

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 12 NURSING AND HEALTH CARE RELATED PROVIDERS
PART 1 GENERAL PROVISIONS

16.12.1.1 ISSUING AGENCY: New Mexico Board of Nursing.
[16.12.1.1 NMAC - Rp, 16.12.1.1 NMAC, 12/30/2021]

16.12.1.2 SCOPE: These rules apply to the board and all those licensed by or subject to the jurisdiction of the board.
[16.12.1.2 NMAC - Rp, 16.12.1.2 NMAC, 12/30/2021]

16.12.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Nursing Practice Act, Sections 61-3-1 to -30 NMSA 1978 and the Lactation Care Provider Act, Sections 61-36-1 to -6 NMSA 1978.
[16.12.1.3 NMAC - Rp, 16.12.1.3 NMAC, 12/30/2021]

16.12.1.4 DURATION: Permanent.
[16.12.1.4 NMAC - Rp, 16.12.1.4 NMAC, 12/30/2021]

16.12.1.5 EFFECTIVE DATE: December 30, 2021, unless a later date is cited at the end of a section.
[16.12.1.5 NMAC - Rp, 16.12.1.5 NMAC, 12/30/2021]

16.12.1.6 OBJECTIVE: The objective of Part 1 is to promote, preserve and protect the public health, safety and welfare by regulating the practice of nursing, lactation care providers, certified medication aides, certified hemodialysis technicians, approve schools of nursing and medication aide and hemodialysis technician training programs in the state.
[16.12.1.6 NMAC - Rp, 16.12.1.6 NMAC, 12/30/2021]

16.12.1.7 DEFINITIONS:

- A. “Board”** means the New Mexico board of nursing.
- B. “Certificate”** means a legal document granting permission to an unlicensed person to perform specific functions considered the practice of nursing.
- C. “CEU”** is the abbreviation for continuing education unit.
- D. “CHT”** is the abbreviation for certified hemodialysis technician.
- E. “CMA”** is the abbreviation for certified medication aide.
- F. “Client”** means any person domiciled, residing, or receiving care, service or treatment from a licensed nurse, licensed lactation care provider, or certified unlicensed assistive person. This includes but is not limited to patients, residents, or consumers.
- G. “Contact hour”** means the unit of measurement describing an approved and organized learning experience equivalent to 60 clock minutes.
- H. “Continuing education”** means planned learning experiences beyond a basic nursing education program. These experiences are designed to promote the development of knowledge, skills and attitudes for the enhancement of nursing practice, thus improving health care to the public.
- I. “Continuing education unit”** means 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.
- J. “Coordinated licensure information system”** means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
- K. “License”** means a legal document granting an individual the privilege and authority to engage in practice of an occupation or profession.
- L. “Licensure period”** means the length of time for which a license or certificate is valid. The initial (first) licensure period it is from the date of initial license or certificate issuance to the day the license or certificate expires. For subsequent licensure periods it is the day after the previous licensure period ended to the end next license or certificate expiration date.
- M. “Multistate/compact license”** means a license granted through New Mexico’s participation in the nurse licensure compact that grants the licensee the legal authority to practice in all party states of the nurse licensure compact.

N. “**National practitioner data bank**” means the database operated by the U.S. department of health and human services that contains medical malpractice payment and adverse action reports on health care professionals.

[16.12.1.7 NMAC - Rp, 16.12.1.7 NMAC, 12/30/2021]

16.12.1.8 MISSION OF THE BOARD: The mission of the board is to promote, preserve and protect the public health, safety and welfare by regulating the practice of nursing, schools of nursing, hemodialysis technicians, medication aides, and lactation care providers in New Mexico. The board is not an advocacy organization but is instead a regulatory body responsible at all times and in all situations for acting in the interest of the public.

[16.12.1.8 NMAC - N, 12/30/2021]

16.12.1.9 BOARD ADMINISTRATION:

A. Organization:

(1) The board shall annually elect a chair, vice-chair, and secretary. The term of office begins immediately after the conclusion of the meeting at which the election occurred.

(2) All members of the board, including public members, are eligible to serve as an officer of the board.

B. Executive director:

(1) The board shall hire and employ a qualified registered nurse, who shall not be a member of the board, to serve as executive director.

(2) The executive director shall be accountable to the board for the administration and management of the board office and staff, including but not limited to the board’s fiscal operations, records, and management of personnel (including hiring, supervising, and firing staff).

(3) The executive director, or designee, shall represent the board to the public.

(4) As provided in the Nursing Practice Act, the board shall not delegate to the executive director the power to grant, deny or withdraw approval for schools of nursing or to revoke, suspend or withhold any license authorized by the Nursing Practice Act.

C. Board meetings:

(1) The board shall meet at least once every three months.

(2) The board shall annually review and adopt an open meetings resolution, consistent with the Open Meetings Act, Sections 10-15-1 to -4 NMSA 1978.

(3) The board shall approve a schedule of regular meeting dates at a regular meeting prior to the beginning of the next calendar year. The board shall publish this schedule in its newsletter and on its website.

(4) Individual board members may attend meetings through telephonic or similar communications equipment when it is difficult or impossible for the person to be physically present. Whenever attending a meeting in such a manner, board members must fully comply with all requirements set by the Open Meetings Act and the board’s annual open meetings resolution.

D. Signatures: A record, order, contract, or other document requiring a signature from an authorized person on behalf of the board may be signed by the chair, vice-chair, or executive director.

[16.12.1.9 NMAC - Rp, 16.12.1.8 NMAC, 12/30/2021]

16.12.1.10 AGENCY:

A. Verification of license or certificate:

(1) The board staff shall make informal verification of licensure or certification status available immediately on the board website.

(2) Any employer or other interested person or entity may request informal verification of the status of a license or certificate.

(3) Formal verification of licensure may only be requested through postal mail or fax through the submission of the board’s verification request form and remittance of the required fee pursuant to 16.12.2.9 NMAC.

(4) Formal verification of registered nurse or licensed practical nurse licensure for the purposes of another U.S. nursing regulatory body must be requested through the national council of state boards of nursing (NCSBN) web-based system.

B. Reporting of discipline and other licensure matters: The board staff shall complete all required reporting of disciplinary matters and other reportable actions to the national practitioner databank and coordinated licensure information system as required by federal and state law.

[16.12.1.10 NMAC - N, 12/30/2021]

16.12.1.11 COMMITTEES:

A. Advisory function: To assist and advise the board in its functions and mission, the board may appoint and utilize, at its discretion, advisory committees consisting of at least one board member and at least two members expert in the pertinent field of relevant health care to assist in the performance of the board's duties. Any committee serving the board shall have a purely advisory role and shall not have any policymaking authority of any kind.

B. Membership: Except as otherwise provided in the board's rules, the board has absolute discretion with respect to the number of individuals who may serve on a committee, provided that in no case shall a quorum of the members of the board serve on a committee.

C. Duties and responsibilities: The board shall annually, at an open meeting, review the duties and responsibilities of each committee and subsequently provide each committee with written objectives to satisfy within the following year.

D. Except as otherwise provided in the board's rules:

(1) Committee members may serve two-year terms.

(2) The board may reappoint currently serving committee members to serve additional terms.

(3) An individual's service on a committee is voluntary, and the individual may resign from the committee at any time upon written notification to the executive director.

(4) Advisory committee members may be reimbursed as provided in the per diem and Mileage Act, provided that mileage may only be paid when there is a total of 60 miles or more traveled.

(5) Termination of membership:

(a) Members of committees serve at the pleasure of the board, and the board may remove a member from a committee at any board meeting.

(b) The executive director shall automatically terminate an individual's membership on a committee if the individual fails to attend three consecutive committee meetings.

E. Any committee shall, if ordered by the executive director or the board, meet virtually rather than in person as a means of achieving greater efficiency and productivity.

[16.12.1.11 NMAC - N, 12/30/2021]

16.12.1.12 ETHICAL RESPONSIBILITIES OF BOARD MEMBERS, STAFF, AND COMMITTEE MEMBERS:

A. High ethical standards: Pursuant to the mission of the board, all members of the board, employees of the board, and committee members shall act in their official capacities in the interest of the public and not for personal gain or the benefit of the members of a particular profession.

B. All members of the board, employees of the board, and committee members shall abide by the requirements of the Governmental Conduct Act and all other New Mexico laws governing the ethical conduct of public officers and employees.

C. Code of conduct: The board shall annually adopt, at a regularly scheduled board meeting, a code of conduct for all members of the board, employees of the board, and committee members.

[16.12.1.12 NMAC - N, 12/30/2021]

16.12.1.13 INFORMATIONAL OBLIGATIONS OF LICENSE AND CERTIFICATE HOLDERS:

A. Use of legal name: A licensee or certificate holder must use the licensee or certificate holder's legal name on all applications and licenses.

B. Name changes:

(1) A licensee or certificate holder may submit a name change to the board at any time.

(2) A licensee or certificate holder must submit, as part of any name change request, a copy of one of the following legal documents verifying the name change: a recorded marriage certificate, a divorce decree, or a court order.

(3) The licensee or certificate holder must continue to use the name on record with the board for work purposes until the board acknowledges the official change of name.

C. Contact information:

(1) A licensee or certificate holder is obligated to maintain current and accurate contact information on file with the board.

(2) A licensee or certificate holder shall notify the board within 30 days of a change of the licensee or certificate holder's contact information.

(3) Failure to disclose a change of mailing or residential address shall constitute grounds for disciplinary action.

(4) For the purposes of this rule, "contact information" means the licensee or certificate holder's mailing address, residential address, email address, and telephone number.

D. Name and mailing address of employer:

(1) A licensee or certificate holder is obligated to maintain the current and accurate name and mailing address of the licensee or certificate holder's employer on file with the board.

(2) A licensee or certificate holder shall notify the board within 30 days of any change in the name and address of the licensee or certificate holder's employer.

(3) Failure to disclose a change of the name and mailing address of the licensee or certificate holder's employer shall constitute grounds for disciplinary action.

[16.12.1.13 NMAC - N, 12/30/2021]

HISTORY of 16.12.1 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the state records center & archives under: BON 70-2, Administrative Policy, filed 7/17/1970;

BON 73-1, Rules and Regulations of the Nursing Practice Act, filed 3/13/1973;

BON 78-1, Administrative Rules and Regulations of the New Mexico Board of Nursing, filed 11/02/1978;

BON MANUAL #83-1, Administrative Rules and Regulations of the Board of Nursing, filed 6/13/1983;

BON MANUAL #85-1, Administrative Rules and Regulation of the Board of Nursing, filed 8/13/1985;

BON MANUAL 91-2, Administrative Rules and Regulations of the New Mexico board of nursing, filed 10/09/1991.

History of Repealed Material:

16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions, filed 6/12/2001 - Repealed effective 10/1/2016.

16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions filed 9/1/2016 - Repealed effective 12/30/2021.

Other History: 16 NMAC 12.1, Nursing and Health Care Related Providers - General Provisions, filed

12/10/1997, renumbered, reformatted and amended to 16.12.1 NMAC, General Provisions effective 7/30/2001.

16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions filed 9/1/2016 Replaced 16.12.1 NMAC, Nursing and Health Care Related Providers - General Provisions effective 12/30/2021.