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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.-- 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 access to health services in medically  
underserved rural areas;

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

(3) many health care providers in medically  
underserved areas are isolated from mentors and colleagues  
and from the information resources necessary to support them

1 personally and professionally;

2 (4) using information technology to deliver  
3 medical services and information from one location to another  
4 is part of a multifaceted approach to address the problems of  
5 provider distribution and the development of health systems  
6 in medically underserved areas by improving communication  
7 capabilities and providing convenient access to up-to-date  
8 information, consultations and other forms of support;

9 (5) the use of telecommunications to deliver  
10 health services has the potential to reduce costs, improve  
11 quality, change the conditions of practice and improve access  
12 to health care in rural, medically underserved areas; and

13 (6) telehealth will assist in maintaining or  
14 improving the physical and economic health of medically  
15 underserved communities by keeping the source of general  
16 health, behavioral health and oral health care in the local  
17 area, strengthening the health infrastructure and preserving  
18 health-care-related jobs.

19 B. The purpose of the New Mexico Telehealth Act is  
20 to provide a framework for health care providers to follow in  
21 providing telehealth services to New Mexico citizens in a  
22 manner that provides efficient and effective access to  
23 quality health services. Telehealth services include  
24 consultations, direct patient care and education for health  
25 care professionals, support personnel, students, families,

1 patients and other consumers of health care services."

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

4 "24-25-3. DEFINITIONS.--As used in the New Mexico  
5 Telehealth Act:

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

- 8 (1) an optometrist;
- 9 (2) a chiropractic physician;
- 10 (3) a dentist;
- 11 (4) a physician;
- 12 (5) a podiatrist;
- 13 (6) an osteopathic physician;
- 14 (7) a physician assistant;
- 15 (8) a certified nurse practitioner;
- 16 (9) a physical therapist;
- 17 (10) an occupational therapist;
- 18 (11) a speech-language pathologist;
- 19 (12) a doctor of oriental medicine;
- 20 (13) a nutritionist;
- 21 (14) a psychologist;
- 22 (15) a certified nurse-midwife;
- 23 (16) a clinical nurse specialist;
- 24 (17) a registered nurse;
- 25 (18) a dental hygienist;

- 1 (19) a pharmacist;
- 2 (20) a licensed independent social worker;
- 3 (21) a licensed counselor;
- 4 (22) a community health representative; or
- 5 (23) a licensed athletic trainer;

6 B. "originating site" means a place where a  
7 patient may receive health care via telehealth. An  
8 originating site may include:

- 9 (1) a licensed inpatient center;
- 10 (2) an ambulatory surgical or treatment  
11 center;
- 12 (3) a skilled nursing center;
- 13 (4) a residential treatment center;
- 14 (5) a home health agency;
- 15 (6) a diagnostic laboratory or imaging  
16 center;
- 17 (7) an assisted living center;
- 18 (8) a school-based health program;
- 19 (9) a mobile clinic;
- 20 (10) a mental health clinic;
- 21 (11) a rehabilitation or other therapeutic  
22 health setting;
- 23 (12) the patient's residence;
- 24 (13) a federally qualified health center; or
- 25 (14) a community health center; and

1 C. "telehealth" means the use of electronic  
2 information, imaging and communication technologies,  
3 including interactive audio, video, data communications as  
4 well as store-and-forward technologies, to provide and  
5 support health care delivery, diagnosis, consultation,  
6 treatment, transfer of medical data and education."

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

9 "24-25-5. SCOPE OF ACT.--

10 A. The New Mexico Telehealth Act does not alter  
11 the scope of practice of any health care provider or  
12 authorize the delivery of health care services in a setting,  
13 or in a manner, not otherwise authorized by law.

14 B. Because the use of telehealth improves access  
15 to quality health care and will generally benefit the citizens  
16 of New Mexico, health insurers, health maintenance  
17 organizations, managed care organizations and third-party  
18 payors offering services to the citizens of New Mexico are  
19 encouraged to use and provide coverage for telehealth within  
20 the scope of their plans or policies. The state's medical  
21 assistance program is also encouraged to include telehealth  
22 within the scope of its plan or policy." \_\_\_\_\_