



## New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Board of Acupuncture and Oriental Medicine

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March 24, 2020

### **Re: Guidance on Available Resources for Oriental Medicine Practice during the COVID-19 Public Health Emergency**

During this extraordinary situation as New Mexico addresses the COVID-19 pandemic, the New Mexico Board of Acupuncture and Oriental Medicine (the “Board”) supports the sharing of information to ensure safe practices and public safety.

To that end, we are reminding you of several resources. The New Mexico Department of Health (“DOH”) maintains a frequently updated website, and which contains links to all Public Health Orders and other directives issued by the Governor and/or the Secretary of Health. Please see <https://cv.nmhealth.org>. Please check this site regularly for the latest information on the measures, which the Governor and the Secretary of Health are taking to ensure public safety.

The Board, its members, and Administrator cannot advise individual members on their practices during this public emergency, including regarding the potential implications of Public Health Orders on member’s practices. If members have such questions, they should visit the DOH website as indicated above, call the DOH non-emergency number (1-833-551-0518), or seek the advice of their private counsel.

Our professional associations provide general guidelines, which are available online. For example, the American Society of Acupuncturists has published online guidelines, which are available at this URL: (<https://mailchi.mp/5d5ea59051a7/asa-plus-nmsaam-covid-19-guidelines-for-doms?e=d89cc36f98>). The guidelines address safety measures ranging from telephonic patient screening to social distancing and the need for scrupulous disinfecting during office operations. Please keep in mind that these general guidelines do not override Board regulations, provisions of the Acupuncture and Oriental Medicine Practice Act, or any Public Health Orders or directives by the Governor or Secretary of Health.

Our Board Administrator has received questions regarding telehealth and its application to Doctors of Oriental Medicine. Please note that the Board, its members, and Administrator cannot advise you as to whether, or how, telehealth might apply to individual practices. Please consult your attorney if you have questions.

Doctors of Oriental Medicine are among those health care providers included in the Telehealth Act, NMSA 1978, Sections 24-25-1 through -5 (2004, as amended through 2007). The Telehealth Act recognizes the use of electronic information and imaging and communication technologies to provide and support health care delivery, diagnosis, consultation, treatment, transfer or medical data and education. NMSA 1978, § 24-25-3(C). The Act prohibits discipline of practitioners for using telehealth, but requires compliance with all applicable federal and state guidelines, as well as federal and state rules governing security, confidentiality, and privacy protections for health care information. NMSA 1978, § 24-25-3(C).

## **Board of Acupuncture and Oriental Medicine**

The Telehealth Act does **not** alter or expand the scope of practice of Doctors of Oriental Medicine in any way. Nor does it alter or expand any Board regulation or the Acupuncture and Oriental Medicine Practice Act in any way.

This guidance will remain in effect until the Governor lifts the emergency declaration.

Sincerely,

*/s/ Selah Chamberlain, D.O.M.*

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*Executed electronic signature via email authorization dated  
3/25/2020*