

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 12 NURSING AND HEALTH CARE RELATED PROVIDERS**  
**PART 6 NURSE LICENSURE COMPACT**

**16.12.6.1 ISSUING AGENCY:** New Mexico Board of Nursing.  
[16.12.6.1 NMAC - N, 1-2-04]

**16.12.6.2 SCOPE:** This rule applies to all registered and licensed practical nurses in New Mexico and nurse licensure compact states.  
[16.12.6.2 NMAC - N, 1-2-04]

**16.12.6.3 STATUTORY AUTHORITY:** Nursing Practice Act, Sections 61-3-24.1, 61-3-24.2 and 61-3-24.3 NMSA 1978 Comp. permits the operation of the nurse licensure compact.  
[16.12.6.3 NMAC - N, 1-2-04]

**16.12.6.4 DURATION:** Permanent.  
[16.12.6.4 NMAC - N, 1-2-04]

**16.12.6.5 EFFECTIVE DATE:** January 2, 2004 unless a later date is cited at the end of a section.  
[16.12.6.5 NMAC - N, 1-2-04]

**16.12.6.6 OBJECTIVE:** To promote, preserve and protect the public health, safety and welfare of the citizens of the state of New Mexico.  
[16.12.6.6 NMAC - N, 1-2-04]

**16.12.6.7 DEFINITIONS:**

- A. "Board"** means party state's regulatory body responsible for issuing nurse licenses.
  - B. "Information system"** means the coordinated licensure information system.
  - C. "Primary state of residence"** means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
  - D. "Public"** means any individual or entity other than designated staff or representatives of party state boards or the national council of state board of nursing, inc.
- [16.12.6.7 NMAC - N, 1-2-04]

**16.12.6.8 ISSUANCE OF A LICENSE BY A COMPACT PARTY STATE:**

- A.** As of July 1, 2005, no applicant for initial licensure will be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or its predecessor examination used for licensure.
- B.** A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:
  - (1) driver's license with a home address;
  - (2) voter registration card displaying a home address;
  - (3) federal income tax return declaring the primary state of residence;
  - (4) military form no. 2058 - state of legal residence certificate; or
  - (5) W2 from US government or any bureau, division or agency thereof indicating the declared state of residence (statutory basis: Articles 2E, 4C, and 4D).
- C.** A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as a primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state (statutory basis: Article 3E).
- D.** A license issued by a party state is valid for practice in all other party state unless clearly designated as valid only in the state which issued the license (statutory basis: Article 3A and 3B).
- E.** When a party state issued a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance (statutory basis: Article 3A, 3B, and 3E).

**F.** A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ninety (90) days.

**G.** The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the ninety (90) day period in Paragraph (2) shall be stayed until resolution of the pending investigation.

**H.** The former home state license shall no longer be valid upon the issuance of a new home state license.

**I.** If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's law and rules.

[16.12.6.8 NMAC - N, 1-2-04; A, 2-17-06; A, 7-16-12; A, 7-22-13]

#### **16.12.6.9 LIMITATIONS ON MULTI-STATE LICENSURE PRIVILEGE:**

**A.** Home state boards shall include in all licensure disciplinary orders and agreements that limit practice and require monitoring the requirement that the licensee subject to said order and agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.

**B.** An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.

[16.12.6.9 NMAC - N, 1-2-04; A, 7-16-12]

#### **16.12.6.10 INFORMATION SYSTEM:**

**A.** Levels of access.

(1) The public shall have access to nurse licensure information limited to:

- (a) the nurse's name;
- (b) jurisdiction(s) of licensure;
- (c) license expiration date(s);
- (d) licensure classification(s) and status(s);
- (e) public emergency and final disciplinary actions, as defined by contributing state authority,

and;

(f) the status of multi-state licensure privileges.

(2) Non-party state boards shall have access to all information system data except current significant investigative information and other information as limited by contributing party state authority.

(3) Party state boards shall have access to all information system data contributed by the party states and other information as limited by contributing non-party state authority.

**B.** The license may request in writing to the home state board to review the data relating to the licensee in the information system. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The board shall verify and within ten (10) business days correct inaccurate data to the information system.

**C.** The board shall report to the information system within ten (10) business days:

(1) disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs, required to remain nonpublic by contributing state authority);

(2) dismissal of complaint; and

(3) changes in status of disciplinary action, or licensure encumbrance.

**D.** Current significant investigative information shall be deleted from the information system within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

**E.** Changes to licensure information in the information system shall be completed with ten (10) business days upon notification by a board.

[16.12.6.10 NMAC - N, 1-2-04]

**16.12.6.11** [Reserved]  
[16.12.6.11 NMAC - N, 1-2-04; A, 2-17-06; Repealed, 7-16-12]

**HISTORY 16.12.6 NMAC:** [RESERVED]