

## NOTICE OF PROPOSED RULEMAKING

The New Mexico Board of Nursing (hereinafter the “Board”) will hold a public rule hearing on Monday, September 29, 2025, at 9:00 a.m. The rule hearing will be held in person at the NM Board of Nursing, 6301 Indian School Road NE, Suite 71, Albuquerque, NM 87110. A Board staff member will be available at 6301 Indian School Rd, NE, Suite 710, Albuquerque, NM 87110, to accept comments in written form for submission and consideration through Friday, September 26, 2025, at close of business at 5pm.

To attend the hearing:

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

The purpose of the rule hearing is to consider proposals to amend/repeal/replace 16.12.1 NMAC (“General Provisions”), 16.12.2 NMAC (“Nurse Licensure”), 16.12.3 NMAC (“Nursing Education Programs”), 16.12.4 NMAC (“Hemodialysis Technicians”), 16.12.9 NMAC (“Management of Chronic Pain with Controlled Substances”), 16.12.10 NMAC (“Health Care records”), 16.12.12 NMAC (“Discipline and Application Denials”) and 16.12.13 NMAC (“Alternative to Discipline”). The rules hearing will also consider new part name(s) and new rules 16.12.15 NMAC (“Licensed Practical Nurse (LPN) Licensure”), 16.12.16 (“Registered Nurse (RN) Licensure”), and 16.12.17 (“Advanced practice Registered Nurse (APRN) Licensure”).

Persons desiring 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 NMBON at (505) 841-9083.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to [sheena.ferguson@bon.nm.gov](mailto: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 comment received at or before 5:00 PM on Friday, September 26, 2025, at close of business at 5:00pm. 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 public comments, and any exhibits admitted during the hearing.

If you are a person with a disability and you require this information in an alternative format or require special accommodations 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.

**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 expediated licensure and those foreign countries from which the board will accept an applicant for expediated 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:

#### **16.12.1 NMAC - General Provisions**

The proposed changes to Part 1 of the Board's current rules consist of amending existing language to include new definitions applicable to all the Board's rules to include artificial intelligence, advanced practice, dependent and independent practice, direct supervision, encumbered, and health care workforce data collection.

#### **16.12.2 NMAC - Nurse Licensure**

The proposed changes to Part 2 include repealing part 2 and replacing it with Parts, 15 for Licensed practical Nurses, Part 16 for Registered Nurses, and Part 17 for Advanced Practice Registered Nurses.

#### **16.12.3 NMAC - Nursing Education Programs**

The proposed changes to Part 3 of the Board's current rules are to amend the existing language. The amended Part 3 proposed to add the definition of artificial intelligence, requirements for establishment of new nursing programs, new requirements for the clinical site data submission, new requirements for the use of artificial intelligence in nursing curriculum, minimum faculty requirements, and program complaints.

#### **16.12.4 NMAC - Hemodialysis Technicians**

The proposed changes to Part 4 of the Board's rules consist of amending existing language. The amended part 4 rules make corrections to the new title of CHT-NC to encompass previous designations of CHT I and CHT II.

#### **16.12.9 NMAC - Management of Chronic Pain with Controlled Substances**

The proposed changes to Part 9 of the Board's rules consist of amending existing language for consistency with the Pain Relief Act, Sections 24-2D-1 through 24-2D-7 NMSA 1978. Clarification was added for Certified Clinical Nurse Specialists to align with APRN designations, and to update verbiage for medical records to reflect current terminology of health care records.

#### **16.12.10 NMAC - Health Care Records**

The proposed changes to Part 10 of the Board's rules consist of repeal and replacing existing language to update verbiage for medical records to reflect current terminology of healthcare record throughout the document, provided clarification for Release of Health Care Records, added clarification related to closing, selling or leaving a practice, as well as retention of health care records.

#### **16.12.12 NMAC - Discipline and Application Denials**

The proposed changes to Part 12 of the Board's rules consist of amending existing language to update verbiage for definitions, medical records to reflect current terminology of healthcare record throughout the document, amended to include verbiage for social media, provided clarification.

#### **16.12.13 NMAC - Alternative to Discipline**

The proposed changes to Part 13 of the Board's rules consist of repealing/replacing existing language to update the name throughout the document, verbiage for medical records to reflect current terminology of health care records throughout the document, amended verbiage for practice restrictions, monitoring, and discharge from the ATD program.

#### **16.12.15 NMAC – Licensed Practical Nurse (LPN) Licensure**

The proposed new Part 15 of the Board's rules for licensure and scope of practice for Licensed Practical Nurses (LPN) to include a new Reserve licensed practical Nurse category, a multistate licensure fee, clarification of Scope of practice, and artificial intelligence.

#### **16.12.16 NMAC – Registered Nurse (RN) Licensure**

The proposed new Part 16 of the Board's rules for licensure and scope of practice for Registered Nurses (RN) to include a new Reserve Registered Nurse category, a multistate licensure fee, clarification of Scope of practice, and artificial intelligence.

**16.12.17 NMAC - Advanced Practice Registered Nurse (APRN) Licensure**

The proposed new Part 17 of the Board's rules for licensure and scope of practice for Advanced Practice Registered Nurses (APRN) to include a new Reserve Registered Nurse category, a multistate licensure fee, clarification of Scope of practice, and artificial intelligence.

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