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HOUSE BILL

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH; REQUIRING CERTAIN BOARDS THAT  
LICENSE HEALTH CARE PROFESSIONALS TO CONDITION ISSUANCE OR  
RENEWAL OF LICENSURE OR CERTIFICATION UPON ATTESTATION BY THE  
APPLICANT OF KNOWLEDGE OF AND COMPLIANCE WITH CERTAIN  
GUIDELINES FOR SAFE INJECTION PRACTICES; DECLARING AN  
EMERGENCY.

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

SECTION 1. A new section of the Optometry Act is enacted  
to read:

"[NEW MATERIAL] The board shall not grant or renew a  
license to practice optometry unless the applicant attests to  
knowledge of and compliance with guidelines of the federal  
centers for disease control and prevention regarding the  
prevention of transmission of infectious agents through safe

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1 and appropriate injection practices."

2 SECTION 2. A new section of the Nursing Practice Act is  
3 enacted to read:

4 "[NEW MATERIAL] The board shall not grant or renew a  
5 license to practice nursing unless the applicant attests to  
6 knowledge of and compliance with guidelines of the federal  
7 centers for disease control and prevention regarding the  
8 prevention of transmission of infectious agents through safe  
9 and appropriate injection practices."

10 SECTION 3. A new section of the Nursing Practice Act is  
11 enacted to read:

12 "[NEW MATERIAL] The board shall not certify, or renew the  
13 certification of, a hemodialysis technician unless the  
14 applicant attests to knowledge of and compliance with  
15 guidelines of the federal centers for disease control and  
16 prevention regarding the prevention of transmission of  
17 infectious agents through safe and appropriate injection  
18 practices."

19 SECTION 4. A new section of the Nursing Practice Act is  
20 enacted to read:

21 "[NEW MATERIAL] The board shall not certify, or renew the  
22 certification of, a medication aide unless the applicant  
23 attests to knowledge of and compliance with guidelines of the  
24 federal centers for disease control and prevention regarding  
25 the prevention of transmission of infectious agents through

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1 safe and appropriate injection practices."

2 SECTION 5. A new section of the Nursing Practice Act is  
3 enacted to read:

4 "[NEW MATERIAL] The board shall not grant or renew the  
5 license of a certified nurse practitioner unless the applicant  
6 attests to knowledge of and compliance with guidelines of the  
7 federal centers for disease control and prevention regarding  
8 the prevention of transmission of infectious agents through  
9 safe and appropriate injection practices."

10 SECTION 6. A new section of the Nursing Practice Act is  
11 enacted to read:

12 "[NEW MATERIAL] The board shall not grant or renew the  
13 license of a certified registered nurse anesthetist unless the  
14 applicant attests to knowledge of and compliance with  
15 guidelines of the federal centers for disease control and  
16 prevention regarding the prevention of transmission of  
17 infectious agents through safe and appropriate injection  
18 practices."

19 SECTION 7. A new section of the Nursing Practice Act is  
20 enacted to read:

21 "[NEW MATERIAL] The board shall not grant or renew the  
22 license of a clinical nurse specialist unless the applicant  
23 attests to knowledge of and compliance with guidelines of the  
24 federal centers for disease control and prevention regarding  
25 the prevention of transmission of infectious agents through

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1 safe and appropriate injection practices."

2 SECTION 8. A new section of the Dental Health Care Act is  
3 enacted to read:

4 "[NEW MATERIAL] The board shall not grant or renew the  
5 license of a dentist unless the applicant attests to knowledge  
6 of and compliance with guidelines of the federal centers for  
7 disease control and prevention regarding the prevention of  
8 transmission of infectious agents through safe and appropriate  
9 injection practices. In addition, the dentist applicant shall  
10 attest that any unlicensed person who is under the dentist's  
11 control and supervision, and whose duties involve injection  
12 practices, has knowledge of and is in compliance with the  
13 guidelines of the federal centers for disease control and  
14 prevention regarding the prevention of transmission of  
15 infectious agents through safe and appropriate injection  
16 practices."

17 SECTION 9. A new section of the Dental Health Care Act is  
18 enacted to read:

19 "[NEW MATERIAL] The board shall not grant or renew the  
20 license of a dental hygienist unless the applicant attests to  
21 knowledge of and compliance with guidelines of the federal  
22 centers for disease control and prevention regarding the  
23 prevention of transmission of infectious agents through safe  
24 and appropriate injection practices."

25 SECTION 10. A new section of the Dental Health Care Act

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1 is enacted to read:

2 "[NEW MATERIAL] The board shall not certify, or renew  
3 certification of, a dental assistant, an expanded-function  
4 dental auxiliary, a community dental health coordinator or a  
5 dental assistant certified in expanded functions unless the  
6 applicant attests to knowledge of and compliance with  
7 guidelines of the federal centers for disease control and  
8 prevention regarding the prevention of transmission of  
9 infectious agents through safe and appropriate injection  
10 practices."

11 SECTION 11. A new section of the Medical Practice Act is  
12 enacted to read:

13 "[NEW MATERIAL] The board shall not grant or renew the  
14 license of a physician unless the applicant attests to  
15 knowledge of and compliance with guidelines of the federal  
16 centers for disease control and prevention regarding the  
17 prevention of transmission of infectious agents through safe  
18 and appropriate injection practices. In addition, the  
19 physician applicant shall attest that any unlicensed person who  
20 is under the physician's control and supervision, and whose  
21 duties involve injection practices, has knowledge of and is in  
22 compliance with the guidelines of the federal centers for  
23 disease control and prevention regarding the prevention of  
24 transmission of infectious agents through safe and appropriate  
25 injection practices."

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1           **SECTION 12.** A new section of the Physician Assistant Act  
2 is enacted to read:

3           "[NEW MATERIAL] The board shall not grant or renew the  
4 license of a physician assistant unless the applicant attests  
5 to knowledge of and compliance with guidelines of the federal  
6 centers for disease control and prevention regarding the  
7 prevention of transmission of infectious agents through safe  
8 and appropriate injection practices."

9           **SECTION 13.** A new section of the Anesthesiologist  
10 Assistants Act is enacted to read:

11           "[NEW MATERIAL] The board shall not grant or renew the  
12 license of an anesthesiologist assistant unless the applicant  
13 attests to knowledge of and compliance with guidelines of the  
14 federal centers for disease control and prevention regarding  
15 the prevention of transmission of infectious agents through  
16 safe and appropriate injection practices."

17           **SECTION 14.** A new section of the Podiatry Act is enacted  
18 to read:

19           "[NEW MATERIAL] The board shall not grant or renew a  
20 license to practice podiatry unless the applicant attests to  
21 knowledge of and compliance with guidelines of the federal  
22 centers for disease control and prevention regarding the  
23 prevention of transmission of infectious agents through safe  
24 and appropriate injection practices."

25           **SECTION 15.** Section 61-10-15 NMSA 1978 (being Laws 1933,  
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1 Chapter 117, Section 13, as amended) is amended to read:

2 "61-10-15. ISSUANCE--RENEWAL--REFUSAL AND REVOCATION OF  
3 LICENSE.--

4 A. The board of osteopathic medical examiners shall  
5 not issue or renew an osteopathic license unless the applicant  
6 attests to knowledge of and compliance with guidelines of the  
7 federal centers for disease control and prevention regarding  
8 the prevention of transmission of infectious agents through  
9 safe and appropriate injection practices. In addition, the  
10 osteopathic physician applicant shall attest that any  
11 unlicensed person who is under the physician's control and  
12 supervision, and whose duties involve injection practices, has  
13 knowledge of and is in compliance with the guidelines of the  
14 federal centers for disease control and prevention regarding  
15 the prevention of transmission of infectious agents through  
16 safe and appropriate injection practices.

17 B. The board of osteopathic medical examiners may  
18 either refuse to issue or may suspend or revoke any license for  
19 any one or any combination of the following causes:

20 [~~A-~~] (1) conviction of a felony, as shown by a  
21 certified copy of the record of the court of conviction;

22 [~~B-~~] (2) the obtaining of or an attempt to  
23 obtain a license or the practice in the profession for money or  
24 any other thing of value by fraudulent misrepresentation;

25 [~~C-~~] (3) gross malpractice;

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1                   ~~[D-]~~ (4) advertising, practicing or attempting  
2 to practice under a name other than one's own;

3                   ~~[E-]~~ (5) advertising by means of knowingly  
4 false or deceptive statements;

5                   ~~[F-]~~ (6) habitual drunkenness or habitual  
6 addiction to the use of morphine, cocaine or other habit-  
7 forming drugs; or

8                   ~~[G-]~~ (7) immoral, dishonorable or  
9 unprofessional conduct.

10                   C. The board ~~[may neither]~~ of osteopathic medical  
11 examiners shall not refuse to issue, ~~[nor to]~~ renew, ~~[nor]~~  
12 suspend ~~[nor]~~ or revoke any license, however, for any of  
13 ~~[these]~~ the causes pursuant to Subsection B of this section  
14 unless the person accused has been given at least twenty days'  
15 notice in writing of the charge against ~~[him]~~ the person and a  
16 public hearing by the board of osteopathic medical examiners  
17 with right of review of the board's decision by the district  
18 court of the first judicial district by certiorari on petition  
19 of the party against whom the board's decision is rendered.

20                   D. The board of osteopathic medical examiners shall  
21 have the power to compel the attendance of witnesses and the  
22 production of relevant books and papers for the investigation  
23 of matters that may come before ~~[them and]~~ it. The presiding  
24 officer of ~~[said]~~ the board may administer the requisite oaths,  
25 and ~~[said]~~ the board shall have the same authority to compel

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1 the giving of testimony as is conferred on courts of justice."

2 SECTION 16. A new section of the Osteopathic Physicians'  
3 Assistants Act is enacted to read:

4 "[NEW MATERIAL] The board shall not grant or renew the  
5 license of an osteopathic physician assistant unless the  
6 applicant attests to knowledge of and compliance with  
7 guidelines of the federal centers for disease control and  
8 prevention regarding the prevention of transmission of  
9 infectious agents through safe and appropriate injection  
10 practices."

11 SECTION 17. A new section of the Pharmacy Act is enacted  
12 to read:

13 "[NEW MATERIAL] The board shall not grant or renew the  
14 license of a pharmacist unless the applicant attests to  
15 knowledge of and compliance with guidelines of the federal  
16 centers for disease control and prevention regarding the  
17 prevention of transmission of infectious agents through safe  
18 and appropriate injection practices. In addition, the  
19 pharmacist applicant shall attest that any unlicensed person  
20 who is under the pharmacist's control and supervision, and  
21 whose duties involve injection practices, has knowledge of and  
22 is in compliance with the guidelines of the federal centers for  
23 disease control and prevention regarding the prevention of  
24 transmission of infectious agents through safe and appropriate  
25 injection practices."

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1           **SECTION 18.** A new section of the Pharmacy Act is enacted  
2 to read:

3           "[NEW MATERIAL] The board shall not grant or renew the  
4 license of a pharmacy unless the applicant attests that its  
5 employees, independent contractors or agents who are authorized  
6 by the pharmacy to administer, and whose duties include the  
7 administration of, drugs by injection have knowledge of and  
8 comply with guidelines of the federal centers for disease  
9 control and prevention regarding the prevention of transmission  
10 of infectious agents through safe and appropriate injection  
11 practices."

12           **SECTION 19.** A new section of the Acupuncture and Oriental  
13 Medicine Practice Act is enacted to read:

14           "[NEW MATERIAL] The board shall not grant or renew the  
15 license of a doctor of oriental medicine unless the applicant  
16 attests to knowledge of and compliance with guidelines of the  
17 federal centers for disease control and prevention regarding  
18 the prevention of transmission of infectious agents through  
19 safe and appropriate injection practices."

20           **SECTION 20.** A new section of the Acupuncture and Oriental  
21 Medicine Practice Act is enacted to read:

22           "[NEW MATERIAL] The board shall not certify, or renew the  
23 certification of, an auricular detoxification specialist unless  
24 the applicant attests to knowledge of and compliance with  
25 guidelines of the federal centers for disease control and

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1 prevention regarding the prevention of transmission of  
2 infectious agents through safe and appropriate injection  
3 practices."

4 SECTION 21. A new section of the Acupuncture and Oriental  
5 Medicine Practice Act is enacted to read:

6 "[NEW MATERIAL] The board shall not certify, or renew the  
7 certification of, a doctor of oriental medicine in the four  
8 expanded practices of basic injection therapy, injection  
9 therapy, intravenous therapy and bioidentical hormone therapy  
10 unless the applicant attests to knowledge of and compliance  
11 with guidelines of the federal centers for disease control and  
12 prevention regarding the prevention of transmission of  
13 infectious agents through safe and appropriate injection  
14 practices."

15 SECTION 22. EMERGENCY.--It is necessary for the public  
16 peace, health and safety that this act take effect immediately.