

## NOTICE OF PUBLIC RULE HEARING

**Public Notice:** The New Mexico Medical Board has filed for a new part to be added to the existing NMAC Title 16, Chapter 10. The addition will be numbered 16.10.33 NMAC and will cover all rules relating to the New Mexico Interstate Medical Licensure Compact Commission.

**Topic: Public Rule Hearing**

**Date: November 6, 2026**

**Time: 09:00 AM Mountain Time (US and Canada)**

**Place: New Mexico Medical Board**

**2055 S. Pacheco Street, Bldg. 400**

**Santa Fe, NM 87505**

**Purpose:** During the 2026 Legislative Session SB01 passed and was signed by Governor Lujan Grisham on May 20, 2026. SB01 set the Interstate Medical Licensure Compact Commission (IMLCC) statute in effect for the New Mexico Medical Board (NMMB). NMMB will now participate in processing applications for licensure through the IMLCC. At the New Mexico Medical Board's regular Board Meeting held on August 6-7, 2026, the Board voted to approve the proposed rule language for 16.10.33 including modifications made by the Board during the meeting.

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

**Public comment:** Interested parties may provide comment on the proposed amendments of this state rule at the public hearing or may submit written comments to Monique Parks, New Mexico Medical Board, 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505, or by electronic mail to [MoniqueM.Parks@nmmb.nm.gov](mailto:MoniqueM.Parks@nmmb.nm.gov). All written comments must be received no later than 3:00 p.m. (MDT) on October 29, 2026. All written comments will be posted to the agency website within (3) three business days.

**Copies of proposed rules:** Copies of the proposed rules may be accessed through the New Mexico Medical Board's website at [www.nmmb.state.nm.us](http://www.nmmb.state.nm.us) or may be obtained from the Board office by calling (505) 476-7220 or via email at [MoniqueM.Parks@nmmb.nm.gov](mailto:MoniqueM.Parks@nmmb.nm.gov) or at [Natalie.Padilla@nmmb.nm.gov](mailto:Natalie.Padilla@nmmb.nm.gov).

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Monique Parks or Natalie Padilla at (505) 476-7220 or via email at [MoniqueM.Parks@nmmb.nm.gov](mailto:MoniqueM.Parks@nmmb.nm.gov) or [Natalie.Padilla@nmmb.nm.gov](mailto:Natalie.Padilla@nmmb.nm.gov). The New Mexico Medical Board requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

**Summary of proposed new rule:** The Board summarizes its new rule language to its administrative rules as follows:

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS**  
**PART 33 INTERSTATE MEDICAL LICENSURE COMPACT**

**16.10.33.1 ISSUING AGENCY:** New Mexico Medical Board, hereafter called the board.  
[16.10.33.1 NMAC - N, xx/xx/2026]

**16.10.33.2 SCOPE:** This part applies to all physicians applying for licensure through the Interstate Medical Licensure Compact (IMLC).  
[16.10.33.2 NMAC - N, xx/xx/2026]

**16.10.33.3 STATUTORY AUTHORITY:** This part governs the licensing of physicians in New Mexico under the Interstate Medical Licensure Compact and is promulgated pursuant to and in accordance with the Medical

Practice Act, 61-6-36 to 61-6-39 and Interstate Medical Licensure, 11-21-1, 11-21-2, NMSA 1978. And sections Reproductive and Gender Affirming Healthcare Freedom Act, 24-34-1 and Reproductive and Gender Affirming Healthcare Protection Act, 24-35-1 NMSA 1978.

[16.10.33.3 NMAC - N, xx/xx/2026]

**16.10.33.4 DURATION:** Permanent.

[16.10.33.4 NMAC - N, 16 10.33.4 NMAC xx/xx/2026]

**16.10.33.5 EFFECTIVE DATE:** xxxxxx xx, 2026, unless a later date is cited at the end of a section.

[16.10.33.5 NMAC - N, xx/xx/2026]

**16.10.33.6 OBJECTIVE:** This part establishes requirements and procedures for licensure as a physician in New Mexico.

[16.10.33.6 NMAC - N, xx/xx/2026]

**16.10.33.7 DEFINITIONS:**

**A. “Interstate medical licensure compact (IMLC) license”** means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Interstate Medical Licensure Compact (IMLC).

**B. “Physician applying for an IMLC license”** means a person who:

(a) is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation, or a medical school listed in the international medical education directory or its equivalent;

(b) passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(c) successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;

(d) holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists;

(e) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(f) has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(g) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license;

(h) has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and

(i) is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

**C. “Protected health care activity”** means health care for which the provision, receipt, or facilitation is afforded explicit legal protection under state law or regulation and is distinguished from health care that is otherwise lawfully permitted but is not afforded such explicit protection.

**D. “State of principal license” (SPL)** means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

[16.10.33.7 NMAC - N, xx/xx/2026]

**16.10.33.8 ELIGIBILITY:** A physician applying for licensure through the IMLC.

**A.** A physician applying for licensure through the IMLC must meet the requirements as defined in subsection B of 16.10.33.7 NMAC.

**B.** A physician applying for licensure through the IMLC who does not qualify for licensure pursuant to 16.10.33.7(B) may apply through standard licensure as defined in 16.10.2 NMAC.

[16.10.33.8 NMAC - N, xx/xx/2026]

#### **16.10.33.9 STATE OF PRINCIPAL LICENSE (SPL):**

**A.** A physician applying for licensure through the IMLC shall designate a member state as the state of principal license for purposes of registration for compact licensure through the interstate medical licensure compact if the physician holds a full and unrestricted license to practice medicine in that state and the state meets at least one of the following criteria:

- (1) the state of principal residence of the physician;
- (2) the state in which at least twenty-five percent of the physician's practice of medicine occurs;
- (3) the location of the physician's primary employment; or
- (4) the state designated as the physician's state of residence for purposes of federal income taxation, if a state does not qualify under Paragraph (1), (2), or (3) of this subsection.

**B.** A physician may redesignate a member state as the state of principal license at any time, provided the state meets the requirements pursuant to subsection A of 16.10.33.9.

**C.** The interstate medical licensure compact commission is authorized to promulgate rules to facilitate the redesignation of a member state as the state of principal license.

[16.10.33.9 NMAC - N, xx/xx/2026]

#### **16.10.33.10 APPLICATION AND ISSUANCE OF AN IMLC LICENSE:**

**A. Application:** A physician seeking licensure through the interstate medical licensure compact shall submit an application to the member board of the state designated as the state of principal license.

**B. Determination of eligibility:** Upon receipt of an application, the board of the state of principal license shall determine whether the physician meets the eligibility requirements of the compact and shall issue a letter of qualification to the interstate commission verifying or denying eligibility.

(1) Verification of qualifications, including medical education, graduate medical education, examination history, and other criteria established by the interstate commission, shall not require additional primary source verification if such verification has been completed by the state of principal license.

(2) The member board shall conduct a criminal background check, including fingerprinting or other biometric data in compliance with Federal bureau of investigation requirements, except for federal employees who have received a suitability determination pursuant to 5 C.F.R. Section 731.202.

(3) Any appeal of an eligibility determination shall be made to the member board of the state of principal license and shall be governed by the laws of that state.

**C. Registration for Licensure:** A physician determined to be eligible shall complete the registration process established by the interstate commission and pay all applicable fees for each member state in which licensure is sought.

**D. Issuance of license:** Upon completion of the registration process and payment of required fees, the board shall issue an IMLC license. The license authorizes the physician to practice medicine in New Mexico in accordance with the Medical Practice Act and all applicable laws and rules of the board.

**E. Term of license:** An IMLC license issued under the compact shall be valid for the same period, and subject to the same renewal requirements, as a full and unrestricted license issued by the board.

**F. Termination:** An IMLC license shall be automatically terminated if the physician fails to maintain a full and unrestricted license in the state of principal license for a non-disciplinary reason and does not designate a new state of principal license within 90 days.

[16.10.33.10 NMAC - N, xx/xx/2026]

#### **16.10.33.11 FEES FOR COMPACT LICENSURE:**

**A. Initial licensure fee:** A physician applying for an IMLC license to practice medicine in New Mexico through the compact shall pay a non-refundable licensure fee pursuant to 16.10.9 NMAC. This fee shall be in addition to any fees required by the interstate commission.

**B. Renewal fee:** A physician renewing an IMLC license issued by the board shall pay a renewal fee pursuant to 16.10.9 NMAC.

**C. Interstate commission fees:** In addition to fees imposed by the board, the physician shall pay all applicable fees established by the interstate commission for participation in the compact, including any application or registration fees.

**D. Fee changes:** All fees established by the board pursuant to this section shall be set by rule and may be amended in accordance with applicable law.

[16.10.33.11 NMAC - N, xx/xx/2026]

**16.10.33.12 RENEWAL AND CONTINUED PARTICIPATION:**

**A.** A physician seeking to renew an IMLC license granted in a member state shall complete a renewal process through the interstate commission provided by the physician:

- (1) continues to maintain a full and unrestricted license in the state of principal license.
- (2) has not been convicted of, or received adjudication, deferred adjudication, community supervision or deferred disposition for an offense by a court of appropriate jurisdiction.
- (3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any actions related to nonpayment of fees related to licensure fees.
- (4) has not had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration.

**B.** Physicians shall comply with all continuing professional development or continuing medical education (CME) requirements for renewal of a license issued by a member state.

**C.** The interstate commission shall collect renewal fees and distribute such fees to the applicable member boards.

**D.** Upon receipt of the renewal fees collected a member board shall renew the physician's license pursuant to subsection C of 16.10.33.12 NMAC.

**E.** Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

**F.** The interstate commission is authorized to develop rules to address renewal of licenses obtained through the interstate medical licensure compact.

[16.10.33.12 NMAC - N, xx/xx/2026]

**16.10.33.13 JOINT INVESTIGATIONS:**

**A.** Licensure and disciplinary records of a physician received under a joint investigation are deemed confidential under the provisions in subsection B of 16.10.1.9 NMAC. All information provided to the interstate commission or distributed by member boards shall be confidential, filed under seal and used only for investigatory or disciplinary matters.

**B.** In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

**C.** If participating in a joint investigation, and if requested by another board, the New Mexico medical board may issue an investigative subpoena.

**D.** Member boards may share investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the interstate medical licensure compact.

**E.** In the context of a joint investigation, a member state may investigate and evaluate a physician's conduct under the statutes and administrative rules of any other member state in which the physician is licensed and may utilize those statutes and rules as the governing standard for investigative findings and referral for disciplinary action.

[16.10.33.13 NMAC - N, xx/xx/2026]

**16.10.33.14 DISCIPLINARY ACTION:**

**A.** A disciplinary action taken by a member board against a physician licensed through the interstate medical licensure compact shall be deemed unprofessional conduct that may be subject to discipline by other member boards, in addition to a violation of the Medical Practice Act or rules in that state.

**B.** If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

**C.** If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to a matter of law and fact decided and:

- (1) impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) pursue separate disciplinary action against the physician under that state's respective medical practice act, regardless of the action taken in other member states.

**D.** If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline or suspended, then any licenses issued to the physician by other member boards shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license the member board issued prior to the completion of the 90 day suspension period in a manner consistent with the medical practice act of that state.

**E.** A license, certification or authorization that is automatically suspended or revoked pursuant to this article shall be immediately reinstated if the suspension or revocation is solely on the provision of, authorization of, recommendation of, assistance in, referral for, or other participation in a protected health care activity that is lawful under the laws of New Mexico, including applicable medical standards of care, regardless of the patient's state of residence.

[16.10.33.14 NMAC - N, xx/xx/2026]

#### **16.10.33.15 PROTECTED HEALTH CARE ACTIVITIES:**

**A.** The board shall not take disciplinary or other adverse action against a licensee or applicant based solely on the provision of, authorization of, recommendation of, assistance in, referral for, or other participation in a protected health care activity that is lawful under the laws of New Mexico, including applicable medical standards of care, regardless of the patient's state of residence.

**B.** The board shall not take disciplinary or other adverse action against a licensee or applicant based solely on an actual or alleged violation of another state's laws concerning a protected health care activity in New Mexico as defined by executive order and or statute when the activity is lawful under the laws of New Mexico, assuming applicable medical standards of care have been met.

[16.10.33.15 NMAC-N, xx/xx/2026]

**HISTORY OF 16.10.33 NMAC: [RESERVED]**