

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 566

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO THE PRACTICE OF MEDICINE; AMENDING AND ENACTING
CERTAIN SECTIONS OF THE MEDICAL PRACTICE ACT; DECLARING AN
EMERGENCY.

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 Chapter 61, Article 6
NMSA 1978:

A. "acting in good faith" means acting without
malice as the primary motive or without knowledge or belief
that one is in error in taking a particular action;

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

C. "licensed physician" means a medical doctor

1 licensed under the Medical Practice Act to practice medicine
2 in New Mexico;

3 D. "medical college or school in good standing"
4 means a board-approved medical college or school that has as
5 high a standard as that required by the association of
6 American medical colleges and the council on medical education
7 of the American medical association;

8 E. "medical student" means a student enrolled in a
9 board-approved medical college or school in good standing;

10 F. "person" means an individual or any legal
11 entity of any kind whatever;

12 G. "physician assistant" means a skilled person
13 licensed by the board as being qualified by academic and
14 practical training to provide patient services under the
15 supervision and direction of the licensed physician who is
16 responsible for the performance of that assistant;

17 H. "postgraduate year one" or "intern" means a
18 first year postgraduate student upon whom a degree of doctor
19 of medicine and surgery or equivalent degree has been
20 conferred by a medical college or school in good standing;

21 I. "postgraduate year two through eight" or
22 "resident" means a graduate of a medical college or school in
23 good standing who is in training in a board-approved and
24 accredited residency training program in a hospital or
25 facility affiliated with an approved hospital and who has been

1 appointed to the position of "resident" or "assistant
2 resident" for the purpose of postgraduate medical training;

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

4 (1) advertising, holding out to the public or
5 representing in any manner that one is authorized to practice
6 medicine in this state;

7 (2) offering or undertaking to administer,
8 dispense or prescribe any drug or medicine for the use of any
9 other person, except as authorized pursuant to a professional
10 or occupational licensing statute set forth in Chapter 61 NMSA
11 1978;

12 (3) offering or undertaking to give or
13 administer, dispense or prescribe any drug or medicine for the
14 use of any other person, except as directed by a licensed
15 physician;

16 (4) offering or undertaking to perform any
17 operation or procedure upon any person;

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

23 (6) offering medical peer review, utilization
24 review or diagnostic service of any kind that directly
25 influences patient care, except as authorized pursuant to a

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1 professional or occupational licensing statute set forth in
2 Chapter 61 NMSA 1978; or

3 (7) acting as the representative or agent of
4 any person in doing any of the things listed in Paragraphs (1)
5 through (6) of this subsection;

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

8 (1) the rendering of a written or otherwise
9 documented medical opinion concerning diagnosis or treatment
10 of a patient within this state by a physician located outside
11 this state as a result of transmission of individual patient
12 data by electronic, telephonic or other means from within this
13 state to the physician or the physician's agent; or

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

19 [~~K.~~] L. "sexual contact" means touching the
20 primary genital area, groin, anus, buttocks or breast of a
21 patient or allowing a patient to touch another's primary
22 genital area, groin, anus, buttocks or breast in a manner that
23 is commonly recognized as outside the scope of acceptable
24 medical practice;

25 [~~L.~~] M. "sexual penetration" means sexual

1 intercourse, cunnilingus, fellatio or anal intercourse,
 2 whether or not there is any emission, or introducing any
 3 object into the genital or anal openings of another in a
 4 manner that is commonly recognized as outside the scope of
 5 acceptable medical practice; and

6 ~~[M-]~~ N. "United States" means the fifty states,
 7 its territories and possessions and the District of Columbia."

8 Section 2. Section 61-6-11 NMSA 1978 (being Laws 1923,
 9 Chapter 44, Section 3, as amended) is amended to read:

10 "61-6-11. LICENSURE. --

11 A. The board may admit to examination for license
 12 any person who is of good moral character and is a graduate of
 13 a medical college or school in good standing as defined in
 14 Subsection D of Section 61-6-6 NMSA 1978 and who has completed
 15 two years of postgraduate training.

16 B. One year of postgraduate medical training may
 17 be accepted by the board if the applicant was an intern in a
 18 board-approved program from July 1, 1993 through June 30, 1994
 19 and if the applicant applies to the board for licensure before
 20 July 1, 1995. All postgraduate training shall be approved by
 21 the board.

22 C. An applicant who has not completed two years of
 23 postgraduate medical training, but who otherwise meets all
 24 other licensing requirements, may present evidence to the
 25 board of the applicant's other professional experience for

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1 consideration by the board in lieu of postgraduate medical
2 training. The board shall, in its sole discretion, determine
3 if the professional experience is substantially equivalent to
4 the required postgraduate medical training.

5 D. The board may administer a board-approved
6 licensing examination. The board shall determine a grade
7 constituting successful completion of the exam.

8 E. Alternatively, the board may issue a license to
9 any applicant of good moral character and after successfully
10 completing an examination accepted by the board as
11 administered in this or another state.

12 F. A graduate of a medical college located outside
13 the United States may be granted a license to practice
14 medicine in New Mexico, provided the applicant presents
15 evidence to the board that the applicant is a person of good
16 moral character and is in compliance with the United States
17 immigration laws and provided that the applicant presents
18 satisfactory evidence to the board that the applicant has
19 successfully passed an examination as required by the board
20 and has successfully completed two years of postgraduate
21 medical training in a board-approved program.

22 G. All applicants for licensure by examination
23 shall personally appear before the board or a designated
24 member of the board for an interview.

25 H. No applicant for licensure by examination shall

1 be granted a license if the applicant has taken the
2 examination in two or more steps and has failed to
3 successfully pass the final step within seven years of the
4 date that the first step was passed.

5 [H-] I. Every applicant for licensure under this
6 section shall pay the fees required by Section 61-6-19 NMSA
7 1978. "

8 Section 3. Section 61-6-13 NMSA 1978 (being Laws 1989,
9 Chapter 269, Section 9, as amended) is amended to read:

10 "61-6-13. LICENSURE BY ENDORSEMENT. --

11 A. The board may grant a license without
12 examination and by endorsement to an applicant who has been a
13 licensed physician outside of New Mexico, but in the United
14 States, and who otherwise meets the requirements set forth in
15 the Medical Practice Act, provided that the applicant is
16 properly endorsed by the officers of the examining board with
17 jurisdiction.

18 B. The board may grant a license without
19 examination and by endorsement to any applicant who has been a
20 licensed physician in Canada and who otherwise meets the
21 requirements set forth in the Medical Practice Act, provided
22 that the applicant is properly endorsed by the officers of
23 either the Canadian medical council or an examining board with
24 jurisdiction within the United States.

25 C. The board may grant a license without

underscored material = new
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1 examination and by endorsement to any applicant who has
2 graduated from a medical college located outside the United
3 States or Canada and who is of good moral character, who is in
4 compliance with the United States immigration laws and who has
5 been a licensed physician in the United States or Canada and
6 has practiced medicine in the United States or Canada
7 immediately preceding the application and who otherwise meets
8 the requirements set forth in the Medical Practice Act,
9 provided that the applicant is properly endorsed by the
10 officers of the examining board within the United States or
11 Canada that has jurisdiction.

12 D. An endorsement provided pursuant to this
13 section shall certify that the applicant has passed an
14 examination that meets with board approval and that the
15 applicant is in good standing in that jurisdiction. In cases
16 when the applicant is board certified, has not been the
17 subject of disciplinary action that would be reportable to the
18 national practitioner data bank or the healthcare integrity
19 and protection data bank and has unusual skills and experience
20 not generally available in this state, and patients residing
21 in this state have a significant need for such skills and
22 experience, the board may waive any requirement imposing time
23 limits for examination completion that are different from
24 those of the state where the applicant is licensed.

25 E. All applicants for licensure under this section

1 shall personally appear before the board or a designated board
 2 member for an interview.

3 F. All applicants for licensure under this section
 4 shall pay an application fee as provided in Section 61-6-19
 5 NMSA 1978. "

6 Section 4. Section 61-6-15 NMSA 1978 (being Laws 1969,
 7 Chapter 46, Section 6, as amended) is amended to read:

8 "61-6-15. LICENSE MAY BE REFUSED, REVOKED OR
 9 SUSPENDED-- LICENSEE MAY BE FINED, CENSURED OR REPRIMANDED--
 10 PROCEDURE-- PRACTICE AFTER SUSPENSION OR REVOCATION-- PENALTY--
 11 UNPROFESSIONAL AND DISHONORABLE CONDUCT DEFINED-- FEES AND
 12 EXPENSES-- NOTICE OF CLAIM --

13 A. The board may refuse to license and may revoke
 14 or suspend any license that has been issued by the board or
 15 any previous board and may fine, censure or reprimand any
 16 licensee upon satisfactory proof being made to the board that
 17 the applicant for or holder of the license has been guilty of
 18 unprofessional or dishonorable conduct. The board may also
 19 refuse to license an applicant who is unable to practice
 20 medicine, pursuant to Section 61-7-3 NMSA 1978. All
 21 proceedings shall be as required by the Uniform Licensing Act
 22 or the Impaired Health Care Provider Act.

23 B. The board may, in its discretion and for good
 24 cause shown, place the licensee on probation on such terms and
 25 conditions as it deems proper for protection of the public or

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 [bracketed material] = delete

1 for the purpose of the rehabilitation of the probationer, or
2 both. Upon expiration of the term of probation, if a term is
3 set, further proceedings may be abated by the board if the
4 holder of the license furnishes the board with evidence that
5 the physician is competent to practice medicine, is of good
6 moral character and has complied with the terms of probation.

7 C. If evidence fails to establish to the
8 satisfaction of the board that the licensee is competent and
9 is of good moral character or if evidence shows that he has
10 not complied with the terms of probation, the board may revoke
11 or suspend the license forthwith. If a license to practice
12 medicine in this state is suspended, the holder of the license
13 may not practice during the term of suspension [~~and~~]. Any
14 person whose license has been revoked or suspended by the
15 board and who thereafter practices or attempts or offers to
16 practice medicine in New Mexico, unless the period of
17 suspension has expired or been modified by the board or the
18 physician's license reinstated, is guilty of a felony and
19 shall be punished as provided in Section 61-6-20 NMSA 1978.

20 D. "Unprofessional or dishonorable conduct", as
21 used in this section, means among other things, but not
22 limited to because of enumeration:

- 23 (1) procuring, aiding or abetting a criminal
24 abortion;
- 25 (2) employing any person to solicit patients

1 for the physician;

2 (3) representing to a patient that a
3 manifestly incurable condition of sickness, disease or injury
4 can be cured;

5 (4) obtaining any fee by fraud or
6 misrepresentation;

7 (5) willfully or negligently divulging a
8 professional confidence;

9 (6) conviction of any offense punishable by
10 incarceration in a state penitentiary or federal prison or
11 conviction of a misdemeanor associated with the practice of
12 medicine. A copy of the record of conviction, certified by
13 the clerk of the court entering the conviction, is conclusive
14 evidence;

15 (7) habitual or excessive use of intoxicants
16 or drugs;

17 (8) fraud or misrepresentation in applying
18 for or procuring a license to practice in this state or in
19 connection with applying for or procuring renewal, including
20 cheating on or attempting to subvert the licensing
21 examinations;

22 (9) making false or misleading statements
23 regarding the physician's skill or the efficacy or value of
24 the medicine, treatment or remedy prescribed or administered
25 by the physician or at the physician's direction in the

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1 treatment of any disease or other condition of the human body
2 or mind;

3 (10) impersonating another person licensed to
4 practice medicine, permitting or allowing any person to use
5 the physician's license or certificate of registration or
6 practicing medicine under a false or assumed name;

7 (11) aiding or abetting the practice of
8 medicine by a person not licensed by the board;

9 (12) gross negligence in the practice of
10 medicine;

11 (13) manifest incapacity or incompetence to
12 practice medicine;

13 (14) discipline imposed on a licensee to
14 practice medicine by another state, including probation,
15 suspension or revocation, based upon acts by the licensee
16 similar to acts described in this section. A certified copy
17 of the record of suspension or revocation of the state making
18 the suspension or revocation is conclusive evidence;

19 (15) the use of any false, fraudulent or
20 deceptive statement in any document connected with the
21 practice of medicine;

22 (16) fee splitting;

23 (17) the prescribing, administering or
24 dispensing of narcotic, stimulant or hypnotic drugs for other
25 than accepted therapeutic purposes;

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- 1 (18) conduct likely to deceive, defraud or
2 harm the public;
- 3 (19) repeated similar negligent acts;
- 4 (20) employing abusive billing practices;
- 5 (21) failure to report to the board any
6 adverse action taken against the physician by:
- 7 (a) another licensing jurisdiction;
- 8 (b) any peer review body;
- 9 (c) any health care entity;
- 10 (d) any professional or medical society
11 or association;
- 12 (e) any governmental agency;
- 13 (f) any law enforcement agency; or
- 14 (g) any court for acts or conduct
15 similar to acts or conduct that would constitute grounds for
16 action as defined in this section;
- 17 (22) failure to report to the board surrender
18 of a license or other authorization to practice medicine in
19 another state or jurisdiction or surrender of membership on
20 any medical staff or in any medical or professional
21 association or society following, in lieu of and while under
22 disciplinary investigation by any of those authorities or
23 bodies for acts or conduct similar to acts or conduct that
24 would constitute grounds for action as defined in this
25 section;

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1 (23) failure to furnish the board, its
2 investigators or representatives with information requested by
3 the board;

4 (24) abandonment of patients;

5 (25) being found mentally incompetent or
6 insane by a court of competent jurisdiction;

7 (26) injudicious prescribing, administering
8 or dispensing of any drug or medicine;

9 (27) failure to adequately supervise, as
10 provided by board regulation, a medical or surgical assistant
11 or technician or professional licensee who renders health
12 care;

13 (28) intentionally engaging in sexual contact
14 or sexual penetration with a patient other than one's spouse
15 after representing or inferring that such activity is a
16 legitimate part of the patient's treatment;

17 (29) conduct unbecoming in a person licensed
18 to practice medicine or detrimental to the best interests of
19 the public; and

20 (30) the surrender of a license to practice
21 medicine or withdrawal of an application for a license to
22 practice medicine before another state licensing board while
23 disciplinary action is pending before that board for acts or
24 conduct similar to acts or conduct that would constitute
25 grounds for action as provided for in this section.

1 E. As used in this section, "fee splitting"
 2 includes offering, delivering, receiving or accepting any
 3 unearned rebate, refunds, ~~commission~~ preference, patronage
 4 dividend, discount or other unearned consideration, whether in
 5 the form of money or otherwise, as compensation or inducement
 6 for referring patients, clients or customers to any person,
 7 irrespective of any membership, proprietary interest or co-
 8 ownership in or with any person to whom the patients, clients
 9 or customers are referred.

10 F. Licensees shall bear all costs of disciplinary
 11 proceedings unless exonerated.

12 G. Licensees whose licenses are in a probationary
 13 status shall pay reasonable expenses for maintaining
 14 probationary status, including [~~but not limited to~~] laboratory
 15 costs when laboratory testing of biological fluids are
 16 included as a condition of probation.

17 H. For the purpose of investigating the competence
 18 of medical practitioners covered by the Medical Practice Act
 19 who practice medicine in the state of New Mexico, any entity
 20 issuing professional liability insurance to physicians or
 21 indemnifying physicians for professional liability in New
 22 Mexico shall report to the board all settlements or judgments
 23 against licensed physicians, whether they are tried in court
 24 or settled out of court."

25 Section 5. Section 61-6-17 NMSA 1978 (being Laws 1973,

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1 Chapter 361, Section 8, as amended) is amended to read:

2 "61-6-17. EXCEPTIONS TO ACT.--The Medical Practice Act
3 shall not apply to or affect:

4 A. gratuitous services rendered in cases of
5 emergency;

6 B. the domestic administration of family remedies;

7 C. the practice of midwifery as regulated in this
8 state;

9 D. commissioned medical officers of the armed
10 forces of the United States and medical officers of the United
11 States public health service or the veterans administration of
12 the United States in the discharge of their official duties or
13 within federally controlled facilities; provided that such
14 persons who hold medical licenses in New Mexico shall be
15 subject to the provisions of the Medical Practice Act and
16 provided that all such persons shall be fully licensed to
17 practice medicine in one or more jurisdictions of the United
18 States;

19 E. the practice of medicine by a physician,
20 unlicensed in New Mexico, who performs emergency medical
21 procedures in air or ground transportation [øf] on a patient
22 from inside of New Mexico to another state or back, provided
23 the physician is duly licensed in that state;

24 F. the practice, as defined and limited under
25 their respective licensing laws, of:

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- 1 (1) osteopathy;
- 2 (2) dentistry;
- 3 (3) podiatry;
- 4 (4) nursing;
- 5 (5) optometry;
- 6 (6) psychology;
- 7 (7) chiropractic;
- 8 (8) pharmacy;
- 9 (9) acupuncture and oriental medicine; or
- 10 (10) physical therapy;

11 G. any act, task or function performed by a
12 physician assistant at the direction of and under the
13 supervision of a licensed physician, when:

- 14 (1) the assistant is registered and has
15 biennially renewed his registration with the board as one
16 qualified by training or experience to function as an
17 assistant to a physician;
- 18 (2) the act, task or function is performed at
19 the direction of and under the supervision of a licensed
20 physician in accordance with rules [~~and regulations~~]
21 promulgated by the board; and
- 22 (3) the acts of the physician assistant are
23 within the scope of duties assigned or delegated by the
24 supervising licensed physician and the acts are within the
25 scope of the assistant's training;

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1 H. any act, task or function of laboratory
2 technicians or technologists, x-ray technicians, nurse
3 practitioners, medical or surgical assistants or other
4 technicians or qualified persons permitted by law or
5 established by custom as part of the duties delegated to them
6 by:

7 (1) a licensed physician or a hospital,
8 clinic or institution licensed or approved by the public
9 health division of the department of health or an agency of
10 the federal government; or

11 (2) a health care program operated or
12 financed by an agency of the state or federal government;

13 I. a properly trained medical or surgical
14 assistant or technician or professional licensee performing
15 under the physician's employment and direct supervision or a
16 visiting physician or surgeon operating under the physician's
17 direct supervision any medical act that a reasonable and
18 prudent physician would find within the scope of sound medical
19 judgment to delegate if, in the opinion of the delegating
20 physician, the act can be properly and safely performed in its
21 customary manner and if the person does not hold himself out
22 to the public as being authorized to practice medicine in New
23 Mexico. The delegating physician shall remain responsible for
24 the medical acts of the person performing the delegated
25 medical acts;

1 J. the practice of the religious tenets of any
2 church in the ministrations to the sick or suffering by mental
3 or spiritual means as provided by law; provided that the
4 Medical Practice Act shall not be construed to exempt any
5 person from the operation or enforcement of the sanitary and
6 quarantine laws of the state; [~~and~~]

7 K. the acts of a physician licensed under the laws
8 of another state of the United States who is the treating
9 physician of a patient and orders home health or hospice
10 services for a resident of New Mexico to be delivered by a
11 home and community support services agency licensed in this
12 state; provided that any change in the condition of the
13 patient shall be physically reevaluated by the treating
14 physician in the treating physician's jurisdiction or by a
15 licensed New Mexico physician;

16 L. a physician licensed to practice under the laws
17 of another state who acts as a consultant to a New Mexico-
18 licensed physician on an irregular or infrequent basis, as
19 defined by rule of the board; and

20 M a physician who engages in the informal
21 practice of medicine across state lines without compensation
22 or expectation of compensation; provided that the practice of
23 medicine across state lines conducted within the parameters of
24 a contractual relationship shall not be considered informal
25 and is subject to licensure and regulation by the board."

1 Section 6. Section 61-6-19 NMSA 1978 (being Laws 1989,
2 Chapter 269, Section 15, as amended by Laws 1997, Chapter 187,
3 Section 9 and also by Laws 1997, Chapter 221, Section 4) is
4 amended to read:

5 "61-6-19. FEES. --

6 A. The board shall impose the following fees:

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

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

13 (3) an examination fee equal to the cost of
14 purchasing the examination plus an administration fee not to
15 exceed fifty percent of that cost;

16 (4) a triennial renewal fee not to exceed
17 four hundred fifty dollars (\$450);

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

21 (6) a late fee not to exceed one hundred
22 dollars (\$100) for [~~licensees~~] physicians who [~~fail to~~] renew
23 their license within forty-five days after the required
24 renewal date;

25 (7) a late fee not to exceed two hundred

1 dollars (\$200) for [~~licensees~~] physicians who [~~fail to~~] renew
2 their licenses [~~from forty-six days to~~] between forty-six and
3 ninety days after the required renewal date;

4 (8) a reinstatement fee not to exceed the
5 current application fee for reinstatement of a revoked,
6 suspended or inactive license;

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

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

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

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

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

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

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

24 (16) a licensure fee not to exceed one
25 hundred fifty dollars (\$150) for physician assistants biennial

1 licensing and registration of supervising physician;

2 (17) a late fee not to exceed fifty dollars
3 (\$50.00) for physician assistants who ~~[fail to]~~ renew their
4 licensure within forty-five days after the required renewal
5 date; ~~[and]~~

6 (18) a late fee not to exceed seventy-five
7 dollars (\$75.00) for physician assistants who ~~[fail to]~~ renew
8 their licensure ~~[from forty-six days to]~~ between forty-six and
9 ninety days after the required renewal date;

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

13 (20) an application and renewal fee for a
14 telemedicine license not to exceed four hundred dollars
15 (\$400).

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

18 Section 7. Section 61-6-20 NMSA 1978 (being Laws 1923,
19 Chapter 44, Section 9, as amended) is amended to read:

20 "61-6-20. PRACTICING WITHOUT LICENSE--PENALTY. --

21 A. Any person who practices medicine or who
22 attempts to practice medicine without first complying with the
23 provisions of the Medical Practice Act and without being the
24 holder of a license entitling him to practice medicine in New
25 Mexico is guilty of a fourth degree felony ~~[and upon~~

1 ~~conviction~~].

2 B. Any person who practices medicine across state
 3 lines or who attempts to practice medicine across state lines
 4 without first complying with the provisions of the Medical
 5 Practice Act and without being the holder of a telemedicine
 6 license entitling him to practice medicine across state lines
 7 is guilty of a fourth degree felony.

8 C. Any person convicted pursuant to Subsection A
 9 or B of this section shall be sentenced under the provisions
 10 of the Criminal Sentencing Act to imprisonment for a definite
 11 period not to exceed eighteen months and, in the discretion of
 12 the sentencing court, to a fine not to exceed five thousand
 13 dollars (\$5,000), or both. Each occurrence of practicing
 14 medicine or attempting to practice medicine without complying
 15 with the Medical Practice Act shall be a separate violation. "

16 Section 8. Section 61-6-26 NMSA 1978 (being Laws 1989,
 17 Chapter 269, Section 22) is amended to read:

18 "61-6-26. TRIENNIAL RENEWAL FEES--PENALTY FOR FAILURE TO
 19 RENEW LICENSE. --

20 A. Before July 1 of every third year, every
 21 licensed practitioner of medicine in this state shall have
 22 applied for a certificate of triennial renewal of license for
 23 the ensuing three years. The board may establish a method to
 24 provide for staggered triennial renewal terms and may prorate
 25 triennial renewal fees and impaired physicians fees until

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1 staggered triennial renewal is established. The fact that a
2 practitioner has not received a renewal form from the board
3 shall not relieve him of the duty to renew his license nor
4 shall such omission on the part of the board operate to exempt
5 him from the penalties provided by Chapter 61, Article 6 NMSA
6 1978 for failure to renew his license.

7 B. All licensed practitioners shall pay a
8 triennial renewal fee and impaired physicians fee as provided
9 in Section 61-6-19 NMSA 1978 and all practitioners shall
10 return the completed renewal form together with the renewal
11 fee and proof of continuing medical education.

12 C. Each application for triennial renewal of
13 license shall state the practitioner's full name, business
14 address, the date and number of his license and all other
15 information requested by the board.

16 D. ~~[Any]~~ A practitioner who fails to submit his
17 application for triennial renewal on or before July 1 but who
18 submits his application for triennial renewal within forty-
19 five days thereafter shall be assessed a late fee as provided
20 in Section 61-6-19 NMSA 1978.

21 E. ~~[Any]~~ A practitioner who ~~[fails to submit]~~
22 submits the application for triennial renewal between forty-
23 five and ninety days of the July 1 deadline shall be assessed
24 a cumulative late fee as provided in ~~[Paragraphs (5) and 6]~~
25 Paragraph (7) of Subsection A of Section 61-6-19 NMSA 1978.

1 F. The board may, in its discretion, summarily
 2 suspend for nonpayment of fees the license of ~~[any]~~ a
 3 practitioner who has failed to renew his license within ninety
 4 days of July 1. "

5 Section 9. Section 61-6-33 NMSA 1978 (being Laws 1989,
 6 Chapter 269, Section 29) is amended to read:

7 "61-6-33. LICENSURE STATUS. -- Upon a verified written
 8 request, any practitioner licensed under the Medical Practice
 9 Act may request his license be put in retirement or voluntary
 10 lapsed status. Upon request for reinstatement of active
 11 status, the board may impose conditions as provided in Section
 12 ~~[61-6-29]~~ 61-6-30 NMSA 1978. "

13 Section 10. A new section of the Medical Practice Act is
 14 enacted to read:

15 "[NEW MATERIAL] TELEMEDICINE LICENSE. --

16 A. The board shall issue a telemedicine license to
 17 allow the practice of medicine across state lines to an
 18 applicant who holds a full and unrestricted license to
 19 practice medicine in another state or territory of the United
 20 States. The board shall establish by rule the requirements
 21 for licensure; provided the requirements shall not be more
 22 restrictive than those required for licensure by endorsement.

23 B. A telemedicine license shall be issued for a
 24 period not to exceed three years and may be renewed upon
 25 application, payment of fees as provided in Section 61-6-19

. 137071. 1

1 NMSA 1978 and compliance with other requirements established
2 by rule of the board. "

3 Section 11. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately.