

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 7 LICENSE EXPIRATION, RENEWAL, AND REINSTATEMENT

16.10.7.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.10.7.1 NMAC - N, 4/18/2002]

16.10.7.2 SCOPE: This part applies to licensed physicians as well as physicians who have previously held a license to practice in New Mexico and wish to reinstate the expired, inactive, suspended, lapsed, or retired license.
[16.10.7.2 NMAC - N, 4/18/2002]

16.10.7.3 STATUTORY AUTHORITY: This rule governs the practice of medicine in New Mexico and is promulgated pursuant to and in accordance with the Medical Practice Act, Section 61-6-19, 61-6-26, 61-6-27, 61-6-28 and 61-6-30 NMSA 1978.
[16.10.7.3 NMAC - N, 4/18/2002; A, 9/21/2009]

16.10.7.4 DURATION: Permanent
[16.10.7.4 NMAC - N, 4/18/2002]

16.10.7.5 EFFECTIVE DATE: April 18, 2002 unless a later date is cited at the end of a section.
[16.10.7.5 NMAC - N, 4/18/2002]

16.10.7.6 OBJECTIVE: This part establishes procedures for license expiration, renewal and reinstatement.
[16.10.7.6 NMAC - N, 4/18/2002]

16.10.7.7 DEFINITIONS:

A. “Inactive” means a license placed in a non-working status at the request of a physician not currently practicing in New Mexico.

B. “Lapsed” means a license that has not been renewed by September 30 of the expiration year and has been suspended for non-renewal. A license that has lapsed is not valid for practice in New Mexico.

C. “Retired” means a license that has been withdrawn from active or inactive status at the physician’s request. A retired license cannot be used to practice medicine in New Mexico and a retired license may not subsequently be reinstated.

D. “Nationwide criminal history record” means information concerning a person’s arrests, indictments, or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states.

E. “Nationwide criminal history screening” means a criminal history background investigation of a licensee applying for licensure renewal through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

F. “Statewide criminal history record” means information concerning a person’s arrests, indictments, or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the computerized database of the department of public safety or the repositories of criminal history information in municipal jurisdictions.

G. “Statewide criminal history screening” means a criminal history background investigation of a licensee applying for licensure renewal through the use of fingerprints submitted to the department of public safety and resulting in the generation of a statewide criminal history record for that licensee.

H. “Suspended for non-renewal” means a license that has not been renewed by September 30 of the expiration year, and has at the discretion of the board, been lapsed.

I. “Voluntarily lapsed” means a license that is not renewed at the request of the physician.
[16.10.7.7 NMAC - N, 4/18/2002; A, 4/3/2005; A, 7/1/2006; A, 1/10/2007; A, 9/27/2007; A, 9/21/2009]

16.10.7.8 [RESERVED]

[16.10.7.8 NMAC - N, 4/18/2002; Repealed, 4/3/2005]

16.10.7.9 RENEWAL PROCESS: To avoid additional penalty fees, a completed renewal application, accompanied by the required fees and documentation must be submitted through the online renewal system, post-marked or hand-delivered on or before July 1 of the renewal year. A New Mexico medical license that has not been renewed by July 1 of the renewal year will remain temporarily active with respect to medical practice until September 30 of the renewal year at which time, at the discretion of the board, the license may be suspended for non-renewal and the status changed to lapsed. New Mexico hospitals and health insurance plans will be notified.

A. All renewal applications will be subject to a one time nationwide and statewide criminal history screening. Renewal applications will be processed pending the completion of the statewide criminal history screening and may be granted while the screening still pending.

B. If the nationwide or statewide criminal background screening reveals a felony or a violation of the Medical Practice Act, the licensee will be notified to submit copies of legal documents and other related information to the board which will make the determination if the applicant is eligible for licensure or if disciplinary action will be taken.

[16.10.7.9 NMAC - N, 4/18/2002; A, 4/3/2005; A, 7/1/2006; A, 9/27/2007; A, 9/21/2009]

16.10.7.10 LICENSEE RESPONSIBILITY: The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to assure the board has accurate address information and to make a timely request for the renewal form if one has not been received prior to license expiration. If the notice of renewal is returned to the board office and the licensee has not sent a change of address, the suspension for non-renewal and lapsed status notice will be considered undeliverable and will not be mailed.

[16.10.7.10 NMAC - N, 4/18/2002; A, 9/21/2009]

16.10.7.11 RENEWAL AFTER JULY 1 AND BEFORE AUGUST 16: Renewal applications post-marked, electronically or hand delivered after July 1 and prior to August 16 of the renewal year must be accompanied by the completed renewal application, the triennial renewal fee and late fee indicated in 16.10.9.8 NMAC, and documentation of 75 hours of continuing medical education as required in 16.10.4 NMAC.

[16.10.7.11 NMAC - N, 4/18/2002; A, 4/3/2005]

16.10.7.12 RENEWAL AFTER AUGUST 15 AND BEFORE OCTOBER 1: Renewal applications post-marked on or after August 16 but before October 1, of the renewal year must be accompanied by the completed renewal application, the triennial renewal fee and late fee indicated in 16.10.9.8 NMAC, and documentation of 75 hours of continuing medical education as required in 16.10.4 NMAC.

[16.10.7.12 NMAC - N, 4/18/2002]

16.10.7.13 CHANGE IN STATUS: Physicians who do not want to maintain an active license to practice medicine in New Mexico may choose to place their license on inactive, retired or voluntary lapsed status at the time of renewal.

A. Inactive status: A license may be placed on inactive status by the payment of the processing fee indicated in 16.10.9.8 NMAC before October 1 of the renewal year. A license in inactive status is not valid for practice in New Mexico but may be reinstated in accordance with the provisions of 16.10.7.16 NMAC and 16.10.7.17 NMAC.

B. Retired status: Upon request, a license may be placed on retired status. A retired licensee cannot practice medicine with a retired license, and such license may not subsequently be reinstated. A physician with a retired license who chooses to reinstate the license must re-apply as a new applicant.

C. Voluntarily lapsed status: A physician may inform the board that he does not wish to renew an active license to practice medicine in New Mexico and will voluntarily allow the license to lapse. There is no charge for this change in status. A voluntarily lapsed license is not valid for practice in New Mexico. A physician with a voluntarily lapsed license may only be reinstated in accordance with the provisions of 16.10.7.16 NMAC and 16.10.7.17 NMAC.

[16.10.7.13 NMAC - N, 4/18/2002; A, 9/21/2009]

16.10.7.14 LICENSE SUSPENSION FOR NON-RENEWAL: The board may in its discretion suspend for non-renewal and change the status to lapsed on October 1 of the renewal year the license of any physician who has failed within ninety days after the license renewal date to renew their license, or to change the license status as

indicated in section 13, above, to pay all required fees, or to comply with continuing medical education requirements, or to provide required documentation. Suspension for non-renewal and lapsed status is a non-reportable administrative action.

[16.10.7.14 NMAC - N, 4/18/2002; A, 4/3/2005; A, 1/10/2007; A, 9/21/2009]

16.10.7.15 [RESERVED]

[16.10.7.15 NMAC - N, 4/18/2002; A, 1/10/2007; A, 9/21/2009]

16.10.7.16 LICENSE REINSTATEMENT WITHIN TWO YEARS OF RENEWAL DATE: A license that has been suspended for non-renewal and placed on lapsed status, placed in inactive, or voluntarily lapsed status may be reinstated within two years of the renewal date by submitting the following documentation:

- A. written request for re-instatement;
- B. completion of a renewal application;
- C. payment of fees as indicated in Subsections B, H, and I of 16.10.9.8 NMAC;
- D. proof of completion of required continuing medical education as defined in 16.10.4 NMAC for the current year and the previous renewal cycle;
- E. list of licenses held in any other state(s) and license status.

[16.10.7.16 NMAC - N, 4/18/2002; A, 4/3/2005; A, 1/10/2007; A, 9/21/2009]

16.10.7.17 LICENSE REINSTATEMENT AFTER TWO YEARS FROM RENEWAL DATE:

Restoration of a medical license to active status after two years from the renewal date requires the physician demonstrate continued competence to practice medicine through the following documentation:

- A. completion of a reinstatement application;
- B. proof of completion of 75 hours of continuing medical education during the past three licensing years as defined in 16.10.4 NMAC;
- C. payment of fees as defined in Subsections B, H and I of 16.10.9.8 NMAC; and
- D. applicants who have not been in active practice for the previous two years may be required to pass an examination for current competency as defined in 16.10.3.11 NMAC;
- E. applicants may be required to personally appear before the board or the board's designee for an interview;
- F. consistent with the provisions of the Medical Practice Act, Section 61-6-30 NMSA 1978, the board may impose terms and conditions on the reinstated license.

[16.10.7.17 NMAC - N, 4/18/2002; A, 4/3/2005; A, 9/21/2009]

16.10.7.18 REINSTATEMENT PROCESS: All applicants approved for reinstatement must pay the renewal fee indicated in Subsection B of 16.10.9.8 NMAC. Applicants with a license that has been placed on inactive status must pay the reinstatement fee indicated in Subsection I of 16.10.9.8 NMAC in addition to the triennial renewal fee. Applicants for reinstatement whose license has been suspended for non-renewal and placed on lapsed status or voluntarily lapsed must pay the reinstatement fee indicated in Subsection H of 16.10.9.8 NMAC in addition to the triennial renewal fee. Reinstatement licenses are issued for a period not less than 24 months or more than 36 months from the date of approval.

- A. All reinstatement applications will be subject to a nationwide and statewide criminal history screening. Reinstatement applications shall be processed pending the completion of the statewide criminal history screening and may be granted while the screening still pending.
- B. If the nationwide or statewide criminal background screening reveals a felony or a violation of the Medical Practice Act, the licensee will be notified to submit copies of legal documents and other related information to the board which will make the determination if the applicant is eligible for licensure or if disciplinary action will be taken.

[16.10.7.18 NMAC - N, 4/18/2002; A, 4/3/2005; A, 7/1/2006; A, 1/10/2007; A, 9/27/2007; A, 9/21/2009]

HISTORY OF 16.10.7 NMAC: [RESERVED]