

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 22 NATUROPATHIC DOCTORS: LICENSURE AND PRACTICE REQUIREMENTS

16.10.22.1 ISSUING AGENCY: New Mexico Medical Board hereafter called the board, with the recommendations of the naturopathic doctor's advisory council, hereafter called the council.
[16.10.22.1 NMAC - N, 3/24/2020]

16.10.22.2 SCOPE: This part applies to naturopathic doctors and their licensure and practice requirements.
[16.10.22.2 NMAC - N, 3/24/2020]

16.10.22.3 STATUTORY AUTHORITY: This part establishes the rules of practice and procedure governing the practice of naturopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Naturopathic Doctor's Practice Act, Chapter 61, Article 12G-4 NMSA 1978 and the Medical Practice Act Chapter 61, Article 6 NMSA 1978.
[16.10.22.3 NMAC - N, 3/24/2020]

16.10.22.4 DURATION: Permanent.
[16.10.22.4 NMAC - N, 3/24/2020]

16.10.22.5 EFFECTIVE DATE: March 24, 2020, unless a later date is cited at the end of a section.
[16.10.22.5 NMAC - N, 3/24/2020]

16.10.22.6 OBJECTIVE: This part regulates the licensing and practice of naturopathic doctors.
[16.10.22.6 NMAC - N, 3/24/2020]

16.10.22.7 DEFINITIONS:

A. Definitions beginning with "A":

(1) **Approved naturopathic medical educational program** means a naturopathic educational program accredited by the council of naturopathic medical education and approved by the board with recommendation of the council, pursuant to Chapter 61, Article 12G-4 NMSA 1978 of the Naturopathic Doctors' Practice Act.

(2) **"Association"** means an entity that is approved by the American association of naturopathic physicians, which entity represents the interests of naturopathic doctors in the state.

B. Definitions beginning with "B": Board means the New Mexico medical board established pursuant to the Medical Practice Act Chapter 61, Article 6 NMSA 1978.

C. Definitions beginning with "C":

(1) **"Clinical laboratory procedure"** means the use of commonly used diagnostic modalities consistent with naturopathic practice including venipuncture, ordering of radiographic diagnostics and following guidance of radiologist interpretation of diagnostic imaging techniques including but not limited to ultrasounds, MRI's and CT scans and examination of body orifices, excluding endoscopy and colonoscopy.

(2) **"Collaboration"** means the process by which a licensed physician and a naturopathic doctor jointly contribute to the health care and treatment of patients; provided that:

(a) each collaborator performs actions that the collaborator is licensed or otherwise authorized to perform; and

(b) collaboration shall not be construed to require the physical presence of the licensed physician at the time and place services are rendered by the collaborating naturopathic doctor.

(3) **"Controlled substance"** means a drug, substance or immediate precursor enumerated in Schedules I through V of the Controlled Substances Act Chapter 30, Article 31 NMSA 1978.

(4) **"Council"** means the naturopathic doctors' advisory council;

(5) **"Criminal history record"** means 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 state or federal criminal justice agencies or their political subdivisions 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 or their political subdivisions.

(6) **“Criminal history screening”** means a criminal history background investigation of an applicant for a naturopathic doctor license, or a licensee applying for licensure renewal, 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.

D. Definitions beginning with “D”:

(1) **“Dangerous drug”** has the same meaning as set forth in Section 26-1-2 NMSA 1978.

(2) **“Drug”** has the same meaning as set forth in Section 26-1-2 NMSA 1978.

E. Definitions beginning with “E”: **“Expired”** means a license was not renewed by the triennial renewal date of March 1 or at the end of the grace period of May 1, and licensee is not eligible to practice within the state of New Mexico after the grace period ends.

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: **“Grace period”** means the 60 day period granted after the triennial licensing term has expired on March 1, during which time the status of the licensee shall remain in effect as long as the renewal payment and late fee is made during the grace period, and all other renewal requirements are met on or before May 1. A licensee may continue to practice as long as the payment of the required renewal fee and the late fee are received, and all other renewal requirements are met on or before May 1 of the triennial period.

H. Definitions beginning with “H”:

(1) **“Homeopathic medicine”** means a system of medicine based on the use of infinitesimal doses of substances capable of producing symptoms similar to those of the disease treated, as listed in the homeopathic pharmacopoeia of the United States.

(2) **“Hygiene”** means the use of preventive techniques, including personal hygiene, asepsis, public health and safety.

I. Definitions beginning with “I”: [RESERVED]

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: [RESERVED]

(1) **“Laboratory examination”** means:

(a) phlebotomy;

(b) a clinical laboratory procedure;

(c) an orifical examination;

(d) a physiological function test; or

(e) a screening or test that the board has authorized naturopathic doctors to perform,

when indicated, which results are interpreted by the naturopathic doctor;

(2) **“Legend drug”** means an FDA approved prescription drug including an unscheduled dangerous drug.

(3) **“License”** means a license issued by the board to an individual pursuant to the Naturopathic Doctors' Practice Act and board rules authorizing that individual to practice naturopathic medicine in the state;

(4) **“Licensee”** means a naturopathic doctor licensed by the board to practice naturopathic medicine in the state;

M. Definitions beginning with “M”:

(1) **“Major disaster”** means a declaration of a major disaster by the federal emergency management agency (FEMA).

(2) **“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.

(3) **“Minor office procedure”** means minor surgical care and procedures, including:

(a) surgical care incidental to superficial laceration, lesion or abrasion, excluding surgical care to treat a lesion suspected of malignancy;

(b) the removal of foreign bodies located in superficial structures, excluding the globe of the eye;

(c) trigger point therapy on myofascial trigger points including manual techniques, insertion of filiform needles or trigger point injections directly in the trigger point; excluding deep muscle bodies, visceral, and distal acupuncture meridian therapy;

(d) dermal stimulation;

(e) allergy testing and treatment;

(f) the use of antiseptics and topical or local anesthetics;

- (g) wound care;
- (h) diabetic foot care; and
- (i) injections as referenced in Subparagraph (h) of Paragraph (2) of Subsection A of

16.10.22.11 NMAC.

N. Definitions beginning with “N”:

(1) **"Naturopathic doctor"** means an individual licensed pursuant to the Naturopathic Doctors' Practice Act as a naturopathic doctor to practice naturopathic medicine in the state;

(2) **"Naturopathic medicine"** means:

(a) a system of health care for the prevention, diagnosis and treatment of human health conditions, injury and disease;

(b) the promotion or restoration of health; and

(c) the support and stimulation of a patient's inherent self-healing processes through patient education and the use of naturopathic therapies and therapeutic substances;

(3) **"Naturopathic physical medicine"** means the use of one or more of the following physical agents in a manner consistent with naturopathic medical practice on a part or the whole of the body, by hand or by mechanical means, in the resolution of a human ailment or conditions:

(a) air;

(b) water;

(c) heat;

(d) cold;

(e) sound;

(f) light;

(g) electromagnetism;

(g) colon hydrotherapy;

(i) soft tissue therapy;

(j) joint mobilization;

(k) therapeutic exercise; or

(l) naturopathic manipulation within the scope of the naturopathic doctor's

education;

(4) **"Naturopathic therapy"** means the use of:

(a) naturopathic physical medicine;

(b) suggestion;

(c) hygiene;

(d) a therapeutic substance;

(e) a legend drug;

(f) nutrition and food science;

(g) homeopathic medicine;

(h) a clinical laboratory procedure;

(i) a minor office procedure; or

(j) mental health and substance use screening and referral.

(5) **"Nutrition and food science"** means the prevention and treatment of disease or other human conditions through the use of food, water, herbs, roots, bark or natural food elements;

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:

(1) **"Prescription"** has the same meaning as set forth in Section 26-1-2 NMSA 1978;

(2) **“Primary care”** means health care provided by a healthcare provider who typically acts as the first contact and principal point of continuing care for patients and coordinates other specialist care or services that the patient may require. Primary care providers are trained in non-specialty internal medicine and pediatrics, family medicine, general internal medicine, geriatrics (gerontology), general obstetrics and gynecology and general pediatrics, and refer to specialists when those services are warranted.

(3) **"Professional examination"** means a competency- based national naturopathic doctor licensing examination administered by the North American board of naturopathic examiners (NABNE), whose board has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training;

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”:

(1) **“Renewal date”** means the deadline date upon which the license shall be made valid again for another period of time without a penalty fee.

(2) **“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 naturopathic doctor license pursuant to 16.10.22.20 NMAC. The veteran shall submit a copy of Form DD214, or its equivalent, as part of the application process.

S. Definitions beginning with “S”: **“Suggestions”** means counseling techniques using: (1) biofeedback, (2) hypnosis, (3) health education, (4) health counseling; or (5) therapeutic lifestyle changes.

T. Definitions beginning with “T”: **“Therapeutic substance”** means any of the following exemplified in a standard naturopathic medical text, journal or pharmacopeia: (1) a vitamin, (2) a mineral, (3) a nutraceutical, (4) a botanical medicine, (5) oxygen, (6) a homeopathic medicine, (7) a hormone, (8) a hormonal or pharmaceutical contraceptive device; or, (9) other physiologic substance.

[16.10.22.7 NMAC- N, 3/24/2020; A/E, 4/17/2020]

16.10.22.8 COUNCIL DUTIES: The council shall develop guidelines for the board to consider for rulemaking with regard to:

A. regulating the licensure of naturopathic doctors and determining the hours of continuing education units required for maintaining licensure as a naturopathic doctor;

B. prescribing the manner in which records of examinations and treatments shall be kept and maintained;

C. establishing standards for professional responsibility and conduct;

D. identifying disciplinary actions and circumstances that require disciplinary action;

E. developing a means to provide information to all licensees in the state;

F. providing for the investigation of complaints against licensees or persons holding themselves out as naturopathic doctors in the state;

G. providing for the publication of information for the public about licensees and the practice of naturopathic medicine in the state;

H. providing for an orderly process for reinstatement of a license;

I. establishing criteria for advertising or promotional materials;

J. establishing by rule, in accordance with the Naturopathic Doctors' Practice Act:

(1) continuing education hours and content;

(2) standards for the state jurisprudence examination;

(3) schedules for providing licensing examinations and for the issuance of examination

results;

(4) procedures and standards for reviewing licensing examination scores; and

(5) procedures for reviewing transcripts demonstrating completion of the approved

naturopathic medical educational program;

K. the requirements for issuance and renewal of licenses; and

L. any other matter necessary to implement the Naturopathic Doctors' Practice Act.

[16.10.22.8 NMAC - N, 3/24/2020]

16.10.22.9 QUALIFICATIONS FOR LICENSURE AS A NATUROPATHIC DOCTOR:

A. Graduation from an approved naturopathic medical educational program; an approved program shall offer graduate-level, full time didactic and supervised clinical training; be accredited, or shall have achieved candidacy status for accreditation, by the council on naturopathic medical education or an equivalent federally recognized accrediting body for naturopathic medical programs that is also recognized by the board; and be conducted by an institution, or division of an institution of higher education, that is accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the United States secretary of education or meets equivalent standards for recognition of accreditation established in rules of the board for medical education programs offered in Canada.

B. passed NPLEX Part I (biomedical science examination), NPLEX Part II (core clinical science examination) and NPLEX clinical elective examination in minor surgery and pharmacology;

C. passed a state jurisprudence examination;

D. demonstrate 20 moral and professional character;

E. possess professional liability insurance, 1 million per single claim and 3 million per policy period;

F. be physically and mentally capable of safely practicing naturopathic medicine with or without

reasonable accommodation;

G. has not had a license to practice naturopathic medicine or other healthcare license registration or certificate refused, revoked or suspended by any other jurisdiction for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license, registration or certification has been restored to good standing by that jurisdiction; and

H. any other proof of competency as may be requested by the board.

[16.10.22.9 NMAC - N, 3/24/2020]

16.10.22.10 LICENSURE PROCESS: Each applicant for a license as a naturopathic doctor shall submit the required fees and following documentation:

A. A completed application for which the applicant has supplied all information and correspondence requested by the board on forms and in a manner acceptable to the board. Applications are valid for one year from the date of receipt.

B. Two letters of recommendation from a naturopathic doctor or physician licensed to practice medicine in the United States, who have personal knowledge of the applicant's moral character and competence to practice.

C. Verification of licensure in all states where the applicant holds or has held a license to practice as a naturopathic doctor, or other health care profession. Verification must be sent directly to the board from the other state board(s).

D. Verification of all work experience in the last two years, if applicable, provided directly to the board.

E. Naturopathic medical education verification from an approved program must be provided directly to the board from the degree granting institution.

F. Verification of passage of board approved professional examinations must be provided directly to the board from NABNE.

G. Verification of passage of a board approved state jurisprudence examination.

H. Verification of professional liability insurance.

I. All applicants for initial licensure as a naturopathic doctor are subject to a state and national criminal history screening at the applicant's expense.

(1) Applications for licensure will not be processed until receipt of the criminal history screening.

(2) If the criminal background screening reveals a criminal arrest or charge, the applicant/licensee will be notified to submit copies of legal documents and other related information to the board.

Failure to report a criminal arrest or charge is a violation of the Medical Practice Act.

[16.10.22.10 NMAC - N, 3/24/2020]

16.10.22.11 SCOPE OF PRACTICE:

A. A licensee may practice naturopathic medicine to provide primary care, as "primary care" is defined in rules of the board, as follows:

(1) in collaboration with a physician licensed pursuant to the Medical Practice Act Chapter 61, Article 6 NMSA 1978 or the Osteopathic Medicine Act Chapter 61, Article 10 NMSA 1978; and

(2) in alignment with naturopathic medical education to:

(a) perform physical examinations;

(b) order laboratory examinations;

(c) order diagnostic imaging studies;

(d) interpret the results of laboratory examinations for diagnostic purposes;

(e) order and, based on a radiologist's report, take action on diagnostic imaging studies in a manner consistent with naturopathic training;

(f) prescribe, administer, dispense and order the class of drugs that excludes the natural derivatives of opium, which are morphine and codeine, and related synthetic and semi-synthetic compounds that act upon opioid receptors;

(g) after passing a pharmacy examination authorized by rules of the board, prescribe, administer, dispense and order:

(i) all legend drugs; and

(ii) testosterone products and all drugs within Schedules III, IV and V of the Controlled Substances Act Chapter 30, Article 31 NMSA 1978, excluding all benzodiazepines, opioids and

opioid derivatives;

- (h) administer intramuscular, intravenous, subcutaneous, intra-articular and intradermal injections of substances appropriate to naturopathic medicine;
- (i) use routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, intra-articular and intramuscular consistent with the education and training of the naturopathic doctor;
- (j) perform naturopathic physical medicine;
- (k) employ the use of naturopathic therapy; and
- (l) use and prescribe therapeutic devices, barrier contraception, intrauterine devices, hormonal and pharmaceutical contraception and durable medical equipment.

B. This does not imply that supervision by a physician is required, rather that professional communication and collaboration is required between all healthcare providers for continuity of care in accordance with HIPAA regulations.

[16.10.22.11 NMAC - N, 3/24/2020]

16.10.22.12 PRACTICE LIMITATIONS: A licensee shall not:

- A.** provide care outside of the scope of primary care, as that term is defined in rules of the board;
- B.** perform surgery outside of the scope of minor office procedures permitted in the employment of naturopathic therapy;
- C.** use general or spinal anesthetics;
- D.** administer ionizing radioactive substances for therapeutic purposes;
- E.** perform a surgical procedure using a laser device;
- F.** perform a surgical procedure involving any of the following areas of the body that extend beyond superficial tissue:
 - (1) eye;
 - (2) ear;
 - (3) tendon;
 - (4) nerves;
 - (5) veins; or
 - (6) artery;
- G.** perform a surgical abortion;
- H.** treat any lesion suspected of malignancy or requiring surgical removal; or
- I.** perform acupuncture, unless licensed, certified or registered under other laws of this state.

[16.10.22.12 NMAC - N, 3/24/2020]

16.10.22.13 DISCIPLINARY ACTION

A. Any violation of these rules may subject the licensee to disciplinary action by the board utilizing the guidelines recommended by the naturopathic advisory council.

B. Any violation of 61-6-15 NMSA 1978 of the Medical Practice Act may subject the licensee to disciplinary action by the board.

[16.10.22.13 NMAC - N, 3/24/2020]

16.10.22.14 LICENSE EXPIRATION, RENEWAL, CHANGE OF STATUS:

A. Naturopathic doctor's licenses expire on March 1 three years following initial licensure or last renewal. To avoid additional penalty fees, a completed renewal application, accompanied by the required fees, proof of continuing medical education, and other documentation must be submitted via electronic means, post-marked or hand-delivered on or before March 1 of the expiration year. A New Mexico naturopathic doctor's license that has not been renewed by March 1 of the renewal year will remain temporarily active with respect to medical practice until May 1 of the renewal year at which time, the license is automatically administratively suspended for non-renewal and the status shall be changed to lapsed.

B. The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to assure the board has accurate address information and to make a timely request for the renewal application if one has not been received prior to license expiration.

C. Renewal applications postmarked or hand-delivered after March 1 but prior to April 15 must be accompanied by the completed renewal application, proof of continuing medical education, the renewal fee and late fee indicated in 16.10.9 NMAC.

D. Renewal applications postmarked or hand-delivered on or after April 16 but prior to May 1 must be accompanied by the completed renewal application, proof of continuing medical education, the renewal fee and late fee indicated in 16.10.9 NMAC.

E. A naturopathic doctor who has not completed the required continuing medical education, prior to the date of license expiration may apply to the board for an emergency deferral of the requirement. A designee of the board may grant deferrals of up to 60 days.

(1) A naturopathic doctor who is granted an emergency deferral shall pay the renewal fee and additional late fee indicated in 16.10.9 NMAC.

(2) The license of a naturopathic doctor who is granted an emergency deferral shall expire three years after the original renewal date, regardless of the duration of the emergency deferral.

F. The board shall suspend for non-renewal and change the status to lapsed on May 2 of the renewal year, the license of any naturopathic doctor who has failed within 60 days after the license renewal date to renew their license, or to change the license status, or to pay all required fees, or to comply with the boards continuing medical education requirements, or to provide required documentation, or to request an emergency deferral.

G. At the time of license renewal a naturopathic doctor may request a status change.

(1) A license that is placed on inactive status requires payment of a fee as defined in 16.10.9 NMAC. A license in inactive status is not valid for practice in New Mexico but may be reinstated in accordance with the provisions in Subsection H of 16.10.22.14 NMAC and Subsection I of 16.10.22.14 NMAC.

(2) On request, a license may be placed on retired status. There is no charge for this change in status. A retired license is not valid for practice in New Mexico and such license may not subsequently be reinstated. A naturopathic doctor with a retired license who chooses to return to medical practice must re-apply as a new applicant.

(3) A naturopathic doctor who does not wish to renew the active license in New Mexico and will voluntarily allow the license to lapse may inform the board of the wish not to renew. A voluntarily lapsed license is not valid for practice in New Mexico but may be reinstated in accordance with the provisions of Subsection H of 16.10.22.14 NMAC and Subsection I of 16.10.22.14 NMAC.

H. Reinstatement within two years. An inactive, lapsed, voluntarily lapsed or administratively suspended license may be placed on active status upon completion of a renewal application in which the applicant has supplied all required fees and proof of continuing medical education.

I. Reinstatement after two years. An inactive, lapsed, voluntarily lapsed or administratively suspended license may be placed on active status upon completion of a reinstatement application for which the applicant has supplied all required fees, information and correspondence requested by the board on forms and in a manner acceptable to the board.

J. Reinstatement applications will be subject to a one-time nationwide and statewide criminal history screening, at the applicant's expense.

(1) Reinstatement applications will not be processed until receipt of the criminal background check.

(2) If the nationwide or statewide criminal background screening reveals a felony or a violation of the Medical Practice Act, the licensee will be notified to submit copies of legal documents and other related information to the board which will make the determination if the applicant is eligible for licensure or if disciplinary action will be taken.

[16.10.22.14 NMAC - N, 3/24/2020]

16.10.22.15 CONTINUING MEDICAL EDUCATION HOURS REQUIRED:

A. 75 hours of continuing medical education (CME) are required for all naturopathic doctor licensees during each triennial renewal cycle. CME may be earned at any time during the licensing period, immediately preceding the triennial renewal date. The 75 hours of CME must include:

(1) One hour of required CME must be earned by reviewing the naturopathic doctor practice act and these board rules. Naturopathic doctors must certify that they have completed this review at the time they submit their triennial renewal application.

(2) Five hours of CME in pain management are required as set forth in Subsections A and B of 16.10.14.11 NMAC and may apply toward the 75 hours required in Subsection A of this section and may be included as part of the required CME hours in either the triennial cycle in which these hours are completed, or the triennial cycle immediately thereafter. Each subsequent triennial renewal cycle shall include five hours of CME in pain management.

(3) 10 hours of CME in pharmacology are required and may be applied toward the 75 hours

required in Subsection A of this section.

B. 10 hours of CME are required annually to maintain an inactive license.

C. The board accepts one credit hour for every clock hour of participation in a CME activity. CME credit will be rounded to the nearest quarter hour.

[16.10.22.15 NMAC - N, 3/24/2020]

16.10.22.16 ALLOWED COURSES AND PROVIDERS:

A. The board recognizes any CME course that has been certified by the AMA, AOA, NMOMA, ACCME, ACPE, FNMRA, AANP and NMANP.

B. POST GRADUATE EDUCATION: A maximum of 75 credit hours in any three-year reporting period are allowed for participation in a council on naturopathic medical education (CNME) approved postgraduate education program. This category includes CNME approved residencies and fellowships.

C. ADVANCED DEGREES: 40 credit hours are allowed for each full academic year of study toward an advanced degree in a medical field or a medically related field as approved by the board.

D. TEACHING: One credit hour is allowed for each hour of teaching naturopathic medical students or naturopathic doctors in a CNME approved residency or for teaching in other programs approved by the board for a maximum of 40 credit hours in any three-year reporting period.

E. PRECEPTORS: A maximum of 30 hours of credit during a three-year reporting period is acceptable for licensed naturopathic doctors who are acting as preceptors for students enrolled in a naturopathic medical school or as preceptors for students enrolled in a licensed healthcare professional degree program.

F. PAPERS AND PUBLICATIONS: 10 hours of credit are allowed for each original medical paper or publication written by a licensee. For acceptance, papers must have been presented to a recognized national, international, regional or state society or organization whose membership is primarily healthcare providers; or must have been published in a recognized medical or medically related journal. Material used in a paper or publication may be given credit one time. A maximum of 30 hours credit may be claimed during each three-year reporting period.

G. ADVANCED LIFE SUPPORT: Credit may be claimed during each three-year reporting period for successful completion of ACLS (advanced cardiac life support), PALS (pediatric advanced life support), ATLS advanced trauma life support, NALS (neonatal advanced life support), and (advanced life support in obstetrics) courses.

H. EXPERT REVIEW: Credit may be claimed by naturopathic doctors who provide expert services by reviewing investigation cases for the board. A maximum of 10 credit hours in any three-year reporting period are allowed for providing expert review.

I. NPLEX: One credit hour for every clock hour will be given for participating in the naturopathic physicians licensing examination committees for the development and writing of NPLEX examinations.

J. RESEARCH: Credit may be given for a maximum of 40 hours of CME in each three year reporting period for research related to the advancement of naturopathic medicine for a recognized educational or medical institution or organization.

K. PRESENTATIONS: Credit may be given for a maximum of 20 hours of CME in a three year reporting period for professional level, health related presentations offered to the public with an emphasis on disease self management and preventive behaviors.

[16.10.22.15 NMAC - N, 3/24/2020]

16.10.22.16 VERIFICATION OF CME:

A. Each naturopathic doctor renewing a license shall attest that they have obtained the required hours of CME. The board shall select renewal applications for audit to verify completion of acceptable CME. The board may audit CME records at any time. Licensees must maintain full and accurate CME records, including verification of attendance, for a period of at least six years.

B. The board, or a designee of the board, may offer any naturopathic doctor who is unable to provide required documentation upon request a settlement in lieu of initiating disciplinary action. Settlements may include a letter of reprimand and a \$500 fine, reportable to the healthcare integrity and protection data bank.

C. Any naturopathic doctor who fails to respond to a CME audit constitutes unprofessional and dishonorable conduct for failure to provide the board with information requested by the board. Potential sanctions include fines, letters of reprimand, or license suspension or revocation.

[16.10.22.16 NMAC - N, 3/24/2020]

16.10.22.17 ACCEPTABLE DOCUMENTATION OF CME INCLUDES:

- A.** Photocopies of original certificates or official letters from course sponsors or online providers.
 - B.** Resident and fellowship CME hours must be documented and attested to either by the dean of the medical school, the course director, or an equivalent authority.
 - C.** Advanced degree studies must be documented and attested to either by the dean of the medical school, the course director, or an equivalent authority.
 - D.** Teaching hours must be documented and attested to either by the dean of the school, the course director, or an equivalent authority.
 - E.** Preceptor hours must be documented and attested to either by the dean of the professional school, the course director, or an equivalent authority.
 - F.** Papers or publications must be documented with a copy.
 - G.** Research verification documentation must include the type of research conducted, purpose and summary of research, dates of participation and disclosure of any fiduciary relationships.
 - H.** Presentation credit is determined by actual presentation hours for an initial course or initial seminar offering, and up to three hours for preparation for each hour of the presentation.
- [16.10.22.17 NMAC - N, 3/24/2020]

16.10.22.18 CONTINUING MEDICAL EDUCATION APPROVAL:

- A.** CME providers are any organization or individual offering CME to naturopathic doctors. CME approval requests must consist of educational activities that serve to maintain, develop or increase the knowledge, skills and professional performance and relationships of naturopathic doctors in services for patients, the public and the profession. CME must offer education and skills recognized and accepted by the profession in areas pertaining to research, basic medical sciences, clinical practice, or public health care.
- B.** CME approval submissions will not be considered for programs that:
 - (1) misrepresent or mislead the end result or skill obtained by the education or training offered;
 - (2) are proprietary in nature, promoting exclusive services, companies or products;
 - (3) are community service oriented in nature;
 - (4) are nonprofessional health related programs presented by a lay person(s);
 - (5) are nonprofessional health related programs directed to the lay public;
 - (6) are not relevant to the scope of practice of naturopathic medicine.
 - (7) pertain to personal-growth/ personal-help;
 - (8) pertain to practice building; or
 - (9) pertain to medical or insurance billing;

[16.10.22.18 NMAC - N, 3/24/2020]

- C.** CME Providers (CMEP) must complete and submit a CME approval request prior to advertising or promoting the event.
 - (1) CMEP approval requests must be received by the board at least 12 weeks before the event offering.
 - (2) CMEP approval requests must be submitted on an application form provided by the Board and contain the following:
 - (a) title of the program;
 - (b) syllabus or course outline for all offerings in the program;
 - (c) pharmacology and pain management hours must be delineated in each request with supporting documentation;
 - (d) date(s);
 - (e) start and end time for individual presentations;
 - (f) total hours for entire program;
 - (g) location(s) of presentation;
 - (h) each presenter must be a naturopathic doctor, other licensed physician, or other professionally recognized health care provider with expertise in the subject matter; and
 - (i) presenter must disclose to the board and at the beginning of each presentation any fiduciary or other conflict of interests.
 - (3) CMEP must maintain attendance records for all approved presentations for a period of six years.

(4) Any changes to an already approved program, including but not limited to, presenter, content, and length of program or sponsorship must be submitted for approval by the board within two weeks of the changes. Any submission received after this time may be retroactively denied approval.

(5) The board reserves the right to decline for consideration programs that are not submitted with adequate documentation.

(6) Approved CMEP's are valid for three years, if there are no substantive changes to the program.

(7) It is the CMEP's responsibility to make a new application on a triennial basis from the date of original approval.

(8) A CMEP that has been submitted to the Board with inaccurate or misleading information may retroactively lose CME approval for the program, even if the program has already occurred.

(9) At its discretion, the board may appoint a member of the board or other designee to audit, by attendance, any program in order to verify appropriateness for approval of CME hours.

(10) If a program has been denied approval, the provider may submit a request for review by the Board with additional substantiating documentation.

[16.10.22.18 NMAC - N, 3/24/2020]

16.10.22.19 EMERGENCY DEFERRAL: A naturopathic doctor unable to fulfill the CME requirements prior to the date of license expiration may apply to the board for an emergency deferral of the requirements by submitting a request in writing no later than March 1 of the renewal year. A designee of the board may grant a deferral of up to 60 days. In case of illness or other documented circumstances, the board may grant an additional extension of time in which the necessary credits may be earned. The request must be made in writing prior to the end of the emergency deferral and must be approved by the board.

[16.10.22.19 NMAC - N, 3/24/2020]

16.10.22.20 EXPEDITED MEDICAL LICENSURE FOR MILITARY AND SPOUSES LICENSED IN ANOTHER JURISDICTION: If a military service member, the spouse of a military service member, or a recent veteran submits an application for a naturopathic doctor license and is a qualified applicant pursuant to this part, the board shall expedite the processing of such application and issue the appropriate license as soon as practicable. Any qualified applicant seeking expedited consideration pursuant to this section shall submit a copy of form DD214 or its equivalent or verification of active military status with their application.

[16.10.22.20 NMAC - N, 3/24/2020]

16.10.22.21 EXEMPTION FROM LICENSURE: Nothing in the Naturopathic Doctors' Practice Act shall be construed to prohibit or to restrict:

A. the practice of a health care profession by an individual who is licensed, certified or registered under other laws of this state and who is performing services within the individual's authorized scope of practice;

B. the practice of naturopathic medicine by a student enrolled in an approved naturopathic medical educational program; provided that the practice of naturopathic medicine by a student is performed pursuant to a course of instruction or an assignment from an instructor and under the direct supervision of the instructor who is a licensee or a duly licensed professional in the instructed field;

C. any person that sells a vitamin or herb from providing information about the vitamin or herb;

D. the practice of naturopathic medicine by persons who are licensed to practice in any other state or district in the United States and who enter this state to consult with a naturopathic doctor of this state; provided that the consultation is limited to examination, recommendation or testimony in litigation; or

E. any person or practitioner who is not licensed as a naturopathic doctor from recommending ayurvedic medicine, herbal remedies, nutritional advice, homeopathy or other therapy that is within the scope of practice of the Unlicensed Health Care Practice Act 61-35-1 through 61-35-8 NMSA 1978; provided that the person or practitioner shall not:

(1) use a title protected pursuant to 61-12G-10 NMSA 1978 of the Naturopathic Doctors' Practice Act;

(2) represent or assume the character or appearance of a licensee; or

(3) otherwise use a name, title or other designation that indicates or implies that the person is a licensee.

[16.10.22.21 NMAC - N, 3/24/2020]

16.10.22.22 OTHER NEW MEXICO MEDICAL BOARD RULES THAT PERTAIN TO THE

LICENSURE OF NATUROPATHIC DOCTORS:

- A.** Title 16, Chapter 10, Part 5 - Disciplinary Power of the Board.
 - B.** Title 16, Chapter 10, Part 6 - Complaint Procedure & Institution of Disciplinary Action.
 - C.** Title 16, Chapter 10, Part 8 - Medical Ethics.
 - D.** Title 16, Chapter 10, Part 9 - Fees.
 - E.** Title 16, Chapter 10, Part 10 - Report of Settlements, Judgements, Adverse Actions & Credentialing Discrepancies.
 - F.** Title 16, Chapter 10, Part 13 - Delegated Use of Devices and Procedures by Medical Assistants; Cosmetic Injections.
 - G.** Title 16, Chapter 10, Part 14 - Management of Chronic Pain with Controlled Substances.
 - H.** Title 16, Chapter 10, Part 17 - Management of Medical Records.
- [16.10.22.22 NMAC - N, 3/24/2020]

16.10.22.23 PROVISIONS FOR NATUROPATHIC DOCTOR LICENSURE DURING A DECLARED

DISASTER. 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 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. The board may waive specific requirements in Subsections B, D and G of 16.10.22.10 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area.

B. 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 March 1 following the date of issue, pursuant to 16.10.22.14 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 naturopathic doctor license.

C. License renewal. The temporary federal emergency license may be renewed one time for a period of not more than twelve months with a prorated fee of \$120.00, provided the federal emergency is still in effect.

[16.10.22.23 NMAC – N/E, 4/17/2020]

HISTORY: [RESERVED]