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AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT, THE MEDICAL PRACTICE ACT AND THE OSTEOPATHIC MEDICINE ACT TO ESTABLISH DESIGNATED HEALTH PROFESSIONAL LOAN REPAYMENT FUNDING TO ASSIST ALLOPATHIC AND OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING IN DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS; ESTABLISHING PHYSICIAN LICENSING FEES FOR THE HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM AND FOR IMPAIRED PHYSICIAN PROGRAMMING; ENACTING NEW SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT TO ESTABLISH THE PHYSICIAN EXCELLENCE FUND; MAKING APPROPRIATIONS.

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

SECTION 1. Section 21-22D-3 NMSA 1978 (being Laws 1995, Chapter 144, Section 18) is amended to read:

"21-22D-3. DEFINITIONS.--As used in the Health Professional Loan Repayment Act:

A. "department" means the higher education department;

B. "health professional" means a primary care physician, optometrist, podiatrist, physician's assistant, dentist, nurse, member of an allied health profession as defined in the Allied Health Student Loan for Service Act or a licensed or certified health professional as determined by

1 the department;

2 C. "loan" means a grant of money to defray the  
3 costs incidental to a health education, under a contract  
4 between the federal government or a commercial lender and a  
5 health professional, requiring either repayment of principal  
6 and interest or repayment in services; and

7 D. "primary care physician" means a physician  
8 licensed pursuant to the Medical Practice Act or the  
9 Osteopathic Medicine Act with specialty training in family  
10 medicine, general internal medicine or general pediatrics."

11 SECTION 2. A new section of the Health Professional  
12 Loan Repayment Act is enacted to read:

13 "PHYSICIAN EXCELLENCE FUND.--The department shall apply  
14 funds appropriated to the department from the physician  
15 excellence fund established pursuant to Section 3 of this  
16 2017 act exclusively for health professional loan repayment  
17 assistance for primary care physicians who are licensed  
18 pursuant to the Medical Practice Act or the Osteopathic  
19 Medicine Act and who practice in areas of New Mexico that the  
20 department has designated as underserved."

21 SECTION 3. A new section of the Health Professional  
22 Loan Repayment Act is enacted to read:

23 "PHYSICIAN EXCELLENCE FUND--CREATION--  
24 ADMINISTRATION--APPROPRIATION.--The "physician excellence  
25 fund" is created in the state treasury to support awards

1 established through the Health Professional Loan Repayment  
2 Act to primary care physicians who practice in areas of New  
3 Mexico that the department has designated as underserved.  
4 The fund consists of license application and renewal  
5 surcharges pursuant to Subparagraph (b) of Paragraph (24) of  
6 Subsection A of Section 61-6-19 and Subparagraph (b) of  
7 Paragraph (10) of Subsection A of Section 61-10-6.1 NMSA  
8 1978, appropriations, gifts, grants, donations and income  
9 from investment of the fund. Any income earned on investment  
10 of the fund shall remain in the fund. Money in the fund  
11 shall not revert to any other fund at the end of a fiscal  
12 year. The fund shall be administered by the department, and  
13 money in the fund is appropriated to the department to make  
14 awards established through the Health Professional Loan  
15 Repayment Act to primary care physicians who practice in  
16 areas of New Mexico that the department has designated as  
17 underserved. Disbursements from the fund shall be made only  
18 upon warrant drawn by the secretary of finance and  
19 administration pursuant to vouchers signed by the secretary  
20 of higher education or the secretary's authorized  
21 representative."

22 SECTION 4. Section 61-6-19 NMSA 1978 (being Laws 1989,  
23 Chapter 269, Section 15, as amended) is amended to read:

24 "61-6-19. FEES.--

25 A. The board shall impose the following fees:

1 (1) an application fee not to exceed four  
2 hundred dollars (\$400) for licensure by endorsement as  
3 provided in Section 61-6-13 NMSA 1978;

4 (2) an application fee not to exceed four  
5 hundred dollars (\$400) for licensure by examination as  
6 provided in Section 61-6-11 NMSA 1978;

7 (3) a triennial renewal fee not to exceed  
8 four hundred fifty dollars (\$450);

9 (4) a fee of twenty-five dollars (\$25.00)  
10 for placing a physician's license or a physician assistant's  
11 license on inactive status;

12 (5) a late fee not to exceed one hundred  
13 dollars (\$100) for physicians who renew their license within  
14 forty-five days after the required renewal date;

15 (6) a late fee not to exceed two hundred  
16 dollars (\$200) for physicians who renew their licenses  
17 between forty-six and ninety days after the required renewal  
18 date;

19 (7) a reinstatement fee not to exceed six  
20 hundred dollars (\$600) for reinstatement of a revoked,  
21 suspended or inactive license;

22 (8) a reasonable administrative fee for  
23 verification and duplication of license or registration and  
24 copying of records;

25 (9) a reasonable publication fee for the

1 purchase of a publication containing the names of all  
2 practitioners licensed under the Medical Practice Act;

3 (10) an impaired physician fee not to exceed  
4 one hundred fifty dollars (\$150) for a three-year period,  
5 notwithstanding the impaired physician fee supplement  
6 collected pursuant to Subparagraph (a) of Paragraph (24) of  
7 this subsection;

8 (11) an interim license fee not to exceed  
9 one hundred dollars (\$100);

10 (12) a temporary license fee not to exceed  
11 one hundred dollars (\$100);

12 (13) a postgraduate training license fee not  
13 to exceed fifty dollars (\$50.00) annually;

14 (14) an application fee not to exceed one  
15 hundred fifty dollars (\$150) for physician assistants  
16 applying for initial licensure;

17 (15) a licensure fee not to exceed one  
18 hundred fifty dollars (\$150) for physician assistants  
19 biennial licensing and registration of supervising licensed  
20 physician;

21 (16) a late fee not to exceed fifty dollars  
22 (\$50.00) for physician assistants who renew their licensure  
23 within forty-five days after the required renewal date;

24 (17) a late fee not to exceed seventy-five  
25 dollars (\$75.00) for physician assistants who renew their

1 licensure between forty-six and ninety days after the  
2 required renewal date;

3 (18) a reinstatement fee not to exceed one  
4 hundred dollars (\$100) for physician assistants who reinstate  
5 an expired license;

6 (19) a processing fee not to exceed fifty  
7 dollars (\$50.00) for each change of a supervising licensed  
8 physician for a physician assistant;

9 (20) a fee not to exceed three hundred  
10 dollars (\$300) annually for a physician supervising a  
11 clinical pharmacist;

12 (21) an application and renewal fee for a  
13 telemedicine license not to exceed four hundred dollars  
14 (\$400);

15 (22) a reasonable administrative fee, not to  
16 exceed the current cost of application for a license, that  
17 may be charged for reprocessing applications and renewals  
18 that include minor but significant errors and that would  
19 otherwise be subject to investigation and possible  
20 disciplinary action;

21 (23) a reasonable fee as established by the  
22 department of public safety for nationwide and statewide  
23 criminal history screening of applicants and licensees; and

24 (24) a fee of one hundred dollars (\$100) to  
25 accompany fees for application for and renewal of physician

1 licensure for deposit as follows:

2 (a) fifty percent of the fee shall be  
3 deposited in the New Mexico medical board fund to supplement  
4 impaired physician fees collected pursuant to Paragraph (10)  
5 of this subsection; and

6 (b) fifty percent of the fee shall be  
7 deposited in the physician excellence fund pursuant to  
8 Section 3 of this 2017 act.

9 B. All fees are nonrefundable and shall be used by  
10 the board to carry out its duties efficiently."

11 SECTION 5. Section 61-6-31 NMSA 1978 (being Laws 1989,  
12 Chapter 269, Section 27, as amended) is amended to read:

13 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL  
14 BOARD FUND CREATED--METHOD OF PAYMENTS.--

15 A. There is created the "New Mexico medical board  
16 fund".

17 B. Except for funds collected pursuant to  
18 Subparagraph (b) of Paragraph (24) of Subsection A of Section  
19 61-6-19 NMSA 1978, all funds received by the board and money  
20 collected under the Medical Practice Act, the Physician  
21 Assistant Act, the Anesthesiologist Assistants Act, the  
22 Genetic Counseling Act, the Polysomnography Practice Act, the  
23 Impaired Health Care Provider Act and the Naprapathic  
24 Practice Act shall be deposited with the state treasurer who  
25 shall place the same to the credit of the New Mexico medical

1 board fund.

2 C. All payments out of the fund shall be made on  
3 vouchers issued and signed by the secretary-treasurer of the  
4 board or the designee of the secretary-treasurer upon  
5 warrants drawn by the department of finance and  
6 administration in accordance with the budget approved by that  
7 department.

8 D. All amounts in the New Mexico medical board  
9 fund shall be subject to the order of the board and shall be  
10 used only for the purpose of meeting necessary expenses  
11 incurred in:

12 (1) the performance of the provisions of the  
13 Medical Practice Act, the Physician Assistant Act, the  
14 Anesthesiologist Assistants Act, the Genetic Counseling Act,  
15 the Polysomnography Practice Act, the Impaired Health Care  
16 Provider Act and the Naprapathic Practice Act and the duties  
17 and powers imposed by those acts;

18 (2) the promotion of medical education and  
19 standards in this state within the budgetary limits; and

20 (3) efforts to recruit and retain medical  
21 doctors for practice in New Mexico.

22 E. All funds that may have accumulated to the  
23 credit of the board under any previous law shall be  
24 transferred to the New Mexico medical board fund and shall  
25 continue to be available for use by the board in accordance

1 with the provisions of the Medical Practice Act, the  
2 Physician Assistant Act, the Anesthesiologist Assistants Act,  
3 the Genetic Counseling Act, the Polysomnography Practice Act,  
4 the Impaired Health Care Provider Act and the Naprapathic  
5 Practice Act. All money unused at the end of the fiscal year  
6 shall not revert, but shall remain in the fund for use in  
7 accordance with the provisions of the Medical Practice Act,  
8 the Physician Assistant Act, the Anesthesiologist Assistants  
9 Act, the Genetic Counseling Act, the Polysomnography Practice  
10 Act, the Impaired Health Care Provider Act and the  
11 Naprapathic Practice Act."

12 SECTION 6. Section 61-10-6.1 NMSA 1978 (being Laws  
13 2016, Chapter 90, Section 7) is amended to read:

14 "61-10-6.1. FEES.--The board shall charge the following  
15 fees; provided that all fees are nonrefundable and, except  
16 for those fees collected pursuant to Subparagraph (b) of  
17 Paragraph (10) of Subsection A of this section, shall be used  
18 by the board to carry out its duties:

19 A. pertaining to osteopathic physicians:

20 (1) an application fee not to exceed one  
21 thousand dollars (\$1,000) for triennial licensure of an  
22 osteopathic physician pursuant to Section 61-10-12 NMSA 1978;

23 (2) a triennial osteopathic physician  
24 licensure renewal fee not to exceed one thousand dollars  
25 (\$1,000);

1 (3) a fee not to exceed seventy-five dollars  
2 (\$75.00) for placing an osteopathic physician license on  
3 inactive status;

4 (4) a late fee not to exceed:

5 (a) two hundred dollars (\$200) for  
6 osteopathic physicians who fail to renew their licenses on or  
7 before July 1 of the year in which their triennial licenses  
8 are due for renewal but who renew on or before September 29  
9 of that year; and

10 (b) four hundred dollars (\$400) for  
11 osteopathic physicians who renew their licenses after  
12 September 29;

13 (5) a reinstatement fee not to exceed five  
14 hundred dollars (\$500) for reinstatement of a revoked,  
15 suspended or inactive osteopathic physician license;

16 (6) a temporary license fee not to exceed  
17 one hundred dollars (\$100);

18 (7) a post-graduate osteopathic physician  
19 training license fee not to exceed fifty dollars (\$50.00);

20 (8) an osteopathic physician telemedicine  
21 triennial license fee not to exceed four hundred dollars  
22 (\$400);

23 (9) an impaired physician fee not to exceed  
24 one hundred dollars (\$100), notwithstanding the impaired  
25 physician fee supplement collected pursuant to Subparagraph

1 (a) of Paragraph (10) of this subsection; and

2 (10) a fee of one hundred dollars (\$100) to  
3 accompany fees for application and renewal of osteopathic  
4 licensure for deposit as follows:

5 (a) fifty percent of the fee shall be  
6 used by the board to supplement impaired physician fees  
7 collected pursuant to Paragraph (9) of this subsection; and

8 (b) fifty percent of the fee shall be  
9 deposited in the physician excellence fund pursuant to  
10 Section 3 of this 2017 act;

11 B. pertaining to osteopathic physician assistants:

12 (1) a biennial license fee not to exceed  
13 four hundred fifty dollars (\$450);

14 (2) a registration of new supervision fee  
15 that is equal to one-half of the biennial license fee for  
16 osteopathic physician assistants;

17 (3) a late fee not to exceed twenty-five  
18 dollars (\$25.00) for osteopathic physician assistants who  
19 fail to renew their licenses on or before July 1 of the year  
20 in which their biennial licenses are due for renewal;

21 (4) an impaired osteopathic physician  
22 assistant fee not to exceed one hundred dollars (\$100); and

23 (5) a fee for an osteopathic physician  
24 assistant license on inactive status not to exceed  
25 seventy-five dollars (\$75.00); and

1 C. pertaining to osteopathic physician and  
2 osteopathic physician assistant licensees or applicants:

3 (1) a fee not to exceed five hundred dollars  
4 (\$500) for reprocessing an application or renewal that  
5 includes errors that would otherwise be subject to  
6 investigation and possible disciplinary action; and

7 (2) a reasonable administrative fee that the  
8 board establishes by rule for verification of license,  
9 publications and copying charges."

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