

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 12 NURSING AND HEALTH CARE RELATED PROVIDERS
PART 1 GENERAL PROVISIONS

16.12.1.1 ISSUING AGENCY: New Mexico Board of Nursing.
[16.12.1.1 NMAC - Rp, 16.12.1.1 NMAC, 12/30/2021]

16.12.1.2 SCOPE: These rules apply to the board and all those licensed by or subject to the jurisdiction of the board.
[16.12.1.2 NMAC - Rp, 16.12.1.2 NMAC, 12/30/2021]

16.12.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Nursing Practice Act, Sections 61-3-1 to -30 NMSA 1978 and the Lactation Care Provider Act, Sections 61-36-1 to -6 NMSA 1978.
[16.12.1.3 NMAC - Rp, 16.12.1.3 NMAC, 12/30/2021]

16.12.1.4 DURATION: Permanent.
[16.12.1.4 NMAC - Rp, 16.12.1.4 NMAC, 12/30/2021]

16.12.1.5 EFFECTIVE DATE: December 30, 2021, unless a later date is cited at the end of a section.
[16.12.1.5 NMAC - Rp, 16.12.1.5 NMAC, 12/30/2021]

16.12.1.6 OBJECTIVE: The objective of Part 1 is to promote, preserve and protect the public health, safety and welfare by regulating the practice of nursing, lactation care providers, certified medication aides, certified hemodialysis technicians, approve schools of nursing and medication aide and hemodialysis technician training programs in the state.
[16.12.1.6 NMAC - Rp, 16.12.1.6 NMAC, 12/30/2021]

16.12.1.7 DEFINITIONS:

A. Definitions beginning with the letter A:

(1) **“administration of medications”**, means a process whereby a prescribed drug or biological agent is given to a patient/client by a person licensed or certified by the board to administer medications;

(2) **“advanced practice registered nurse”, (APRN)**, means the practice of professional registered nursing by a registered nurse who has been prepared through additional formal education as provided in Sections 61-3-23.2 through 61-3-23.4 NMSA 1978 to function beyond the scope of practice of professional registered nursing, including certified nurse practitioners, certified registered nurse anesthetists and clinical nurse specialists;

(3) **“anesthetics”**, means a substance that causes entire or partial loss of the feeling of pain, temperature, or other sensations with or without the loss of consciousness to induce a state of anesthesia. Anesthetics have no reversal agents and may impair ventilatory and cardiovascular function. This definition does not apply to local or topical anesthetics.

B. Definitions beginning with the letter B: “board” means the New Mexico board of nursing.

C. Definitions beginning with the letter C:

(1) **“certificate”**, means a legal document granting permission to an unlicensed person to perform specific functions considered the practice of nursing;

(2) **“certificate of completion”**, means a piece of paper or diploma awarded after the completion of an educational or vocational training. A certificate of attendance or completion does not convey mastery and is often followed by clinical demonstration to confirm knowledge transfer; the presence of a certificate alone does not mean certification or certified.

(3) **“certification”**, means approving a professional for their eligibility for a role by an authority; it is evidence of mastery of knowledge and skills, such as national standards, by passing an exam or meeting industry standards; it requires ongoing continuing education and demonstration of competence in the specialty field; a licensee with a certification can be said to be certified.

(4) **“CEU”, is the abbreviation for continuing education unit;**

(5) **“CHT”, is the abbreviation for certified hemodialysis technician;**

(6) **“CMA”, is the abbreviation for certified medication aide;**

(7) **“client”**, means any person domiciled, residing, or receiving care, service or treatment from a licensed nurse, licensed lactation care provider, or certified unlicensed assistive person. This includes but is not limited to patients, residents, or consumers;

(8) **“competency”**, competency in nursing is the ability to perform skillfully and proficiently the role of the licensee; the role encompasses essential knowledge, judgment, attitudes, values, skills and abilities, which are varied in range and complexity; competency is a dynamic concept and is based on educational training, preparation, and expertise;

(9) **“contact hour”**, means the unit of measurement describing an approved and organized learning experience equivalent to 60 clock minutes;

(10) **“continuing education”**, means planned learning experiences beyond a basic nursing education program. These experiences are designed to promote the development of knowledge, skills and attitudes for the enhancement of nursing practice, thus improving health care to the public;

(11) **“continuing education unit”**, means 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction;

(12) **“coordinated licensure information system”**, means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

D. Definitions beginning with the letter D: “delegation”, means the act of transferring to a competent individual the authority to perform a selected nursing task in a selected situation. The nurse retains accountability of the delegation.

E. Definitions beginning with the letter E:

(1) **“educational institution”**, means an institution within the educational system which is organized and accredited for teaching and study (university, high school, post-secondary, approved area vocational institution);

(2) **“engaged in nursing”**, means being employed, engaged, or holding a position which requires licensure or in which the maintenance of licensure as a nurse is expected;

(3) **“expedited license”**, whether by examination, endorsement, credential or reciprocity, means a license issued to a person in this state based on licensure in another state or territory of the United States, the District of Columbia or a foreign country, as applicable, pursuant to the Uniform Licensing Act and the Nursing Practice Act.

F. Definitions beginning with the letter F: [RESERVED]

G. Definitions beginning with the letter G:

(1) **“good standing”**, means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license or registration.

(2) **“guardian”**, means someone other than a patient, including an agent, surrogate or guardian, authorized to make health-care decisions for the patient under the uniform health-care decisions act or other applicable law;

H. Definitions beginning with the letter H: [RESERVED]

I. Definitions beginning with the letter I: “initial license”, means the first regular license received from a board for a person who has not been previously licensed;

J. Definitions beginning with the letter J: “jurisdiction”, the licensure or regulatory authoritative body for nursing within a specific geographic area for which there is endorsement in New Mexico.

K. Definitions beginning with the letter K: [RESERVED]

L. Definitions beginning with the letter L:

(1) **“lapsed status”**, means a license which was not renewed by the expiration date on the license;

(2) **“letter of authorization”**, a document issued by the board which authorizes an individual to practice nursing in New Mexico under the auspices of an approved preceptorship for an advanced nursing expanded scope of practice prescriptive authority or for an advanced practice nurse from a compact state;

(3) **“license”**, means a legal document granting permission to a person to perform specific functions considered the practice of nursing or other activity regulated by the board, which may also include a certificate or other type of authorization.

M. Definitions beginning with the letter M: “monitoring system”, a mechanism whereby programs may be approved for CE hours within a geographic area.

N. Definitions beginning with the letter N:

(1) **“national licensing examination”**, means the examination for licensure as provided by the national council of state boards of nursing, inc.;

(2) **“National practitioner data bank”**, means the database operated by the U.S. department of health and human services that contains medical malpractice payment and adverse action reports on health care professionals;

O. Definitions beginning with the letter O: [RESERVED]

P. Definitions beginning with the letter P:

(1) **“permit-to-practice”**, a document conferring the privilege to practice at a specific place of employment, under the direct supervision of a licensed RN, APRN, physician, osteopathic physician, dentist, or podiatrist; such permits will carry set expiration dates, are not renewable and are not transferable;

(2) **“preceptor”**, an individual at or above the level of licensure that an assigned student is seeking, who may serve as a teacher, mentor, role model or supervisor in a clinical setting;

(3) **“prescriptive authority”**, means the authority under state and federal law to prescribe, administer, monitor or modify dangerous drug therapy.

Q. Definitions beginning with the letter Q: [RESERVED]

R. Definitions beginning with the letter R:

(1) **“reactivation”**, means the process of making active an existing license which has lapsed or is otherwise inactive;

(2) **“refresher course”**, means a formal program that has both didactic and clinical components designed to prepare a nurse who has been out of practice to re-enter the profession;

(3) **“reinstatement”**, means the process whereby a license which has been subject to revocation or suspension, is returned to its former status by board action, which may require filing of a form and payment of a reinstatement fee;

(4) **“relicensure”**, the process of renewal, reactivation or reinstatement of a New Mexico nursing license.

S. Definitions beginning with the letter S:

(1) **“sedation”**, means the administration of medications to produce various levels of calmness, relaxation, or sleep. The various levels include:

(a) **“Minimum sedation/anoxiolysis,”** means a drug-induced state during which patients respond normally to verbal commands, may have impaired cognitive function or coordination but respiratory and cardiovascular functions remain stable:

(b) **“Moderate sedation/analgesia (also known as conscious sedation),”** means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained:

(i) **“deep sedation,”** means a drug-induced depression of consciousness, during which a patient cannot be easily aroused but responds purposefully, following repeated or painful stimulation. While cardiovascular function is usually maintained, the ability to independently maintain respiratory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate resulting in intubation and mechanical ventilation. Reflex withdrawal from a painful stimulus is *not* considered a *purposeful* response;

(ii) **“general anesthesia,”** means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. General anesthesia affects the patient’s ability to maintain an adequate airway and respiratory function, and may impair cardiovascular function;

(iii) **“palliative sedation,”** means the monitored use of medications at end of life intended to provide relief of intolerable and refractory symptoms but not to intentionally hasten death. A refractory symptom is one that cannot be controlled in a tolerable time frame despite use of therapies and seems unlikely to be controlled by further therapies without excessive or intolerable acute or chronic side effects/complications.

(2) **“successful completion”**, means the completion of all required courses with a passing letter grade of “C” or higher, course with pass or fail must have a “pass” for successful completion;

(3) **“supervision/direction”**, means initial verification of a person’s knowledge and skills in the performance of a specific function or activity followed by periodic observation, direction and evaluation of that person’s knowledge and skills as related to the specific functions or activity.

T. Definitions beginning with the letter T: “temporary license”, a non-renewable, non-transferable document indicating a legal privilege to practice as a RN, LPN, CNP, CNS or CRNA, on a conditional basis for a specific period of time.

U. Definitions beginning with the letter U:

(1) “unencumbered”, means the absence of a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board;

(2) “unlicensed assistive personnel”, (UAP) means unlicensed support staff that registered nurse may appropriately delegate tasks to, such as a nursing assistant, nurse technician, or medical assistant.

V. Definitions beginning with the letter V: “valid practitioner-patient relationship”, means a professional relationship between the practitioner and the patient for the purpose of maintaining the patient’s well-being. At minimum, this relationship is an interactive encounter between the practitioner and patient involving an appropriate history and physical or mental examination, ordering labs or diagnostic tests sufficient to make a diagnosis and providing, prescribing or recommending treatment, or referring to other health care providers. A patient record must be generated by the encounter.

W. Definitions beginning with the letter W: [RESERVED]

X. Definitions beginning with the letter X: [RESERVED]

Y. Definitions beginning with the letter Y: [RESERVED]

Z. Definitions beginning with the letter Z: [RESERVED]

[16.12.1.7 NMAC - Rp, 16.12.1.7 NMAC, 12/13/2022, A; 5/21/2024]

16.12.1.8 GLOSSARY OF ABBREVIATIONS:

- A.** APRN: Advanced practice registered nurse (i.e. CNP, CNS, CRNA);
- B.** CE: Continuing education;
- C.** CHT: Certified hemodialysis technician;
- D.** CMA: Certified medication aide;
- E.** CNP: Certified nurse practitioner;
- F.** CNS: Clinical nurse specialist;
- G.** COA: Council on accreditation of nurse anesthesia educational program;
- H.** CRNA: Certified registered nurse anesthetist;
- I.** DNP: Doctor of nursing practice;
- J.** GCNS: Graduate clinical nurse specialist;
- K.** GN: Graduate nurse;
- L.** GNP: Graduate nurse practitioner;
- M.** GPN: Graduate practical nurse;
- N.** GRNA: Graduate registered nurse anesthetist;
- O.** LPN: Licensed practical nurse;
- P.** MN: Master’s in nursing;
- Q.** MSN: Master of science in nursing;
- R.** NBCRNA: National board on certification & recertification of nurse anesthetists;
- S.** NCLEX-RN/PN: National council licensing examination - RN/PN;
- T.** NCSBN: National council of state boards of nursing;
- U.** NLNAC: National league for nursing accrediting commission;
- V.** NMSA: New Mexico statutes annotated;
- W.** NPA: Nursing Practice Act;
- X.** RN: Registered nurse;
- Y.** ULA: Uniform Licensing Act.

[16.12.1.8 NMAC - N, 12/13/2022, A, 5/21/2024]

16.12.1.9 MISSION OF THE BOARD: The mission of the board is to promote, preserve and protect the public health, safety and welfare by regulating the practice of nursing, schools of nursing, hemodialysis technicians, medication aides, and lactation care providers in New Mexico. The board is not an advocacy organization but is instead a regulatory body responsible at all times and in all situations for acting in the interest of the public.

[16.12.1.8 NMAC - N, 12/30/2021]

16.12.1.10 BOARD ADMINISTRATION:

- A.** Organization:

(1) The board shall annually elect a chair, vice-chair, and secretary. The term of office begins immediately after the conclusion of the meeting at which the election occurred unless a later date is indicated in the election.

(2) All members of the board, including public members, are eligible to serve as an officer of the board.

B. Executive director:

(1) The board shall hire and employ a qualified registered nurse, who shall not be a member of the board, to serve as executive director.

(2) The executive director shall be accountable to the board for the administration and management of the board office and staff, including but not limited to the board's fiscal operations, records, and management of personnel (including hiring, supervising, and terminating staff).

(3) The executive director, or designee, shall represent the board to the public.

(4) As provided in the Nursing Practice Act, the board shall not delegate to the executive director the power to grant, deny or withdraw approval for schools of nursing or to revoke, suspend or withhold any license authorized by the Nursing Practice Act.

C. Board meetings:

(1) The board shall meet at least once every three months.

(2) The board shall annually review and adopt an open meetings resolution, consistent with the Open Meetings Act, Sections 10-15-1 to 10-15-4 NMSA 1978.

(3) The board shall approve a schedule of regular meeting dates at a regular meeting prior to the beginning of the next calendar or fiscal year. The board shall publish this schedule in its newsletter and on its website.

(4) Individual board members may attend meetings through telephonic or similar communications equipment when it is difficult or impossible for the member to be physically present. Whenever attending a meeting in such a manner, board members must fully comply with all requirements set by the Open Meetings Act and the board's annual open meetings resolution.

D. Signatures: A record, order, contract, or other document requiring a signature from an authorized person on behalf of the board may be signed by the chair, vice-chair, or executive director.
[16.12.1.9 NMAC - Rp, 16.12.1.8 NMAC, 12/30/2021, A, 5/21/2024]

16.12.1.11 AGENCY:

A. Verification of license or certificate:

(1) The board staff shall make informal verification of licensure or certification status available immediately on the board website.

(2) Any employer or other interested person or entity may request informal verification of the status of a license or certificate.

(3) Formal verification of licensure may only be requested through postal mail or fax through the submission of the board's verification request form and remittance of the required fee pursuant to 16.12.2.9 NMAC.

(4) Formal verification of registered nurse or licensed practical nurse licensure for the purposes of another U.S. nursing regulatory body must be requested through the national council of state boards of nursing (NCSBN) web-based system.

B. Reporting of discipline and other licensure matters: The board staff shall complete all required reporting of disciplinary matters and other reportable actions to the national practitioner databank and coordinated licensure information system as required by federal and state law.

[16.12.1.10 NMAC - N, 12/30/2021]

16.12.1.12 COMMITTEES:

A. Advisory function: To assist and advise the board in its functions and mission, the board may appoint and utilize, at its discretion, advisory committees consisting of at least one board member and at least two members that are experts in the pertinent field to assist in the performance of the board's duties pursuant to authority under Section 61-3-10 NMSA 1978 of the Nursing Practice Act. Any committee serving the board shall have a purely advisory role and shall not have any policymaking authority of any kind.

B. Membership: Except as otherwise provided in the board's rules, the board has absolute discretion with respect to the number of individuals who may serve on a committee, provided that in no case shall a quorum of the members of the board serve on a committee.

C. Duties and responsibilities: The board shall annually, at an open meeting, review the duties and responsibilities of each committee and subsequently provide each committee with written objectives to satisfy within the following year.

D. Except as otherwise provided in the board's statute or rules membership is conditioned on the following:

- (1) Committee members serve terms that are no more than two-years each.
- (2) The board may reappoint committee members to serve additional terms.
- (3) Service on a committee is voluntary, and the member may resign from the committee at any time upon written notification to the executive director.
- (4) Advisory committee members may be reimbursed as provided in the per diem and Mileage Act at the approval of the director.
- (5) Termination of membership:
 - (a) Members of committees serve at the pleasure of the board, and the board may remove a member from a committee at any board meeting.
 - (b) The executive director may automatically terminate an individual's membership on a committee if the member fails to attend three consecutive committee meetings.

E. Any committee shall, if ordered by the executive director or the board, meet virtually rather than in person as a means of achieving greater efficiency and productivity.

F. Standing committees: Committees established by rule shall not require reauthorization. Any committee created outside of the rules requires reauthorization of the board each fiscal year.

[16.12.1.12 NMAC - Rp, 16.12.1.11 NMAC, 12/13/2022, A, 5/21/2024]

16.12.1.13 ETHICAL RESPONSIBILITIES OF BOARD MEMBERS, STAFF, AND COMMITTEE MEMBERS:

A. High ethical standards: Pursuant to the mission of the board, all members of the board, employees of the board, and committee members shall act in their official capacities in the interest of the public and not for personal gain or for the benefit of the members of a particular profession.

B. All members of the board, employees of the board, and committee members shall abide by the requirements of the Governmental Conduct Act and all other New Mexico laws governing the ethical conduct of public officers and employees.

C. Code of conduct: The board shall annually adopt, at a regularly scheduled board meeting, a code of conduct for all members of the board, employees of the board, and committee members.

[16.12.1.12 NMAC - N, 12/30/2021, A, 5/21/2024]

16.12.1.14 INFORMATIONAL OBLIGATIONS OF LICENSE AND CERTIFICATE HOLDERS:

A. Use of legal name: A licensee or certificate holder must use the licensee or certificate holder's legal name on all applications and licenses.

B. Name changes:

- (1) A licensee or certificate holder may submit a name change to the board at any time.
- (2) A licensee or certificate holder must submit, as part of any name change request, a copy of one of the following legal documents verifying the name change: a recorded marriage certificate, a divorce decree, or a court order.
- (3) The licensee or certificate holder must continue to use the name on record with the board for work purposes until the board acknowledges the official change of name.

C. Contact information:

- (1) A licensee or certificate holder is obligated to maintain current and accurate contact information on file with the board.
- (2) A licensee or certificate holder shall notify the board within 30 days of a change of the licensee or certificate holder's contact information.
- (3) Failure to disclose a change of mailing or residential address shall constitute grounds for disciplinary action.
- (4) For the purposes of this rule, "contact information" means the licensee or certificate holder's mailing address, residential address, email address, and telephone number.

D. Name and mailing address of employer:

- (1) A licensee or certificate holder is obligated to maintain the current and accurate name and mailing address of the licensee or certificate holder's employer on file with the board.

(2) A licensee or certificate holder shall notify the board within 30 days of any change in the name and address of the licensee or certificate holder's employer.

(3) Failure to disclose a change of the name and mailing address of the licensee or certificate holder's employer shall constitute grounds for disciplinary action.

[16.12.1.13 NMAC - N, 12/30/2021]

HISTORY of 16.12.1 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the state records center & archives under: BON 70-2, Administrative Policy, filed 7/17/1970;

BON 73-1, Rules and Regulations of the Nursing Practice Act, filed 3/13/1973;

BON 78-1, Administrative Rules and Regulations of the New Mexico Board of Nursing, filed 11/02/1978;

BON MANUAL #83-1, Administrative Rules and Regulations of the Board of Nursing, filed 6/13/1983;

BON MANUAL #85-1, Administrative Rules and Regulation of the Board of Nursing, filed 8/13/1985;

BON MANUAL 91-2, Administrative Rules and Regulations of the New Mexico board of nursing, filed 10/09/1991.

History of Repealed Material:

16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions, filed 6/12/2001 - Repealed effective 10/1/2016.

16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions filed 9/1/2016 - Repealed effective 12/30/2021.

Other History: 16 NMAC 12.1, Nursing and Health Care Related Providers - General Provisions, filed 12/10/1997, renumbered, reformatted and amended to 16.12.1 NMAC, General Provisions effective 7/30/2001.

16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions filed 9/1/2016 Replaced 16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions effective 12/30/2021.