

HOUSE BILL 427

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

INTRODUCED BY

Rodolpho "Rudy" S. Martinez

AN ACT

RELATING TO TAXATION; EXPANDING THE RURAL HEALTH CARE  
PRACTITIONER TAX CREDIT TO PROVIDE AN INCOME TAX CREDIT FOR  
OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, SOCIAL WORKERS  
AND SPEECH-LANGUAGE PATHOLOGISTS; DEFINING "CLINICAL  
PSYCHOLOGIST".

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

**SECTION 1.** Section 7-2-18.22 NMSA 1978 (being Laws 2007,  
Chapter 361, Section 2) is amended to read:

"7-2-18.22. [~~TAX CREDIT~~] RURAL HEALTH CARE PRACTITIONER  
TAX CREDIT.--

A. A taxpayer who files an individual New Mexico  
tax return, who is not a dependent of another individual, who  
is an eligible health care practitioner and who has provided  
health care services in New Mexico in a rural health care

.192347.1

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

underscored material = new  
[bracketed material] = delete

1 underserved area in a taxable year may claim a credit against  
2 the tax liability imposed by the Income Tax Act. The credit  
3 provided in this section may be referred to as the "rural  
4 health care practitioner tax credit".

5 B. The rural health care practitioner tax credit  
6 may be claimed and allowed in an amount that shall not exceed  
7 five thousand dollars (\$5,000) for all eligible physicians,  
8 osteopathic physicians, dentists, clinical psychologists,  
9 podiatrists and optometrists who qualify pursuant to the  
10 provisions of this section, except the credit shall not exceed  
11 three thousand dollars (\$3,000) for all eligible dental  
12 hygienists, physician assistants, certified nurse-midwives,  
13 certified registered nurse anesthetists, certified nurse  
14 practitioners, ~~and~~ clinical nurse specialists, occupational  
15 therapists, physical therapists, social workers and speech-  
16 language pathologists.

17 C. To qualify for the rural health care  
18 practitioner tax credit, an eligible health care practitioner  
19 shall have provided health care during a taxable year for at  
20 least two thousand eighty hours at a practice site located in  
21 an approved, rural health care underserved area. An eligible  
22 rural health care practitioner who provided health care  
23 services for at least one thousand forty hours but less than  
24 two thousand eighty hours at a practice site located in an  
25 approved rural health care underserved area during a taxable

.192347.1

underscored material = new  
[bracketed material] = delete

1 year is eligible for one-half of the credit amount.

2 D. Before an eligible health care practitioner may  
3 claim the rural health care practitioner tax credit, the  
4 practitioner shall submit an application to the department of  
5 health that describes the practitioner's clinical practice and  
6 contains additional information that the department of health  
7 may require. The department of health shall determine whether  
8 an eligible health care practitioner qualifies for the rural  
9 health care practitioner tax credit and shall issue a  
10 certificate to each qualifying eligible health care  
11 practitioner. The department of health shall provide the  
12 taxation and revenue department appropriate information for all  
13 eligible health care practitioners to whom certificates are  
14 issued.

15 E. A taxpayer claiming the credit provided by this  
16 section shall submit a copy of the certificate issued by the  
17 department of health with the taxpayer's New Mexico income tax  
18 return for the taxable year. If the amount of the credit  
19 claimed exceeds a taxpayer's tax liability for the taxable year  
20 in which the credit is being claimed, the excess may be carried  
21 forward for three consecutive taxable years.

22 F. As used in this section:

23 (1) "clinical psychologist" means a person who  
24 has completed a doctor of philosophy program in psychology and  
25 is licensed pursuant to the provisions of the Professional

.192347.1

underscored material = new  
[bracketed material] = delete

1 Psychologist Act;

2 [~~(1)~~] (2) "eligible health care practitioner"

3 means:

4 (a) a certified nurse-midwife licensed  
5 by the board of nursing as a registered nurse and licensed by  
6 the public health division of the department of health to  
7 practice nurse-midwifery as a certified nurse-midwife;

8 (b) a clinical psychologist;

9 [~~(b)~~] (c) a dentist or dental hygienist  
10 licensed pursuant to the Dental Health Care Act;

11 (d) an occupational therapist licensed  
12 pursuant to the Occupational Therapy Act and whose license is  
13 not on inactive status during the taxable year;

14 [~~(e)~~] (e) an optometrist licensed  
15 pursuant to the provisions of the Optometry Act;

16 [~~(d)~~] (f) an osteopathic physician  
17 licensed pursuant to the provisions of Chapter 61, Article 10  
18 NMSA 1978 or an osteopathic physician assistant licensed  
19 pursuant to the provisions of the Osteopathic Physicians'  
20 Assistants Act;

21 (g) a physical therapist licensed  
22 pursuant to the Physical Therapy Act;

23 [~~(e)~~] (h) a physician or physician  
24 assistant licensed pursuant to the provisions of Chapter 61,  
25 Article 6 NMSA 1978;

.192347.1

underscored material = new  
[bracketed material] = delete

1                                    [~~(f)~~] (i) a podiatrist licensed pursuant  
2 to the provisions of the Podiatry Act;

3                                    [~~(g)~~] ~~a clinical psychologist licensed~~  
4 ~~pursuant to the provisions of the Professional Psychologist~~  
5 ~~Act; and~~

6                                    ~~(h)~~] (j) a registered nurse in advanced  
7 practice who has been prepared through additional formal  
8 education as provided in Sections 61-3-23.2 through 61-3-23.4  
9 NMSA 1978 to function beyond the scope of practice of  
10 professional registered nursing, including certified nurse  
11 practitioners, certified registered nurse anesthetists and  
12 clinical nurse specialists;

13                                    (k) a social worker licensed pursuant to  
14 the Social Work Practice Act; and

15                                    (l) a speech-language pathologist  
16 licensed pursuant to the Speech-Language Pathology, Audiology  
17 and Hearing Aid Dispensing Practices Act;

18                                    [~~(2)~~] (3) "health care underserved area" means  
19 a geographic area or practice location in which it has been  
20 determined by the department of health, through the use of  
21 indices and other standards set by the department of health,  
22 that sufficient health care services are not being provided;

23                                    [~~(3)~~] (4) "practice site" means a private  
24 practice, public health clinic, hospital, public or private  
25 nonprofit primary care clinic or other health care service

.192347.1

