

March 30, 2020

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 Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board of New Mexico (the “Board”) supports the use of alternative means to provide expanded care options.

To that end, the Board takes 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 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.

Please note the following licensure statuses as they relate to telehealth:

- New Mexico-licensed audiologists, speech-language pathologists and hearing aid dispensers may provide telehealth services to those residing in New Mexico, but present at a different physical location from the provider, at the time services are rendered (*see* NMSA 1978, § 24-25-3 and 16.26.2.20(A) NMAC);
- Audiologists, speech-language pathologists and hearing aid dispensers who reside outside of New Mexico and deliver services or products to those residing in New Mexico must be licensed by the Board in order to practice telehealth (*see* 16.26.2.20(B) NMAC);
- Licensed speech-language apprentices and clinical fellows may practice telehealth so long as they are supervised in accordance with the Board’s statutes and rules (*see* NMSA 1978, §§ 61-14-B-3 to -3.2, 15-15.1, and 16.26.2.17-18 NMAC).

To review the New Mexico Telehealth Act, click [here](#).

To review the Speech-Language Pathology, Audiology, and Hearing Dispensing Practices Act, click [here](#).

To review licensure requirements for Hearing, Speech and Audiology practitioners, click [here](#).

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

Sincerely,

/s/ Dr. Richard Cram

Dr. Richard Cram, Dispensing Audiologist
Chair, Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board