

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 21    PODIATRISTS**  
**PART 1        GENERAL PROVISIONS**

**16.21.1.1        ISSUING AGENCY:** Regulation and Licensing Department, Board of Podiatry.  
[16.21.1.1 NMAC - Rp, 16.21.1.1 NMAC 5/3/2019]

**16.21.1.2        SCOPE:** The provisions in 16.21.1 NMAC apply to all parts of Chapter 21 and provide information for applicants, licensed podiatrists, board members, and members of the public.  
[16.21.1.2 NMAC - Rp, 16.21.1.2 NMAC 5/3/2019]

**16.21.1.3        STATUTORY AUTHORITY:** Podiatry Act, Subsection E of Section 61-8-6 NMSA 1978.  
[16.21.1.3 NMAC - Rp, 16.21.1.3 NMAC 5/3/2019]

**16.21.1.4        DURATION:** Permanent.  
[16.21.1.4 NMAC - Rp, 16.21.1.4 NMAC 5/3/2019]

**16.21.1.5        EFFECTIVE DATE:** May 3, 2019, unless a later date is cited at the end of a section.  
[16.21.1.5 NMAC - Rp, 16.21.1.5 NMAC 5/3/2019]

**16.21.1.6        OBJECTIVE:** This part provides general provisions for the practice of podiatry, licensee responsibility, and requirements for the conduct of board business.  
[16.21.1.6 NMAC - Rp, 16.21.1.6 NMAC 5/3/2019]

**16.21.1.7        DEFINITIONS:**  
**A.**        “APMLE” means American podiatric medical licensing examination.  
**B.**        “Board” means board of podiatry.  
**C.**        “CPME” means the council on podiatric medical education.  
**D.**        “NBPME” means the national board of podiatric medical examiners.  
[16.21.1.7 NMAC - Rp, 16.21.1.7 NMAC 5/3/2019]

**16.21.1.8        SCOPE OF PRACTICE:**  
**A.**        For the purpose of clarification of the Podiatry Act, Subsection C of Section 61-8-2 NMSA 1978, the practice of podiatry:  
            **(1)**        in regard to surgical treatment shall include the skin and subcutaneous tissues of the thigh and all structures distal to the knee.  
            **(2)**        does include amputation of any portion of the foot;  
            **(3)**        does allow the use of the services of a certified registered nurse anesthetist; and  
            **(4)**        a licensed podiatrist may assist a licensed medical or osteopathic physician in the performance of any surgery of the lower extremities.  
**B.**        A podiatric physician shall be recognized and permitted to supervise and administer hyperbaric oxygen following the published recommendations of the undersea and hyperbaric medical society, inc. “UHMS” and within the credentials and bylaws of the facility that operates the hyperbaric unit with the following stipulation; prior to administering hyperbaric oxygen, a podiatric physician must have on file with the New Mexico board of podiatry, documentation certifying compliance with the above requirements.  
[16.21.1.8 NMAC - Rp, 16.21.1.8 NMAC 5/3/2019]

**16.21.1.9        LICENSE DISPLAY:** A valid license must be displayed and must be visible to the public in each place of business.  
[16.21.1.9 NMAC - Rp, 16.21.1.9 NMAC 5/3/2019]

**16.21.1.10       RESPONSIBILITY OF LICENSEE:** It is the responsibility of the licensed podiatrist to keep the board informed of a current mailing address within 30 days of changes. All correspondence, including renewal forms, will be mailed to the last address on file. The board assumes no responsibility for renewal applications or other correspondence not received because of a change of mailing address or email address.  
[16.21.1.10 NMAC - Rp, 16.21.1.10 NMAC 5/3/2019]

**16.21.1.11 SEVERABILITY:** The provisions of these regulations are severable. If any parts of these regulations are held invalid, the remaining provisions shall remain in force and effect.  
[16.21.1.1 NMAC - Rp, 16.21.1.11 NMAC 5/3/2019]

**16.21.1.12 TELEPHONIC ATTENDANCE BY BOARD MEMBERS:**

**A.** Pursuant to the provisions of the Open Meetings Act, Subsection C of Section 10-15-1 NMSA 1978, board members may participate in a board meeting by means of a conference telephone or similar communications equipment, and participation by such means shall constitute presence in person at the meeting. Such participation by telephone may only occur when it is difficult or impossible for the member to attend in person.

**B.** Each board member participating by conference telephone must be identified when speaking and all participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any member of the public or board members participating by phone.  
[16.21.1.12 NMAC - Rp, 16.21.1.12 NMAC 5/3/2019]

**16.21.1.13 CONDUCT OF BOARD BUSINESS:**

**A. Officers.** The board shall elect a chairperson, vice-chair, and secretary at the first regularly scheduled meeting in each calendar year.

**B. Excused absences.** A board member may be excused from a board meeting at the discretion of the board chairperson. The member shall notify the board chairperson and board administrator prior to meeting with an explanation of why they will be unable to attend. All other unattended meetings will be unexcused absences. After three consecutive unexcused absences, the member shall be recommended for removal as a board member pursuant to the Podiatry Act, Subsection D of Section 61-8-5 NMSA 1978.

**C. Quorum.** Three board members shall constitute a quorum.

**D. Notice of meetings.** Regular meetings, special meetings and emergency meetings shall be noticed in accordance with the provisions of the board's open meetings resolution.  
[16.21.1.13 NMAC - Rp, 16.21.1.13 NMAC 5/3/2019]

**16.21.1.14 ADVERTISING GUIDELINES:**

**A.** All advertisements shall include the podiatrist's name or medical group name, address and telephone number consistent with the Health Care Advertising Act, Section 57-27-1 NMSA 1978.

**B. Specialty practice:** A podiatrist may only advertise a specialty practice if they qualify under one of the following provisions:

(1) the licensee is board certified or board eligible by a recognized certifying board; if an abbreviation of the certifying board is used then the name of the certifying board must be included in the advertisement;

(2) the licensee is a fellow or an associate of a specialty organization which admits fellows and associates on the basis of an examination; if an abbreviation of the certifying board is used then the name of the certifying board must be included in the advertisement.

[16.21.1.16 NMAC - Rp, 16.21.1.14 NMAC 5/3/2019]

**16.21.1.15 [RESERVED]**

**16.21.1.16 [RESERVED]**

**HISTORY of 16.21.1 NMAC:**

**Pre-NMAC History:**

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

Rule I, Conduct of Board Business, filed 7/21/1980;

Rule IX, Scope of Practice, filed 7/21/1980;

Rule XI, Advertising by Licensees, filed 7/21/1980;

Rule XII, Inspection of Board Records, filed 11/29/1990;

Rule XIV, Severability, filed 11/29/1990.

**History of Repealed Material:** Rule I, Conduct of Board Business (filed 7/21/1980); Rule IX, Scope of Practice (filed 7/21/1980); Rule XI, Advertising by Licensees (filed 7/21/1980); Rule XII, Inspection of Board Records (filed 11/29/1990); and Rule XIV, Severability, (filed 11/29/1990), repealed 10/15/2004.

16.21.1 NMAC, Podiatrists - General Provisions filed 9/15/2004, Repealed effective 5/3/2019.

**Other History:**

Rule I, Conduct of Board Business (filed 7/21/1980); Rule IX, Scope of Practice (filed 7/21/1980); Rule XI, Advertising by Licensees (filed 7/21/1980); Rule XII, Inspection of Board Records (filed 11/29/1990); and Rule XIV, Severability, (filed 11/29/1990) all replaced by 16.21.1 NMAC, effective 10/15/2004.

16.21.1 NMAC, Podiatrists - General Provisions filed 9/15/2004 was replaced by 16.21.1 NMAC, Podiatrists - General Provisions effective 5/3/2019.