



March 17, 2020

Dear Colleagues,

Since Governor Lujan Grisham issued Executive Order 2020-004 on March 11, 2020, I am actively attempting to gather information to share with you. I think that I may have enough information at this time to you to get you headed on the right path.

Before I dive in, I want to remind you that any RN or LPN with a valid multistate (compact) license from their primary state of residence already has the legal authority to practice in NM.

Existing language:

All Hazard Emergency Management Act (12-10-1 through 12-10-10 NMSA 1978) which encompasses the Emergency Licensing Act (12-10-11 through 12-10-13 NMSA 1978)

12-10-11. Out-of-state license holders; powers; duties.

During an emergency, a person who holds a license, certificate or other permit that is issued by a state or territory of the United States and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the homeland security and emergency management department, to render aid involving those skills to meet an emergency, subject to limitations and conditions as the governor may prescribe by executive order or otherwise. A person shall be considered a public employee for the purposes of the Tort Claims Act [41-4-1 to 41-4-27 NMSA 1978] when approved to perform those duties.

Nursing Practice Act (61-3-1 through 61-3-31 NMSA 1978)

61-3-29. Exceptions.

The Nursing Practice Act shall not apply to or affect:

B. nursing assistance in case of emergencies;

BON Rules Part Two Nurse Licensure (16.12.2 NMAC)

16.12.2.7 DEFINITIONS:

M. Definitions beginning with the letter M:

(1) **“medical emergency”**, a situation resulting from a disaster in which the number of persons requiring nursing care exceeds the availability of New Mexico registered nurses or licensed practical nurses;

16.12.2.10 LICENSURE REQUIREMENTS FOR REGISTERED AND PRACTICAL NURSES:

Q. In case of a medical emergency (as defined in these rules), nurses currently licensed to practice as a RN or LPN in a jurisdiction of the United States may practice in New Mexico without making application for a New Mexico license for a period not to exceed 30 days.

I spoke with Ms. Michelle Fields at the DOH and she was able to provide me with two attachments from Joint Commission. Until the DOH is instructed otherwise, she is only credentialing out of state (including international) healthcare professionals for the DOH (including their facilities). It is her recommendation to follow the guidance from Joint Commission to cover any need at your membership’s facilities. I am thinking that the Joint Commission guidance may be limited to U.S. licensed individuals, but I have not read this fully yet.

I urge your members to bring this language to their respective risk management and/or legal counsel for guidance.

If I receive additional information about licensure during the public health emergency, I will forward it to you for distribution.

Respectfully,

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