



State of New Mexico
BOARD OF NURSING
Employee Policies

SUBJECT: BON Advisory Committees

Policy Number: 34.0

Effective Date: 04/16/16, Revised 11/20/2020

34.1 PURPOSE

The purpose of this policy is to provide an operational guideline for the advisory committees of the New Mexico Board of Nursing.

34.2 REFERENCES

34.2.1 §61-3-1 to §61-3-30 New Mexico Nursing Practice Act

34.2.2 §61-36-1 to §61-36-6 Lactation Care Provider Act

34.2.2 NMAC Title 16 Occupational and Professional Licensing; Chapter 12 Nursing and Health Care Related Providers: Part 1 General Provisions

34.2.3 NMAC Title 16 Occupational and Professional Licensing; Chapter 12 Nursing and Health Care Related Providers: Part 2 Nurse Licensure

34.2.4 NMAC Title 16 Occupational and Professional Licensing; Chapter 12 Nursing and Health Care Related Providers: Part 3 Nursing Education Programs

34.2.5 NMAC Title 16 Occupational and Professional Licensing; Chapter 12 Nursing and Health Care Related Providers: Part 4 Hemodialysis Technicians

34.2.6 NMAC Title 16 Occupational and Professional Licensing; Chapter 12 Nursing and Health Care Related Providers: Part 5 Medication Aides

34.2.7 NMAC Title 16 Occupational and Professional Licensing; Chapter 12 Nursing and Health Care Related Providers: Part 11 Lactation Care Providers

34.3 DEFINITIONS

34.3.1 *Board of Nursing (Board)*: The body of appointed officials created by the Nursing Practice Act in §61-3-8.

34.3.2 Board Liaison: A member of the Board appointed to participate on an advisory committee for the purpose of representing the Board's interest in the work of the committees and to have a deeper understanding of the advisory committees' work.

34.3.3 Board Staff: An employee or contractor of the Board of Nursing.

34.3.4 Advanced Practice Advisory Committee: A committee created by the Board with its authority granted in the Nursing Practice Act §61-3-10(M) and clarified in the Board's regulations 16.12.2.16(M)(1-3). The committee must have at least 6 members, shall advise the Board in the review of issues related to the advanced practices of nursing and shall be composed of representatives from each advanced practice area regulated by the board.

34.3.5 Nursing Practice Advisory Committee: A committee created by the Board with its authority granted in the Nursing Practice Act §61-3-10(M) and clarified in the Board's regulations 16.12.2.12(K). The committee must have at least 7 members and shall assist and advise the Board in regulation of the practice of nursing.

34.3.6 Nursing Education Advisory Committee: A committee created by the Board with its authority granted in the Nursing Practice Act §61-3-10(M) and clarified in the Board's regulations 16.12.3.15(A-B). The committee must have at least 7 members who are charged with making recommendations to the board regarding nursing education. This advisory committee shall review applications of nursing education programs for initial approval. The committee shall also review education program surveys, reports, annual reports, and major curriculum changes. The committee shall submit reports and recommendations the Board and shall provide consultation to nursing programs as requested or as directed by the Board.

34.3.7 Hemodialysis Technician Advisory Committee: A committee created by the Board with its authority granted in the Nursing Practice Act §61-3-10(M) and clarified in the Board's regulations 16.12.4.15(A-B). The committee must have at least 5 members, three of which should be nurses, who are charged with making recommendations to the board regarding Hemodialysis Technician education. The advisory committee shall review applications for initial approval of Hemodialysis Technician Education Programs, evaluations of programs, and changes in approved programs. The committee shall make recommendations to the board and shall provide consultation to programs as requested and/or as directed by the board. Members of the committee shall serve as site visitors to hemodialysis technician programs for approval, consultation and evaluation.

34.3.8 Medication Aide Advisory Committee: A committee created by the Board with its authority granted in the Nursing Practice Act §61-3-10(M) and clarified in the Board's regulations 16.12.5.18. The committee must have at least 5 members, three of which should be nurses, who are charged with making recommendations to the board regarding nursing education. The advisory committee shall review applications for initial approval of Medication Aide Education Programs, evaluations of programs, and changes in approved programs. The committee shall make recommendations the Board and shall provide consultation to programs as requested or as directed by the Board. Members of the committee shall serve as site visitors to medication aide programs for approval, consultation and evaluation.

34.3.9 Lactation Care Provider Advisory Committee: A committee created by the Board with its authority granted in the Lactation Care Provider Act §61-36-3. The committee must have at least two members who are experts in lactation to assist in the performance of the Board's duties.

34.3.10 Case Review Committee: A committee created by the Board with its authority granted in the Nursing Practice Act §61-3-10(M). The committee must have at least 5 members. The purpose of the Case Review Committee shall be to review investigations of cases of alleged misconduct under the Nursing Practice Act. The committee will provide recommendations to the Board regarding those cases and investigations. Meetings will be facilitated by Board staff and will not include minutes

34.3.11 Regional Advisory Committees (RAC): Volunteer members are appointed by the Board of Nursing to serve as an advisory committee to nurses with a Substance Use Disorder who are participants in the Diversion Program as established by 16.12.1.8(4) NMAC. The RAC membership may not include current Board members.

34.3.12 Substance Use Disorder (SUD): A disorder characterized by a collection of signs, symptoms, and behaviors specific to a person who is physically and psychologically addicted to drugs and/or alcohol.

34.4 OPERATION

34.4.1 Official actions of the advisory committee will be limited to making a formal recommendation to the Board of Nursing or to the Executive Director of the Board.

34.4.2 A quorum of the advisory committee will consist of more than 50% of current committee members including one officer. Meetings will commence with a quorum. As the work of the advisory committees is important and contributes to the work of the Board, a committee may meet with one member short of a quorum or without an officer at the discretion of the committee members and the staff members present.

34.4.3 The committee will meet at least three times per year. Committees may meet more frequently if the committee decides to meet more frequently, and the Executive Director approves the schedule.

34.4.4 Voting

A. There shall be no proxy voting.

B. Committee members may vote in absentia within 2 days of the committee's vote. The vote shall be submitted in writing to the Vice Chair of the committee.

C. In the event of a tied vote on a recommendation to the Board of Nursing, the matter shall be reported to the Board of Nursing as a tied vote. In the event of a tied vote for an officer position or the appointment of a consultant, the Executive Director will break the tie.

34.4.5 Committee members may attend meetings telephonically, via video conferencing, or in person. Members who attend telephonically or via video conferencing are not eligible to receive the \$95.00 per diem.

34.4.6 Meeting minutes will be recorded and posted on the BON website. The Regional Advisory Committee and the Case Review Committee shall not take minutes.

34.5 COMMITTEE MEMBERSHIP AND COMMITTEE CONSULTANTS

34.5.1 Unless otherwise ordered by the Board, Advisory Committee Members shall be appointed by the Board for a period of two (2) years.

34.5.1.1 Committee members will not serve more than four consecutive terms. After eight years of service on a committee, a member may reapply to the advisory committee after a two-year hiatus.

34.5.1.2 Terms will be staggered.

34.5.1.3 Committee members serve at the pleasure of the Board and those who cannot fulfill their responsibilities or no longer meet the conditions of appointment shall be removed from their appointment.

34.5.2 Committee member nominees will be considered by the advisory committee and, if recommended by a simple majority of present committee members, the nominee will be placed on the next Board meeting agenda for consideration of appointment. Advisory committees are expected to make recommendations based on the expertise of the individual candidate and needs of the committee. Advisory committees that are diverse are more representative of New Mexico than homogenous committees are.

34.5.3 Committee membership will be as follows:

34.5.3.1 Advanced Practice Advisory Committee

- A. Minimum: 6 Members
- B. Maximum: 9 Members
- C. The Committee shall be composed of representatives from each advanced practice area regulated by the board. When making a recommendation for membership, the committee will consider diversity in geographic practice and licensure to facilitate the representation of each advanced practice registered nurse (APRN) role regulated by the BON and practice throughout the state.
- D. Each committee member must hold a current New Mexico APRN license.

34.5.3.2 Nursing Practice Advisory Committee

- A. Minimum: 7 Members
- B. Maximum: 8 Members
- C. Each committee member must hold a current New Mexico registered nurse or licensed practical nurse license. When making a recommendation for

membership the committee will consider diversity in geographic practice and nursing specialty to facilitate the representation of practice throughout the state.

34.5.3.3 Nursing Education Advisory Committee

- A. Minimum: 7 Members
- B. Maximum: 15 Members
- C. Each committee member must hold a valid New Mexico registered license or a valid compact state registered nurse license.
- D. Each committee member must be employed by a Board-approved nursing education program.
- E. When possible in its consideration of recommendations for potential committee members, the committee will try to create a committee that is representative of the PN, ADN and BSN programs throughout the state. The committee will also try to create a committee that is representative of the public and private programs and the urban and rural programs in the state. The committee will also consider the representation of both nursing faculty and nursing education program directors.

34.5.3.4 Hemodialysis Technician Advisory Committee

- A. Minimum: 5 Members
- B. Maximum: 8 Members
- C. At least 3 members should be registered nurses
- D. Each committee member must hold a current New Mexico registered nurse license or a current hemodialysis technician certificate.
- E. There shall be no more than one representative from any one unit serving on the advisory committee at any one time.

34.5.3.5 Medication Aide Advisory Committee

- A. Minimum: 5 Members
- B. Maximum: 8 Members
- C. At least 3 members shall be registered nurses
- D. Each committee member must hold a current New Mexico registered nurse license, licensed practical nurse license or a current medication aide certificate.
- E. The committee shall include one member not employed by a participating agency.
- F. There shall be no more than one representative from any one agency serving on the advisory committee at any one time.

34.5.3.6 Lactation Care Provider Act Advisory Committee

- A. Minimum: 5 Members
- B. Maximum: 7 Members
- C. Two members must be experts in lactation care
- D. Each committee member must have some personal or professional expertise in the area of lactation or maternal care.

E When possible in its consideration of recommendations for potential committee members, the committee will consider diversity of lactation care provider roles, credentialing, education and geography.

34.5.3.7 Case Review Committee

- A. Minimum: 5 Members
- B. Maximum: 7 Members
- C. Each committee member must hold a current New Mexico nursing license. Committee members shall be appointed upon the recommendation of the Executive Director. When making a recommendation for membership the Executive Director will consider diversity in practice, nursing specialty and employment setting to facilitate a broad range of experience on the committee.
- D. A quorum of this committee is four members.
- E. This committee shall have no elected officers. The Director of Compliance or designee will serve as the chair of this committee and will call meetings of the committee as needed..

34.5.3.8 Regional Advisory Committee

- A. Minimum: 2 Members
- B. Maximum: 5 Members
- C. Each committee member must have some personal or professional expertise in the area of Substance Use Disorder (SUD). Members in recovery from a SUD shall be abstinent for two years prior to nomination. Relapse is cause for termination from appointment.
- D. A quorum of this committee shall consist of 2 members.
- E. This committee shall have no officers.
- F. There may exist as many RACs across the state to provide for the quarterly advisement and recommendation of all DP participants in the state.

34.5.4 The Board liaisons for the committees are entitled to vote and are not subject to service requirements. The number of Board liaisons and committee consultants is not included in the size limit or minimum of the committee.

34.5.4.1 Board liaison appointments will be reviewed annually by the Board.

34.5.5 Causes for termination of appointment.

34.5.5.1 An appointed committee member who no longer meets the requirements for appointment shall have her or his appointment terminated.

34.5.5.2 Any appointed committee member who discriminates against any person for a protected status during the execution of her or his advisory duties shall have her or his appointment terminated.

34.5.5.3 Any appointed committee member who inappropriately disclose confidential information of their advisory capacity shall have her or his appointment terminated.

34.5.5.4 Any appointed committee member who violates a provision of the Nursing Practice Act may have her or his appointment terminated.

34.5.5.5 Any appointed committee member who fails to maintain professional boundaries may have her or his appointment terminated.

If termination is necessary, the Executive Director or designee will notify the appointed committee member of the termination and will notify the Board at the next meeting.

34.5.6 Committee Consultants: Advisory Committees, excluding the Case Review Committee and Regional Advisory Committees, may recommend their own consultants by a simple majority vote of the committee. Consultants may be from any professional background, may participate in any committee project and may be present at any meeting or subcommittee meeting to which they are assigned. Consultants do not have service or attendance obligations. Their term is determined at the time of appointment and may not exceed 12 months without another vote of the committee. Consultants may not vote or hold office. Their appointment must be approved by the Executive Director. Consultants are not entitled to per diem or reimbursements.

34.6 RESPONSIBILITIES OF COMMITTEE MEMBERS

34.6.1 Attendance

Attendance is crucially important for publicly noticed meetings that only meet a few times per year and must be enforced. Members are expected to attend each committee meeting and Board meetings as needed.

Failure to attend two consecutive scheduled committee meetings or 50% of the committee meetings, including special meetings, in one year shall result in a termination of the appointment and disqualify the committee member from any advisory committee for one year.

34.6.2 Acts of Service

Committee members are appointed for their expertise and are expected to use that expertise in acts of service to the Board of Nursing and New Mexicans. In addition to committee meeting attendance, each committee member is expected to provide two acts of service during each year of their appointment.

Acts of service must be approved by the committee chairperson and the Executive Director. Acts of service may include, but are not limited to: the creation of content for the newsletter; attending a site visit; serving on a subcommittee; providing an in-service to the Board, staff or a committee; representing the agency on an external committee; being a liaison to an external committee; preparing a report for the Board, the agency or a committee; serving as an officer of a committee; writing proposed rules language; consultation to an education or UAP program; mentorship to new nurse educators.

34.6.3 Regulation Review and Revision. To ensure that the Board's regulations are adhering to the current laws and are appropriate for the current status of nursing and practice in New

Mexico, the advisory committee must review the regulations annually and as needed and make recommendations for rule changes as appropriate. The annual review assignments will be as follows:

34.6.3.1 Nursing Practice Advisory Committee: NMAC Title 16 Occupational and Professional Licensing: Chapter 12 Nursing and Health Care Related Providers: Part 1 General Provisions, Part 2 Nurse Licensure, and Part 6 Nurse Licensure Compact.

34.6.3.2 Advanced Practice Advisory Committee: NMAC Title 16 Occupational and Professional Licensing: Chapter 12 Nursing and Health Care Related Providers: Part 1 General Provisions, Part 2 Nurse Licensure, Part 9 Management of Chronic Pain with Controlled Substances, Part 10 Management of Medical Records.

34.6.3.3 Nursing Education Advisory Committee: NMAC Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers: Part 1 General Provisions, Part 2 Nurse Licensure, Part 3 Nursing Education Programs.

34.6.3.4 Hemodialysis Technician Advisory Committee: NMAC Title 16 Occupational and Professional Licensing: Chapter 12 Nursing and Health Care Related Providers: Part 1 General Provisions, Part 4 Hemodialysis Technicians.

34.6.3.5 Medication Aide Advisory Committee: NMAC Title 16 Occupational and Professional Licensing: Chapter 12 Nursing and Health Care Related providers: Part 1 General Provisions, Part 5 Medication Aides.

34.6.3.6 The Regional Advisory Committee and Compliance Committee do not have a charge to regularly review the regulations but should be familiar with the regulations regarding the Diversion Program, Management of Chronic Pain, and Discipline.

34.6.4 Restrictions

34.6.4.1 No advisory committee member shall represent themselves to be a member of the Board of Nursing, nor shall any advisory committee member indicate in any manner that they represent the Board of Nursing unless specifically assigned the task to do so.

34.6.4.2 No advisory committee member shall speak to the media as a representative of the Board of Nursing.

34.6.4.3 No advisory committee member shall speak to another state agency or government entity including legislators as a representative of the Board of Nursing.

34.7 OFFICERS

34.7.1 Except for the Regional Advisory Committees and the Case Review Committee, each advisory committee will have three officers: Chairperson, Vice Chairperson and Secretary.

34.7.2 Officers will be elected by a simple majority of present committee members at the first annual meeting of each year or at an election to be held at a regularly scheduled meeting when there is a vacancy in an officer role. Nominees for officer roles must accept the nomination. Committee members may self-nominate for officer roles. Officers will serve one-year terms.

34.7.3 Officers must honor their responsibilities to ensure the effective functioning of the advisory committee and to ensure the Board's and the public's trust. Any officer not fulfilling their responsibilities shall be recalled from their officer role by the committee by a vote from a simple majority or shall be removed from their officer role by the Board. Officers' responsibilities will be as follows:

34.7.3.1 Chairperson

- A. The Chairperson will preside over the committee's meetings.
- B. The Chairperson shall prepare and present a report of the committee's work at every Board meeting. The Chairperson may select a committee member to report in her or his place at the Board meeting.
- C. The Chairperson will coordinate task assignments with committee members.
- D. The Chairperson will coordinate committee members' assignments to subcommittees.
- E. The Chairperson will review requests for acts of service.
- F. The Chairperson will oversee the annual review of the regulations assigned to the committee.

34.7.3.2 Vice Chairperson

- A. In the absence of the Chairperson, the Vice Chairperson will preside over the committee's meeting.
- B. In the absence of the Chairperson, the Vice Chairperson shall prepare and present a report of the committee's work at a Board meeting. The Vice Chairperson may select a committee member to report in her or his place at the Board meeting.
- C. The Vice Chairperson will conduct the elections for officers.
- D. The Vice Chairperson will track the acts of service for each member and report to the Chairperson.

34.7.3.3 Secretary

- A. The Secretary will track the terms and attendance of members and report to the Chairperson.
- B. The Secretary will solicit input for the committee's agenda from committee members and Board staff and provide the agenda items to Board staff to draft the agenda.
- C. The Secretary will review the first draft of committee meeting minutes and provide edits to Board staff.

34.8 CASE REVIEW COMMITTEE

34.8.1 The Case Review committee is a standing committee to review case investigations and is called by the Director of Compliance.

34.8.2 Each Case Review committee member must agree to keep confidential the proceedings of the committee.

34.8.3 The committee members shall review case investigations and make a recommendation about whether there is sufficient evidence to warrant a charge of violating the New Mexico Nursing Practice Act or Board rules and regulations. The committee may also provide direction to Board staff to investigate a matter further.

34.9 DIVERSION PROGRAM REGIONAL ADVISORY COMMITTEES

34.9.1 The function of the Regional Advisory Committee is to objectively evaluate compliance with the Diversion Program (DP) contract and compliance in recovery.

34.9.2 Committee members are reminded that the DP is a monitoring program and not a treatment program and the intent of their function is regulatory in nature and not therapeutic.

34.9.3 Committee members are appointed by the Board and serve at the pleasure of the Board. Members are expected to attend all RAC meetings as scheduled.

34.9.4 RAC member responsibilities:

- A. Assistance with ongoing monitoring and evaluation of a participant's progress in recovery.
- B. Use assessment skills in evaluation of the participants' progress in recovery.
- C. Use written skills to document the participants' responses on the evaluation assessment form.
- D. Make recommendations for amendments in the DP contract.
- E. Provide resource information to participants.
- F. Make suggestions/recommendations for changes in policies and procedures.
- G. When necessary, assist in the admission of a participant into the DP.
- H. Meet and assess other potential RAC members for compatibility of philosophy and appropriate nomination to the Board prior to appointment to a RAC.

34.9.5 RAC Member Expectations

- A. The Diversion Program is a confidential program and the Regional Advisory Committee members have a responsibility to keep information discussed in the RAC meetings private and a commitment not to disclose this information outside of the RAC meetings. It is the expectation of the DP that each of the RAC members will maintain professional behaviors and boundaries during and outside of the RAC meeting.
- B. RAC members *must* maintain professional boundaries at all times with other RAC members and DP participants.

- C. RAC members should come 30 minutes early to the scheduled meeting to prepare for the meeting and stay after the meeting for a short debriefing session.
- D. Each RAC member will confirm attendance for RAC meetings or notify the DP if not attending. If a quarterly meeting or three consecutive monthly meetings are missed, it may result in dismissal from the RAC committee.
- E. RAC members cannot confront DP nurses in a 12-step meeting about information that was divulged in a RAC meeting.
- F. RAC members cannot contact DP nurses outside of the RAC meetings.
- G. RAC members with any kind of relationship with DP participants shall recuse themselves from the meeting when that participant is discussed.

34.9.6 Appointment to a regional advisory committee: Potential RAC member applicants will only be recommended to the Board of Nursing with approval from the Director of Education & Practice who will evaluate the candidate for suitability to be on the committee. The Director of Education & Practice will make a recommendation to the Board.

Last Ratified by the Board: 12/03/2020

APPROVED:

Sasha N. Poole, PhD, RN
Executive Director

Date: 11/19/2019