

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 370

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HOSPITAL STAFFING; PROHIBITING HOSPITALS FROM DENYING CREDENTIALING OR CLINICAL PRIVILEGES TO HEALTH CARE PROFESSIONALS BASED ON ECONOMIC FACTORS.

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

SECTION 1. [NEW MATERIAL] HOSPITAL CREDENTIALING REQUIREMENTS.--

A. The credentialing authority of a hospital

.231238.1AIC March 1, 2025 (10:04pm)

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receiving local, state or federal funds shall not deny medical staff membership or clinical privileges for reasons other than a physician's individual qualifications as determined, uniformly applied to all medical staff applicants and members. When implementing credentialing criteria, the credentialing authority of a hospital shall formulate and apply reasonable, nondiscriminatory standards for the evaluation of an applicant's credentials. The credentialing authority of a hospital may require applicants to agree to comply with bylaws, rules and regulations established by the credentialing authority as a condition of approval. The credentialing authority of a hospital shall make an effort in good faith to ensure that decisions made by the credentialing authority on clinical privileges and staff membership are based on an objective evaluation of an applicant's credentials, free of anticompetitive intent or purpose. Whenever possible, the staff who evaluate and determine the qualifications of applicants for clinical privileges and staff membership shall include members of the applicant's profession.

B. The credentialing authority of a hospital shall not consider the following factors when evaluating the qualifications for staff membership or clinical privileges:

(1) an applicant's membership or lack of membership in a professional society or association that is not a competence certification organization;

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(2) an applicant's decision to advertise, lower fees or engage in competitive acts intended to solicit business;

(3) an applicant's participation in prepaid group health plans;

(4) an applicant's support for, training of or participation in a private group practice with members of a particular class of health professional;

(5) an applicant's practices with respect to testifying in malpractice lawsuits, disciplinary actions or any other type of legal proceeding HCEDC→, unless the applicant is a named defendant in a malpractice lawsuit←HCEDC ;

(6) an applicant's willingness to send a certain number of patients to the hospital for services; provided that nothing in this paragraph shall be construed to prohibit the credentialing authority of a hospital from requiring an applicant to have performed a minimum number of patient encounters in a certain time frame to ensure the applicant's proficiency;

(7) whether an applicant is providing medical or health care services at a different hospital, hospital system, outpatient facility or other licensed health care facility; or

(8) economic criteria that are unrelated to quality of care or professional competence.

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C. Nothing in this section shall relieve any health care provider from the obligation to comply with bylaws, rules and regulations established by a hospital's credentialing authority.

D. For the purposes of this section, "hospital" does not include a health care facility owned and operated by the university of New Mexico health system.

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