

Title: Requirement for licensure to perform independent medical examinations

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Purpose: Provide guidance New Mexico licensure requirement for performing independent medical examinations

Approved by: Medical Director

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An independent medical exam (IME), whether in person or by telemedicine, can involve a medical examination of an individual for purposes of assisting in workman's compensation cases, accident outcomes, disability claims, forensic issues, etc. The provider does not directly treat the patient and does not have a typical doctor-patient relationship. However, they may be practicing medicine per our definitions.

Per the NM Medical Practice Act 61-6-6, Definitions:

J. "the practice of medicine" consists of:

(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; ...

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; ...

If the purpose of the IME is to exam the patient and their history to make a diagnosis, and that includes treatment recommendations that influence patient care, including what is to be paid for (as is done in utilization review), then a NM medical license is needed. A forensic psychiatric examination that determines competency may not require a license.

For an isolated interaction with a patient in NM, the provider could obtain a temporary license (see reg 16.10.2.14). If a regular event, the provider should obtain at least a telemed license if not a regular license.

