

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 22 PSYCHOLOGISTS AND PSYCHOLOGIST ASSOCIATES
PART 28 CONDITIONAL PRESCRIBING OR PRESCRIBING PSYCHOLOGISTS: COMPLAINT PROCEDURES

16.22.28.1 ISSUING AGENCY: Regulation and Licensing Department Board of Psychologist Examiners.
[16.22.28.1 NMAC - Rp, 16.22.28.1 NMAC, 10/08/2024]

16.22.28.2 SCOPE: The provisions of Part 28 shall apply to all licensees and applicants for licensure, and the general public.
[16.22.28.2 NMAC - Rp, 16.22.28.2 NMAC, 10/08/2024]

16.22.28.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Professional Psychologist Act, NMSA 1978 Section 61-9-17.1
[16.22.28.3 NMAC - Rp, 16.22.28.3 NMAC, 10/08/2024]

16.22.28.4 DURATION: Permanent.
[16.22.28.4 NMAC - Rp, 16.22.28.4 NMAC, 10/08/2024]

16.22.28.5 EFFECTIVE DATE: October 8, 2024, unless a later date is cited at the end of the section.
[16.22.28.5 NMAC - Rp, 16.22.28.5 NMAC, 10/08/2024]

16.22.28.6 OBJECTIVE: The objective of Part 28 is to set forth the provisions, which apply to all of Chapter 22, and all persons affected or regulated by Chapter 22 of Title 16.
[16.22.28.6 NMAC - Rp, 16.22.28.6 NMAC, 10/08/2024]

16.22.28.7 DEFINITIONS: [RESERVED]
[Refer to 16.22.1.7 NMAC]

16.22.28.8 COMPLAINT PROCEDURES:

A. Any complaint against a conditional prescribing or prescribing psychologist shall be made according to the complaint procedures described in 16.22.11 NMAC of these board regulations.

B. The board shall notify the New Mexico medical board, the board of osteopathic medical examiners, or the board of nursing in writing upon receipt of any complaint that implicates the collaborative relationship between a conditional prescribing or prescribing psychologist and a physician, an osteopathic physician, a nurse practitioner, or a physician's assistant respectively.

C. A joint board complaint committee shall be appointed to evaluate any complaint arising out of the collaboration between a conditional prescribing or prescribing psychologist and a health care practitioner. The committee shall evaluate compliance with provisions of the collaboration guidelines as set forth in 16.22.20.8 NMAC. If the committee determines that the complaint does not involve the collaboration guidelines, the committee shall return the complaint to the board for appropriate action.

D. A joint board complaint committee will consist at a minimum of the following members, appointed as follows:

(1) two prescribing psychologists, licensed in New Mexico at the unconditional level;

(2) two physicians, recommended by the New Mexico medical board, approved for the joint complaint committee by the chair of the New Mexico board of psychologist examiners.

E. Members of a joint board complaint committee shall not be in a pharmacological training program or seeking a prescription certificate, shall not be seeking licensure as a psychologist, physician, or nurse, and shall be a licensee in good standing in the respective profession.

F. Members of a joint board complaint committee shall not participate in any complaint review involving the member's family, household or a conflict of interest as defined in 16.22.1.7 NMAC, of these regulations.

G. The professional members of a joint board complaint committee may also include:

(1) a licensed physician or osteopathic physician with clinical experience in mental health or psychopharmacology;

- (2) a licensed pharmacist or pharmacist clinician with specialized training and experience in psychopharmacology;
- (3) a prescribing psychologist;
- (4) a nurse practitioner, or physician's assistant with documented specialized training and experience in psychopharmacology.

H. Upon receipt and review of a complaint, a joint board complaint committee shall attempt an informal resolution of said complaint consistent with the collaboration guidelines, in order to optimize patient care.

I. If an informal resolution cannot be achieved, a joint board complaint committee shall report its findings to the board which will ensure that information about the non-resolved complaint is forwarded to other appropriate boards as required for appropriate action.

J. The joint board complaint committee shall review and report on all formal complaints against a conditional prescribing or prescribing psychologist specific to their management of side effects on a quarterly basis. Anonymous complaints shall not be investigated.

[16.22.28.8 NMAC - Rp, 16.22.28.8 NMAC, 10/08/2024]

HISTORY OF 16.22.28 NMAC:

History of Repealed Material:

16.22.28 NMAC, Prescribing Psychologists: Complaint Procedures - Repealed 11/15/2006

16/22/28 NMAC, Conditional Prescribing or Prescribing Psychologists: Complaint Procedures, filed 11/15/2006 – was repealed and replaced by 16.22.28 NMAC, Conditional Prescribing or Prescribing Psychologists: Complaint Procedures, effective 10/08/2024