

This is an emergency amendment to 16.10.2 NMAC, Sections 13 and 16 effective 4/17/2020.

16.10.2.13 PUBLIC SERVICE LICENSE. A resident physician may apply for a public service license, which enables him to practice medicine outside the training program. The resident physician must be continuing in the board approved training program.

A. Prerequisites for licensure. Each applicant for a public service license shall have graduated from an approved medical school, passed all required examinations as defined in 16.10.3 NMAC, and completed one year of postgraduate training. In addition, the applicant shall have completed an application for licensure including all required documentation required in 16.10.2.9.B through 16.10.2.9.E as applicable. Other requirements include:

(1) written approval from his training program director;
(2) a postgraduate training license issued by the New Mexico medical board;
(3) a resident physician with one year postdoctoral training may only apply for a public service license when he is under the direct supervision of a New Mexico physician or when employed in a medically underserved area;

(4) if a physician is not being supervised directly, there must be procedures in place for a licensed New Mexico physician to review, on at least a quarterly basis, prescriptions written and dispensed for controlled substances and operative procedures performed.

B. Required documentation. Each applicant for a public service license shall submit the required fee as specified in 16.10.9.8 NMAC and the following documentation:

(1) a completed signed application, with a passport quality photo taken within the previous six months; applications are valid for one year from the date of receipt;
(2) letter of approval from the training program director.

C. Licensure process. Upon receipt of a completed application, including all required documentation and fees, 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 and must present original documents as requested by the board. The initial license will be issued following completion of any required interview, ~~and/or~~ or approval by a member or agent of the board.

D. License expiration. Public service licenses shall be renewed annually on September 1 as long as the applicant remains eligible.

[16.10.2.13 NMAC - Rp, 16 NMAC 10.3.9, 4/18/2002; 16.10.2.13 NMAC - Rn & A, 16.10.2.12 NMAC, 1/20/2003; A, 7/1/2003; A, 4/3/2005; A, 7/1/2006; A, 10/11/2013; A/E, 4/17/2020]

16.10.2.16 PROVISIONS FOR PHYSICIAN LICENSURE DURING A DECLARED DISASTER. The board will make accommodations for physicians who have been impacted by a major disaster. Based on the nature of the disaster, the extent of the damage, and the number of individuals and institutions that have been affected, the board may waive documentation requirements for any new or pending applications when the disaster delays or prohibits the procuring of the required documents. The board may also waive any required fees for applications submitted after the major disaster. The board will determine the length of time the emergency provisions will be in effect for each major disaster that results in applications for a federal emergency license.

A. Federal emergency license by examination. Physicians currently licensed in a state in which a major disaster has been declared may be issued a federal emergency license in New Mexico. The board may waive specific documentation required in Subsection B through E of 16.10.2.9 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.10.2.9 NMAC.

B. Federal emergency license by endorsement. Physicians currently licensed in a state in which a major disaster has been issued a federal emergency license in New Mexico. The board may waive specific requirements of Subsection B of 16.10.2.10 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.10.2.10 NMAC. The following requirements will apply to applicants under this provision:

(1) a completed signed application, is required, accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

- (2) the board will consider the required three years of practice experience to be met through any combination of postgraduate medical education and actual work experience;
- (3) the board may waive any requirements for recommendation forms or verification of work experience forms;
- (4) other required verification will be obtained online by board staff to include: current licensure status, national practitioners data bank, federation of state medical board disciplinary database, American medical association records of education and postgraduate training, and the records of the American board of medical specialties to confirm board certification status.

C. License expiration. Initial federal emergency licenses shall be valid for not less than three months or more than fifteen months. Licenses shall be renewed on July 1 following the date of issue, pursuant to 16.10.7 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. At the time a federal emergency license is approved for renewal it will be transferred to a full medical license.

D. License renewal. The temporary federal emergency license may be renewed one time for a period of not more than 12 months with a prorated fee of \$200.00, provided the federal emergency is still in effect.
[16.10.2.16 NMAC - N/E, 9/22/2005; A, 12/30/2005; A, 7/1/2006; A/E, 4/17/2020]