

NOTICE OF PUBLIC HEARING

Public Notice. The New Mexico Medical Board (NMMB) gives notice that it will conduct a public rule hearing on January 12, 2022 at 3:00 p.m. (MDT). This rule hearing is tentatively in person and can be accessed virtually. The purpose of the public hearing is to receive public input on the proposed amendments to 16.10.2 NMAC - Physicians: Physicians Licensure Requirements, 16.10.3 - Examinations, 16.10.4 NMAC - Continuing Medical Education, 16.10.5 - Disciplinary Power of the Board, 16.10.9 - Fees, 16.10.10 - Reporting of Settlements, Judgements, Adverse Actions & Credentialing Discrepancies, 16.10.11 - Physicians Supervising Pharmacist Clinicians, 16.10.14 - Management of Pain and Other Conditions with Controlled Substances, 16.10.15 - Physician Assistants: Licensure and Practice Requirements, and 16.6.1 - 16.6.11 NMAC - Naprapathic Practitioners. Physical Hearing Location is 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505.

Join Zoom Meeting

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Purpose. During the 2021 Legislative Session SB279 passed and was signed by Governor Lujan Grisham on April 5, 2021. SB279 merged the Osteopathic Examiners Board with the New Mexico Medical Board. The proposed changes to 16.10.2 through 16.10.15 NMAC are to change any reference of Medical Doctor to Physician to incorporate Doctors of Osteopathic Medicine and to add the licensure requirements for Doctors of Osteopathic Medicine.

Also, during the 2021 Legislative Session New Mexico's criminal code for disqualifying criminal convictions under Section 61-1-1 NMSA 1978 was amended by SB2 to include a new section regulating exclusion from licensure. An additional proposed change to 16.10.2 NMAC is to incorporate this amendment into the NMMB Rules.

The purpose of the proposed changes to 16.10.9 NMAC is to add Naturopathic Doctor fees to the fees rule.

The purpose of the proposed changes to 16.6.3 NMAC is to change the title of Naprapathic Physicians to Naprapathic Practitioners and to change the Naprapathic Practitioners fees to be more in line with similar license type fees, this proposed change reduces the required fees. The purpose of the proposed changes to 16.6.5 NMAC revises the process for reinstatement of a Naprapathic Practitioners license from inactive status, these changes would lower the reinstatement fee for this license type. The purpose of the proposed changes to 16.10.7 is to combine the requirements for licensure by examination and endorsement because the requirements are the same. The purpose of 16.6.8 NMAC is to change the title of Naprapathic Physicians to Naprapathic Practitioners and to delete a diagnostic procedure not used by Naprapathic Practitioners. The purpose of the changes to 16.6.9 is to change the title of Naprapathic Physicians to Naprapathic Practitioners, and to clarify supervision requirements of intern naprapaths.

The statutory authorization. Sections 61-6-1 through 61-6-35 NMSA 1978, Sections 61-12G-1 through 61-12G-13 NMSA 1978 and 61-12F-1 through 61-12F-11 NMSA 1978 grants the NMMB authority to make rules not inconsistent with law in order to promote the public welfare and protect the citizens of New Mexico. Section 61-1-1 NMSA 1978 New Mexico Criminal Code.

No technical information serves as a basis for this proposed rule change.

Public comment. Interested parties may provide comment on the proposed amendments of this state rule at the public hearing or may submit written comments to Sondra Frank, Esq., New Mexico Medical Board, 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505, or by electronic mail to AmandaL.Quintana@state.nm.us. All written comments must be received no later than 5:00 p.m. (MDT) on January 12, 2022. All written comments will be posted to the agency website within (3) three business days.

Copies of proposed rule. Copies of the proposed rules may be accessed through the New Mexico Medical Board's website at www.nmmb.state.nm.us or may be obtained from the Board office by calling (505) 476-7220 or via email at AmandaL.Quintana@state.nm.us.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Amanda Quintana at (505) 476-7230 or via email at AmandaL.Quintana@state.nm.us. The New Mexico Medical Board requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

Summary of proposed changes. The Board summarizes its proposed changes to its administrative rules as follows:

16.10.2 NMAC - Physicians: Licensure Requirements

As a general summary, the proposed changes to 16.10.2 NMAC change the term "allopathic" physicians to physicians so that both allopathic doctors (MD's) and doctors of osteopathy (DO's) are incorporated into the rule. The proposed change adds osteopathic physician credentials and licensure requirements and adds the definition of physician which means "allopathic doctor (MD) or doctor of osteopathy (DO)."

An additional proposed change to 16.10.2 NMAC is to add to the NMMB's licensing requirements a list specific criminal convictions that could disqualify an applicant from receiving a license based on a previous felony conviction.

16.10.3 NMAC - Examinations

As a general summary, the proposed changes to 16.10.3 NMAC again changes the reference from allopathic physician to physicians and adds the required exams for osteopathic medical licensing.

16.10.4 NMAC - Continuing Medical Education

As a general summary, the proposed changes to 16.10.4 NMAC adds the required continuing medical education for osteopathic medical licensing.

16.10.5 NMAC - Disciplinary Power of the Board

As a general summary, the proposed changes to 16.10.5 NMAC is to update the rule to add more relevant language and take out obsolete processes.

16.10.9 NMAC - Fees

As a general summary, the proposed changes to 16.10.9 NMAC adds the licensing, renewal and miscellaneous fees for Naturopathic Doctors.

16.10.10 NMAC - Reporting of Settlements, Judgements, Adverse Actions & Credentialing Discrepancies

As a general summary, the proposed change is to add "locum tenens or staffing agencies" to the definition of "Health care entity".

16.10.11 NMAC - Physicians Supervising Pharmacist Clinicians

As a general summary, the proposed changes are to update the rule language with current practice and licensing processes and requirements.

16.10.14 NMAC - Management of Pain and Other Conditions with Controlled Substances

As a general summary, the proposed changes to 16.10.14 NMAC changes the term medical doctor to physician.

16.10.15 NMAC - Physician Assistants: Licensure and Practice Requirements

As a general summary, the proposed changes to 16.10.15 NMAC changes the term medical doctor to physician.

16.6.3 NMAC - Fees

As a general summary, the proposed changes to 16.6.3 NMAC lower the fees for Naprapathic practitioner licensing to align with the fees for other mid-level providers licensed by the NMMB.

16.6.5 NMAC - Inactive Status, Reinstatement

As a general summary, the proposed changes to 16.6.5 NMAC allow for a Naprapathic practitioner to inactivate their license with a one time fee of \$25.00 as opposed to \$100.00 per year.

16.6.7 NMAC - Licensure by Endorsement and Examination

As a general summary, the proposed changes to 16.6.7 NMAC combines the requirements for Naprapathic practitioner licensing by endorsement and by examination. The requirements are similar and did not need to be separated in the rule.

16.6.8 NMAC - Practice Procedures

As a general summary, the proposed changes to 16.6.8 NMAC changes the name Naprapathic physicians to Naprapathic practitioner and also deletes a diagnostic procedure that is not used, beaches emergency assistance ministry.

16.6.9 NMAC - Supervision of Interns

As a general summary, the proposed changes to 16.6.9 NMAC clarify the procedures for the supervision of interns and also changes the term doctor to naprapathic practitioner.