

HOUSE BILL 150

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

INTRODUCED BY

Jenifer Jones

AN ACT

RELATING TO LICENSURE; AMENDING THE PHYSICIAN ASSISTANT ACT TO
ELIMINATE CERTAIN REQUIREMENTS REGARDING THE SUPERVISION OF
PHYSICIAN ASSISTANTS.

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

SECTION 1. Section 61-6-6 NMSA 1978 (being Laws 1973, Chapter 361, Section 1, as amended) is amended to read:

"61-6-6. DEFINITIONS.--As used in the Medical Practice
Act:

A. "approved postgraduate training program for physicians" means a program approved by the accreditation council for graduate medical education, the American osteopathic association or other board-approved program;

B. "board" means the New Mexico medical board;

C. "collaboration" means [the process by which a

underscored material = new
[bracketed material] = delete

1 ~~licensed physician and a physician assistant jointly contribute~~
2 ~~to the health care and medical treatment of patients] a~~
3 ~~physician assistant's consultation with or referral to an~~
4 ~~appropriate physician or other health care practitioner as~~
5 ~~indicated by the physician assistant's education, competencies~~
6 ~~and experience, the patient's condition and the standard of~~
7 ~~care; provided that:~~

8 (1) each collaborator performs actions that
9 the collaborator is licensed or otherwise authorized to
10 perform; and

11 (2) collaboration shall not be construed to
12 require the physical presence of [the] a licensed physician at
13 the time and place services are rendered;

14 D. "licensed physician" means a medical or
15 osteopathic physician licensed under the Medical Practice Act
16 to practice medicine in New Mexico;

17 E. "licensee" or "health care practitioner" means a
18 medical physician, osteopathic physician, physician assistant,
19 polysomnographic technologist, anesthesiologist assistant,
20 naturopathic doctor, podiatric physician or naprapath licensed
21 by the board to practice in New Mexico;

22 F. "medical college or school in good standing" for
23 medical physicians means a board-approved medical college or
24 school that has as high a standard as that required by the
25 association of American medical colleges and the council on

underscored material = new
[bracketed material] = delete

1 medical education of the American medical association; and for
2 osteopathic physicians means a college of osteopathic medicine
3 accredited by the commission of osteopathic college
4 accreditation;

5 G. "medical student" means a student enrolled in a
6 board-approved medical college or school in good standing;

7 H. "physician assistant" means a health care
8 practitioner who is licensed by the board to practice as a
9 physician assistant and who provides services to patients [with
10 ~~the supervision of or in collaboration with a licensed~~
11 ~~physician as set forth in rules promulgated by the board~~];

12 I. "resident" means a graduate of a medical college
13 or school in good standing who is in training in a board-
14 approved and accredited residency training program in a
15 hospital or facility affiliated with an approved hospital and
16 who has been appointed to the position of "resident" or
17 "fellow" for the purpose of postgraduate medical training;

18 J. "the practice of medicine" consists of:

19 (1) advertising, holding out to the public or
20 representing in any manner that one is authorized to practice
21 medicine or to practice health care that is under the authority
22 of the board in this state;

23 (2) offering or undertaking to administer,
24 dispense or prescribe a drug or medicine for the use of another
25 person, except as authorized pursuant to a professional or

occupational licensing statute set forth in Chapter 61 NMSA 1978;

(3) offering or undertaking to give or administer, dispense or prescribe a drug or medicine for the use of another person, except as directed by a licensed physician;

(4) offering or undertaking to perform an operation or procedure upon a person;

(5) offering or undertaking to diagnose, correct or treat in any manner or by any means, methods, devices or instrumentalities any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of a person;

(6) offering medical peer review, utilization review or diagnostic service of any kind that directly influences patient care, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978; or

(7) acting as the representative or agent of a person in doing any of the things listed in this subsection;

K. "the practice of medicine across state lines"
means:

(1) the rendering of a written or otherwise documented medical opinion concerning diagnosis or treatment of a patient within this state by a physician located outside this

underscored material = new
[bracketed material] = delete

state as a result of transmission of individual patient data by electronic, telephonic or other means from within this state to the physician or the physician's agent; or

(2) the rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic, telephonic or other means from within this state to the physician or the physician's agent;

L. "sexual contact" means touching the primary genital area, groin, anus, buttocks or breast of a patient or allowing a patient to touch another's primary genital area, groin, anus, buttocks or breast in a manner that is commonly recognized as outside the scope of acceptable medical or health care practice;

M. "sexual penetration" means sexual intercourse, cunnilingus, fellatio or anal intercourse, whether or not there is any emission, or introducing any object into the genital or anal openings of another in a manner that is commonly recognized as outside the scope of acceptable medical or health care practice; and

N. "United States" means the fifty states, its territories and possessions and the District of Columbia."

SECTION 2. Section 61-6-19 NMSA 1978 (being Laws 1989, Chapter 269, Section 15, as amended) is amended to read:

"61-6-19. FEES.--

.232929.3

A. Except as provided in Section 61-1-34 NMSA 1978, the board shall impose the following fees:

(1) an application fee not to exceed five hundred dollars (\$500) for licensure by endorsement as provided in Section 61-6-13 NMSA 1978;

(2) an application fee not to exceed five hundred dollars (\$500) for licensure by examination as provided in Section 61-6-11 NMSA 1978;

(3) a triennial renewal fee not to exceed five hundred dollars (\$500);

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

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

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

(7) a reinstatement fee not to exceed seven hundred dollars (\$700) for reinstatement of a revoked, suspended or inactive license;

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

(9) a reasonable publication fee for the purchase of a publication containing the names of all practitioners licensed under the Medical Practice Act;

(10) an impaired physician fee not to exceed one hundred fifty dollars (\$150) for a three-year period;

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

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

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

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

(15) a licensure fee not to exceed one hundred fifty dollars (\$150) for physician assistants biennial license renewal; ~~and registration of supervising or collaborating licensed physician]~~

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

(17) a late fee not to exceed seventy-five dollars (\$75.00) for physician assistants who renew their licensure between forty-six and ninety days after the required renewal date;

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

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

(20) an application and renewal fee for a telemedicine license not to exceed nine hundred dollars (\$900);

(21) a reasonable administrative fee, not to exceed the current cost of application and license or renewal for a license, that may be charged for reprocessing applications and renewals that include minor but significant errors and that would otherwise be subject to investigation and possible disciplinary action; and

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

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

SECTION 3. Section 61-6C-3 NMSA 1978 (being Laws 2022, Chapter 39, Section 31) is amended to read:

"61-6C-3. LICENSURE AS A PHYSICIAN ASSISTANT--SCOPE OF PRACTICE--BIEENNIAL REGISTRATION OF SUPERVISION--LICENSE RENEWAL--FEES.--

A. The board may license as a physician assistant a

underscored material = new
[bracketed material] = delete

1 qualified person who has graduated from a physician assistant
2 program accredited by the national accrediting body as
3 established by rule of the board in accordance with the State
4 Rules Act and has passed a physician assistant national
5 certifying examination as established by rule. The board may
6 also license as a physician assistant a person who passed the
7 physician assistant national certifying examination
8 administered by the national commission on certification of
9 physician assistants prior to 1986.

10 B. A person shall not perform, attempt to perform
11 or hold the person's own self out as a physician assistant
12 without first applying for and obtaining a license from the
13 board.

14 C. Physician assistants may prescribe, administer,
15 dispense and distribute dangerous drugs other than controlled
16 substances in Schedule I of the Controlled Substances Act
17 pursuant to rules adopted by the board after consultation with
18 the board of pharmacy if the prescribing, administering,
19 dispensing and distributing are done with the supervision of a
20 licensed physician or in collaboration with ~~a licensed~~
21 ~~physician]~~ an appropriate health care practitioner. The
22 distribution process shall comply with state laws concerning
23 prescription packaging, labeling and recordkeeping
24 requirements.

25 D. A physician assistant shall perform only the

.232929.3

underscored material = new
[bracketed material] = delete

1 acts and duties that are within the physician assistant's scope
2 of practice.

3 E. An applicant for licensure as a physician
4 assistant shall complete application forms supplied by the
5 board and shall pay a licensing fee as provided in Section
6 61-6-19 NMSA 1978.

7 F. A physician assistant shall biennially submit
8 proof of current certification by the national commission on
9 certification of physician assistants or another certifying
10 agency designated by the board. ~~[and shall renew the license~~
~~and registration of supervision of the physician assistant with~~
~~the board]~~

11 G. A physician assistant with fewer than four
12 thousand hours of clinical practice experience in a particular
13 practice specialty shall not practice medicine in that practice
14 specialty until the physician assistant has established a
15 supervising or collaborating relationship with a licensed
16 physician or other appropriate health care practitioner in
17 accordance with rules promulgated by the board.

18 H. Each biennial renewal of licensure shall be
19 accompanied by a fee as provided in Section 61-6-19 NMSA 1978."

20 SECTION 4. Section 61-6C-6 NMSA 1978 (being Laws 2017,
21 Chapter 103, Section 6) is amended to read:

22 "61-6C-6. PHYSICIAN ASSISTANT COLLABORATION WITH LICENSED
23 PHYSICIANS--SCOPE OF PRACTICE--MEDICAL MALPRACTICE INSURANCE--

24 .232929.3

underscored material = new
[bracketed material] = delete

1 A. A physician assistant may independently perform
2 the acts and duties that are within the physician assistant's
3 scope of practice ~~[in collaboration with a licensed physician]~~
4 if the physician assistant has:

5 (1) completed ~~[three years]~~ four thousand
6 hours of clinical practice as a physician assistant with the
7 supervision of a licensed physician; and

8 (2) complied with rules adopted by the board
9 establishing qualifications for when a physician assistant may
10 engage in the practice of medicine in collaboration with ~~[a~~
11 ~~licensed physician]~~ an appropriate health care practitioner.

12 B. A physician assistant shall practice at the
13 standard of care within the scope of the physician assistant's
14 education, experience and competence.

15 [B.] C. A physician assistant practicing in
16 collaboration with ~~[a licensed physician]~~ an appropriate health
17 care practitioner shall, at a minimum, maintain a policy of
18 malpractice liability insurance that will qualify the physician
19 assistant under the provisions of the Medical Malpractice Act."

20 SECTION 5. Section 61-6C-8 NMSA 1978 (being Laws 1973,
21 Chapter 361, Section 6, as amended) is amended to read:

22 "61-6C-8. SUPERVISING OR COLLABORATING LICENSED
23 PHYSICIAN--RESPONSIBILITY--SUPERVISING PHYSICIAN ASSISTANT
24 RESPONSIBILITY.--

25 A. As a condition of licensure, all physician

underscored material = new
[bracketed material] = delete

1 assistants practicing in New Mexico who have fewer than four
2 thousand hours of clinical experience as a physician assistant
3 shall be supervised by a licensed physician or other
4 appropriate health care practitioner. The physician assistant
5 shall inform the board of the name of the licensed physician or
6 other appropriate health care practitioner under whose
7 supervision the physician assistant will practice. All
8 supervising physicians or health care practitioners shall be
9 licensed pursuant to the Medical Practice Act and approved by
10 the board.

11 B. Every licensed physician supervising a physician
12 assistant shall be individually responsible and liable for the
13 performance of the acts and omissions delegated to the
14 physician assistant the physician supervises. Nothing in this
15 section shall be construed to relieve the physician assistant
16 of responsibility and liability for the acts and omissions of
17 the physician assistant ~~[rules promulgated in accordance with~~
18 ~~the State Rules Act pursuant to the Physician Assistant Act~~
19 shall:

20 (1) ~~require that a physician assistant whose~~
21 ~~practice is a specialty care, as defined by the board, shall be~~
22 ~~supervised by a licensed physician in accordance with~~
23 ~~requirements established by the board; and~~

24 (2) ~~allow a physician assistant whose practice~~
25 ~~is primary care, as defined by the board, to collaborate with a~~

licensed physician in accordance with requirements established by the board for different practice settings.

C. A physician assistant shall be supervised by or collaborate with a licensed physician in accordance with rules adopted by the board]."

- 13 -

underscored material = new
[bracketed material] = delete