

This is an amendment to 16.10.2 NMAC, Sections 7, 8, 9 and 10 effective 3/12/2024.

16.10.2.7 DEFINITIONS:

A. “Absence of good moral character” means any conduct that calls into question an applicant’s fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the board, constitutes a lack of good moral character. The conduct subject to the board’s evaluation for good moral character may or may not arise in the context of professional practice.

B. “ABMS” means the American board of medical specialties.

C. “AOA” means the American osteopathic association.

D. “AOA-BOS” means the American osteopathic association bureau of osteopathic specialists.

E. “Board approved school” means a medical school that has been approved by the liaison committee on medical education, composed of the American medical association and the association of American medical colleges, has a liaison council on medical education (LCME)-approved curriculum or equivalent for graduates of Canadian schools, is accredited by the American osteopathic association or commission on osteopathic accreditation, or has been approved by the board. Foreign medical graduates that are vetted and approved for a board approved training program and hold an ECFMG certification are considered to have graduated from an acceptable medical education, as if they have graduated from a board approved school.

F. “Board approved training program” means a program approved by the accrediting council on graduate medical education of the American medical association (ACGME), is approved by American osteopathic association (AOA), the royal college of physicians and surgeons of Canada (RCPSC), or a residency program located within an ACGME approved institution that has been approved by the board.

G. “Board approved credential verification service” means a credential verification service certified by the national commission on quality assurance (NCQA) and approved by the board.

H. “Complete application” means an application for licensure that includes all required documentation in 16.10.2 NMAC and subject to the provisions of Section 61-6-11 NMSA 1978 and Section 61-1-3.5 NMSA 1978.

I. “Disqualifying criminal conviction” means a conviction pursuant to the Uniform Licensing Act, Section 61-1-36 NMSA 1978, for a crime that is job-related for the position in question and consistent with business necessity.

J. “ECFMG” means educational commission for foreign medical students.

K. “FCVS” means the federation credential verification service of the federation of state medical boards.

L. “Good moral character” means qualities evidencing an applicant’s present good moral character for purposes of licensure including candor, honesty, integrity, a respect for the law, regard for the welfare, safety, and rights of another, and fidelity and trustworthiness in the practice of the professions for which they may be licensed. Conversely, an applicant whose conduct reflects the absence of one or more of these qualities may be said to lack the good moral character required for licensure. It is a continuing duty to exhibit good moral character as a licensee. Absence of good moral character means any conduct that calls into question an applicant’s fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the board, constitutes a lack of good moral character. The conduct subject to the board’s evaluation for good moral character may or may not arise in the context of professional practice.

M. “HSC” means the hospital services corporation, a New Mexico corporation, and a credential verification organization certified by the national commission on quality assurance (NCQA).

N. “License renewal” means the renewal of an active license with the required documentation and the submission by the licensee to a state and national background check, as determined by the board.

O. “Major disaster” means a declaration of a major disaster by the federal emergency management agency (FEMA).

P. “Military service member” means a person who is:

(1) serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard;

(2) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member’s death was serving on active duty; or

(3) the child of a military service member if the child is also a dependent of that person for federal income tax purposes.

Q. “Nationwide criminal history record” information concerning a person’s arrests, indictments, or other formal criminal charges and any dispositions arising therefrom, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states.

R. “Nationwide criminal history screening” a criminal history background investigation of an applicant for licensure by examination or endorsement through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

S. “Out of state sports team” means an entity or organization:

- (1) for which athletes engage in sporting events;
- (2) headquartered or organized under laws other than the laws of New Mexico; and
- (3) a majority of whose staff and athletes are residents of another state.

T. “Physician” means allopathic doctor (MD) or doctor of osteopathy (DO).

U. “Qualified applicant” means an applicant for licensure who satisfies the requirements and standards for licensure established by the board.

V. “Sporting event” means a scheduled sporting event involving an out of state sports team for which an admission fee is charged to the public, including any preparation or practice related to the activity.

W. “Telemedicine” means the practice of medicine across state lines as defined in the Medical Practice Act, Subsection K of Section 61-6-6 NMSA 1978.

X. “Veteran” means a person who received an honorable discharge or separation from military service.

[16.10.2.7 NMAC - Rp/E, 16 10.2.7 NMAC 7/7/2023; A, 3/12/2024]

16.10.2.8 CATEGORIES OF ACTIVE LICENSES: Individuals holding one of the following categories of medical license are eligible to practice medicine and surgery in New Mexico.

A. Expedited license: a one-year provisional license that confers the same rights, privileges and responsibilities as a medical license issued by the board as defined in Section 61-6-13 NMSA.

B. Medical: An unrestricted license to practice medicine and surgery.

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

D. Post-graduate: A limited training license issued by the board to physicians who are enrolled in a board approved training program.

E. Public service: A limited license issued by the board to physicians in training who have successfully completed one year of post-graduate training.

F. Temporary: A limited license that allows a physician to practice medicine for a limited time after meeting certain specific conditions.

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

[16.10.2.8 NMAC - Rp/E, 16 10.2.8 NMAC 7/7/2023 A, 3/12/2024]

16.10.2.9 MEDICAL LICENSE BY EXAMINATION:

A. Prerequisites for licensure: Each applicant for a license to practice as a physician in New Mexico must be of good moral character and must possess the following qualifications:

(1) graduated and received a diploma from a board approved school, completed a program determined by the board to be substantially equivalent to a U.S. medical school, based on board review of a full ECFMG certification, or the board shall, in its sole discretion, determine if the applicant’s total educational and professional clinical experience is substantially equivalent to that which is required for licensure in New Mexico; and

(2) successfully passed one of the examinations or combinations of examinations defined in 16.10.3 NMAC; and

(3) completed two years of postgraduate training or been approved by the board in accordance with the provisions of Subsection B of Section 61-6-11 NMSA 1978;

(4) 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

(5) 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, the SPEX (special purpose examination), the PLAS (post-licensure assessment system of the federation of state medical boards), or specialty re-certification.

B. Required documentation for all applicants: Each applicant for a license must submit the required fees as specified in 16.10.9.8 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 attest to the status, issue date, license number, and other information requested and contained on the form; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(3) two recommendation forms 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; forms must be sent directly to the board from the recommending physicians, chiefs of staff, department chairs, or equivalent. This information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(4) verification of all work experience and hospital affiliations in the last two years, if applicable, not to include postgraduate training; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board;

(5) a copy of all American board of medical specialties (ABMS) specialty board certifications, or American osteopathic association bureau of osteopathic specialists (AOA-BOS) if applicable; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board for applicants using FCVS or applying directly to the board; and

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

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

C. Additional documentation for applicants using the FCVS: Applicants are encouraged to use the FCVS as once a credential file is created future applications for medical licensure will be streamlined. However, application through FCVS is not required. Applicants using the FCVS must submit a completed application to the FCVS, who will provide primary source documentation to the board. Only the documents required in Subsection B of 16.10.2.9 NMAC are required in addition to the FCVS report.

D. Additional documentation for applicants using HSC or another board-approved credentials verification service:

(1) status report of educational commission for foreign medical graduates (ECFMG) certification sent directly to the board from ECFMG, if applicable;

(2) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;

(3) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency;

(4) proof of identity may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas.

E. Additional documentation for applicants applying directly to New Mexico and not using FCVS or HSC or another board-approved credentials verification service:

(1) verification of medical education form with school seal or notarized, sent directly to the board from the school;

- (2) transcripts sent directly to the board from the medical school;
- (3) status report of ECFMG certification sent directly to the board from ECFMG, if applicable;
- (4) copy of ECFMG interim letter documenting additional postgraduate training for international medical graduates applying through the fifth pathway process, if applicable;
- (5) postgraduate training form sent to the board directly from the training program;
- (6) certified transcripts of exam scores as required in 16.10.3 NMAC sent directly to the board from the testing agency; ~~and~~
- (7) proof of identity may be required; acceptable documents include birth certificate, passport, naturalization documents, and visas; and
- (8) certified copies of source documents obtained directly from another state licensing jurisdiction who has the original document on file will be accepted in lieu of original documents when the originals cannot be obtained for a valid cause.

F. Licensure process: Upon receipt of a completed application, including all required documentation and fees, 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. The initial license will be issued following completion of any required interview, or approval by a member or agent of the board.

G. Initial license expiration: Medical licenses shall be renewed on July 1 following the date of issue. Initial licenses are valid for a period of not more than thirteen months or less than one month. If New Mexico is the first state of licensure, initial licenses are valid for a period of not less than 24 months or more than 35 months and shall be renewed on July 1.
[16.10.2.9 NMAC - Rp/E, 16 10.2.9 NMAC 7/7/2023 A, 3/12/2024]

16.10.2.10 EXPEDITED LICENSURE:

A. Prerequisites for expedited licensure: Each applicant for a license to practice as a physician in New Mexico must be of good moral character, hold a full and unrestricted license to practice medicine in another state, and possess the following qualifications:

- (1) have practiced medicine in the United States or Canada immediately preceding the application for at least three years;
- (2) be free of disciplinary history, license restrictions, or pending investigations in all jurisdictions where a medical license is or has been held;
- (3) graduated from a board approved school or hold current ECFMG certification; and
- (4) current certification from a medical specialty board recognized by the ABMS or the

AOA-BOS.

B. Required documentation for all applicants: Each applicant for a license must submit the required fees as specified in 16.10.9.8 NMAC and the following documentation:

- (1) a completed signed application that has been verified as including all required documentation 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 attest to the status, issue date, license number, and other information requested and contained on the form;
- (3) two recommendation forms 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 physician(s) must have personally known the applicant and have had the opportunity to personally observe the applicant's ability and performance; forms must be sent directly to the board from the recommending physician(s), chief(s) of staff, department chair(s) or equivalent(s). This information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board;
- (4) verification of all work experience and hospital affiliations in the last three years; if more than one work experience and hospital affiliation, provide at least three verifications of all work and hospital affiliations during the past three years, if applicable, not to include postgraduate training; this information will be provided by HSC or another board-approved credentials verification service for applicants using that service, or directly to the New Mexico medical board;

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

(6) the board may request that applicants be investigated by the biographical section of the AMA, the DEA, the FSMB, the NPDB, and other sources as may be deemed appropriate by the board. The board shall require fingerprints and, in its discretion, a state and national background check.

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

~~C. **Licensure process:** Upon receipt of a completed application, including all required documentation and fees, 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. The initial license will be issued following completion of any required interview, or approval by a member or agent of the board.~~

~~D. **Initial license expiration:** Medical licenses shall be renewed on July 1. Initial licenses are valid for a period of not more than 24 months or less than one 12 months. If New Mexico is the first state of licensure, initial licenses are valid for a period of not less than 24 months or more than 35 months and shall be renewed on July 1.~~

~~E. **Continuous practice:** For at least three years prior to the submission of a completed application for an expedited license, the applicant shall explain any break in practice or service. Any break in service for the three years preceding the application, exceeding 30 days, shall be stated and explained in the application to the satisfaction of the board.~~

~~F. **Competency examination:** An applicant for an expedited license may, at the discretion of the Board, be required to undergo a competency examination before the issuance of an expedited license.]~~

~~C. **Expedited licensure process:** Upon receipt of a completed application, required fees, and verification of licensure in all states or territories where the applicant actively holds a license to practice medicine, the board shall issue an expedited license to a qualified applicant within thirty (30) days from the date the completed application was received unless the board may have other cause to deny the application pursuant to Section 61-6-15 NMSA 1978.~~

~~D. **Expedited license expiration:** Expedited licenses shall be valid for no more than 12 months from the date of issuance.~~

~~[G] E. **Procedure for incomplete application.** If an incomplete application for an expedited license is received, the board shall notify the applicant in writing within 30 days from the date the incomplete application was received by the board. The written notification shall include how the application is incomplete and what is needed to complete the application; this written notification shall be titled “notice to cure.” After receipt of the notice to cure, the applicant must submit a completed application within 30 days of the receipt of the notice to cure. An extension may be granted, at the board’s discretion and based on good cause, for submission beyond 30 days after receipt of the notice to cure.~~

[16.10.2.10 NMAC - Rp/E, 16 10.2.10 NMAC 7/7/2023 A, 3/12/2024]