

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 22 PSYCHOLOGISTS AND PSYCHOLOGIST ASSOCIATES
PART 28 CONDITIONAL PRESCRIBING OR PRESCRIBING PSYCHOLOGISTS:
COMPLAINT PROCEDURES

16.22.28.1 ISSUING AGENCY: Regulation and Licensing Department Board of Psychologist Examiners.
[16.22.28.1 NMAC - Rp, 16.22.28.1 NMAC, 11/15/06]

16.22.28.2 SCOPE: The provisions of Part 28 shall apply to all licensees and applicants for licensure, and the general public.
[16.22.28.2 NMAC - Rp, 16.22.28.2 NMAC, 11/15/06]

16.22.28.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Professional Psychologist Act, NMSA 1978 Section 61-9-17.1
[16.22.28.3 NMAC - Rp, 16.22.28.3 NMAC, 11/15/06]

16.22.28.4 DURATION: Permanent.
[16.22.28.4 NMAC - Rp, 16.22.28.4 NMAC, 11/15/06]

16.22.28.5 EFFECTIVE DATE: November 15, 2006, unless a later date is cited at the end of the section.
[16.22.28.5 NMAC - Rp, 16.22.28.5 NMAC, 11/15/06]

16.22.28.6 OBJECTIVE: The objective of Part 28 is to set forth the provisions, which apply to all of Chapter 22, and all persons affected or regulated by Chapter 22 of Title 16.
[16.22.28.6 NMAC - Rp, 16.22.28.6 NMAC, 11/15/06]

16.22.28.7 DEFINITIONS: [RESERVED]
[Refer to 16.22.1.7 NMAC]

16.22.28.8 COMPLAINT PROCEDURES:

A. Any complaint against a conditional prescribing or prescribing psychologist shall be made according to the complaint procedures described in 16.22.11 NMAC of these board regulations.

B. The board shall notify the New Mexico medical board, the board of osteopathic medical examiners, or the board of nursing in writing upon receipt of any complaint that implicates the collaborative relationship between a conditional prescribing or prescribing psychologist and a physician, an osteopathic physician, a nurse practitioner, or a physician's assistant respectively.

C. A joint board complaint committee shall be appointed to evaluate any complaint arising out of the collaboration between a conditional prescribing or prescribing psychologist and a health care practitioner. The committee shall evaluate compliance with provisions of the collaboration guidelines as set forth in 16.22.20.8 NMAC. If the committee determines that the complaint does not involve the collaboration guidelines, the committee shall return the complaint to the board for appropriate action.

D. A joint board complaint committee will consist of a minimum of the following members, appointed as follows:

- (1) one person appointed by the board who has experience in the field of psychopharmacology;
- (2) one person appointed by the appropriate board of the health care practitioner having a collaborative relationship with the conditional prescribing or prescribing psychologist; and
- (3) a public member appointed by the board.

E. Members of a joint board complaint committee shall not be in a pharmacological training program or seeking a prescription certificate, shall not be seeking licensure as a psychologist, physician, or nurse, and shall be a licensee in good standing in his or her respective profession.

F. Members of a joint board complaint committee shall not participate in any complaint review involving the member's family, household or a conflict of interest as defined in 16.22.1.7 NMAC, of these regulations.

G. The professional members of a joint board complaint committee may include:

- (1) a psychologist with specialized training and experience in psychopharmacology;

- (2) a licensed physician or osteopathic physician with clinical experience in mental health or psychopharmacology;
- (3) a licensed pharmacist or pharmacist clinician with specialized training and experience in psychopharmacology;
- (4) a licensed psychologist with a prescription certificate;
- (5) a nurse practitioner, or physicians assistant with specialized training and experience in psychopharmacology; or
- (6) a licensed psychologist.

H. Upon receipt and review of a complaint, a joint board complaint committee shall attempt an informal resolution of a complaint between a treating health care practitioner and a conditional prescribing or prescribing psychologist, consistent with the collaboration guidelines, in order to optimize patient care.

I. If an informal resolution cannot be achieved, a joint board complaint committee shall report its findings to the board and to the health care practitioner's licensing board. The report shall specify the area of alleged non-compliance with the collaboration guidelines and shall provide recommendations to each board for each board's appropriate action.

[16.22.28.8 NMAC - Rp, 16.22.28.8 NMAC, 11/15/06]

HISTORY OF 16.22.28 NMAC:

History of Repealed Material:

16.22.28 NMAC, Prescribing Psychologists: Complaint Procedures - Repealed 11/15/06