

**TITLE 7           HEALTH**  
**CHAPTER 29   PRIMARY AND RURAL HEALTH CARE SERVICES**  
**PART 2           NEW MEXICO HEALTH SERVICE CORPS**

**7.29.2.1           ISSUING AGENCY:** New Mexico Department of Health.  
[7.29.2.1 NMAC - Rp, 7 NMAC 29.2.1, 02/13/04]

**7.29.2.2           SCOPE:** Applies to licensed health professionals, students, and eligible communities or practice sites.  
[7.29.2.2 NMAC - Rp, 7 NMAC 29.2.2, 02/13/04]

**7.29.2.3           STATUTORY AUTHORITY:** These regulations are promulgated pursuant to the following statutory authority:  
A.       the Department of Health Act, Section 9-7-6E NMSA 1978, which authorizes the secretary of the department of health to "...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions" and  
B.       the Health Service Corps Act, Section 24-1D-3B(2) NMSA 1978, which authorizes the department to adopt regulations to carry out the provisions of the act.  
[7.29.2.3 NMAC - Rp, 7 NMAC 29.2.3, 02/13/04]

**7.29.2.4           DURATION:** Permanent.  
[7.29.2.4 NMAC - Rp, 7 NMAC 29.2.4, 02/13/04]

**7.29.2.5           EFFECTIVE DATE:** February 13, 2004, unless a later date is cited at the end of a section.  
[7.29.2.5 NMAC - Rp, 7 NMAC 29.2.5, 02/13/04]

**7.29.2.6           OBJECTIVE:** The objective of these regulations is to set forth the duties and functions of the corps.  
[7.29.2.6 NMAC - Rp, 7 NMAC 29.2.6, 02/13/04]

**7.29.2.7           DEFINITIONS:**  
A.       "Advisory committee" means a committee appointed by the secretary of the department composed of representatives of the department, university of New Mexico health sciences center training departments, health professional organizations, primary care clinics and consumers for purposes of recommending student selection of commitment stipends, prioritizing a list of eligible communities and practice sites, and advising the corps on program policy.  
B.       "Corps" means the New Mexico health service corps, an entity of the department.  
C.       "Commitment stipend" means the monies provided to health professional students and licensed health professionals in return for a promise stated in a contract to serve at an eligible community or practice site in New Mexico for at least two years.  
D.       "Commitment stipend contract" means a contract executed between the corps and licensed health professionals or students outlining provisions of service, potential eligible communities/practice site placements, penalties and forgiveness provisions.  
E.       "Dental hygienist" means an individual licensed as a registered dental hygienist (R.D.H.) in New Mexico.  
F.       "Dentist" means an individual licensed as a doctor of dental surgery (D.D.S.) or doctor of medical dentistry (D.M.D.) in New Mexico.  
G.       "Department" means the New Mexico department of health.  
H.       "Eligible community" means a location in New Mexico that has satisfied criteria established by the department as a medically underserved area for specific health professionals.  
I.       "Emergency medical technician-paramedic" means a paramedic licensed to practice in New Mexico by the department.  
J.       "Health professional" means a licensed physician, physician assistant, nurse practitioner, nurse midwife, emergency medical technician-paramedic, dentist, or dental hygienist.  
K.       "Medically underserved area" means a community or area in New Mexico designated by the department as having a shortage of specific health professionals.

- L. "Nurse-midwife" means an individual licensed by the New Mexico board of nursing and certified by the American college of nurse-midwives accreditation council.
- M. "Nurse practitioner" means an individual licensed as a nurse practitioner in New Mexico.
- N. "Physician" means an allopathic doctor or doctor of osteopathic medicine licensed to practice in New Mexico.
- O. "Physician assistant" means a physician assistant or osteopathic physician assistant certified to practice in New Mexico.
- P. "Practice site" means a public health clinic, a public or private nonprofit primary care clinic that is located in a state-designated medically underserved area or that serves a high-needs population, and that uses a sliding fee scale approved by the department.
- Q. "Resident" means a licensed allopathic or osteopathic physician who is engaged in a postgraduate residency program in the following specialties: family practice, internal medicine, emergency medicine, pediatrics, dentistry, or OB-GYN.
- R. "Service" means at least 1,600 hours of on-site health care during each one-year period or as negotiated with the corps, and as agreed upon in a written contract.
- S. "Service contract" means a contract executed between the corps and the health professional outlining the provisions of service, eligible community/practice site placement, forgiveness and penalty provisions.
- T. "Student" means a potential health professional who is domiciled in New Mexico, and is enrolled in or accepted by an accredited or otherwise approved educational program or performing their preceptorship in the fields of nurse practitioner, nurse midwifery, physician assistant, or emergency medical technician-paramedic; or participating in an allopathic or osteopathic medical residency program, clinical dental school program, dental hygiene program, or dental residency program. Persons enrolled in a clinical dental school program, dental hygiene program, or dental residency program are exempted from the requirement that they be domiciled in New Mexico. [7.29.2.7 NMAC - Rp, 7 NMAC 29.2.7, 02/13/04]

**7.29.2.8 POWERS AND DUTIES OF THE CORPS:** The corps shall:

- A. enter into contracts to carry out provisions of the Health Service Corps Act, and may sue for enforcement of those contracts;
- B. recruit and assign health professionals to eligible communities/practice sites;
- C. determine a mix of health professional specialties to be recruited, with an emphasis on family practice physicians;
- D. establish criteria and procedures for acceptance of applications and selection of students and licensed health professionals;
- E. establish criteria and procedures for evaluating and selecting students and licensed health professionals;
- F. determine and maintain a list of eligible communities/practice sites and establish a priority of those locations based on relative need; and
- G. convene an advisory committee to recommend students and licensed health professionals to receive commitment stipends, recommend priorities for eligible communities/practice sites, and advise the corps on program policy. [7.29.2.8 NMAC - Rp, 7 NMAC 29.2.8, 02/13/04]

**7.29.2.9 ELIGIBILITY TO RECEIVE A COMMITMENT STIPEND:**

- A. To be eligible to receive a commitment stipend, students and licensed health professionals shall:
  - (1) provide references and undergo interviews;
  - (2) be enrolled in or accepted by an accredited or otherwise approved medical school residency program, school of nursing, physician assistant training program, school of dentistry, dental hygiene program, or emergency medical technician-paramedic training program, or be engaged in a residency training program or preceptorship;
  - (3) be a citizen of the United States or a permanent resident alien and domiciled in New Mexico, except that students enrolled in a school of dentistry, dental hygiene program, or dental residency are exempt from the requirement that they be domiciled in New Mexico;
  - (4) declare his or her intent to practice as a health professional at an eligible community/practice site in New Mexico for at least two years; and
  - (5) prior to service, be evaluated by the corps utilizing evaluation of clinical performance and community service during training; licensing test scores; recommendations of professors, professional mentors and

co-workers; and other factors as determined by the corps to ensure provision of quality health services through the corps.

B. Commitment stipends may be awarded based on the following considerations:

- (1) recommendation of the advisory committee;
- (2) ability, character and qualifications of the applicant;
- (3) demonstrated commitment to completion of training and service in an eligible

community/practice site in the state;

- (4) financial need; and

(5) recommendation, support, or evidence of acceptance at an eligible community/practice site, if appropriate.

[7.29.2.9 NMAC - Rp, 7 NMAC 29.2.9, 02/13/04]

#### **7.29.2.10 PAYMENT OF COMMITMENT STIPENDS:**

A. The amount of any stipend awarded shall be dependent upon available resources and shall be paid for a maximum of two years; for paramedic students, the stipend will be paid for one year, unless the student is enrolled in a two-year associate of arts or baccalaureate degree program.

B. Upon approval by the corps of a commitment stipend, the student or licensed health professional shall enter into a commitment stipend contract.

[7.29.2.10 NMAC - Rp, 7 NMAC 29.2.9, 02/13/04]

**7.29.2.11 REPAYMENT OF COMMITMENT STIPENDS:** A student or licensed health professional who receives a commitment stipend shall:

A. provide a current address to the corps within sixty (60) days of completion of training and maintain a current address with the corps throughout the period of repayment;

B. apply for necessary licensure or certification to practice at the first opportunity after completion of training;

C. pay back the stipend amount by serving a period of time equal to the number of yearly stipends received, for a minimum of a two-year repayment period; and

D. be subject to repayment penalties as outlined in Subsection F of 7.29.2.12 NMAC if he or she fails to complete training, obtain licensure or certification, or complete obligation service at an eligible site.

[7.29.2.11 NMAC - Rp, 7 NMAC 29.2.9, 02/13/04]

#### **7.29.2.12 PENALTY:**

A. If the student or licensed health professional breaches his or her commitment stipend contract, he or she shall be subject to a penalty of three times the amount of the stipend received, plus 18 percent interest of the original stipend per year.

B. The penalty repayment period shall be a maximum of ten (10) years.

C. The student or licensed health professional may present to the corps a written explanation of any mitigating circumstances that prevented the full completion of training, the obtaining of licensure or certification, or the completion of a service obligation at an eligible site.

D. The corps shall evaluate the reasons for failure to complete training, obtain licensure or certification, or complete a service obligation at an eligible site and determine their validity.

E. Decisions of the corps regarding breach of commitment stipend contracts are final and binding for all purposes.

[7.29.2.12 NMAC - Rp, 7 NMAC 29.2.9, 02/13/04]

#### **7.29.2.13 HEALTH PROFESSIONALS SERVING WITH STIPEND OBLIGATIONS:**

A. Health professionals who received a commitment stipend and are serving at an eligible community/practice site shall:

- (1) be covered by malpractice insurance; and

- (2) be subject to evaluation by the eligible community/practice site.

B. Service contract: The health professional shall enter into a service contract with the corps that shall outline service requirements, the agreed upon eligible communities/practice sites, penalty and forgiveness provisions, and other legal provisions.

C. Compensation: If an employee or contractor of the local eligible community/practice site, compensation shall be paid by the local program, with notice given to the corps as reflected in the service contract.

[7.29.2.13 NMAC - Rp, 7 NMAC 29.2.10, 02/13/04]

**7.29.2.14 DELEGATION OF ADMINISTRATION:** The corps may contract with any appropriate entity to co-administer the Health Service Corps Act.

[7.29.2.14 NMAC - Rp, 7 NMAC 29.2.12, 02/13/04]

**7.29.2.15 ELIGIBLE COMMUNITY/PRACTICE SITE SELECTION:** The corps, upon recommendation of the advisory committee, shall determine priority of eligible communities/practice for placement of health professionals.

[7.29.2.15 NMAC - Rp, 7 NMAC 29.2.13, 02/13/04]

**7.29.2.16 ELIGIBLE COMMUNITY/PRACTICE SITE CONTRACTS:** The corps may contract with eligible community/practice sites to support the recruitment, placement, or retention of eligible health professionals.

[7.29.2.16 NMAC - Rp, 7 NMAC 29.2.14, 02/13/04]

**7.29.2.17 ELIGIBLE COMMUNITY/PRACTICE SITE REIMBURSEMENT:** The corps may require a community or practice site to pay the costs associated with the provision of corps health professionals in the community.

[7.29.2.17 NMAC - Rp, 7 NMAC 29.2.15, 02/13/04]

**HISTORY OF 7.29.2 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center: DOH Regulation 95-03 (CHSD), Regulations Governing The New Mexico Health Service Corps, 3/16/95.

**History of Repealed Material:** 7 NMAC 29.3, New Mexico Health Service Corps (filed 11/26/96) repealed 02/13/04.

**Other History:** DOH Regulation 95-03 (CHSD), Regulations Governing the New Mexico Health Service Corps (filed 3/16/95), reformatted, amended, and replaced by 7 NMAC 29.3, New Mexico Health Service Corps, effective 01/01/97.

7 NMAC 29.3, New Mexico Health Service Corps (filed 11/26/96), replaced by 7.29.2 NMAC, New Mexico Health Service Corps, effective 02/13/04.