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AN ACT

RELATING TO HEALTH CARE; MAKING CERTAIN PROVISIONS IN HEALTH CARE PRACTITIONER AGREEMENTS VOID, UNENFORCEABLE AND AGAINST PUBLIC POLICY; INCLUDING CERTIFIED NURSE PRACTITIONERS AND CERTIFIED NURSE-MIDWIVES IN THE DEFINITION OF "HEALTH CARE PRACTITIONER"; DECLARING AN EMERGENCY.

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

SECTION 1. Section 24-1I-1 NMSA 1978 (being Laws 2015, Chapter 96, Section 1) is amended to read:

"24-1I-1. DEFINITIONS.--As used in Chapter 24, Article 1I NMSA 1978:

A. "agreement" means a written contract to which a health care practitioner is a party; and

B. "health care practitioner" means:

- (1) a dentist;
- (2) an osteopathic physician;
- (3) a physician;
- (4) a podiatrist;
- (5) a certified registered nurse anesthetist;
- (6) a certified nurse practitioner; and
- (7) a certified nurse-midwife."

SECTION 2. Section 24-1I-2 NMSA 1978 (being Laws 2015, Chapter 96, Section 2) is amended to read:

1 "24-1I-2. ENFORCEABILITY OF A NON-COMPETE PROVISION--  
2 OTHER PROVISIONS VOID.--

3 A. A non-compete provision in an agreement, which  
4 provision restricts the right of a health care practitioner  
5 to provide clinical health care services in this state, shall  
6 be unenforceable upon the termination of:

7 (1) the agreement;

8 (2) a renewal or extension of the agreement;

9 or

10 (3) a health care practitioner's employment  
11 with a party seeking to enforce the agreement.

12 B. A provision in an agreement for clinical health  
13 care services to be rendered in this state is void,  
14 unenforceable and against public policy if the provision:

15 (1) makes the agreement subject to the laws  
16 of another state; or

17 (2) requires any litigation arising out of  
18 the agreement to be conducted in another state."

19 SECTION 3. Section 24-1I-5 NMSA 1978 (being Laws 2015,  
20 Chapter 96, Section 5) is amended to read:

21 "24-1I-5. APPLICABILITY.--

22 A. Chapter 24, Article 1I NMSA 1978 does not apply  
23 to agreements between health care practitioners who are  
24 shareholders, owners, partners or directors of a health care  
25 practice.

1           B. Except as provided by Subsection C of this  
2 section, the provisions of Chapter 24, Article 1I NMSA 1978  
3 apply to agreements, or renewals or extensions of agreements,  
4 executed on or after July 1, 2015.

5           C. The provisions of Subsection B of Section  
6 24-1I-2 NMSA 1978 apply to agreements, or renewals or  
7 extensions of agreements, executed on or after the effective  
8 date of this 2017 act."

9           SECTION 4. EMERGENCY.--It is necessary for the public  
10 peace, health and safety that this act take effect  
11 immediately. \_\_\_\_\_

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