

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

SENATE BILL 21

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Gay G. Kernan

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT, THE MEDICAL PRACTICE ACT AND THE OSTEOPATHIC MEDICINE ACT TO ESTABLISH DESIGNATED HEALTH PROFESSIONAL LOAN REPAYMENT FUNDING TO ASSIST ALLOPATHIC AND OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING IN DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS; ESTABLISHING PHYSICIAN LICENSING FEES FOR THE HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM; ENACTING NEW SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT TO ESTABLISH THE PHYSICIAN EXCELLENCE FUND; MAKING APPROPRIATIONS.

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

**SECTION 1.** Section 21-22D-3 NMSA 1978 (being Laws 1995, Chapter 144, Section 18, as amended) is amended to read:

"21-22D-3. DEFINITIONS.--As used in the Health

.212025.1

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

underscored material = new  
[bracketed material] = delete

1 Professional Loan Repayment Act:

2 A. "department" means the higher education  
3 department;

4 B. "health professional" means a primary care  
5 physician, optometrist, podiatrist, physician's assistant,  
6 dentist, nurse, member of an allied health profession as  
7 defined in the Allied Health Student Loan for Service Act or a  
8 licensed or certified health professional as determined by the  
9 department;

10 C. "loan" means a grant of money to defray the  
11 costs incidental to a health education, under a contract  
12 between the federal government or a commercial lender and a  
13 health professional, requiring either repayment of principal  
14 and interest or repayment in services; ~~and~~

15 D. "nurse in advanced practice" means a registered  
16 nurse, including a:

17 (1) certified nurse practitioner, certified  
18 registered nurse anesthetist or clinical nurse specialist,  
19 authorized pursuant to the Nursing Practice Act to function  
20 beyond the scope of practice of professional registered  
21 nursing; or

22 (2) certified nurse-midwife licensed by the  
23 department of health; and

24 E. "primary care physician" means a physician  
25 licensed pursuant to the Medical Practice Act or the

.212025.1

underscored material = new  
[bracketed material] = delete

1 Osteopathic Medicine Act with specialty training in family  
2 medicine, general internal medicine, obstetrics, gynecology or  
3 general pediatrics."

4 SECTION 2. A new section of the Health Professional Loan  
5 Repayment Act is enacted to read:

6 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND.--The department  
7 shall apply funds appropriated to the department from the  
8 physician excellence fund established pursuant to Section 3 of  
9 this 2019 act exclusively for health professional loan  
10 repayment assistance for primary care physicians who are  
11 licensed pursuant to the Medical Practice Act or the  
12 Osteopathic Medicine Act and who practice in areas of New  
13 Mexico that the department has designated as underserved."

14 SECTION 3. A new section of the Health Professional Loan  
15 Repayment Act is enacted to read:

16 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND--CREATION--  
17 ADMINISTRATION--APPROPRIATION.--The "physician excellence fund"  
18 is created in the state treasury to support awards established  
19 through the Health Professional Loan Repayment Act to primary  
20 care physicians who practice in areas of New Mexico that the  
21 department has designated as underserved. The fund consists of  
22 license application and renewal surcharges pursuant to Sections  
23 61-6-19 and 61-10-6.1 NMSA 1978, appropriations, gifts, grants,  
24 donations and income from investment of the fund. Any income  
25 earned on investment of the fund shall remain in the fund.

.212025.1

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

1 Money in the fund shall not revert to any other fund at the end  
2 of a fiscal year. The fund shall be administered by the  
3 department, and money in the fund is appropriated to the  
4 department to make awards established through the Health  
5 Professional Loan Repayment Act to primary care physicians who  
6 practice in areas of New Mexico that the department has  
7 designated as underserved. Disbursements from the fund shall  
8 be made only upon warrants drawn by the secretary of finance  
9 and administration pursuant to vouchers signed by the secretary  
10 of higher education or the secretary's authorized  
11 representative."

12 SECTION 4. Section 61-6-19 NMSA 1978 (being Laws 1989,  
13 Chapter 269, Section 15, as amended) is amended to read:

14 "61-6-19. FEES.--

15 A. The board shall impose the following fees:

16 (1) an application fee not to exceed four  
17 hundred dollars (\$400) for licensure by endorsement as provided  
18 in Section 61-6-13 NMSA 1978;

19 (2) an application fee not to exceed four  
20 hundred dollars (\$400) for licensure by examination as provided  
21 in Section 61-6-11 NMSA 1978;

22 (3) a triennial renewal fee not to exceed four  
23 hundred fifty dollars (\$450);

24 (4) a fee of twenty-five dollars (\$25.00) for  
25 placing a physician's license or a physician assistant's

.212025.1

underscoring material = new  
[bracketed material] = delete

1 license on inactive status;

2 (5) a late fee not to exceed one hundred  
3 dollars (\$100) for physicians who renew their license within  
4 forty-five days after the required renewal date;

5 (6) a late fee not to exceed two hundred  
6 dollars (\$200) for physicians who renew their licenses between  
7 forty-six and ninety days after the required renewal date;

8 (7) a reinstatement fee not to exceed six  
9 hundred dollars (\$600) for reinstatement of a revoked,  
10 suspended or inactive license;

11 (8) a reasonable administrative fee for  
12 verification and duplication of license or registration and  
13 copying of records;

14 (9) a reasonable publication fee for the  
15 purchase of a publication containing the names of all  
16 practitioners licensed under the Medical Practice Act;

17 (10) an impaired physician fee not to exceed  
18 one hundred fifty dollars (\$150) for a three-year period;

19 (11) an interim license fee not to exceed one  
20 hundred dollars (\$100);

21 (12) a temporary license fee not to exceed one  
22 hundred dollars (\$100);

23 (13) a postgraduate training license fee not  
24 to exceed fifty dollars (\$50.00) annually;

25 (14) an application fee not to exceed one

.212025.1

underscored material = new  
[bracketed material] = delete

1 hundred fifty dollars (\$150) for physician assistants applying  
2 for initial licensure;

3 (15) a licensure fee not to exceed one hundred  
4 fifty dollars (\$150) for physician assistants biennial license  
5 renewal and registration of supervising or collaborating  
6 licensed physician;

7 (16) a late fee not to exceed fifty dollars  
8 (\$50.00) for physician assistants who renew their licensure  
9 within forty-five days after the required renewal date;

10 (17) a late fee not to exceed seventy-five  
11 dollars (\$75.00) for physician assistants who renew their  
12 licensure between forty-six and ninety days after the required  
13 renewal date;

14 (18) a reinstatement fee not to exceed one  
15 hundred dollars (\$100) for physician assistants who reinstate  
16 an expired license;

17 (19) a fee not to exceed three hundred dollars  
18 (\$300) annually for a physician supervising a clinical  
19 pharmacist;

20 (20) an application and renewal fee for a  
21 telemedicine license not to exceed four hundred dollars (\$400);

22 (21) a reasonable administrative fee, not to  
23 exceed the current cost of application for a license, that may  
24 be charged for reprocessing applications and renewals that  
25 include minor but significant errors and that would otherwise

.212025.1

underscored material = new  
[bracketed material] = delete

1 be subject to investigation and possible disciplinary action;  
2 [~~and~~]

3 (22) a reasonable fee as established by the  
4 department of public safety for nationwide and statewide  
5 criminal history screening of applicants and licensees; and

6 (23) a fee of one hundred dollars (\$100) to  
7 accompany fees for application for a renewal of physician  
8 licensure for deposit in the physician excellence fund pursuant  
9 to Section 3 of this 2019 act.

10 B. All fees are nonrefundable and shall be used by  
11 the board to carry out its duties efficiently."

12 SECTION 5. Section 61-6-31 NMSA 1978 (being Laws 1989,  
13 Chapter 269, Section 27, as amended) is amended to read:

14 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL BOARD  
15 FUND CREATED--METHOD OF PAYMENTS.--

16 A. There is created the "New Mexico medical board  
17 fund".

18 B. Except for funds collected pursuant to Paragraph  
19 (23) of Subsection A of Section 61-6-19 NMSA 1978, all funds  
20 received by the board and money collected under the Medical  
21 Practice Act, the Physician Assistant Act, the Anesthesiologist  
22 Assistants Act, the Genetic Counseling Act, the Polysomnography  
23 Practice Act, the Impaired Health Care Provider Act and the  
24 Naprapathic Practice Act shall be deposited with the state  
25 treasurer who shall place the same to the credit of the New

.212025.1

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

1 Mexico medical board fund.

2 C. All payments out of the fund shall be made on  
3 vouchers issued and signed by the secretary-treasurer of the  
4 board or the designee of the secretary-treasurer upon warrants  
5 drawn by the department of finance and administration in  
6 accordance with the budget approved by that department.

7 D. All amounts in the New Mexico medical board fund  
8 shall be subject to the order of the board and shall be used  
9 only for the purpose of meeting necessary expenses incurred in:

10 (1) the performance of the provisions of the  
11 Medical Practice Act, the Physician Assistant Act, the  
12 Anesthesiologist Assistants Act, the Genetic Counseling Act,  
13 the Polysomnography Practice Act, the Impaired Health Care  
14 Provider Act and the Naprapathic Practice Act and the duties  
15 and powers imposed by those acts;

16 (2) the promotion of medical education and  
17 standards in this state within the budgetary limits; and

18 (3) efforts to recruit and retain medical  
19 doctors for practice in New Mexico.

20 E. All funds that may have accumulated to the  
21 credit of the board under any previous law shall be transferred  
22 to the New Mexico medical board fund and shall continue to be  
23 available for use by the board in accordance with the  
24 provisions of the Medical Practice Act, the Physician Assistant  
25 Act, the Anesthesiologist Assistants Act, the Genetic

.212025.1

underscoring material = new  
[bracketed material] = delete

1 Counseling Act, the Polysomnography Practice Act, the Impaired  
2 Health Care Provider Act and the Naprapathic Practice Act. All  
3 money unused at the end of the fiscal year shall not revert,  
4 but shall remain in the fund for use in accordance with the  
5 provisions of the Medical Practice Act, the Physician Assistant  
6 Act, the Anesthesiologist Assistants Act, the Genetic  
7 Counseling Act, the Polysomnography Practice Act, the Impaired  
8 Health Care Provider Act and the Naprapathic Practice Act."

9 SECTION 6. Section 61-10-6.1 NMSA 1978 (being Laws 2016,  
10 Chapter 90, Section 7) is amended to read:

11 "61-10-6.1. FEES.--The board [~~may~~] shall charge the  
12 following fees; provided that all fees are nonrefundable and,  
13 except for those fees collected pursuant to Paragraph (10) of  
14 Subsection A of this section, shall be used by the board to  
15 carry out its duties:

16 A. pertaining to osteopathic physicians:

17 (1) an application fee not to exceed one  
18 thousand dollars (\$1,000) for triennial licensure of an  
19 osteopathic physician pursuant to Section 61-10-12 NMSA 1978;

20 (2) a triennial osteopathic physician  
21 licensure renewal fee not to exceed one thousand dollars  
22 (\$1,000);

23 (3) a fee not to exceed seventy-five dollars  
24 (\$75.00) for placing an osteopathic physician license on  
25 inactive status;

.212025.1

underscored material = new  
[bracketed material] = delete

1 (4) a late fee not to exceed:

2 (a) two hundred dollars (\$200) for  
3 osteopathic physicians who fail to renew their licenses on or  
4 before July 1 of the year in which their triennial licenses are  
5 due for renewal but who renew on or before September 29 of that  
6 year; and

7 (b) four hundred dollars (\$400) for  
8 osteopathic physicians who renew their licenses after September  
9 29;

10 (5) a reinstatement fee not to exceed five  
11 hundred dollars (\$500) for reinstatement of a revoked,  
12 suspended or inactive osteopathic physician license;

13 (6) a temporary license fee not to exceed one  
14 hundred dollars (\$100);

15 (7) a [~~post-graduate~~] postgraduate osteopathic  
16 physician training license fee not to exceed fifty dollars  
17 (\$50.00);

18 (8) an osteopathic physician telemedicine  
19 triennial license fee not to exceed four hundred dollars  
20 (\$400); [~~and~~]

21 (9) an impaired physician fee not to exceed  
22 one hundred dollars (\$100); and

23 (10) a fee of one hundred dollars (\$100) to  
24 accompany fees for application for and renewal of osteopathic  
25 physician licensure for deposit in the physician excellence

.212025.1

underscored material = new  
[bracketed material] = delete

1 fund pursuant to Section 3 of this 2019 act;

2 B. pertaining to osteopathic physician assistants:

3 (1) a biennial license fee not to exceed four  
4 hundred fifty dollars (\$450);

5 (2) a registration of new supervision fee that  
6 is equal to one-half of the biennial license fee for  
7 osteopathic physician assistants;

8 (3) a late fee not to exceed twenty-five  
9 dollars (\$25.00) for osteopathic physician assistants who fail  
10 to renew their licenses on or before July 1 of the year in  
11 which their biennial licenses are due for renewal;

12 (4) an impaired osteopathic physician  
13 assistant fee not to exceed one hundred dollars (\$100); and

14 (5) a fee for an osteopathic physician  
15 assistant license on inactive status not to exceed seventy-five  
16 dollars (\$75.00); and

17 C. pertaining to osteopathic physician and  
18 osteopathic physician assistant licensees or applicants:

19 (1) a fee not to exceed five hundred dollars  
20 (\$500) for reprocessing an application or renewal that includes  
21 errors that would otherwise be subject to investigation and  
22 possible disciplinary action; and

23 (2) a reasonable administrative fee that the  
24 board establishes by rule for verification of license,  
25 publications and copying charges."

.212025.1