

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 21

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

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH
PROFESSIONAL LOAN REPAYMENT ACT AND THE OSTEOPATHIC MEDICINE
ACT TO ESTABLISH DESIGNATED HEALTH PROFESSIONAL LOAN REPAYMENT
FUNDING TO ASSIST OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING
IN DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS; ESTABLISHING
OSTEOPATHIC PHYSICIAN LICENSING FEES FOR THE HEALTH
PROFESSIONAL LOAN REPAYMENT PROGRAM; ENACTING NEW SECTIONS OF
THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT TO ESTABLISH THE
OSTEOPATHIC 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
Professional Loan Repayment Act:

.212482.2

underscored material = new
[bracketed material] = delete

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

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

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

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

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

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

23 E. "osteopathic primary care physician" means an
24 osteopathic physician licensed pursuant to the Osteopathic
25 Medicine Act with specialty training in family medicine,

1 general internal medicine, obstetrics, gynecology or general
2 pediatrics."

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

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

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

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

.212482.2

1 fund shall not revert to any other fund at the end of a fiscal
2 year. The fund shall be administered by the department, and
3 money in the fund is appropriated to the department to make
4 awards established through the Health Professional Loan
5 Repayment Act to osteopathic 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 61-10-6.1 NMSA 1978 (being Laws 2016,
13 Chapter 90, Section 7) is amended to read:

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

19 A. pertaining to osteopathic physicians:

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

23 (2) a triennial osteopathic physician
24 licensure renewal fee not to exceed one thousand dollars
25 (\$1,000);

.212482.2

1 (3) a fee not to exceed seventy-five dollars
2 (\$75.00) for placing an osteopathic physician license on
3 inactive status;

4 (4) a late fee not to exceed:

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

10 (b) four hundred dollars (\$400) for
11 osteopathic physicians who renew their licenses after September
12 29;

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

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

18 (7) a [~~post-graduate~~] postgraduate osteopathic
19 physician training license fee not to exceed fifty dollars
20 (\$50.00);

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

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

.212482.2

1 (10) a fee of one hundred dollars (\$100) to
2 accompany fees for application for and renewal of osteopathic
3 physician licensure for deposit in the osteopathic physician
4 excellence fund pursuant to Section 3 of this 2019 act;

5 B. pertaining to osteopathic physician assistants:

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

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

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

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

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

20 C. pertaining to osteopathic physician and
21 osteopathic physician assistant licensees or applicants:

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

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

4 - 7 -

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

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