

1 SENATE BILL 349

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Mark Moores

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10 AN ACT

11 RELATING TO PROFESSIONAL LICENSURE; ENACTING NEW SECTIONS OF
12 THE MEDICAL PRACTICE ACT AND THE OSTEOPATHIC MEDICINE ACT TO
13 PROVIDE A TEMPORARY EXEMPTION TO LICENSURE REQUIREMENTS TO
14 VISITING PHYSICIANS WHO PROVIDE CARE TO OUT-OF-STATE SPORTS
15 TEAM MEMBERS AND STAFF DURING SPORTING EVENTS.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. A new section of the Medical Practice Act is
19 enacted to read:

20 "[NEW MATERIAL] TEMPORARY LICENSURE EXEMPTION--OUT-OF-
21 STATE PHYSICIANS--OUT-OF-STATE SPORTS TEAMS.--

22 A. An individual who is licensed in good standing
23 to practice medicine and surgery in another state, and whom the
24 board has not previously found to have violated a provision of
25 the Medical Practice Act, may practice medicine without a

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1 license granted by the board if the individual has a written
2 agreement with an out-of-state sports team to provide care to
3 team members and staff traveling with the team for a specific
4 sporting event to take place in this state; provided that:

5 (1) the individual has a written agreement
6 with the out-of-state sports team governing body to provide
7 health care services to an out-of-state sports team athlete or
8 staff member at a scheduled sporting event;

9 (2) the individual's practice is limited to
10 medical care to assist injured and ill players and coordinate
11 appropriate referral to in-state health care providers as
12 needed;

13 (3) the services to be provided by the
14 individual are within the scope of practice authorized pursuant
15 to the Medical Practice Act and rules of the board;

16 (4) the individual has professional liability
17 coverage for the duration of the sporting event;

18 (5) the individual shall not:

19 (a) provide care or consultation to a
20 resident of this state, other than a member of the out-of-state
21 sports team during a sporting event; or

22 (b) practice medicine in the state,
23 outside of the sporting event;

24 (6) the authorization to practice without a
25 board-issued license pursuant to this section shall be valid

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1 only during the time of the sporting event, while the
2 individual granted the authorization is providing care to the
3 out-of-state sports team, and is limited to the duration of the
4 sporting event;

5 (7) the individual or out-of-state sports team
6 shall report to the board any potential:

- 7 (a) medical license violation;
8 (b) practice negligence; or
9 (c) unprofessional or dishonorable
10 conduct, as those terms are defined in board rules;

11 (8) the individual's practice of medicine and
12 surgery pursuant to this section shall be subject to board
13 oversight, investigation and discipline in accordance with the
14 provisions of the Medical Practice Act; and

15 (9) the board may report to a licensing board
16 in a state in which an individual practicing medicine or
17 surgery pursuant to this section is licensed to practice
18 medicine and surgery any findings it makes pursuant to an
19 investigation or disciplinary action that the board undertakes.

20 B. The board shall adopt and promulgate rules to
21 implement the provisions of this section.

22 C. As used in this section:

23 (1) "out-of-state sports team" means an entity
24 or organization:

- 25 (a) for which athletes engage in a

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1 sporting event;

2 (b) headquartered or organized under
3 laws other than the laws of New Mexico; and

4 (c) a majority of whose staff and
5 athletes are residents of another state; and

6 (2) "sporting event" means a scheduled
7 sporting event involving an out-of-state sports team for which
8 an admission fee is charged to the public, including any
9 preparation or practice related to the activity."

10 SECTION 2. A new section of the Osteopathic Medicine Act
11 is enacted to read:

12 "[NEW MATERIAL] TEMPORARY LICENSURE EXEMPTION--OUT-OF-
13 STATE OSTEOPATHIC PHYSICIANS--OUT-OF-STATE SPORTS TEAMS.--

14 A. An individual who is licensed in good standing
15 to practice osteopathic medicine in another state and whom the
16 board has not previously found to have violated a provision of
17 the Osteopathic Medicine Act, may practice osteopathic medicine
18 without a license granted by the board if the individual has a
19 written agreement with an out-of-state sports team to provide
20 care to team members and staff traveling with the team for a
21 specific sporting event to take place in this state; provided
22 that:

23 (1) the individual has a written agreement
24 with the out-of-state sports team governing body to provide
25 health care services to an out-of-state sports team athlete or

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1 staff member at a scheduled sporting event;

2 (2) the individual's practice is limited to
3 medical care to assist injured and ill players and coordinate
4 appropriate referral to in-state health care providers as
5 needed;

6 (3) the services to be provided by the
7 individual are within the scope of practice authorized pursuant
8 to the Osteopathic Medicine Act and rules of the board;

9 (4) the individual has professional liability
10 coverage for the duration of the sporting event;

11 (5) the individual shall not:

12 (a) provide care or consultation to a
13 resident of this state, other than a member of the out-of-state
14 sports team during a sporting event; or

15 (b) practice medicine in the state,
16 outside of the sporting event;

17 (6) the authorization to practice without a
18 board-issued license pursuant to this section shall be valid
19 only during the time of the sporting event, while the
20 individual granted the authorization is providing care to the
21 out-of-state sports team, and is limited to the duration of the
22 sporting event;

23 (7) the individual and the out-of-state sports
24 team shall report to the board any potential osteopathic
25 medical license violations or practice negligence;

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1 (8) the individual's practice of osteopathic
2 medicine pursuant to this section shall be subject to board
3 oversight, investigation and discipline in accordance with the
4 provisions of the Osteopathic Medicine Act; and

5 (9) the board may report to a licensing board
6 in a state in which an individual practicing medicine or
7 surgery pursuant to this section is licensed to practice
8 medicine and surgery any findings it makes pursuant to an
9 investigation or disciplinary action that the board undertakes.

10 B. The board shall adopt and promulgate rules to
11 implement the provisions of this section.

12 C. As used in this section:

13 (1) "out-of-state sports team" means an entity
14 or organization:

15 (a) for which athletes engage in a
16 sporting event;

17 (b) headquartered or organized under
18 laws other than the laws of New Mexico; and

19 (c) a majority of whose staff and
20 athletes are residents of another state; and

21 (2) "sporting event" means a scheduled
22 sporting event involving an out-of-state sports team for which
23 an admission fee is charged to the public, including any
24 preparation or practice related to the activity."