

1 SENATE BILL 240

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Gay G. Kernan

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10 AN ACT

11 RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH  
12 PROFESSIONAL LOAN REPAYMENT ACT, THE MEDICAL PRACTICE ACT AND  
13 THE OSTEOPATHIC MEDICINE ACT TO ESTABLISH DESIGNATED HEALTH  
14 PROFESSIONAL LOAN REPAYMENT FUNDING TO ASSIST ALLOPATHIC AND  
15 OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING IN DESIGNATED  
16 HEALTH PROFESSIONAL SHORTAGE AREAS; ESTABLISHING PHYSICIAN  
17 LICENSING FEES FOR THE HEALTH PROFESSIONAL LOAN REPAYMENT  
18 PROGRAM AND FOR IMPAIRED PHYSICIAN PROGRAMMING; ENACTING NEW  
19 SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT TO  
20 ESTABLISH THE PHYSICIAN EXCELLENCE FUND; MAKING APPROPRIATIONS.  
21

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

23 SECTION 1. Section 21-22D-3 NMSA 1978 (being Laws 1995,  
24 Chapter 144, Section 18) is amended to read:

25 "21-22D-3. DEFINITIONS.--As used in the Health

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1 Professional Loan Repayment Act:

2 A. [~~commission~~] "department" means the  
3 [~~commission or~~] higher education department;

4 B. "health professional" means a primary care  
5 physician, optometrist, podiatrist, physician's assistant,  
6 dentist, nurse, member of an allied health profession as  
7 defined in the Allied Health Student Loan for Service Act or a  
8 licensed or certified health professional as determined by the  
9 [~~commission; and~~] department;

10 C. "loan" means a grant of money to defray the  
11 costs incidental to a health education, under a contract  
12 between the federal government or a commercial lender and a  
13 health professional, requiring either repayment of principal  
14 and interest or repayment in services; and

15 D. "primary care physician" means a physician  
16 licensed pursuant to the Medical Practice Act or the  
17 Osteopathic Medicine Act with specialty training in family  
18 medicine, general internal medicine or general pediatrics."

19 SECTION 2. A new section of the Health Professional Loan  
20 Repayment Act is enacted to read:

21 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND.--The department  
22 shall apply funds appropriated to the department from the  
23 physician excellence fund established pursuant to Section 3 of  
24 this 2017 act exclusively for health professional loan  
25 repayment assistance for primary care physicians who are

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1 licensed pursuant to the Medical Practice Act or the  
2 Osteopathic Medicine Act and who practice in areas of New  
3 Mexico that the department has designated as underserved."

4 SECTION 3. A new section of the Health Professional Loan  
5 Repayment Act is enacted to read:

6 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND--CREATION--  
7 ADMINISTRATION--APPROPRIATION.--The "physician excellence fund"  
8 is created in the state treasury to support awards established  
9 through the Health Professional Loan Repayment Act to primary  
10 care physicians who practice in areas of New Mexico that the  
11 department has designated as underserved. The fund consists of  
12 license application and renewal surcharges pursuant to  
13 Subparagraph (b) of Paragraph (24) of Subsection A of Section  
14 61-6-19 and Subparagraph (b) of Paragraph (10) of Subsection A  
15 of Section 61-10-6.1 NMSA 1978, appropriations, gifts, grants,  
16 donations and income from investment of the fund. Any income  
17 earned on investment of the fund shall remain in the fund.  
18 Money in the fund shall not revert to any other fund at the end  
19 of a fiscal year. The fund shall be administered by the  
20 department, and money in the fund is appropriated to the  
21 department to make awards established through the Health  
22 Professional Loan Repayment Act to primary care physicians who  
23 practice in areas of New Mexico that the department has  
24 designated as underserved. Disbursements from the fund shall  
25 be made only upon warrant drawn by the secretary of finance and

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1 administration pursuant to vouchers signed by the secretary of  
2 higher education or the secretary's authorized representative."

3 SECTION 4. Section 61-6-19 NMSA 1978 (being Laws 1989,  
4 Chapter 269, Section 15, as amended) is amended to read:

5 "61-6-19. FEES.--

6 A. The board shall impose the following fees:

7 (1) an application fee not to exceed four  
8 hundred dollars (\$400) for licensure by endorsement as provided  
9 in Section 61-6-13 NMSA 1978;

10 (2) an application fee not to exceed four  
11 hundred dollars (\$400) for licensure by examination as provided  
12 in Section 61-6-11 NMSA 1978;

13 (3) a triennial renewal fee not to exceed four  
14 hundred fifty dollars (\$450);

15 (4) a fee of twenty-five dollars (\$25.00) for  
16 placing a physician's license or a physician assistant's  
17 license on inactive status;

18 (5) a late fee not to exceed one hundred  
19 dollars (\$100) for physicians who renew their license within  
20 forty-five days after the required renewal date;

21 (6) a late fee not to exceed two hundred  
22 dollars (\$200) for physicians who renew their licenses between  
23 forty-six and ninety days after the required renewal date;

24 (7) a reinstatement fee not to exceed six  
25 hundred dollars (\$600) for reinstatement of a revoked,

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1 suspended or inactive license;

2 (8) a reasonable administrative fee for  
3 verification and duplication of license or registration and  
4 copying of records;

5 (9) a reasonable publication fee for the  
6 purchase of a publication containing the names of all  
7 practitioners licensed under the Medical Practice Act;

8 (10) an impaired physician fee not to exceed  
9 one hundred fifty dollars (\$150) for a three-year period,  
10 notwithstanding the impaired physician fee supplement collected  
11 pursuant to Subparagraph (a) of Paragraph (24) of this  
12 subsection;

13 (11) an interim license fee not to exceed one  
14 hundred dollars (\$100);

15 (12) a temporary license fee not to exceed one  
16 hundred dollars (\$100);

17 (13) a postgraduate training license fee not  
18 to exceed fifty dollars (\$50.00) annually;

19 (14) an application fee not to exceed one  
20 hundred fifty dollars (\$150) for physician assistants applying  
21 for initial licensure;

22 (15) a licensure fee not to exceed one hundred  
23 fifty dollars (\$150) for physician assistants biennial  
24 licensing and registration of supervising licensed physician;

25 (16) a late fee not to exceed fifty dollars

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1 (\$50.00) for physician assistants who renew their licensure  
2 within forty-five days after the required renewal date;

3 (17) a late fee not to exceed seventy-five  
4 dollars (\$75.00) for physician assistants who renew their  
5 licensure between forty-six and ninety days after the required  
6 renewal date;

7 (18) a reinstatement fee not to exceed one  
8 hundred dollars (\$100) for physician assistants who reinstate  
9 an expired license;

10 (19) a processing fee not to exceed fifty  
11 dollars (\$50.00) for each change of a supervising licensed  
12 physician for a physician assistant;

13 (20) a fee not to exceed three hundred dollars  
14 (\$300) annually for a physician supervising a clinical  
15 pharmacist;

16 (21) an application and renewal fee for a  
17 telemedicine license not to exceed four hundred dollars (\$400);

18 (22) a reasonable administrative fee, not to  
19 exceed the current cost of application for a license, that may  
20 be charged for reprocessing applications and renewals that  
21 include minor but significant errors and that would otherwise  
22 be subject to investigation and possible disciplinary action;  
23 [~~and~~]

24 (23) a reasonable fee as established by the  
25 department of public safety for nationwide and statewide

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1 criminal history screening of applicants and licensees; and  
2 (24) a fee of one hundred dollars (\$100) to  
3 accompany fees for application for and renewal of physician  
4 licensure for deposit as follows:

5 (a) fifty percent of the fee shall be  
6 deposited in the New Mexico medical board fund to supplement  
7 impaired physician fees collected pursuant to Paragraph (10) of  
8 this subsection; and

9 (b) fifty percent of the fee shall be  
10 deposited in the physician excellence fund pursuant to Section  
11 3 of this 2017 act.

12 B. All fees are nonrefundable and shall be used by  
13 the board to carry out its duties efficiently."

14 SECTION 5. Section 61-6-31 NMSA 1978 (being Laws 1989,  
15 Chapter 269, Section 27, as amended) is amended to read:

16 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL BOARD  
17 FUND CREATED--METHOD OF PAYMENTS.--

18 A. There is created the "New Mexico medical board  
19 fund".

20 B. Except for funds collected pursuant to  
21 Subparagraph (b) of Paragraph (24) of Subsection A of Section  
22 61-6-19 NMSA 1978, all funds received by the board and money  
23 collected under the Medical Practice Act, the Physician  
24 Assistant Act, the Anesthesiologist Assistants Act, the Genetic  
25 Counseling Act, the Polysomnography Practice Act, the Impaired

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1 Health Care Provider Act and the Naprapathic Practice Act shall  
2 be deposited with the state treasurer who shall place the same  
3 to the credit of the New Mexico medical board fund.

4 C. All payments out of the fund shall be made on  
5 vouchers issued and signed by the secretary-treasurer of the  
6 board or the designee of the secretary-treasurer upon warrants  
7 drawn by the department of finance and administration in  
8 accordance with the budget approved by that department.

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

12 (1) the performance of the provisions of the  
13 Medical Practice Act, the Physician Assistant Act, the  
14 Anesthesiologist Assistants Act, the Genetic Counseling Act,  
15 the Polysomnography Practice Act, the Impaired Health Care  
16 Provider Act and the Naprapathic Practice Act and the duties  
17 and powers imposed by those acts;

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

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

22 E. All funds that may have accumulated to the  
23 credit of the board under any previous law shall be transferred  
24 to the New Mexico medical board fund and shall continue to be  
25 available for use by the board in accordance with the

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1 provisions of the Medical Practice Act, the Physician Assistant  
2 Act, the Anesthesiologist Assistants Act, the Genetic  
3 Counseling Act, the Polysomnography Practice Act, the Impaired  
4 Health Care Provider Act and the Naprapathic Practice Act. All  
5 money unused at the end of the fiscal year shall not revert,  
6 but shall remain in the fund for use in accordance with the  
7 provisions of the Medical Practice Act, the Physician Assistant  
8 Act, the Anesthesiologist Assistants Act, the Genetic  
9 Counseling Act, the Polysomnography Practice Act, the Impaired  
10 Health Care Provider Act and the Naprapathic Practice Act."

11 SECTION 6. Section 61-10-6.1 NMSA 1978 (being Laws 2016,  
12 Chapter 90, Section 7) is amended to read:

13 "61-10-6.1. FEES.--The board [~~may~~] shall charge the  
14 following fees; provided that all fees are nonrefundable and,  
15 except for those fees collected pursuant to Subparagraph (b) of  
16 Paragraph (10) of Subsection A of this section, shall be used  
17 by the board to carry out its duties:

18 A. pertaining to osteopathic physicians:

19 (1) an application fee not to exceed one  
20 thousand dollars (\$1,000) for triennial licensure of an  
21 osteopathic physician pursuant to Section 61-10-12 NMSA 1978;

22 (2) a triennial osteopathic physician  
23 licensure renewal fee not to exceed one thousand dollars  
24 (\$1,000);

25 (3) a fee not to exceed seventy-five dollars

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1 (\$75.00) for placing an osteopathic physician license on  
2 inactive status;

3 (4) a late fee not to exceed:

4 (a) two hundred dollars (\$200) for  
5 osteopathic physicians who fail to renew their licenses on or  
6 before July 1 of the year in which their triennial licenses are  
7 due for renewal but who renew on or before September 29 of that  
8 year; and

9 (b) four hundred dollars (\$400) for  
10 osteopathic physicians who renew their licenses after September  
11 29;

12 (5) a reinstatement fee not to exceed five  
13 hundred dollars (\$500) for reinstatement of a revoked,  
14 suspended or inactive osteopathic physician license;

15 (6) a temporary license fee not to exceed one  
16 hundred dollars (\$100);

17 (7) a post-graduate osteopathic physician  
18 training license fee not to exceed fifty dollars (\$50.00);

19 (8) an osteopathic physician telemedicine  
20 triennial license fee not to exceed four hundred dollars  
21 (\$400); ~~and~~

22 (9) an impaired physician fee not to exceed  
23 one hundred dollars (\$100), notwithstanding the impaired  
24 physician fee supplement collected pursuant to Subparagraph (a)  
25 of Paragraph (10) of this subsection; and

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1                   (10) a fee of one hundred dollars (\$100) to  
2 accompany fees for application and renewal of osteopathic  
3 licensure for deposit as follows:

4                   (a) fifty percent of the fee shall be  
5 used by the board to supplement impaired physician fees  
6 collected pursuant to Paragraph (9) of this subsection; and

7                   (b) fifty percent of the fee shall be  
8 deposited in the physician excellence fund pursuant to Section  
9 3 of this 2017 act;

10                   B. pertaining to osteopathic physician assistants:

11                   (1) a biennial license fee not to exceed four  
12 hundred fifty dollars (\$450);

13                   (2) a registration of new supervision fee that  
14 is equal to one-half of the biennial license fee for  
15 osteopathic physician assistants;

16                   (3) a late fee not to exceed twenty-five  
17 dollars (\$25.00) for osteopathic physician assistants who fail  
18 to renew their licenses on or before July 1 of the year in  
19 which their biennial licenses are due for renewal;

20                   (4) an impaired osteopathic physician  
21 assistant fee not to exceed one hundred dollars (\$100); and

22                   (5) a fee for an osteopathic physician  
23 assistant license on inactive status not to exceed seventy-five  
24 dollars (\$75.00); and

25                   C. pertaining to osteopathic physician and

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1 osteopathic physician assistant licensees or applicants:

2 (1) a fee not to exceed five hundred dollars  
3 (\$500) for reprocessing an application or renewal that includes  
4 errors that would otherwise be subject to investigation and  
5 possible disciplinary action; and

6 (2) a reasonable administrative fee that the  
7 board establishes by rule for verification of license,  
8 publications and copying charges."

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