The information contained in this summary is paraphrased and accurate as of January 1, 2013. This document is intended for background purposes only. For a complete and current version of the statutes and regulations, AAPA encourages you to visit the state’s legislative and regulatory website.
NEW MEXICO STATUTE

STATUTE
New Mexico Statutes Annotated 1978 §61-6-6 et seq

DATE
Enacted 1973

REGULATORY BODY
New Mexico Board of Medical Examiners

PA DEFINED
PA means a health professional licensed by the board as to practice as a PA and who provides services to patients under supervision and direction of licensed physician.

SCOPE OF PRACTICE
PA shall perform only those acts and duties assigned to PA that are within scope of practice of the supervising physician.

PRESCRIBING/DISPENSING
PAs may prescribe, administer and distribute dangerous drugs other than controlled substances in Schedule I if done under direction of a supervising physician and within parameters of a board-approved formulary and board guidelines. Distribution process must comply with the state laws concerning Rx packaging, labeling and record keeping.

SUPERVISION
A PA shall be supervised by a physician as approved by the board.

CHART CO-SIGNATURE
No provision

PAs PER PHYSICIAN
No provision

APPLICATION
PA applies for license on board forms.

PA licensure requires PA to inform board of name of supervising physician.

QUALIFICATIONS
- Graduation from nationally accredited PA program
- Passage of national certifying examination as established by rule

Board may also license person who passed PANCE exam administered by NCCPA prior to 1986

TEMPORARY/NEW GRADUATE PERMIT
No provision
BOARD NOTIFICATION
No provision

CONTINUING EDUCATION
No provision (Current certification by NCCPA required for renewal) N.M. STAT. ANN §61-6-7

TITLE/PRACTICE PROTECTION
No person shall perform or attempt to perform or hold oneself out as a PA without first applying for and obtaining a license from the board and without registering a supervising physician in accordance with board rules. N.M. STAT. ANN §61-6-7

IDENTIFICATION
No provision

PHYSICIAN LIABILITY
Every physician using, supervising or employing a licensed PA shall be individually responsible and liable for the PA’s performance of delegated acts and omissions. Nothing herein shall be construed to relieve PAs of any responsibility or liability for any of their own acts and omissions. N.M. STAT. ANN §61-6-7

FEE/RENEWAL SCHEDULE
- $150 maximum application fee for PA license
- $150 maximum for biennial renewal of license and registration of supervision N.M. STAT. ANN §61-6-9

PROGRAM APPROVAL
No provision

BOARD REPRESENTATION/ADVISORY COMMITTEE
Nine-member New Mexico medical board to include 1 physician assistant licensed in New Mexico for at least 5 years preceding appointment. Governor to appoint PA member from list of 5 names submitted by New Mexico Academy of PAs or its authorized governing body. N.M. STAT. ANN §61-6-2

BOARD POWERS
Board may adopt and enforce reasonable rules and regulations:
- Setting qualifications of education, skill and experience for PA licensure and biennial renewal of licensure and registration of supervision
- Examining and evaluating applicants as to skill, knowledge, experience in field of medical care
- Establishing guidelines under which PAs shall prescribe, administer and distribute dangerous drugs other than controlled substances in Schedule I
- Allowing supervising physician to temporarily delegate his supervisory responsibilities for a PA to another licensed physician and allowing PA to serve under designated physician
- To implement the act N.M. STAT. ANN §61-6-3

DISCIPLINARY POWERS
In accordance with procedures contained in the Uniform Licensing Act, the board may deny, suspend or revoke any license to practice as a PA or may place on probation, enter stipulation, censure, reprimand or fine any person licensed as a PA. N.M. STAT. ANN §61-6-15
VIOLATIONS/PENALTY
Grounds for disciplinary action if PA guilty of:
- Procuring, aiding or abetting a criminal abortion
- Soliciting patients for physician
- Representing that incurable condition can be cured
- Obtaining fee by fraud
- Divulging professional confidence or privileged information
- Conviction of any offense punishable to incarceration in state or federal prison
- Habitual or excessive use of intoxicants or drugs
- Fraud or misrepresentation in procuring license
- Impersonating another licensee
- Aiding or abetting the unlicensed practice of medicine
- Gross negligence in performance of duties
- Manifest incapacity or incompetence
- Suspension or revocation of license in another state
- Use of false or deceptive statement in any document connected with practice
- Fee splitting
- Prescribing, administering or dispensing drugs for other than accepted therapeutic purposes
- Conduct likely to deceive, defraud or harm the public
- Abusive billing
- Failure to report adverse action taken by another licensing jurisdiction, peer review, professional association, government agency, law enforcement or court
- Failure to furnish requested information to the board
- Patient abandonment
- Mental incompetence
- Injudicious prescribing, administering or distributing dangerous drugs
- Failure to adequately supervise medical or surgical assistant or technician
- Sexual contact with patient or patient’s medical decision-maker or former mental health patient; sexual contact with former patient when licensee exploits influence derived from previous professional relationship
- Conduct unbecoming person licensed to practice or detrimental to best interest of public
- Improper management of medical records
- Undertreatment of pain
- Interaction with other personnel that interferes with patient care or could reasonably be expected to adversely impact care
- Soliciting or receiving compensation from person who is not employer of the PA

N.M. STAT. ANN §61-6-15

PAYMENT FOR SERVICES
No provision

GRANDFATHER CLAUSE
No provision

STUDENTS
A PA student enrolled in an accredited PA or surgical assistant program is exempt from licensure while functioning as a student.

N.M. STAT. ANN §61-6-7.3
NEW MEXICO REGULATIONS

REGULATIONS
Title 16 New Mexico Administrative Code, Chapter 10 Parts 9, 10, 14-17; Medicine and Surgery Practitioners – Physician Assistants

DATE
Revised 9/12

REGULATORY BODY
New Mexico Medical Board

PA DEFINED
[See statute]

SCOPE OF PRACTICE
PA may provide medical services delegated by the supervising physician when such services are within the PA’s skills and form a usual component of the physician’s practice.

PA may assist physician in a health care institution within the institution’s bylaws, including acting as first assistant in surgery when permitted by institution’s bylaws or regulations.

Except when assisting at surgery, PA may not suture major lacerations (defined as laceration extending to or through deep fascia, muscles, nerves, tendons or major vessels). PA may render first aid and apply external fixation to fractures, but may not manipulate or reduce fracture when it requires regional or general anesthesia unless acting as assistant at surgery.

PRESCRIBING/DISPENSING
PAs may prescribe only those drugs, including Schedule II-V controlled medications, designated in the board-approved formulary (additions or deletions may be requested by the supervising physician based upon his specialty and scope of practice) when there is an established physician- or physician assistant-patient relationship. May telephone Rx to pharmacy. PA may prescribe on Rx pads containing physician’s name, business address, phone; PA’s name, title and license number. PA must clearly designate “PA” or “PA-C” on signature line.

Distribution of a limited supply of medication may be delegated to PA to facilitate patient’s immediate or acute medical needs. PA may distribute Schedule II-V controlled substances when there is an established physician- or physician assistant-patient relationship.

SUPERVISION
Effective supervision means physician oversight, control, and direction of PA practice. Includes availability of supervising physician, either in person or via electronic means; active, ongoing review of PA practice; implementation of a plan for emergency situations; and identification and registration of alternate supervising physicians, appropriate to the practice setting.

Supervisors must provide direction to the PA to specify what medical services should be provided under the circumstances of each case. May be done by written utilization plan or via telecommunication. Means for immediate communication must be maintained. Must have a quality assurance program.
**CHART CO-SIGNATURE**
No provision

**PAs PER PHYSICIAN**
A physician may supervise as many PAs as the physician can effectively supervise and communicate with, appropriate to the practice setting.

*N.M. CODE R. §15.11*

**APPLICATION**
PA applies for license on board forms. Application must include 2 letters of recommendation from physicians or PA program director. Personal interview with board member or designee and attendance at orientation meeting required.

Verification of all applicable work experience in the past 5 years must be provided directly to the board.

Applicants subject to a state and federal criminal history screening.

*N.M. CODE R. §15.9*

Physician must have notice of intent to supervise PA approved by board before PA can commence practice.

*N.M. CODE R. §15.11*

**QUALIFICATIONS**
- Graduation from a PA program accredited by ARC-PA or successor agency
- Current NCCPA certification (applicant not currently certified granted 1-time 1-year grace period from date of interview to become certified)
- Any other proof of competency as may be requested by the board
- Good moral and professional character

PA who passed the PANCE prior to 1986 and has proof of continuous practice with an unrestricted license as a physician assistant in another state for four (4) years prior to application, and meets all other requirements, may apply for a license

*N.M. CODE R. §15.8, §15.10*

**TEMPORARY/NEW GRADUATE PERMIT**
Applicant who has met all other license requirements but is not currently NCCPA certified granted 1-time, 1-year grace period from date of graduation to become certified.

*N.M. CODE R. §15.10*

Interim permit issued to eligible applicant who has met all requirements except NCCPA certification and attendance at license orientation meeting.

Training permits may be issued to eligible applicants, regardless of NCCPA certification status, who have completed the application process and who have not been actively and continuously in clinical practice for the 2 years prior to application and who are required by the board to undertake appropriate retraining prior to licensure or reinstatement. A training permit shall be valid for 1 year and may not be renewed.

*N.M. CODE R. §15.10*

**BOARD NOTIFICATION**
Physician and/or PA must notify board within 30 days of termination of supervision. Must include date and reason for termination. PA may not practice until the board approves another supervising physician.

*N.M. CODE R. §15.11*

When PA leaves the supervision or employ of the supervising physician, or if there is a change in supervising or alternate supervising physicians, the supervising physician must immediately notify the board.

*N.M. CODE R. §16.8*
CONTINUING EDUCATION
NCCPA certification must be maintained. Application for renewal must contain proof of current NCCPA certification.
N.M. CODE R. §15.16

Between November 1, 2012 and June 30, 2014, all PAs who prescribe narcotics must complete 5 hours of continuing education on the treatment of pain. After July 1, 2014, all PAs who prescribe narcotics must complete 3 hours CME biennially on the treatment of pain.
N.M. CODE R. §14.11

TITLE/PRACTICE PROTECTION
[See statute]

IDENTIFICATION
No provision

PHYSICIAN LIABILITY
Supervising physician assumes legal responsibility for health care tasks performed by PA.
N.M. CODE R. §15.7

FEE/RENEWAL SCHEDULE
- $150 application fee
- $150 biennial license renewal fee
- $25 to file change in supervising physician
N.M. CODE R. §9.9

PROGRAM APPROVAL
No provision (regulations recognize ARC-PA or successor agency accreditation)

BOARD REPRESENTATION/ADVISORY COMMITTEE
[See statute]

BOARD POWERS
[See statute]

DISCIPLINARY POWERS
[See statute]

VIOLATIONS/PENALTY
[See statute]

PAYMENT FOR SERVICES
Under no circumstances can a PA submit a separate bill to any patient of the physician.
N.M. CODE R. §15.12

GRANDFATHER CLAUSE
No provision

STUDENTS
Students enrolled in accredited program exempt from licensure when functioning as students.
N.M. CODE R. §15.15
NEW MEXICO OSTEOPATHIC STATUTE

STATUTE
NMSA 1978, 61-10A-1 et seq Osteopathic Physician Assistant Act

DATE
Enacted 1979

REGULATORY BODY
New Mexico Board of Osteopathic Medical Examiners

PA DEFINED
Osteopathic PA is a skilled person certified by the board as being qualified by academic and practical training to provide patient services under the supervision and direction of an osteopathic physician who is responsible for the performance of that assistant.

SCOPE OF PRACTICE
Osteopathic PA shall perform only those acts and duties assigned by a supervising osteopathic physician that are within the physician’s scope of practice.

Board shall not adopt any rule or regulation allowing an osteopathic PA to measure the powers, range, or accommodative status of human vision, diagnose vision problems, prescribe lenses, prisms, vision training or contact lenses or fit contact lenses. This does not preclude vision screening.

PRESCRIBING/DISPENSING
Osteopathic PAs may prescribe, administer and distribute dangerous drugs other than controlled substances in Schedule I under the direction of a supervising physician and within the parameters of a board-approved formulary and guidelines. Distribution process shall comply with state laws concerning prescription packaging, labeling and record keeping requirements.

SUPERVISION
An osteopathic PA shall be supervised by an osteopathic physician as approved by the board.

CHART CO-SIGNATURE
[See regulation]

PAs PER PHYSICIAN
No provision

APPLICATION
PA applies for license on board forms.

QUALIFICATIONS
Board may adopt and enforce reasonable rules and regulations setting qualifications of education, skill, and experience for PA licensure, examining and evaluating applicants as to their skill, knowledge and experience in the field of medical care.
TEMPORARY/NEW GRADUATE PERMIT
No provision

BOARD NOTIFICATION
Upon any change of supervision as osteopathic PA, registration of supervision automatically void.  
N.M. STAT. ANN §61-10A-4

CONTINUING EDUCATION
Each osteopathic PA biennially must submit proof of completion of continuing education as required by the board.  
N.M. STAT. ANN §61-10A-4

TITLE/PRACTICE PROTECTION
No person shall perform or attempt to perform as an osteopathic PA without first applying for and obtaining a license from the board and having his supervision registered in accordance with board regulations.  
N.M. STAT. ANN §61-10A-4

IDENTIFICATION
No provision

PHYSICIAN LIABILITY
Every osteopathic physician using, supervising or employing a registered osteopathic PA shall be individually responsible and liable for the performance of the acts and omissions delegated to the osteopathic PA. PA is not relieved of any responsibility and liability for his own acts or omissions.  
N.M. STAT. ANN §61-10A-7

FEE/RENEWAL SCHEDULE
- $150 maximum fee for initial license
- $100 maximum biennial license renewal
- $50 maximum fee for registration of new supervision  
N.M. STAT. ANN §61-10A-4

PROGRAM APPROVAL
No provision

BOARD REPRESENTATION/ADVISORY COMMITTEE
No provision

BOARD POWERS
Board may adopt and enforce reasonable rules and regulations:
- Setting qualifications of education, skill and experience for PA licensure and biennial renewal of licensure and registration of supervision
- Examining and evaluating applicants as to skill, knowledge, experience in field of medical care
- Establishing guidelines under which PAs shall prescribe, administer and distribute dangerous drugs other than controlled substances in Schedule I
- Allowing supervising physician to temporarily delegate his supervisory responsibilities for a PA to another licensed physician and allowing PA to serve under designated physician
- To implement the act  
N.M. STAT. ANN §61-10A-6

DISCIPLINARY POWERS
In accordance with procedures contained in the Uniform Licensing Act, the board may deny, suspend or revoke any license to practice as a PA.  
N.M. STAT. ANN §61-10A-5
VIOLATIONS/PENALTY
- Procuring, aiding or abetting a criminal abortion
- Soliciting patients for any practitioner of the healing arts
- Soliciting or receiving compensation from other than registered employer for performing as an osteopathic PA
- Willfully or negligently divulging professional secret or discussing patient condition or physician’s diagnosis without permission
- Any offense punishable by incarceration in state penitentiary or federal prison
- Habitual or excessive use of intoxicants or drugs
- Fraud or misrepresentation in applying for or procuring a certificate or annual registration
- Impersonating another person licensed as a PA or allowing use of license by another person
- Aiding or abetting the unlicensed practice of osteopathic medicine
- Gross negligence in performance of duties
- Manifest incapacity or incompetence
- Conduct resulting in suspension or revocation by another state of registration, license or certification as osteopathic PA
- Conduct unbecoming in a person licensed as PA or detrimental to the public interest

PAYMENT FOR SERVICES
No provision

GRANDFATHER CLAUSE
Osteopathic PAs who are certified under the Osteopathic Physician Assistant Act as of June 30, 1997, shall be considered to be licensed until the expiration of that certification.

STUDENTS
Student enrolled in accredited program is exempt from licensure while functioning as student.
NEW MEXICO OSTEOPATHIC REGULATIONS

REGULATIONS
16 New Mexico Administrative Code, Chapter 18, Osteopathic Physician Assistants

DATE
Revised 12/01

REGULATORY BODY
New Mexico Board of Osteopathic Medical Examiners

PA DEFINED
[See statute]

SCOPE OF PRACTICE
PA may perform any duties which are within normal scope of supervising physician’s practice, are delegated by supervising physician and are performed under supervision and direction. Supervising physician must complete and keep on file in the practice a written plan of supervision for each PA. Plan may include but not be limited to: histories and physicals, performing or assisting in routine office laboratory procedures, specific therapeutic procedures, recognizing and evaluating situations that require immediate attention of physician and instituting treatment when necessary, instructing and counseling patients, etc.

N.M. CODE R. §18.1.9

PRESCRIBING/DISPENSING
PAs may prescribe under direction of supervising physician. PAs may only prescribe drugs included in a supervising physician approved formulary. Must comply with applicable state and federal laws. Schedule I controlled substances may not be prescribed. PAs may telephone prescriptions to pharmacies. PA prescription must include name, address and phone number of supervising physician and name, title and certificate number of PA.

N.M. CODE R. §18.7.8

PA is not to function as pharmacist. Dispensing (as defined in statute) is prohibited. Distribution of a reasonable and customary supply of medication to facilitate patient medical needs is allowed. PA may distribute drugs other than controlled substances in Schedule I. Distributed medications must be appropriately labeled. Medications may only be distributed to patients under direct care of the PA pursuant to assignment of duties from the supervising physician. Distributed medications are limited to those included in formulary approved by supervising physician.

N.M. CODE R. §18.7.9

SUPERVISION
Direction and supervision of a PA must be rendered by approved physician and not through intermediaries. PA must meet in person with supervising physician at least once a week unless board authorizes less frequent meetings in special circumstances. Supervising physician must provide direction to PA to specify what services may be provided, may be done by written protocol or oral communication.

If PA is located away from supervising physician, physician must visit premises where PA is working at least once a week. Board may grant waivers for special circumstances.

Supervising physician may designate alternate board-approved supervising physician to perform duties of supervising physician in his or her temporary absence.

If PA practices away from supervising physician, PA must be within 40 miles or 60 minutes driving time of supervising physician and must be able to contact physician by telephone or 2-way radio. Waivers will be considered on a case-by-case basis.

N.M. CODE R. §18.6.8
Board must approve supervision plan, considering:

- Training and experience of supervising physician and PA
- Duties PA will or will not perform without first receiving physician’s guidance and permission
- Duties PA not expected to perform except in emergency
- Communication arrangements in various situations or practice settings
- Availability of back-up supervisors
- Effectiveness of arrangements to monitor PA conformity to supervision plan

N.M. Code R. §18.6.9

**CHART CO-SIGNATURE**

Supervising physician will review and countersign each patient chart in which PA has prescribed or distributed more than 72 hours of Schedule II drugs in 30 day period for a patient.

N.M. Code R. §18.7.9

Supervising physician must review at least 10% of PA’s charts monthly.

N.M. Code R. §18.6.8

**PAs PER PHYSICIAN**

No osteopathic physician shall have more than 2 PAs under his supervision. Exceptions will be considered for osteopathic physicians working in health facility providing services primarily on free or reduced fee basis, funded in part or whole by charities or public funds.

N.M. Code R. §18.6.10

**APPLICATION**

PA must submit application on board forms. Must include supervising physician’s statement of responsibility, completed registration of employment form, plan of supervision and drug formulary and guidelines. Applications will be discussed at next regularly scheduled board meeting; applicant must attend.

N.M. Code R. §18.2.8

It is strongly suggested that supervising physician attend board meeting when application of PA and plan of supervision are discussed.

N.M. Code R. §18.2.9

**QUALIFICATIONS**

- Graduation from PA program accredited by CAAHEP or equivalent group organized by American Osteopathic Association
- Successful completion of exam administered by NCCPA or similar competency exam developed by National Board of Osteopathic Medical Examiners. Current NCCPA certification required
- Good moral and professional character
- Physical and mental ability to engage safely in PA health care tasks
- No history of disciplinary action in another state unless rehabilitation demonstrated
- No history of conduct that would result in discipline under Osteopathic Physician Assistant Act

N.M. Code R. §18.1.8

**TEMPORARY/NEW GRADUATE PERMIT**

Applicant who has met all requirements for certification, including NCCPA certification, may be issued a temporary certificate until the next board meeting.

N.M. Code R. §18.2.8

**BOARD NOTIFICATION**

When PA leaves employment of physician who is registered as the PA’s employer, registration of employment is automatically canceled. Before working for another physician, PA and prospective supervising physician must register employment and seek approval of new supervision plan.

N.M. Code R. §18.4.8
CONTINUING EDUCATION
100 hours of CME biennially; meeting NCCPA requirements is acceptable. Board may grant extensions for extenuating circumstances.
N.M. CODE R. §18.3.9

Current NCCPA certification required to renew.
N.M. CODE R. 18.3.8

TITLE/PRACTICE PROTECTION
[See statute]

IDENTIFICATION
Certificate of registration of employment must be conspicuously displayed at the PA place of employment.
N.M. CODE R. §18.2.9

PHYSICIAN LIABILITY
Osteopathic physician using, supervising or employing an osteopathic PA is responsible and liable for the performance of the acts and omissions delegated to the PA. PA also responsible and liable.
N.M. CODE R. §18.6.8

FEE/RENEWAL SCHEDULE
- $100 initial application for PA certification
N.M. CODE R. §18.2.8
- $25 annual renewal of employment registration, by June 30
N.M. CODE R. §18.3.8
- $25 change in registration of employment
N.M. CODE R. §18.4.8

PROGRAM APPROVAL
No provision

BOARD REPRESENTATION/ADVISORY COMMITTEE
No provision

BOARD POWERS
[See statute]

DISCIPLINARY POWERS
[See statute]

VIOLATIONS/PENALTY
[See statute]

PAYMENT FOR SERVICES
No provision

GRANDFATHER CLAUSE
[See statute]

STUDENTS
Student PAs may train with New Mexico osteopathic physicians, but students shall not enjoy the privileges of practice defined under these rules.
N.M. CODE R. §18.9.8