

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 18 PODIATRY: LICENSURE REQUIREMENTS, EXPIRATION AND RENEWAL, AND CONTINUING EDUCATION

16.10.18.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.

16.10.18.2 SCOPE: This part applies to all podiatric physicians applying for licensure in New Mexico.

16.10.18.3 STATUTORY AUTHORITY: This part governs the licensing of podiatric physicians in New Mexico and is promulgated pursuant to and in accordance with the Medical Practice Act, Sections 61-6-1 through 61-6-35 and 61-8-1 through 61-8-17 NMSA 1978.

16.10.18.4 DURATION: Permanent.

16.10.18.5 EFFECTIVE DATE: August 16, 2024, unless a later date is cited at the end of a section.

16.10.18.6 OBJECTIVE: This part establishes requirements and procedures for licensure as a podiatric physician in New Mexico.

16.10.18.7 DEFINITIONS:

- A. “APMLE”** means American podiatric medical licensing examination.
- B. “Background findings”** the board may deny, or otherwise limit a license if it is determined the applicant hold or has held a license in another jurisdiction that is not in good standing, if proceedings are pending against the applicant in another jurisdiction, or information is received indicating the applicant is of danger to patients or is guilty of violating any of the provisions of the Podiatric Act, the Uniform Licensing Act, Impaired Health Care Providers Act. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may formally accept the approval of the application at the next scheduled meeting.
- C. “Complaint/review committee”** means a committee established by the board to review all complaints and applicants with background findings and to report to the board at its next scheduled meeting.
- D. “CPME”** means the council on podiatric medical education.
- E. “Eligible jurisdiction”** means:
 - (1) any state or territory of the United States except those included in the list of disapproved licensing jurisdictions in of 16.21.4.8 NMAC; and
 - (2) any foreign country included in 16.21.4.9 NMAC.
- F. “Emergency”** for purposes of this rule means any sudden or unforeseen situation that requires immediate action. The sudden onset of physical or mental illness, injury, impairment, or other incapacitating condition by a New Mexico licensed podiatrist is considered an emergency.
- G. “Expedited license by reciprocity”** means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.
- H. “Fellowship”** the period of medical training a podiatrist may undertake after completing residency.
- I. “Good standing”** means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.
- J. “Jurisprudence exam”** means an examination concerning the laws and rules of the New Mexico medical-board and the Podiatry Act.
- K. “Jurisdiction”** has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.
- L. “Military service member”** has the same meaning as defined in Paragraph (2) of Subsection E of Section 61-1-34 NMSA 1978.
- M. “NBPME”** means the national board of podiatric medical examiners.
- N. “Preceptorship”** a period of practical experience and training for a podiatric medical school or college that is not defined as a residency program approved by the council podiatric medical education (CPME) and supervised by a New Mexico licensed podiatric physician.

- O. “Qualified applicant”** means an applicant who:
- (1) holds a current license in good standing in another jurisdiction, provided that an applicant who is not a military service member or veteran must hold a current license in good standing in an eligible jurisdiction.
 - (2) does not have a disqualifying criminal conviction, as defined in the board’s rules; and
 - (3) is not subject to pending disciplinary action in New Mexico.
- P. “Veteran”** has the same meaning as defined in Paragraph (3) of Subsection E of 61-1-34 NMSA 1978.

16.10.18.8 CATEGORIES OF ACTIVE LICENSES: Individuals holding one of the following categories of medical license are eligible to practice medicine and surgery in New Mexico.

- A. Expedited license:** a one-year provisional license that confers the same rights, privileges and responsibilities as a medical license issued by the board as defined in Section 61-6-13 NMSA.
- B. Medical:** An unrestricted license to practice medicine and surgery.
- C. Telemedicine:** A limited medical license that allows a physician located outside New Mexico to practice medicine on patients located in New Mexico.
- D. Post-graduate:** A limited training license issued by the board to physicians who are enrolled in a board approved training program.
- E. Public service:** A limited license issued by the board to physicians in training who have successfully completed one year of post-graduate training.
- F. Temporary:** A limited license that allows a physician to practice medicine for a limited time after meeting certain specific conditions.
- G. Federal emergency:** An unrestricted license to practice medicine and surgery issued without receipt of all documentation required for a medical license because of a major disaster.

16.10.18.9 REQUIREMENTS FOR LICENSURE:

Each applicant for licensure as a podiatric physician shall furnish evidence satisfactory to the board that the applicant:

- A.** has reached the age of majority;
- B.** has graduated and been awarded a doctor of podiatric medicine degree from a college of podiatric medicine accredited by the American podiatric medical association council on podiatric medical education;
- C.** has completed, at a minimum, a one-year residency program at a hospital accredited by the American podiatric medical association council on education;
- D.** has completed an application under oath on forms supplied by the board with a signature and a passport quality photo taken within the past six months and submission of the required application fee. Applications are valid for one year from the date of receipt.
- E.** All applicants for initial licensure in any category in New Mexico are subject to a state and national criminal history screening at their expense. All applicants must submit two full sets of fingerprints, completed fingerprint certificate form, signed authorization for criminal background screening and fee at the time of application.

16.10.18.10 LICENSURE BY EXAMINATION: An applicant for licensure by examination shall submit evidence to the board that the applicant has passed the examinations administered by the national board of podiatry medical examiners for students graduating from colleges of podiatry and shall furnish the board an official transcript and take clinical and written examinations as the board deems necessary. The examinations shall be in English and the subjects covered by the examinations shall be determined by the board and taken from subjects taught in accredited colleges of podiatric medicine. No applicant for licensure by examination shall be licensed who has not received a passing score on all board-approved examinations.

16.10.18.11 DOCUMENTATION REQUIREMENTS:

- A.** official transcripts from the school of podiatric medicine or college, to be sent directly to the board office from the accredited program;
- B.** certificate or letter from residency director verifying completion of residency program approved by the CPME and has completed, at a minimum, a one-year residency program at a hospital accredited by the American podiatric medical association council on education residency program;
- C.** proof that the applicant has passed the NBPME examinations sent directly from the NBPME;

D. verification of licensure in all states where the applicant holds or has held a license to practice podiatry, or other health care profession; verification from the other state(s) must be received electronically, and must attest to the status, issue date, license number, and other information contained in the form; and

E. electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through Section 14-16-19 NMSA 1978.

16.10.18.12 EXPEDITED LICENSURE BY RECIPROCITY:

A. A candidate for expedited licensure by reciprocity under Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act must submit to the board a complete application containing all the following:

- (1)** proof of current licensure in an eligible jurisdiction as defined in these rules;
- (2)** certificate of good standing for the license held by the applicant in an eligible jurisdiction;
- (3)** official transcripts from the school of podiatric medicine or college, to be sent directly to the board office from the accredited program;
- (4)** certificate or letter from residence director verifying completion of residence program approved by the CPME;
- (5)** proof of active practice for the three consecutive years immediately preceding the date of application (such proof may include a letter from an accountant, the professional society, tax forms, or other documentation approved by the board);

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of, all of the materials required by 16.10.3.11 NMAC, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-8-11 NMSA 1978:

- (1)** the matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;
- (2)** the license may not be issued within 30 days of submission of the complete application; and
- (3)** the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

16.10.18.13 LIST OF DISAPPROVED LICENSING JURISDICTIONS; REASONS. Applicants licensed in the following states and territories of the United States shall not be eligible for expedited licensure by reciprocity under Section 61-8-9 NMSA 1978 of the Podiatry Act:

A. American Samoa, on the grounds that the board cannot determine the education or examination requirements in this jurisdiction;

B. Guam, on the grounds that this jurisdiction does not require licensees to pass any examination;

C. Kentucky and Pennsylvania, on the grounds that these jurisdictions do not require licensees to complete a residency program;

D. Minnesota, New Jersey, and Puerto Rico, on the grounds that these jurisdictions do not require licensees to pass Part III of the NBPME AMPLE exam considered by New Mexico to be an integral portion of the national examinations to determine competency to practice podiatry;

E. Montana, North Carolina and North Dakota, on the grounds that the boards cannot determine sufficiency of residency requirements in these jurisdictions; and

F. Virgin Islands, on the grounds that the board cannot determine the examination requirements in this jurisdiction.

16.10.18.14 LIST OF APPROVED FOREIGN JURISDICTIONS. Applicants licensed in the following foreign countries outside of the United States may be eligible for expedited licensure under Section 61-8-9 NMSA 1978 of the Podiatry Act:

A. Spain; and

B. Canada.

16.10.18.15 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS:

A. A candidate for expedited licensure by reciprocity under Section 61-1-34 NMSA 1978 must submit to the board a complete application containing all of the following:

- (1) a completed and signed application form;
- (2) proof of current license in another jurisdiction;
- (3) certificate of good standing for the license held by the applicant in another jurisdiction, including a branch of the United States armed forces;
- (4) submission of the following documentation:
 - (a) for military service member: a copy of military orders;
 - (b) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;
 - (c) for spouses of deceased military service members: copy of decedent's DD 214 and copy of marriage license;
 - (d) for dependent children of military service members: a copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service member's federal tax return or other governmental or judicial documentation establishing dependency;
 - (e) for veterans (retired or separated): proof of honorable discharge such as a copy of DD 214, DD 215, DD 256, DD 257, NGB Form 22, Military ID card, a driver's license or state ID card with a veterans designation, or other documentation as provided by a governmental entity verifying an honorable discharge.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of all of the materials required by 16.21.4.20 NMAC, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-8-11 NMSA 1978:

- (1) the matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;
- (2) the license may not be issued within 30 days of submission of the complete application; and
- (3) the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

E. A military service member or veteran who is issued an expedited license shall not be charged a licensing fee for the first three years of licensure with the board.

16.10.18.16 TEMPORARY LICENSE: A temporary license may be issued by the board in the following situations.

A. In cases of emergency as determined by the board; a temporary license to practice as a podiatric physician may be issued under this rule for practice in the office of a New Mexico licensed podiatrist who is unable to continue his or her practice due to an emergency.

B. To facilitate educational programs; a temporary license to practice podiatry in New Mexico may be issued to:

- (1) a participant in a residency training program located in New Mexico accredited by the "CPME" and insure that at all times throughout the program the temporary license holder is supervised by a New Mexico licensed podiatrist; or
- (2) a participant in a residency program that is located in the United States accredited by the "CPME" and insure that at all times the temporary license holder is supervised by a New Mexico licensed podiatrist, if the program offers part of its program residency in New Mexico;
- (3) a participant in a post-graduate 1 year preceptorship program in New Mexico that at all times throughout the program is supervised by a New Mexico licensed podiatrist(s) in good standing and without restriction(s) of license; the board requires the supervising podiatrist(s) of this preceptorship to have notified the board in writing of the start and end dates for this post-graduate training position.

(4) a participant in a Fellowship program known and listed by a recognized medical specialty organization provided that at all times the temporary license holder is supervised by a New Mexico Licensed podiatrist.

C. In cases to assist or perform surgical procedures with a licensed New Mexico podiatrist which is beyond the training and experience available in New Mexico

16.10.18.17 TEMPORARY LICENSE DOCUMENTATION REQUIREMENTS: Each applicant for a temporary license must submit the required fees and submit or provide for the following documentation set forth in 16.10.3.8 NMAC.

16.10.18.18 DISASTER RELATED LICENSE: Podiatric physician currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure, in a state in which a disaster has been declared by federal authorities, may apply for a license in New Mexico during the four months following the date the disaster was declared, at no cost.

16.10.18.19 DISASTER RELATED LICENSE DOCUMENTATION REQUIREMENTS: Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.10.3.8 NMAC.

A. Upon receipt of a completed application, including all required documentation designee of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be reviewed by the complaint/review committee. The board may formally accept the recommendation of the complaint/review committee at the next scheduled meeting.

16.10.18.20 REPORTS: The board requires obtainment of reports from the national practitioners data bank or other national reporting organization and the federation of podiatric medical boards disciplinary data bank.

16.10.18.21 LICENSURE PROCEDURE: Upon receipt of a completed application, including all required documentation and fees, the designee of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may ratify the approval of the application at the next scheduled board meeting. Any application which cannot be approved by the designee of the board will be reviewed by the board at the next scheduled meeting.

16.10.18.22 LICENSE EXPIRATION: Podiatric licenses expire on January 1 biennially.

16.10.18.23 RENEWAL DEADLINE: All licensee shall renew their licenses on or before January 1 of every second year. A completed renewal application accompanied by the required fees, documentation of 32 hours of continuing education as defined in 16.10.8.13 NMAC, must be received electronically on or before January 1 of each renewal year. On or after January 2, 2015 the CE requirement is 32 hours of CE, including 2 hours of pain management for each year of the renewal cycle. As a condition of renewal, all applicants shall furnish the board with evidence of completion of postgraduate study as required by board rule.

16.10.18.24 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 make timely request for the renewal form if one has not been received thirty days prior to license expiration.

16.10.18.25 LATE RENEWAL: Renewal applications that are not received electronically or hand-delivered to the board office by January 1 must be accompanied by the completed renewal application as defined in 16.10.7.9 NMAC and late fees defined in Subsection F of 16.10.2.8 NMAC.

16.10.18.26 LICENSE SUSPENSION FOR NON-RENEWAL: The board may in its discretion suspend for non-renewal and change the status to lapsed on March 1 of the renewal year.

16.10.18.27 HOURS REQUIRED: Thirty-two hours of continuing education are required bi-annually, with two hours specifically related to pain management for each year of the renewal cycle as defined in 16.10.8.11 NMAC. Initial licenses issued for a period of less than six months do not require any continuing education for the

initial licensing period. Licenses issued for 12 months or less require 16 hours of continuing education with two hours of continuing education with two hours specifically related to pain management for next renewal cycle.

- A. Continuing education coursework must contribute directly to the practice of podiatric medicine.
- B. One hour of credit will be granted for every contact hour of instruction. This credit shall apply to either academic or clinical instruction.

16.10.18.28 APPROVED COURSES: Continuing education courses offered or sponsored by the following organizations are automatically approved by the board:

- A. a college of podiatric medicine which is accredited by the council podiatric medical education (CPME) of the American podiatric medical association;
- B. constituent society of the American podiatric medical association;
- C. an organization or sponsor approved by the “CPME” of the American podiatric medical association; or
- D. hospital or other health care organizations sponsored in-service programs related to the practice of podiatry.

16.10.18.29 APPROVAL REQUIREMENTS: Any course not sponsored by a recognized provider may be approved by the designee of the board. The application for approval must include the name of the course, the sponsor, course outline, date, location, hours, names and qualifications of presenters, and the method that will be used to certify attendance.

16.10.18.30 ALLOWED COURSES AND PROVIDERS: The following courses and activities are acceptable for CME credit for each year of the renewal cycle:

- A. **Post Graduate Education:** This category includes internships, residencies and fellowships, 14 hours of credit allowed for full time participants.
- B. **Specialty Training/Certifications:** Four hours of credit per certificate for specialty training with a maximum of 10 hours per year. A maximum of 10 hours of credit is allowed for certification with a CPME approved board initially obtained or renewed within the license renewal cycle.
- C. **Teaching:** One credit hour is allowed for each hour of teaching medical students or physicians in a United States medical school, an approved residency/fellowship or for teaching in other programs approved by the board with maximum of 10 hours per reporting.
- D. **Physician Preceptors/Mentors:** A maximum of five hours of credit during a year reporting period is acceptable for licensed podiatrists who are acting as preceptors/mentors for students enrolled in an accredited medical degree program or as preceptors/mentors for students enrolled in a combined bachelor of arts and medical degree program.
- E. **Papers and Publications:** 10 hours of credit are allowed for each original scientific medical paper or publication written by a licensee. For acceptance, papers must have been presented to a recognized national, international, regional or state society or organization whose membership is primarily physicians; or must have been published in a recognized medical or medically related scientific journal.
- F. **Advanced Life Support:** A maximum of eight hours of credit may be claimed during a reporting period for successful completion of advanced cardiac life support (ACLS), pediatric advanced life support (PALS), advanced trauma life support (ATLS) and neonatal advanced life support (NALS) courses.

16.10.18.31 VERIFICATION OF COURSE ATTENDANCE: The following documents, or combination of documents, may be used to verify attendance in required continuing education.

- A. Course certificate with the course title, content, presenter, sponsor and hours.
- B. Course attendance sheet submitted by the sponsor.
- C. Course code or statement of attendance from presenter or sponsor.

16.10.18.32 VERIFICATION OF CONTINUING EDUCATION HOURS: Each podiatrist renewing a license shall attest that they have obtained the required hours of continuing medical education (CME). Documentation of CME is not required unless you are selected for the annual CME compliance audit. If you are selected for audit you will be notified and provided with instructions for compliance. The board may audit CME records at any time, so CME records must be maintained for at least one year following the renewal cycle in which they are earned.

16.10.18.33 ACCEPTABLE DOCUMENTATION OF CME INCLUDES:

- A.** Photocopies of original certificates or official letters from course sponsors or online providers.
- B.** Postgraduate CME hours must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.
- C.** Advanced degree studies must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.
- D.** Teaching hours must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.
- E.** Preceptor hours must be documented and attested either by the dean of the medical school, the chief of service, the course director, or an equivalent authority.
- F.** Papers or publications must be documented with a copy.

16.10.18.34 WAIVER OF REQUIREMENTS: Waivers of the continuing education requirement may be considered for the following situations for licensees.

- A.** During periods of prolonged illness or physical incapacity.
 - (1)** For the purposes of this rule, the duration of a prolonged illness or physical incapacity period will be defined as longer than six months.
 - (2)** Any licensee who wishes to apply for this type of waiver of continuing education must submit in writing a letter detailing the nature of the illness or incapacity and its probable duration. The board will review this waiver request and allow the licensee or the licensee's representative to attend board meeting to present evidence of support of this waiver request and to speak to the board concerning the petition for waiver. The burden shall be on the licensee to prove to the board the necessity of the waiver. The decision of the board on the waiver shall be final.
- B.** Any licensee who believes that the licensee is entitled to a waiver of a continuing education requirement for reasons of prolonged illness or physical incapacity shall request such a waiver by sending the board a letter from his or her physician setting out in detail the nature of the illness or incapacity and its probable duration. The board shall notify the licensee in writing of the date on which the application will be considered by the board. The licensee or the licensee's representative may attend the meeting, present evidence on behalf of a petition for waiver, and to speak to the board concerning the petition. The burden shall be on the licensee to satisfy the board of the necessity of the waiver. The decision of the board on the waiver shall be final.
- C.** Licensee in the United States military practicing or residing outside the United States shall not be required to fulfill the continuing education requirements for the period of the absence.
 - (1)** The board must be notified prior to license expiration that the licensee will be outside the United States, including the period of the absence.
 - (2)** Upon return to the United States, the licensee shall complete the continuing education required for the years of practice within the US during the renewal cycle, or apply in writing to the board detailing reason for deferral of this requirement.
- D.** Applications for waiver under this section must be filed as soon as the licensee has reason to believe that grounds for the waiver exist.

16.10.18.34 EXTENSION TO MEET REQUIREMENTS: The board may extend the time in which a licensee may meet the required continuing education requirements.

- A.** A licensee unable to fulfill the continuing education requirements may apply to the board for an extension of time in which to meet educational requirements. Extensions of up to three months may be granted by the board or its designee. Licensees granted an extension must pay the late fee defined in Subsection F of 16.10.2.8 NMAC to cover the cost of additional processing requirements.
- B.** A licensee who is unable to fulfill the requirements within the three month extension must apply to the board for an additional extension.