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HOUSE BILL 36

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

INTRODUCED BY

Dayan Hochman-Vigil and Luis M. Terrazas and Javier Martínez  
and John Block

AN ACT

RELATING TO LICENSING; AMENDING SECTIONS OF THE OPTOMETRY ACT  
TO EXPAND THE SCOPE OF PRACTICE AND PROVIDE THE BOARD OF  
OPTOMETRY WITH ADDITIONAL POWERS AND DUTIES.

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

**SECTION 1.** Section 61-2-2 NMSA 1978 (being Laws 1973,  
Chapter 353, Section 2, as amended) is amended to read:

"61-2-2. DEFINITIONS.--As used in the Optometry Act:

A. "practice of optometry" means:

(1) the employment of any subjective or  
objective means or methods, including but not limited to the  
use of lenses, prisms, autorefractors or other automated  
testing devices, and includes the prescription or  
administration of drugs for the purpose of diagnosing the  
visual defects or abnormal conditions of the human eye and its

1 adnexa;

2 (2) the employing, adapting or prescribing of  
3 preventive or corrective measures, including but not limited to  
4 lenses, prisms, contact or corneal lenses or other optical  
5 appliances, ocular exercises, vision therapy, vision training  
6 and vision rehabilitation services, and includes the  
7 prescription or administration of all drugs rational for the  
8 correction, relief or referral of visual defects or abnormal  
9 conditions of the human eye and its adnexa; and

10 (3) does not include the use of surgery or  
11 injections in the treatment of eye diseases except for the use  
12 of the following types of in-office [~~minor~~] surgical  
13 procedures:

14 (a) non-laser removal, destruction or  
15 drainage of superficial eyelid lesions and conjunctival cysts;

16 (b) removal of nonperforating foreign  
17 bodies from the cornea, conjunctiva and eyelid;

18 (c) non-laser corneal debridement,  
19 culture, scrape or anterior puncture, not including removal of  
20 pterygium, corneal biopsy or removal of corneal neoplasias;

21 (d) removal of eyelashes; [~~and~~]

22 (e) probing, dilation, irrigation or  
23 closure of the tear drainage structures of the eyelid; scalpel  
24 use is to be applied only for the purpose of use on the skin  
25 surrounding the eye;

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1                                   (f) laser application to the lens  
2 capsule in the treatment of capsular clouding or other defects;

3                                   (g) laser application to structures  
4 within the ocular anterior segment for the prevention or  
5 treatment of glaucoma;

6                                   (h) anterior chamber paracentesis in the  
7 emergent treatment of highly elevated intraocular pressure; and

8                                   (i) intracameral placement of sustained  
9 release drug-eluting implants;

10                                  B. "ophthalmic lens" means a lens that has a  
11 spherical, cylindrical or prismatic value, is ground pursuant  
12 to a prescription and is intended to be used as eyeglasses;

13                                  C. "contact lens" means a lens to be worn on the  
14 anterior segment of the human eye;

15                                  D. "prescription" means a written order by an  
16 optometrist or a physician for an individual patient for:

17   (1) ophthalmic lenses;

18   (2) contact lenses; or

19   (3) a pharmaceutical agent that is regulated  
20 pursuant to the New Mexico Drug, Device and Cosmetic Act;

21                                  E. "eyeglasses" means an exterior optical device  
22 using ophthalmic lenses for the correction or relief of  
23 disturbances in and anomalies of human vision; and

24                                  F. "board" means the board of optometry."

25                                  SECTION 2. Section 61-2-6 NMSA 1978 (being Laws 1973,

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1 Chapter 353, Section 5, as amended) is amended to read:

2 "61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--  
3 COMPENSATION--POWERS AND DUTIES.--

4 A. The board shall annually elect a chair, a vice  
5 chair and a secretary-treasurer; each shall serve until a  
6 successor is elected and qualified.

7 B. The board shall meet at least annually for the  
8 purpose of examining candidates for licensure. Special  
9 meetings may be called by the chair and shall be called upon  
10 the written request of a majority of the board members. A  
11 majority of the board members currently serving constitutes a  
12 quorum.

13 C. Members of the board may be reimbursed as  
14 provided in the Per Diem and Mileage Act but shall receive no  
15 other compensation, perquisite or allowance.

16 D. The board has the authority to determine what  
17 constitutes the practice of optometry in accordance with the  
18 provisions of the Optometry Act and has jurisdiction to  
19 exercise any other powers and duties pursuant to that act. The  
20 board may issue advisory opinions and declaratory rulings  
21 pursuant to that act and rules promulgated in accordance with  
22 the State Rules Act, but shall not expand the scope of practice  
23 of optometry beyond the provisions of the Optometry Act.

24 E. The board shall:

25 (1) administer and enforce the provisions of

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1 the Optometry Act;

2 (2) promulgate in accordance with the State  
3 Rules Act, all rules for the implementation and enforcement of  
4 the provisions of the Optometry Act;

5 (3) adopt and use a seal;

6 (4) administer oaths and take testimony on  
7 matters within the board's jurisdiction;

8 (5) keep an accurate record of meetings,  
9 receipts and disbursements;

10 (6) keep a record of examinations held,  
11 together with the names and addresses of persons taking the  
12 examinations and the examination results. Within thirty days  
13 after an examination, the board shall give written notice to  
14 each applicant examined of the results of the examination as to  
15 the respective applicant;

16 (7) certify as passing each applicant who  
17 obtains a grade of at least seventy-five percent on each  
18 subject upon which the applicant is examined; providing that an  
19 applicant failing may apply for re-examination at the next  
20 scheduled examination date;

21 (8) keep a book of registration in which the  
22 name, address and license number of licensees shall be  
23 recorded, together with a record of license renewals,  
24 suspensions and revocations;

25 (9) grant, deny, renew, suspend or revoke

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1 licenses to practice optometry in accordance with the  
2 provisions of the Uniform Licensing Act for any cause stated in  
3 the Optometry Act;

4 (10) develop and administer:

5 (a) qualifications for certification for  
6 the use of pharmaceutical agents as authorized in Section  
7 61-2-10.2 NMSA 1978, including minimum educational requirements  
8 and examination, as required by Section 61-2-10.2 NMSA 1978 and  
9 provide the board of pharmacy with an annual list of  
10 optometrists certified to use pharmaceutical agents as  
11 authorized in Section 61-2-10.2 NMSA 1978; and

12 (b) credentialing requirements for the  
13 performance of procedures involving the use of a laser; and

14 (11) provide for the suspension of an  
15 optometrist's license for sixty days upon a determination of  
16 use of pharmaceutical agents without prior certification in  
17 accordance with Section 61-2-10.2 NMSA 1978, after proper  
18 notice and an opportunity to be heard before the board."

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