

AN ACT

RELATING TO HEALTH; AMENDING THE MEDICAL PRACTICE ACT TO
ALLOW HOME HEALTH CARE AND HOSPICE CARE SERVICES UNDER
CERTAIN CIRCUMSTANCES.

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

Section 1. Section 61-6-17 NMSA 1978 (being Laws 1973,
Chapter 361, Section 8, as amended) is amended to read:

"61-6-17. EXCEPTIONS TO ACT.--The Medical Practice Act
shall not apply to or affect:

A. gratuitous services rendered in cases of
emergency;

B. the domestic administration of family
remedies;

C. the practice of midwifery as regulated in
this state;

D. commissioned medical officers of the armed
forces of the United States and medical officers of the
United States public health service or the veterans
administration of the United States in the discharge of
their official duties or within federally controlled
facilities; provided that such persons who hold medical
licenses in New Mexico shall be subject to the provisions of
the Medical Practice Act and provided that all such persons
shall be fully licensed to practice medicine in one or more
jurisdictions of the United States;

E. the practice of medicine by a physician,
unlicensed in New Mexico, who performs emergency medical

procedures in air or ground transportation of a patient from inside of New Mexico to another state or back, provided the physician is duly licensed in that state;

F. the practice, as defined and limited under their respective licensing laws, of:

- (1) osteopathy;
- (2) dentistry;
- (3) podiatry;
- (4) nursing;
- (5) optometry;
- (6) psychology;
- (7) chiropractic;
- (8) pharmacy;
- (9) acupuncture and oriental medicine; or
- (10) physical therapy;

G. any act, task or function performed by a physician assistant at the direction of and under the supervision of a licensed physician, when:

- (1) the assistant is registered and has biennially renewed his registration with the board as one qualified by training or experience to function as an assistant to a physician;
- (2) the act, task or function is performed at the direction of and under the supervision of a licensed physician in accordance with rules and regulations promulgated by the board; and
- (3) the acts of the physician assistant are within the scope of duties assigned or delegated by the

supervising licensed physician and the acts are within the scope of the assistant's training;

H. any act, task or function of laboratory technicians or technologists, x-ray technicians, nurse practitioners, medical or surgical assistants or other technicians or qualified persons permitted by law or established by custom as part of the duties delegated to them by:

(1) a licensed physician or a hospital, clinic or institution licensed or approved by the public health division of the department of health or an agency of the federal government; or

(2) a health care program operated or financed by an agency of the state or federal government;

I. a properly trained medical or surgical assistant or technician or professional licensee performing under the physician's employment and direct supervision or a visiting physician or surgeon operating under the physician's direct supervision any medical act that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate if, in the opinion of the delegating physician, the act can be properly and safely performed in its customary manner and if the person does not hold himself out to the public as being authorized to practice medicine in New Mexico. The delegating physician shall remain responsible for the medical acts of the person performing the delegated medical acts;

J. the practice of the religious tenets of any

church in the ministration to the sick or suffering by mental or spiritual means as provided by law; provided that the Medical Practice Act shall not be construed to exempt any person from the operation or enforcement of the sanitary and quarantine laws of the state; and

K. the acts of a physician licensed under the laws of another state of the United States who is the treating physician of a patient and orders home health or hospice services for a resident of New Mexico to be delivered by a home and community support services agency licensed in this state; provided that any change in the condition of the patient shall be physically reevaluated by the treating physician in the treating physician's jurisdiction or by a licensed New Mexico physician."
