

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 22    PSYCHOLOGISTS AND PSYCHOLOGIST ASSOCIATES**  
**PART 21        CONDITIONAL PRESCRIBING OR PRESCRIBING PSYCHOLOGISTS: LIMITS OF PRACTICE**

**16.22.21.1        ISSUING AGENCY:** Regulation and Licensing Department Board of Psychologist Examiners.  
[16.22.21.1 NMAC - Rp, 16.22.21.1 NMAC, 10/08/2024]

**16.22.21.2        SCOPE:** This part applies to the board, licensees, applicants for licensure seeking licenses under prescriptive authority, and the general public.  
[16.22.21.2 NMAC - Rp, 16.22.21.2 NMAC, 10/08/2024]

**16.22.21.3        STATUTORY AUTHORITY:** This part is adopted pursuant to the Professional Psychologist Act, Section 61-9-17.2 NMSA 1978.  
[16.22.21.3 NMAC - Rp, 16.22.21.3 NMAC, 10/08/2024]

**16.22.21.4        DURATION:** Permanent.  
[16.22.21.4 NMAC - Rp, 16.22.21.4 NMAC, 10/08/2024]

**16.22.21.5        EFFECTIVE DATE:** October 8, 2024, unless a later date is cited at the end of the section.  
[16.22.21.5 NMAC - Rp, 16.22.21.5 NMAC, 10/08/2024]

**16.22.21.6        OBJECTIVE:** The objective of Part 21 is to set forth the provisions, which apply to all of Chapter 22, and all persons affected or regulated by Chapter 22 of Title 16.  
[16.22.21.6 NMAC - Rp, 16.22.21.6 NMAC, 10/08/2024]

**16.22.21.7        DEFINITIONS:** [RESERVED]  
[Refer to 16.22.1.7 NMAC]

**16.22.21.8        LIMITS OF PRACTICE:**

**A.** A conditional prescribing or prescribing psychologist shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training or experience.

**B.** A conditional prescribing or prescribing psychologist shall only prescribe drugs and treatments that are consistent with the standards of practice of clinical psychopharmacology.

**C.** Prescriptions transmitted electronically shall comply with state and federal regulation.

**D.** A conditional prescribing or prescribing psychologist may order and review laboratory tests, including imaging, that are consistent with the standards of practice of clinical psychopharmacology.

**E.** Unless in a rural area where an alternative prescriber is not available, a conditional prescribing or prescribing psychologist shall not prescribe medication to any person who is a member of the psychologist's family or household, or with whom the psychologist has an undue conflict of interest, including a prohibited dual relationship, as defined in 16.22.1 NMAC, of these regulations and the code of conduct adopted by the board. The conditional prescribing or prescribing psychologist will transition such a patient to another provider without a prohibited dual relationship as soon as is feasible.

**F.** A conditional prescribing or prescribing psychologist is subject to provisions of the Professional Psychologist Act and board regulations. A psychologist who violates the Professional Psychologist Act or board regulations is subject to disciplinary action by the board, which may include denial, suspension, or revocation of a conditional prescription certificate or prescription certificate or suspension or revocation of a license to practice psychology.

**G.** A conditional prescribing or prescribing psychologist must comply with all other state and federal laws regulating the administering and prescribing of controlled substances.

**H.** Pursuant to Subsection E of Section 61-9-17.2 NMSA 1978, a conditional prescribing or prescribing psychologist deeming it necessary to prescribe drugs for the management of or protection from side effects that are the result of psychotropic treatment shall have 20 business days from the implementation of treatment for the management of side effects to notify and discuss the management of side effects with the health care practitioner who is overseeing the patient's general medical care. If after 20 business days the conditional prescribing or prescribing psychologist had been unable to reach the health care provider for the purpose of

discussion of the side effect treatment, the conditional prescribing or prescribing psychologist shall discontinue the side effect treatment by tapering in a fashion consistent with the standard of care.  
[16.22.21.8 NMAC - Rp, 16.22.21.8 NMAC, 10/08/2024]

**HISTORY OF 16.22.21 NMAC:**

**History of Repealed Material:**

16.22.21 NMAC, Limits of Practice, filed 11/15/2006 was repealed and replaced by Conditional Prescribing or Prescribing Psychologists: Limits of Practice, effective 10/08/2024.