

West's New Mexico Statutes Annotated

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

Article 6c. Physician Assistant Act

N. M. S. A. 1978, § 61-6C-1

§ 61-6C-1. Short title

Effective: May 18, 2022

Currentness

Chapter 61, Article 6C NMSA 1978 may be cited as the “Physician Assistant Act”.

Credits

Added by L. 2022, Ch. 39, § 29, eff. May 18, 2022.

NMSA 1978, § 61-6C-1, NM ST § 61-6C-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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N. M. S. A. 1978, § 61-6C-2
Formerly cited as NM ST § 61-6-7.1

§ 61-6C-2. Definitions

Effective: May 18, 2022

Currentness

As used in the Physician Assistant Act:

A. “administer” means to apply a prepackaged drug directly to the body of a patient by any means;

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

C. “dispense” means to deliver a drug directly to a patient and includes the compounding, labeling and repackaging of a drug from a bulk or original container;

D. “distribute” means to administer or supply directly to a patient under the direct care of the distributing physician assistant one or more doses of drugs prepackaged by a licensed pharmacist and excludes the compounding or repackaging from a bulk or original container;

E. “licensed physician” means a medical or osteopathic physician; and

F. “prescribe” means to issue an order individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, bearing the name and address of the prescriber, the prescriber’s license classification, the name and address of the patient, the name of the drug prescribed, directions for use and the date of issue.

Credits

L. 1989, Ch. 9, § 2; Recompiled from § 61-6-7.1 by L. 2022, Ch. 39, § 30, eff. May 18, 2022.

NMSA 1978, § 61-6C-2, NM ST § 61-6C-2

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Article 6c. Physician Assistant Act

N. M. S. A. 1978, § 61-6C-3

§ 61-6C-3. Licensure as a physician assistant; scope of practice; biennial registration of supervision; license renewal; fees

Effective: May 18, 2022

Currentness

A. The board may license as a physician assistant a qualified person who has graduated from a physician assistant program accredited by the national accrediting body as established by rule of the board in accordance with the State Rules Act and has passed a physician assistant national certifying examination as established by rule. The board may also license as a physician assistant a person who passed the physician assistant national certifying examination administered by the national commission on certification of physician assistants prior to 1986.

B. A person shall not perform, attempt to perform or hold the person's own self out as a physician assistant without first applying for and obtaining a license from the board.

C. Physician assistants may prescribe, administer, dispense and distribute dangerous drugs other than controlled substances in Schedule I of the Controlled Substances Act pursuant to rules adopted by the board after consultation with the board of pharmacy if the prescribing, administering, dispensing and distributing are done with the supervision of a licensed physician or in collaboration with a licensed physician. The distribution process shall comply with state laws concerning prescription packaging, labeling and recordkeeping requirements.

D. A physician assistant shall perform only the acts and duties that are within the physician

assistant's scope of practice.

E. An applicant for licensure as a physician assistant shall complete application forms supplied by the board and shall pay a licensing fee as provided in Section 61-6-19 NMSA 1978.

F. A physician assistant shall biennially submit proof of current certification by the national commission on certification of physician assistants or another certifying agency designated by the board and shall renew the license and registration of supervision of the physician assistant with the board.

G. A physician assistant shall not practice medicine until the physician assistant has established a supervising or collaborating relationship with a licensed physician in accordance with rules promulgated by the board.

H. Each biennial renewal of licensure shall be accompanied by a fee as provided in Section 61-6-19 NMSA 1978.

Credits

Added by L. 2022, Ch. 39, § 31, eff. May 18, 2022.

NMSA 1978, § 61-6C-3, NM ST § 61-6C-3

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Article 6c. Physician Assistant Act

N. M. S. A. 1978, § 61-6C-4
Formerly cited as NM ST § 61-6-7.2

§ 61-6C-4. Physician assistant; inactive license

Effective: May 18, 2022

Currentness

A. A physician assistant license shall expire every two years on a date established by the board.

B. A physician assistant who notifies the board in writing on forms prescribed by the board may elect to place the physician assistant's license on an inactive status. A physician assistant with an inactive license shall be excused from payment of renewal fees and shall not practice as a physician assistant.

C. A physician assistant who engages in practice while the physician assistant's license is lapsed or on inactive status is practicing without a license, and this is grounds for discipline pursuant to the Physician Assistant Act and Medical Practice Act in accordance with the Uniform Licensing Act.

D. A physician assistant requesting restoration from inactive status shall pay the current renewal fee and fulfill the requirement for renewal pursuant to the Physician Assistant Act and the Medical Practice Act.

E. The board may, in its discretion, summarily suspend for nonpayment of fees the license of a physician assistant who has not renewed the physician assistant's license within ninety days of expiration.

F. A physician assistant who has not submitted an application for renewal on or before the license expiration date, but who has submitted an application for renewal within forty-five days after the license expiration date, shall be assessed a late fee.

G. A physician assistant who has not submitted an application for renewal between forty-six and ninety days after the expiration date shall be assessed a late fee.

Credits

L. 1997, Ch. 187, § 3, eff. July 1, 1997; L. 2003, Ch. 19, § 8; L. 2021, Ch. 54, § 22, eff. June 18, 2021; Recompiled from § 61-6-7.2 by L. 2022, Ch. 39, § 32, eff. May 18, 2022.

NMSA 1978, § 61-6C-4, NM ST § 61-6C-4

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N. M. S. A. 1978, § 61-6C-5
Formerly cited as NM ST § 61-6-7.3

§ 61-6C-5. Exemption from licensure

Effective: May 18, 2022

Currentness

A. A physician assistant student enrolled in a physician assistant or surgeon assistant educational program accredited by the committee on allied health education and accreditation or by its successor shall be exempt from licensure while functioning as a physician assistant student.

B. A physician assistant employed by the federal government while performing duties incident to that employment is not required to be licensed as a physician assistant.

Credits

L. 1997, Ch. 187, § 4, eff. July 1, 1997; Recompiled from § 61-6-7.3 by L. 2022, Ch. 39, § 105, eff. May 18, 2022.

NMSA 1978, § 61-6C-5, NM ST § 61-6C-5

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§ 61-6C-5. Exemption from licensure, NM ST § 61-6C-5

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Article 6c. Physician Assistant Act

N. M. S. A. 1978, § 61-6C-6
Formerly cited as NM ST § 61-6-7.4

§ 61-6C-6. Physician assistant collaboration with licensed physicians; scope of
practice; medical malpractice insurance

Effective: May 18, 2022

Currentness

A. A physician assistant may perform the acts and duties that are within the physician assistant's scope of practice in collaboration with a licensed physician, if the physician assistant has:

(1) completed three years of clinical practice as a physician assistant with the supervision of a licensed physician; and

(2) complied with rules adopted by the board establishing qualifications for when a physician assistant may engage in the practice of medicine in collaboration with a licensed physician.

B. A physician assistant practicing in collaboration with a licensed physician shall, at a minimum, maintain a policy of malpractice liability insurance that will qualify the physician assistant under the provisions of the Medical Malpractice Act.

Credits

Added by L. 2017, Ch. 103, § 6, eff. June 16, 2017; Recompiled from § 61-6-7.4 by L. 2022, Ch. 39, § 105, eff. May 18, 2022.

NMSA 1978, § 61-6C-6, NM ST § 61-6C-6

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N. M. S. A. 1978, § 61-6C-7
Formerly cited as NM ST § 61-6-9

§ 61-6C-7. Physician assistants; rules

Effective: May 18, 2022

Currentness

The board may promulgate in accordance with the State Rules Act and enforce those rules in accordance with the Uniform Licensing Act for:

A. education, skill and experience for licensure of a person as a physician assistant and providing forms and procedures for biennial license renewal;

B. examining and evaluating an applicant for licensure as a physician assistant as to skill, knowledge and experience of the applicant in the field of medical care;

C. establishing when and for how long physician assistants are permitted to prescribe, administer, dispense and distribute dangerous drugs other than controlled substances in Schedule I of the Controlled Substances Act pursuant to rules adopted by the board after consultation with the board of pharmacy;

D. allowing a supervising or collaborating licensed physician to temporarily delegate supervision or collaboration responsibilities for a physician assistant to another licensed physician;

E. establishing when a physician assistant may engage in the practice of medicine in collaboration with a licensed physician; and

F. carrying out all other provisions of the Physician Assistant Act.

Credits

L. 1973, Ch. 361, § 5; L. 1989, Ch. 9, § 4; L. 1994, Ch. 57, § 14; L. 1994, Ch. 80, § 4; L. 1995, Ch. 21, § 1, eff. June 16, 1995; L. 1997, Ch. 187, § 7, eff. July 1, 1997; L. 2003, Ch. 19, § 9; L. 2017, Ch. 103, § 3, eff. June 16, 2017; Recompiled from § 61-6-9 by L. 2022, Ch. 39, § 33, eff. May 18, 2022.

Formerly 1953 Comp., § 67-5-3.5; 1978 Comp., § 61-6-8.

NMSA 1978, § 61-6C-7, NM ST § 61-6C-7

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Article 6c. Physician Assistant Act

N. M. S. A. 1978, § 61-6C-8
Formerly cited as NM ST § 61-6-10

§ 61-6C-8. Supervising or collaborating licensed physician; responsibility

Effective: May 18, 2022

Currentness

A. As a condition of licensure, all physician assistants practicing in New Mexico shall be supervised by a licensed physician. The physician assistant shall inform the board of the name of the licensed physician under whose supervision the physician assistant will practice. All supervising physicians shall be licensed pursuant to the Medical Practice Act and approved by the board.

B. Every licensed physician supervising a physician assistant shall be individually responsible and liable for the performance of the acts and omissions delegated to the physician assistant the physician supervises. Nothing in this section shall be construed to relieve the physician assistant of responsibility and liability for the acts and omissions of the physician assistant. Rules promulgated in accordance with the State Rules Act pursuant to the Physician Assistant Act shall:

(1) require that a physician assistant whose practice is a specialty care, as defined by the board, shall be supervised by a licensed physician in accordance with requirements established by the board; and

(2) allow a physician assistant whose practice is primary care, as defined by the board, to

collaborate with a licensed physician in accordance with requirements established by the board for different practice settings.

C. A physician assistant shall be supervised by or collaborate with a licensed physician in accordance with rules adopted by the board.

Credits

L. 1973, Ch. 361, § 6; L. 1989, Ch. 9, § 5; L. 1997, Ch. 187, § 8, eff. July 1, 1997; L. 2003, Ch. 19, § 10; L. 2007, Ch. 250, § 1, eff. June 15, 2007; L. 2017, Ch. 103, § 4, eff. June 16, 2017; Recompiled from § 61-6-10 by L. 2022, Ch. 39, § 34, eff. May 18, 2022.

Formerly 1953 Comp., § 67-5-3.6; 1978 Comp., § 61-6-9.

NMSA 1978, § 61-6C-8, NM ST § 61-6C-8

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