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AN ACT

RELATING TO TAXATION; PROVIDING A GROSS RECEIPTS TAX DEDUCTION FOR RECEIPTS OF CERTAIN CLINICAL LABORATORIES AND HOME HEALTH AGENCIES FROM THE PROVISION OF CERTAIN SERVICES TO MEDICARE BENEFICIARIES.

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

Section 1. Section 7-9-77.1 NMSA 1978 (being Laws 1998, Chapter 96, Section 1, as amended) is amended to read:

"7-9-77.1. DEDUCTION--GROSS RECEIPTS TAX--CERTAIN MEDICAL AND HEALTH CARE SERVICES.--

A. Receipts from payments by the United States government or any agency thereof for provision of medical and other health services by medical doctors and osteopathic physicians or of medical, other health and palliative services by a hospice to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

B. Receipts from payments by the United States government or any agency thereof for medical services provided by a clinical laboratory to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts pursuant to the following schedule:

- (1) from July 1, 2003 through June 30, 2004 thirty-three and one-third percent of the receipts may be deducted;
- (2) from July 1, 2004 through June 30, 2005 sixty-six and two-thirds percent of the receipts may be deducted; and
- (3) after June 30, 2005 one hundred percent of the receipts may be deducted.

C. Receipts from payments by the United States government or any agency thereof for medical, other health and palliative services provided by a home health agency to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts pursuant to the

1 following schedule:

2 (1) from July 1, 2003 through June 30, 2004 thirty-three and
3 one-third percent of the receipts may be deducted;

4 (2) from July 1, 2004 through June 30, 2005 sixty-six and two-
5 thirds percent of the receipts may be deducted; and

6 (3) after June 30, 2005 one hundred percent of the receipts
7 may be deducted.

8 D. For the purposes of this section:

9 (1) "clinical laboratory" means a laboratory accredited
10 pursuant to 42 USCA 263a;

11 (2) "home health agency" means a for-profit entity that is
12 licensed by the department of health and certified by the federal centers for medicare
13 and medicaid services as a home health agency;

14 (3) "hospice" means a for-profit entity licensed and certified by
15 the department of health as a hospice; and

16 (4) "medical doctors and osteopathic physicians" means
17 persons licensed to practice under Section 61-6-11, 61-6-13, 61-10-11 or 61-10-12
18 NMSA 1978."
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