

1 SENATE BILL 64

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Steve Komadina

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10 AN ACT

11 RELATING TO HEALTH CARE; PROHIBITING CERTAIN HOSPITALS FROM
12 DENYING MEDICAL STAFF PRIVILEGES FOR REASONS OTHER THAN A
13 PHYSICIAN'S INDIVIDUAL QUALIFICATIONS; PROVIDING FOR APPEALS
14 AND SANCTIONS.

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

17 Section 1. ECONOMIC CREDENTIALING.--

18 A. A hospital licensed by the department of health,
19 certified for participation in medicaid or medicare or
20 receiving funding from local or state sources shall not:

21 (1) use economic criteria unrelated to quality
22 of care or professional competence in determining a physician's
23 qualifications for initial or continuing hospital medical staff
24 membership or privileges; or

25 (2) deny medical staff membership or clinical

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1 privileges for reasons other than a physician's individual
2 qualifications as determined by professional and ethical
3 criteria.

4 B. A physician who is denied membership or
5 privileges by a hospital may appeal the hospital's decision to
6 the New Mexico medical board. In a hearing conducted pursuant
7 to the provisions of the Uniform Licensing Act, the board shall
8 determine if the physician is professionally competent.

9 C. If, subsequent to a finding by the New Mexico
10 medical board that a physician is professionally competent, the
11 hospital continues to deny staff membership or clinical
12 privileges to the physician:

13 (1) the department of health shall suspend the
14 medicaid or medicare certification for that hospital; and

15 (2) no additional state or local funding shall
16 be disbursed to that hospital.

17 D. The provisions of this section do not apply to a
18 decision of a hospital located in a class A county with a
19 population exceeding five hundred thousand according to the
20 most recent federal decennial census.

21 E. For the purposes of this section, "hospital"
22 means a public hospital, a for-profit or nonprofit private
23 hospital or a general or special hospital.