

**TITLE 7                   HEALTH**  
**CHAPTER 1               HEALTH GENERAL PROVISIONS**  
**PART 26                   VOLUNTEER HEALTH CARE PROVIDER TORT COVERAGE PROGRAM**

**7.1.26.1               ISSUING AGENCY:** New Mexico Department of Health.  
**[7.1.26.1 NMAC - N, 2/15/2008]**

**7.1.26.2               SCOPE:** This rule applies to all health care providers with no liability insurance licensed within New Mexico who render voluntary health care services without compensation under the auspices of a registered health care agency or organization.  
**[7.1.26.2 NMAC - N, 2/15/2008]**

**7.1.26.3               STATUTORY AUTHORITY:** NMSA 1978 Section 41-4-3 F (16).  
**[7.1.26.3 NMAC - N, 2/15/2008]**

**7.1.26.4               DURATION:** Permanent.  
**[7.1.26.4 NMAC - N, 2/15/2008]**

**7.1.26.5               EFFECTIVE DATE:** 02/15/2008, unless a later date is cited in the history note at the end of a section.  
**[7.1.26.5 NMAC - N, 2/15/2008]**

**7.1.26.6               OBJECTIVE:** The purpose of this rule is to provide guidance for the registration and administration of eligible licensed New Mexico health care providers with no liability insurance who will serve without compensation, and the eligible agencies who seek their health care services.  
**[7.1.26.6 NMAC - N, 2/15/2008]**

**7.1.26.7               DEFINITIONS:**

**A.               “Licensed health care provider”** defined as a health care provider licensed to practice in the state of New Mexico or a health care provider in federal service with a license issued in another state, including the following professional disciplines:

- (1) optometrists;
- (2) chiropractic physicians;
- (3) dentists;
- (4) physicians;
- (5) podiatrists;
- (6) osteopathic physicians;
- (7) physician assistants;
- (8) certified nurse practitioners;
- (9) physical therapists;
- (10) occupational therapists;
- (11) speech-language pathologists;
- (12) doctors of oriental medicine;
- (13) nutritionists;
- (14) psychologists;
- (15) certified nurse-midwives;
- (16) clinical nurse specialists;
- (17) registered nurses;

- (18) dental hygienists;
- (19) pharmacists;
- (20) athletic trainers;
- (21) anesthesiologist assistants.

**B.** “**Voluntary health care services**” defined as health care services delivered by a health care provider without compensation to that provider. Reimbursement of reasonable travel, meal, or lodging expenses is not considered compensation.

**C.** “**Secretary**” defined as secretary of health.

[7.1.26.7 NMAC - N, 2/15/2008]

### **7.1.26.8 REGISTRATION OF ELIGIBLE HEALTH CARE AGENCIES AND ORGANIZATIONS:**

**A.** Registration requirements - all health care agencies and organizations seeking to participate in the program must apply to the New Mexico department of health, epidemiology and response division and be approved and registered in the program.

**B.** Term of approval - successful applicants will be approved for participation in the program for a term to be established by the New Mexico department of health. Successful applicants will be notified of the approval of their participation in the program and be provided an indication of the term of that approval.

**C.** Termination of approval - the New Mexico department of health shall at its discretion terminate a registered agency or organization’s participation in the program. The registered agency or organization will be notified of any termination decision.

**D.** Registered health care providers participating in the program may provide voluntary health care services at locations operated or sponsored by registered agencies and organizations including:

- (1) public health offices operated by the New Mexico department of health;
- (2) public health contractors of the New Mexico department of health including:
  - (a) family planning contractors;
  - (b) oral health service providers;
  - (c) human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

service providers;

- (3) community-based primary care centers licensed by the New Mexico department of health;
- (4) school-based health centers;
- (5) emergency medical services licensed by the state of New Mexico;
- (6) Indian health services and tribal health services;
- (7) other health programs operated by the New Mexico department of health;
- (8) other locations and volunteer opportunities as recognized by the New Mexico department of health;
- (9) mobile and portable outreach and extension efforts sponsored by registered agency, organization,

or program including:

- (a) health fairs;
- (b) head start - school outreach.

[7.1.26.8 NMAC - N, 2/15/2008]

### **7.1.26.9 REGISTRATION OF ELIGIBLE HEALTH CARE PROVIDERS:**

**A.** Eligible health care providers - all licensed health care providers with no liability insurance who seek to render voluntary health care services without compensation under the auspices of a registered health care agency or organization are eligible to apply for participation in the program.

**B.** Registration requirements - all health care providers seeking to participate in the program must apply to the New Mexico department of health, epidemiology and response division and be approved and registered in the program.

**C.** Term of approval - successful applicants will be approved for participation in the program for a

term to be established by the New Mexico department of health. Successful applicants will be notified of the approval of their participation in the program and be provided an indication of the term of that approval.

**D.** Termination of approval - the New Mexico department of health shall at its discretion terminate a registered health care provider's participation in the program. The registered health care provider will be notified of any termination decision.

**E.** Scope of practice - all state registered health care providers participating in the volunteer health care provider program (program) are limited to the practice permitted under each provider's licensure in the state of New Mexico.

[7.1.26.9 NMAC - N, 02/15/2008]

**7.1.26.10 RECONSIDERATION:** Reconsideration - the secretary may, at his discretion, reconsider the application of any eligible health care provider or of any eligible health care agency or organization that is denied approval for participation in the program.

[7.1.26.10 NMAC - N, 2/15/2008]

**7.1.26.11 MEASURES TO ENSURE QUALITY OF CARE:**

**A.** Credentialing - before an eligible health care provider is approved and registered in the program, a review of the applicant's licensing and credentialing will be conducted. Only applicants who have successfully passed this review will be approved for participation in the program.

**B.** Supervision - where a volunteer health care provider's professional license requires specific supervision or professional consultation, the eligible health care organization or agency must demonstrate that adequate arrangements for supervision or professional consultation are in place at the location of volunteer service.

**C.** Service protocols - an eligible health care organization or agency must demonstrate that there are service protocols in place for any service that is to be provided by volunteers participating in the program. All participating volunteers must comply with this guidance.

**D.** Facility license - when volunteer health care providers participating in the program are providing health care in a licensed health facility, the services provided must be in accordance with the limits imposed by the facility's license.

**E.** Extension and outreach events and non-licensed locations - when eligible voluntary health care services are provided at an outreach, extension, or other non-licensed location, these services must be provided in a manner permissible under New Mexico law.

[7.1.26.11 NMAC - N, 2/15/2008]

**HISTORY OF 7.1.26 NMAC:** [RESERVED]