

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 12 SUPERVISION OF NON-LICENSED PHYSICIANS

16.10.12.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[3/17/1998, 4/27/2000; 16.10.12.1 NMAC - Rn & A, 16 NMAC 10.12.1, 1/10/2007]

16.10.12.2 SCOPE: This part applies to physicians supervising physicians under Section 61-6-17 (I) NMSA 1978.
[3/17/1998; 16.10.12.2 NMAC - Rn, 16 NMAC 10.12.2, 1/10/2007]

16.10.12.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of medicine in New Mexico and are promulgated pursuant to and in accordance with the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978, the Uniform Licensing Act, Sections 61-1-1 through 61-1-33 NMSA 1978, and the Impaired Health Care Provider Act, Section 61-7-1 through 61-7-12 NMSA 1978.
[3/17/1998; 16.10.12.3 NMAC - Rn, 16 NMAC 10.12.3, 1/10/2007]

16.10.12.4 DURATION: Permanent
[3/17/1998; 16.10.12.4 NMAC - Rn, 16 NMAC 10.12.4, 1/10/2007]

16.10.12.5 EFFECTIVE DATE: March 17, 1998, unless a later date is cited at the end of a section.
[3/17/1998; 16.10.12.5 NMAC - Rn & A, 16 NMAC 10.12.5, 1/10/2007]

16.10.12.6 OBJECTIVE: This part establishes procedures for New Mexico licensed physicians to delegate responsibilities to physicians not licensed in New Mexico, pursuant to Section 61-6-17 (I) NMSA 1978, as amended in 1997.
[3/17/1998, 4/27/2000; 16.10.12.6 NMAC - Rn, 16 NMAC 10.12.6, 1/10/2007]

16.10.12.7 DEFINITIONS:

- A.** "Non-licensed physician" means a medical doctor licensed to practice medicine in a jurisdiction other than New Mexico.
- B.** "Board" means the New Mexico medical board.
- C.** "Supervising physician" means a physician licensed in the state of New Mexico by the board who will function as the supervising physician to a non-licensed physician.
[3/17/1998; 16.10.12.7 NMAC - Rn & A, 16 NMAC 10.12.7, 1/10/2007]

16.10.12.8 DELEGATIONS UNDER SECTION 61-6-17 (I) NMSA 1978 (AS AMENDED IN 1997):

- A.** In order for a non-licensed physician who is practicing medicine in New Mexico under a New Mexico licensed physician's supervision, the non-licensed physician, pursuant to Section 61-6-17 (I) NMSA 1978, as amended in 1997, shall have an unrestricted license to practice in some other licensing jurisdiction, which does not necessarily need to be in the United States.
- B.** The supervising physician shall report, in writing, to the board. The report shall include:
 - (1)** name and local addresses of any physician that will be supervised;
 - (2)** the jurisdiction where the supervised physician is licensed, and proof of licensure, and current status of licensure;
 - (3)** the scope of practice and the manner by which the New Mexico licensed physician will directly supervise the non-licensed physician; and
 - (4)** the name and address of the hospital, if any, to be utilized by the supervising physician.
- C.** The report shall be submitted to the board at least twenty-one (21) days before the supervising physician begins to practice medicine in New Mexico, except in the case of an emergency, in which circumstance the report shall be submitted to the board within 10 days maximum of the date upon which the qualified physician begins practice under the supervising physician.
- D.** Prior to allowing a qualified physician to perform delegated medical acts, the supervising physician shall notify the hospital that such qualified physician shall be performing medical acts under the supervision of the physician at that institution.

E. The non-licensed physician must be granted approval by the board or the board's delegate to practice before he/she begins to practice in New Mexico under the provisions of this rule.

(1) Approval by the board for a non-licensed physician to practice under the direct supervision of a New Mexico licensed physician shall be for a period of not more than 15 days and cannot be renewed.

(2) Approval by the board for a non-licensed physician to practice under the direct supervision of a New Mexico licensed physician at a JCAHO accredited hospital shall be for a period of not more than three months; provided, however, that the approval can be renewed by the board up to three times.

F. The supervising physician shall inform all patients who shall be treated by the non-licensed physician, that the supervised physician is not licensed to practice medicine in New Mexico and have the patients sign a statement acknowledging that the patient knows the supervised physician is not licensed to practice medicine in New Mexico.

[3/17/1998, 4/27/2000; 16.10.12.8 NMAC - Rn & A, 16 NMAC 10.12.8, 1/10/2007]

HISTORY OF 16.10.12 NMAC: [RESERVED]