

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 22 PSYCHOLOGISTS AND PSYCHOLOGIST ASSOCIATES
PART 25 PRESCRIPTION CERTIFICATE: APPLICATION; PEER REVIEW; EVALUATION
OUTCOME

16.22.25.1 ISSUING AGENCY: Regulation and Licensing Department Board of Psychologist Examiners.
[16.22.25.1 NMAC - Rp, 16.22.25.1 NMAC, 11/15/2006]

16.22.25.2 SCOPE: This part applies to the board, licensees, applicants for licensure seeking licenses under prescriptive authority, and the general public.
[16.22.25.2 NMAC - Rp, 16.22.25.2 NMAC, 11/15/2006]

16.22.25.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Professional Psychologist Act, Section 61-9-17.1 NMSA 1978.
[16.22.25.3 NMAC - Rp, 16.22.25.3 NMAC, 11/15/2006]

16.22.25.4 DURATION: Permanent.
[16.22.25.4 NMAC - Rp, 16.22.25.4 NMAC, 11/15/2006]

16.22.25.5 EFFECTIVE DATE: November 15, 2006, unless a later date is cited at the end of the section.
[16.22.25.5 NMAC - Rp, 16.22.25.5 NMAC, 11/15/2006]

16.22.25.6 OBJECTIVE: The objective of Part 25 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.
[16.22.25.6 NMAC - Rp, 16.22.25.6 NMAC, 11/15/2006]

16.22.25.7 DEFINITIONS: [RESERVED]
[Refer to 16.22.1.7 NMAC]

16.22.25.8 APPLICATION FOR PRESCRIPTION CERTIFICATE:

A. An applicant for a prescription certificate shall submit a complete application on a form approved by the board. The applicant is responsible to ensure that the application is complete and timely and that all application fees are paid.

B. The application procedure, shall commence no sooner than 60 days and no later than 10 days prior to expiration of the conditional prescription certificate, whereby the applicant shall submit a non-refundable fee (see fee schedule at 16.22.13.8 of these regulations) established by the board and shall submit evidence satisfactory to the board that the applicant:

(1) has been issued a conditional prescription certificate and has successfully completed or anticipates successfully completing two years of prescribing psychotropic medication, as certified by the primary supervising clinician pursuant to 16.22.24 NMAC of these regulations;

(2) holds an active and unrestricted license to practice psychology in New Mexico;

(3) has malpractice insurance as required in 16.22.24 NMAC, of these regulations; the psychologist shall submit to the board a copy of the declaration page of his malpractice insurance policy with the application.

C. The application shall also include the following:

(1) a log of patients seen, which shall include: a coded identification number for the patient, patient's age, gender, diagnosis, whether or not pharmacological intervention was considered or implemented, date of service, and amount of time seen for psychopharmacotherapy or management of care. The log shall contain the name and signature of the supervising clinician.

(2) a log of supervision, which shall include date of supervision, time spent in supervision, topics covered, and the name of the primary or secondary supervising clinician who provided supervision. The log shall be signed by the primary supervising clinician.

D. Only a complete application will be considered. The board may request additional information from the applicant to verify or confirm the information in the application.

[16.22.25.8 NMAC - Rp, 16.22.25.8 NMAC, 11/15/2006; A, 02/10/2022; A, 10/08/2024]

16.22.25.9 PEER REVIEW:

A. Panel membership. The applicant for a prescription certificate shall successfully complete a process of independent peer review that meets the requirements set forth below before the board shall issue a prescription certificate.

(1) One or more peer review panel(s) shall be appointed by the chair of the board. Peer review panels shall consist of three members from at least two of the following professions and categories:

(a) conditional prescribing psychologists, prescribing psychologists or licensed psychologists with specialized training and experience in psychopharmacology;

(b) licensed, board-certified psychiatrists, other physicians, nurse practitioners or physician assistants with specialized training and experience in psychopharmacology;

(c) doctoral level licensed pharmacists or pharmacist clinicians with specialized training and experience in psychopharmacology.

(2) A panel member shall not be a member of the applicant's family or household, shall not be in a prohibited dual relationship with the applicant or a member of the applicant's family or household, shall not have supervised the applicant, and shall not have a conflict of interest as defined in 16.22.1 NMAC, of these regulations.

(3) No panel member may be a psychologist enrolled in a psychopharmacology training program.

B. Review process.

(1) A panel shall examine at least 10 randomly selected charts of patients treated by the conditional prescribing psychologist during the two-year supervised period and any approved extensions. The applicant shall be solely responsible for obtaining the patient charts for peer review. The charts shall be reviewed to determine whether the following information is timely, accurately, and properly recorded:

(a) a full medical history and family history;

(b) a mental status examination and complete differential diagnosis of the patient by the conditional prescribing psychologist;

(c) risk factors for the diagnostic condition were identified, including absence of drug, alcohol, suicide and homicide;

(d) drug and food allergies;

(e) patient medications;

(f) patient education on prescription, including evidence of informed consent to treatment;

(g) appropriate laboratory tests ordered and reviewed;

(h) the patient's diagnosis;

(i) adequate dosing requirements for prescription;

(j) treatment, including psychopharmacotherapy and psychotherapy, adverse affects from prescriptions, documentation of outcome measures for prescriptions;

(k) progress notes;

(l) a follow-up plan, including a discharge plan, and

(m) documentation of collaboration with the patient's treating health care practitioner as required pursuant to 16.22.20 NMAC, of these regulations;

(2) The peer review panel shall complete an evaluation form approved by the psychopharmacology application committee, which shall certify whether the charts reviewed are in compliance and are satisfactory, and shall forward the evaluation form to the board.

[16.22.25.9 NMAC - Rp, 16.22.25.8 NMAC, 11/15/2006]

16.22.25.10 EVALUATION OUTCOME:

A. Board action. Within 60 days, the board shall issue an unrestricted prescription certificate to the applicant or inform the applicant of deficiencies.

B. Remedial period. If the peer review panel documents deficiencies in the patient charts or the applicant otherwise does not demonstrate competency to prescribe independently, the panel shall specify in writing:

(1) the areas in need of remediation;

(2) the process and procedures by which these areas are to be remediated; and

(3) the time period, not to exceed six months, allowed for remediation of deficiencies or demonstration of competency before the applicant can undergo another peer review.

C. Additional peer review(s).

(1) Another peer review shall be conducted at the end of the remedial period. The applicant may have a total of three peer reviews, after which the applicant shall re-enroll in psychopharmacology program meeting all criteria in 16.22.23.8 NMAC, and apply for another conditional prescription certificate prior to applying for a prescription certificate.

(2) The evaluation or results of any deficient peer review shall be forwarded to the board and the New Mexico medical board. The board, in consultation with the medical board or its designee, shall have the discretion to extend a conditional prescription certificate pursuant to Subsection V of 16.22.24.10 NMAC, pending the outcome of the second or subsequent peer review process.
[16.22.25.10 NMAC - Rp, 16.22.25.8 NMAC, 11/15/2006]

16.22.25.11 APPLICATION FOR CONDITIONAL PRESCRIPTION CERTIFICATE BY

APPLICANTS LICENSED TO PRESCRIBE IN OTHER AREAS: A person who has been licensed or certified as a prescribing psychologist by another state, territorial possession of the United States, District of Columbia, or another country, for a minimum of two years, may apply for a conditional prescription certificate and shall meet these requirements:

A. Psychology licensure. Applicant shall hold an active, unrestricted New Mexico license as a psychologist.

B. Psychopharmacology education. The applicant shall demonstrate completion of the required academic coursework to the satisfaction of the board.

C. New Mexico jurisprudence examination. The applicant shall demonstrate evidence of completion of a 3-hour training in New Mexico rules and laws applicable to prescribing psychologists, as offered by the state psychologist association of New Mexico (SPA), or the New Mexico psychological association (NMPA).

D. Additional supervision training. The RxP application committee shall make recommendations to the board concerning additional supervision and training that may be required. The board shall review the committee recommendations and determine the additional supervision and training required of the applicant in order to qualify for a conditional prescription certificate.

E. Supervision plan. The period of conditional supervised practice shall be determined by the board based on the applicant's education, training, and experience and shall not be less than three months or more than two years. The applicant shall submit to the psychopharmacology application committee a supervisory plan as outlined in Subsection H of 16.22.24.10 NMAC, of these regulations. The same requirements set forth in 16.22.24.10 NMAC, shall apply to the supervisory period.

F. Issuance of prescription certificate. The RxP application committee shall recommend to the board issuance of a conditional prescription certificate to the applicant who qualifies in accordance with these regulations.
[16.22.25.11 NMAC – N, 02/10/2022]

HISTORY OF 16.22.25 NMAC:

History of Repealed Material:

16.22.25 NMAC, Application For Prescription Certificate: Peer Review - Repealed 11/15/2006