# New Mexico Board of Nursing

## Exhibits for the 4 February 2021 Public Hearing of Proposed Rulemaking

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Updated 01.24.2020
16.12.3.1 ISSUING AGENCY: New Mexico Board of Nursing.
[16.12.3.1 NMAC - Rp, 16.12.3.1 NMAC, 10/1/2016]

16.12.3.2 SCOPE: Programs of nursing education preparing individuals for licensure in the state of New Mexico.
[16.12.3.2 NMAC - Rp, 16.12.3.2 NMAC, 10/1/2016]

16.12.3.3 STATUTORY AUTHORITY: Nursing Practice Act, Section 61-3-26 NMSA 1978 Comp.
[16.12.3.3 NMAC - Rp, 16.12.3.3 NMAC, 10/1/2016]

16.12.3.4 DURATION: Permanent.
[16.12.3.4 NMAC - Rp, 16.12.3.4 NMAC, 10/1/2016]

16.12.3.5 EFFECTIVE DATE: October 1, 2016, unless a later date is cited at the end of a section.
[16.12.3.5 NMAC - Rp, 16.12.3.5 NMAC, 10/1/2016]

16.12.3.6 OBJECTIVE: To safeguard life and health and promote the public welfare by regulating programs of nursing in the state of New Mexico as promulgated by the board. To promote the safe and effective practice of nursing by graduates of nursing education programs. To provide guidance for developing new nursing education programs. To facilitate continued improvement of established nursing education programs. To provide criteria for the evaluation of new and established nursing education programs. To grant recognition and approval that a program of nursing is meeting the required minimal standards and rules as determined by the board. To establish eligibility of graduates of programs of nursing to apply for licensure by examination.
[16.12.3.6 NMAC - Rp, 16.12.3.6 NMAC, 10/1/2016]

16.12.3.7 DEFINITIONS:

A. "Application", form provided by the board of nursing (BON) to any potential nursing program to be used as the first process in opening a new program.

B. "Approval", official or formal consent, confirmation or sanction.

C. "Associate degree program", a formalized program of study, usually organized for completion within a two-year academic period, which prepares graduates for an associate degree in nursing and eligibility to take the national examination for registered nurses. The program is conducted as an integral department or division within a college or university.

D. "Bachelor degree program", a formalized program of study, usually organized for completion within a four-year academic period, which prepares graduates for a degree in nursing and eligibility to take the national licensing examination for registered nursing. The program is conducted as an integral department or division within a university or college.

E. "Board", New Mexico board of nursing.

F. "Clinical facilities", institutions which are established for the delivery of nursing care services (hospital, extended care facilities, nursing homes, medical clinics, public health facilities, physician's offices, outpatient clinics, etc.).

G. "Clinical preceptors", nurses who have been a nurse for at least two years and have demonstrated competencies related to the area of assigned clinical teaching responsibilities and will serve as a role model and educator to the student.

H. "Clock/contact hour", unit of measurement used by educational institutions to determine workload.

I. "Curriculum", a course of study which is offered within a particular program.

J. "Director", the nurse educator (regardless of the official title assigned by any specific institution who is delegated the administrative responsibility and authority for the direction of the basic educational program in nursing. An "administrator" shall be considered synonymous with "director" unless the institution has divided up authority between a program "director" and an administrator.
L. "High-fidelity", provides the highest levels of realism. Scenarios may incorporate the above low- and medium-fidelity plus the use of computer-based equipment with automatic cues and responses.

M. "Involuntary closure", mandatory closure by the board for failure of a program to meet the minimum requirements as established by the board.

N. "Low-fidelity", the least realistic of available options. Scenarios may include but not limited to the use of static manikins, written case studies, simulated medication administration and other nursing tasks.

O. "Medium-fidelity", scenarios may include use of low-fidelity resources noted above plus standardized (live) patients incorporation with increased realism. Automatic cues and responses (aside from simulation faculty & staff) remain absent.

P. "Must", a requirement.

Q. "National licensing examination", examination for licensure as provided by the national council of state boards of nursing.

R. "National nursing accreditation", recognition of an institution of learning by a board recognized national nursing organization as maintaining prescribed standards requisite for its graduates to gain admission to other reputable institutions of higher learning or achieve credentials for professional practice.

S. "Parent institution", an institution within the educational system which is organized and accredited for teaching and study (university, college, high school).

T. "Practical nurse program", a formalized program, which prepares a graduate for a diploma or certificate and eligibility to take the national licensing examination for practical nursing. The program is conducted as an integral part of an educational institution.

U. "Pre-licensure program", nursing education program that prepares an individual for the national licensing examination for registered or practical nursing.

V. "Program", the curriculum and all of the activities/functions that take place which are necessary to fulfill the purpose of nursing education.

W. "Recommendations", statements which should guide programs of nursing in the development and direction of the program but which are not mandatory.

X. "Regulation and policies", statements governing practice of the board of nursing in the approval of a program of nursing.

Y. "Requirements", conditions which any program of nursing shall meet to obtain approval.

Z. "Shall", mandatory; a requirement.

AA. "Should", a suggestion or recommendation; not a requirement.

BB. "Simulation", an experience that imitates the real environment, requiring individuals to demonstrate the procedural techniques, decision-making, and critical thinking needed to provide safe and competent patient care.

CC. "Supervision of part-time faculty without msn", initial verification of instructor’s knowledge and skills in supervision of students in clinical settings, followed by periodic observation, direction and evaluation of instructor’s knowledge and skills related to supervision of students in clinical settings.

A. Definitions beginning with "A":
   (1) "application", form provided by the board of nursing (BON) to any potential nursing program to be used as the first process in opening a new program.
   (2) "approval", official or formal consent, confirmation or sanction.
   (3) "associate degree program", a formalized program of study, usually organized for completion within a two-year academic period, which prepares graduates for an associate degree in nursing and eligibility to take the national examination for registered nurses. The program is conducted as an integral department or division within a college or university.

B. Definitions beginning with "B":
   (1) "baccalaureate degree program", a formalized program of study, usually organized for completion within a four-year academic period, which prepares graduates for a degree in nursing and eligibility to take the national licensing examination for registered nursing. The program is conducted as an integral department or division within a university or college.

   (2) "board", New Mexico board of nursing.

C. Definitions beginning with "C":

16.12.3 NMAC
(1) "clinical facilities", institutions which are established for the delivery of nursing care services (hospital, extended care facilities, nursing homes, medical clinics, public health facilities, physician’s offices, out-patient clinics, etc.);
(2) "clinical preceptors", nurses who have been a nurse for at least two years and have demonstrated competencies related to the area of assigned clinical teaching responsibilities and will serve as a role model and educator to the student;
(3) "clock/contact hour", unit of measurement used by educational institutions to determine work load;
(4) "curriculum", a course of study which is offered within a particular program.

D. Definitions beginning with “D”: “director”, the nurse educator (regardless of the official title assigned by any specific institution who is delegated the administrative responsibility and authority for the direction of the basic educational program in nursing. An “administrator” shall be considered synonymous with “director” unless the institution has divided up authority between a program “director” and an administrator.

E. Definitions beginning with “E”: “educational institution”, an institution within the educational system which is organized and accredited for teaching and study (university, high school, post-secondary, approved area vocational institution).

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: "High-fidelity", provides the highest levels of realism. Scenarios may incorporate the above low- and medium-fidelity plus the use of computer-based equipment with automatic cues and responses.

I. Definitions beginning with “I”: “Involuntary closure”, mandatory closure by the board for failure of a program to meet the minimum requirements as established by the board.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: “Low-fidelity”, the least realistic of available options. Scenarios may include but not limited to the use of static manikins, written case studies, simulated medication administration and other nursing tasks.

M. Definitions beginning with “M”:
(1) "medium-fidelity", scenarios may include use of low-fidelity resources noted above plus standardized (live) patients incorporation with increased realism. Automatic cues and responses (aside from simulation faculty & staff) remain absent;
(2) "must", a requirement.

N. Definitions beginning with “N”:
(1) "National licensing examination", examination for licensure as provided by the national council of state boards of nursing;
(2) "National nursing accreditation", recognition of an institution of learning by a board recognized national nursing organization as maintaining prescribed standards requisite for its graduates to gain admission to other reputable institutions of higher learning or achieve credentials for professional practice.

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:
(1) "parent institution", an institution within the educational system which is organized and accredited for teaching and study (university, college, high school);
(2) "practical nurse program", a formalized program, which prepares a graduate for a diploma or certificate and eligibility to take the national licensing examination for practical nursing. The program is conducted as an integral part of an educational institution;
(3) "pre-licensure program", nursing education program that prepares an individual for the national licensing examination for registered nursing or practical nursing;
(4) "program", the curriculum;
(5) "public health emergency”, an executive order pursuant to the Public Health Emergency Response Act or an executive order invoked by gubernatorial powers under the All Hazards Emergency Management Act.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: [RESERVED]
(1) "recommendations", statements which should guide programs of nursing in the development and direction of the program but which are not mandatory;
(2) "regulation and policies", statements governing practice of the board of nursing in the approval of a program of nursing;

(3) "requirements", conditions which any program of nursing shall meet to obtain approval.

S. Definitions beginning with "S":
(1) "shall", mandatory; a requirement;
(2) "should", a suggestion or recommendation; not a requirement;
(3) "simulation", an experience that imitates the real environment, requiring individuals to demonstrate the procedural techniques, decision-making, and critical thinking needed to provide safe and competent patient care;

(4) "supervision of part-time faculty without msn", initial verification of instructor’s knowledge and skills in supervision of students in clinical settings, followed by periodic observation, direction and evaluation of instructor’s knowledge and skills related to supervision of students in clinical settings.

T. Definitions beginning with "T": [RESERVED]
U. Definitions beginning with "U": [RESERVED]
V. Definitions beginning with "V": [RESERVED]
W. Definitions beginning with "W": [RESERVED]
X. Definitions beginning with "X": [RESERVED]
Y. Definitions beginning with "Y": [RESERVED]
Z. Definitions beginning with "Z": [RESERVED]

[16.12.3.7 NMAC - Rp, 16.12.3.7 NMAC, 10/1/2016; A, xx/xx/20xx]

16.12.3.8 TYPES OF APPROVAL:

A. Initial approval:
(1) Initial approval shall be granted as outlined in numbers 16.12.3.11 NMAC “requirements for the establishment of new programs and 16.12.3.12 NMAC “minimum standards for nursing programs” of these rules. Initial approval is valid from the time granted through the graduation of the first nursing class.

(2) The program shall have initial approval prior to recruiting and enrolling students into the nursing program.

(3) Immediately preceding graduation of the first nursing class, an approval site visit shall be made by representatives of the board to determine compliance with “minimum standards for nursing programs” and for consideration of continued approval.

(4) When a program fails to meet the minimum standard requirements with the initial graduating class then an initial approval with warning will be granted.

(a) The program must correct all the identified deficiencies of the minimum standards not met.

(b) The board of nursing will evaluate the program for deficiencies of minimum standards.

(e) Initial approval with warning shall not exceed two years.

B. Initial approval with warning:

(1) When a program fails to meet the minimum standard requirements with the initial graduating class then initial approval with warning will be granted.

(2) The program must correct all the identified deficiencies of the minimum standards not met.

(3) Initial approval with warning shall not exceed two years.

(4) When a program fails to meet the minimum standards for nursing programs within two years, the program will be placed in conditional approval.

[B.] Full approval:

(1) Full approval status shall be granted after the board verifies [through a site visit] that the “minimum standards for nursing programs” have been met.

(2) Full approval for a continuing period not to exceed ten years, shall be granted to nursing education programs if, in the opinion of the board, the program continues to demonstrate compliance with minimum standards for nursing programs.

(3) National nursing accreditation.

(a) All currently board approved nursing programs shall achieve national nursing accreditation by January 1, 2018.
(b) New programs shall be required to achieve national nursing accreditation by two years after the graduation of the first cohort.

(c) Programs which have received accreditation from a board-recognized national nursing accreditation agency shall file evidence of initial accreditation with the board, and thereafter shall file notice of any change in program accreditation status and report from accrediting agency’s board of review; the board shall grant approval based upon evidence of such accreditation.

(d) Programs holding approval based upon national accreditation are also responsible for complying with “minimum standards for nursing programs”.

(e) Full approval for a continuing period not to exceed [ten] 10 years, shall be granted to nursing programs with full national nursing accreditation.

(f) Programs that do not meet or maintain this requirement will be placed on full approval with warning.

(g) Full approval with warning.

(i) the program must correct all the identified deficiencies of the minimum standards not met;

(ii) nursing programs shall provide a corrective action plan (CAP);

(iii) full approval with warning shall not exceed two years;

(iv) any other discretion or conditions deemed necessary by the board may be imposed.

(4) Ongoing approval status is assessed annually by the board and is based on information reported or provided in the program’s annual report, NCLEX exam pass rates, and information related to the minimum standards.

(a) An annual report which includes information regarding compliance with 16.12.3.12 NMAC minimum standards for nursing programs shall be submitted to the board by the nursing education program.

(b) The annual NCLEX pass rate for each nursing education program is determined by the percentage of first time test takers who pass the examination during the exam year, from January 1st through December 31st of the calendar year.

(i) Eighty percent of the first-time NCLEX candidates are required to achieve a passing score on the NCLEX examination during the exam year.

(ii) When a program fails to maintain a passing rate of eight percent of first time candidates for one year, the program will receive notification from the board of nursing.

(iii) The program is required to submit a self-study report with corrective action to the board of nursing by June 1st of the calendar year.

(iv) When a program fails to maintain a passing rate of eighty percent of first time candidates for two consecutive calendar years the nursing education program will be granted full approval with warning.

C. Full approval with warning:

(1) the program must correct all the identified deficiencies of the minimum standards not met;

(2) nursing programs shall provide a corrective action plan (CAP);

(3) full approval with warning shall not exceed two years;

(4) any other discretion or conditions deemed necessary by the board may be imposed.

[ε:] D. Conditional approval:

(1) The nursing education program shall be placed on conditional approval not to exceed two years when there is evidence of substantial non-compliance with the “minimum standards for nursing programs” as specified in these rules.

(2) When on conditional approval status, the nursing program shall cease admissions.

(3) The following situations are cause for review or a site visit by the board to determine if the minimum standards for nursing programs are being met:

(a) complaints relating to violations of the “minimum standards for nursing programs”;

(b) denial, withdrawal or change of program accreditation status by a board-recognized national nursing accreditation agency or general academic accreditation agency;

(c) failure to obtain board approval of changes that require approval of the board under “program changes”;

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the nursing program;

(e) violation of the rules 16.12.3 NMAC;

(f) continuous disruptions in retaining a qualified director or faculty, resulting in disorganization and breakdown of supervision and teaching of students;

(g) non-compliance with the program’s stated philosophy, objectives, policies, and curriculum resulting in unsatisfactory faculty/student achievement;

(h) failure to provide clinical experiences necessary to meet the objectives of the nursing program;

(i) less than a passing rate of eighty percent of first time writers of the national licensing examination for more than three consecutive calendar years or is on full approval with warning for two years and has not met the “minimum standards of a nursing programs” including maintaining an adequate pass rate;

[(i) when a program fails to maintain a passing rate of eighty percent of first time writers for one calendar year from January 1st through December 31st of the same year, a letter will be sent to the program notifying them that they are not in compliance with the rules and to provide the board with an assessment of possible problem areas within six months;

(ii) when a program fails to maintain a passing rate of eighty percent of first time writers for two consecutive calendar years, a report addressing areas of concern with a plan for corrective action will be submitted to the board within six months and an evaluation visit may be required.]

(4) Conditional approval is not renewable. Failure to correct deficiencies within the designated time period will result in withdrawal of approval and involuntary closure of the program by the board. Full approval status shall be granted after the board verifies through a site visit that correction of deficiencies have occurred within the designated time period.

(5) The board may deny approval or withdraw approval of a nursing education program that does not meet the “minimum standards for nursing programs.”

[16.12.3.8 NMAC - Rp, 16.12.3.8 NMAC, 10/1/2016; A, xx/xx/20xx]

16.12.3.9 TYPES OF BOARD VISITS TO NURSING PROGRAMS:

A. Approval visit - visits made to programs of nursing by board representative(s) for the sole purpose of granting board approval. A pre-licensure nursing program must have an approval visit by the board of nursing at least once in a 10 year period.

B. Evaluation visit - visits made to programs of nursing by board representative(s), at the request of the board, for the purpose of evaluating a program’s progress and approval status.

C. Consultation visit - visits made to programs of nursing by the board representative(s), at the request of the program of nursing or educational institution. Requests to the board for consultation must be made, in writing, to the executive director of the board of nursing. Consultation visits are made at the expense of the program of nursing or educational institution.

D. Survey visit - may be done at the discretion of the board during any national accreditation visit.

[16.12.3.9 NMAC - Rp, 16.12.3.9 NMAC, 10/1/2016; A, xx/xx/20xx]

16.12.3.10 GENERAL REQUIREMENTS:

A. Prior to the end of the approval period, a site visit shall be made by board representatives to all nursing education programs not nationally accredited or an evaluative visit may be conducted at the discretion of the board with any nursing program, as needed.

B. Representatives of the parent institution and nursing program shall be notified, in writing, regarding the approval status of the program.

C. A report of any official visit, made by board representative(s), shall be provided to the program of nursing and officials of the institution.

D. In the event that deficiencies are found, the board shall designate a reasonable time period to correct the deficiencies.

E. An annual report which includes information regarding compliance with 16.12.3.12 NMAC, minimum standards for nursing programs shall be submitted to the board by the nursing education program.

[16.12.3.10 NMAC - Rp, 16.12.3.10 NMAC, 10/1/2016]

16.12.3.11 REQUIREMENTS FOR THE ESTABLISHMENT OF NEW NURSING PROGRAMS:

16.12.3 NMAC
A. All programs not previously approved by the board are required to be approved by the board under the procedures prescribed in this section. Feasibility studies, proposals, and initial approvals shall be considered during a regularly scheduled board meeting.

B. Any institution considering the establishment of a pre-licensure nursing education program shall submit, a letter of intent, the resume and transcripts of the nursing program administrator, complete application form and feasibility study, at least 12 months in advance of the proposed opening date. The application, feasibility study and program proposal shall be prepared by a qualified nurse educator.

(1) The letter of intent shall state the parent institution's intention of opening a nursing program and verify approval of the proposed program by the highest governing body of the institution.

(2) The completed application shall include attached evidence of national or regional accreditation of the parent institution.

(3) The feasibility study shall contain the following:
   (a) rationale for the establishment of the nursing program;
   (b) documentation of the need/demand for a new nursing program;
   (c) nursing manpower needs in the state and region;
   (d) impact on other nursing education programs in the state;
   (e) definition of the target region from which the student population will be drawn;
   (f) availability of the proposed number of faculty and director; and
   (g) proposed clinical facilities detailing accessibility and documenting the plan for clinical facility use to provide educationally sound experiences. The effect on other nursing programs utilizing the facility must also be documented.

C. The feasibility study must be approved by the board before the proposal is submitted.

D. The proposal shall be submitted at least six months prior to the proposed opening date. The board of nursing shall approve the proposal upon submission of evidence that verifies the following:

(1) compliance with "minimum standards for nursing programs;"
(2) documentation of the parent institution to support the program in relation to:
   (a) plans for providing adequate support services including library audio/visual resources; classrooms, laboratory, offices, secretaries, and counseling; and
   (b) evidence of financial resources for planning, implementing and continuing the program.
(3) tentative timetable for planning and implementing the entire program;
(4) appointment of a qualified nurse director, as specified in the "minimum standards for nursing programs," to be active full-time in the position six months prior to the starting date;
(5) evidence of a sufficient number of qualified faculty, as specified in "minimum standards for nursing programs"; faculty shall be active in their positions no later than two months before the start of the first class.

E. Requirements for approval:

(1) Following approval of the proposal, arrangements will be made for the initial approval visit for the purpose of verifying compliance with the minimum standards for nursing programs. A written report of the visit will be submitted to the board and to the institution.
(2) The board shall advise the institution, in writing, regarding the approval/disapproval of the feasibility study, proposal, initial approval status, and may include specific requirements that must be met during the approval period.
(3) The board of nursing may deny approval to a program that does not meet the "minimum standards for nursing programs."

[16.12.3.11 NMAC - Rp, 16.12.3.11 NMAC, 10/1/2016]

16.12.3.12 MINIMUM STANDARDS FOR NURSING PROGRAMS:

A. Administration and organization:

(1) The nursing education program shall be an integral part of an institution of higher education that is authorized by this state to confer credentials in nursing and that is also accredited by an accreditation agency recognized by the US department of education.

(2) The nursing program shall obtain national nursing accreditation within two years of the first graduating class.
(3) The nursing programs shall have status comparable with other academic units. There shall be an organizational chart which identifies the relationships, within and between the program and other administrative areas of the parent institution.

(4) The administration of the parent institution shall provide adequate financial support for the nursing program.

(5) The parent institution shall designate a qualified, nursing director who is licensed to practice as a registered nurse in New Mexico or in a compact state. The nursing program director shall have responsibility and authority comparable with the administrative position including but not limited to development, implementation, evaluation, administration and organization of the nursing program.

(6) The nursing program shall have specific written policies available to students and the public regarding, but not limited to, admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, dismissal, student rights and responsibilities, grievances, health and safety.

(7) The nursing program shall provide accurate, complete and appropriate information to all students and prospective students about the program including, but not limited to:

(a) nature of the program, including course sequence, prerequisites, co-requisites and academic standards;

(b) length of the program;

(c) current cost of the program;

(d) transferability of credits to other public and private educational institutions in New Mexico;

(e) program teaching methods and supporting technology;

(f) current standing and any change in regional or national institutional accreditation status and national nursing accreditation status and board approval status.

(8) Faculty and students shall participate in program planning, implementation, evaluation and continuous improvement.

B. Curriculum:

(1) The mission of the nursing unit shall be consistent with that of the parent institution.

(2) A nursing program shall develop and implement a curriculum that includes level objectives, course objectives, measurable learning outcomes for each course that:

(a) reflect its mission and goals;

(b) are logically consistent between and within courses;

(c) are designed so that the students who complete the program will have the knowledge and skills necessary to function in accordance with the definition and scope of practice specified in New Mexico Nurse Practice Act.

(3) The curriculum shall extend over a period of time sufficient to provide essential, sequenced learning experiences which enable a student to develop nursing competence and shall evidence an organized pattern of instruction consistent with principles of learning and educational practice.

(4) Clinical experience shall provide opportunities for application of theory and for achievement of the stated objectives in a client care setting or simulation learning settings, and shall include clinical learning experience to develop nursing skills required for safe practice. In the client care clinical setting, the student/faculty ratio shall be based upon the level of students, the acuity level of the clients, the characteristics of the practice setting and shall not exceed 8:1. In the simulation setting there shall be nursing faculty who has received focused training in simulation pedagogy and techniques. Clinical evaluation tools for evaluation of students’ progress, performance and learning experiences shall be stated in measurable terms directly related to course objectives. Simulation learning experiences may concurrently include the use of low, medium, and high fidelity experiences. Nursing programs shall:

(a) establish clearly-defined simulation learning outcomes incorporating objective measures for success;

(b) incorporate written, planned design of individual training experiences and shall include consideration of the educational and experiential levels of the learners;

(c) make use of checklists for pre- and post-experience analysis and review;

(d) may substitute up to a maximum of fifty percent of a clinical education experiences using simulation programs and practices;

(i) in the event of a public health emergency that negatively impacts access to clinical placement, nursing programs submit a major change notification increasing the simulation substitution to a maximum of seventy percent.
(ii) the major change would be in effect for the period of the public health event ending when the health order is terminated;

(e) have written simulation policies and procedures specific to the nursing education available to all faculty and pertinent staff. Simulation learning policies and procedures shall include evaluative feedback mechanisms for ongoing program improvement;

(f) incorporate facilitated student-centered debriefing sessions upon the conclusion of simulation-based activities.

(5) The curriculum shall provide instruction in the discipline of nursing across the lifespan and include content relevant to national and local health care needs. Support courses shall be an integral part of the nursing curriculum.

(6) The nursing program shall implement a comprehensive, systematic plan for ongoing evaluation that is based on program outcomes and incorporates continuous improvement.

C. Program director requirements:

(1) Prior to appointment, the program director shall:

(a) hold a graduate degree in nursing;

(b) hold a current registered nurse license to practice in New Mexico;

(c) have work experience in clinical nursing practice;

(d) have work experience as a nurse educator.

(2) The program director shall:

(a) maintain a current registered nurse license to practice in New Mexico;

(b) be afforded appropriate resources to accomplish the program mission, goals and expected program outcomes;

(c) have the authority and responsibility for administration of the program to include but not limited to budget management, workload assignments, management and supervision of faculty and staff, development and enforcement of policies, meeting regulatory and accreditation requirements, and development and implementation of curriculum;

(d) have at least eighty percent of obligated work time to administer the program.

D. Faculty requirements:

(1) The [administrator] faculty of the nursing program shall hold a current license to practice as a registered nurse in New Mexico.

(a) A formal plan will be in place which will include an orientation to nursing program.

(b) Nursing faculty who teach full-time shall hold a graduate degree in nursing; faculty without a graduate degree may be employed for one year and then are required to complete a graduate degree within the next five years, an educational contract with evidence of progression will be submitted with program annual report.

(c) Nursing faculty who teach part time shall hold a minimum of a bachelor’s degree in nursing; faculty without a Bachelor of Science in Nursing BSN may be employed for one year and then are required to complete a BSN completion program or Master of Science in Nursing (MSN) program within five years, an educational contract with evidence of progression will be submitted with program annual report.

(i) Part time faculty without a graduate degree in nursing shall report to a master’s prepared faculty and evidence of routine supervision shall be documented.

(ii) Part-time faculty shall be oriented to the curriculum, and provided with instruction in didactic and clinical teaching strategies.

(2) Clinical preceptors are licensed as a nurse at or above the educational level for which the student is preparing.

(3) Personnel policies for nursing faculty shall be the same as those in effect for other faculty with the exception of:

(a) nursing faculty workload shall be calculated by teaching clock/contact hour;

(b) evidence of full time and part time faculty evaluation shall be in place;

(4) A nursing program shall maintain current and accurate faculty and student records.

(5) The nursing program will retain a qualified director and a sufficient number of qualified faculty to meet the outcomes and purposes of the nursing education program.

E. Resources: The parent institution shall provide sufficient resources, services and facilities to operate the nursing program.
F. The nursing education program will maintain a passing rate of eighty percent or above of first time writers of the national licensing exam.

16.12.3.13 PROGRAM CHANGES REQUIRING BOARD OF NURSING APPROVAL: Major changes that affect the program's compliance with the "minimum standards for nursing programs" require board approval.
[16.12.3.13 NMAC - Rp, 16.12.3.13 NMAC, 10/1/2016]

16.12.3.14 REQUIREMENTS FOR CLOSURE OF APPROVED NURSING PROGRAMS: Upon voluntary or involuntary closure, the school shall:
   A. notify the board of the closure date of the program;
   B. make provision for students to complete their nursing education;
   C. notify the board of the location of the permanently stored program records;
   D. discontinue admissions; and
   E. a contingency closure plan which includes date of closure, provisions that will be made for students to complete their nursing education and the location of the permanently stored program records will be submitted to the board six months after the program is placed on a conditional approval.
F. the nursing program shall wait 12 months before the program can re-apply for initial nursing program approval.

16.12.3.15 NURSING EDUCATION ADVISORY COMMITTEE: The board of nursing may appoint a minimum of a seven-member advisory committee to make recommendations to the board regarding nursing education.
   A. The advisory committee shall review applications for initial approval, survey/evaluation reports, annual reports, major curriculum changes, and shall submit reports and recommendations to the board.
   B. The advisory committee shall provide consultation to nursing programs as requested or as directed by the board.
[16.12.3.15 NMAC - Rp, 16.12.3.15 NMAC, 10/1/2016]

HISTORY OF 16.12.3 NMAC:
Pre-NMAC History:
The materials in this part was derived from that previously filed with the state records center and archives under:

History of the Repealed Material:

Other History: 16 NMAC 12.3, Nursing and Health Care Related Providers & Nursing Educational Programs filed 12/10/1997 Renumbered, reformatted and amended to 16.12.3 NMAC effective 7/30/2001.
assessing intellectual functioning. Significantly sub-average is defined as an intelligence quotient (IQ) of 70 or below. Adaptive behavior is defined as the effectiveness or degree with which individuals meet the standards of personal independence and social responsibility expected for age and cultural group. The developmental period is defined as the period of time between birth and the 18th birthday.

Revisions were made to add language as to what constitutes a "related condition" and delete language that was no longer applicable.

Specific language was added to exclude mental illness as a related condition. Language was added to define related condition as attributable to a condition, other than mental illness, found to be closely related to an intellectual disability (ID) because this condition results in limitations in general intellectual functioning or adaptive behavior similar to that of persons with an intellectual disability and requires similar treatment or services.

A related condition is manifested before the person reaches age twenty-two (22) years; is likely to continue indefinitely and results in substantial functional limitations (Adaptive Behavior scores less than or equal to 70) in three or more of the following areas: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.

Section 11 was amended to remove the interview requirement for home and community-based services waiver categories.

The register for these proposed amendments to this rule will be available December 15, 2021 on the HSD web site at http://www.hsd.state.nm.us/LookingForInformation/registers.aspx or at http://www.hsd.state.nm.us/2017-comment-period-open.aspx. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective May 1, 2021. A public hearing to receive testimony on these proposed rule changes will be held via conference call on Thursday, January 21, 2021 at 10:00 a.m., Mountain Time (MT).

**Conference Number:** 1-800-747-5150. **Access Code:** 2284263.

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on January 21, 2021. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at http://www.hsd.state.nm.us/2017-comment-period-open.aspx along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

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### NURSING, BOARD OF

**NOTICE OF PUBLIC RULEMAKING HEARING**

The New Mexico Board of Nursing (NMBON) will hold a Public Rulemaking Hearing on Thursday February 4, 2021. The Rulemaking Hearing will begin at 9:00 AM via Zoom through New Mexico Board of Nursing, at 6301 Indian School Rd NE, Albuquerque, NM 87110.

Statutory authority for this rulemaking can be found in Section 61-3-10 et seq. NMSA 1978. The purpose of the Rulemaking Hearing is to hear public testimony and comments regarding the proposed amendment to the rule:

Title 16 Occupational and Professional Licensing Chapter 12 Nursing and Health Care Related Providers

**Part 3 Nursing Educational Programs.**

Pursuant to the Nursing Practice Act, 61-3-23.5 NMSA 1978, the NMBON is mandated to promulgate rules for pre-licensure nursing education programs. The proposed language outlines rules for clinical simulation during a public health emergency, and updates the criteria for the different approval status for pre-licensure programs.

No specific technical information serves as a basis for this proposed rule.

Persons desiring to view the proposed rule to be repealed or the new rule may download them from https://nmbon.sks.com/rule-changes.aspx. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9094.
Written comments may be submitted via email to BON. Legal@state.nm.us. If submitting comments via email specify in the subject line the following: NMBON Public Comments. Written comments may also be filed by sending original, signed copies to: New Mexico Board of Nursing ATTN: NMBON Public Comments 6301 Indian School Road, NE, Suite 710 Albuquerque, NM 87110

Persons wishing to submit written comments regarding the proposed rules should submit them to the Board office no later than Thursday, January 21, 2021. Written comments will be given the same consideration as oral testimony made at the public hearing. All written comments will be posted on the NMBON website within three days of receipt. All written comments must be received no later than 5:00 p.m. MST, Thursday, January 21, 2021.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the NMBON at (505) 841-9083. The NMBON requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

PAROLE BOARD
NOTICE OF POSTPONEMENT OF PUBLIC RULE HEARING

The New Mexico Parole Board hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and Rule 1.24.25.11 NMAC that it postpones its public rulemaking hearing from December 29, 2020, to January 20, 2021 regarding the repeal and adoption of the following rules Paragraph (8) of Subsection B of Section 31-21-25 NMSA 1978:

22.510.3.8 NMAC – POLICY STATEMENT PERTAINING TO THE GRANTING OF PAROLE, DENIAL OF PAROLE, REVOCATION OR RESCISSION OF PAROLE, AND TO THE DISCHARGE OF PAROLEE 22.510.17 NMAC – PAROLE HEARINGS FOR YOUTH SENTENCED IN ADULT COURT

Technical information used in drafting these proposed rules is available on the Parole Board’s website, located at https://cd.nm.gov/divisions/parole-board/.

Purpose of proposed rules: The purpose of repealing and replacing Subsection B of 22.510.3.8 NMAC, Policy Statement Pertaining to the Granting of Parole, Denial of Parole, Revocation or Rescission of Parole, and to the Discharge of Parolee, is to qualify the application of Paragraph II and to explain that it excludes persons serving indeterminate life sentences who were under the age of eighteen (18) at the time their crime was committed. Further, the rule introduces the proposed new rule, 22.510.17, Parole Hearings for Youth Sentenced in Adult Court. The purpose of repealing and replacing the remainder of 22.510.3 NMAC is to update formatting of the rule to conform to current Commission of Public Records requirements.

The purpose of the proposed new rule 22.510.17, Parole Hearings for Youth Sentenced in Adult Court, is to establish the procedures and processes the Parole Board must follow regarding parole determinations involving persons serving indeterminate life sentences who were under the age of eighteen (18) at the time their crime was committed. The rule is designed to ensure compliance with federal and state law while maintaining the Parole Board’s continuing commitment to public safety and crime victim input in all proceedings. Under recent Supreme Court precedent, state parole boards must modify their proceedings for those serving adult sentences for crimes committed when they were under eighteen (18) to ensure that such persons have a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” In accordance with this precedent, the rule outlines specific considerations the Parole Board must make regarding a person’s youth at the time of the offense, as well as rehabilitative efforts the inmate has made during their incarceration. In furtherance of this precedent, the rule expands procedural safeguards to this limited class of offenders, including access to counsel and adequate notice. The rule does not change the timing of eligibility for parole from an indeterminate life sentence, which remains at thirty (30) years (see NMSA 1978, Section 31-21-10). The rule provides a definitions list for both unique and frequently used terms throughout the rule, such as “aggravating factor,” “mitigating factor,” and “experts.” Additionally, pursuant to NMSA 1978, Section 31-21-25, the rule protects the rights of crime victims to be present and participate in all parole hearings. The rule will impact a narrow class of offenders within the New Mexico Corrections Department. At the time of the initiation of this rulemaking process, twenty-seven (27) people are serving indeterminate life sentences for crimes committed when they were under the age of eighteen (18). Of those, two (2) are currently eligible for parole.

Copies of the repealed rule and proposed new rule may be accessed on the Parole Board’s website at https://cd.nm.gov/divisions/parole-board/, or may be obtained from Cisco McSorley at (505) 827-8825 during regular business hours.

Notice of public rule hearing: The Parole Board is postponing the public rule hearing from 9 a.m. to 12 p.m. on December 29, 2020, to 9 a.m. to 12 p.m. on January 20, 2021, via Zoom (link: https://zoom.us/j/9694073585?pwd=WVovMlpHVXl3Y0Y1MThI)
Proposed Rule Name:
NOTICE OF PUBLIC RULEMAKING HEARING

Agency:
Board of Nursing

Purpose:
The purpose of the Rulemaking Hearing is to hear public testimony and comments regarding the proposed amendment to the rule. Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers, Part 3 Nursing Educational Programs.

Summary:
Pursuant to the Nursing Practice Act, 91-3-10 NMSA 1978, the NMBON is mandated to promulgate rules for pre-licensure nursing education programs. The proposed language outlines rules for clinical simulation during a public health emergency and updates the criteria for the different approval status for pre-licensure programs. No specific technical information serves as a basis for this proposed rule.

Rule Complete Copy:
Persons desiring to view the proposed rule to be repealed or the new rule may download them from https://nmbon.sis.state.nm.us/rule-changes.aspx. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9094.

Corrections:
Not available

Rule Explanatory Statement:
Not available

Related New Mexico Register Publications:
Not available

For any additional information or questions concerning this rule making or posting please contact:
BON Legal
bon.legal@state.nm.us
(505) 841-9094

Last Updated Date

How to submit Comments:
Written comments may be submitted via email to BON.Legal@state.nm.us. If submitting comments via email, state "NMBON Public Comments". Written comments may also be filed by sending original, signed copies to: New Mexico Board of Nursing, 8301 Indian School Road NE, Suite 710, Albuquerque, NM 87110

When are comments due:
1/21/2021 5:00 PM

Hearing Date:
2/4/2021 9:00 AM

Public Hearing Location:
The Rulemaking Hearing will begin at 9:00 AM via Zoom through New Mexico Board of Nursing, at 8301 Indian School Road NE, Suite 710, Albuquerque, NM 87110

How to participate:
Written comments will be given the same consideration as oral testimony made at the public hearing. All written comments will be heard within the three days of receipt. If you are a person with a disability and you require this information in an accommodation to participate in the public hearing, please contact the NMBON at (505) 841-9094. The NMBC notice to provide requested alternative formats and special accommodations.
Rule Changes
Home > Laws & Rules > Rule Changes

Current Hearings

(12/09/2020) - Proposed rule changes

The New Mexico Board of Nursing (NMBON) will host a Public Rulemaking Hearing on Thursday, February 4, 2021. The Rulemaking Hearing will begin at 9:00 AM via Zoom through New Mexico Board of Nursing, at 6201 Indian School Rd NE, Albuquerque, NM 87110.

The proposed language outlines rules for clinical simulation during a public health emergency and updates the criteria for the different approval status for pre-licensure programs.

16.12.3 Proposed integrated with Amendments 10.8.2020 et al

Formal Notice of Public Rulemaking Hearing

BON rule making hearing 2.4.21 agenda - Draft
Published in the Albuquerque Journal on Wednesday December 23, 2020

NOTICE OF PUBLIC RULEMAKING HEARING The New Mexico Board of Nursing (NMBON) will hold a Public Rulemaking Hearing on Thursday February 4, 2021. The Rulemaking Hearing will begin at 9:00 AM via Zoom through New Mexico Board of Nursing, at 6301 Indian School Rd NE, Albuquerque, NM 87110. Statutory authority for this rulemaking can be found in Section 61-3-10 et seq. NMSA 1978. The purpose of the Rulemaking Hearing is to hear public testimony and comments regarding the proposed amendment to the rule: Title 16 Occupational and Professional Licensing Chapter 12 Nursing and Health Care Related Providers Part 3 Nursing Educational Programs. Pursuant to the Nursing Practice Act, 61-3-23.5 NMSA 1978, the NMBON is mandated to promulgate rules for pre-licensure nursing education programs. The proposed language outlines rules for clinical simulation during a public health emergency, and updates the criteria for the different approval status for pre-licensure programs. No specific technical information serves as a basis for this proposed rule. Persons desiring to view the proposed rule to be repealed or the new rule may download them from https://nmbon.sks.com/rule-changes.aspx. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9094. Witten comments may be submitted via email to BON.Legal@state.nm.us. If submitting comments via email specify in the subject line the following: NMBON Public Comments. Written comments may also be filed by sending original, signed copies to: New Mexico Board of Nursing ATTN: NMBON Public Comments 6301 Indian School Road, NE, Suite 710 Albuquerque, NM 87110 Persons wishing to submit written comments regarding the proposed rules should submit them to the Board office no later than Thursday, January 21, 2021. Written comments will be given the same consideration as oral testimony made at the public hearing. All written comments will be posted on the NMBON website within three days of receipt. All written comments must be received no later than 5:00 p.m. MST, Thursday, January 21, 2021. If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the NMBON at (505) 841-9083. The NMBON requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations. Journal: December 23, 2020, January 3, 2021
NOTICE OF PUBLIC RULEMAKING HEARING The New Mexico Board of Nursing (NMBON) will hold a Public Rulemaking Hearing on Thursday February 4, 2021. The Rulemaking Hearing will begin at 9:00 AM via Zoom through New Mexico Board of Nursing, at 6301 Indian School Rd NE, Albuquerque, NM 87110. Statutory authority for this rulemaking can be found in Section 61-3-10 et seq. NMSA 1978. The purpose of the Rulemaking Hearing is to hear public testimony and comments regarding the proposed amendment to the rule: Title 16 Occupational and Professional Licensing Chapter 12 Nursing and Health Care Related Providers Part 3 Nursing Educational Programs. Pursuant to the Nursing Practice Act, 61-3-23.5 NMSA 1978, the NMBON is mandated to promulgate rules for pre-licensure nursing education programs. The proposed language outlines rules for clinical simulation during a public health emergency, and updates the criteria for the different approval status for pre-licensure programs. No specific technical information serves as a basis for this proposed rule. Persons desiring to view the proposed rule to be repealed or the new rule may download them from https://nmbon.skis.com/rule-changes.aspx. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9094. Witten comments may be submitted via email to BON.Legal@state.nm.us. If submitting comments via email specify in the subject line the following: NMBON Public Comments. Written comments may also be filed by sending original, signed copies to: New Mexico Board of Nursing ATTN: NMBON Public Comments 6301 Indian School Road, NE, Suite 710 Albuquerque, NM 87110 Persons wishing to submit written comments regarding the proposed rules should submit them to the Board office no later than Thursday, January 21, 2021. Written comments will be given the same consideration as oral testimony made at the public hearing. All written comments will be posted on the NMBON website within three days of receipt. All written comments must be received no later than 5:00 p.m. MST, Thursday, January 21, 2021. If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the NMBON at (505) 841-9083. The NMBON requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations. Journal: December 23, 2020, January 3, 2021
Dear Legislative Council Service,
Attached please find the proposed amendment. I apologize for the oversight.

Sasha N. Poole, PhD, RN | Executive Director | 505.841.9083 (D) | sasha.poole@state.nm.us
New Mexico Board of Nursing | 6301 Indian School Rd NE, Suite 710, Albuquerque, NM 87110
505.841.8340 (P) | 505.841.8347 (F) | www.nmbon.sks.com

NM BON Mission: Protect the public safety through effective regulation of nursing care and services.

NEW MEXICO BOARD OF NURSING CONFIDENTIALITY NOTICE: This electronic communication, and any attachment enclosed herein, may contain confidential or privileged information intended solely for the use of the individual or organization named above. Any disclosure, dissemination, distribution & copying of its content, by anyone other than the intended recipient, is prohibited. If you received this communication in error, please notify the above sender immediately via email or phone. Please destroy all copies of this communication and attachment. Visit us on the web at www.nmbon.sks.com.
To whom it may concern,
Please see the attached notice of rulemaking hearing for 16.12.3 NMAC.

The proposed language outlines rules for clinical simulation during a public health emergency, and updates the criteria for the different approval status for pre-licensure programs.
No specific technical information serves as a basis for this proposed rule.

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Please let me know if I can be of further assistance.
Thank you.
Sincerely,
Melissa Charlie

Melissa Charlie, PhD, RN
Director of Education and Practice
New Mexico Board of Nursing
6301 Indian School Rd. NE #710
Albuquerque, NM 87110
P: (505) 841-9057
M: (505) 859-2348
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E: melissa.charlie2@state.nm.us

Mission: Protect the public safety through effective regulation of nursing care and services

NEW MEXICO BOARD OF NURSING CONFIDENTIALITY NOTICE: This electronic communication, and any attachment enclosed herein, may contain confidential or privileged information intended solely for the use of the individual or organization named above. Any disclosure, dissemination, distribution & copying of its content, by anyone other than the intended recipient, is prohibited. If you received this communication in error, please notify the above sender immediately via email or phone. Please destroy all copies of this communication and attachment. Visit us on the web at www.nmbron.sis.com.
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Chapter 12 Nursing and Health Care Related Providers
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Placed on Board of Nursing Lobby’s Outside Door on 12/15/2020.- SNP