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HOUSE BILL 104

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Anthony Allison

AN ACT

RELATING TO TAXATION; EXPANDING THE RURAL HEALTH CARE
PRACTITIONER TAX CREDIT TO APPLY TO ALL REGISTERED NURSES AND
LICENSED MIDWIVES AND ALSO ESSENTIAL HEALTH CARE WORKERS WHO
PROVIDED ASSISTANCE DURING THE CORONAVIRUS DISEASE 2019
PANDEMIC.

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

SECTION 1. Section 7-2-18.22 NMSA 1978 (being Laws 2007,
Chapter 361, Section 2) is amended to read:

"7-2-18.22. [~~TAX CREDIT~~] RURAL HEALTH CARE PRACTITIONER
TAX CREDIT.--

A. A taxpayer who files an individual New Mexico
tax return, who is not a dependent of another individual, who
is an eligible health care practitioner and who has provided
health care services in New Mexico in a rural health care

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1 underserved area in a taxable year may claim a credit against
2 the tax liability imposed by the Income Tax Act. The credit
3 provided in this section may be referred to as the "rural
4 health care practitioner tax credit".

5 B. The rural health care practitioner tax credit
6 may be claimed and allowed in an amount that shall not exceed
7 five thousand dollars (\$5,000) for all eligible physicians,
8 osteopathic physicians, dentists, clinical psychologists,
9 podiatrists and optometrists who qualify pursuant to the
10 provisions of this section, except the credit shall not exceed
11 three thousand dollars (\$3,000) for all eligible dental
12 hygienists, physician assistants, [~~certified nurse-midwives,~~
13 ~~certified registered nurse anesthetists, certified nurse~~
14 ~~practitioners and clinical nurse specialists~~] midwives licensed
15 by the department of health, registered nurses and essential
16 health care workers who provided assistance to other health
17 care professionals during the coronavirus disease 2019
18 pandemic.

19 C. To qualify for the rural health care
20 practitioner tax credit, an eligible health care practitioner
21 shall have provided health care during a taxable year for at
22 least two thousand eighty hours at a practice site located in
23 an approved, rural health care underserved area. An eligible
24 rural health care practitioner who provided health care
25 services for at least one thousand forty hours but less than

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1 two thousand eighty hours at a practice site located in an
2 approved rural health care underserved area during a taxable
3 year is eligible for one-half of the credit amount.

4 D. Before an eligible health care practitioner may
5 claim the rural health care practitioner tax credit, the
6 practitioner shall submit an application to the department of
7 health that describes the practitioner's clinical practice and
8 contains additional information that the department of health
9 may require. The department of health shall determine whether
10 an eligible health care practitioner qualifies for the rural
11 health care practitioner tax credit and shall issue a
12 certificate to each qualifying eligible health care
13 practitioner. The department of health shall provide the
14 taxation and revenue department appropriate information for all
15 eligible health care practitioners to whom certificates are
16 issued.

17 E. A taxpayer claiming the credit provided by this
18 section shall submit a copy of the certificate issued by the
19 department of health with the taxpayer's New Mexico income tax
20 return for the taxable year. If the amount of the credit
21 claimed exceeds a taxpayer's tax liability for the taxable year
22 in which the credit is being claimed, the excess may be carried
23 forward for three consecutive taxable years.

24 F. As used in this section:

25 (1) "eligible health care practitioner" means:

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1 [~~(a)~~] ~~a certified nurse-midwife licensed~~
2 ~~by the board of nursing as a registered nurse and licensed by~~
3 ~~the public health division of the department of health to~~
4 ~~practice nurse-midwifery as a certified nurse-midwife;~~

5 ~~(b)~~] (a) a dentist or dental hygienist
6 licensed pursuant to the Dental Health Care Act;

7 [~~(c)~~] (b) an optometrist licensed
8 pursuant to the provisions of the Optometry Act;

9 [~~(d)~~] (c) an osteopathic physician
10 [~~licensed pursuant to the provisions of Chapter 61, Article 10~~
11 ~~NMSA 1978]~~ or an osteopathic physician assistant licensed
12 pursuant to the provisions of the Osteopathic [~~Physicians+~~
13 ~~Assistants~~] Medicine Act;

14 [~~(e)~~] (d) a physician or physician
15 assistant licensed pursuant to the provisions of [~~Chapter 61,~~
16 ~~Article 6 NMSA 1978]~~ the Medical Practice Act;

17 [~~(f)~~] (e) a podiatrist licensed pursuant
18 to the provisions of the Podiatry Act;

19 [~~(g)~~] (f) a clinical psychologist
20 licensed pursuant to the provisions of the Professional
21 Psychologist Act; [~~and~~

22 ~~(h)~~] ~~a registered nurse in advanced~~
23 ~~practice who has been prepared through additional formal~~
24 ~~education as provided in Sections 61-3-23.2 through 61-3-23.4~~
25 ~~NMSA 1978 to function beyond the scope of practice of~~

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1 ~~professional registered nursing, including certified nurse~~
2 ~~practitioners, certified registered nurse anesthetists and~~
3 ~~clinical nurse specialists;]~~

4 (g) a midwife licensed by the department
5 of health;

6 (h) a registered nurse licensed pursuant
7 to the Nursing Practice Act; and

8 (i) an essential health care worker who
9 provided assistance to other health care professionals during
10 the coronavirus disease 2019 pandemic;

11 (2) "essential health care worker" means an
12 individual who conducts operations or services that are
13 typically essential to continue critical infrastructure
14 operations, including custodial and security staff;

15 [~~2~~] (3) "health care underserved area" means
16 a geographic area or practice location in which it has been
17 determined by the department of health, through the use of
18 indices and other standards set by the department of health,
19 that sufficient health care services are not being provided;

20 [~~3~~] (4) "practice site" means a private
21 practice, public health clinic, hospital, public or private
22 nonprofit primary care clinic or other health care service
23 location in a health care underserved area; and

24 [~~4~~] (5) "rural" means an area or location
25 identified by the department of health as falling outside of an

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urban area."

SECTION 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2021.