

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 3 EXAMINATIONS

16.10.3.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.10.3.1 NMAC - N, 4/18/2002; A, 10/5/2003]

16.10.3.2 SCOPE: This part applies to all physicians applying for licensure in New Mexico.
[16.10.3.2 NMAC - N 4/18/2002; A, 2/8/2022]

16.10.3.3 STATUTORY AUTHORITY: This part governs the practice of medicine in New Mexico and is promulgated pursuant to and in accordance with the Medical Practice Act, Sections 61-6-1 and 61-6-13 NMSA 1978.
[16.10.3.3 NMAC - N, 4/18/2002]

16.10.3.4 DURATION: Permanent.
[16.10.3.4 NMAC - N, 4/18/2002]

16.10.3.5 EFFECTIVE DATE: April 18, 2002, unless a later date is cited at the end of a section.
[16.10.3.5 NMAC - N, 4/18/2002]

16.10.3.6 OBJECTIVE: This part establishes examination requirements for physicians seeking licensure as a physician in New Mexico.
[16.10.3.6 NMAC - N, 4/18/2002; A, 2/8/2022]

16.10.3.7 DEFINITIONS:

- A.** “COMLEX” means comprehensive osteopathic medical licensing examination.
- B.** “COMVEX” means comprehensive osteopathic medical variable-purpose examination.
- C.** “ECFMG” means educational commission for foreign medical graduates.
- D.** “FLEX” means federal licensing exam.
- E.** “LMCC” means licentiate of the medical council of Canada.
- F.** “NBME” means national board of medical examiners.
- G.** “NBOE” means national board of osteopathic examination.
- H.** “PLAS” means post-licensure assessment system.
- I.** “SPEX” means special purpose examination.
- J.** “USMLE” means the United States medical licensing examination, an examination of three separate “steps”.

[16.10.3.7 NMAC - N, 4/18/2002; A, 1/2/2008; A, 2/8/2022]

16.10.3.8 Board-approved examinations for applicants who were examined prior to January 1, 2000.

- A.** Graduates of U.S. and Canadian medical schools must have passed either the FLEX (Components 1 & 2), the NBME (Parts I, II, & III), the USMLE (Steps 1, 2, & 3), the Canadian medical licensing examination (LMCC Parts 1 & 2), or a combination examination as defined in Subsection C.
- B.** International medical graduates must have passed the ECFMG examination with addition of either NBME-III, or USMLE-3, or FLEX-2, or must have passed the LMCC.
- C.** Acceptable combination examinations include the following, as long as the entire combination was successfully completed as required in Section 10 of 16.10.3 NMAC prior to January 1, 2000;
 - (1) Any combination of sequential parts I, II, and III or Steps 1, 2, and 3 respectively of the NBME and USMLE;
 - (2) A New Mexico state board examination or a state board examination given in another state if that examination were equivalent to the last New Mexico state board examination. That state examination would be considered equivalent if it were to have contained both basic science and clinical components and had been taken and passed prior to the end of 1973 with a score of 75 or higher.

[16.10.3.8 NMAC - Rp 16 NMAC 10.2.9, 4/18/2002; A, 1/2/2008]

16.10.3.9 Board-Approved Examinations for Applicants Completing Examinations After January 1, 2000:

- A.** Graduates of U.S. medical schools are required to pass the United States Medical Licensing Examination (USMLE, Steps 1, 2, & 3).
 - B.** International Medical Graduates are required to pass the Educational Commission for Foreign Medical Graduates (ECFMG) examination for English proficiency and the USMLE, Steps 1, 2 & 3 or LMCC.
 - C.** Graduates of Canadian medical schools may pass the Canadian Medical Licensing Examination (LMCC), Parts 1 & 2 or the USMLE Steps 1, 2 & 3.
- [16.10.3.9 NMAC - Rp 16 NMAC 10.2.9, 4/18/2002]

16.10.3.10 Successful completion of examinations:

- A.** An applicant must score a minimum of 75 on each component part of a board-approved examination as described in Subsection C of 16.10.3.8 NMAC. The minimum score of 75 may not be achieved for any component part of an examination by averaging that component's scores with scores of other component part(s).
- B.** A FLEX weighted average score of 75 or higher will be considered passing if obtained by testing prior to June 1984.
- C.** An applicant who has taken the Canadian medical licensing examination (LMCC) must achieve the minimum passing score established for the exam as documented by LMCC certification.
- D.** Except as set forth in below, an applicant may attempt six times to successfully complete any part of a board-approved examination, as long as the entire examination is successfully completed within seven years from the date the first step of the examination is passed.
- E.** An applicant taking a combination examination set forth above in 16.10.3.8 must successfully complete the combination examination by January 1 of the year 2000. If not, the applicant must successfully complete the USMLE (steps 1, 2, and 3). Either the combination examination or the USMLE must be successfully completed in a total of six attempts maximum for each part. The applicant must successfully complete a combination examination or the USMLE within seven years from the date any part of the combination examination was first passed.
- F.** The board may grant exceptions to the seven-year requirement for qualified applicants who have successfully completed the combination examination within ten years from the date the first step of the examination is passed. Qualified applicants must have had no adverse action taken against them by any other licensing jurisdiction, peer review body, health care entity, governmental agency, law enforcement agency or court, and no license restrictions or pending investigations in all jurisdictions where a medical license or resident or training license is or has been held. On a case by case basis the board may consider requests for exceptions if the applicant can demonstrate by substantial evidence that the applicant has:
 - (1) been continuously enrolled in postgraduate medical training;
 - (2) been continuously practicing medicine in another country;
 - (3) passed each part of the required examination within 2 attempts;
 - (4) current board certification in a specialty recognized by the American board of medical specialties;
 - (5) experienced a documented significant health condition which by its severity would necessarily cause a delay to the applicant's examination sequence;
 - (6) provided care for an immediate family member who has experienced a documented significant health condition which by its severity would necessarily cause a delay to the applicant's examination sequence; immediate family member means a spouse, domestic partner, child or parent of the applicant;
 - (7) been a victim of a federal or state declared major disaster or its equivalent;
 - (8) been serving in a branch of the US armed forces during a war or other armed conflict or unrest; or
 - (9) experienced other documented circumstances of extreme hardship or extraordinary situations that were not willful and were beyond the control of the applicant, when such circumstances would by their severity necessarily cause a delay to the applicant's examination sequence.
- G.** Applicants who are MD/PhD candidates must successfully complete the entire examination within ten years from the date the first step of the examination is passed.
- H.** Applicants may repeat a previously passed step if they need to retake the exam in order to bring an entire sequence within the mandated time frame.
- I.** The board may allow exceptions to the time limits established by this rule for qualified applicants with bona fide disabilities, as defined in the Americans with Disabilities Act, in a case by case basis.

[16.10.3.10 NMAC - Rp 16 NMAC 10.9.2, 4/18/2002; A, 10/5/2003; A, 10/7/2005; A, 9/27/2007]

16.10.3.11 Special Examinations: The board may require a qualified applicant who has not been actively and continuously in practice for more than 2 years prior to applying for licensure, license renewal, or re-instatement, and who has previously passed a board-approved examination, also to successfully complete a special examination, such as the SPEX (Special Purpose Examination), the PLAS (Post-Licensure Assessment System) of the Federation of State Medical Boards (FSMB), or specialty re-certification examination (American Board of Medical Specialties) as a requirement for such licensure. To successfully complete the SPEX, the applicant must obtain a minimum score of 75.

[16.10.3.11 NMAC - Rp 16 NMAC 10.2.9.3, 4/18/2002]

16.10.3.12 Osteopathic Licensing Examinations:

A. FLEX

(1) Each applicant must earn a passing score of seventy-five percent or higher on each of the two components of the examination. The board will not accept overall or average scores.

(2) If an applicant fails either component of the FLEX examination, the applicant must repeat only the component failed. Upon failing one or both components, the applicant may repeat the component failed at the next administration of the examination. If the applicant fails a second examination, the applicant must wait one year before taking the examination for a third time. If the applicant fails a third time, the applicant must acquire one additional year of AOA approved postgraduate training before being examined a fourth time.

(3) Both components of the FLEX examination must be passed within seven years of taking the initial examination.

B. NBOE

(1) Each applicant must earn a passing score of seventy-five percent or higher on each of the three components of the examination.

(2) All three components of the NBOE examination must be passed within seven years of taking the initial examination.

C. COMLEX

(1) Each applicant must earn a minimum total passing score or higher on each level of the examination.

(2) All levels of the COMLEX examination must be passed within seven years of taking the initial examination.

D. USMLE

(1) Each applicant must earn a minimum total passing score or higher on each step of the examination.

(2) All steps of the USMLE examination must be passed within seven years of taking the initial examination.

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

HISTORY OF 16.10.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records Center and Archives under:

Rule 3, Licensure as a Medical Practitioner, filed 10/26/1994

Rule 3, Licensure as a Medical Practitioner, filed 6/21/1993

History of Repealed Material:

16 NMAC 10.2, Licensure as a Medical Practitioner - Repealed 4/18/2002