

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Psychologist Examiners will hold a rule hearing on Friday, August 30, 2024, at 9:00 a.m. Immediately following the rule hearing, the Board will convene a regular board meeting to consider adoption of rules and take care of regular business. The hearing and meeting are being held at the Regulation and Licensing Department, located at 2550 Cerrillos Road, Santa Fe, NM in the Rio Grande Conference Room.

The meeting will also be held via Microsoft Teams for those desiring to attend virtually.

To join the meeting online by Microsoft Teams Meeting, please use the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjExMDFjMzYtNWJkMC00ZDU3LWIyMDItMDE4MGUyMzFhNTBi%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%220e369004-579e-46ef-9c0c-80e56d3f46b0%22%7d

Meeting ID: 214 298 159 091

Passcode: M6zLSq

Or call in (audio only)

+1 505-312-4308,,979105157#

The purpose of the rule hearing is to receive public comment related to proposed amendments, repealing and/or replacing the following rules that addresses changes to the Professional Psychologist Act as amended by Senate Bill 127 passed during the 2024 legislative session and signed by the Governor, which is effective July 1, 2024:

16.22.1 - General Provisions

16.22.21 – Conditional Prescribing or Prescribing Psychologists: Limits of Practice

16.22.22 – Conditional Prescribing or Prescribing Psychologists: Application Committee

16.22.24 – Application Procedures: Two-Year Supervised Practice

16.22.25 – Prescription Certificate: Application; Peer Review; Evaluation Outcome

16.22.27 – Conditional Prescribing or Prescribing Psychologists: Formulary

16.22.28 – Conditional Prescribing or Prescribing Psychologists: Complaint Procedures

On July 30, 2024, copies of the proposed rules may be obtained by going to the Board’s website at:

NMRLD | Psychologist Examiners | Rules and Laws, or by contacting the Board Administrator for the Board at (505) 476-4622.

The Board will begin accepting public comments on the proposed rule beginning July 30, 2024. Please submit written comments on the proposed rules to Ruth Romero, Board Administrator, via electronic mail at psychologist.examiners@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, August 30, at 8:00 a.m. Written comments received prior to the rule hearing will be posted to the RLD website at: NMRLD | Psychologist Examiners | Rules and Laws. Persons in attendance will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at: Psychologist Examiners Board Meetings | New Mexico Regulation & Licensing Dept. (nm.gov). Copies of the rules or the agenda may also be obtained by contacting Ruth Romero, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Ruth Romero, Board Administrator at (505) 476-4622 at least seven (7) days prior to the rule hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

Statutory Authority: The Professional Psychologist Act, NMSA 1978, Sections 61-9-6, among other provisions, specifically authorizes the Board to “adopt and file, in accordance with the State Rules Act [Chapter 14, Article 4, 1978], rules necessary to carry out the provision of the Professional Psychologist Act, in accordance with the provisions of the Uniform Licensing Act”.

Purpose of Proposed Rules: The proposed rule changes are intended to address statutory changes to the Professional Psychologist Act that were included in SB 127, which was passed by the New Mexico Legislature during the 2024 Regular Session. The proposed rule changes are also intended to provide greater clarity regarding the qualification and experience required for conditional prescribing psychologists and prescribing psychologists.

Summary of Proposed Changes: The proposed rules are summarized as follows:

16.22.1 NMAC – General Provisions – Adds a definition for “Clinical Psychopharmacology” and adds gender-neutral pronouns.

16.22.21 NMAC – Conditional Prescribing or Prescribing Psychologists: Limits of Practice – Changes the scope of prescription drugs allowed to include drugs that are consistent with standards of practice in the field, clarifies that electronically transmitted prescriptions shall comply with state and federal law, clarifies ordering and reviewing laboratory tests, clarifies prescribing to family or household members, and implements a requirement for the prescribing psychologist to discuss with the patient’s healthcare provider within 20 business days when prescribing drugs for the management of side effects that are the result of psychotropic treatment, as required by statute.

16.22.22 NMAC – Conditional Prescribing or Prescribing Psychologist: Application Committee – Redefines who may be appointed as a member of the RxP application committee to remove specific member appointments.

16.22.24 NMAC – Application Procedures: Two-Year Supervised Practice – changes the definition of clinician to remove “independently licensed prescribing” to conform with the new definitions in statute. Also clarifies initial contact with a conditional prescribing psychologist as a person in training.

16.22.25 NMAC – Prescription Certificate: Application; Peer Review; Evaluation Outcome – Adds additional requirements to be provided when submitting an application for a prescription certificate, including a log of patients seen and a supervision log. Also removes “independently licensed prescribing” regarding the supervising clinician.

16.22.27 NMAC – Conditional Prescribing or Prescribing Psychologists: Formulary – sets out scope of practice and limitations of practice for prescribing psychologists and conditional prescribing psychologists by allowing the prescribing of medications to address the management of side effects of psychotropic medications.

16.22.28 NMAC - Conditional Prescribing or Prescribing Psychologists: Complaint Procedures – Redefines members of the complaint committee regarding complaints about a conditional prescribing or prescribing psychologist to include two prescribing psychologists and two physicians recommended by the New Mexico medical board. In addition, adjusts the list of professional members who may be included on the complaint committee, removing psychologists with specialized training in psychopharmacology and licensed psychologists. Also clarifies the complaint process, including informal resolutions. Also adds a requirement for the committee to report on complaints specific to management of side effects on a quarterly basis.