

## NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of rule, 16.11.2 NMAC, “Certified Nurse-Midwives”. The public hearing will be held on October 26, 2020 at 9:30 a.m. via Cisco WebEx online, via telephone, and, comments will be received via email through the conclusion of the hearing.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding Coronavirus and in accord with Governor Michelle Lujan Grisham’s Executive Order 2020-004, Declaration of a Public Health Emergency, and any subsequent executive orders, and various the Public Health Emergency Orders limiting mass gatherings due to COVID-19.

The hearing will be conducted to receive public comments regarding the proposed repeal and replacement of the current rule, 16.11.2 NMAC, concerning the licensing, scope of practice, and disciplining of certified nurse midwives, including amendments and change to the following rule parts:

1. Amended Subsection A of 16.11.2.10 NMAC scope of practice for a certified nurse midwife to include treatment of “clients” replacing the term “male partners” for sexually transmitted infections.
2. Amended 16.11.2.7 NMAC to add definitions for electronic professional licensing management system, lapsed license, opioid antagonist, reactivation and reinstatement.
3. Amended Subsection C of 16.11.2.9 NMAC on the timing of when renewal applications are due.
4. Amended Paragraph (3) of Subsection B of 16.11.2.10 NMAC to add that controlled substances can now be prescribed electronically.
5. Added a reference in Subsection (k) of Paragraph (2) of Subsection C of 16.11.2.10 NMAC that a CNM shall comply with opioid antagonist prescribing practices as set forth in the New Mexico Pain Relief Act.
6. Amended 16.11.2.10 NMAC to add Section E, a requirement for immediate reporting of a neonatal or maternal mortality for those CNMs who work in a setting other than a licensed health facility.
7. Amended Paragraph (5) of Subsection A of 16.11.2.11 NMAC and Paragraph (6) of Subsection A of 16.11.2.11 NMAC to clarify grounds for disciplinary action involving a felony offense and added misdemeanor offense as grounds for disciplinary action.

The legal authority authorizing the proposed repeal and replacement of the rule by the Department is at Subsection E of Section 9-7-6 NMSA 1978, Subsections S and V of Section 24-1-3 NMSA 1978, and 24-1-4.1 NMSA 1978. A free copy of the full text of the proposed rule can be obtained from the Department’s website at <https://nmhealth.org/publication/regulation/>.

Any interested member of the public may attend the hearing and offer public comments on the proposed rule during the hearing. To access the hearing by telephone: please call 1-408-418-9388. Your telephone comments will be recorded. To access the hearing via internet: please go to Webex.com; click the “Join” button; click the “Join a meeting” button; enter the following meeting number and password where indicated on screen-Meeting number (access code): 146 939 8411 #, Meeting password: uP3p72ja5tG; click the “OK” button. You may also provide comment via Chat during the live streaming.

The foregoing are summaries of the proposed rule. The proposed rule includes various additional substantive revisions not identified here. Free copies of the full text of the proposed rule may be obtained online from the Department’s website at <https://nmhealth.org/publication/regulation/>

Written public comments may also be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rule to the attention of:

Catherine Avery  
Maternal Health Program Manager  
Family Health Bureau/Public Health Division  
2040 S. Pacheco (Colgate Building)  
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All written comments will be published on the agency website at <https://nmhealth.org/publication/regulation/> within 3 days of receipt, and will be available at the New Mexico Department of Health Office of General Counsel for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Sheila Apodaca by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.