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HOUSE BILL 665

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO HEALTH CARE; ENACTING THE NEW MEXICO TELEHEALTH ACT; PROVIDING STANDARDS FOR TELEHEALTH DELIVERY OF HEALTH CARE.

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

Section 1. SHORT TITLE. -- This act may be cited as the "New Mexico Telehealth Act".

Section 2. FINDINGS AND PURPOSE. --

A. The legislature finds that:

(1) lack of primary care, specialty providers and transportation continue to be significant barriers to access to health services in medically underserved rural areas;

(2) there are parts of this state where it is difficult to attract and retain health professionals, as well as support local health facilities to provide a continuum of

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1 health care;

2 (3) many health care providers in medically
3 underserved areas are isolated from mentors and colleagues and
4 from the information resources necessary to support them
5 personally and professionally;

6 (4) using information technology to deliver
7 medical services and information from one location to another
8 is part of a multifaceted approach to address the problems of
9 provider distribution and the development of health systems in
10 medically underserved areas by improving communication
11 capabilities and providing convenient access to up-to-date
12 information, consultations and other forms of support;

13 (5) the use of telecommunications to deliver
14 health services has the potential to reduce costs, improve
15 quality, change the conditions of practice and improve access
16 to health care in rural, medically underserved areas; and

17 (6) telehealth will assist in maintaining or
18 improving the physical and economic health of medically
19 underserved communities by keeping the source of medical care
20 in the local area, strengthening the health infrastructure and
21 preserving health-care-related jobs.

22 B. The purpose of the New Mexico Telehealth Act is
23 to provide a framework for health care providers to follow in
24 providing telehealth to New Mexico citizens when it is
25 impractical for those citizens to receive health care

1 consultations face-to-face with health care providers.

2 Section 3. DEFINITIONS. -- As used in the New Mexico
3 Telehealth Act:

4 A. "health care provider" means a person licensed
5 to provide health care to patients in New Mexico, including:

- 6 (1) an optometrist;
- 7 (2) a chiropractic physician;
- 8 (3) a dentist;
- 9 (4) a physician;
- 10 (5) a podiatrist;
- 11 (6) an osteopathic physician;
- 12 (7) a physician assistant;
- 13 (8) a certified nurse practitioner;
- 14 (9) a physical therapist;
- 15 (10) an occupational therapist;
- 16 (11) a speech-language pathologist;
- 17 (12) a doctor of oriental medicine;
- 18 (13) a nutritionist;
- 19 (14) a psychologist; or
- 20 (15) a certified nurse-midwife;

21 B. "originating site" means a place where a patient
22 may receive health care via telehealth. An originating site
23 may include:

- 24 (1) a licensed inpatient center;
- 25 (2) an ambulatory surgical or treatment

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1 center;

2 (3) a skilled nursing center;

3 (4) a residential treatment center;

4 (5) a home health agency;

5 (6) a diagnostic laboratory or imaging center;

6 (7) an assisted living center;

7 (8) a school-based health program;

8 (9) a mobile clinic;

9 (10) a mental health clinic;

10 (11) a rehabilitation or other therapeutic

11 health setting; or

12 (12) the patient's residence; and

13 C. "telehealth" means the use of electronic
14 information, imaging and communication technologies, including
15 interactive audio, video, data communications as well as store-
16 and-forward technologies, to provide and support health care
17 delivery, diagnosis, consultation, treatment, transfer of
18 medical data and education when distance separates the patient
19 and the health care provider.

20 Section 4. TELEHEALTH AUTHORIZED-- PROCEDURE. -- The
21 delivery of health care via telehealth is recognized and
22 encouraged as a safe, practical and necessary practice in New
23 Mexico. No health care provider or operator of an originating
24 site shall be disciplined for or discouraged from participating
25 in telehealth pursuant to the New Mexico Telehealth Act. In

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1 using telehealth procedures, health care providers and
2 operators of originating sites shall comply with all applicable
3 federal and state guidelines.

4 Section 5. SCOPE OF ACT. --

5 A. The New Mexico Telehealth Act does not alter the
6 scope of practice of any health care provider or authorize the
7 delivery of health care services in a setting, or in a manner,
8 not otherwise authorized by law.

9 B. Although the use of telehealth is strongly
10 encouraged, nothing in the New Mexico Telehealth Act requires a
11 health insurer, health maintenance organization, managed care
12 organization, provider service organization or the state's
13 medical assistance program to include telehealth within the
14 scope of the plan or policy offered by that entity.