

LFC Requester:	Kelly Klundt
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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: 1/22/2025 *Check all that apply:*
Bill Number: SB 12 Original Correction
 Amendment Substitute

Sponsor: <u>Antoinette Sedillo Lopez</u>	Agency Name and Code Number: <u>New Mexico Medical Board-446</u>
Short Title: <u>New Mexico Telehealth Act: Expands Scope of Health Care Providers</u>	Person Writing Analysis: <u>Monique Parks, Interim Exec. Director</u>
Requiring _____	Email <u>moniquem.parks@nmmb.nm.gov</u>
	Phone: <u>505-490-3903</u> :

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
	(\$55.0)	(\$55.0)	Recurring	OSF

(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						
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(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:

SB12- Expands the scope of the New Mexico Telehealth Act in two ways: (1) to authorize out-of-state health care providers who do not have a New Mexico Telehealth License to provide second opinions and consultations for prospective treatment to patients in New Mexico; and (2) to allow more types of health care providers to provide telehealth services, i.e., a certified peer support worker or any other health care professional who has received a Medicaid provider ID from the Health Care Authority.

FISCAL IMPLICATIONS

Decreased revenue from loss of telemedicine licenses. Expected: Since licensing of Telemedicine would not be required, which will potentially exist with some licensees choosing not to renew their license based on the provisions of SB12 and would prefer practicing under those provisions, amounting to a loss of approximately \$55,000 (137 renewals equaling 1/4 of the current applications/renewals) in a span of three (3) years. Future projected revenue would be decreased by approximately \$18,000 per year (45 applications).

Increased investigative time for staff review of patient complaints and reports of unsafe medical practices via unlicensed telehealth practitioners; estimated at .25 FTE

SIGNIFICANT ISSUES

The NM Medical Board opposes this proposed legislation as it allows the unlicensed practice of medicine in New Mexico. This bill is contrary to the New Mexico Medical Practice Act :

NMSA 61-6-1 New Mexico Medical Practice Act

B. In the interest of the public health, safety and welfare, and to protect the public from the improper, unprofessional, incompetent, and unlawful practice of medicine, it is necessary to provide laws and rules, controlling the granting in use of the privilege to practice medicine and to establish the Medical Board to implement and enforce the laws and rules.

Telemedicine encounters are much more vulnerable to privacy and security risks and there are requirements for informed consent. Medical practice standards need to be met. Incompetent care, unethical medical practice, fraud, and abuse, including recommendations for costly, ineffective treatments or referrals to specific facilities may occur with no recourse for New Mexico citizens. New Mexico patients, especially those in underserved areas that may be more likely to require telemedicine care, deserve health care practitioners who are properly vetted through our state licensure processes.

PERFORMANCE IMPLICATIONS

The New Mexico Medical Board will lose quality control with the inability to protect patients from incompetent, fraudulent or unethical medical practices.

ADMINISTRATIVE IMPLICATIONS

The New Mexico Medical Board will not have the ability to act to protect patients against unlicensed medical practitioners

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NM Regulation and Licensing Department which regulates professions and whose goal is to assure that New Mexicans receive quality services from qualified individuals.

TECHNICAL ISSUES

The New Mexico Medical Board will lack prosecutorial ability and/or power to act with regard to patient complaints against unlicensed telehealth healthcare practitioners from other states.

OTHER SUBSTANTIVE ISSUES

Consultation exemptions for telehealth already exist in NM Medical Board rules using New Mexico licensed practitioners.

<https://www.nmmb.state.nm.us/wp-content/uploads/2024/05/nmac-16.10.02-2023-07-10.pdf>

<https://www.nmmb.state.nm.us/wp-content/uploads/2024/05/medical-practice-act-2023-07-23.pdf>

ALTERNATIVES

None for The New Mexico Medical Board

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The citizens of New Mexico will continue to be protected against unsafe medical practices by the complaint processes and investigative power and licensing requirements of the New Mexico Medical Board.

AMENDMENTS

None for The New Mexico Medical Board