

From: [Chris Mechels](#)
To: [Avery, Catherine, DOH](#)
Subject: [EXT] The 16.11.2 Rule Making
Date: Friday, September 18, 2020 4:56:54 PM
Attachments: [16.11 SSP RuleHearingSearchPublic.pdf](#)

Dear Ms. Avery,

I have been examining the materials provided concerning this rulemaking. Part of my concern is the flagrant disregard of the Rules Act within this administration, esp the DOH.

Examining the proposal, which I have attached, I believe it comes up a bit short of requirements. It doesn't tell us WHY the change is being made at this time, it simply details WHAT the change is. The Rules Act requires "a short explanation of the purpose of the proposed rule" and I don't find this. I "suspect", and I can only suspect based on what I find, that the "purpose" is that you are moving to an electronic system for managing the licensing. If that is the case, why not spell it out, as required?

Past that the rest of the change seems a lot of catch all trivia, which is of little import,.

I don't mean to pick on you, I'm trying to address the larger problem, which is that almost ALL rules making fails to provide the purpose. The public, by good practice, and the law, deserves to be told the purpose of these changes, as many time the Rules don't follow the Laws, and that is a serious, ongoing, problem with our NM government. We rank dead last for governance because of such failings. Our laws lie in a heap, and implementation frequently does not happen. The SRCA "should" be more observant in these matters, but that's another story.

Thanks for your attention.

Regards,

Chris Mechels
505-982-7144

Rule Hearing Search

Hearing Date:	Comments	Agency:
All ▼	Deadline Date:	Department of Health ▼
	All ▼	

Return to Search Results**Proposed Rule Name:**

16.11.2 - Certified Nurse-Midwives

Agency:

Department of Health

Purpose:

The proposed repeal and replacement of 16.11.2 NMAC "Certified Nurse-Midwives" is necessary in order to make amendments and changes to numerous sections of the rule, including, but not limited to

1. Amend 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. Amend 16.11.2.7 NMAC to add definitions for electronic professional licensing management system, lapsed license, opioid antagonist, reactivation and reinstatement.
3. Amend Subsection C of 16.11.2.9 NMAC on the timing of when renewal applications are due.
4. Amend Paragraph (3) of Subsection B of 16.11.2.10 NMAC to add that controlled substances can now be prescribed electronically.
5. Add 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. Amend 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. Amend 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.

Summary:

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 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 changes to the following rule sections:

1. Amend 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. Amend 16.11.2.7 NMAC to add definitions for electronic professional licensing management system, lapsed license, opioid antagonist, reactivation and reinstatement.
3. Amend Subsection C of 16.11.2.9 NMAC on the timing of when renewal applications are due.
4. Amend Paragraph (3) of Subsection B of 16.11.2.10 NMAC to add that controlled substances can now be prescribed electronically.
5. Add 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. Amend 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.

Rule Complete Copy :**How to submit Comments:**

Written public comments may be submitted to the email or mailing address shown below, to the attention of:

Catherine Avery

Maternal Health Program Manager

Family Health Bureau/Public Health Division

2040 S. Pacheco (Colgate Building)

Santa Fe, New Mexico 87505

Catherine.Avery@state.nm.us (<mailto:Catherine.Avery@state.nm.us>)
(505) 476-8866

When are comments due:

10/26/2020 5:00 PM

Hearing Date:

10/26/2020 9:30 AM

Public Hearing Location:

The public hearing will be held on October 26, 2020 at 9:30 am via Cisco WebEx online, via telephone, and, comments will be received via email through the day of the hearing until 5:00 pm. 10/26/2020 (9:30 AM -1:00 PM)

How to participate:

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** (<https://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.

Written public comments may also be submitted to the mailing address and email address shown below prior to the date of the hearing. 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)

Santa Fe, New Mexico 87505

Catherine.Avery@state.nm.us (<mailto:Catherine.Avery@state.nm.us>)
(505) 476-8866

All written comments will be published on the agency website at

<https://nmhealth.org/publication/regulation/>

(<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.

A free copy of the proposed rule may be obtained at
<https://www.nmhealth.org/about/asd/cmo/rules/>
 (<https://www.nmhealth.org/about/asd/cmo/rules/>).

The proposed rule is also posted and available for download below.

Corrections:

Not available

Rule Explanatory Statement:

Not available

Related New Mexico Register Publications:

[Click Here to access Related New Mexico Publications](#)

(<http://164.64.110.134/nmac/nmregister/noticesxxxi17>).

For any additional information or questions concerning this rule making or posting please contact:

Catherine Avery Maternal Health Program Manager Family Health Bureau/Public Health Division 2040 S. Pacheco (Colgate Building) Santa Fe, New Mexico 87505

catherine.avery@state.nm.us

(505) 476-8866

Last Updated Date

9/15/2020 4:55 PM

① If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description
View Document (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M000001phUt/nFcYgAJWSAQ7I0AeTyWsqjzC5TdmOvmuyAZBwPiTBal)	Notice of Public Hearing - Rule - 16.11.2	PDF	
View Document (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M000001phVI/NZ5amBswT.C6ztrZYR_TFpoliOI1Y1hXwgj5chYcNc)	16.11.2 - Proposed Rule	PDF	
View Document (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M000001pkpH/j3h_DA7Dvs0KLb.a2YZ4aAHpa_YgE7lfBNpDfKIObys)	16.11.2 - Proposed Rule - Redlined	PDF	