

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 21 PODIATRISTS
PART 5 TEMPORARY LICENSE AND EMERGENCY LICENSE

16.21.5.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Podiatry.
[16.21.5.1 NMAC - Rp, 16.21.5.1 NMAC 5/3/2019]

16.21.5.2 SCOPE: Applicants for a temporary license to practice podiatry in New Mexico.
[16.21.5.2 NMAC - Rp, 16.21.5.2 NMAC 5/3/2019]

16.21.5.3 STATUTORY AUTHORITY: The Podiatry Act, Subsection E of Section 61-8-6 NMSA 1978 and Subsections B and C of Section 61-8-14 NMSA 1978.
[16.21.5.3 NMAC - Rp, 16.21.5.3 NMAC 5/3/2019]

16.21.5.4 DURATION: Permanent.
[16.21.5.4 NMAC - Rp, 16.21.5.4 NMAC 5/3/2019]

16.21.5.5 EFFECTIVE DATE: May3, 2019 unless a later date is cited at the end of a section.
[16.21.5.5 NMAC - Rp, 16.21.5.5 NMAC 5/3/2019]

16.21.5.6 OBJECTIVE: This part provides the circumstances under which a temporary license and or temporary emergency license will be issued and lists the requirements and documentation that must be submitted to the board in a complete application. It provides the procedure by which the board may approve the application and provides for expiration of the temporary license and or temporary emergency license.
[16.21.5.6 NMAC - Rp, 16.21.5.6 NMAC 5/3/2019]

16.21.5.7 DEFINITIONS:

A. “Background findings” the board may deny, or otherwise limit a license if it is determined the applicant hold or has held a license in another jurisdiction that is not in good standing, if proceedings are pending against the applicant in another jurisdiction, or information is received indicating the applicant is of danger to patients or is guilty of violating any of the provisions of the Podiatric Act, the Uniform Licensing Act, Impaired Health Care Providers Act. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may formally accept the approval of the application at the next scheduled meeting.

B. “Complaint/review committee” means a committee established by the board to review all complaints and applicants with background findings and to report to the board at its next scheduled meeting.

C. “Emergency” for purposes of this rule means any sudden or unforeseen situation that requires immediate action. The sudden onset of physical or mental illness, injury, impairment or other incapacitating condition by a New Mexico licensed podiatrist is considered an emergency.

D. “Fellowship” the period of medical training a podiatrist may undertake after completing residency.

E. “Preceptorship” a period of practical experience and training for a podiatric medical school or college that is not defined as a residency program approved by the council podiatric medical education (CPME) and supervised by a New Mexico licensed podiatrist.

[16.21.5.7 NMAC - Rp, 16.21.5.7 NMAC 5/3/2019]

16.21.5.8 TEMPORARY LICENSE: A temporary license may be issued by the board in the following situations.

A. In cases of emergency as determined by the board; a temporary license to practice podiatry may be issued under this rule for practice in the office of a New Mexico licensed podiatrist who is unable to continue his or her practice due to an emergency.

B. To facilitate educational programs; a temporary license to practice podiatry in New Mexico may be issued to:

(1) a participant in a residency training program located in New Mexico accredited by the “CPME” and insure that at all times throughout the program the temporary license holder is supervised by a New Mexico licensed podiatrist; or

(2) a participant in a residency program that is located in the United States accredited by the “CPME” and insure that at all times the temporary license holder is supervised by a New Mexico licensed podiatrist, if the program offers part of its program residency in New Mexico;

(3) a participant in a post-graduate 1 year preceptorship program in New Mexico that at all times throughout the program is supervised by a New Mexico licensed podiatrist(s) in good standing and without restriction(s) of license; the board of podiatry requires the supervising podiatrist(s) of this preceptorship to have notified the board in writing of the start and end dates for this post-graduate training position.

(4) a participant in a Fellowship program known and listed by a recognized medical specialty organization provided that at all times the temporary license holder is supervised by a New Mexico Licensed podiatrist.

C. In cases to assist or perform surgical procedures with a licensed New Mexico podiatrist which is beyond the training and experience available in New Mexico.

[16.21.5.8 NMAC - Rp, 16.21.5.8 NMAC 5/3/2019]

16.21.5.9 DISASTER RELATED LICENSE: Podiatric physician currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure, in a state in which a disaster has been declared by federal authorities, may apply for a license in New Mexico during the four months following the date the disaster was declared, at no cost.

[16.21.5.9 NMAC - Rp, 16.21.5.9 NMAC 5/3/2019]

16.21.5.10 REQUIREMENTS FOR TEMPORARY LICENSURES: The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources. Applicants for temporary license due to situations defined under Subsection A or C of 16.21.5.8 NMAC must meet the qualifications set forth in 16.21.3.8 NMAC:

[16.21.5.10 NMAC - Rp, 16.21.5.10 NMAC 5/3/2019]

16.21.5.11 TEMPORARY LICENSE DOCUMENTATION REQUIREMENTS: Each applicant for a temporary license must submit the required fees and submit or provide for the following documentation set forth in 16.21.3.9 NMAC.

[16.21.5.11 NMAC - Rp, 16.21.5.11 NMAC 5/3/2019]

16.21.5.12 DISASTER RELATED LICENSE DOCUMENTATION REQUIREMENTS:

A. Podiatric physicians currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure, in a state in which a disaster has been declared by federal authorities, may apply for a license in New Mexico during the four months following the date the disaster was declared, at no cost, upon satisfying the following requirements set forth in 16.21.4.8 NMAC. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.21.5 NMAC.

B. Upon receipt of a completed application, including all required documentation designee of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be reviewed by the complaint/review committee. The board may formally accept the recommendation of the complaint/review committee at the next scheduled meeting.

[16.21.5.12 NMAC - RP, 16.21.5.12 NMAC 5/3/2019]

16.21.5.13 REPORTS: The board requires obtainment of reports from the national practitioners data bank or other national reporting organization and the federation of podiatric medical boards disciplinary data bank if the applicant is currently licensed as a podiatrist in another state.

[16.21.5.13 NMAC - Rp, 16.21.5.13 NMAC 5/3/2019]

16.21.5.14 TEMPORARY LICENSE PROCEDURE: Upon receipt of a completed application, including all required documentation and fees, the designee of the board will review and may approve the application.

A. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board shall ratify the approval of the application at the next scheduled board meeting. Any application which cannot be approved by the designee of the board will be reviewed by the board at the next scheduled meeting. The board's decision in regard to the issuance of a temporary license shall be final.

B. When issued, a temporary license shall state on its face that the license only authorizes the individual to practice podiatry at the location or locations stated on the license and shall expire automatically on December 31st of the year the license was issued or on the date the applicant's residency educational program terminates.

[16.21.5.14 NMAC - Rp, 16.21.5.14 NMAC 5/3/2019]

16.21.5.15 DISASTER RELATED LICENSE PROCEDURE:

A. An emergency license shall expire at the next board meeting after four months, whichever comes first. A request for an extension of the emergency license may be made to the board or its designee and may be extended until December 31st of the current year.

B. An emergency licensee may obtain permanent license status upon submission of a renewal application, all fees and CE's approved by the board as outlined in 16.21.7 NMAC. The board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving license renewal.

C. The emergency license shall be terminated by the board for the following:

- (1) the issuance of a permanent license under Subsection A of 16.21.5.15 NMAC;
- (2) proof that the emergency license holder has engaged in fraud deceit or misrepresentation in procuring or attempting to procure an emergency license under this section;
- (3) the results of the background check indicate negative findings.

[16.21.5.15 NMAC - Rp, 16.21.5.15 NMAC 5/3/2019]

HISTORY of 16.21.5 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

Rule IV, Temporary Licenses, filed 7/21/1980;

Rule IV, Temporary License, filed 10/6/1987;

Rule IV, Temporary License, filed 8/18/1989;

Rule IV, Temporary License, filed 11/29/1990.

History of the Repealed Material:

16 NMAC 21.5, Podiatry - Application for Temporary License (filed 7/17/1996), repealed 10/15/2004.

16.21.5 NMAC, Temporary License (filed 9/15/2004), repealed 7/15/2007.

16.21.5 NMAC, Podiatrists - Temporary License and Emergency License filed 6/14/2007, Repealed effective 5/3/2019.

Other History:

Rule IV, Temporary License (filed 11/29/1990) was renumbered, reformatted and replaced by 16 NMAC 21.5, Podiatry - Application for Temporary License, effective 7/1/1996.

16 NMAC 21.5, Podiatry - Application for Temporary License (filed 6/17/1996) was replaced by 16.21.5 NMAC, Temporary License, effective 10/15/2004.

16.21.5 NMAC, Temporary License (filed 9/15/2004) was replaced by 16.21.5 NMAC, Temporary License and Emergency License, effective 7/15/2007.

16.21.5 NMAC, Podiatrists - Temporary License and Emergency License filed 6/14/2007 was replaced by 16.21.5 NMAC, Podiatrists - General Provisions effective 5/3/2019.