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SENATE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT, THE MEDICAL PRACTICE ACT AND THE OSTEOPATHIC MEDICINE ACT TO ESTABLISH DESIGNATED HEALTH PROFESSIONAL LOAN REPAYMENT FUNDING TO ASSIST ALLOPATHIC AND OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING IN DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS; ESTABLISHING PHYSICIAN LICENSING FEES FOR THE HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM; ENACTING NEW SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT TO ESTABLISH THE PHYSICIAN EXCELLENCE FUND; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 21-22D-3 NMSA 1978 (being Laws 1995, Chapter 144, Section 18, as amended) is amended to read:

"21-22D-3. DEFINITIONS.--As used in the Health

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1 Professional Loan Repayment Act:

2 A. "department" means the higher education
3 department;

4 B. "health professional" means a primary care
5 physician, optometrist, podiatrist, physician's assistant,
6 dentist, nurse, member of an allied health profession as
7 defined in the Allied Health Student Loan for Service Act or a
8 licensed or certified health professional as determined by the
9 department;

10 C. "loan" means a grant of money to defray the
11 costs incidental to a health education, under a contract
12 between the federal government or a commercial lender and a
13 health professional, requiring either repayment of principal
14 and interest or repayment in services; ~~and~~

15 D. "nurse in advanced practice" means a registered
16 nurse, including a:

17 (1) certified nurse practitioner, certified
18 registered nurse anesthetist or clinical nurse specialist,
19 authorized pursuant to the Nursing Practice Act to function
20 beyond the scope of practice of professional registered
21 nursing; or

22 (2) certified nurse-midwife licensed by the
23 department of health; and

24 E. "primary care physician" means a physician
25 licensed pursuant to the Medical Practice Act or the

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1 Osteopathic Medicine Act with specialty training in family
2 medicine, general internal medicine, obstetrics, gynecology or
3 general pediatrics."

4 SECTION 2. A new section of the Health Professional Loan
5 Repayment Act is enacted to read:

6 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND.--The department
7 shall apply funds appropriated to the department from the
8 physician excellence fund established pursuant to Section 3 of
9 this 2018 act exclusively for health professional loan
10 repayment assistance for primary care physicians who are
11 licensed pursuant to the Medical Practice Act or the
12 Osteopathic Medicine Act and who practice in areas of New
13 Mexico that the department has designated as underserved."

14 SECTION 3. A new section of the Health Professional Loan
15 Repayment Act is enacted to read:

16 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND--CREATION--
17 ADMINISTRATION--APPROPRIATION.--The "physician excellence fund"
18 is created in the state treasury to support awards established
19 through the Health Professional Loan Repayment Act to primary
20 care physicians who practice in areas of New Mexico that the
21 department has designated as underserved. The fund consists of
22 license application and renewal surcharges pursuant to Sections
23 61-6-19 and 61-10-6.1 NMSA 1978, appropriations, gifts, grants,
24 donations and income from investment of the fund. Any income
25 earned on investment of the fund shall remain in the fund.

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1 Money in the fund shall not revert to any other fund at the end
2 of a fiscal year. The fund shall be administered by the
3 department, and money in the fund is appropriated to the
4 department to make awards established through the Health
5 Professional Loan Repayment Act to primary care physicians who
6 practice in areas of New Mexico that the department has
7 designated as underserved. Disbursements from the fund shall
8 be made only upon warrant drawn by the secretary of finance and
9 administration pursuant to vouchers signed by the secretary of
10 higher education or the secretary's authorized representative."

11 SECTION 4. Section 61-6-19 NMSA 1978 (being Laws 1989,
12 Chapter 269, Section 15, as amended) is amended to read:

13 "61-6-19. FEES.--

14 A. The board shall impose the following fees:

15 (1) an application fee not to exceed four
16 hundred dollars (\$400) for licensure by endorsement as provided
17 in Section 61-6-13 NMSA 1978;

18 (2) an application fee not to exceed four
19 hundred dollars (\$400) for licensure by examination as provided
20 in Section 61-6-11 NMSA 1978;

21 (3) a triennial renewal fee not to exceed four
22 hundred fifty dollars (\$450);

23 (4) a fee of twenty-five dollars (\$25.00) for
24 placing a physician's license or a physician assistant's
25 license on inactive status;

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1 (5) a late fee not to exceed one hundred
2 dollars (\$100) for physicians who renew their license within
3 forty-five days after the required renewal date;

4 (6) a late fee not to exceed two hundred
5 dollars (\$200) for physicians who renew their licenses between
6 forty-six and ninety days after the required renewal date;

7 (7) a reinstatement fee not to exceed six
8 hundred dollars (\$600) for reinstatement of a revoked,
9 suspended or inactive license;

10 (8) a reasonable administrative fee for
11 verification and duplication of license or registration and
12 copying of records;

13 (9) a reasonable publication fee for the
14 purchase of a publication containing the names of all
15 practitioners licensed under the Medical Practice Act;

16 (10) an impaired physician fee not to exceed
17 one hundred fifty dollars (\$150) for a three-year period;

18 (11) an interim license fee not to exceed one
19 hundred dollars (\$100);

20 (12) a temporary license fee not to exceed one
21 hundred dollars (\$100);

22 (13) a postgraduate training license fee not
23 to exceed fifty dollars (\$50.00) annually;

24 (14) an application fee not to exceed one
25 hundred fifty dollars (\$150) for physician assistants applying

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1 for initial licensure;

2 (15) a licensure fee not to exceed one hundred
3 fifty dollars (\$150) for physician assistants biennial license
4 renewal and registration of supervising or collaborating
5 licensed physician;

6 (16) a late fee not to exceed fifty dollars
7 (\$50.00) for physician assistants who renew their licensure
8 within forty-five days after the required renewal date;

9 (17) a late fee not to exceed seventy-five
10 dollars (\$75.00) for physician assistants who renew their
11 licensure between forty-six and ninety days after the required
12 renewal date;

13 (18) a reinstatement fee not to exceed one
14 hundred dollars (\$100) for physician assistants who reinstate
15 an expired license;

16 (19) a fee not to exceed three hundred dollars
17 (\$300) annually for a physician supervising a clinical
18 pharmacist;

19 (20) an application and renewal fee for a
20 telemedicine license not to exceed four hundred dollars (\$400);

21 (21) a reasonable administrative fee, not to
22 exceed the current cost of application for a license, that may
23 be charged for reprocessing applications and renewals that
24 include minor but significant errors and that would otherwise
25 be subject to investigation and possible disciplinary action;

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1 ~~[and]~~

2 (22) a reasonable fee as established by the
3 department of public safety for nationwide and statewide
4 criminal history screening of applicants and licensees; and

5 (23) a fee of one hundred dollars (\$100) to
6 accompany fees for application for a renewal of physician
7 licensure for deposit in the physician excellence fund pursuant
8 to Section 3 of this 2018 act.

9 B. All fees are nonrefundable and shall be used by
10 the board to carry out its duties efficiently."

11 SECTION 5. Section 61-6-31 NMSA 1978 (being Laws 1989,
12 Chapter 269, Section 27, as amended) is amended to read:

13 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL BOARD
14 FUND CREATED--METHOD OF PAYMENTS.--

15 A. There is created the "New Mexico medical board
16 fund".

17 B. Except for funds collected pursuant to Paragraph
18 (23) of Subsection A of Section 61-6-19 NMSA 1978, all funds
19 received by the board and money collected under the Medical
20 Practice Act, the Physician Assistant Act, the Anesthesiologist
21 Assistants Act, the Genetic Counseling Act, the Polysomnography
22 Practice Act, the Impaired Health Care Provider Act and the
23 Naprapathic Practice Act shall be deposited with the state
24 treasurer who shall place the same to the credit of the New
25 Mexico medical board fund.

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1 C. All payments out of the fund shall be made on
2 vouchers issued and signed by the secretary-treasurer of the
3 board or the designee of the secretary-treasurer upon warrants
4 drawn by the department of finance and administration in
5 accordance with the budget approved by that department.

6 D. All amounts in the New Mexico medical board fund
7 shall be subject to the order of the board and shall be used
8 only for the purpose of meeting necessary expenses incurred in:

9 (1) the performance of the provisions of the
10 Medical Practice Act, the Physician Assistant Act, the
11 Anesthesiologist Assistants Act, the Genetic Counseling Act,
12 the Polysomnography Practice Act, the Impaired Health Care
13 Provider Act and the Naprapathic Practice Act and the duties
14 and powers imposed by those acts;

15 (2) the promotion of medical education and
16 standards in this state within the budgetary limits; and

17 (3) efforts to recruit and retain medical
18 doctors for practice in New Mexico.

19 E. All funds that may have accumulated to the
20 credit of the board under any previous law shall be transferred
21 to the New Mexico medical board fund and shall continue to be
22 available for use by the board in accordance with the
23 provisions of the Medical Practice Act, the Physician Assistant
24 Act, the Anesthesiologist Assistants Act, the Genetic
25 Counseling Act, the Polysomnography Practice Act, the Impaired

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1 Health Care Provider Act and the Naprapathic Practice Act. All
2 money unused at the end of the fiscal year shall not revert,
3 but shall remain in the fund for use in accordance with the
4 provisions of the Medical Practice Act, the Physician Assistant
5 Act, the Anesthesiologist Assistants Act, the Genetic
6 Counseling Act, the Polysomnography Practice Act, the Impaired
7 Health Care Provider Act and the Naprapathic Practice Act."

8 SECTION 6. Section 61-10-6.1 NMSA 1978 (being Laws 2016,
9 Chapter 90, Section 7) is amended to read:

10 "61-10-6.1. FEES.--The board [~~may~~] shall charge the
11 following fees; provided that all fees are nonrefundable and,
12 except for those fees collected pursuant to Paragraph (10) of
13 Subsection A of this section, shall be used by the board to
14 carry out its duties:

15 A. pertaining to osteopathic physicians:

16 (1) an application fee not to exceed one
17 thousand dollars (\$1,000) for triennial licensure of an
18 osteopathic physician pursuant to Section 61-10-12 NMSA 1978;

19 (2) a triennial osteopathic physician
20 licensure renewal fee not to exceed one thousand dollars
21 (\$1,000);

22 (3) a fee not to exceed seventy-five dollars
23 (\$75.00) for placing an osteopathic physician license on
24 inactive status;

25 (4) a late fee not to exceed:

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1 (a) two hundred dollars (\$200) for
2 osteopathic physicians who fail to renew their licenses on or
3 before July 1 of the year in which their triennial licenses are
4 due for renewal but who renew on or before September 29 of that
5 year; and

6 (b) four hundred dollars (\$400) for
7 osteopathic physicians who renew their licenses after September
8 29;

9 (5) a reinstatement fee not to exceed five
10 hundred dollars (\$500) for reinstatement of a revoked,
11 suspended or inactive osteopathic physician license;

12 (6) a temporary license fee not to exceed one
13 hundred dollars (\$100);

14 (7) a [~~post-graduate~~] postgraduate osteopathic
15 physician training license fee not to exceed fifty dollars
16 (\$50.00);

17 (8) an osteopathic physician telemedicine
18 triennial license fee not to exceed four hundred dollars
19 (\$400); [~~and~~]

20 (9) an impaired physician fee not to exceed
21 one hundred dollars (\$100); and

22 (10) a fee of one hundred dollars (\$100) to
23 accompany fees for application for and renewal of osteopathic
24 physician licensure for deposit in the physician excellence
25 fund pursuant to Section 3 of this 2018 act;

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