

Title: Concerning Licensing of Out-of-State Post-Graduate Trainees

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Purpose: Provide guidance on how the board views physicians and PA's treating themselves and family, including prescribing

Approved by: NMMB Secretary

The NMMB is receiving applications for post-graduate trainee (PGT) licenses for residents attending out-of-state programs but hoping to participate in rotations with hospitals in-state.

This was a new issue for the board, although our regulations do allow for such licenses. The wording is confusing as it references providing for a public service license after issuing the resident license. This is a separate licensure situation in that it allows a resident to practice outside of a training program. The current situation will allow a resident from a training program outside of New Mexico to affiliate with a medical entity within New Mexico as part of their training, so an additional public service license is not needed.

The regulations concerning issuing a PGT license are as follows:

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

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

(1) graduated from a board approved school or completed a program determined by the board to be substantially equivalent to a U.S. medical school, based on board review of an evaluation by a board approved credential evaluation service.

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

(3) be of good moral character.

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

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

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

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

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

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

[16.10.2.12 NMAC - Rp, 16 NMAC 10.2.14, 4/18/2002; 16.10.2.12 NMAC - Rn, 16.10.2.11 NMAC, 1/20/2003; A, 10/7/2005; A, 7/1/2006; A, 1/3/2008; A, 10/11/2013]

In reviewing these applications, it appears that PGT rotations are being arranged at medical settings in NM that are not *per se* ACGME-approved settings, and the responsible parties for these residents reside in the out-of-state program, are not likely to be licensed in NM, so are out of board jurisdiction.

However, there is strong interest by these NM medical entities to offer training opportunities for these residents as it enhances the care of New Mexicans and is an effective recruiting tool, as many of these residents choose to then remain and practice in our state.

Therefore, it behooves the NMMB to accommodate these efforts while ensuring that a proper educational experience is being provided the PGT, as well as proper supervision by NM-licensed physicians who are answerable to the board. The ACGME requirement can be accommodated by requiring the NM medical entity to enter into a contractual agreement with the residency training program. This then essentially includes the entity as part of the training program.

Therefore, before issuing a PGT license to a resident from an out-of-state program, in addition to the completed PGT application the following is required:

1. The out-of-state residency must be confirmed as AGCME-approved and approved by a NMMB vote.
2. The New Mexico sponsoring entity needs to provide the board a copy of an executed document that establishes their educational relationship with the residency program.
3. The New Mexico sponsoring entity needs to provide the board the names of NM-licensed physicians that are ultimately responsible for the residents' performance. We do not require the name of every physician who is working with the resident, just, at the least, the primary supervisor.

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