

Draft for Medical Psilocybin Advisory Board Meeting on 7-9-2026.

TITLE 7 HEALTH
CHAPTER 35 MEDICAL PSILOCYBIN
PART 3 PATIENTS, CLINICIANS, PRACTITIONERS, FACILITATORS, APPROVED
LOCATIONS, AND EDUCATIONAL PROGRAMS

7.35.3.1 ISSUING AGENCY: New Mexico department of health.
[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.2 SCOPE: This rule applies to all patients, practitioners, clinicians, facilitators, healing centers and other approved locations, and educational programs who participate and seek to participate in the New Mexico medical psilocybin program.
[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to the following statutory authorities: the New Mexico Department of Health Act, Subsection E of Section 9-7-6 NMSA 1978; and the Medical Psilocybin Act, Section 26-2D-7, NMSA 1978.
[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.4 DURATION: Permanent.
[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.5 EFFECTIVE DATE: XXXX,XX,2026, unless a later date is cited at the end of a section.
[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.6 OBJECTIVE: The objective of this rule is to adopt rules governing the enrollment of qualified patients and the certification of certifying clinicians, practitioners, facilitators, and approved locations, in accordance with the Medical Psilocybin Act at Sections 26-2D-1 through -11, NMSA 1978.
[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.X APPLICATION REQUIREMENTS FOR PSILOCYBIN EDUCATIONAL PROGRAMS:

A. Application requirements: An applicant seeking certification as a psilocybin educational program shall submit a complete application through the electronic system designated by the department. A complete application shall include, at minimum, the following:

- (1) An organizational chart depicting the applicant's governance and operational structure;
- (2) Proof of registration with the New Mexico secretary of state;
- (3) Proof of registration with the New Mexico taxation and revenue department;
- (4) Copies of any required business licenses issued by applicable New Mexico cities or counties;
- (5) A certificate of occupancy for each location in New Mexico where the program will conduct operations;
- (6) Any additional documentation reasonably requested by the department to verify compliance with applicable laws, regulations, or ordinances;
- (7) A list of all owners or members of the board of directors, including corresponding contact information;
- (8) Primary program contact information, including name, physical address, telephone number, and email address;
- (9) A record retention plan;
- (10) A safety and emergency response plan appropriate to the program's operational settings;
- (11) A written outline of the program's complaint and grievance procedures available to students;
- (12) A signed consent authorizing the department to publicly list the program's contact information and website, if certification is granted;
- (13) A list of all instructors, accompanied by curricula vitae or résumés demonstrating collective expertise sufficient to meet all required curriculum areas;
- (14) A copy of the curriculum to be utilized by the program, including a brief description demonstrating how the curriculum satisfies the department's curriculum requirements;

- (15) Copies of all course syllabi and a web address at which the program will publicly maintain updated syllabi for prospective students;
 - (16) A plan describing how the program will ensure transparency in the disclosure of all student fees;
 - (17) A plan demonstrating how the program will ensure that enrolled students complete all required components and graduate within two years of enrollment;
 - (18) A signed consent authorizing the department to publicly list the curriculum and syllabi submitted with the application, if approval is granted;
 - (19) A third-party evaluation report assessing the organization and curriculum and demonstrating that the program meets the requirements for medical psilocybin educational programs;
 - (20) Proof of established arrangements with healing centers or other department-approved locations for student practicum placements; and
 - (21) Documentation demonstrating that, no later than June 30, 2027, the program will employ at least two faculty members who hold current practitioner or facilitator certificates issued by the department.
- [7.35.3.x NMAC - N, x/xx/2026]

7.35.3.X PSILOCYBIN EDUCATIONAL PROGRAMS; REQUIRED REPORTING AND CURRICULUM APPROVAL; RELINQUISHMENT OF CERTIFICATE:

- A. Required reporting of updates:** An approved psilocybin educational program shall notify the department, through the department-approved electronic system designated by the department, of any of the following changes, and shall not implement the change until written approval is issued by the department:
- (1) Any revision to the program's curriculum; revised curricula shall be submitted to the department for review and may not be implemented until the department grants approval;
 - (2) Any change in ownership, including changes in controlling interest or organizational structure;
 - (3) Any change in physical locations utilized for instruction or educational activities;
 - (4) Any modification, termination, or addition of practicum site agreements; and
 - (5) Any change in instructional staff, including submission of curricula vitae or résumés for all newly added instructors.
- B. Psilocybin educational program curriculum approval process:** Applicants shall submit a complete application packet for curriculum approval through the electronic system designated by the department. The department shall notify the applicant, through the department-approved electronic system, whether the application is approved or denied. If approved, the approval shall take effect on the date of the notice and shall remain valid for two years. If denied, the department shall issue written notice stating the basis for the denial. An applicant whose application has been denied may resubmit a corrected application within six months. No applicant may resubmit an application more than two times following an initial denial. An applicant may appeal a denial in accordance with the appeals process established in this rule.
- C. Application denial:** The Department may deny an application if:
- (1) The submitted curriculum does not comply with the Department's required curriculum standards;
 - (2) The applicant fails to submit all required documentation or submits incomplete materials;
 - or
 - (3) Program instructors, staff, or representatives have made false or misleading statements to the Department, to students, or to the public.
- D. Application for renewal of educational program certification:** An applicant seeking renewal of its psilocybin educational program certification shall submit a complete renewal application packet through the department-approved electronic system no more than 60 days and no less than 30 days prior to the certification's expiration date.
- E. Voluntary relinquishment of certification:** A psilocybin educational program may voluntarily relinquish its certification at any time, for any reason, including but not limited to the cessation of student enrollment or instructional activities, by submitting written notice of relinquishment to the department through the method prescribed by the department. Upon receipt of such notice, the department shall terminate the certification effective on the date specified by the program or, if no date is specified, on the date the notice is received.
- [7.35.3.x NMAC - N, x/xx/2026]

7.35.3.X PSILOCYBIN EDUCATIONAL PROGRAMS, HEALING CENTERS, OTHER APPROVED LOCATIONS; EVALUATION AND ASSESSMENT BY THE DEPARTMENT:

A. Authority to conduct assessments: The department or its designee may conduct remote or on-site assessments of a psilocybin education program, healing center or other approved location, with or without prior notice, during normal business hours, for the purpose of determining compliance with the Medical Psilocybin Act and this rule. Exception: the department or its designee may not interrupt or disturb patient sessions without prior written consent from the patient(s) except in emergency situations.

B. Curriculum implementation review: Educational Program assessments may include review and observation of the current curriculum, instructional delivery, and related educational activities to determine whether the curriculum is being implemented with fidelity and in accordance with department requirements.

C. Record retention review: Educational Program assessments shall include a review of the program's record retention plan and verification the plan is being followed in accordance with all applicable requirements.

D. Additional documentation: The department may require any additional documentation it deems reasonably necessary to verify compliance with the Medical Psilocybin Act, this rule, or any other applicable law or regulation. A psilocybin educational program, healing center or other approved location shall provide requested documentation within the timeframe specified by the department.

E. Revocation of certification: The department may revoke the certification of a psilocybin educational program, healing center or other approved location that does not meet the requirements of the Medical Psilocybin Act or this rule, or that fails during an assessment to demonstrate ongoing compliance.

[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.X REQUIREMENTS FOR THIRD-PARTY EVALUATORS OF EDUCATIONAL PROGRAMS:

A. General requirements: A psilocybin educational program shall engage a qualified third-party evaluation team to conduct the evaluations required under this rule. The evaluation team shall consist of no fewer than three individuals who collectively meet all competency requirements set forth in this section.

B. Minimum qualifications: Each evaluator shall possess at least three years of professional experience in one or more of the following fields, and the evaluation team as a whole shall demonstrate expertise covering all listed domains:

- (1) Psilocybin therapy practice, supported by a master's or doctoral degree in counseling, therapy, social work, public health, behavioral health, or a closely related field;
- (2) Medical or research practice, supported by a master's or doctoral degree in medicine, pharmacy, nursing, or another related clinical or scientific field; and
- (3) Educational curriculum development and evaluation, supported by a master's or doctoral degree in education, educational psychology, or a closely related field.

C. Conflict-of-interest prohibitions:

(1) All evaluators shall be free from actual or perceived conflicts of interest regarding the organization or curriculum under review.

(2) The following conflicts, at minimum, shall disqualify an individual from serving as an evaluator:

- (a) Participation in the design, development, or teaching of the curriculum being evaluated; or
- (b) Holding a financial interest in, receiving compensation from, or serving in any governance or advisory capacity with the program or organization being evaluated.

D. Confidentiality and impartiality: Prior to initiating evaluation activities, each evaluator shall sign a confidentiality and impartiality agreement affirming their obligation to maintain confidentiality, avoid bias, and act independently in carrying out evaluation responsibilities.

E. Evaluation report requirements: The evaluation team shall prepare a written evaluation report and shall submit the report simultaneously to both the psilocybin educational program and the department. The report shall include, at a minimum:

- (a) A description of each evaluator's professional qualifications and experience relevant to the required evaluation domains;
- (b) Copies of all signed conflict-of-interest, confidentiality, and impartiality agreements;
- (c) An assessment of the reliability, validity, and fidelity of implementation of the

curriculum;

- (d) An assessment of the reliability, validity, and fidelity of implementation of student competency evaluations, including examinations, assessments, and instructor observational feedback;
- (e) Recommendations for corrective actions or improvements, where applicable;
- (f) Performance evaluations of all faculty members participating in the program;

and

- (g) A review and evaluation of any reported student grievances related to program instruction, curriculum implementation, or student assessment processes.

[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.X EDUCATIONAL REQUIREMENTS FOR CERTIFYING CLINICIANS, PRACTITIONERS, AND FACILITATORS:

A. Requirements for certifying clinician, practitioner, and facilitator certification: All certifying clinicians, practitioners, and facilitators who engage in medical psilocybin services must complete a New Mexico educational module created or approved by the department prior to applying for certification, which shall include at a minimum:

- (1) Education on the New Mexico Medical Psilocybin Act;
- (2) An overview of the use of psilocybin in a therapeutic model in New Mexico;
- (3) Education on the social, cultural and historical aspects of psilocybin use, including traditional use by native American and other populations in New Mexico;
- (4) Spiritual, existential, religious, and theological (SERT) aspects of psilocybin therapy; and
- (5) Evaluation to demonstrate competency in the above areas.

B. Requirements for initial certifying clinician certification: All certifying clinicians shall complete a certifying clinician module consisting of a minimum of 8 didactic hours prior to applying for certification, which shall include:

- (1) Psilocybin action, interactions, and pharmacology;
- (2) Overview of certifying clinician responsibilities;
- (3) 42 CFR Part 2;
- (4) Education on diagnosis of qualifying conditions;
- (5) Determining medical clearance for psilocybin therapy;
- (6) Psychedelic emergencies/urgencies and medical monitoring;
- (7) Research and data collection requirements; and
- (8) Evaluation to demonstrate competency in the above areas.

C. Requirements for initial practitioner and facilitator certification: All practitioners and facilitators shall complete a psilocybin therapy module consisting of a minimum of 25 didactic hours, prior to applying for certification, which shall include:

(1) Overview of practitioner/facilitator responsibilities including how to work as part of a care team;

- (2) 42 CFR Part 2;
- (3) Psychedelic emergencies/urgencies/medical monitoring;
- (4) Psilocybin actions, interactions and pharmacology;
- (5) Set and setting;
- (6) Ethics in therapeutic settings;
- (7) Patient-centered approaches and care;
- (8) Preparation and integration sessions;
- (9) Administration session;
- (10) Psychedelic de-escalation techniques;
- (11) Self-care;
- (12) Research and data collection requirements;
- (13) A simulated patient experience of no less than 5 hours in addition to the 25 didactic

hours; and

- (14) Evaluation to demonstrate competency in the above areas.

D. Additional requirements for initial facilitator certification All facilitators shall complete a facilitator-specific training module consisting of a minimum of 5 didactic hours, prior to applying for certification, which shall include:

- (1) Peer facilitation ethics;

- (2) How to work as part of a care team;
- (3) What it means to be present with a patient;
- (3) For informational purposes: basic concepts of psychotherapy; and
- (4) Evaluation to demonstrate competency in the above areas.

E. Additional requirements for initial practitioner certification All practitioners shall complete a module on psychedelic and psilocybin therapeutic approaches consisting of a minimum of 5 didactic hours, prior to applying for certification, which shall include:

- (1) Education of psilocybin specific therapeutic modalities and non-ordinary states of consciousness;
- (2) How to work as part of a care team;
- (3) Evaluation to demonstrate competency in the above areas.

F. Practitioner and facilitator trainings: All practitioners and facilitators shall also complete and maintain proof of current certification prior to applying for medical psilocybin certification in:

- (1) The Health Insurance Portability and Accountability Act (HIPAA); and,
 - a. Basic Life Support (BLS); or
 - b. Both Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) certification;

G. Continuing education requirements for certifying clinicians, practitioners and facilitators:

- (1) **Certifying clinicians:** Certifying clinicians shall complete a minimum of 8 hours of continuing medical education credits specific to psychedelic medicine or therapy every 2 years.
 - (2) **Practitioners and facilitators:** Practitioners and facilitators shall complete a minimum of 20 hours of continuing education credits specific to psychedelic therapy and practice every two years. Practitioners and facilitators shall also keep current Basic Life Support, or Cardiopulmonary Resuscitation and Automated External Defibrillation certification in addition to the 20 hours of continuing education credits.
- [7.35.2.x NMAC - N, x/xx/2026]

7.35.3.X PRACTITIONER AND FACILITATOR PRACTICUM REQUIREMENTS:

A. Minimum practicum hours; same-day therapy sessions: Practitioners and facilitators shall participate in supervised practice training, otherwise referred to as a practicum. The practicum shall consist of a minimum of 100 hours of supervised practice training for facilitators and 120 hours for practitioners and must be completed prior to applying for certification. Students shall participate in a minimum of 80 hours of administration and same-day therapy sessions, where students are provided the opportunity to experience, observe, or conduct supervised facilitation of administration and therapy sessions in-person with a minimum of 14 different patients over a minimum of eight different administration and same-day therapy sessions with the following criteria:

- (1) A minimum of six different patients during a minimum of six individual administration and same-day therapy sessions; and
- (2) A minimum of two different group administration and same-day therapy sessions with four or more patients in each group administration and same-day therapy session.

B. Minimum practicum hours; in-person and post-integration therapy sessions: Students shall participate in a minimum of 20 hours of in-person preparation and post-integration therapy sessions, where students are provided the opportunity to experience, observe, or conduct (when licensure allows) preparatory or integrative therapy sessions. This shall include a minimum of six different patients during individual sessions. This shall include at least one group preparatory and one group post-integration session with a minimum of four or more patients.

C. Practitioner supervision hours: Practitioners shall complete an additional minimum of 20 hours as a practitioner supervising facilitators during in-person administration and same-day therapy sessions, which shall include a minimum of two different patients during individual administration and same-day therapy sessions, and a minimum of one group administration and same-day therapy sessions with a minimum of four or more patients in the group.

D. Practicum location: All practicum hours shall take place in an approved healing center or other approved location.

E. Practicum standards: Practicum supervisors and students shall follow these rules as they apply to facilitation and therapy, including but not limited to standards for HIPAA and Hi-TEC confidentiality and limits on scope of practice.

G. Waiver of practicum requirements: The department may otherwise waive, temporarily suspend, or reduce the practicum requirements for individuals applying for certification, in order to facilitate the certifying of individuals trained by other governmental approved programs to build the initial infrastructure of the program

H. Waiver of practicum hours requirement for applications received by June 30, 2027: An application for certification that is received by the department by June 30, 2027 from someone who has completed the didactic requirements after June 20, 2025 through an educational program subsequently certified by the department by June 30, 2027 shall not be required to complete the full practicum hours otherwise required by New Mexico, but shall demonstrate completion of at least 40 hours of contact time with a minimum of two separate individual sessions or two separate group sessions for preparation, administration, and integrative therapy with psilocybin treatment conducted in any jurisdiction where psilocybin therapy is legal.

[7.35.2.x NMAC - N, x/xx/2026]

7.35.3.X EDUCATIONAL PROGRAMS; MENTORING REQUIREMENTS; RECORD-KEEPING:

A. Mentoring requirements: All educational programs shall provide each practitioner and facilitator student with a minimum of 10 hours of mentoring sessions after graduation and after practicum hours are completed. The purpose of the mentoring sessions is to allow new graduates to consult with the educational program faculty regarding cases, patients, situations, and how they handle them. These mentoring sessions may not have additional associated charges beyond the cost of the educational program itself. The 10 hours are valid for up to 12 months after practicum hours are completed. If students require for more than 10 hours of mentoring sessions, this will be at the purview of the educational program and may have an additional associated cost.

B. Record keeping: Educational programs shall maintain the following records for a minimum of five years:

- (1) All course syllabi; and
- (2) Enrollment records, including but not limited to the:
 - (a) Name of each student;
 - (b) Date of start and completion for each student;
 - (c) Examination results for each student;
 - (d) Dates, locations, and number of patients seen during each of the practicum sessions; and
 - (e) Names of facilitators supervised by practitioner students during practicum.

C. Educational programs shall upload the completion certificate into the department approved online portal.

D. Educational programs shall provide current and former students their records upon request.

E. Educational programs shall provide records required to be maintained under this rule to the department upon request. These records must be maintained for five years. An educational program shall ensure that records are maintained in accordance with applicable law.

[7.35.2.x NMAC - N, x/xx/2026]

7.35.3.X RECIPROCITY FOR CERTIFYING CLINICIANS, PRACTITIONERS AND FACILITATORS:

A. Applications for reciprocal certification: Individuals who have completed training in a current psilocybin educational program that has been approved by a state, U.S. territory or commonwealth, a federally-recognized tribe, pueblo, or Indian nation in New Mexico or elsewhere in the United States, or the government of another nation, which has been verified and approved by the department as meeting the minimum didactic requirements to be able to provide psilocybin treatment and therapy, may apply for certification to be either a certifying clinician, practitioner or a facilitator in New Mexico. Applicants for reciprocity as a certifying clinician, practitioner, or facilitator shall complete the following for New Mexico certification:

- (1) Provide documentation of completion of the government approved psilocybin educational program from another jurisdiction;
- (2) Complete the New Mexico module; and
- (3) Complete the required practicum or demonstrate completion of a practicum or practice with the minimum number of patients and hours as required in New Mexico. If a portion of the practicum hours have been completed in another jurisdiction and are able to be verified by the department, the remaining required

practicum hours may be completed through a New Mexico approved educational program so long as the total hours and minimum number of patients required by the New Mexico program are met. For the practitioner certification, the reciprocal applicant will need to ensure they complete the 20 supervisory practicum hours in New Mexico.

B. Waiver of practicum hours requirement for applications received by December 31, 2026: An applicant for reciprocity whose application is received by the department by December 31, 2026 shall not be required to complete the full practicum hours required by New Mexico, but shall demonstrate completion of at least 40 hours of contact time with a minimum of two separate individual sessions or two separate group sessions for preparation, administration, and integrative therapy with psilocybin treatment.

C. Waiver of practicum requirements: The department may otherwise waive, temporarily suspend, or reduce the practicum requirements for individuals applying for reciprocity, in order to facilitate the certifying of individuals trained by other governmental approved programs to build the initial infrastructure of the program.

D. Requirements for reciprocal recognition of government-approved psilocybin education program: For another government-approved psilocybin educational program to be accepted for the purpose of granting reciprocal certification to a practitioner, certifying clinician, or facilitator, the applicant shall submit the following:

(1) Documentation that the program is included on the list of department-approved reciprocal psilocybin educational programs from other jurisdictions, which shall include medical psilocybin educational programs approved by the states of Oregon or Colorado; or

(2) Documentation that the psilocybin educational program has been approved as a medical psilocybin educational program by another governmental agency or authority, which shall also include the educational program curriculum, and proof that the curriculum is substantially equivalent to the didactic requirements applicable to New Mexico educational programs.

E. Two-year approval of reciprocal psilocybin educational programs: Department approval of reciprocal psilocybin educational programs that is based on approval from another jurisdiction is valid for up to two years from the date of approval; provided that the department's approval shall terminate upon revocation, suspension, or expiration in the original jurisdiction. Reciprocal psilocybin educational programs may request a curriculum review up to 30 days prior to their expiration. After review by the department and approval of the didactic curriculum, the program's approval may be renewed for two more years.
[7.35.2.x NMAC - N, x/xx/2026]

Testing out of the didactic portion of the required curriculum

- Approved educational programs shall offer an option for a student to take the test for each module without attending the lessons or classes for the module, except the New Mexico Module;
- The cost to take the test for each module cannot be more than one-fourth ($\frac{1}{4}$) of the normal price of each of the educational modules;
- If the student receives a passing grade for a module test, they will have been considered to have completed the module;
- If a student does not receive a passing grade for a module test, they will not have completed the module;
- The educational program may allow students to re-take the test without attending the lessons or classes for the modules at their discretion;
- Students who utilize this option must still complete all other requirements for the educational program including the New Mexico Module, certifications, simulated patient, and practicum requirements to graduate from the educational program.

Certifying Clinician, Practitioner, and Facilitator prohibition:

- A patient may not be certified or treated by a certifying clinician, practitioner, or facilitator who is related to the patient within the second degree of consanguinity or the first degree of affinity, including a spouse, child, stepchild, parent, step-parent, sibling, grandparent, mother-in-law, father-in-law, son-in law, or daughter-in-law of the patient.
- A person who holds an ownership interest in a certificant shall not hold an ownership interest in a permittee.

Application Process

- An applicant must submit a completed application packet through the electronic system designated by the department;
- The department will notify an applicant through the electronic system designated by the department if their application is approved or denied.
 - If the application is approved, the approval is effective on the date of notice and will be valid for two (2) years.
 - If the department denies an application, it will provide notice of the denial
 - If the application is denied, the applicant may re-submit their application within six months; and,
 - Applicants may not re-submit their application more than twice; and
 - Applicants may appeal a denial utilizing the process outlined in this rule.
- The department shall deny an application if:
 - Not all required items have been submitted or are not complete; or,
 - Insufficient or expired licensure;
 - Missing or inadequate documentation of certification, education or practicum requirements;
 - The applicant has made false or misleading statements in the application or to the department or the public;
- For renewal, applicants must complete a new applicant packet through the department-approved electronic system no more than 60-days and no less than 30-days prior to the expiration of their certification.
- Certificants may voluntarily relinquish their certification at any time and for any reason, by providing written notice to the department.
- Certificants must provide and consent to having contact information with a minimum of name, phone number, and email address published publicly.

Certifying Clinician:

- The requirements an applicant must meet and submit in a completed application packet include:
- Completed W-9 form
- Documentation of current NM professional license (e.g. MD, NP);
- Documentation of completion of the department required Certifying Clinician training requirements;
- Documentation that they have tested out of the didactic portion of the required curriculum;
- Documentation of continuing education requirements;
- Attestation they are not a registered sex offender and the department will deny or revoke a certification for anyone who is a registered sex offender;
- Certificate or verification of results NM Controlled Substance number;
- Personal data:
 - Date of birth
 - NM Driver's License or state ID
 - Phone/email/mailling address
 - Legal names
 - Affirmation and consent forms

Practitioner:

- The requirements an applicant must meet and submit in a completed application packet include:
- Completed W-9 form
- Documentation of current professional license to practice in New Mexico (e.g. PSY, LSW, LCSW);
- Documentation of completion of department-approved practitioner training program
- Documentation that they have tested out of the didactic portion of the required curriculum
- Documentation of completion of the department-approved practicum requirements;
- Documentation of current:
 - Basic Life Support (BLS); or

- Both Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) certification;
- Documentation of current HIPAA certification
- Attestation they are not a registered sex offender and the department will deny or revoke a certification for anyone who is a registered sex offender;
- Personal data:
 - Date of birth
 - NM Driver's License or state ID
 - Phone/email/mailling address
 - Legal name
 - Affirmation and consent forms

Facilitator:

- The requirements an applicant must meet and submit in a completed application packet include:
- Documentation of completion of the department-approved facilitator training program
- Documentation that they have tested out of the didactic portion of the required curriculum
- Documentation of completion of the department-approved practicum requirements;
- Documentation of current:
 - Basic Life Support (BLS); or
 - Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillation (AED) certification;
- Documentation of current HIPAA certification;
- Attestation they are not a registered sex offender and the department will deny or revoke a certification for anyone who is a registered sex offender;
- Personal data:
 - Date of birth
 - NM Driver's License or state ID
 - Phone/email/mailling address
 - Legal name
 - Affirmation and consent forms

Reciprocal Practitioner or Facilitator:

- The applicant must submit a completed application packet including:
- Documentation of completion of a psilocybin educational program from another governmental jurisdiction; and,
 - Provide documentation the psilocybin educational program has been approved by another governmental agency or authority; by,
 - Their previous inclusion on the list of department approved reciprocal psilocybin educational programs from other jurisdictions; or
 - If not previously approved by the department:
 - Provide documented approval from another governmental agency; and
 - Provide a curriculum equivalency for the didactic educational portion of the program between New Mexico and the other program.
- Documentation of active Practitioner or Facilitator or equivalent licensure or certification in another jurisdiction;
- Documentation of minimum core practicum hours and NM-required practicum hours;
- Documentation of completion of NM-specific training module;
- Verification of:
 - Current Basic Life Support (BLS); or
 - Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillation (AED) certification;
- Documentation of current HIPAA certification;
- Attestation they are not a registered sex offender and the department will deny or revoke a certification for anyone who is a registered sex offender;
- Personal data as appropriate:
 - Date of birth

- NM Driver's License or state ID
- Phone/email/mailling address
- Legal name
- Affirmation and consent forms

Patient Application and Record:

- An applicant must submit a completed application packet through the electronic system designated by the department:
- Documentation of diagnosis of qualifying condition by a certified Diagnosing Clinician
- Personal data:
 - Date of birth
 - Phone/email/mailling address
 - Legal name
 - Affirmation and consent forms
- Certifying Clinicians, Practitioners, and Facilitators shall utilize the electronic system designated by the department to record information including:
 - Diagnosis qualifying the patient
 - Attestations about evaluating and treating the patient
 - Date and type of service for:
 - Evaluation
 - Preparation session
 - Administration:
 - Including approved location
 - Unique Identification Number of medicine used
 - Dosage
 - Initial Integrative Therapy Session
 - Any adverse events
 - Information required for the Equity and Access Fund
- (2) In order to certify a patient, a certifying clinician must have an actual clinician-client relationship with the patient. A certifying clinician shall conduct an in-person physical or mental evaluation of the applicant or qualified patient prior to issuing a certification. A certifying clinician may only issue a patient certification on the basis of an evaluation conducted via telemedicine if the certifying clinician has previously examined the patient in person within the previous 6 months.
- (3) A certifying clinician may be prohibited from certifying patients for:
 - (a) failure to comply with any provision of this rule;
 - (b) falsification of any material or information submitted to the department;
 - (c) threatening or harming a patient, an employee of a producer or laboratory, a clinician, a practitioner, or an employee of the department; or
 - (d) any determination by the clinician's licensing body that the clinician has engaged in unprofessional or dishonorable conduct.

7.34.3.x DENIAL OF AN INITIAL PATIENT APPLICATION; RECORD REVIEW:

A. Administrative review: All initial applicants for patient enrollment whose application has been denied may request a record review from the department.

B. Procedure for requesting informal administrative review:

(1) An applicant given notice of an application denial may submit a request for an administrative review through the electronic system designated by the department or mail a written request to the department. To be effective, the request shall:

(a) be made within 30 calendar days, as determined from the date of the denial notice issued by the department;

(b) state the requestor's name, address, and telephone number
(c) provide a brief narrative rebutting the circumstances of the application denial or demonstrate that the issues which resulted in the denial have been resolved, and
(d) if applicable, provide supplemental documentation from the applicant's clinician supporting the medical condition as eligible for the program.

(2) If the applicant wishes to submit additional documentation for consideration, such additional documentation must be included with the request for an administrative review.

C. Administrative review proceeding: The administrative review proceeding shall be a closed proceeding that is limited to an administrative review of application materials and documents offered to verify eligibility. The administrative review proceeding is not an adjudicatory hearing, and an individual whose initial application for a registry identification number has been denied shall not be entitled to an adjudicatory hearing to contest the denial. The administrative review shall be conducted by the administrative review committee. In cases where the administrative review committee finds the need for additional or clarifying information, the review committee shall request that the applicant supply such additional information within the time set forth in the committee's request.

D. Final determination:

(1) **Content and timeline:** The administrative review shall be completed, and a decision setting forth the reasons for the decision and the evidence upon which the decision is based, no later than 15 calendar days from the date that the program receives the written request for a record review.

(2) **Effect:** The decision of the administrative review committee is the final decision of the informal administrative review proceeding.

(3) **Notice:** A copy of the decision shall be issued to the applicant via certified U.S. postal mail and posted within the electronic system designated by the department.

E. Judicial review: Except as otherwise provided by law, there shall be no right to judicial review of a decision by the administrative review committee.
[7.35.3.x NMAC, x/xx/2026]

7.35.3.x PROHIBITIONS, RESTRICTIONS AND LIMITATIONS ON THE USE OF PSILOCYBIN BY QUALIFIED PATIENTS: Participation in the medical psilocybin program by a qualified patient does not relieve the qualified patient from:

A. consumption or possession of psilocybin that is not consumed or obtained as part of an administration session conducted in accordance with the requirements of this rule;

B. criminal prosecution or civil penalties for activities not authorized in this rule or the Medical Psilocybin Act;

B. criminal prosecution or civil penalties for fraudulent representation to a law enforcement officer about the person's participation in the program to avoid arrest or prosecution;

C. liability for damages or criminal prosecution arising out of the operation of a vehicle while under the influence of psilocybin or psilocybin-derived products; or

D. criminal prosecution or civil penalty for possession, distribution, transfer, or use of psilocybin or a psilocybin-derived product:

(1) in the workplace of the qualified patient's employment;

(2) at a public park, recreation center, youth center, or other public place;

(3) to a person not approved by the department pursuant to this rule; or

(4) outside New Mexico or attempts to obtain or transport psilocybin, or psilocybin-

derived products from outside New Mexico.

[7.35.3.x NMAC, x/xx/2026]

7.35.3.X APPLICATION REQUIREMENTS FOR HEALING CENTERS: An applicant seeking certification as a healing center shall submit a complete application through the electronic system designated by the department. A complete application shall include, at minimum, the following:

(A) An organizational chart depicting the applicant's governance and operational structure;

(B) Proof of registration with the New Mexico secretary of state;

(C) Proof of registration with the New Mexico taxation and revenue department;

(D) Copies of any required business licenses issued by applicable New Mexico cities or counties;

(E) A certificate of occupancy for each location in New Mexico where the program will conduct operations;

(F) proof of ownership of any property on which medical psilocybin administration sessions will be conducted, or a signed, written statement from the owner of such property acknowledging that the owner understands that persons will be participating in the medical psilocybin program on the premises, and what those persons are authorized to do within the terms of their certification;

(G) Any additional documentation reasonably requested by the department to verify compliance with applicable laws, regulations, or ordinances;

(H) A list of all owners or members of the board of directors, including corresponding contact information;

(I) Primary program contact information, including name, physical address, telephone number, and email address;

(J) Record retention plan;

(K) Plan for maintaining confidentiality of patient information;

(L) A safety and emergency response plan appropriate to the location's operational settings, to include adverse health event response and reporting;

(M) A written outline of the location's complaint and grievance procedures available to patients;

(N) A signed consent authorizing the department to publicly list the contact information and website of the location, if certification is granted;

(O) Plan for secured storage for medical psilocybin;

(P) Plans for wastage of any unused medical psilocybin;

(Q) Plans demonstrating confidentiality of patients will be maintained within the approved location

(R) Plan for transparency and disclosure of fees for patients;

(S) Outline of complaint and grievance procedures for patients;

(T) Consent for contact information and websites to be listed publicly on the department website, if approved;

(U) Proof that the location has a functioning communication device which can reliably reach emergency medical services; and

(V) For a location that intends to conduct administration sessions in outdoor environments:

- (1) A detailed description of the outdoor administration area, including identification of safe entrance and exits, and verification that the area is free from hazards;
- (2) An emergency safety and response plan;
- (3) Proof that emergency medical services can reliably be contacted from, and respond to, the location at which medical psilocybin administration sessions will occur; and
- (4) If the natural environment setting is 15 minutes or more away from emergency medical service response or a hospital, urgent care, or other emergency medical services, then there must be at least two individuals present who are not receiving treatment and who have:
 - (a) Wilderness first aid certification;
 - (b) Wilderness first responder certification; or
 - (c) Licensure as a New Mexico emergency medical technician (e.g., EMT-basic, EMT-intermediate, EMT-paramedic).

[7.35.3.x NMAC, x/xx/2026]

7.35.3.X Other Approved Location Requirements

- Other approved locations include a patient's residence or other temporary location utilized if it is not possible for the patient to physically go to a Healing Center for reasons of medical necessity.
- All items must be submitted through the electronic system designated by the department
 - A list of the certified individuals who will be utilizing the approved location
 - Plan for secure transportation and, safe storage for medication
 - Plans for wastage of any unused medicine
 - A safety and emergency response plan
 - Plan for storage of firearms safety during and after treatment sessions
 - Plans demonstrating confidentiality of patients will be maintained
 - A description of why the location is appropriate for treatment sessions

General requirements for healing centers and other approved locations:

An approved location shall maintain a list of all certified individuals who will be utilizing or who have utilized the approved location

A healing center shall not possess firearms on their premises.

- Psilocybin products may only be consumed in an approved location.
- Only patients and certified individuals may be present during a patient treatment unless each patient gives prior written consent for other individuals to be present, except in emergency response situations.
- Maintain a copy of a daily log of activities related to psilocybin in the approved electronic system designated by the department.
- May only sell or provide psilocybin products obtained from permitted producers, and shall not allow the consumption of unauthorized psilocybin products during an administration session.
- May not promote unregulated cultivation and processing of psilocybin products and may not sell unregulated psilocybin products.
- Provide required information to the department upon request in a form and manner designated by the department
- Healing centers must display or provide:
 - The healing center's certification
 - Information regarding safe transportation after an Administration Session.
 - The healing center's patient bill of rights and responsibilities.
 - Information explaining informed consent
 - Information on how to file a complaint with the department or other relevant state entities; and,
 - How to report an adverse health event to the department.

Service Center Safety and Emergency Plan

- Every approved location shall create and maintain a safety and emergency plan which:
 - Document procedures for evacuating and relocating patients to a safe location if the approved location becomes unsafe.
 - Document general procedures for emergency response when a patient experiences a medical or other emergency.
 - Document procedures for addressing disruptive conduct and patient reactions that do not rise to the level of requiring an emergency response.
 - Document procedures for patients who attempt to leave a treatment session against medical advice.

- Document procedures ensuring there are practitioners and facilitators present at all times according to the minimum patient/provider ratio required by the department.
- Provide the emergency and safety plan to all people utilizing the location;
- If any of the emergency procedures are utilized, there will be a documented report submitted within 48 hours through the electronic system which will include the adherence to the plan, if there were deviations or if the plan did not work as intended, what will be changed in the future to ensure safety of individuals in the event of future incidents.

Storage

- All psilocybin products stored at an approved location must be kept within a locked area; and it must be:
 - An area enclosed on all sides with permanent walls and secured with at a minimum, a properly installed steel door with a steel frame, and a commercial grade, non-residential lock; or,
 - A locked safe; or,
- Products that require refrigeration may be stored within a locked refrigerator or freezer.

Adverse Health Event Reporting:

- Any potential adverse health event associated with medical psilocybin services shall be reported to the Department no later than two (2) business days after the healing center is notified, using the electronic system. Healing centers shall maintain records of all adverse health event reports in accordance with these rules. Reports must include:
 - Patient record number;
 - Unique identification number of the product(s) used;
 - Any participant reaction requiring medical attention;
 - Any challenging psychological, emotional, or behavioral reactions;
 - Any incident requiring emergency response; and,
 - Other incidents which have a negative impact on a patient(s).

Complaint Reporting:

- Patients or staff may lodge a complaint with the department.
- The complaint should be in writing and submitted by U.S. mail or through the electronic system and include:
 - Name and contact information for the complainant which will remain confidential;
 - The nature of the complaint and any other individuals who may be involved; and,
 - The department may request additional information for investigation purposes.

7.35.3.x DISCIPLINARY ACTIONS AND APPEAL PROCESS FOR ENROLLED PATIENTS, APPLICANTS FOR ENROLLMENT AS A QUALIFIED PATIENT, CERTIFICANTS, AND APPLICANTS FOR CERTIFICATION:

A. Notices of disciplinary action; grounds for disciplinary action: The department may issue a notice of contemplated action to deny, suspend, or revoke, or take other disciplinary action regarding a patient's

enrollment as a qualified patient in the medical psilocybin program, or to deny, suspend, or revoke, or take other disciplinary action regarding the certification of a practitioner, certifying clinician, facilitator, healing center or other approved location, or an educational program (not including an educational program that is recognized through reciprocity). Notice shall be served via certified U.S. postal mail. A notice shall be deemed to have been served on the date borne by the certified mail return receipt showing delivery or the last attempted delivery, or the refusal of the addressee to accept delivery, at their address of record with the program.

B. Grounds for disciplinary action: Disciplinary action may be imposed based on:

- (a) violation of, or failure to comply with, any provision of this rule;
- (b) threatening or harming a patient, practitioner, clinician, facilitator, or an employee of a producer, a laboratory, an educational program, a healing center or other approved location, or the department;
- (c) intentionally destroying, damaging, altering, removing, or concealing evidence of a violation of rule or statute; attempting to do so; or asking or encouraging another person to do so;
- (d) conduct that shows willful or reckless disregard for health or safety;
- (e) falsification or misrepresentation of any material or information submitted to the department;
- (f) failure to adhere to any attestation, acknowledgement, verification, or other representation made to the department; and
- (g) failure to submit or disclose information required by this rule or otherwise requested by the department.

C. Persons who may request a hearing: The following persons may request a hearing to contest an action or proposed action of the department, in accordance with this rule:

- (1) a patient;
- (2) a practitioner;
- (3) a certifying clinician;
- (4) a facilitator;
- (5) a healing center or other approved location;
- (6) an educational program (not including an educational program that is recognized through reciprocity); and
- (7) an applicant for enrollment or certification as any of the foregoing, whose application is denied for any reason other than failure to submit a completed application or failure to meet a submittal requirement of this rule.

D. Timing and content of request for hearing: A person who has received a notice of contemplated action to impose a disciplinary action pursuant to this section who wishes to request a hearing (hereafter, "the appellant") may do so by mailing a written request for hearing no later than 30 calendar days from the date that the notice of contemplated action is received. The request shall:

- (1) be properly addressed to the medical psilocybin program;
- (2) be mailed to the medical psilocybin program via certified U.S. postal mail (return receipt requested, to verify delivery);
- (3) state the requestor's name, address, and telephone number; and
- (4) include a statement of the issue(s) that the requestor considers relevant to the review of the action.

E. Hearing process:

- (1) All hearings held pursuant to this section shall be conducted by a hearing officer appointed by the secretary.
- (2) Hearings shall be conducted in Santa Fe, NM, provided that, if the appellant is located more than 100 miles from Santa Fe, NM, or if the parties otherwise consent, the hearing may be conducted via telephone or via web video conference;
- (3) Hearings held pursuant to this section that concern patients or patient-applicants shall be closed to the public. Hearings may also be closed in whole or in part, upon the request of a party, to prevent the disclosure of other information that is confidential under applicable law.
- (4) The hearing shall be recorded, at a minimum, by means of sound reproduction.

F. Scheduling: The department shall schedule and hold the hearing as soon as practicable, provided that the hearing shall not be held later than 60 calendar days from the date the department receives the request for hearing. The hearing officer may extend the 60-day time period upon motion for good cause shown, or the parties

may extend the 60-day time period by mutual agreement. The department shall issue a notice of hearing, which shall include:

- (1) a statement of the location, date, and time of the hearing;
 - (2) a short and plain statement of the legal authority under which the hearing is to be held;
- and
- (3) a short and plain statement of the subject of the hearing.

G. Presentation of evidence: All parties shall be given the opportunity to present evidence and argument on all relevant issues.

H. Record of proceeding: The record of the proceeding shall include the following:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence and briefs received or considered;
- (3) a statement of matters officially noticed;
- (4) offers of proof, objections, and rulings thereon;
- (5) proposed findings and conclusions; and
- (6) any findings or decisions recommended by the hearing officer for adoption by the

secretary.

I. Recording: A party may request a copy of the recording of the proceedings.

J. Procedures and evidence:

- (1) A party may be represented by a person licensed to practice law in New Mexico or a non-lawyer representative, or may represent themselves.
- (2) The rules of evidence as applied in the courts do not apply in these proceedings. Any relevant evidence shall be admitted. Irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (3) The experience, technical competence, and specialized knowledge of the hearing officer, the department or the department's staff may be used in the evaluation of evidence.
- (4) An appellant's failure to appear at the hearing at the date and time noticed for the hearing shall, absent good cause, constitute a default.

K. Conduct of proceeding: Unless the hearing officer determines that a different procedure is appropriate, the hearing shall be conducted in accordance with the procedures set forth in this rule. The following procedures shall apply:

- (1) the appellant shall present an opening statement and the department may present an opening statement or reserve the statement until presentation of the department's case;
- (2) after the opening statements, if made, the appellant shall present their case;
- (3) upon the conclusion of the appellant's case, the department shall present its case;
- (4) upon conclusion of the appellee's case, the appellant may present rebuttal evidence; and
- (5) after presentation of the evidence by the parties, the parties may present closing

argument.

L. Burden of proof: The appellant shall bear the burden of establishing by a preponderance of the evidence that the decision made or proposed by the department should be reversed or modified.

M. Continuances: The hearing examiner may grant a continuance for good cause shown. A motion to continue a hearing shall be made at least 10 calendar days before the hearing date.

N. Telephonic and web video hearings:

- (1) Any party requesting that a hearing be conducted via telephone or web video conference shall do so no less than 10 business days prior to the date of the hearing. Notice of the hearing shall be given to all parties and shall include all necessary telephone numbers or instructions for access to the web video conference.
- (2) The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses by telephone or web video conference with prior approval of the hearing officer.

O. Recommended action and final decision:

(1) The parties may submit briefs including proposed findings of fact and conclusions of law for consideration by the hearing officer.

(2) No later than 30 calendar days after the last submission by a party, the hearing officer shall prepare and submit to the secretary a written recommendation of action to be taken by the secretary. The recommendation may include proposed findings of fact and conclusions of law for adoption by the secretary, and shall propose sustaining, modifying, or reversing the action or proposed action of the department.

(3) The secretary shall issue a final written decision accepting or rejecting the hearing officer's recommendation in whole or in part no later than 45 calendar days after receipt of the hearing

officer's recommendation. The final decision shall identify the final action taken. Service of the secretary's final decision shall be made upon the appellant via certified U.S. postal mail.

(4) The final decision or order shall be included in a medical psilocybin program's file concerning the patient, patient applicant, practitioner, practitioner applicant, clinician, clinician applicant, facilitator, facilitator applicant, an educational program, an educational program applicant, a healing center or other approved location, a healing center or other approved location applicant.

[7.35.3.x NMAC - N, x/xx/2026]

7.35.3.x SEVERABILITY: The provisions of this rule are separate and severable. If any provision of this rule is held to be invalid, unconstitutional, or unenforceable, the remaining provisions shall stay in effect.

[7.35.3.x NMAC - N, x/xx/2026]

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