

This is an amendment to 16.22.24 NMAC, Section 8, 10, and 11 effective 02/10/2022.

16.22.24.8 APPLICATION PROCEDURES AND PRESCRIBING PRACTICES FOR CONDITIONAL PRESCRIPTION CERTIFICATE; TWO-YEAR SUPERVISED PRACTICE:

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

B. Application procedure, the applicant shall submit the following:

- (1) a copy of the degree, certificate or certification of completion of a post-doctoral psychopharmacology training program;
- (2) certification by the supervising ~~[physician]~~ independently licensed prescribing clinician and program training director of successful completion of the 80 hour practicum in clinical assessment and pathophysiology;
- (3) certification by the primary supervising ~~[physician]~~ independently licensed prescribing clinician and the program-training director of successful completion of the general 400 hour practicum treating a minimum of 100 patients with mental disorders;
- (4) evidence of passing the psychopharmacology examination for psychologists (PEP);
- (5) a proposed supervisory plan; on a form provided by the board that is signed by the ~~[psychologist]~~ applicant and the supervising ~~[physician]~~ independently licensed prescribing clinician;
- (6) evidence of proof of insurance or insurance binder as described in 16.22.24.9 NMAC, of these regulations; and
- (7) a non-refundable application fee-;
- (8) 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).

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

D. The applicant will be notified in writing within 60 days whether the application, including the supervisory plan, is accepted or rejected. If the application is rejected, the notice shall state the reason for rejection. [16.22.24.8 NMAC - Rp, 16.22.24.8 NMAC, 11/15/2006; A, 02/10/2022]

16.22.24.10 TWO YEAR SUPERVISED PRACTICE:

A. The conditional prescribing psychologist shall be supervised by ~~a licensed physician(s)~~ an independently licensed prescribing clinician knowledgeable of the administration of psychotropic medication. If more than one supervisor is selected, one supervisor shall be designated the primary supervising ~~[physician]~~ independently licensed prescribing clinician.

B. The board shall approve the supervisory plan before the conditional prescription certificate is issued. The proposed supervisory plan shall include the information contained in 16.22.24 NMAC, and shall be signed by the primary supervising ~~[physician]~~ independently licensed prescribing clinician.

C. After the board approves the supervisory plan, the conditional prescribing psychologist shall within 30 days submit to the New Mexico medical board the name, address and phone number of the conditional prescribing psychologist and the name(s), address(s) and phone number(s) of the primary supervising ~~[physician]~~ independently licensed prescribing clinician and secondary supervising ~~[physicians]~~ independently licensed prescribing clinician, if any. During the period of supervised practice, the conditional prescribing psychologist shall provide to the New Mexico medical board the name(s), address(s) and phone number(s) of any supervising ~~[physician]~~ independently licensed prescribing clinician or ~~[physician]~~ independently licensed prescribing clinician serving as a substitute or replacement for primary or secondary supervisor(s).

D. Each supervisor shall have clinical expertise or training with the patient population that the psychologist with a conditional prescription certificate is evaluating and treating.

E. During the initial contact between the patient or the patient's legal guardian, if any, and the conditional prescribing psychologist, the patient or the patient's legal guardian shall be informed that the psychologist has received specialized training in the prescription of psychotropic medication, that the psychologist is transitioning to independent psychopharmacological practice, and that the psychologist is practicing under

supervision with respect to the prescribing of psychotropic medication. The name and role of the supervisor shall be provided to the patient or the patient's legal guardian and informed consent and appropriate releases shall be obtained. The conditional prescribing psychologist shall provide additional information requested by the patient or the patient's legal guardian concerning the psychologist's education, training, and experience.

F. Supervision by the primary supervising [physician] independently licensed prescribing clinician shall be provided on a one-to-one basis for at least four hours a month and should total at least 46 hours of one-to-one supervision per year, unless altered, in accordance with Subsection K of 16.22.24.10 NMAC of these regulations.

G. Each supervising [physician] independently licensed prescribing clinician is responsible to review only the cases he or she is supervising. The supervising [physician] independently licensed prescribing clinician at all times shall have access to and shall review records relating to the treatment of patients under his or her supervision. The supervising [physician] independently licensed prescribing clinician may require face-to-face consultation(s) with the conditional prescribing psychologist.

H. If there is more than one supervisor, each supervisor shall inform the other supervisor of any concerns about a conditional prescribing psychologist whom he or she is supervising.

I. The primary supervising [physician] independently licensed prescribing clinician shall contact any secondary supervisor(s) at least every six months to obtain written or verbal progress reports concerning how the conditional prescribing psychologist is performing.

J. One-to-one supervision must be provided either face-to-face, telephonically, or by tele-video live communication.

K. At any time during the two-year conditional prescribing periods the supervising [physician] independently licensed prescribing clinician, after consultation with the conditional prescribing psychologist, may amend the supervisory plan, to increase or decrease the hours of supervision. The board shall approve amendments to the supervisory plan set forth in Subsection M below.

L. At any time during the two-year conditional prescribing period a primary supervising [physician] independently licensed prescribing clinician shall not supervise more than three conditional prescribing psychologists.

M. The supervisory plan described in Paragraph (5) of Subsection B of 16.22.24.8 NMAC shall include the following information and shall be signed by the primary supervising [physician] independently licensed prescribing clinician:

- (1) name of the applicant;
- (2) name, address, license number, and area of specialization of the primary supervising [physician] independently licensed prescribing clinician and the secondary supervisor(s), if any;
- (3) beginning and ending dates of the two-year supervised practice covered by the plan;
- (4) number of one-on-one supervisory hours per month and by whom;
- (5) setting(s) where supervision will occur and with whom;
- (6) duties and clinical responsibilities of the conditional prescribing psychologist;
- (7) location(s) where supervision will occur and with whom;
- (8) areas in which the primary and secondary supervisor(s), if any, have specialized skills to render competent supervision;
- (9) number of psychologists with conditional prescription certificates that the primary supervising [physician] independently licensed prescribing clinician will supervise during this time period;
- (10) the manner in which the conditional prescribing psychologist will be represented to the public including, all written communications and public announcements;
- (11) any direct or indirect financial agreements between or among the conditional prescribing psychologist and the primary and secondary supervisor(s), if any;
- (12) other information necessary to clarify the nature and scope of supervision; and
- (13) a statement specifying the manner in which supervision and clinical and professional responsibility will be provided during the supervisor's absence (during vacations or unexpected events that require the supervisor to be absent for any period of time),

N. The board or its designee shall notify the applicant in writing within 60 days of application date, whether the application and the proposed supervisory plan are accepted or rejected. The board or its designee shall notify a conditional prescribing psychologist within 30 days whether a proposed amendment to an approved supervisory plan is accepted or rejected. If rejected, the notice shall state the reasons for rejection.

O. Each supervising [physician] independently licensed prescribing clinician shall maintain a supervision log containing the dates, duration, and place or method of supervision, the same identification code for

patients as used by the psychologist with a conditional prescribing certificate in the summary reports, and a brief description of the content of supervision. The log shall be submitted to the board upon request.

P. The primary supervising [physician] independently licensed prescribing clinician shall also maintain a log of the contacts with the secondary supervisor(s) that includes the dates of contact, and a brief description of the outcome of this contact, including a statement stating whether the conditional prescribing psychologist is progressing satisfactorily.

Q. The supervisor shall review the results of laboratory tests as appropriate and shall be skilled and experienced in such interpretation.

R. The supervising [physician(s)] independently licensed prescribing clinician(s) shall hold an active unrestricted license in good standing and appropriate drug enforcement administration certificate and shall be experienced and skilled in the prescription of psychopharmacological drugs.

S. The conditional prescribing psychologist shall see a minimum of 50 separate patients within the two-year period who are seen for the purpose of evaluation and treatment with psychotropic medication. The duration of the two-year supervisory period shall not be accelerated or reduced.

T. At the end of the two-year period, the primary supervising [physician] independently licensed prescribing clinician shall provide an affidavit on a form provided by the board certifying that:

(1) the supervising [physician] independently licensed prescribing clinician has not received any financial payments from the applicant except appropriate fees for supervisory services, the supervising [physician] independently licensed prescribing clinician is not a member of the applicant's family or household, the supervising [physician] independently licensed prescribing clinician is not in a prohibited dual relationship with the applicant or a member of the applicant's family or household, and that the supervising [physician] independently licensed prescribing clinician has not had an interest that conflicts with the supervising [physician's] independently licensed prescribing clinician's duties as supervisor;

(2) each supervising [physician] independently licensed prescribing clinician discussed with the psychologist the charts and records of patients seen by the psychologist under that [physician's] independently licensed prescribing clinician's supervision during the two-year period or any extension; and

(3) the psychologist has successfully completed two years of evaluating for or prescribing psychotropic medication to at least 50 patients.

U. The primary supervising [physician] independently licensed prescribing clinician in consultation with any secondary supervisor shall evaluate and describe any deficiencies at the end of the two-year period. In the event of documented deficiencies, the primary supervising [physician(s)] independently licensed prescribing clinician(s) shall specify in writing the areas in need of remediation and the process and procedures by which these areas are to be remediated.

V. The supervisory period and the conditional prescriptive certificate may be extended with approval of the board if the conditional prescribing psychologist does not successfully complete the two-year conditional period of supervision. A supervisory plan shall be submitted to the board for the proposed extended period of practice under supervision. The conditional prescribing psychologist shall continue to maintain malpractice insurance.

W. At the end of the extended two-year period, the primary supervising [physician] independently licensed prescribing clinician shall provide to the board an affidavit on a form provided by the board certifying: the method by which the supervisor(s) determined that the conditional prescribing psychologist obtained the competencies necessary to prescribe psychotropic medication, supported by a written evaluation addressing areas of remediation.

[16.22.24.10 NMAC - Rp, 16.22.24.8 NMAC, 11/15/2006; A, 3/21/2009; A, 02/10/2022]

16.22.24.11 EXPIRED PRACTICE OR CERTIFICATE:

A. The conditional prescribing psychologist shall notify the board in writing if a supervising [physician] independently licensed prescribing clinician fails to meet any of the supervisory requirements as set forth in this section and the supervisory plan approved by the board. The notification shall include a clear and detailed description of the supervisor's failure(s) to perform.

B. The conditional prescribing psychologist shall notify the board within 14 days of discovery of any event or circumstance that requires the psychologist to interrupt or cease prescribing practices for any period of time that exceeds 60 days. In no event shall the conditional prescribing psychologist continue prescribing psychotropic medications without an active, responsible supervising [physician] independently licensed prescribing clinician and valid malpractice insurance.

C. The conditional prescribing certificate shall expire two years after issuance, unless extended in writing as provided in 16.22.24.8 NMAC. A psychologist shall not administer or prescribe drugs or medicines unless the psychologist holds a valid conditional prescription certificate or prescription certificate issued by the board. The board may extend the conditional prescribing certificate up to 60 days pending peer review if the board has received at the board office a complete application for a prescription certificate no later than 10 days before the expiration of the conditional prescription certificate.

D. The psychologist shall not administer or prescribe drugs or medicines after the expiration of the conditional prescription certificate. The psychologist shall notify the board in writing if the psychologist decides not to immediately apply for a prescription certificate upon expiration of the conditional prescription certificate. A psychologist who successfully completes all of the requirements of conditional prescription certificate may apply for a prescription certificate after the expiration of the conditional prescription certificate, so long as the psychologist satisfies all the education, training, and supervision criteria within the time limits established by Section 61-9-17.1 NMSA 1978 and 16.22.23.8 NMAC, of these regulations. The psychologist is solely responsible to obtain patient records for peer review and all other evidence of satisfactory completion of practice under supervision, including supervising [physician] independently licensed prescribing clinician affidavit(s).
[16.22.24.11 NMAC - Rp, 16.22.24.8 NMAC 11/15/2006; A, 02/10/2022]