

West's New Mexico Statutes Annotated

Chapter 61. Professional and Occupational Licenses
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Article 8. Podiatry

N. M. S. A. 1978, Ch. 61, Art. 8, Refs & Annos

Currentness

NMSA 1978, Ch. 61, Art. 8, Refs & Annos, NM ST Ch. 61, Art. 8, 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 8. Podiatry (Refs & Annos)

N. M. S. A. 1978, § 61-8-1

§ 61-8-1. Short title

Currentness

Chapter 61, Article 8 NMSA 1978 may be cited as the “Podiatry Act”.

Credits

L. 1977, Ch. 221, § 1; L. 1998, Ch. 24, § 1, eff. July 1, 1998.

Formerly 1953 Comp., § 67-6-1.

NMSA 1978, § 61-8-1, NM ST § 61-8-1

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Article 8. Podiatry (Refs & Annos)

N. M. S. A. 1978, § 61-8-2

§ 61-8-2. Definitions

Effective: June 16, 2023

Currentness

As used in the Podiatry Act:

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

B. “committee” means the podiatry advisory committee;

C. “foot and ankle radiation technologist” means a person who takes x-rays of the foot and ankle under the supervision of a podiatric physician;

D. “podiatric physician” means a podiatric physician licensed under the Podiatry Act to practice podiatry in New Mexico; and

E. “practice of podiatry” means engaging in that primary health care profession, the members of which examine, diagnose, treat and prevent by medical, surgical and biomechanical means ailments affecting the human foot and ankle and the structures governing their functions, but does not include amputation of the foot or the personal administration of a general anesthetic.

A podiatric physician, pursuant to the laws of this state, is defined as a physician and surgeon within the scope of the podiatric physician license.

Credits

L. 1977, Ch. 221, § 2; L. 1998, Ch. 24, § 2, eff. July 1, 1998; L. 2023, Ch. 141, § 5, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-2.

NMSA 1978, § 61-8-2, NM ST § 61-8-2

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N. M. S. A. 1978, § 61-8-3

§ 61-8-3. License required

Effective: June 16, 2023

Currentness

Unless licensed as a podiatric physician pursuant to the provisions of the Podiatry Act or exempted from that act pursuant to Section 61-8-4 NMSA 1978, no person shall practice podiatry.

Credits

L. 1977, Ch. 221, § 3; L. 1998, Ch. 24, § 3, eff. July 1, 1998; L. 2023, Ch. 141, § 6, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-3.

NMSA 1978, § 61-8-3, NM ST § 61-8-3

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N. M. S. A. 1978, § 61-8-4

§ 61-8-4. Persons exempted

Currentness

The Podiatry Act shall not apply to:

A. gratuitous services rendered in cases of emergency;

B. the domestic administration of family remedies not involving remuneration;

C. medical officers of the United States service in the actual performance of their official duties. The provisions of the Podiatry Act do not conflict with existing laws regulating the practice of the healing arts in this state; and

D. the fitting, recommending or sale of corrective shoes, arch supports or similar mechanical devices by retail dealers or manufacturers, provided that the representatives, agents or employees of such dealers or manufacturers do not diagnose, treat or prescribe mechanically or otherwise for any ailment, disease or deformity of the foot or leg.

Credits

L. 1977, Ch. 221, § 4; L. 1998, Ch. 24, § 4, eff. July 1, 1998.

Formerly 1953 Comp., § 67-6-4.

NMSA 1978, § 61-8-4, NM ST § 61-8-4

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Article 8. Podiatry (Refs & Annos)

N. M. S. A. 1978, § 61-8-4.1

§ 61-8-4.1. Criminal offender's character evaluation

Currentness

The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted under the Podiatry Act.

Credits

L. 1986, Ch. 90, § 1.

NMSA 1978, § 61-8-4.1, NM ST § 61-8-4.1

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N. M. S. A. 1978, § 61-8-5

§ 61-8-5. Podiatry advisory committee created; members; qualifications; terms;
vacancies

Effective: June 16, 2023

Currentness

A. The “podiatry advisory committee” is created to advise the board regarding licensure of podiatric physicians and efforts to recruit and retain podiatric physicians for practice in this state. The committee shall consist of three members, one member who shall be the executive director of the New Mexico podiatric medical association serving as an ex-officio member and two members who shall be podiatric physicians licensed to practice in New Mexico who have been actively engaged in the practice of podiatry for at least three consecutive years immediately prior to their appointments.

B. Members of the committee shall be appointed by the board from a list of names submitted to the board by the New Mexico podiatric medical association or its authorized governing body or council. The list shall be submitted to the board within thirty days of a vacancy and shall contain at least three qualified podiatric physicians for each member to be appointed. Member vacancies shall be filled in the same manner. Committee members shall serve until their successors have been appointed and qualified.

Credits

L. 1977, Ch. 221, § 5; L. 1979, Ch. 385, § 1; L. 1991, Ch. 189, § 11; L. 1998, Ch. 24, § 5, eff. July 1, 1998; L. 2003, Ch. 408, § 7, eff. July 1, 2003; L. 2023, Ch. 141, § 7, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-5.

NMSA 1978, § 61-8-5, NM ST § 61-8-5

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N. M. S. A. 1978, § 61-8-6

§ 61-8-6. Board and committee organization; meetings; compensation; powers and duties

Effective: June 16, 2023

Currentness

A. The committee shall hold meetings in a frequency necessary to conduct business and shall meet at the request of the board. Meetings of the committee shall be subject to the Open Meetings Act.

B. Members of the committee are entitled to reimbursement as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

C. The board, with the advice of the committee, shall:

(1) administer and enforce the provisions of the Podiatry Act;

(2) promulgate, in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Podiatry Act;

(3) adopt and use a seal;

(4) conduct hearings, administer oaths and take testimony on matters within the board's jurisdiction;

(5) keep an accurate record of its meetings, receipts and disbursements;

(6) keep records of the name, address and license number of licensed podiatric physicians together with a record of license renewals, suspensions and revocations;

(7) grant, deny, renew, suspend or revoke licenses to practice podiatry or take other actions provided in Section 61-1-3 NMSA 1978 in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Podiatry Act;

(8) promulgate rules setting standards of preliminary and professional qualifications for the practice of podiatry;

(9) promulgate rules for the examination, licensure and regulation of podiatric assistants. The rules shall include definitions and limitations on the practice of podiatric assistants, qualifications for applicants for licensure, an initial license fee in an amount not to exceed two hundred fifty dollars (\$250) and a renewal fee not to exceed one hundred dollars (\$100) per year, provisions for the regulation of podiatric assistants and provisions for the suspension or revocation of licenses;

(10) determine by rule all qualifications and requirements for applicants seeking licensure as podiatric physicians or podiatric assistants;

(11) promulgate rules for the examination and licensure as foot and ankle radiation technologists, which shall include definitions and limitations on the practice of foot and ankle radiation technologists, qualifications for applicants for licensure, an initial license fee in an amount not to exceed two hundred fifty dollars (\$250) and a renewal fee not to exceed one hundred dollars (\$100) per year, provisions for the regulation of foot and ankle radiation technologists and provisions for the suspension or revocation of licenses; and

(12) require fingerprints, or other biometric identification, and other information necessary for a state and national criminal background check as a condition for licensure.

Credits

L. 1977, Ch. 221, § 6; L. 1998, Ch. 24, § 6, eff. July 1, 1998; L. 2003, Ch. 408, § 8, eff. July 1, 2003; L. 2022, Ch. 39, § 37, eff. May 18, 2022; L. 2023, Ch. 141, § 8, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-6.

NMSA 1978, § 61-8-6, NM ST § 61-8-6

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KeyCite Red Flag - Severe Negative Treatment
KeyCite Red Flag Negative Treatment § 61-8-7. Repealed by L. 2023, Ch. 141, § 19, eff. June 16, 2023

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Article 8. Podiatry (Refs & Annos)

N. M. S. A. 1978, § 61-8-7

§ 61-8-7. Repealed by L. 2023, Ch. 141, § 19, eff. June 16, 2023

Effective: June 16, 2023

Currentness

NMSA 1978, § 61-8-7, NM ST § 61-8-7

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N. M. S. A. 1978, § 61-8-8

§ 61-8-8. Qualifications for licensure as a podiatric physician

Effective: June 16, 2023

Currentness

A. Each applicant for licensure as a podiatric physician shall furnish evidence satisfactory to the board that the applicant:

(1) has reached the age of majority;

(2) has graduated and been awarded a doctor of podiatric medicine degree from a college of podiatric medicine accredited by the American podiatric medical association council on podiatric medical education; and

(3) has completed, at a minimum, a one-year residency program at a hospital accredited by the American podiatric medical association council on education.

B. Each applicant shall file an application under oath on forms supplied by the board and shall pay the required fees.

C. An applicant for licensure by examination shall submit evidence to the board that the applicant has passed the examinations administered by the national board of podiatry examiners for students graduating from colleges of podiatry and shall furnish the board an official transcript and take clinical and written examinations as the board deems necessary. The examinations shall be in English and the subjects covered by the examinations shall be determined by the board and taken from subjects taught in accredited colleges of podiatric medicine. No applicant for licensure by examination shall be licensed who has not received a passing score on all board-approved examinations.

D. A podiatric physician licensed in another state may, on a temporary basis, consult, advise or cooperate in patient treatment with a podiatric physician licensed in New Mexico, subject to rules promulgated by the board.

Credits

L. 1977, Ch. 221, § 8; L. 1998, Ch. 24, § 8, eff. July 1, 1998; L. 2022, Ch. 39, § 38, eff. May 18, 2022; L. 2023, Ch. 141, § 9, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-8.

NMSA 1978, § 61-8-8, NM ST § 61-8-8

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N. M. S. A. 1978, § 61-8-9

§ 61-8-9. Expedited licensure by reciprocity

Effective: June 16, 2023

Currentness

A. An applicant for expedited licensure by reciprocity shall meet the qualifications set forth in Section 61-8-8 NMSA 1978, shall file an application under oath on forms supplied by the board that conform to board rules on reciprocity and furnish proof satisfactory to the board of having been licensed by national examination in another licensing jurisdiction. In addition, each applicant for licensure by reciprocity shall:

(1) furnish the board an affidavit from the applicant's state board showing a valid, unrestricted license and the fact that the applicant has been licensed to practice podiatry and has practiced podiatry for at least three consecutive years immediately preceding the filing of the application for reciprocal licensure and is in good standing with the other licensing jurisdiction; and

(2) pay required fees.

B. The board shall, as soon as practicable but no later than thirty days after an out-of-state licensee files an application for licensure by reciprocity, process the application and issue the license in accordance with Section 61-1-31.1 NMSA 1978.

C. The board shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and the foreign countries from which it will accept an applicant for expedited licensure. The board shall post the list of disapproved and approved licensing jurisdictions on its 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.

Credits

L. 1977, Ch. 221, § 9; L. 1998, Ch. 24, § 9, eff. July 1, 1998; L. 2022, Ch. 39, § 39, eff. May 18, 2022; L. 2023, Ch. 141, § 10, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-9.

NMSA 1978, § 61-8-9, NM ST § 61-8-9

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N. M. S. A. 1978, § 61-8-10

§ 61-8-10. License fees; licensure under prior law; renewal

Effective: June 16, 2023

Currentness

A. Except as provided in Section 61-1-34 NMSA 1978, an applicant for licensure as a podiatric physician shall pay the following fees:

(1) for licensure by examination:

(a) an examination fee equal to the cost of purchasing the examination, plus an administration fee not to exceed fifty percent of the examination fee; and

(b) an application fee not to exceed six hundred dollars (\$600);

(2) for licensure on the basis of reciprocity, a fee set by the board in an amount not to exceed six hundred dollars (\$600);

(3) for the biennial renewal of license on or before January 1 of the renewal year, a renewal fee set by the board in an amount not to exceed six hundred dollars (\$600);

(4) for the late renewal after January 1 for the ensuing two years, a late charge not to exceed fifty dollars (\$50.00) per month or part thereof commencing on January 2;

(5) in addition to the renewal fees and late charges, the applicant for the renewal of a license shall pay a reinstatement fee not to exceed two hundred fifty dollars (\$250) for the first twelve months of delinquency and a reinstatement fee of five hundred dollars (\$500) for a license that has lapsed more than one year but not more than three years; and

(6) for the issuance of a temporary license, a fee not to exceed one hundred dollars (\$100).

B. If any licensee permits the licensee's license to lapse for a period of three full years, the license shall automatically be canceled and shall not be reinstated.

C. The provisions of Paragraphs (3), (4) and (5) of Subsection A of this section shall not apply to licensees who practice in the service of the United States whose licenses shall be renewed upon application for renewal within three months after the termination of service.

D. Current renewal certificates issued by the board shall be displayed in the office of the licensee, and, in the case of the suspension or revocation of a license, no portion of a fee or penalty shall be returned.

Credits

L. 1977, Ch. 221, § 10; L. 1979, Ch. 385, § 3; L. 1989, Ch. 185, § 1; L. 1998, Ch. 24, § 10, eff. July 1, 1998; L. 2020, Ch. 6, § 21, eff. July 1, 2020; L. 2023, Ch. 141, § 11, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-10.

NMSA 1978, § 61-8-10, NM ST § 61-8-10

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N. M. S. A. 1978, § 61-8-10.1

§ 61-8-10.1. License renewal; continuing education; penalty for failure to renew

Effective: June 16, 2023

Currentness

A. All licensees shall renew their licenses on or before January 1 of every second year. Upon application for renewal, each licensee shall furnish evidence that the licensee has completed continuing education requirements as set forth in Subsection B of this section.

B. As a condition of renewal, all applicants shall furnish the board with evidence of completion of postgraduate study as required by board rule. Postgraduate study may be obtained from a college of podiatric medicine accredited by the American podiatric medical association, one of its constituent societies or affiliate organizations or other courses approved by the board. This requirement may only be waived for reasons of prolonged illness or other incapacity or during a public health emergency.

C. The board may summarily suspend the license of a podiatric physician who fails to renew the podiatric physician's license or submit proof of completion of continuing education requirements within sixty days of January 1 as provided in Subsection A of this section. The board may reinstate licenses suspended upon payment of all applicable late fees, delinquent renewal fees and reinstatement fees.

Credits

L. 1989, Ch. 185, § 2; L. 1998, Ch. 24, § 11, eff. July 1, 1998; L. 2023, Ch. 141, § 12, eff. June 16, 2023.

NMSA 1978, § 61-8-10.1, NM ST § 61-8-10.1

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N. M. S. A. 1978, § 61-8-11

§ 61-8-11. Suspension, revocation or refusal of license

Effective: June 16, 2023

Currentness

The board may refuse to issue or may suspend or revoke a license in accordance with the provisions of the Uniform Licensing Act for any one or more of the following reasons:

A. making a false statement in any part of an application for licensure, examination or registration pursuant to the provisions of the Podiatry Act;

B. having a disqualifying criminal conviction as determined by the board. As used in this subsection, “disqualifying criminal conviction” means a conviction for a crime that is related to the profession of podiatry;

C. the habitual indulgence in the use of narcotics, alcohol or other substances that impair intellect and judgment to an extent as will, in the opinion of the board, incapacitate a podiatric physician from the proper performance of professional duties;

D. lending the use of one’s name to an unlicensed podiatric physician;

E. selling, giving or prescribing any compound or substance containing narcotic drugs or other controlled substances for illegal purposes;

F. the willful violation of a patient's right to confidentiality;

G. gross malpractice or incompetency as defined by board rule; or

H. dishonest or unprofessional conduct as defined by the Podiatry Act or rules adopted pursuant to that act.

Credits

L. 1977, Ch. 221, § 11; L. 1998, Ch. 24, § 12, eff. July 1, 1998; L. 2023, Ch. 141, § 13, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-11.

NMSA 1978, § 61-8-11, NM ST § 61-8-11

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N. M. S. A. 1978, § 61-8-12

§ 61-8-12. Offenses; penalties

Effective: June 16, 2023

Currentness

Each of the following acts committed by any person constitutes a misdemeanor punishable upon conviction by a fine of not less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000) or by imprisonment not to exceed one year, or both:

A. practicing or attempting to practice podiatry without a current valid license issued by the board;

B. obtaining registration under the Podiatry Act by false or untrue statements to the board or by presenting a fraudulent diploma or license to the board;

C. swearing falsely or giving a false affidavit in any proceeding before the board;

D. advertising or using any designation, diploma or certificate tending to imply that one is a practitioner of podiatry, including the use of the words “chiropracist”, “podiatrist”, “podiatric physician”, “M.Cp.”, “D.S.C.”, “D.P.M.”, “foot specialist”, “foot correctionist”, “foot culturist”, “foot practipedist”, “foot doctor” or words of similar import, unless one holds a license or is exempted under the provisions of the Podiatry Act; or

E. practicing podiatry during any period of time in which one's license has been revoked or suspended as provided in the Podiatry Act.

Credits

L. 1977, Ch. 221, § 12; L. 1998, Ch. 24, § 13, eff. July 1, 1998; L. 2023, Ch. 141, § 14, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-12.

NMSA 1978, § 61-8-12, NM ST § 61-8-12

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N. M. S. A. 1978, § 61-8-13

§ 61-8-13. Unprofessional conduct

Effective: June 16, 2023

Currentness

Unprofessional conduct pursuant to Subsection H of Section 61-8-11 NMSA 1978 for a podiatric physician licensed under the Podiatry Act includes using false or misleading advertising or making a false or misleading statement in communications with patients or potential patients or using a misleading or deceptive title or designation in a name or title of a podiatric practice.

Credits

L. 1977, Ch. 221, § 13; L. 1998, Ch. 24, § 14, eff. July 1, 1998; L. 2023, Ch. 141, § 15, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-13.

NMSA 1978, § 61-8-13, NM ST § 61-8-13

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N. M. S. A. 1978, § 61-8-14

§ 61-8-14. Limitation on licensure; temporary license

Effective: June 16, 2023

Currentness

A. No license to practice podiatry shall be issued to a corporation, partnership or association; provided, however, that this subsection shall not prohibit licensed podiatric physicians from associating themselves as otherwise allowed by law in a professional corporation, professional limited liability company, partnership or association for the purpose of practicing podiatry.

B. In cases of emergency, as defined by board rule, the board may grant a temporary license to practice podiatry to a person who meets the requirements of Subsections A and B of Section 61-8-8 NMSA 1978. The temporary license shall automatically expire on the date of the next board meeting at which applications for licensure by examination or reciprocity are approved. No person may be issued more than one temporary license pursuant to this provision.

C. To facilitate educational programs, subject to conditions and terms set forth in board rules, the board may grant a temporary license to practice podiatry to a person enrolled and participating in such program.

Credits

L. 1977, Ch. 221, § 14; L. 1998, Ch. 24, § 15, eff. July 1, 1998; L. 2023, Ch. 141, § 16, eff. June 16, 2023.

Formerly 1953 Comp., § 67-6-14.

NMSA 1978, § 61-8-14, NM ST § 61-8-14

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N. M. S. A. 1978, § 61-8-15

§ 61-8-15. Privileged communications

Effective: June 16, 2023

Currentness

Medical and other health care-related information concerning a patient obtained by a podiatric physician or by an employee of a podiatric physician during the course of examination, diagnosis or treatment and advice, diagnosis, orders, prescriptions and other health care-related communications from a podiatric physician or an employee of a podiatric physician are confidential communications protected in courts of law and administrative proceedings by the physician-patient privilege.

Credits

L. 1998, Ch. 24, § 16, eff. July 1, 1998; L. 2023, Ch. 141, § 17, eff. June 16, 2023.

NMSA 1978, § 61-8-15, NM ST § 61-8-15

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N. M. S. A. 1978, § 61-8-16

§ 61-8-16. Power to enjoin violations

Currentness

Upon final determination that a person has violated a provision of the Podiatry Act, the board or any interested person may, in addition to other remedies provided in that act, petition the district court for an order restraining and enjoining such person from further or continued violation of the Podiatry Act.

Credits

L. 1977, Ch. 221, § 16; L. 1998, Ch. 24, § 17, eff. July 1, 1998.

Formerly 1953 Comp., § 67-6-16.

NMSA 1978, § 61-8-16, NM ST § 61-8-16

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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§ 61-8-17. Repealed by both L. 2023, Ch. 15, § 8 and L. 2023, Ch. 141, § 19, eff. June 16, 2023



KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 61-8-17. Repealed by both L. 2023, Ch. 15, § 8 and L. 2023, Ch. 141, § 19, eff. June 16, 2023

West's New Mexico Statutes Annotated

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

Article 8. Podiatry (Refs & Annos)

N. M. S. A. 1978, § 61-8-17

§ 61-8-17. Repealed by both L. 2023, Ch. 15, § 8 and L. 2023, Ch. 141, § 19, eff. June 16, 2023

Effective: June 16, 2023

Currentness

NMSA 1978, § 61-8-17, NM ST § 61-8-17

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