

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
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 health care;

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

(4) using information technology to deliver
medical services and information from one location to another
is part of a multifaceted approach to address the problems of

provider distribution and the development of health systems in medically underserved areas by improving communication capabilities and providing convenient access to up-to-date information, consultations and other forms of support;

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

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

B. The purpose of the New Mexico Telehealth Act is to provide a framework for health care providers to follow in providing telehealth to New Mexico citizens when it is impractical for those citizens to receive health care consultations face-to-face with health care providers.

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

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

- (1) an optometrist;
- (2) a chiropractic physician;
- (3) a dentist;

- (4) a physician;
- (5) a podiatrist;
- (6) an osteopathic physician;
- (7) a physician assistant;
- (8) a certified nurse practitioner;
- (9) a physical therapist;
- (10) an occupational therapist;
- (11) a speech-language pathologist;
- (12) a doctor of oriental medicine;
- (13) a nutritionist;
- (14) a psychologist;
- (15) a certified nurse-midwife;
- (16) a clinical nurse specialist;
- (17) a registered nurse;
- (18) a dental hygienist; or
- (19) a pharmacist;

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

- (1) a licensed inpatient center;
- (2) an ambulatory surgical or treatment center;
- (3) a skilled nursing center;
- (4) a residential treatment center;
- (5) a home health agency;

- (6) a diagnostic laboratory or imaging center;
- (7) an assisted living center;
- (8) a school-based health program;
- (9) a mobile clinic;
- (10) a mental health clinic;
- (11) a rehabilitation or other therapeutic health setting; or
- (12) the patient's residence; and

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

Section 4. TELEHEALTH AUTHORIZED--PROCEDURE.--The delivery of health care via telehealth is recognized and encouraged as a safe, practical and necessary practice in New Mexico. No health care provider or operator of an originating site shall be disciplined for or discouraged from participating in telehealth pursuant to the New Mexico Telehealth Act. In using telehealth procedures, health care providers and operators of originating sites shall comply with all applicable federal and state guidelines and shall follow

established federal and state rules regarding security, confidentiality and privacy protections for health care information.

Section 5. SCOPE OF ACT.--

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

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