



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Board of Examiners for Occupational Therapy

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To Whom It May Concern,

Re: Guidance for Providing Patient Care by Electronic Means during the COVID-19 Public Health Emergency

During this extraordinary situation as New Mexico addresses the COVID-19 pandemic, the New Mexico Board of Examiners for Occupational Therapy (the “Board”) supports the use of alternative means to provide expanded care options.

To that end, we are taking this opportunity to remind you that the delivery of health care via telehealth is recognized and encouraged as a safe, practical and necessary practice in New Mexico pursuant to the Telehealth Act, NMSA 1978, Sections 24-25-1 through -5 (2004, as amended through 2007). “Telehealth” includes the use of electronic information, imaging and communication technologies, including interactive audio, video, data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education. NMSA 1978, § 24-25-3(C).

Pursuant to the Telehealth Act, no health care provider, including occupational therapists, shall be disciplined for or discouraged from participating in telehealth. *See* NMSA 1978, § 24-25-4. In using telehealth procedures, health care providers shall comply with all applicable federal and state guidelines and shall follow established federal and state rules regarding security, confidentiality and privacy protections for health care information. *Id.*

Therefore, the use of electronic means – internet, email, texting, telephone – to assess and provide responsible care to any patient in New Mexico during the COVID-19 Emergency as declared by Governor Michelle Lujan Grisham is encouraged. In providing such care through electronic means, providers should otherwise comply with the rules of the Board, including those rules regarding the supervision of limited permit holder, person practicing with a provisional permit, occupational therapy assistants, and aides. *See* NMSA 1978, § 61-12A-5 and NMAC 2015, § 16.15.3.

This guidance will remain in place until the emergency declaration is lifted by the Governor or at the election of the Board.

Sincerely,

Michael Katko
Chair, Board of Examiners for Occupational Therapy
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