



New Mexico Medical Board

2055 S. Pacheco Street

Building 400

Santa Fe, NM 87505

505-476-7220 505-476-7233 fax

Michelle Lujan Grisham
Governor

Peter Beaudette, M.D.
Chair

Updated August 13, 2020

To Whom it May Concern,

Re: Guidance for Providing Patient Care by Electronic Means During a Crisis:

During this extraordinary situation as New Mexico addresses the COVID-19 pandemic, the New Mexico Medical Board supports the use of extraordinary means to provide expanded care options in order to further continuity of care. To that end we are issuing guidance on the use of electronic means to provide appropriate continuity of care by out-of-state, US licensed physicians providing medical care from another state to New Mexico located patients.

This guidance does not apply if the physician is not licensed in any other state or territory in the United States.

This guidance might apply to:

1. Physicians who have a past derogatory disciplinary or licensing history with the NMMB. This means a physician who has been suspended or revoked or denied licensure by the NMMB or has “withdrawn” an application for licensure with the NMMB.
2. Physicians whose medical license is not in good standing in any other US state or territory.

In these two circumstances, the physician must contact the NMMB for specific clearance to provide medical care under this guidance provision.

What is allowed under this guidance and will not be considered unethical nor a violation of New Mexico Medical Board rules: the use of electronic means (internet, email, text, telephone) to assess and provide responsible continuity of care to any established patient in New Mexico by an out of state US licensed physician (exempting conditions noted above) during the COVID-19 Emergency as declared by Governor Lujan-Grisham.

Many New Mexicans are being treated by out of state physicians and given the strictures on travel and the public safety concerns the NMMB has issued this guidance to help New Mexico patients keep their established physicians. If their physician is using electronic means in the care of an established patient, for the safety of the patient, that care may be provided without the physician obtaining a New Mexico medical license only by complying with this guidance. Failure to comply with this guidance may result in action by the NMMB.

An established patient is one for whom medical care has been initiated where at least one in-person examination has been conducted by the physician in question and documented in the medical record and that encounter occurred prior to the Covid 19 pandemic and where continuity of care is the goal.

Prescribing of controlled substances must be medically appropriate, well-documented and continue to conform to the NMMB regulations, including but not limited to Part 14, NMAC 16.10.14, Management of Pain and Other Condition with Controlled Substances and Part 8, Medical Ethics, NMAC 16.10.8.



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It is the responsibility of the physician intending to practice under this guidance to self-verify that the physician meets the requirements and responsibilities. The NMMB staff will not verify these requirements.

It is also strongly advised that physicians with more than 10 (ten) patients in New Mexico who will continue to need care, or if the physician anticipates treating new patients, attain a New Mexico telemedicine, or Federal Emergency License. The NMMB will make every effort to help applicants who need these licenses. Please contact us if this is the case.

Although this letter addresses only physicians, this guidance also applies to physician assistants under the proper supervision of an out-of-state licensed physician. The same requirements and responsibilities apply to both physicians and physician assistants under this guidance.

This guidance will remain in place until the emergency declaration is lifted by the governor or at the election of the board.

Please contact Amanda Quintana, Compliance manager at (505) 670-7082 or via email at AmandaL.Quintana@state.nm.us if you have any questions.

Sincerely,

Sondra Frank, Esq.

Executive Director

New Mexico Medical Board