

HOUSE BILL 247

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

INTRODUCED BY

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AN ACT

RELATING TO TRADE PRACTICES; ENACTING THE HEALTH CARE
PRACTITIONER TRANSPARENCY ACT; ESTABLISHING ADVERTISING
GUIDELINES; REQUIRING HEALTH CARE PRACTITIONER IDENTIFIERS;
PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Health Care Practitioner Transparency Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Health Care Practitioner Transparency Act:

A. "advertisement" means any communication or
statement disseminated to the general public or to other health
care practitioners that names a health care practitioner or the
practice, profession or institution in which the practitioner
is employed, volunteers or otherwise provides health care

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1 services;

2 B. "clinical setting" means a location, whether
3 physical or virtual, in which a person is evaluated, diagnosed,
4 counseled or treated for a disease, defect or injury by a
5 health care practitioner;

6 C. "deceptive or misleading terms or false
7 representations" means the use of titles, terms or other words
8 that misstate, falsely describe, falsely hold out, falsely
9 detail or falsely imply the health care practitioner's:

- 10 (1) profession;
- 11 (2) skills;
- 12 (3) training;
- 13 (4) expertise;
- 14 (5) educational degree;
- 15 (6) board certification;
- 16 (7) licensure;
- 17 (8) work or services offered; or
- 18 (9) medical field, if the practitioner is not
19 a physician licensed pursuant to Section 61-6-11 NMSA 1978;

20 D. "health care practice or facility" means a
21 hospital, outpatient practice setting, nursing home, assisted
22 living community or personal care home;

23 E. "health care practitioner" means a state-
24 licensed:

- 25 (1) chiropractic physician;

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- 1 (2) professional counselor, social worker or
2 marriage and family therapist;
- 3 (3) dentist;
- 4 (4) dietitian;
- 5 (5) advanced practice registered nurse,
6 including nurse practitioner, certified registered nurse
7 anesthetist, certified nurse midwife, clinical nurse
8 specialist, registered professional nurse or licensed practical
9 nurse;
- 10 (6) occupational therapist;
- 11 (7) optometrist;
- 12 (8) physical therapist;
- 13 (9) allopathic physician or osteopathic
14 physician;
- 15 (10) physician assistant;
- 16 (11) acupuncturist;
- 17 (12) podiatric physician;
- 18 (13) psychologist;
- 19 (14) audiologist or speech-language
20 pathologist;
- 21 (15) pharmacist;
- 22 (16) ophthalmic technician;
- 23 (17) medical assistant or certified nursing
24 assistant; or
- 25 (18) respiratory care professional;

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1 F. "identifier" means a physical credential that
2 identifies the person wearing it; and

3 G. "medical title" means a title that originates
4 from or is a derivation of specialty or subspecialty training
5 or certification attained through completion of nationally
6 accredited medical education culminating in a doctor of
7 medicine or doctor of osteopathic medicine degree or completion
8 of a physician internship, residency or fellowship training
9 program.

10 SECTION 3. [NEW MATERIAL] HEALTH CARE PRACTITIONER
11 ADVERTISING GUIDELINES.--

12 A. An advertisement by a health care practitioner
13 shall include the practitioner's name and, in regard to the
14 practitioner's license, disclose the type of license under
15 which the health care practitioner is authorized to provide
16 services.

17 B. An advertisement by a health care practitioner
18 shall not:

19 (1) include deceptive or misleading terms or
20 false representations; or

21 (2) include or reference a medical title
22 unless the health care practitioner is a physician.

23 C. A health care practitioner in a health care
24 practice or facility other than a hospital shall display in the
25 reception area of the practitioner's practice or facility where

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1 the health care practitioner provides service an advertisement
2 that clearly identifies the type of health care practitioners
3 working in the practice or facility and the right of a patient
4 to inquire as to the type of license of the health care
5 practitioner treating the patient. The advertisement shall be
6 of a sufficient size that it is visible and apparent to all
7 current and prospective patients.

8 D. This section shall not be construed to require a
9 health care practice or facility in which multiple health care
10 practitioners are working to list in an advertisement the name
11 of every health care practitioner employed by the practice or
12 facility.

13 SECTION 4. [NEW MATERIAL] HEALTH CARE PRACTITIONER
14 IDENTIFIERS.--

15 A. A health care practice or facility shall
16 conspicuously display and clearly communicate the licensure of
17 each health care provider providing services at the practice or
18 facility to all current and prospective patients, as follows:

19 (1) each health care practitioner shall wear
20 an identifier during all patient encounters that shall include:

21 (a) the health care practitioner's name;

22 and

23 (b) the type of license and educational
24 degree the health care practitioner holds;

25 (2) the identifier shall be of sufficient size

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1 and worn in a conspicuous manner in order to be visible and
2 apparent;

3 (3) an identifier shall not be required in an
4 operating room or other setting where maintaining a sterile
5 environment is medically necessary;

6 (4) an identifier shall not be required in a
7 mental health setting where it would impede the
8 psychotherapeutic relationship; and

9 (5) if a safety or health risk to the health
10 care practitioner or a patient would be created as a result of
11 the health care practitioner wearing an identifier, an
12 identifier shall not be required or may be modified by omitting
13 or concealing the last name of the health care practitioner.

14 B. An advanced practice registered nurse shall
15 verbally identify as an advanced practice registered nurse
16 during each initial patient interaction in a clinical setting.
17 An advanced practice registered nurse who holds a doctorate
18 degree and identifies with the title "doctor" while in a
19 clinical setting shall clearly state that the title does not
20 refer to the advanced practice registered nurse as being a
21 medical doctor or physician.

22 C. A physician assistant shall verbally identify as
23 a physician assistant during each initial patient interaction
24 in a clinical setting. A physician assistant who holds a
25 doctorate degree and identifies with the title "doctor" while

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1 in a clinical setting shall clearly state that the title does
2 not refer to the physician assistant as being a medical doctor
3 or physician.

4 D. No health care practitioner shall identify in a
5 clinical setting using:

6 (1) deceptive or misleading terms or false
7 representations; or

8 (2) a medical title, unless the health care
9 practitioner is a licensed medical doctor or physician.

10 E. A health care practitioner who practices in a
11 nonpatient care setting and who does not have direct patient
12 care interactions shall not be subject to the provisions of
13 Subsections A through D of this section.

14 F. A health care practice or facility that
15 requires, as of the effective date of the Health Care
16 Practitioner Transparency Act, its health care practitioners to
17 wear an identification badge shall not be required to replace
18 existing badges to conform with the requirements of Subsections
19 A through D of this section.

20 G. Subsections A through D of this section shall
21 only apply to a dentist, chiropractic physician or optometrist
22 if the dentist, chiropractic physician or optometrist is
23 practicing in a hospital, nursing home, assisted living
24 community or personal care home.

25 SECTION 5. [NEW MATERIAL] PENALTIES--NO PRIVATE CAUSE OF
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1 ACTION--LIMITATION.--Nothing in the Health Care Practitioner
2 Transparency Act shall be construed to:

3 A. create or imply a private cause of action for
4 violation of that act; or

5 B. prevent a health care practitioner from using or
6 advertising a title that is statutorily authorized for the
7 health care practitioner pursuant to the statutes under which
8 the health care practitioner is licensed.