

HOUSE CONSUMER AND PUBLIC AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 247

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO TRADE PRACTICES; ENACTING THE HEALTH CARE
PRACTITIONER TRANSPARENCY ACT; ESTABLISHING ADVERTISING
GUIDELINES; REQUIRING HEALTH CARE PRACTITIONER IDENTIFIERS;
PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Health Care Practitioner Transparency Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Health Care Practitioner Transparency Act:

A. "clinical setting" means a location, whether
physical or virtual, in which a person is evaluated, diagnosed,
counseled or treated for a disease, defect or injury by a
health care practitioner;

B. "deceptive or misleading terms or false

1 representations" means the use of titles, terms or other words
2 that misstate, falsely describe, falsely hold out, falsely
3 detail or falsely imply the health care practitioner's:

- 4 (1) profession;
- 5 (2) skills;
- 6 (3) training;
- 7 (4) expertise;
- 8 (5) educational degree;
- 9 (6) board certification;
- 10 (7) licensure;
- 11 (8) work or services offered;
- 12 (9) medical field; or
- 13 (10) medical title;

14 C. "health care practice or facility" means a
15 clinical setting, a hospital or an outpatient facility;

16 D. "health care practitioner" means a state-
17 licensed:

- 18 (1) chiropractic physician;
- 19 (2) professional counselor, social worker or
20 marriage and family therapist;
- 21 (3) dentist;
- 22 (4) dietitian;
- 23 (5) advanced practice registered nurse,
24 including nurse practitioner, certified registered nurse
25 anesthetist, certified nurse midwife or clinical nurse

- 1 specialist;
- 2 (6) registered professional nurse or licensed
- 3 practical nurse;
- 4 (7) occupational therapist;
- 5 (8) optometrist;
- 6 (9) physical therapist;
- 7 (10) allopathic physician or osteopathic
- 8 physician;
- 9 (11) physician assistant;
- 10 (12) acupuncturist;
- 11 (13) podiatric physician;
- 12 (14) psychologist;
- 13 (15) audiologist or speech-language
- 14 pathologist;
- 15 (16) pharmacist;
- 16 (17) ophthalmic technician; or
- 17 (18) respiratory care professional;

18 E. "identifier" means a physical credential that
19 identifies the person wearing it; and

20 F. "medical title" means a title that originates
21 from or is a derivation of specialty or subspecialty training
22 or certification attained through completion of nationally
23 accredited medical education culminating in a doctor of
24 medicine or doctor of osteopathic medicine degree or completion
25 of a physician internship, residency or fellowship training

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1 program.

2 SECTION 3. [NEW MATERIAL] HEALTH CARE PRACTITIONER
3 ADVERTISING GUIDELINES.--

4 A. An advertisement by a health care practitioner
5 shall include the practitioner's name and disclose the type of
6 license under which the health care practitioner is authorized
7 to provide services.

8 B. A health care practitioner in a health care
9 practice or facility other than a hospital shall display a copy
10 of the health care practitioner's license or license
11 verification report in a highly visible area where the health
12 care practitioner provides service. The health care
13 practitioner shall display in a highly visible area the right
14 of a patient to inquire as to the type of license of the health
15 care practitioner treating the patient.

16 SECTION 4. [NEW MATERIAL] HEALTH CARE PRACTITIONER
17 IDENTIFIERS.--

18 A. A health care practice or facility shall
19 conspicuously display and clearly communicate the licensure of
20 each health care provider providing services at the practice or
21 facility to all current and prospective patients, as follows:

22 (1) each health care practitioner shall wear
23 an identifier during all patient encounters that shall include:

24 (a) the health care practitioner's name;
25 and

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1 (b) the type of license the health care
2 practitioner holds;

3 (2) an identifier shall not be required in an
4 operating room or other setting where maintaining a sterile
5 environment is medically necessary; and

6 (3) if a safety or health risk to the health
7 care practitioner or a patient would be created as a result of
8 the health care practitioner wearing an identifier, an
9 identifier shall not be required or may be modified by omitting
10 or concealing the last name of the health care practitioner.

11 B. A health care practitioner shall verbally
12 identify according to their license during each initial patient
13 interaction in a clinical setting.

14 C. No health care practitioner shall identify in a
15 clinical setting using deceptive or misleading terms or false
16 representations.

17 D. A health care practitioner who practices in a
18 nonpatient care setting and who does not have direct patient
19 care interactions shall not be subject to the provisions of
20 Subsections A through C of this section.

21 E. A health care practice or facility that
22 requires, as of the effective date of the Health Care
23 Practitioner Transparency Act, its health care practitioners to
24 wear an identification badge shall not be required to replace
25 existing badges to conform with the requirements of Subsections

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1 A through C of this section.

2 SECTION 5. [NEW MATERIAL] PENALTIES--NO PRIVATE CAUSE OF
3 ACTION--LIMITATION.--Nothing in the Health Care Practitioner
4 Transparency Act shall be construed to:

5 A. create or imply a private cause of action for
6 violation of that act; or

7 B. prevent a health care practitioner from using or
8 advertising a title that is statutorily authorized for the
9 health care practitioner pursuant to the statutes under which
10 the health care practitioner is licensed.