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HOUSE BILL 890

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gail C. Beam

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; ENACTING THE NATUROPATHIC MEDICINE PRACTICE ACT; CREATING A BOARD; PROVIDING POWERS AND DUTIES; CREATING A FUND; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 22 of this act may cited as the "Naturopathic Medicine Practice Act".

Section 2. [NEW MATERIAL] PURPOSE.--The purpose of the Naturopathic Medicine Practice Act is to protect the public from the unprofessional, improper, incompetent and unlawful practice of naturopathic medicine by providing laws and rules to govern the practice of naturopathic medicine.

Section 3. [NEW MATERIAL] DEFINITIONS.--As used in the Naturopathic Medicine Practice Act:

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1 A. "board" means the board of naturopathic
2 medicine;

3 B. "doctor of naturopathic medicine" means a person
4 licensed as a naturopathic physician to practice naturopathic
5 medicine with the ability to practice independently, serve as a
6 primary care provider and collaborate as necessary with other
7 health care providers;

8 C. "homeopathy" means a system of medicine based on
9 the use of infinitesimal doses of medicines capable of
10 producing symptoms similar to those of the disease treated as
11 listed in the homeopathic pharmacopoeia of the United States;

12 D. "hygiene and immunizations" means the use of
13 such preventive techniques as personal hygiene, asepsis, public
14 health prevention and reporting responsibilities and
15 immunizations;

16 E. "medicines of mineral, animal and botanical
17 origin" means medicines derived from animal organs, tissues and
18 oils, minerals and plants administered orally, topically and by
19 injection, excluding legend drugs, with the following
20 exceptions: vitamins, minerals, natural hormones, whole gland
21 thyroid and substances as exemplified in traditional botanical
22 and herbal pharmacopoeia and nondrug contraceptive devices,
23 excluding intrauterine devices;

24 F. "natural hormones" means plant- and glandular-
25 derived hormones;

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1 G. "naturopathic medicine" means a system of health
2 care practiced by doctors of naturopathic medicine for the
3 prevention, diagnosis and treatment of human health conditions,
4 injuries and diseases that uses education, natural medicines,
5 homeopathy and therapies to support and stimulate a person's
6 intrinsic self-healing processes, including naturopathic
7 physical medicine. "Naturopathic medicine" does not include
8 occupational therapy as defined in Section 61-12A-3 NMSA 1978,
9 physical therapy as defined in Section 61-12D-3 NMSA 1978 or
10 oriental medicine as defined in Section 61-14A-3 NMSA 1978; and

11 H. "naturopathic physical medicine" means the use
12 of physical agents of air, water, heat, cold, sound, light,
13 soft tissue therapy and mobilization and therapeutic exercise
14 in the resolution of human ailments and conditions.

15 Section 4. [NEW MATERIAL] SCOPE OF PRACTICE.--

16 A. Naturopathic medicine is the practice by a
17 doctor of naturopathic medicine of the art and science of the
18 diagnosis, prevention and treatment of disorders of the body by
19 stimulation or support, or both, of the natural processes of
20 the human body.

21 B. Doctors of naturopathic medicine may use for
22 preventive and therapeutic purposes the following natural
23 medicines and therapies: food, food extracts, certain
24 medicines of mineral, animal and botanical origin, vitamins,
25 minerals, natural hormones, enzymes, digestive aids, whole

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1 gland thyroid, plant substances, homeopathic preparations,
2 topical medicines, counseling, biofeedback, dietary therapy,
3 hygiene and immunizations, certain injections, naturopathic
4 physical medicine, nutritional and lifestyle counseling,
5 therapeutic devices and barrier devices for contraception.

6 C. Doctors of naturopathic medicine may use for
7 diagnostic purposes physical and orifical examinations,
8 diagnostic imaging, electrocardiograms, ultrasound, phlebotomy,
9 clinical laboratory tests, examinations and physiological
10 function tests.

11 D. Doctors of naturopathic medicine may prescribe
12 natural hormones and contraceptive devices.

13 Section 5. [NEW MATERIAL] LICENSE REQUIRED.--Unless
14 licensed as a doctor of naturopathic medicine pursuant to the
15 Naturopathic Medicine Practice Act, a person shall not:

16 A. use the title or represent himself as a doctor
17 of naturopathic medicine or use any other title, abbreviation,
18 letters, figures, signs or devices that indicate the person is
19 licensed to practice as a doctor of naturopathic medicine; or

20 B. advertise, hold out to the public or represent
21 in any manner that he is licensed to practice naturopathic
22 medicine.

23 Section 6. [NEW MATERIAL] USE OF TERMS.--A person
24 licensed pursuant to the provisions of the Naturopathic
25 Medicine Practice Act, in advertising his services to the

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1 public, shall use the title "doctor of naturopathic medicine".

2 Section 7. [NEW MATERIAL] EXEMPTIONS.--

3 A. Nothing in the Naturopathic Medicine Practice Act
4 is intended to limit, interfere with or prevent licensed health
5 care professionals of any other class from practicing within
6 the scope of their licenses, but they shall not hold themselves
7 out to the public or any private group or business by using any
8 title or description of services that includes the term "doctor
9 of naturopathic medicine" unless they are licensed pursuant to
10 the Naturopathic Medicine Practice Act.

11 B. The Naturopathic Medicine Practice Act does not
12 apply to or affect the following practices if a person does not
13 hold himself out as a doctor of naturopathic medicine:

14 (1) administering of gratuitous services in
15 cases of emergency;

16 (2) domestic administering of family remedies;

17 (3) counseling about or the teaching and
18 demonstration of breathing and exercise techniques;

19 (4) counseling about or teaching of diet and
20 nutrition;

21 (5) spiritual or lifestyle counseling of a
22 person or spiritual group, or the practice of the religious
23 tenets of a church; or

24 (6) providing information about the general
25 use of herbal medicines, homeopathic medicines, vitamins,

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1 minerals, enzymes or glandular or nutritional supplements.

2 Section 8. [NEW MATERIAL] BOARD CREATED--APPOINTMENT--
3 OFFICERS--COMPENSATION.--

4 A. The "board of naturopathic medicine" is created.

5 B. The board is administratively attached to the
6 regulation and licensing department.

7 C. The board consists of five members appointed by
8 the governor for terms of three years each. Three members of
9 the board shall be doctors of naturopathic medicine who have
10 been residents of and practiced naturopathic medicine in New
11 Mexico for at least three years immediately preceding the date
12 of their appointment. Two members shall be appointed to
13 represent the public and shall not have practiced naturopathic
14 medicine in this or any other jurisdiction or have any
15 financial interest in the profession regulated. A board member
16 shall not be the principal owner or director of an institute
17 offering educational programs in naturopathic medicine.

18 D. Members of the board shall be appointed by the
19 governor for staggered terms of three years; provided that for
20 initial terms, two members shall be appointed for three years,
21 two for two years and one for one year. Terms of board members
22 shall expire on December 31. A board member shall serve until
23 his successor has been appointed and qualified. Vacancies
24 shall be filled for the remainder of the unexpired term in the
25 same manner as the original appointment.

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1 E. A board member shall not serve more than three
2 consecutive full terms, and a board member who fails to attend
3 three consecutive meetings, after he has received proper
4 notice, shall be recommended for removal as a board member
5 unless excused for reasons established by the board.

6 F. The board shall elect annually from its
7 membership a chair and other officers as necessary to carry out
8 its duties.

9 G. The board shall meet at least once each year and
10 at other times deemed necessary. Other meetings may be called
11 by the chair, a majority of board members or the governor. A
12 simple majority of board members serving constitutes a quorum
13 of the board.

14 H. Members of the board may be reimbursed as
15 provided in the Per Diem and Mileage Act, but shall receive no
16 other compensation, perquisite or allowance. The board may
17 waive any payment of per diem or mileage.

18 Section 9. [NEW MATERIAL] BOARD--POWERS.--The board may:

19 A. enforce the provisions of the Naturopathic
20 Medicine Practice Act;

21 B. adopt, publish and file, in accordance with the
22 Uniform Licensing Act and the State Rules Act, all rules
23 necessary for the implementation and enforcement of the
24 provisions of the Naturopathic Medicine Practice Act;

25 C. adopt a code of ethics;

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1 D. adopt and use a seal;

2 E. inspect facilities of approved educational
3 programs, extern programs and the offices of licensees;

4 F. adopt rules implementing continuing education
5 requirements for the purpose of protecting the health and well-
6 being of the citizens of this state and maintaining and
7 continuing informed professional knowledge and awareness;

8 G. employ such professional and clerical assistance
9 as necessary to carry out the powers and duties of the board;

10 H. issue investigative subpoenas for the purpose of
11 investigating complaints against licensees, prior to the
12 issuance of a notice of contemplated action;

13 I. administer oaths and take testimony on any
14 matters within the board's jurisdiction;

15 J. conduct hearings upon charges relating to the
16 discipline of licensees, including the denial, suspension or
17 revocation of a license in accordance with the Uniform
18 Licensing Act;

19 K. limit the type of license of a doctor of
20 naturopathic medicine based upon the level of education and
21 training; and

22 L. grant, deny, renew, suspend, limit or revoke
23 licenses to practice naturopathic medicine or grant, deny,
24 renew, suspend or revoke approvals of educational programs and
25 extern programs in accordance with the provisions of the

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1 Uniform Licensing Act for any cause stated in the Naturopathic
2 Medicine Practice Act or rules of the board.

3 Section 10. [NEW MATERIAL] BOARD DUTIES.--The board
4 shall:

5 A. establish fees;

6 B. provide for the examination of applicants for
7 licensure as doctors of naturopathic medicine;

8 C. keep a record of all examinations held, together
9 with the names and addresses of all persons taking the
10 examinations, and the examination results;

11 D. notify each applicant, in writing, of the
12 results of an examination within twenty-one days after the
13 results of the examination are available to the board;

14 E. keep a licensee record in which the names,
15 addresses and license numbers of all licensees shall be
16 recorded together with a record of all license renewals,
17 suspensions and revocations;

18 F. provide for the granting and renewal of licenses
19 and approval of educational programs; and

20 G. keep an accurate record of all its meetings,
21 receipts and disbursements.

22 Section 11. [NEW MATERIAL] REQUIREMENTS FOR LICENSURE.--
23 The board shall grant a license to practice naturopathic
24 medicine to a person who has:

25 A. submitted to the board:

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1 (1) the completed application for licensure on
2 the form provided by the board;

3 (2) the documentation required by the board;

4 (3) the required fees;

5 (4) an affidavit stating that the applicant
6 has not been found guilty of unprofessional conduct or
7 incompetency;

8 (5) proof, as determined by the board, that
9 the applicant has completed a board-approved educational
10 program in naturopathic medicine as provided for in the
11 Naturopathic Medicine Practice Act and the rules of the board;
12 and

13 (6) proof that the applicant has passed the
14 examinations approved by the board; and

15 B. complied with any other requirements of the
16 board.

17 Section 12. [NEW MATERIAL] EXAMINATIONS.--The board:

18 A. shall establish procedures to ensure that
19 examinations for licensure are offered at least once a year;

20 B. shall establish the deadline for
21 receipt of applications for licensure examinations and other
22 rules relating to the taking and retaking of licensure
23 examinations;

24 C. shall establish the passing grades for
25 its approved examinations;

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1 D. may approve, and use as a basis for
2 licensure, the examinations that are used for national
3 certification, including the naturopathic physician licensing
4 examination;

5 E. shall require each qualified applicant
6 to pass a validated, objective written examination that covers
7 areas that are not included in other examinations approved by
8 the board;

9 F. shall require that each applicant has
10 graduated from a naturopathic college accredited by the council
11 of naturopathic medical education or another accrediting agency
12 recognized by the United States department of education;

13 G. may recognize a college that has the
14 status of candidate for accreditation with an approved
15 accrediting agency or has been approved by the board after an
16 investigation that determines that the college and the program
17 meet educational standards equivalent to those established by
18 the accrediting agency and comply with the board's rules, which
19 shall require as a minimum a full-time resident program of
20 academic and clinical staff; and

21 H. may require each qualified applicant to pass a
22 written examination on the state laws and rules that pertain to
23 the practice of naturopathic medicine.

24 Section 13. [NEW MATERIAL] REQUIREMENTS FOR TEMPORARY
25 LICENSURE.--

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1 A. The board may grant a temporary license until
2 the next licensure examination to a person who:

3 (1) is licensed to practice naturopathic
4 medicine in another state, district or territory of the United
5 States or in a foreign country and who has met all the
6 requirements for temporary licensure, as determined by the
7 board, to practice in New Mexico;

8 (2) submits the completed application for
9 licensure on the form provided by the board;

10 (3) submits the required documentation,
11 including proof of adequate education and training, as
12 determined by the board;

13 (4) submits the required temporary licensure
14 application fee; and

15 (5) submits an affidavit stating that the
16 applicant has not been found guilty of unprofessional conduct
17 or incompetence.

18 B. A temporary licensee may engage in only those
19 activities authorized on the temporary license.

20 C. A temporary license may be issued for a
21 period of time not to exceed the number of months between
22 application and the time necessary to notify applicants of
23 passage or failure of the next licensure examination.

24 D. A temporary license may be renewed one time upon
25 submission of:

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1 (1) the completed application for license
2 renewal on the form provided by the board; and

3 (2) the required renewal fee.

4 Section 14. [NEW MATERIAL] REQUIREMENTS FOR RECIPROCAL
5 LICENSURE.--The board may grant a license to practice
6 naturopathic medicine to a person who is licensed as a doctor
7 of naturopathic medicine in another state, district or
8 territory of the United States or in a foreign country with
9 reciprocal licensure provisions and licensure requirements
10 similar to New Mexico and if the applicant:

11 A. submits the completed application for reciprocal
12 licensure on the form provided by the board;

13 B. submits the required documentation as determined
14 by the board;

15 C. submits the required fee for application for
16 reciprocal licensure;

17 D. submits an affidavit stating that the applicant
18 has not been found guilty of unprofessional conduct or
19 incompetence;

20 E. has once passed the board-approved examination
21 that demonstrates his knowledge of and skill in the application
22 of naturopathic medicine and has since maintained uninterrupted
23 licensure; and

24 F. has passed a written examination on New Mexico
25 laws and rules that pertain to the practice of naturopathic

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1 medicine.

2 Section 15. [NEW MATERIAL] APPROVAL OF CONTINUING
3 EDUCATION PROGRAMS.--The board shall establish by rule the
4 amount of and criteria for board approval of continuing
5 educational programs in naturopathic medicine.

6 Section 16. [NEW MATERIAL] LICENSE RENEWAL.--

7 A. A licensee may renew his license annually
8 by submitting prior to the date established by the board:

9 (1) the completed application for renewal on
10 the form provided by the board; and

11 (2) the required renewal fee.

12 B. The board may require proof of continuing
13 education or other proof of competency as a requirement for
14 renewal.

15 C. A sixty-day grace period shall be allowed for
16 each licensee after the end of the licensing period, during
17 which time the license may be renewed by submitting:

18 (1) the completed application for renewal on
19 the form provided by the board;

20 (2) the required renewal fee; and

21 (3) the required late fee.

22 D. A license not renewed at the end of the grace
23 period shall be considered expired and the licensee shall not
24 be eligible to practice within the state. For reinstatement of
25 an expired license within one year of the date of renewal, the

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1 board may establish requirements or fees in addition to the
2 renewal fee or may require the former licensee to reapply as a
3 new applicant.

4 Section 17. [NEW MATERIAL] FEES.--The board shall
5 establish a schedule of reasonable nonrefundable fees not to
6 exceed the following amounts:

7 A. application for licensure, one thousand dollars
8 (\$1,000);

9 B. application for reciprocal licensure, eight
10 hundred fifty dollars (\$850);

11 C. application for temporary licensure, five
12 hundred dollars (\$500);

13 D. examination, not including the cost of any
14 nationally recognized examination, four hundred dollars (\$400);

15 E. annual license renewal, one thousand dollars
16 (\$1,000);

17 F. late license renewal, two hundred dollars
18 (\$200);

19 G. expired license renewal, one thousand two
20 hundred dollars (\$1,200);

21 H. temporary license renewal, five hundred dollars
22 (\$500);

23 I. annual continuing education provider
24 registration, four hundred dollars (\$400); and

25 J. reasonable fees for necessary administrative

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1 expenses.

2 Section 18. [NEW MATERIAL] DISCIPLINARY PROCEEDINGS--
3 JUDICIAL REVIEW--APPLICATION OF UNIFORM LICENSING ACT.--

4 A. In accordance with the procedures contained in
5 the Uniform Licensing Act, the board may deny, revoke or
6 suspend any permanent or temporary license held or applied for
7 under the Naturopathic Medicine Practice Act, upon findings by
8 the board that the licensee or applicant:

9 (1) is guilty of fraud or deceit in procuring
10 or attempting to procure a license;

11 (2) has been convicted of a felony. A
12 certified copy of the record of conviction shall be conclusive
13 evidence of such conviction;

14 (3) is guilty of incompetence as defined by
15 board rule;

16 (4) is habitually intemperate or is addicted
17 to the use of habit-forming drugs or is addicted to any vice to
18 such a degree as to render him unfit to practice as a doctor of
19 naturopathic medicine;

20 (5) is guilty of unprofessional conduct, as
21 defined by board rule;

22 (6) is guilty of a violation of the
23 Controlled Substances Act;

24 (7) has violated a provision of the
25 Naturopathic Medicine Practice Act or rules promulgated

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1 by the board;

2 (8) is guilty of failing to furnish the board,
3 its investigators or representatives with information requested
4 by the board;

5 (9) is guilty of willfully or negligently
6 practicing beyond the scope of naturopathic medicine;

7 (10) is guilty of aiding or abetting the
8 practice of naturopathic medicine by a person not licensed
9 by the board;

10 (11) is guilty of practicing or attempting to
11 practice under an assumed name;

12 (12) advertises by means of knowingly false
13 statements;

14 (13) advertises or attempts to attract
15 patronage in an unethical manner prohibited by the Naturopathic
16 Medicine Practice Act or the rules of the board;

17 (14) has been declared mentally incompetent by
18 regularly constituted authorities;

19 (15) has had a license, certificate or
20 registration to practice as a doctor of naturopathic medicine
21 revoked, suspended or denied in any jurisdiction of the United
22 States or a foreign country for actions of the licensee
23 similar to acts described in this subsection. A certified copy
24 of the record of the jurisdiction taking such disciplinary
25 action will be conclusive evidence thereof; or

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1 (16) fails, when diagnosing and treating a
2 patient, to possess or apply the knowledge or to use the skill
3 and care ordinarily used by reasonably well-qualified doctors
4 of naturopathic medicine practicing under similar
5 circumstances, giving due consideration to the locality
6 involved.

7 B. Disciplinary proceedings may be instituted by
8 any person, shall be by sworn complaint and shall conform with
9 the provisions of the Uniform Licensing Act. Any party to the
10 hearing may obtain a copy of the hearing record upon payment of
11 the cost of the copy.

12 C. Any person filing a sworn complaint shall be
13 immune from liability arising out of civil action if the
14 complaint is filed in good faith and without actual malice.

15 D. The licensee shall bear the costs of
16 disciplinary proceedings unless exonerated.

17 Section 19. [NEW MATERIAL] FUND CREATED.--

18 A. The "board of naturopathic medicine fund" is
19 created in the state treasury.

20 B. All money received by the board pursuant to the
21 Naturopathic Medicine Practice Act shall be deposited with the
22 state treasurer for credit to the board of naturopathic
23 medicine fund. The state treasurer shall invest the fund as
24 other state funds are invested, and income from investment of
25 the fund shall be credited to the fund. All balances in the

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1 fund shall remain in the fund and shall not revert to the
2 general fund.

3 C. The fund shall be administered by the board, and
4 money in the fund is appropriated to the board and shall be
5 used only to meet the necessary expenses incurred in carrying
6 out the provisions of the Naturopathic Medicine Practice Act.

7 Section 20. [NEW MATERIAL] PENALTIES.--Any person who
8 violates any provision of the Naturopathic Medicine Practice
9 Act is guilty of a misdemeanor and upon conviction shall be
10 punished as provided in Section 31-19-1 NMSA 1978.

11 Section 21. [NEW MATERIAL] CRIMINAL OFFENDER EMPLOYMENT
12 ACT.--The provisions of the Criminal Offender Employment Act
13 shall govern any consideration of criminal records required or
14 permitted by the Naturopathic Medicine Practice Act.

15 Section 22. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--
16 The board of naturopathic medicine is terminated on July 1,
17 2011 pursuant to the Sunset Act. The board shall continue to
18 operate according to the Naturopathic Medicine Practice Act
19 until July 1, 2012. Effective July 1, 2012, the Naturopathic
20 Medicine Practice Act is repealed.

21 Section 23. Section 61-6-17 NMSA 1978 (being Laws 1973,
22 Chapter 361, Section 8, as amended) is amended to read:

23 "61-6-17. EXCEPTIONS TO ACT.--The Medical Practice Act
24 shall not apply to or affect:

25 A. gratuitous services rendered in cases of

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1 emergency;

2 B. the domestic administration of family remedies;

3 C. the practice of midwifery as regulated in this
4 state;

5 D. commissioned medical officers of the armed
6 forces of the United States and medical officers of the United
7 States public health service or the veterans administration of
8 the United States in the discharge of their official duties or
9 within federally controlled facilities; provided that such
10 persons who hold medical licenses in New Mexico shall be
11 subject to the provisions of the Medical Practice Act and
12 provided that all such persons shall be fully licensed to
13 practice medicine in one or more jurisdictions of the United
14 States;

15 E. the practice of medicine by a physician,
16 unlicensed in New Mexico, who performs emergency medical
17 procedures in air or ground transportation on a patient from
18 inside of New Mexico to another state or back, provided the
19 physician is duly licensed in that state;

20 F. the practice, as defined and limited under their
21 respective licensing laws, of:

22 (1) osteopathy;

23 (2) dentistry;

24 (3) podiatry;

25 (4) nursing;

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- 1 (5) optometry;
- 2 (6) psychology;
- 3 (7) chiropractic;
- 4 (8) pharmacy;
- 5 (9) acupuncture and oriental medicine; [~~or~~]
- 6 (10) physical therapy; or
- 7 (11) naturopathic medicine;

8 G. an act, task or function performed by a
9 physician assistant at the direction of and under the
10 supervision of a licensed physician, when:

11 (1) the physician assistant is currently
12 licensed by the board;

13 (2) the act, task or function is performed at
14 the direction of and under the supervision of a licensed
15 physician in accordance with rules promulgated by the board;
16 and

17 (3) the acts of the physician assistant are
18 within the scope of duties assigned or delegated by the
19 supervising licensed physician and the acts are within the
20 scope of the assistant's training;

21 H. an act, task or function of laboratory
22 technicians or technologists, x-ray technicians, nurse
23 practitioners, medical or surgical assistants or other
24 technicians or qualified persons permitted by law or
25 established by custom as part of the duties delegated to them

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1 by:

2 (1) a licensed physician or a hospital, clinic
3 or institution licensed or approved by the public health
4 division of the department of health or an agency of the
5 federal government; or

6 (2) a health care program operated or financed
7 by an agency of the state or federal government;

8 I. a properly trained medical or surgical assistant
9 or technician or professional licensee performing under the
10 physician's employment and direct supervision or a visiting
11 physician or surgeon operating under the physician's direct
12 supervision a medical act that a reasonable and prudent
13 physician would find within the scope of sound medical judgment
14 to delegate if, in the opinion of the delegating physician, the
15 act can be properly and safely performed in its customary
16 manner and if the person does not hold himself out to the
17 public as being authorized to practice medicine in New Mexico.
18 The delegating physician shall remain responsible for the
19 medical acts of the person performing the delegated medical
20 acts;

21 J. the practice of the religious tenets of a church
22 in the ministrations to the sick or suffering by mental or
23 spiritual means as provided by law; provided that the Medical
24 Practice Act shall not be construed to exempt a person from the
25 operation or enforcement of the sanitary and quarantine laws of

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1 the state;

2 K. the acts of a physician licensed under the laws
3 of another state of the United States who is the treating
4 physician of a patient and orders home health or hospice
5 services for a resident of New Mexico to be delivered by a home
6 and community support services agency licensed in this state;
7 provided that a change in the condition of the patient shall be
8 physically reevaluated by the treating physician in the
9 treating physician's jurisdiction or by a licensed
10 New Mexico physician;

11 L. a physician licensed to practice under the laws
12 of another state who acts as a consultant to a
13 New Mexico-licensed physician on an irregular or infrequent
14 basis, as defined by rule of the board; and

15 M. a physician who engages in the informal practice
16 of medicine across state lines without compensation or
17 expectation of compensation; provided that the practice of
18 medicine across state lines conducted within the parameters of
19 a contractual relationship shall not be considered informal and
20 is subject to licensure and rule by the board."

21 Section 24. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2005.

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