

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS**  
**PART 14 EXTERNSHIPS**

**16.2.14.1 ISSUING AGENCY:** New Mexico Board of Acupuncture and Oriental Medicine.  
[16.2.14.1 NMAC - N, 1/1/2001]

**16.2.14.2 SCOPE:** All licensed Doctors of Oriental Medicine, Applicants, Externship Supervisor applicants, Externship Supervisors, Extern applicants, and Externs.  
[16.2.14.2 NMAC - N, 1/1/2001]

**16.2.14.3 STATUTORY AUTHORITY:** This Part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8, 61-14A-9 and 61-14A-14.1.  
[16.2.14.3 NMAC - N, 1/1/2001]

**16.2.14.4 DURATION:** Permanent.  
[16.2.14.4 NMAC - N, 1/1/2001]

**16.2.14.5 EFFECTIVE DATE:** January 3, 2001 unless a later date is cited at the end of a section.  
[16.2.14.5 NMAC - N, 1/1/2001]

**16.2.14.6 OBJECTIVE:** The purpose of an Externship is to provide recent graduates the opportunity to practice under supervision while preparing for licensure. This part establishes the requirements regarding the education and certification for an Extern, scope of practice of an Extern, the requirements for an Externship Supervisor, issuance of an Externship Supervisor registration, fees, change of Externship Supervisor, the expiration on an Extern certification, the revocation of an Externship Supervisor registration or Extern certification, and the grounds for denial, suspension or revocation of the Externship Supervisor's license or Extern's potential license.  
[16.2.14.6 NMAC - N, 1/1/2001; A, 7/26/2001]

**16.2.14.7 DEFINITIONS:** Refer to definitions in 16.2.1.7 NMAC (Section 7 of Part 1 of the rules).  
[16.2.14.7 NMAC - N, 1/1/2001; A, 7/26/2001; A, 2/15/2005]

**16.2.14.8 GENERAL REQUIREMENTS FOR EXTERNS:**

A. An Extern applicant who has been subject to any action or proceeding described in Subsection C of 16.2.14.10 NMAC (Part 14 of the Rules) or who has violated the Act or the Rules, may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of Section 61-14A-17 NMSA 1978, and subject to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq., and subject to the Criminal Offender Employment Act, NMSA 1978, Section 28-2-1, et seq.

B. An applicant who provides the Board with false information or makes a false statement to the Board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of the Act, NMSA 1978, Section 61-14A-17, and the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq.; and

C. An Extern applicant must be an Applicant for licensure.  
[16.2.14.8 NMAC, 1/1/2001; A, 7/26/2001; A, 3/16/2003]

**16.2.14.9 EDUCATIONAL AND EXAMINATION REQUIREMENTS FOR EXTERNS:**

A. An extern applicant shall provide satisfactory proof that he or she has completed a board approved educational program.

B. An extern applicant shall provide satisfactory proof from the national certification commission for acupuncture and oriental medicine that he or she has successfully passed the following:

(1) the national certification commission for acupuncture and oriental medicine foundations of oriental medicine module; and

(2) the national certification commission for acupuncture and oriental medicine approved clean needle technique course; and

(3) the national certification commission for acupuncture and oriental medicine point location module.

C. An extern applicant must have graduated from a board approved educational program within twelve (12) months of filing the application for extern certification.  
[16.2.14.9 NMAC - N, 1/1/2001; A, 7/26/2001; A, 3/16/2003; A, 2/15/2005]

**16.2.14.10 EXTERN CERTIFICATION APPLICATION:** Upon approval of an application for extern certification that fulfills the requirements listed below, the board shall issue an extern certification. In the interim between regular board meetings, whenever a qualified applicant for extern certification has filed his or her application and complied with all other requirements of this section, the board's chairman or an authorized representative of the board may grant an interim temporary extern certification that will suffice until the next regular meeting of the board. In no event shall the applicant begin the practice of acupuncture and oriental medicine until the extern certification or interim temporary extern certification is issued by the board. The application requirements for extern certification shall be receipt of the following by the board:

- A. the fee for application for extern certification specified in 16.2.10 NMAC (Part 10 of the rules);
- B. a application for extern certification that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth and social security number, if available;
- C. an affidavit as provided on the "extern certification application" as to whether the applicant:
  - (1) has been subject to any disciplinary action in any jurisdiction related to the practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, withdrawal or surrender of applicants license, certificate or registration during the ~~[pendaney]~~ (pendency) of disciplinary proceedings or investigation for potential disciplinary proceedings; or
  - (2) has been a party to litigation in any jurisdiction related to the applicants practice of acupuncture and oriental medicine, or related to any other profession including other health care professions for which the applicant is licensed, certified, registered or legally recognized to practice; or
  - ~~[(3) — has been convicted of a felony in any jurisdiction, including any finding of guilt by a court or jury, or any plea of guilty, or any plea of nolo contendere or no contest, or plea or disposition of conditional discharge, and including any such proceeding in which a sentence was imposed, suspended or deferred; or]~~
  - ~~[(4)]~~(3) is in arrears on a court-ordered child support payment; or
  - ~~[(5)]~~(4) has violated any provision of the act or the rules; and
- D. an affidavit as provided on the "extern certification application" stating that the applicant is an applicant for licensure; and
- E. an affidavit as provided on the "extern certification application" stating that the applicant understands that:
  - (1) an applicant who has been subject to any action or proceeding comprehended by Subsection D of 16.2.3.10 NMAC (Part 3 of the rules) may be subject to disciplinary action at any time, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, NMSA 1978, Section 61-14A-17; and subject to the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq., and subject to the Criminal Offender Employment Act, NMSA 1978, Section 28-2-1, et seq.; and
  - (2) an applicant who provides the board with false information or makes a false statement to the board may be subject to disciplinary action, including denial, suspension or revocation of licensure, pursuant to the provisions of the act, NMSA 1978, Section 61-14A-17, and the Uniform Licensing Act, NMSA 1978, Section 61-1-1, et seq.; and
  - (3) the applicant is responsible for reading, understanding and complying with the state of New Mexico laws and rules regarding this application as well as the practice of acupuncture and oriental medicine; and
  - (4) the scope of practice of an extern shall be limited to the practice of acupuncture and oriental medicine as defined in the act and 16.2.2 NMAC (Part 2 of the rules), except that the extern shall not prescribe or administer any herbal, nutritional, homeopathic or any other medicines or substances; when diagnosing and treating a patient, the extern shall practice only within the limits of his or her education and training; the extern shall possess and apply the knowledge, and use the skill and care ordinarily used by reasonably well-qualified doctors of oriental medicine practicing under similar circumstances, giving due consideration to their limited clinical experience; and
  - (5) the extern certification shall expire automatically twelve (12) months after the date of issuance unless the certificate expires sooner for any of the following reasons:
    - (a) upon licensure;
    - (b) if the extern fails the board's clinical skills examination more than once; or

(c) if the extern is no longer under the supervision of the externship supervisor; and  
(6) if the externship relationship terminates before the expiration of the extern certification, the extern may reapply to be supervised by another externship supervisor by filing the appropriate forms required by the board; the extern certification time limit of twelve (12) months shall remain the same and shall not be extended; and

(7) in no event shall an extern practice under extern certification(s) for more than a total of twelve (12) months or after failing the board's clinical skills examination more than once; the extern certification is not renewable; exceptions for good cause shall not apply to the extern certification; and

(8) the applicant must notify the board within ten (10) days if the applicant's address changes; and

(9) the board may refuse to issue, or may suspend, or revoke any license, extern certification or externship supervisor registration in accordance with the Uniform Licensing Act, 61-1-1 to 61-1-31 NMSA 1978, for reasons authorized in Section 61-14A-17 NMSA 1978 of the act and clarified in 16.2.12 NMAC (Part 12 of the rules).

F. an accurate translation in English of all documents submitted in a foreign language; each translated document shall bear the affidavit of the translator certifying that he or she is competent in both the language of the document and the English language and that the translation is a true and faithful translation of the foreign language original; each translated document shall also bear the affidavit of the applicant certifying that the translation is a true and faithful translation of the original; each affidavit shall be signed before a notary public; the translation of any document relevant to an application shall be at the expense of the applicant.

[16.2.14.10 NMAC - N, 1/1/2001; A, 7/26/2001; A, 3/16/2003; A, 2/15/2005]

#### **16.2.14.11 REQUIREMENTS AND RESPONSIBILITIES OF EXTERNSHIP SUPERVISORS:**

A. The externship supervisor shall:

(1) provide a clinical environment where the extern is able to further his or her knowledge and apply acupuncture and oriental medicine theory and techniques; and

(2) directly supervise the extern on the premises of the treating facility at all times and be available for consultation, intervention, and decisions about patient care; and

(3) supervise no more than two externs at any given time and have no more than a total of two externs in his or her overall externship program at a time; and

(4) inform patients with a written signed consent form outlining the responsibility of the extern and the scope and limits of practice; and

(5) prescribe all herbal, nutritional, homeopathic and any natural substances. Any recommendations of these substances by the extern must be signed by the externship supervisor; and

(6) approve the diagnosis and treatment plan and oversee the techniques of oriental medicine and delivery of patient care; and

(7) notify the board in writing, within five (5) days working days, when the extern enters into an extern supervisory contract with the externship supervisor or terminates the externship participation.

B. The externship supervisor shall be responsible for the delivery of competent professional services, obtaining patient consents, and maintaining patient records.

C. The externship supervisor shall document approval and oversight of diagnosis, treatment, and patient care in the patient's permanent file.

D. The externship supervisor shall terminate the externship relationship if the externship supervisor has the reasonable belief that the extern has violated the act or the rules. The externship supervisor shall notify the board, in writing, within five (5) working days that the externship relationship is terminated and give the reasons for the termination.

[16.2.14.11 NMAC - N, 1/1/2001; A, 7/26/2001; A, 3/16/2003; A, 2/15/2005]

**16.2.14.12 ISSUANCE OF EXTERNSHIP SUPERVISOR REGISTRATION:** Upon approval of an application for externship supervisor registration that fulfills the requirements listed below, the board shall issue an externship supervisor registration. In the interim between regular board meetings, whenever a qualified applicant for externship supervisor registration has filed his or her application and complied with all other requirements of this section, the board's chairman or an authorized representative of the board may grant an interim temporary externship supervisor registration that will suffice until the next regular meeting of the board. In no event shall the externship supervisor begin supervising an extern until the externship supervisor registration or interim temporary

externship supervisor registration is issued by the board. The application requirements for an externship supervisor registration shall be receipt of the following by the board:

**A.** the fee for application for externship supervisor registration specified in 16.2.10 NMAC (Part 10 of the rules);

**B.** an application for externship supervisor registration that is complete and in English on a form provided by the board that shall include the applicant's name, address, date of birth and social security number, if available;

**C.** proof of five (5) years of clinical experience; and

**D.** proof of maintaining a clinical facility; and

**E.** proof of appropriate professional and facility insurance; and

**F.** an affidavit as provided on the "extern supervisor registration application" stating that the applicant understands that:

(1) the scope of practice of an extern shall be limited to the practice of acupuncture and oriental medicine as defined in the act and 16.2.2 NMAC (Part 2 of the rules), except that the extern shall not prescribe or administer any herbal, nutritional, homeopathic or any other medicines or substances; when diagnosing and treating a patient, the extern shall practice only within the limits of his or her education and training; the extern shall possess and apply the knowledge, and use the skill and care ordinarily used by reasonably well-qualified doctors of oriental medicine practicing under similar circumstances, giving due consideration to their limited clinical experience; and

(2) the extern certification shall expire automatically twelve (12) months after the date of issuance unless the certificate expires sooner for any of the following reasons:

(a) upon licensure;

(b) if the extern fails the board's clinical skills examination more than once; or

(c) if the extern is no longer under the supervision of the externship supervisor; and

(3) in no event shall an extern practice under extern certification(s) for more than a total of twelve (12) months or after failing the board's clinical skills examination more than once; the extern certification is not renewable; exceptions for good cause shall not apply to the extern certification; and

(4) the extern supervisor shall not be a member of the extern's family or a member of the extern's household or have a conflict of interest with the extern as defined in 16.2.14.19 NMAC (Section 19 of Part 14 of the rules); and

**G.** an affidavit as provided on the "extern supervisor registration application" stating that the applicant understands that the externship supervisor shall:

(1) provide a clinical environment where the extern is able to further his or her knowledge and apply acupuncture and oriental medicine theory and techniques; and

(2) directly supervise the extern on the premises of the treating facility at all times and be available for consultation, intervention, and decisions about patient care; and

(3) supervise no more than two externs at any given time and have no more than two externs in his or her externship program at a time; and

(4) inform patients with a written signed consent form outlining the responsibility of the extern and the scope and limits of practice; and

(5) prescribe all herbal, nutritional, homeopathic and any natural substances; any recommendations of these substances by the extern must be signed by the externship supervisor; and

(6) approve the diagnosis and treatment plan and oversee the techniques of oriental medicine and delivery of patient care; and

(7) notify the board in writing, within five (5) days working days, when the extern enters into an extern supervisory contract with the externship supervisor or terminates the externship participation; and

(8) be responsible for the delivery of competent professional services, obtaining patient consents, and maintaining patient records; and

(9) document approval and oversight of diagnosis, treatment, and patient care in the patient's permanent file; and

(10) terminate the externship relationship if the externship supervisor has the reasonable belief that the extern has violated the act or the rules or if a conflict of interest arises during the supervision; the externship supervisor shall notify the board, in writing, within five (5) working days that the externship relationship is terminated and give the reasons for the termination; and

(11) the extern supervisor must notify the board within ten (10) days if the extern supervisor's address changes; and

(12) the board may refuse to issue, or may suspend, or revoke any license, externship supervisor registration or externship supervisor registration in accordance with the Uniform Licensing Act, 61-1-1 to 61-1-31 NMSA 1978, for reasons authorized in section 61-14A-17 NMSA 1978 of the act and clarified in 16.2.12 NMAC (Part 12 of the rules).

[16.2.14.12 NMAC - N, 1/1/2001; A, 7/26/2001; A, 3/16/2003; A, 2/15/2005]

**16.2.14.13 CHANGE OF EXTERNSHIP SUPERVISOR:** If the externship relationship terminates before the expiration of the extern certification, the extern may reapply to be supervised by another externship supervisor by filing the appropriate forms required by the board. The extern certification time limit of twelve (12) months shall remain the same and shall not be extended.

[16.2.14.13 NMAC - N, 1/1/2001-; A, 2/15/2005]

**16.2.14.14 SCOPE OF PRACTICE OF AN EXTERN:** The scope of practice of an Extern shall be limited to the practice of acupuncture and oriental medicine as defined in the Act and 16.2.2 NMAC (Part 2 of the Rules), except that the Extern shall not prescribe or administer any herbal, nutritional, homeopathic or any other medicines or substances. When diagnosing and treating a patient, the Extern shall practice only within the limits of his or her education and training. The Extern shall possess and apply the knowledge, and use the skill and care ordinarily used by reasonably well-qualified Doctors of Oriental Medicine practicing under similar circumstances, giving due consideration to their limited clinical experience.

[16.2.14.14 NMAC - N, 1/1/2001; A, 7/26/2001]

**16.2.14.15 COMPENSATION:** Any compensation contract is solely between the Externship Supervisor and the Extern and is not the province of the Board.

[16.2.14.15 NMAC - N, 1/1/2001]

**16.2.14.16 EXTERN LIMITATIONS:** In no event shall an extern practice under extern certification(s) for more than a total of twelve (12) months or after failing the board's clinical skills examination more than once. The extern certification is not renewable. Exceptions for good cause shall not apply to the extern certification.

[16.2.14.16 NMAC - N, 1/1/2001; A, 7/26/2001; A, 2/15/2005]

**16.2.14.17 EXPIRATION OF AN EXTERN CERTIFICATION:** An Extern certification shall expire automatically twelve (12) months after the date of issuance unless the certificate expires sooner for any of the following reasons:

- A. Upon licensure;
- B. If the Extern fails the Board's Clinical Skills Examination more than once; or
- C. If the Extern is no longer under the supervision of the Externship Supervisor.

[16.2.14.17 NMAC - N, 1/1/2001; A, 7/26/2001]

**16.2.14.18 GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSE, CERTIFICATION OR REGISTRATION:** The Board may refuse to issue, or may suspend, or revoke any license, Extern certification or Externship Supervisor registration in accordance with the Uniform Licensing Act, 61-1-1 to 61-1-31 NMSA 1978, for reasons authorized in section 61-14A-17 NMSA 1978 of the Act and clarified in 16.2.12 NMAC (Part 12 of the Rules).

[16.2.14.18 NMAC - N, 1/1/2001; A, 7/26/2001]

**16.2.14.19 EXTERN SUPERVISOR CONFLICT OF INTEREST:** The externship supervisor shall not be a member of the extern's family or a member of the extern's household. "Member of the extern's family" means a spouse, child, stepchild, grandchild, parent, grandparent, sibling, uncle, aunt, niece, or nephew, or other relative by blood, marriage, or legal process with whom the supervisor has or has had a close familial relationship. The supervisor shall not have a conflict of interest with the extern, such as a past or present familial, social, fiduciary, business, financial, or physician-patient relationship, that impairs or compromises or appears to impair or compromise the supervisor's neutrality, independence, or objectivity. If a conflict of interest arises during the supervision, the supervisor shall immediately report the conflict of interest to the board and shall cease supervision of the extern.

[16.2.14.19 NMAC - N, 2/15/2005]

**History of 16.2.14 NMAC:**

**Pre-NMAC History:** None

**History of Repealed Material:** [RESERVED]