



February 5, 2021

**Re: Interpretation of Rules for Management of Chronic Pain with Controlled Substances,
16.12.9 NMAC**

To Whom It May Concern:

In light of the ongoing COVID-19 pandemic, the New Mexico Board of Nursing (hereinafter the "Board") has received inquiries from interested parties as to whether it has changed its interpretation of its rules regarding Management of Chronic Pain with Controlled Substances, 16.12.9 NMAC. Although the Board cannot provide legal advice to the public or licensees, it is issuing the following guidance statement clarifying its consistent interpretation of its administrative rules.

The Management of Chronic Pain with Controlled Substances rule requires a physical examination of the patient prior to prescribing, ordering, administering or dispensing controlled substances to meet the individual needs of the patient for management of chronic pain. Specifically, the rule provides that, "An advanced practice nurse shall complete a history and physical examination and include an evaluation of the patient's psychological and pain status." 16.12.9.8(C)(1) NMAC. Although the advanced practice nurse is not necessarily required to physically examine a patient repeatedly after already prescribing controlled substances, the Board has consistently interpreted the rule as requiring an in-person physical examination prior to prescribing, ordering, administering or dispensing controlled substances to a new patient.

The Board will continue to evaluate and consider all options to facilitate the provision of nursing services during the COVID-19 pandemic, pursuant to the Nursing Practice Act. Therefore, the Board may supplement this guidance as the circumstances warrant.

Sincerely,

/s/ Jonathan Palmer
Jonathan Palmer, Chair
New Mexico Board of Nursing

2/5/2021
Date

*Signature approved through email authorization
dated 2/5/2021*