

NOTICE OF PROPOSED RULEMAKING

The New Mexico Board of Nursing (hereinafter the “Board”) will hold a public rule hearing on Tuesday, April 28, 2026, at 9:00 a.m. The rule hearing will be held in person at the New Mexico Board of Nursing, 6301 Indian School Road NE, Suite 710, Albuquerque, NM 87110. A Board staff member will be available at the same location to accept written comments for submission and consideration through Friday, April 24, 2026, at the close of business (5:00 p.m.).

To attend the hearing:

Please attend the meeting at the New Mexico Board of Nursing, 6301 Indian School Road NE, Suite 710, Albuquerque, NM 87110.

The purpose of the rule hearing is to consider proposals to repeal and replace 16.12.5 NMAC (“Medication Aides”) and amend 16.12.13 NMAC (“Alternative to Discipline”).

Persons wishing to view the proposed rules may download them from <https://www.bon.nm.gov>. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NM BON at (505) 841-9083.

The Board is currently accepting public comments on the proposed amendments. Written comments may be submitted via email to sheena.ferguson@bon.nm.gov. Alternatively, members of the public may submit written comments by sending an original, signed copy to:

New Mexico Board of Nursing
ATTN: NMBON Public Comments
6301 Indian School Rd. NE, Suite 710
Albuquerque, NM 87110

The Board will accept written public comments received on or before 5:00 p.m. on Friday, April 24, 2026. All written comments will be posted to the Board’s website within three business days following receipt to allow for public viewing.

The Board will preside over the hearing. The Board will hear public comments, review written comments, and consider any exhibits admitted during the hearing.

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

Statutory Authority: Subsection A of Section 61-3-10 NMSA 1978 of the Nursing Practice Act, Sections 61-3-1 to -30 NMSA 1978, specifically authorizes the Board to “promulgate rules in accordance with the State Rules Act (Chapter 14, Article 4 NMSA 1078) as necessary to enable it to carry into effect the provisions of the Nursing Practice Act and to maintain high standards of practice.” In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the board will accept an applicant for expedited licensure. The list of disapproved licensing jurisdictions shall be posted on the board’s website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval.”

Purpose of the proposed rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board’s statutory obligation to “promote, preserve and protect the public health, safety and welfare.” Section 1 of section 61-3-2 NMSA 1978.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.12.5 NMAC - Medication Aides:

The proposed amendments to 16.12.5 NMAC (Medication Aides) are intended to enhance administrative clarity, operational consistency, and alignment with national standards. The revisions include streamlining the site visit process, updating role titles to reflect current national terminology, and establishing clearly defined responsibilities for program directors, nurse educators, and facility oversight. Additionally, the amendments delineate the clinical functions of certified medication aides across outpatient and acute care settings to ensure uniform application and regulatory compliance.

16.12.13 NMAC - Alternative to Discipline:

The proposed changes to 16.12.13 NMAC (Alternative to Discipline) include correcting the spelling of “discipline” throughout Part 13, updating language in the section on monitoring participants by replacing terms such as “assure” with “ensure,” revising drug-screen requirements so they follow program-approved policy rather than board guidelines, modifying wording such as changing “observed” to “conducted,” and ensuring consistent grammatical accuracy throughout the document.

Technical Information: No technical information provided the basis for either of the proposed rules.