

HOUSE BILL 94

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Dayan Hochman-Vigil

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

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

(g) laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma, including laser trabeculoplasty and laser peripheral iridotomy;

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

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

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

(1) ophthalmic lenses;

(2) contact lenses; or

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

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

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

SECTION 2. Section 61-2-6 NMSA 1978 (being Laws 1973, Chapter 353, Section 5, as amended) is amended to read:

"61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--

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1 COMPENSATION--POWERS AND DUTIES.--

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

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

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

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

22 E. The board shall:

23 (1) administer and enforce the provisions of
24 the Optometry Act;

25 (2) promulgate in accordance with the State

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1 Rules Act, all rules for the implementation and enforcement of
2 the provisions of the Optometry Act;

3 (3) adopt and use a seal;

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

6 (5) keep an accurate record of meetings,
7 receipts and disbursements;

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

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

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

23 (9) grant, deny, renew, suspend or revoke
24 licenses to practice optometry in accordance with the
25 provisions of the Uniform Licensing Act for any cause stated in

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1 the Optometry Act;

2 (10) develop and administer:

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

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

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

17 SECTION 3. A new section of the Optometry Act is enacted
18 to read:

19 "[NEW MATERIAL] LASER PROCEDURES--OPTOMETRIST
20 CREDENTIALING--REPORTING.--

21 A. Unless an optometrist obtains credentialing from
22 the board, an optometrist shall not perform a laser application
23 to:

24 (1) a lens capsule to treat capsular clouding
25 or other capsular defects; or

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(2) structures within the ocular anterior segment for the prevention or treatment of glaucoma, including laser trabeculoplasty and laser peripheral iridotomy.

B. The board shall issue an optometrist the credentials to perform the procedures listed in Subsection A of this section if the optometrist:

(1) completes one of the following education and examination requirements:

(a) graduation from an accredited college or university of optometry in 2026 or any year thereafter and passage of a standardized national examination approved by the board; or

(b) completion of a training course accredited by a college of optometry, osteopathy or medicine and approved by the board that provides at least thirty-two hours of laser-application training; and

(2) demonstrates successful performance of any of the following series of procedures on live human patients under the direct, in-person supervision of a licensed ophthalmologist or optometrist licensed or certified to perform the procedures listed in Subsection A of this section:

(a) five yttrium aluminum garnet laser capsulotomies;

(b) five selective laser trabeculoplasties; or

(c) four laser peripheral iridotomies.

C. An optometrist shall report to the board, in a form and manner prescribed by the board, an adverse outcome that results from the optometrist's performance of a procedure listed in Subsection A of this section within ten days of occurrence."

SECTION 4. Section 61-2-15 NMSA 1978 (being Laws 1973, Chapter 353, Section 13, as amended) is amended to read:

"61-2-15. EXEMPTIONS.--

A. Except for the provisions of [Section] Sections 61-2-14.1 and 61-2-16 NMSA 1978 and as provided in this subsection, the Optometry Act does not apply to a licensed physician or a person, clinic or program under [his] the licensed physician's responsible supervision and control, provided that the person, clinic or program under the responsible supervision and control of the licensed physician shall not use either loose or fixed trial lenses for the sole purpose of determining the prescription for eyeglasses or contact lenses.

B. Except as provided in Sections 61-2-2, 61-2-14, 61-2-16 and 61-2-17 NMSA 1978, the Optometry Act does not apply to a person selling eyeglasses who does not represent himself the person's own self as being qualified to detect or correct ocular anomalies and who does not traffic upon assumed skill in adapting ophthalmic lenses to the eyes."