

LFC Requester:	Eric Chenier
-----------------------	---------------------

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/5/25 *Check all that apply:*
Bill Number: HB247 Original Correction
Amendment Substitute

Sponsor: Rep. Pameyla Herndon **Agency Name and Code** HCA 630
Short Title: Health Care Practitioner Transparency Act **Number:** _____
Person Writing Erica Leyba
Phone: 505-795-3163 **Email** Erica.leyba@hca.nm.g

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0.0	0.0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0.0	0.0	0.0	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0.0	0.0	0.0	0.0		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB247 enacts the health care practitioner transparency act. This new act establishes advertising guidelines, health care practitioner identifiers requirements, and provides penalty limitations.

Advertising Guidelines: Establishes guidelines for advertising by health care practitioners to prevent deceptive or misleading terms.

Practitioner Identifiers: Requires health care practitioners to display physical credentials identifying themselves.

- Advertisement Shall Include
 - Name
 - License Type
- Advertisements Shall Not be
 - Deceptive/misleading terms or false representation
 - Reference to Medical title unless practitioner is a physician
- HB247 includes Clinic Lobby Signage requirements,
- Verbal Identification criteria, and
- Penalty Limitations

FISCAL IMPLICATIONS

There is no fiscal impact to New Mexico Medicaid program budget as the bill does not provide appropriation and does not add new Medicaid services.

SIGNIFICANT ISSUES

The Federal Trade Commission (FTC) limits the types of claims providers can make when marketing health products and services. Failure to comply with the FTC may expose a provider organization to added legal liability and steep fines. The FTC pays the closest attention to claims about health and safety, so providers must know how to play by the rules to advertise or endorse a product effectively.

A similar law exists in California. A Doctor of Nursing called herself Dr. Erny and was fined by the state \$20,000 and her collaborating physician was fined \$25,000. The fear of lawsuits against Nurse Practitioners who have doctorates could drive some providers to other states, further impacting network adequacy.

PERFORMANCE IMPLICATIONS

HB247 has no performance implications for New Mexico Medicaid.

ADMINISTRATIVE IMPLICATIONS

None for HCA as unfair trade practices are enforced by the New Mexico Department of Justice. No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP
NA

TECHNICAL ISSUES
HB247 would be outside the scope of HCA's oversight.

OTHER SUBSTANTIVE ISSUES
NA

ALTERNATIVES
NA

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL
Status Quo

AMENDMENTS
No known amendments at this time