

Medical Provider Question and Answer Fact Sheet

Q: What are the eligible conditions for the New Mexico Medical Cannabis Program?

A: Senate Bill 523-The Lynn and Erin Compassionate Use Act defines debilitating medical conditions eligible for enrollment in the program. These conditions are the following; cancer, glaucoma, multiple sclerosis, epilepsy, positive HIV or AIDS status, damage to the nervous tissue of the spinal cord with intractable spasticity, admission into hospice care, and any other medical condition, medical treatment or disease as approved by the department. By the process of petition brought to the Medical Cannabis Advisory board additional conditions can be recommended to be added to the program. The final decision is at the discretion of the Secretary of the Department of Health.

Q: Which additional diagnoses are included in the New Mexico list of indications for cannabis use?

A: The debilitating medical conditions added by the process of advisory board are the following; Amyotrophic Lateral Sclerosis (ALS), Crohn's Disease, hepatitis C currently receiving antiviral treatment, Huntington's Disease, inclusion body myositis, inflammatory autoimmune-mediated arthritis, intractable nausea/vomiting, painful peripheral neuropathy, Parkinson's disease, post-traumatic stress disorder, severe chronic pain, severe anorexia/cachexia, cervical dystonia, and ulcerative colitis.

Q: If a medical practitioner would like to certify a patient for the program what are the requirements for enrollment?

A: A written certification means that, in the practitioner's professional opinion, the patient has a debilitating medical condition and the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the patient. Certifications must take place within an established patient-provider relationship that includes a current assessment of the applicant's debilitating medical. Certifications completed in the absence of a clinical visit, conducted via mail or electronic means are unacceptable.

Certifying providers must meet the following requirements:

1. Have a current and active New Mexico license from their respective medical licensing board (psychology, nursing, osteopathy, or medical board)
2. Be licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act
 - A. Hold an active New Mexico Controlled Substance license from the New Mexico Board of Pharmacy
 - B. Hold an active DEA license to prescribe controlled substances
3. Have a primary place of practice that is located in the state of New Mexico

MEDICAL CANNABIS PROGRAM

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4. A patient may not be certified by a practitioner 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.

5. A practitioner may be prohibited from certifying a patient's application for: a. failure to comply with any provision of the rules and regulations of the program NMAC 7.34.2 to 7.34.4;

Q: Is my information confidential if I certify patients for the program?

Pursuant to NMAC 7.3.4.3.16 "Names and contact information regarding a primary caregiver or certifying provider shall be confidential and shall not be subject to disclosure, except: 1. to applicable licensing bodies, for the purpose of verifying the practitioner's licensure status, or in the event that the medical cannabis program manager or designee has reason to believe that a practitioner may have violated licensing requirements or an applicable law; 2. to employees of New Mexico state or local law enforcement agencies, in the event that the medical cannabis program manager or designee has reason to believe that a primary caregiver or certifying provider may have violated an applicable law; 3. as provided in the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 and applicable state and federal regulations." [7.34.3.16 NMAC - Rp, 7.34.3.14 NMAC, 12/30/2010]

Q: What will I be asked to provide on the certification?

1. Your name, address, phone number, clinical licensure, clinical area of medical practice or medical specialty, length of time you have cared for the patient, NM medical license number, NM Controlled Substance license number and DEA number.
2. Written certification that the patient has one of the debilitating medical conditions currently considered as a qualifying condition and that they have symptoms due this condition or treatment of the condition. Any specific details you can provide will greatly aid in the review of your patient's application.
3. Written certification that the potential health benefits of the medical use of cannabis in this patient would likely outweigh health risks for the patient.
4. Any additional information that you feel would support your patient's application, such as therapies tried which were either not efficacious or not tolerated or recent clinic notes.

Q: Will I be penalized for certifying patients for the program?

A: According to SB 523, "A practitioner shall not be subject to arrest or prosecution, penalized in any manner or denied any right or privilege for recommending the medical use of cannabis or providing written certification for the medical use of cannabis pursuant to the Lynn and Erin Compassionate Use Act."

Q: What is the process after the certification paperwork is completed?

A: The completed application consisting of four pages, medical records if necessary and the patients NM ID is mailed into the department. The Medical Cannabis Program then has up to 30 days to process the request. Once approved, the patient will receive a list of the licensed

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producers in New Mexico, a list of general provisions, and a medical cannabis enrollment card with an expiration date one year from initial approval. With this card the patient can purchase up medication at any of the 35 producers. Medical Cannabis can come in a variety of ingestion options, THC concentrations, and other cannabinoid concentrations. The program recommends patients keep a log of their medication including strain type, effect and any side effects. The program can neither recommend which producer a patient uses nor regulate pricing of the product. Registered patients also have the option of applying for a personal production license. The requirements are listed on the application at nmhealth.org.

Q: Under what conditions would the program deny an application?

An application can only be denied in cases where the applicant fails to provide the required information, if the application is fraudulent, or if the medical provider has been sanctioned by their licensing agency. The medical cannabis program may request information to verify a diagnosis. It is recommended if this is a new application or a new diagnosis some records should be provided from within the last year related to the diagnosis.

Q: Where can I find additional information and application forms?

A: Additional information on the program including patient applications, common questions and answers, and current data about the program is located on our website at:

<https://nmhealth.org/go/mcp>

Q: I would like to have the program come present to our hospital/conference/medical facility.

A: The program conducts over 20 presentations annually. To request more information please contact the program directly at medical.cannabis@state.nm.us.

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