

1 SENATE BILL 127

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 Steve Komadina

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10 AN ACT

11 RELATING TO THE NEW MEXICO MEDICAL BOARD; PERMITTING THE NEW  
12 MEXICO MEDICAL BOARD TO WAIVE LICENSURE FEES TO RECRUIT AND  
13 RETAIN MEDICAL DOCTORS FOR PRACTICE IN THE STATE; EXTENDING THE  
14 SUNSET FOR THE NEW MEXICO MEDICAL BOARD AND THE MEDICAL  
15 PRACTICE ACT; MAKING AN APPROPRIATION.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 Section 1. Section 61-6-5 NMSA 1978 (being Laws 1973,  
19 Chapter 361, Section 2, as amended) is amended to read:

20 "61-6-5. DUTIES AND POWERS.--The board shall:

21 A. enforce and administer the provisions of the  
22 Medical Practice Act, the Physician Assistant Act, the  
23 Anesthesiologist Assistants Act and the Impaired Health Care  
24 Provider Act;

25 B. adopt, publish and file, in accordance with the

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1 Uniform Licensing Act and the State Rules Act, all rules for  
2 the implementation and enforcement of the provisions of the  
3 Medical Practice Act, the Physician Assistant Act, the  
4 Anesthesiologist Assistants Act and the Impaired Health Care  
5 Provider Act;

6 C. adopt and use a seal;

7 D. administer oaths to all applicants, witnesses  
8 and others appearing before the board, as appropriate;

9 E. take testimony on matters within the board's  
10 jurisdiction;

11 F. keep an accurate record of all its meetings,  
12 receipts and disbursements;

13 G. maintain records in which the name, address and  
14 license number of all licensees shall be recorded, together  
15 with a record of all license renewals, suspensions,  
16 revocations, probations, stipulations, censures, reprimands and  
17 fines;

18 H. grant, deny, review, suspend and revoke licenses  
19 to practice medicine and censure, reprimand, fine and place on  
20 probation and stipulation licensees and applicants in  
21 accordance with the Uniform Licensing Act for any cause stated  
22 in the Medical Practice Act and the Impaired Health Care  
23 Provider Act;

24 I. hire staff and administrators as necessary to  
25 carry out the provisions of the Medical Practice Act;

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1 J. have the authority to hire or contract with  
2 investigators to investigate possible violations of the Medical  
3 Practice Act;

4 K. have the authority to hire a competent attorney  
5 to give advice and counsel in regard to any matter connected  
6 with the duties of the board, to represent the board in any  
7 legal proceedings and to aid in the enforcement of the laws in  
8 relation to the medical profession and to fix the compensation  
9 to be paid to such attorney; provided, however, that such  
10 attorney shall be compensated from the funds of the board;

11 L. establish continuing medical education  
12 requirements for licensed physicians and continuing education  
13 requirements for physician assistants;

14 M. establish committees as it deems necessary for  
15 carrying on its business;

16 N. hire or contract with a licensed physician to  
17 serve as medical director and fulfill specified duties of the  
18 secretary-treasurer; [~~and~~]

19 O. establish and maintain rules related to the  
20 management of pain based on review of national standards for  
21 pain management; and

22 P. have the authority to waive licensure fees for  
23 the purpose of medical doctor recruitment and retention."

24 Section 2. Section 61-6-31 NMSA 1978 (being Laws 1989,  
25 Chapter 269, Section 27, as amended) is amended to read:

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1 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL BOARD  
2 FUND CREATED--METHOD OF PAYMENTS.--

3 A. There is created the "New Mexico medical board  
4 fund".

5 B. All funds received by the board and money  
6 collected under the Medical Practice Act, the Physician  
7 Assistant Act, the Anesthesiologist Assistants Act and the  
8 Impaired Health Care Provider Act shall be deposited with the  
9 state treasurer who shall place the same to the credit of the  
10 New Mexico medical board fund.

11 C. All payments out of the fund shall be made on  
12 vouchers issued and signed by the secretary-treasurer of the  
13 board or the designee of the secretary-treasurer upon warrants  
14 drawn by the department of finance and administration in  
15 accordance with the budget approved by that department.

16 D. All amounts in the New Mexico medical board fund  
17 shall be subject to the order of the board and shall be used  
18 only for the purpose of meeting necessary expenses incurred in:

19 (1) the performance of the provisions of the  
20 Medical Practice Act, the Physician Assistant Act, the  
21 Anesthesiologist Assistants Act and the Impaired Health Care  
22 Provider Act and the duties and powers imposed by those acts;  
23 [~~and~~]

24 (2) the promotion of medical education and  
25 standards in this state within the budgetary limits; and

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1                                   (3) efforts to recruit and retain medical  
2                                   doctors for practice in New Mexico.

3                                   E. All funds that may have accumulated to the  
4                                   credit of the board under any previous law shall be transferred  
5                                   to the New Mexico medical board fund and shall continue to be  
6                                   available for use by the board in accordance with the  
7                                   provisions of the Medical Practice Act, the Physician Assistant  
8                                   Act, the Anesthesiologist Assistants Act and the Impaired  
9                                   Health Care Provider Act. All money unused at the end of the  
10                                  fiscal year shall not revert, but shall remain in the fund for  
11                                  use in accordance with the provisions of the Medical Practice  
12                                  Act, the Physician Assistant Act, the Anesthesiologist  
13                                  Assistants Act and the Impaired Health Care Provider Act."

14                                  Section 3. Section 61-6-35 NMSA 1978 (being Laws 1979,  
15                                  Chapter 40, Section 2, as amended) is amended to read:

16                                  "61-6-35. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--  
17                                  The New Mexico medical board [~~of medical examiners~~] is  
18                                  terminated on July 1, [~~2009~~] 2015 pursuant to the Sunset Act.  
19                                  The board shall continue to operate according to the provisions  
20                                  of the Medical Practice Act until July 1, [~~2010~~] 2016.  
21                                  Effective July 1, [~~2010~~] 2016, the Medical Practice Act is  
22                                  repealed."

23                                  Section 4. APPROPRIATION.--Eighty thousand dollars  
24                                  (\$80,000) is appropriated from the general fund to the New  
25                                  Mexico medical board for expenditure in fiscal year 2009 and  
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1 subsequent fiscal years to support a program that would waive  
2 the application fees for licensure for medical doctors who  
3 apply to New Mexico as their first state of licensure. Any  
4 unexpended or unencumbered balance remaining at the end of  
5 fiscal year 2009 shall not revert the general fund.

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