

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 170

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Yvette Herrell and Timothy M. Keller

AN ACT

RELATING TO HEALTH CARE; ENACTING THE VOLUNTEER HEALTH CARE FOR THE UNDERSERVED ACT; GRANTING A LIMITED EXEMPTION FROM NEW MEXICO LICENSURE TO HEALTH PRACTITIONERS, INCLUDING VETERINARIANS, DULY LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH CARE PROFESSION BY ANY STATE, TERRITORY, DISTRICT OR POSSESSION OF THE UNITED STATES WHO PROVIDE VOLUNTARY HEALTH CARE SERVICES IN UNDERSERVED AREAS.

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

**SECTION 1. SHORT TITLE.**--This act may be cited as the "Volunteer Health Care for the Underserved Act".

**SECTION 2. DEFINITIONS.**--As used in the Volunteer Health Care for the Underserved Act:

A. "health practitioner" means any physician, surgeon, dentist, nurse, optometrist or other practitioner of a

underscoring material = new  
~~[bracketed material] = delete~~

1 health care discipline or veterinary services, the professional  
2 practice of which requires licensure or certification under the  
3 laws of New Mexico or of another state, territory, district or  
4 possession of the United States;

5 B. "licensed health practitioner" means any health  
6 practitioner holding a current license or certificate issued  
7 under a provision of the law of another state, territory,  
8 district or possession of the United States comparable to  
9 Chapter 61 NMSA 1978;

10 C. "sponsoring organization" means any nonprofit  
11 organization that organizes or arranges for the voluntary  
12 provision of health care services to the underserved, but does  
13 not include free clinics, state or local health department  
14 facilities, nonprofit community health centers or nonprofit  
15 community health referral services that operate year-round; and

16 D. "voluntary provision of health care services"  
17 means providing the services of a health practitioner, in  
18 association with a sponsoring organization, to the underserved  
19 without charge to the recipient of such services or to a third  
20 party on behalf of a recipient.

21 SECTION 3. LICENSING EXEMPTIONS RELATED TO VOLUNTARY  
22 PROVISION OF HEALTH CARE SERVICES.--A health practitioner  
23 engaged in the voluntary provision of health care services in  
24 this state is not required to be licensed in this state,  
25 provided that the health practitioner:

.190937.1

underscored material = new  
~~[bracketed material] = delete~~

1           A. is duly licensed or otherwise authorized to  
2 practice a health care profession by any state, territory,  
3 district or possession of the United States;

4           B. restricts the health practitioner's services and  
5 duties solely to the voluntary provision of health care  
6 services;

7           C. provides only the care or services that the  
8 health practitioner is licensed or otherwise authorized to  
9 provide by any state, territory, district or possession of the  
10 United States; and

11           D. provides a copy of the health practitioner's  
12 current out-of-state license or authorization to practice to  
13 the sponsoring organization, which shall retain such record for  
14 a period of two years.

15           **SECTION 4. LIMITATION ON DURATION OF VOLUNTARY PROVISION**  
16 **OF HEALTH CARE SERVICES.--**A sponsoring organization may  
17 organize or arrange for the voluntary provision of health care  
18 services at a location in this state for a period not to exceed  
19 thirty calendar days in any one year.

20           **SECTION 5. REGISTRATION, REPORTING AND RECORDKEEPING**  
21 **REQUIREMENTS.--**

22           A. The department of health shall promulgate  
23 regulations requiring a sponsoring organization to register and  
24 report to the department before the sponsoring organization  
25 organizes or arranges for the voluntary provision of health

.190937.1

underscoring material = new  
~~[bracketed material] = delete~~

1 care services in this state.

2 B. The department of health shall require each  
3 registered sponsoring organization to maintain:

4 (1) a list of health practitioners associated  
5 with its provision of voluntary health care services in this  
6 state and provide such list to the department; and

7 (2) a copy of the current license, or  
8 authorization to practice, of each health practitioner  
9 associated with its provision of voluntary health care services  
10 in this state.

11 C. The department of health shall forward the list  
12 of health practitioners received from the sponsoring  
13 organization to the appropriate licensure board within seven  
14 days after receipt. Upon receipt of any information or notice  
15 from a licensure board that a health practitioner on the list  
16 submitted by the sponsoring organization is not licensed,  
17 authorized or in good standing, or is the subject of an  
18 investigation or pending disciplinary action, the department  
19 shall immediately notify the sponsoring organization that the  
20 health practitioner is not allowed to engage in the voluntary  
21 provision of health care services on behalf of the sponsoring  
22 organization.

23 SECTION 6. IMMUNITY FROM CIVIL LIABILITY FOR ACTS AND  
24 OMISSIONS.--

25 A. A licensed health practitioner who engages in

.190937.1

underscored material = new  
[bracketed material] = delete

1 the voluntary provision of health care services in this state  
2 shall not be liable for damages for injuries or death alleged  
3 to have occurred by reason of an act or omission alleged to  
4 have occurred during the voluntary provision of health care  
5 services, unless it is established that the injuries were  
6 caused by gross negligence, wanton conduct or intentional  
7 wrongdoing on the part of the licensed health practitioner.

8 B. The immunity from civil liability provided in  
9 Subsection A of this section does not apply in any of the  
10 following circumstances:

11 (1) the health care services provided are not  
12 part of the health practitioner's training or assignment;

13 (2) the health care services provided are not  
14 within the scope of the health practitioner's license or  
15 authority; or

16 (3) the health care services provided are not  
17 authorized by the department of health to be performed at the  
18 location.

19 SECTION 7. NONAPPLICABILITY.--The Volunteer Health Care  
20 for the Underserved Act does not apply to emergency or disaster  
21 relief services provided pursuant to the Uniform Emergency  
22 Volunteer Health Practitioners Act.