

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico State Board of Psychologist Examiners (“Board”) will hold a public rule hearing on November 5, 2021, at 9:00 AM and following the rule hearing will convene a board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held in the Rio Grande Room, at the New Mexico Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM 87505.

Face masks are required to be worn in the Toney Anaya Building for all in-person attendees.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e5affd04f0c66c19b742bf809f7bd5928>

Event Number: 2486 465 3194

Event Password: 64dRR8Y28Xn

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2486 465 3194

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.22.1 NMAC – General Provisions;
- 16.22.2 NMAC – Code of Conduct;
- 16.22.5 NMAC – Psychologists: Application Requirements; Procedures;
- 16.22.6 NMAC – Psychologists: Predoctoral and Postdoctoral Supervised Experience;
- 16.22.8 NMAC – License Expiration and Renewal;
- 16.22.10 NMAC – Inactive Status and Reinstatement;
- 16.22.11 NMAC – Complaint Procedures;
- 16.22.12 NMAC – Psychologist Associates: Education Requirements and Conditions of Practice;
- 16.22.13 NMAC – Fees;
- 16.22.14 NMAC – Licensure for Military Service Members, Spouses and Veterans;
- 16.22.20 NMAC – Conditional Prescribing Certificate; Prescription Certificate: Health Care Practitioner Collaboration Guidelines;
- 16.22.21 NMAC – Conditional Prescribing or Prescribing Psychologist: Limits of Practice;
- 16.22.23 NMAC – Requirements for Education and Conditional Prescription Certificate;
- 16.22.24 NMAC – Application Procedures: Two-year Supervised Practice;
- 16.22.25 NMAC – Prescription Certificate: Application; Peer Review; Evaluation Outcome;
- 16.22.26 NMAC – Graduates of the Department of Defense Psychopharmacology Demonstration Project;
- 16.22.27 NMAC – Conditional Prescribing or Prescribing Psychologist: Formulary;
- 16.22.29 NMAC – Conditional Prescribing or Prescribing Psychologist: Continuing Professional Education and Certificate Renewal;
- 16.22.30 NMAC – Prescription Monitoring Program Requirements;

To obtain and review copies of the proposed changes and public comments, you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/psychologist-examiners/psychologist-examiners-board-information/psychologist-examiners-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Nicholas Henderson, Board Administrator, via electronic mail at: Psychologist.examiners@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than

Thursday, October 28, 2021. Written comments received prior to the rule hearing will be posted to the RLD website at:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/psychologist-examiners/psychologist-examiners-board-information/psychologist-examiners-board-meetings/>

Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/psychologist-examiners/psychologist-examiners-board-information/psychologist-examiners-board-meetings/> Copies of the rules or the agenda may also be obtained by contacting Nicholas Henderson, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Nicholas Henderson, Board Administrator (505) 476-4622.

Statutory Authority: Professional Psychologist Act, NMSA 1978, Sections 61-9-6.

Purpose of the Proposed Rules: The purpose of the rule hearing is to receive written and oral comments from the public on proposed rules amending 16.22.14 NMAC - Licensure for Military Service Members, Spouses, Dependent Children and Veterans to comply with 2021 legislative changes made during the regular session in HB 120 Military Spouses Expedited Licensure signed into law by Governor Lujan Grisham on April 6, 2021 and amending 16.22.2 NMAC - General Provisions to comply with 2021 legislative changes made during the special session in SB2 Expungement of Certain Records signed into law by the Governor Lujan Grisham on April 12, 2021.

Pursuant to its authority in Section 61-9-6, NMSA 1978, the Board is proposing the following amendments to the Psychology rules listed below to comply with the new state rules act and to provide for uniformity in the application of the rules, cleaning up definitions and removing similar language that appeared in more than one part.

Summary of Proposed Changes:

Pursuant to its authority in Section 61-9-6, NMSA 1978, the Board is proposing the following amendments to the Psychology rules listed below to comply with the new state rules act and to provide for uniformity in the application of the rules, cleaning up definitions and removing similar language that appeared in more than one part, to add language to comply with SB-2, to add language to comply with HB-120, and to add language to the prescription monitoring program requirements.

The Board proposed to add definitions to 16.22.1. Those definitions include “accredited by a nationally recognized accreditation body”, “disqualifying criminal convictions”, and “independently licensed prescribing clinician” The proposed rule amendments also include re-lettering of current definitions.

The Board proposes to amend its rules in 16.22.2 to conform with the provisions of Senate Bill 2 passed by the 2021 legislature that limit a professional and occupational licensing board’s ability to deny, suspend, revoke, or condition a license only for felony convictions that relate to the profession or occupation in which the applicant has applied for licensure.

The Board proposes to amend its rules in 16.22.5 to add application procedures. The Board will develop and approve a list of jurisdictions whose licensing requirements meet or exceed ours. Background check procedure is also to be revised. Record retentions for incomplete applications is added. Language is also added on disciplinary actions in another jurisdiction. Reciprocity has been changed from ten years to two. American board of professional Psychology is added to 16.22.5.11 to be included as a credential.

The Board proposes to amend its rules in 16.22.6 to remove restrictions on tele-supervision and making it equivalent to face to face supervision.

The Board proposes to amend its rules in 16.22.8 to remove background checks for renewals and to add electronic mail as the licensee responsibility.

The Board proposes to amend its rules in 16.22.9 to remove the requirement of continuing professional education in ethnic diversity, and the limit to online continuing professional education. It also proposes to add Health disparities as a category for continuing professional education.

The Board proposes to amend its rules in 16.22.10 to replace the word renewal with reinstatement.

The Board proposes to amend its rules in 16.22.11 to remove the notarization requirement for complaints.

The Board proposes to amend its rules in 16.22.12 to change from annual to biennial.

The Board proposes to amend its rules in 16.22.13 to remove out of state psychologist, and second year conditional prescription certificate fees and references. Instead, it proposes to add psychologist and psychologist associates to reinstatement fee and add reinstatement fee for prescription certificate.

The Board proposes to amend its rules in 16.22.14 to conform with the provisions of House Bill 120 passed by the 2021 legislature that require professional and occupational licensing boards to issue licenses to military members, their spouses and dependent children, and veterans, within 30 days of receiving a completed application and to waive initial licensing fees for a period of three years if applicant holds equivalent license from another state or jurisdiction. Furthermore, the board seeks to add definitions. These definitions will further specify qualifications for expedited licensure. Additionally, the proposed revisions will provide notice to the public and interested parties of applications and renewal changes for military personnel, their spouses, veterans, and dependent children as contemplated by House Bill 120 to be codified in 16.22. 14

The Board proposes to amend its rules in 16.22.20 to add that written notice shall be sent to the primary treating health care practitioner within 24 hours and removing the rest of the requirements about contacting the primary health care practitioner under this section.

The Board proposes to amend its rules in 16.22.21 to remove requirements on collaboration guidelines.

The Board proposes to amend its rules in 16.22.23 to allow video conference. It also proposes to remove American Psychological Association and replace with Association of State and Provincial Psychology Boards.

The Board proposes to amend its rules in 16.22.24 to add independently licensed prescribing clinician instead of physician. It also proposes to add training regarding knowledge/understanding of New Mexico laws as a requirement.

The Board proposes to amend its rules in 16.22.25 to add independently licensed prescribing clinician instead of physician. It also proposes to add requirements for prescription certificate by applicants licensed to prescribe in another jurisdiction.

The Board proposes to amend its rules in 16.22.26 to add training regarding knowledge New Mexico laws as a requirement for licensure.

The Board proposes to amend its rules in 16.22.27 to correct the referencing statute.

The Board proposes to amend its rules in 16.22.29 to remove reference to conditional prescribing. It also proposes to add processes for failure to renew a prescribing certificate on time.

The Board proposes to amend its rules in 16.22.30 to add language that the board will review over prescription of schedule drugs.