

1 HOUSE BILL 370

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO HOSPITAL STAFFING; PROHIBITING HOSPITALS FROM
12 DENYING CREDENTIALING TO HEALTH CARE PROFESSIONALS BASED ON
13 ECONOMIC FACTORS.
14

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

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

18 A. A hospital receiving local, state or federal
19 funds shall not deny medical staff membership or clinical
20 privileges for reasons other than a physician's individual
21 qualifications as determined, uniformly applied to all medical
22 staff applicants and members. When implementing credentialing
23 criteria, each hospital shall formulate and apply reasonable,
24 nondiscriminatory standards for the evaluation of an
25 applicant's credentials. The owner of each hospital shall

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1 ensure that decisions on clinical privileges and staff
2 membership are based on an objective evaluation of an
3 applicant's credentials, free of anti-competitive intent or
4 purpose. Whenever possible, the staff who evaluate and
5 determine the qualifications of applicants for clinical
6 privileges and staff membership shall include members of the
7 applicant's profession.

8 B. Hospitals shall not consider the following
9 factors when evaluating the qualifications for staff membership
10 or clinical privileges:

11 (1) an applicant's membership or lack of
12 membership in a professional society or association;

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

16 (3) an applicant's participation in prepaid
17 group health plans, salaried employment or any other manner of
18 delivering health services in exchange for remuneration;

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

22 (5) an applicant's practices with respect to
23 testifying in malpractice lawsuits, disciplinary actions or any
24 other type of legal proceeding;

25 (6) an applicant's willingness to send a

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1 certain number of patients to the hospital for services. This
2 paragraph shall not apply to hospitals that are publicly owned;

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

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

9 C. For the purposes of this section, "hospital"
10 does not include any health care facilities owned and operated
11 by the university of New Mexico health system.