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HOUSE BILL 1218

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO MEDICINE; EXCEPTING INSURANCE ADJUSTERS FROM THE  
MEDICAL PRACTICE ACT.

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

Section 1. Section 61-6-17 NMSA 1978 (being Laws 1973,  
Chapter 361, Section 8, as amended) is amended to read:

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

- A. gratuitous services rendered in cases of  
emergency;
- B. the domestic administration of family remedies;
- C. the practice of midwifery as regulated in this  
state;
- D. commissioned medical officers of the armed  
forces of the United States and medical officers of the United

underscored material = new  
[bracketed material] = delete

1 States public health service or the department of veterans  
2 [~~administration of the United States~~] affairs in the discharge  
3 of their official duties or within federally controlled  
4 facilities; provided that such persons who hold medical  
5 licenses in New Mexico shall be subject to the provisions of  
6 the Medical Practice Act and provided that all such persons  
7 shall be fully licensed to practice medicine in one or more  
8 jurisdictions of the United States;

9 E. the practice of medicine by a physician,  
10 unlicensed in New Mexico, who performs emergency medical  
11 procedures in air or ground transportation on a patient from  
12 inside of New Mexico to another state or back, provided the  
13 physician is duly licensed in that state;

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

- 16 (1) osteopathy;  
17 (2) dentistry;  
18 (3) podiatry;  
19 (4) nursing;  
20 (5) optometry;  
21 (6) psychology;  
22 (7) chiropractic;  
23 (8) pharmacy;  
24 (9) acupuncture and oriental medicine; or  
25 (10) physical therapy;

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[bracketed material] = delete

1           G. an act, task or function performed by a  
2 physician assistant at the direction of and under the  
3 supervision of a licensed physician, when:

4                   (1) the physician assistant is currently  
5 licensed by the board;

6                   (2) the act, task or function is performed at  
7 the direction of and under the supervision of a licensed  
8 physician in accordance with rules promulgated by the board;  
9 and

10                   (3) the acts of the physician assistant are  
11 within the scope of duties assigned or delegated by the  
12 supervising licensed physician and the acts are within the  
13 scope of the assistant's training;

14           H. an act, task or function of laboratory  
15 technicians or technologists, x-ray technicians, nurse  
16 practitioners, medical or surgical assistants or other  
17 technicians or qualified persons permitted by law or  
18 established by custom as part of the duties delegated to them  
19 by:

20                   (1) a licensed physician or a hospital, clinic  
21 or institution licensed or approved by the public health  
22 division of the department of health or an agency of the  
23 federal government; or

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

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1 I. a properly trained medical or surgical assistant  
2 or technician or professional licensee performing under the  
3 physician's employment and direct supervision or a visiting  
4 physician or surgeon operating under the physician's direct  
5 supervision a medical act that a reasonable and prudent  
6 physician would find within the scope of sound medical judgment  
7 to delegate if, in the opinion of the delegating physician, the  
8 act can be properly and safely performed in its customary  
9 manner and if the person does not [~~hold himself out~~] claim to  
10 the public [~~as being~~] to be authorized to practice medicine in  
11 New Mexico. The delegating physician shall remain responsible  
12 for the medical acts of the person performing the delegated  
13 medical acts;

14 J. the practice of the religious tenets of a church  
15 in the ministration to the sick or suffering by mental or  
16 spiritual means as provided by law; provided that the Medical  
17 Practice Act shall not be construed to exempt a person from the  
18 operation or enforcement of the sanitary and quarantine laws of  
19 the state;

20 K. the acts of a physician licensed under the laws  
21 of another state of the United States who is the treating  
22 physician of a patient and orders home health or hospice  
23 services for a resident of New Mexico to be delivered by a home  
24 and community support services agency licensed in this state;  
25 provided that a change in the condition of the patient shall be

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underscoring material = new  
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1 physically reevaluated by the treating physician in the  
2 treating physician's jurisdiction or by a licensed  
3 New Mexico physician;

4 L. a physician licensed to practice under the laws  
5 of another state who acts as a consultant to a  
6 New Mexico-licensed physician on an irregular or infrequent  
7 basis, as defined by rule of the board; ~~and~~

8 M. a physician who engages in the informal practice  
9 of medicine across state lines without compensation or  
10 expectation of compensation; provided that the practice of  
11 medicine across state lines conducted within the parameters of  
12 a contractual relationship shall not be considered informal and  
13 is subject to licensure and rule by the board; and

14 N. an insurance adjuster licensed under the New  
15 Mexico Insurance Code who is engaged in handling, interpreting  
16 or adjusting a claim for medical payment or reimbursement for  
17 medical treatment under an agreement, contract, statute or  
18 common law relationship that exists between a person seeking  
19 the payment or reimbursement and a claimed or alleged third-  
20 party payer or the third-party payer's representative."