

This is an amendment to 16.2.14 NMAC, Sections 10 and 12 effective 10/22/2024.

**16.2.14.10 EXTERN CERTIFICATION APPLICATION:** Upon ~~[approval]~~ submission of ~~[an]~~ complete application for extern certification that fulfills the requirements listed below, the board shall issue an extern certification. ~~[In the interim between regular board meetings, whenever a qualified applicant for extern certification has filed his or her application and complied with all other requirements of this section, the board's chairman or an authorized representative of the board may grant an interim temporary extern certification that will suffice until the next regular meeting of the board.]~~ In no event shall the applicant begin the practice of acupuncture and oriental medicine until the extern certification ~~[or interim temporary extern certification]~~ is issued by the board. ~~[The application requirements for extern certification shall be receipt of the following by the board:]~~

- A. the fee for application for extern certification specified in 16.2.10 NMAC;
  - B. ~~[an]~~ a complete application for extern certification ~~[that is complete and]~~ in English ~~[on a form provided by the board]~~ that shall include the applicant's name, address, date of birth and social security number, or individual tax identification number, if available;
- [16.2.14.14 NMAC - N, 1/1/2001; A, 7/26/200; A, 10/22/2024]

**16.2.14.12 ISSUANCE OF EXTERNSHIP SUPERVISOR REGISTRATION:** Upon ~~[approval]~~ submission of ~~[an]~~ a complete application for externship supervisor registration that fulfills the requirements listed below, the board shall issue an externship supervisor registration. ~~[In the interim between regular board meetings, whenever a qualified applicant for externship supervisor registration has filed his or her application and complied with all other requirements of this section, the board's chairman or an authorized representative of the board may grant an interim temporary externship supervisor registration that will suffice until the next regular meeting of the board.]~~ In no event shall the externship supervisor begin supervising an extern until the externship supervisor registration ~~[or interim temporary externship supervisor registration]~~ is issued by the board. The application requirements for an externship supervisor registration shall be receipt of the following by the board:

- A. the fee for application for externship supervisor registration specified in 16.2.10 NMAC;
- B. ~~[an]~~ a complete application for externship supervisor registration ~~[that is complete and]~~ in English ~~[on a form provided by the board]~~ that shall include the applicant's name, address, date of birth and social security number, or individual tax identification number, if available;
- C. proof of five years of clinical experience; and
- D. proof of maintaining a clinical facility; and
- E. proof of appropriate professional and facility insurance; and
- F. an affidavit as provided on the "extern supervisor registration application" stating that the applicant understands that:

(1) the scope of practice of an extern shall be limited to the practice of acupuncture and oriental medicine as defined in the act and 16.2.2 NMAC, except that the extern shall not prescribe or administer any herbal, nutritional, homeopathic or any other medicines or substances; when diagnosing and treating a patient, the extern shall practice only within the limits of his or her education and training; the extern shall possess and apply the knowledge, and use the skill and care ordinarily used by reasonably well-qualified doctors of oriental medicine practicing under similar circumstances, giving due consideration to their limited clinical experience; and

(2) the extern certification shall expire automatically 12 months after the date of issuance unless the certificate expires sooner for any of the following reasons:

- (a) upon licensure;
- (b) if the extern fails the board's clinical skills examination more than once; or
- (c) if the extern is no longer under the supervision of the externship supervisor; and

(3) in no event shall an extern practice under extern certification(s) for more than a total of 12 months or after failing the board's clinical skills examination more than once; the extern certification is not renewable; exceptions for good cause shall not apply to the extern certification; and

(4) the extern supervisor shall not be a member of the extern's family or a member of the extern's household or have a conflict of interest with the extern as defined in 16.2.14.19 NMAC; and

G. an affidavit as provided on the "extern supervisor registration application" stating that the applicant understands that the externship supervisor shall:

- (1) provide a clinical environment where the extern is able to further his or her knowledge and apply acupuncture and oriental medicine theory and techniques; and
  - (2) directly supervise the extern on the premises of the treating facility at all times and be available for consultation, intervention, and decisions about patient care; and
  - (3) supervise no more than two externs at any given time and have no more than two externs in his or her externship program at a time; and
  - (4) inform patients with a written signed consent form outlining the responsibility of the extern and the scope and limits of practice; and
  - (5) prescribe all herbal, nutritional, homeopathic and any natural substances; any recommendations of these substances by the extern must be signed by the externship supervisor; and
  - (6) approve the diagnosis and treatment plan and oversee the techniques of oriental medicine and delivery of patient care; and
  - (7) notify the board in writing, within five days working days, when the extern enters into an extern supervisory contract with the externship supervisor or terminates the externship participation; and
  - (8) be responsible for the delivery of competent professional services, obtaining patient consents, and maintaining patient records; and
  - (9) document approval and oversight of diagnosis, treatment, and patient care in the patient's permanent file; and
  - (10) terminate the externship relationship if the externship supervisor has the reasonable belief that the extern has violated the act or the rules or if a conflict of interest arises during the supervision; the externship supervisor shall notify the board, in writing, within five working days that the externship relationship is terminated and give the reasons for the termination; and
  - (11) the extern supervisor must notify the board within ten days if the extern supervisor's address changes; and
  - (12) the board may refuse to issue, or may suspend, or revoke any license, externship supervisor registration or externship supervisor registration in accordance with the Uniform Licensing Act, 61-1-1 to 61-1-31 NMSA 1978, for reasons authorized in section 61-14A-17 NMSA 1978 of the act and clarified in 16.2.12 NMAC.
- [16.2.14.1 NMAC - Rp, 16.2.14.1 NMAC, 2/11/2022; A, 10/22/2024]