

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 17 OSTEOPATHIC MEDICINE
PART 2 APPLICATION FOR LICENSURE, QUALIFICATIONS AND FEES

16.17.2.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Board of Osteopathic Medicine.
[16.17.2.1 NMAC - Rp, 6-11-2018]

16.17.2.2 SCOPE: This part applies to all osteopathic physicians and physician assistants applying for licensure.
[16.17.2.2 NMAC - Rp, 6-11-2018]

16.17.2.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of osteopathic medicine in New Mexico and are promulgated pursuant to and in accordance with the Osteopathic Medicine Act, Sections 61-10- 5, 61-10-6, 61-10-6.1, 61-10-12, 61-10-15.1 NMSA 1978 and Sections 12-12A-1 through 12-12A-13 NMSA 1978.
[16.17.2.3 NMAC - Rp, 6-11-2018]

16.17.2.4 DURATION: Permanent.
[16.17.2.4 NMAC - Rp, 6-11-2018]

16.17.2.5 EFFECTIVE DATE: June 11, 2018, unless a later date is cited at the end of a section.
[16.17.2.5 NMAC - Rp, 6-11-2018]

16.17.2.6 OBJECTIVE: To establish the qualifications and procedures and outline the documents and information necessary to complete the application process for licensure, and to establish fees to generate revenue adequate to fund the cost for the board's administration and carry out the duties promulgated thereunto.
[16.17.2.6 NMAC - Rp, 6-11-2018]

16.17.2.7 DEFINITIONS: Categories of licenses. Individuals holding one of the following categories of medical license are eligible to practice medicine and surgery in New Mexico.

A. Osteopathic medical: An unrestricted license to practice osteopathic medicine and surgery.

B. Telemedicine: A limited medical license that allows an osteopathic physician located outside New Mexico to practice osteopathic medicine on patients located in New Mexico.

C. Post-graduate: A limited training license issued by the board to osteopathic physicians who are enrolled in an AOA or ACGME or AACOM approved training program.

D. Temporary: A limited license that allows a osteopathic physician to practice osteopathic medicine for a limited time up to three months from the date of issuance that meets certain specific conditions in accordance with Osteopathic Medicine Act, Section 61-10-7 NMSA 1978.

E. Federal emergency: An unrestricted license to practice osteopathic medicine and surgery issued without receipt of all documentation required for an osteopathic medical license because of a major disaster.

[16.17.2.7 NMAC - Rp, 6-11-2018]

16.17.2.8 FEES: All fees are non-refundable

A. Initial application for licensure:

(1) Osteopathic physician	\$400.00
(2) Post graduate osteopathic physician	\$50.00
(3) Osteopathic physician assistants	\$150.00
(4) Telemedicine	\$100.00
(5) Temporary, teaching, research, specialized diagnostic and treatment	\$100.00
(6) Federal emergency	\$ 0.00

B. Renewal application fee for licensure:

(1) Triennial for osteopathic physician	\$600.00
(2) Biennial for osteopathic physician assistant	\$150.00
(3) Biennial for osteopathic physicians supervising pharmacist clinicians	\$100.00

C. Late Fees:

renewal \$200.00	(1)	Osteopathic physician renewal between July 2nd & September 29th the year of the	
	(2)	Osteopathic physician renewal after September 29th the year of the renewal	\$400.00
	(3)	Osteopathic physician assistant renewal after July 1st the year of the biennial renewal	\$25.00
	(4)	Reinstatement of osteopathic physician license	\$500.00
	(5)	Reinstatement of osteopathic physician assistant license	\$500.00
the renewal	(6)	Osteopathic physicians supervising pharmacist clinician renewal after July 1st the year of	\$25.00
D.		Miscellaneous Fees:	
	(1)	Verification of license	\$25.00
	(2)	Change of supervising physician fee for physicians supervising pharmacist clinicians	\$25.00
	(3)	List of licensees	\$55.00
	(4)	Duplicate license	\$25.00
	(5)	Copy fee per page	\$0.25
	(6)	Osteopathic physician on inactive status	\$75.00
	(7)	Osteopathic physician assistant license on inactive status	\$75.00
physician	(8)	Registration of an osteopathic physician assistant with a new supervising osteopathic	\$25.00

[16.17.2.8 NMAC - N, 6-11-2018]

16.17.2.9 APPLICATION FOR LICENSURE:

A. Application: An applicant for licensure under the Osteopathic Medicine Act shall submit a completed and signed application on forms provided by the board with the appropriate fee. The applicant must have graduated from a board approved school of osteopathic medicine and must successfully pass all levels of the COMLEX or USMLE licensing examination or its predecessor, passing the final level of the examination within seven years of having passed the first level.

The applicant shall attach or make provisions for the following documents to be provided to the board office:

- (1) official college transcript from a school of osteopathic medicine accredited by COCA and recognized by the AOA sent by the school directly to the board;
- (2) certification of dean of osteopathic school with school seal affixed;
- (3) certification of two years of post-graduate training; otherwise, if previously licensed by this or another state before July 1, 2016 one year of post-graduate training;
- (4) two letters of reference from physicians who have known the applicant in a professional and personal capacity for at least one year;
- (5) a passport-type photograph two inches by two inches, taken within the preceding six months attached to the application;
- (6) copies of medical diploma; and residency certificate, or certificate of attendance of residency program.
- (7) if licensed in another state, a certificate of good standing from the state board sent directly to the board office;
- (8) primary verification from the AOA and the federation of state medical boards of the United States;
- (9) NBOE, COMLEX, USMLE or COMVEX scores must be sent directly to the board.
- (10) applicants who are not United States citizens must provide proof that they are in compliance with the immigration laws of the United States.

B. Interview: After fulfilling all application requirements, any applicant for licensure with prior, current, or pending disciplinary action, must appear before the board, at the next scheduled meeting, for an interview with the board members or provide the board with a criminal background check from the department of public safety.

[16.17.2.9 NMAC - Rp, 16.17.2.8 NMAC, 6-11-2018]

16.17.2.10 QUALIFICATIONS FOR LICENSURE:

A. Each applicant for a license to practice as an osteopathic physician in New Mexico must possess the following qualifications:

- (1) graduated and received a diploma from a college of osteopathic medicine and surgery accredited by the American osteopathic association or commission on osteopathic college accreditation;
 - (2) successfully passed the examination defined in Paragraph (2) of Subsection A of Section 61-10-6 NMSA 1978.
 - (3) completed two years of an AOA or ACGME accredited postgraduate training program or be approved by the board, in accordance with the provisions of, Section 61-10-6 NMSA 1978;
 - (4) shall be of the age of majority;
 - (5) shall be of good moral character;
 - (6) shall not have been convicted of a felony;
 - (7) shall not have committed or been engaged in any of the activities listed in, Section 61-10-15 NMSA 1978;
 - (8) shall submit an application and examination fee as determined by the board pursuant to Section 61-10-6.1 NMSA 1978;
 - (9) when the board has reason to believe that an applicant for licensure is not competent to practice medicine it may require the applicant to complete a special competency examination or to be evaluated for competence by other means that have been approved by the board; and
 - (10) a qualified applicant who has not been actively and continuously in practice for more than two years prior to application may be required to successfully complete a special examination or evaluation such as, but not limited to COMVEX or specialty re-certification.
- [16.17.2.10 NMAC - N, 6-11-2018]

16.17.2.11 EXAMINATION: In determining the fitness of an applicant for licensure by examination, the board adopts the following examinations: FLEX (federation of state medical boards of the United States) or the NBOE (national board of examiners of osteopathic physicians and surgeons) or COMLEX (comprehensive osteopathic medical licensing examination) or the USLME (United States medical licensing examination.) Each applicant must register with the national board of osteopathic medical examiners or the national board of medical examiners to take the exam at the most convenient testing site available. The board will not administer any of the aforementioned exams.

A. FLEX

- (1) Each applicant must earn a passing score of seventy-five percent or higher on each of the two components of the exam. The board will not accept overall or average scores. The board will accept passing component scores obtained at a single administration or at separate administrations of the exam.
- (2) If an applicant fails either component of the FLEX examination he must repeat only the component failed. Upon failing one or both components, the applicant may repeat the component failed at the next administration of the exam. If the applicant fails a second examination, he must wait one year before taking the examination for a third time. If the applicant fails a third time, the applicant must acquire one additional year of AOA approved postgraduate training before being examined a fourth time.
- (3) Both components of the FLEX examination must be passed within seven years of taking the initial examination.

B. NBOE - Each applicant must earn a passing score of seventy-five percent or higher on each of the three components of the examination.

C. COMLEX - Each applicant must earn a minimum total passing score or higher on each level of this examination.

D. USMLE - Each applicant must earn a minimum total passing score or higher on each level of this examination.

[16.17.2.11 NMAC - N, 6-11-2018]

16.17.2.12 LICENSURE BY ENDORSEMENT: Applicants for licensure by endorsement shall meet all requirements as set forth in Section 61-10-12 NMSA 1978. Additionally, the state of the applicant's primary license shall have requirements equal to or greater than the requirements of licensure in New Mexico.

A. Prerequisites for licensure. Each applicant for a license to practice as an osteopathic physician in New Mexico by endorsement must be of good moral character, hold a full and unrestricted license to practice medicine in another country, state, territory or province and possess the following qualifications:

- (1) be free of disciplinary history, license restrictions, or pending investigations in all jurisdictions where a medical license is or has been held; and

(2) current certification from a medical specialty board recognized by the American osteopathic association bureau of osteopathic specialists (AOA-BOS).

B. Required documentation for all applicants. Each applicant for a license must submit the required fees as specified in 16.17.2.8 NMAC and the following documentation:

(1) a completed signed application with a passport-quality photo taken within the previous six months; applications are valid for one year from the date of receipt by the board;

(2) verification of licensure in all states or territories where the applicant holds or has held a license to practice medicine, or other health care profession; verification must be received directly from the other state board(s), and must attest to the status, issue date, license number, and other information requested and contained on the form;

(3) two recommendation letters from physicians, chiefs of staff or department chairs or equivalent with whom the applicant has worked and who have personal knowledge of the applicant's character and competence to practice medicine; the recommending physicians must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; this information will be provided by a board-approved credentials verification service for applicants using that service, or directly to the New Mexico board of osteopathic medicine for applicants using the osteopathic physician profile report;

(4) verification of all work experience and hospital affiliations in the last five years, if applicable, not to include postgraduate training; this information will be provided by a board-approved credentials verification service for applicants using that service, or directly to the New Mexico board of osteopathic medicine for applicants using the osteopathic physician profile report;

(5) a copy of all AOA-BOS specialty board certifications, if applicable; this information will be provided by a board-approved credentials verification service for applicants using that service, or directly to the New Mexico board of osteopathic medicine for applicants using the osteopathic physician profile report; and

(6) the board may request that applicants be investigated by the biographical section of the American osteopathic association, the drug enforcement administration, the federation of state medical boards, the national practitioner data bank, and other sources as may be deemed appropriate by the board;

(7) applicants who are not U.S. citizens must provide proof that they are in compliance with the immigration laws of the United States.

[16.17.2.12 NMAC - N, 6-11-2018]

16.17.2.13 TEMPORARY LICENSE AND INTIAL LICENSURE: The board will approve licenses during regular meetings only. In the interim between regular meetings, the board may issue a temporary license to applicants who have complied with all application requirements. The applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board and must present original documents as requested by the board. Temporary licenses shall only be valid until the next regular board meeting at which time the license will be ratified by the board. Initial licenses shall be valid for no more than 35 months and be renewed, on or before July 1 of the third year after first-time licensure

[16.17.2.13 NMAC - N, 6-11-2018]

16.17.2.14 TELEMEDICINE LICENSE:

A. Prerequisites for licensure. Each applicant for a telemedicine license must be of good moral character and hold a full and unrestricted license to practice medicine in another state or territory of the United States.

B. Required documentation. Each applicant for a telemedicine license must submit the required fees as specified in 16.17.2.8 NMAC and the following documentation

(1) A completed signed application, with a passport quality photo taken within six months. Applications are valid for one year from the date of receipt.

(2) Verification of licensure in all states where the applicant holds or has held a license to practice medicine, or other health care profession. Verification must be received directly from the other state(s) board, and must attest to the status, issue date, license number, and other information requested and contained on the form.

(3) Applicants who have had previous disciplinary or other action against them may be required to meet with the entire board. The board may, in its discretion, issue a license to practice medicine across state lines if it finds that the previous disciplinary or other action does not indicate that the physician is a potential threat to the public.

C. Licensure process. Upon receipt of a completed application, including all required documentation and fees, board staff will request and review an AOA physician profile and federation of state medical board's action databank search. When the application is complete a member or agent of the board will review and may approve the application. A personal interview is not required unless there is a discrepancy in the application that cannot be resolved.

D. Initial license expiration. Telemedicine licenses shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than 13 months or less than one month
[16.17.2.14 NMAC - N, 6-11-2018]

16.17.2.15 POSTGRADUATE TRAINING LICENSE: A postgraduate training license is required for all interns, residents, and fellows enrolled in board approved training programs within the state.

A. Prerequisites for licensure. Each applicant for a postgraduate training license must possess the following qualifications:

(1) graduated from a college of osteopathic medicine accredited by the American osteopathic association;

(2) passed step 1 and 2 of USMLE or COMLEX-USA; and

(3) be of good moral character.

B. Required documentation. Each applicant shall submit the required fee as specified in 16.17.2.8 NMAC, a copy of the official examination results, and a completed application.

C. Licensure process. Upon receipt of a completed signed application and fee, a member or agent of the board will review the application and may approve the license. The applicant may be scheduled for a personal interview before the board, a board member designated by the board, or an agent of the board.

D. License expiration. Postgraduate training licenses are valid for no longer than one year, but may be renewed for a period not to exceed eight years or completion of the residency, whichever is shorter, and as long as the license holder is enrolled in a board approved training program. Postgraduate training licenses may be renewed prior to expiration.

[16.17.2.15 NMAC - N, 6-11-2018]

16.17.2.16 TEMPORARY TEACHING, RESEARCH, AND SPECIALIZED DIAGNOSTIC AND TREATMENT LICENSES: The secretary-treasurer or board designee may issue a temporary license to physicians licensed in other states or jurisdictions for the purpose of teaching, conducting research, performing specialized diagnostic and treatment procedures, implementing new technology, or for physician educational purposes in New Mexico on a temporary basis under the supervision of a New Mexico licensed physician. The following provisions apply:

A. Prerequisites for licensure. The applicant must:

(1) be otherwise qualified to practice medicine in New Mexico;

(2) hold an unrestricted license in another state or country;

(3) submit the name of the sponsoring or associating physician(s), who must be actively licensed in New Mexico.

B. Required documentation:

(1) specific program or protocol of work planned;

(2) address of sponsoring institution or organization where the work will be performed;

(3) an affidavit from the sponsoring physician attesting to the qualifications of the applicant and the purpose of the functions or medical procedures the applicant will perform;

(4) verification of licensure in state or jurisdiction where physician is practicing; and

(5) a license fee as set forth in 16.17.2.8 NMAC.

C. Licensure process: Upon receipt of a completed signed application, including all required documentation and fees, board staff will request and review an AOA physician profile and federation of state medical boards action databank search. When the application is complete, a member or agent of the board will review and may approve the application. A personal interview is not required unless there is a discrepancy in the application that cannot be resolved or if there are any actions or restrictions on any license held in another state or jurisdiction.

D. The applicant may perform only those functions listed in the application. The supervising physician must notify the board and obtain approval prior to any change in the activities of the temporary license holder.

E. The duration of a temporary teaching, research, or specialized diagnostic and treatment license shall not exceed three months, provided however that the license may be renewed up to three times upon payment of appropriate fees and written justification for the plan remaining in effect. After the third renewal of a temporary license the physician shall re-apply under the provisions of this rule.
[16.17.2.16 NMAC - N, 6-11-2018]

16.17.2.17 YOUTH CAMP OR SCHOOL LICENSES: The secretary-treasurer or board designee may approve a temporary license for physicians to provide temporary medical services to organized youth camps or schools. Youth camp or school licenses are issued for a period not to exceed three months. Practice under the temporary license shall be limited to enrollees, leaders and employees of the camp or school. Applicants must be qualified for licensure in New Mexico and shall submit the following documentation:

- A.** completed signed application with a passport-quality photograph, taken within the previous six months, attached;
 - B.** verification of current unrestricted license from state or jurisdiction where applicant is currently practicing or licensed;
 - C.** verification of D.E.A. permit; and,
 - D.** a temporary license fee as set forth in 16.17.2.8 NMAC.
 - E.** Licensure process. Upon receipt of a completed application, including all required documentation and fees, board staff will request and review an AOA physician profile and federation of state medical board's board action databank search. When the application is complete, a member or agent of the board will review and may approve the application. A personal interview is not required unless there is a discrepancy in the application that cannot be resolved or if there are any actions or restrictions on any license held in another state or jurisdiction.
 - F.** a youth camp or school license will not be valid for more than a period of six months.
- [16.17.2.17 NMAC - N, 6-11-2018]

16.17.2.18 PROVISIONS FOR PHYSICIAN LICENSURE DURING A DECLARED DISASTER: The board will make accommodations for physicians who have been impacted by a major disaster. Based on the nature of the disaster, the extent of the damage, and the number of individuals and institutions that have been affected, 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 may also waive any required fees for applications submitted after the major disaster. 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 by examination. Physicians currently licensed in a state in which a major disaster has been declared may be issued a federal emergency license in New Mexico. The board may waive specific documentation required in 16.17.2.9 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.17.2.9 NMAC.

B. Federal emergency license by endorsement. Physicians currently licensed in a state in which a major disaster has been issued a federal emergency license in New Mexico. The board may waive specific requirements of 16.17.2.9 NMAC if the applicant is unable to obtain the documentation from individuals or institutions located in the disaster area. Nothing in this provision shall constitute a waiver of the requirements for licensure contained in Subsection A of 16.17.2.9 NMAC. The following requirements will apply to applicants under this provision:

- (1) a completed signed application, is required, accompanied by proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;
- (2) the board will consider the required three years of practice experience to be met through any combination of postgraduate medical education and actual work experience;
- (3) the board may waive any requirements for recommendation forms or verification of work experience forms;
- (4) other required verification will be obtained online by board staff to include: current licensure status, national practitioners data bank, federation of state medical board disciplinary database, AOA records of education and postgraduate training, and the records of the bureau of osteopathic specialties to confirm board certification status.

C. License expiration. Initial federal emergency licenses shall be valid for not less than three months or more than 15 months. Licenses shall be renewed on July 1 following the date of issue pursuant to 16.17.4.8 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 osteopathic medical license subject to all applicable fees.

[16.17.2.18 NMAC - N, 6-11-2018]

HISTORY OF 16.17.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives:

BOSE 69-1, Practice Guide for Osteopathic Physicians and Surgeons in New Mexico, filed 06-05-1969.

Rule 2, Application for Licensure, filed 12-07-1988.

History of Repealed Material: Rule 2, Application for Licensure (filed 12-07-1988) repealed 10-29-2004.
16.17.2 NMAC, Application for Licensure, repealed effective 6-11-2018

Other History:

Rule 2, Application for Licensure (filed 12-07-1988) replaced by 16.17.2 NMAC, Application for Licensure, effective 10-29-2004.