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SENATE BILL 456

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO HEALTH; AMENDING THE NEW MEXICO TELEHEALTH ACT;
EXPANDING THE TYPES OF PROVIDERS AND SITES FOR TELEHEALTH
SERVICES.

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

Section 1. Section 24-25-1 NMSA 1978 (being Laws 2004,
Chapter 48, Section 1) is amended to read:

"24-25-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 25
NMSA 1978 may be cited as the "New Mexico Telehealth Act"."

Section 2. Section 24-25-2 NMSA 1978 (being Laws 2004,
Chapter 48, Section 2) is amended to read:

"24-25-2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) lack of primary care, specialty providers
and transportation continue to be significant barriers to

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1 access to health services in medically underserved rural areas;

2 (2) there are parts of this state where it is
3 difficult to attract and retain health professionals, as well
4 as to support local health facilities [~~to provide~~] in providing
5 a continuum of health care;

6 (3) many health care providers in medically
7 underserved areas are isolated from mentors and colleagues and
8 from the information resources necessary to support them
9 personally and professionally;

10 (4) using information technology to deliver
11 medical services and information from one location to another
12 is part of a multifaceted approach to address the problems of
13 provider distribution and the development of health systems in
14 medically underserved areas by improving communication
15 capabilities and providing convenient access to up-to-date
16 information, consultations and other forms of support;

17 (5) the use of telecommunications to deliver
18 health services has the potential to reduce costs, improve
19 quality, change the conditions of practice and improve access
20 to health care in rural, medically underserved areas; and

21 (6) telehealth will assist in maintaining or
22 improving the physical and economic health of medically
23 underserved communities by keeping the source of [~~medical~~]
24 general health, behavioral health and oral health care in the
25 local area, strengthening the health infrastructure and

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1 preserving health-care-related jobs.

2 B. The purpose of the New Mexico Telehealth Act is
3 to provide a framework for health care providers to follow in
4 providing telehealth services to New Mexico citizens [~~when it~~
5 ~~is impractical for those citizens to receive health care~~
6 ~~consultations face-to-face with health care providers~~] in a
7 manner that provides efficient and effective access to quality
8 health services. Telehealth services include consultations,
9 direct patient care and education for health care
10 professionals, support personnel, students, families, patients
11 and other consumers of health care services."

12 Section 3. Section 24-25-3 NMSA 1978 (being Laws 2004,
13 Chapter 48, Section 3) is amended to read:

14 "24-25-3. DEFINITIONS.--As used in the New Mexico
15 Telehealth Act:

16 A. "health care provider" means a person licensed
17 to provide health care to patients in New Mexico, including:

- 18 (1) an optometrist;
- 19 (2) a chiropractic physician;
- 20 (3) a dentist;
- 21 (4) a physician;
- 22 (5) a podiatrist;
- 23 (6) an osteopathic physician;
- 24 (7) a physician assistant;
- 25 (8) a certified nurse practitioner;

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- 1 (9) a physical therapist;
- 2 (10) an occupational therapist;
- 3 (11) a speech-language pathologist;
- 4 (12) a doctor of oriental medicine;
- 5 (13) a nutritionist;
- 6 (14) a psychologist;
- 7 (15) a certified nurse-midwife;
- 8 (16) a clinical nurse specialist;
- 9 (17) a registered nurse;
- 10 (18) a dental hygienist; ~~[or]~~
- 11 (19) a pharmacist;
- 12 (20) a licensed independent social worker;
- 13 (21) a licensed counselor; or
- 14 (22) a community health representative;

15 B. "originating site" means a place where a patient
16 may receive health care via telehealth. An originating site
17 may include:

- 18 (1) a licensed inpatient center;
- 19 (2) an ambulatory surgical or treatment
20 center;
- 21 (3) a skilled nursing center;
- 22 (4) a residential treatment center;
- 23 (5) a home health agency;
- 24 (6) a diagnostic laboratory or imaging center;
- 25 (7) an assisted living center;

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- 1 (8) a school-based health program;
- 2 (9) a mobile clinic;
- 3 (10) a mental health clinic;
- 4 (11) a rehabilitation or other therapeutic
- 5 health setting; ~~[or]~~
- 6 (12) the patient's residence; ~~[and]~~
- 7 (13) a federally qualified health center; or
- 8 (14) a community health center; and

9 C. "telehealth" means the use of electronic
10 information, imaging and communication technologies, including
11 interactive audio, video, data communications as well as store-
12 and-forward technologies, to provide and support health care
13 delivery, diagnosis, consultation, treatment, transfer of
14 medical data and education ~~[when distance separates the patient~~
15 ~~and the health care provider]."~~

16 Section 4. Section 24-25-5 NMSA 1978 (being Laws 2004,
17 Chapter 48, Section 5) is amended to read:

18 "24-25-5. SCOPE OF ACT.--

19 A. The New Mexico Telehealth Act does not alter the
20 scope of practice of any health care provider or authorize the
21 delivery of health care services in a setting, or in a manner,
22 not otherwise authorized by law.

23 B. ~~[Although the use of telehealth is strongly~~
24 ~~encouraged, nothing in the New Mexico Telehealth Act requires a~~
25 ~~health insurer, health maintenance organization, managed care~~

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1 ~~organization, provider service organization or the state's~~
2 ~~medical assistance program to include telehealth within the~~
3 ~~scope of the plan or policy offered by that entity.] Because~~
4 ~~the use of telehealth improves access to quality health care~~
5 ~~and will generally benefit the citizens of New Mexico, health~~
6 ~~insurers, health maintenance organizations, managed care~~
7 ~~organizations and third-party payors offering services to the~~
8 ~~citizens of New Mexico are encouraged to use and provide~~
9 ~~coverage for telehealth within the scope of their plans or~~
10 ~~policies. The state's medical assistance program is also~~
11 ~~encouraged to include telehealth within the scope of its plan~~
12 ~~or policy."~~

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