

From: [Marcus Best](#)
To: [Clark, Jacob, DOH](#)
Subject: [EXTERNAL] Public Comment: Medical Psilocybin Program Rules
Date: Tuesday, September 29, 2026 7:23:39 AM

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Dear Mr. Clark,

I am writing to comment on the proposed rules for New Mexico's medical psilocybin program ahead of the October 2 hearing. I support the program and want it to work for the patients and clinicians who will depend on it. Two provisions, as drafted, will limit access without improving safety.

1. Certifying clinician requirement

The rules require an in-person evaluation, with few telehealth exceptions, by a provider holding a New Mexico controlled substance number (an MD or NP). That provider's role is limited to confirming a qualifying diagnosis. They do not advise on medication tapering, on whether a patient is safe to dose, or on anything related to the treatment session itself.

A better model lets the treating practitioner make the diagnostic certification, and requires medical clearance from a prescriber with a controlled substance number only when risk factors are present. The Department can define those factors, for example hypertension, cardiovascular disease, or a history of psychosis. If none are present, a diagnosis should be sufficient. I understand this is consistent with what the legislation intended.

2. DOH patient approval process

After the diagnosis, the patient and certifying clinician must submit paperwork to the Department and wait for approval before treatment can begin. The reviewers have not met the patient and are not making a clinical judgment. The step adds a delay of up to 30 days without adding safety. That delay is most costly for people at end of life and for people with treatment-resistant depression.

Both provisions appear to be carried over from the medical cannabis program. That program involves unsupervised home use. Psilocybin treatment under this program does not. Requirements designed for one setting do not automatically make sense in the other.

I urge the Department to revise both provisions before the rules are finalized.

Thank you for considering my comment.

Sincerely,
Marcus Best
Taos County resident