

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

SENATE BILL 77

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

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

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1 United States public health service or the veterans
2 administration of the United States in the discharge of their
3 official duties or within federally controlled facilities;
4 provided that such persons who hold medical licenses in New
5 Mexico shall be subject to the provisions of the Medical
6 Practice Act and provided that all such persons shall be
7 fully licensed to practice medicine in one or more
8 jurisdictions of the United States;

9 E. the practice of medicine by a physician,
10 unlicensed in New Mexico, who performs emergency medical
11 procedures in air or ground transportation of a patient from
12 inside of New Mexico to another state or back, provided
13 [~~that~~] the physician is duly licensed in that state;

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

- 16 (1) osteopathy;
- 17 (2) dentistry;
- 18 (3) podiatry;
- 19 (4) nursing;
- 20 (5) optometry;
- 21 (6) psychology;
- 22 (7) chiropractic;
- 23 (8) pharmacy;
- 24 (9) acupuncture and oriental medicine; or
- 25 (10) physical therapy;

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

1 supervision of a licensed physician, when:

2 (1) the assistant is registered and has
3 [~~annually~~] biennially renewed his registration with the board
4 as one qualified by training or experience to function as an
5 assistant to a physician;

6 (2) the act, task or function is performed
7 at the direction of and under the supervision of a licensed
8 physician in accordance with rules and regulations
9 promulgated by the board; and

10 (3) the acts of the physician assistant are
11 within the scope of duties assigned or delegated by the
12 supervising licensed physician and the acts are within the
13 scope of the assistant's training;

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

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

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

I. a properly trained medical or surgical
assistant or technician or professional licensee performing

1 under the physician's employment and direct supervision or a
2 visiting physician or surgeon operating under the physician's
3 direct supervision any medical act that a reasonable and
4 prudent physician would find within the scope of sound
5 medical judgment to delegate if, in the opinion of the
6 delegating physician, the act can be properly and safely
7 performed in its customary manner and if the person does not
8 hold himself out to the public as being authorized to
9 practice medicine in New Mexico. The delegating physician
10 shall remain responsible for the medical acts of the person
11 performing the delegated medical acts; [~~and~~]

12 J. the practice of the religious tenets of any
13 church in the ministrations to the sick or suffering by mental
14 or spiritual means as provided by law; provided that the
15 Medical Practice Act shall not be construed to exempt any
16 person from the operation or enforcement of the sanitary and
17 quarantine laws of the state; and

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

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