

This is an amendment to 16.10.2 NMAC, Section 2, 3, 7, 9, 10, 12, 16 and 19 effective 2/8/2022.

16.10.2.2 SCOPE: This part applies to all ~~allopathic~~ physicians applying for licensure in New Mexico. [16.10.2.2 NMAC - Rp 16 NMAC 10.2.2, 4/18/2002; A, 2/8/2022]

16.10.2.3 STATUTORY AUTHORITY: This part governs the licensing of ~~medical doctors~~ in New Mexico and is promulgated pursuant to and in accordance with the Medical Practice Act, sections 61-6-11, 61-6-11.1, 61-6-12, 61-6-13, 61-6-14, 61-6-15, 61-6-18, 61-6-18.1, and 61-6-19 NMSA 1978. [16.10.2.3 NMAC - Rp 16 NMAC 10.2.3, 4/18/2002; A, 2/8/2022]

16.10.2.7 DEFINITIONS:

A. “Absence of good moral character” means any conduct that calls into question an applicant’s fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the board, constitutes a lack of good moral character. The conduct subject to the Board’s evaluation for good moral character may or may not arise in the context of professional practice.

B. “AOA” means the American osteopathic association.

C. “AOA-BOS” means the American osteopathic association bureau of osteopathic specialists.

~~[A.]~~ **D. “Board approved school”** means a medical school that has been approved by the liaison committee on medical education, composed of the American medical association and the association of American medical colleges, has a liaison council on medical education (LCME)-approved curriculum or equivalent for graduates of Canadian schools, is on the approved list of the California state medical board, is accredited by the American osteopathic association or commission on osteopathic accreditation, or has been approved by the board.

~~[B.]~~ **E. “Board approved training program”** means a program approved by the accrediting council on graduate medical education of the American medical association (ACGME), is approved by American osteopathic association (AOA), the royal college of physicians and surgeons of Canada (RCPSC), or a residency program located within an ACGME approved institution that has been approved by the board.

~~[C.]~~ **F. “Board approved credential verification service”** means a credential verification service certified by the national commission on quality assurance (NCQA) and approved by the board.

G. “Disqualifying criminal conviction” means a conviction pursuant to the Uniform Licensing Act, Section 61-1-36, NMSA 1978, for a crime that is job-related for the position in question and consistent with business necessity.

H. “FCVS” means the federation credential verification service of the federation of state medical boards.

I. “Good moral character” means qualities evidencing an applicant’s present good moral character for purposes of licensure including candor, honesty, integrity, a respect for the law, regard for the welfare, safety, and rights of another, and fidelity and trustworthiness in the practice of the professions for which they may be licensed. Conversely, an applicant whose conduct reflects the absence of one or more of these qualities may be said to lack the good moral character required for licensure. It is a continuing duty to exhibit good moral character as a licensee. Absence of good moral character means any conduct that calls into question an applicant’s fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the board, constitutes a lack of good moral character. The conduct subject to the board’s evaluation for good moral character may or may not arise in the context of professional practice.

~~[D.]~~ **J. “HSC”** means the hospital services corporation, a New Mexico corporation, and a credential verification organization certified by the national commission on quality assurance (NCQA).

~~[E.]~~ **“FCVS”** means the federation credential verification service of the federation of state medical boards.

~~[F.]~~ **K. “Major disaster”** means a declaration of a major disaster by the federal emergency management agency (FEMA).

~~[G.]~~ **L. “Military service member”** means a person who is serving in the armed forces of the United States or in a reserve component of the armed forces of the United States, including the national guard.

~~[H.]~~ **M. “Nationwide criminal history record,”** information concerning a person’s arrests, indictments, or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the

computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states.

[I.] N. “Nationwide criminal history screening,” a criminal history background investigation of an applicant for licensure by examination or endorsement through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

O. “Physician” means allopathic doctor (MD) or doctor of osteopathy (DO).

[J.] P. “Recent veteran” means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applies for a medical license pursuant to section 16.10.2.17. The veteran shall submit a copy of Form DD214, or its equivalent, as part of the application process.

[K.] Q. “Telemedicine” means the practice of medicine across state lines as defined in the Medical Practice Act, Section 61-6-6, K NMSA 1978.

[16.10.2.7 NMAC - Rp 16 NMAC 10.2.7, 4/18/2002; A, 1/20/2003; A, 10/7/2005; A, 12/30/2005; A, 7/1/2006; A, 1/10/2007; A, 10/11/2013; A, 2/8/2022]

16.10.2.9 MEDICAL LICENSE BY EXAMINATION:

A. Prerequisites for licensure: Each applicant for a license to practice as a ~~[medical doctor]~~ physician in New Mexico must be of good moral character and must possess the following qualifications:

(1) graduated and received a diploma from a board approved school, completed a program determined by the board to be substantially equivalent to a U.S. medical school, based on board review of an evaluation by a board approved credential evaluation service, or the board shall, in its sole discretion, determine if the applicant’s total educational and professional clinical experience is substantially equivalent to that which is required for licensure in New Mexico; and

(2) successfully passed one of the examinations or combinations of examinations defined in 16.10.3 NMAC; and

(3) completed two years of postgraduate training or been approved by the board in accordance with the provisions of Subsection B of Section 61-6-11 NMSA 1978;

(4) when the board has reason to believe that an applicant for licensure is not competent to practice medicine it may require the applicant to complete a special competency examination or to be evaluated for competence by other means that have been approved by the board; and

(5) a qualified applicant who has not been actively and continuously in practice for more than two years prior to application may be required to successfully complete a special examination or evaluation such as, but not limited to, the SPEX (special purpose examination), the PLAS (post-licensure assessment system of the federation of state medical boards), or specialty re-certification.

B. Required documentation for all applicants: Each applicant for a license must submit the required fees 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 by the board;

(2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must be received directly from the other state board(s), and must attest to the status, issue date, license number, and other information requested and contained on the form; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(3) two recommendation forms from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant’s character and competence to practice medicine; the recommending physicians must have personally known the applicant and have had the opportunity to personally observe the applicant’s ability and performance; forms must be sent directly to the board from the recommending physician; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(4) verification of all work experience and hospital affiliations in the last two years, if applicable, not to include postgraduate training; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(5) a copy of all American board of medical specialties (ABMS) specialty board certifications, or American osteopathic association bureau of osteopathic specialists (AOA-BOS) if applicable; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board; and

(6) the board may request that applicants be investigated by the biographical section of the American medical association (AMA), the drug enforcement administration (DEA), the federation of state medical boards (FSMB), the national practitioner data bank, and other sources as may be deemed appropriate by the board;

(7) applicants who are not United States citizens must provide proof that they are in compliance with the immigration laws of the United States.

C. Additional documentation for applicants using the FCVS: Applicants are encouraged to use the FCVS as once a credential file is created future applications for medical licensure will be streamlined. However, application through FCVS is not required. Applicants using the FCVS must submit a completed application to the FCVS, who will provide primary source documentation to the board. Only the documents required in Subsection B of 16.10.2.9 are required in addition to the FCVS report.

D. Additional documentation for applicants using HSC or another board-approved credentials verification service:

(1) status report of educational commission for foreign medical graduates (ECFMG) certification sent directly to the board from ECFMG, if applicable;

(2) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

(3) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency;

(4) proof of identity may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas.

E. Additional documentation for applicants applying directly to New Mexico and not using FCVS or HSC or another board-approved credentials verification service:

(1) verification of medical education form with school seal or notarized, sent directly to the board from the school;

(2) transcripts sent directly to the board from the medical school;

(3) status report of ECFMG certification sent directly to the board from ECFMG, if applicable;

(4) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

(5) postgraduate training form sent to the board directly from the training program;

(6) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency; and

(7) proof of identity may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas;

(8) certified copies of source documents obtained directly from another state licensing jurisdiction who has the original document on file will be accepted in lieu of original documents when the originals cannot be obtained for a valid cause.

F. 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, or approval by a member or agent of the board.

G. Initial license expiration: Medical licenses shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than thirteen months or less than one month. If New Mexico is the first state of licensure, initial licenses are valid for a period of not less than twenty-four months or more than thirty-five months and shall be renewed on July 1.

[16.10.2.9 NMAC - N, 5/1/2002; A, 1/20/2003; A, 7/1/2003; A, 4/3/2005; A, 10/7/2005; A, 7/1/2006; A, 1/10/2007; A, 1/3/2008; A, 10/11/2013; A, 01/15/2014; A, 2/8/2022]

16.10.2.10 MEDICAL LICENSE BY ENDORSEMENT:

A. Prerequisites for licensure: Each applicant for a license to practice as a ~~[medical doctor]~~ physician in New Mexico by endorsement must be of good moral character, hold a full and unrestricted license to practice medicine in another state, and possess the following qualifications:

- (1) have practiced medicine in the United States or Canada immediately preceding the application for at least three years;
- (2) be free of disciplinary history, license restrictions, or pending investigations in all jurisdictions where a medical license is or has been held;
- (3) graduated from a board approved school or hold current ECFMG certification; and
- (4) current certification from a medical specialty board recognized by the ABMS or the

AOA-BOS.

B. Required documentation for all applicants: Each applicant for a license must submit the required fees 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 by the board;
- (2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must be received directly from the other state board(s), and must attest to the status, issue date, license number, and other information requested and contained on the form;
- (3) two recommendation forms from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant's character and competence to practice medicine; the recommending physicians must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; forms must be sent directly to the board from the recommending physician; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board;
- (4) verification of all work experience and hospital affiliations in the last three years, if applicable, not to include postgraduate training; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board;
- (5) a copy of all ABMS or AOA-BOS specialty board certifications, if applicable; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board; and
- (6) the board may request that applicants be investigated by the biographical section of the AMA, the DEA, the FSMB, the national practitioner data bank, and other sources as may be deemed appropriate by the board;
- (7) applicants who are not U.S. citizens must provide proof that they are in compliance with the immigration laws of the United States.

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, or approval by a member or agent of the board.

D. Initial license expiration: Medical licenses shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than thirteen months or less than one month. [16.10.2.10 NMAC - N, 1/20/03; A, 7/1/2003; A, 4/3/05; A, 10/7/05; A, 7/1/06; A, 1/10/07; A, 10/11/13; A, 01/15/14; A, 2/8/2022]

16.10.2.12 POSTGRADUATE TRAINING LICENSE: A postgraduate training license is required for all interns, residents, and fellows enrolled in board approved training programs within the state. Individuals enrolled in board approved training programs outside of New Mexico may apply for a postgraduate training license as a pre-requisite to obtaining a New Mexico public service license.

A. Prerequisites for licensure: Each applicant for a postgraduate training license must possess the following qualifications:

- (1) graduated from a board approved school or completed a program determined by the board to be substantially equivalent to a U.S. medical school or college of osteopathic medicine, based on board review of an evaluation by a board approved credential evaluation service;

and (2) passed part I of the United States medical licensing examination (USMLE) or COMLEX;
(3) be of good moral character.

B. Required documentation: Each applicant shall submit the required fee as specified in 16.10.9.8 NMAC and complete the board-approved application.

(1) Applicants enrolled at the university of New Mexico health science center must submit an application through the office of graduate medical education for review before it is forwarded to the board for review and approval.

(2) Applicants enrolled at a board approved training program outside New Mexico must submit the postgraduate training license application directly to the board.

(3) A copy of the official examination results must be attached to each application.

C. Licensure process: Upon receipt of a completed signed application and fee, a member or agent of the board will review the application and may approve the license. 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.

D. License expiration: Postgraduate training licenses are valid for no longer than one year, but may be renewed for a period not to exceed eight years or completion of the residency, whichever is shorter, and as long as the license holder is enrolled in a board approved training program. Postgraduate training licenses may be renewed prior to expiration.

[16.10.2.12 NMAC - Rp, 16 NMAC 10.2.14, 4/18/2002; 16.10.2.12 NMAC - Rn, 16.10.2.11 NMAC, 1/20/2003; A, 10/7/2005; A, 7/1/2006; A, 1/3/2008; A, 10/11/2013; A, 2/8/2022]

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 or AOA records of education and postgraduate training, and the records of the American board of medical specialties or AOA-BOS 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.

[16.10.2.16 NMAC - N/E, 9/22/2005; A, 12/30/2005; A, 7/1/2006; A, 2/8/2022]

16.10.2.19 CRIMINAL CONVICTIONS:

A. Convictions for any of the following felony offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license or certificate issued by the board:

- (1) homicide;
- (2) aggravated assault, aggravated battery, kidnapping, false imprisonment, human trafficking, stalking, or other crimes of violence against persons;
- (3) robbery, larceny, burglary, extortion, receiving stolen property, possession of burglary tools, unlawful taking of a motor vehicle, or other crimes involving theft or appropriation of personal property or funds;
- (4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, child solicitation, or other crimes constituting sexual offenses;
- (5) crimes against children; crimes involving child abuse or neglect; child sexual exploitation, child pornography;
- (6) driving under the influence of intoxicating liquor or drugs;
- (7) trafficking controlled substances;
- (8) fraud, forgery, money laundering, embezzlement, credit card fraud, counterfeiting, financial exploitation, or other crimes of altering any instrument affecting the rights or obligations of another;
- (9) making a false statement under oath or in any official document;
- (10) evasion of a lawful debt or obligation, including but not limited to tax obligations; or
- (11) an attempt, solicitation or conspiracy involving any of the felonies in this subsection.

[16.10.2.19 NMAC - N, 2/8/2022]