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SENATE BILL 175

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO HEALTH CARE; BANNING THE COMPULSION OF HEALTH CARE PRACTITIONERS.

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

SECTION 1. [NEW MATERIAL] COMPULSION OF HEALTH CARE PRACTITIONERS--PROHIBITION.--

A. Neither the state nor any political subdivision of the state shall:

(1) require a licensed health care practitioner to provide a patient with:

(a) information that is not: 1) medically accurate information; or 2) medically appropriate for the patient; or

(b) a medical service that is: 1) not an evidence-based medical service; or 2) delivered in a manner

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1 that is not appropriate for the patient; or

2 (2) prohibit a licensed health care
3 practitioner from providing a patient with:

4 (a) information that is medically
5 accurate and that is medically appropriate for the patient; or

6 (b) an evidence-based medical service in
7 a manner that is appropriate for the patient.

8 B. Nothing in this section shall be construed to
9 alter existing professional standards of care or to abrogate
10 the duty of a licensed health care practitioner to meet the
11 applicable standard of care.

12 C. As used in this section:

13 (1) "evidence-based medical service" means
14 health care that is informed by the current best evidence in
15 making decisions regarding the care of an individual patient
16 and that integrates individual clinical expertise with the best
17 available external clinical evidence from systematic research;

18 (2) "health care practitioner" means an
19 individual who is licensed or otherwise authorized to provide
20 health care in the ordinary course of business;

21 (3) "medically accurate information" means
22 information that is:

23 (a) verified or supported by the weight
24 of peer-reviewed medical research, conducted in compliance with
25 accepted scientific methods;

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1 (b) recognized as correct and objective
2 by leading medical organizations with relevant expertise; or

3 (c) recommended by or affirmed in the
4 medical practice guidelines of a nationally recognized
5 accrediting organization; and

6 (4) "medically appropriate" means consistent
7 with applicable legal, health care and professional standards,
8 a patient's circumstances or the patient's reasonably known
9 wishes and beliefs.