

NOTICE OF PROPOSED RULEMAKING

The New Mexico Board of Nursing (hereinafter the “Board”) will hold a public rule hearing on Wednesday, February 21, 2024, at 9:00 a.m. The rule hearing will be held in person at CNM Workforce Training Center, 5600 Eagle Rock Ave NE, Albuquerque, NM 87113. A Board staff member will also be present on the day of the hearing from approximately 8:00 a.m. to 9:00 a.m. at 6301 Indian School Rd, NE, Suite 710, Albuquerque, NM 87110, to accept comments in written form and submit those comments to the board during the hearing.

To attend the hearing:

Please attend the meeting at CNM Workforce Training Center, 5600 Eagle Rock Ave NE, Albuquerque, NM 87113.

The purpose of the rule hearing is to consider proposals to amend 16.12.1 NMAC (“General Provisions”, 16.12.2 NMAC (“Nurse Licensure”), 16.12.3 NMAC (“Nursing Education Programs”), 16.12.4 NMAC (“Hemodialysis Technicians”) 16.12.9 NMAC (“Management of Chronic Pain with Controlled Substances”). The rules hearing will also consider a new 16.12.14 NMAC (“Nursing Practice in Aesthetic Medical Facilities”).

Persons desiring to view the proposed rules may download them from <https://www.bon.nm.gov>. If you do not have internet access, a copy of the proposed rules may be requested by contacting NMBON at (505) 841-9083.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to sheena.ferguson@bon.nm.gov. Alternatively, members of the public may submit written comments by sending an original, signed copy to:

New Mexico Board of Nursing
ATTN: NMBON Public Comments
6301 Indian School Rd. NE, Suite 710
Albuquerque, NM 87110

The Board will accept written public comment received at or before 5:00 PM on Tuesday, February 20, 2024, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00 a.m. at the above-referenced address on the date of the rule hearing. All written comments will be posted to the Board’s website no later than three business days following receipt to allow for public viewing.

The board will preside over the hearing. The board will hear public comments, review written public comments, and any exhibits admitted during the hearing.

If you are a person with a disability and you require this information in an alternative format or require special accommodations to participate in the public hearing, please contact the NMBON at (505) 841-9083. The NMBON requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Statutory Authority: Subsection A of Section 61-3-10 NMSA 1978 of the Nursing Practice Act, Sections 61-3-1 to -30 NMSA 1978, specifically authorizes the Board to “promulgate rules in accordance with the State Rules Act (Chapter 14, Article 4 NMSA 1078) as necessary to enable it to carry into effect the provisions of the Nursing Practice Act and to maintain high standards of practice.” In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the board will accept an applicant for expedited licensure. The list of disapproved licensing jurisdictions shall be posted on the board’s website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval.”

Purpose of the proposed rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders,

and to generally satisfy the Board's statutory obligation to "promote, preserve and protect the public health, safety and welfare." Section 1 of section 61-3-2 NMSA 1978.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.12.1 NMAC - General Provisions

The proposed changes to Part 1 of the Board's current rules consist of amending existing language. The new Part 1 would set forth critical definitions applicable to all the Board's rules.

16.12.2 NMAC - Nurse Licensure

The proposed changes to Part 2 of the Board's current rules consist of amending existing language.

16.12.3 NMAC - Nursing Education Programs

The proposed changes to Part 3 of the Board's current rules are to amend the existing language. The amended Part 3 proposed to change the definition of clinical preceptor, change the way the pass rates are calculated for nursing education programs, adds requirements for nursing programs offering clinical instruction in the state, and changes the education requirements for full-time education faculty.

16.12.4 NMAC - Hemodialysis Technicians

The proposed changes to Part 4 of the Board's rules consist of amending existing language. The amended part 4 rules make a correction to the objectives of the rules, updates the definition of continuing education, revises eligibility requirements for certification, and changes the scope of function of the hemodialysis technician.

16.12.9 NMAC - Management of Chronic Pain with Controlled Substances

The proposed changes to Part 9 of the Board's rules consist of amending existing language for consistency with the Pain Relief Act, Sections 24-2D-1 through 24-2D-7 NMSA 1978. Two definitions beginning with "O" were added. Language was added to reflect changes in the Pain Relief Act.

16.12.14 NMAC - Nursing Practice in Aesthetic Medical Facilities

The proposed new Part 14 of the Board's rules

Technical Information: No technical information provided the basis for either of the proposed rules.