74, § 3; L. 1969, Ch. 46, § 13; L. 1989, Ch. 269, § 24; L. 2003, Ch. 19, § 24; L. 2021, Ch. 54, § 42, eff. June 18, 2021.


Formerly 1941 Comp., § 51-2803; 1953 Comp., § 67-5-19; 1978 Comp., § 61-6-24.

NMSA 1978, § 61-6-28, NM ST § 61-6-28

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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 KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 61-6-29. Repealed by L. 2003, Ch. 19, § 29

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[Chapter 61. Professional and Occupational Licenses \(Refs & Annos\)](#)

[Article 6. Medicine and Surgery \(Refs & Annos\)](#)

N. M. S. A. 1978, § 61-6-29

§ 61-6-29. Repealed by L. 2003, Ch. 19, § 29

Currentness

NMSA 1978, § 61-6-29, NM ST § 61-6-29

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-30

§ 61-6-30. Restoration of good standing; fees and other requirements

Effective: June 18, 2021

[Currentness](#)

A. Before restoring to good standing a license that has been in a revoked, suspended or inactive status for any cause for more than two years, the board may require the applicant to pass an oral or written examination, or both, to determine the current fitness and competence of the applicant to resume practice and may impose terms, conditions or restrictions in its discretion.

B. The authority of the board to impose terms, conditions or restrictions includes, but is not limited to, the following:

- (1) requiring the applicant to obtain additional training and to pass an examination upon completion of such training; or
- (2) restricting or limiting the extent, scope or type of practice of the applicant.

C. The board shall also consider the moral background and the activities of the applicant during the period of suspension or inactivity.

D. If the board in its discretion determines that the applicant is qualified to be reissued a license in good standing, the applicant shall pay to the board a reinstatement fee.

Credits

L. 1969, Ch. 46, § 15; L. 1989, Ch. 269, § 26; L. 2003, Ch. 19, § 25; L. 2021, Ch. 54, § 43, eff. June 18, 2021.

Formerly 1953 Comp., § 67-5-21; 1978 Comp., § 61-6-26.


NMSA 1978, § 61-6-30, NM ST § 61-6-30

§ 61-6-30. Restoration of good standing; fees and other requirements, NM ST § 61-6-30

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's New Mexico Statutes Annotated

Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-31

§ 61-6-31. Disposition of funds; New Mexico medical board fund created; method of payments

Effective: June 16, 2023

Currentness

- A. The “New Mexico medical board fund” is created.
- B. All funds received by the board and money collected under the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Polysomnography Practice Act, the Impaired Health Care Provider Act, the Naturopathic Doctors’ Practice Act, the Podiatry Act and the Naprapathic Practice Act shall be deposited with the state treasurer, who shall place the same to the credit of the New Mexico medical board fund.
- C. All payments out of the fund shall be made on vouchers issued and signed by the secretary-treasurer of the board or the designee of the secretary-treasurer upon warrants drawn by the department of finance and administration in accordance with the budget approved by that department.
- D. All amounts in the New Mexico medical board fund shall be subject to the order of the board and shall be used only for the purpose of meeting necessary expenses incurred in:
- (1) the performance of the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Polysomnography Practice Act, the Impaired Health Care Provider Act, the Naturopathic Doctors’ Practice Act, the Podiatry Act and the Naprapathic Practice Act and the duties and powers imposed by those acts;
 - (2) the promotion of medical education and standards in this state within the budgetary limits; and
 - (3) efforts to recruit and retain medical and osteopathic physicians for practice in New Mexico.

E. All funds that may have accumulated to the credit of the board under any previous law shall be transferred to the New Mexico medical board fund and shall continue to be available for use by the board in accordance with the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Polysomnography Practice Act, the Impaired Health Care Provider Act, the Naturopathic Doctors' Practice Act, the Podiatry Act and the Naprapathic Practice Act. All money unused at the end of the fiscal year shall not revert, but shall remain in the fund for use in accordance with the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Polysomnography Practice Act, the Impaired Health Care Provider Act, the Naturopathic Doctors' Practice Act, the Podiatry Act and the Naprapathic Practice Act.

Credits

L. 1989, Ch. 269, § 27; L. 2003, Ch. 19, § 26; L. 2008, Ch. 53, § 13, eff. July 1, 2009; L. 2008, Ch. 54, § 14, eff. July 1, 2008; L. 2008, Ch. 55, § 2, eff. May 14, 2008; L. 2011, Ch. 31, § 3, eff. July 1, 2011; L. 2019, Ch. 244, § 17, eff. June 14, 2019; L. 2021, Ch. 54, § 44, eff. June 18, 2021; L. 2023, Ch. 141, § 4, eff. June 16, 2023.

NMSA 1978, § 61-6-31, NM ST § 61-6-31

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-31.1

§ 61-6-31.1. New Mexico medical board fund; authorized use

Currentness

Pursuant to [Subsection D of Section 61-6-31 NMSA 1978](#), the board shall authorize expenditures from unexpended and unencumbered cash balances in the New Mexico medical board fund to support an information technology project manager to develop, implement and maintain a web site portal for licensure and a central database for credentialing of health care providers.

Credits

[L. 2003, Ch. 235, § 6.](#)

NMSA 1978, § 61-6-31.1, NM ST § 61-6-31.1

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-32

§ 61-6-32. Termination of suspension of license for mental illness; restoration; terms and conditions

Effective: June 18, 2021

Currentness

A. A suspension under Paragraph (25) of [Subsection D of Section 61-6-15 NMSA 1978](#) may, in the discretion of the board, be terminated, but the suspension shall continue and the board shall not restore to the former practitioner the privilege to practice medicine in this state until:

(1) the board receives competent evidence that the former practitioner is not mentally ill; and

(2) the board is satisfied, in the exercise of its discretion and with due regard for the public interest, that the practitioner's former privilege to practice medicine may be safely restored.

B. If the board, in the exercise of its discretion, determines that the practitioner's former privilege to practice medicine may be safely restored, it may restore the privilege upon whatever terms and conditions it deems advisable. If the practitioner fails, refuses or neglects to abide by the terms and conditions, the practitioner's license to practice medicine may, in the discretion of the board, be again suspended indefinitely.

Credits

L. 1961, Ch. 130, § 3; L. 1989, Ch. 269, § 28; L. 2021, Ch. 54, § 45, eff. June 18, 2021.

Formerly 1953 Comp., § 67-5-26; 1978 Comp., § 61-6-31.

NMSA 1978, § 61-6-32, NM ST § 61-6-32

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Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-33

§ 61-6-33. Licensure status

Currentness

Upon a verified written request, a licensee may request that the license be put in retirement, inactive or voluntary lapsed status. Upon request for reinstatement of active status, the board may impose conditions as provided in [Section 61-6-30 NMSA 1978](#).

Credits

L. 1989, Ch. 269, § 29; L. 2001, Ch. 96, § 9, eff. April 2, 2001; L. 2003, Ch. 19, § 27.

NMSA 1978, § 61-6-33, NM ST § 61-6-33

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Article 6. Medicine and Surgery (Refs & Annos)

N. M. S. A. 1978, § 61-6-34

§ 61-6-34. Protected actions; communication

Currentness

A. No current or former member of the board, officer, administrator, staff member, committee member, examiner, representative, agent, employee, consultant, witness or any other person serving or having served the board shall bear liability or be subject to civil damages or criminal prosecutions for any action or omission undertaken or performed within the scope of the board's duties.

B. All written and oral communications made by any person to the board relating to actual and potential disciplinary action shall be confidential communications and are not public records for the purposes of the Inspection of Public Records Act. All data, communications and information acquired by the board relating to actual or potential disciplinary action shall not be disclosed except to the extent necessary to carry out the board's purposes or in a judicial appeal from the board's actions.

C. No person or legal entity providing information to the board, whether as a report, a complaint or testimony, shall be subject to civil damages or criminal prosecutions.

Credits

L. 1989, Ch. 269, § 30; L. 1994, Ch. 80, § 12.

NMSA 1978, § 61-6-34, NM ST § 61-6-34

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 61-6-35. Repealed by L. 2014, Ch. 44, § 1, eff. May 21, 2014

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[Chapter 61. Professional and Occupational Licenses \(Refs & Annos\)](#)

[Article 6. Medicine and Surgery \(Refs & Annos\)](#)

N. M. S. A. 1978, § 61-6-35

§ 61-6-35. Repealed by L. 2014, Ch. 44, § 1, eff. May 21, 2014

Effective: May 21, 2014

Currentness

NMSA 1978, § 61-6-35, NM ST § 61-6-35

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