

HOUSE HEALTH, GOVERNMENT AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 170

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO HEALTH CARE; ENACTING THE VOLUNTEER HEALTH CARE FOR
THE UNDERSERVED ACT; PROVIDING FOR TEMPORARY NEW MEXICO
LICENSURE OR OTHER AUTHORIZATION OF HEALTH PRACTITIONERS,
INCLUDING VETERINARIANS, DULY LICENSED OR OTHERWISE AUTHORIZED
TO PRACTICE A HEALTH CARE PROFESSION BY ANY STATE, TERRITORY,
DISTRICT OR POSSESSION OF THE UNITED STATES WHO PROVIDE
VOLUNTARY HEALTH CARE SERVICES IN UNDERSERVED AREAS OF NEW
MEXICO; REQUIRING THE DEPARTMENT OF HEALTH TO OVERSEE
SPONSORING ORGANIZATIONS; GRANTING LIMITED IMMUNITY TO HEALTH
PRACTITIONERS TO PROVIDE VOLUNTARY HEALTH CARE SERVICES;
DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"Volunteer Health Care for the Underserved Act".

.192053.1

1 SECTION 2. DEFINITIONS.--As used in the Volunteer Health
2 Care for the Underserved Act:

3 A. "health practitioner" means any physician,
4 surgeon, dentist, nurse, optometrist or other practitioner of a
5 health care discipline or veterinary services, the professional
6 practice of which requires licensure or other authorization
7 under the laws of New Mexico or of another state, territory,
8 district or possession of the United States;

9 B. "licensed health practitioner" means any health
10 practitioner holding a current license or certificate issued
11 under a provision of the law of another state, territory,
12 district or possession of the United States comparable to
13 Chapter 61 NMSA 1978;

14 C. "sponsoring organization" means any nonprofit
15 organization whose primary purpose is to organize or arrange
16 for the voluntary provision of health care services to the
17 underserved, but does not include free clinics, state or local
18 health department facilities, nonprofit community health
19 centers or nonprofit community health referral services that
20 operate year-round;

21 D. "underserved" means indigent, uninsured or
22 underinsured persons and their pets or livestock that lack
23 access to basic health care; and

24 E. "voluntary provision of health care services"
25 means providing the services of a health practitioner, in

.192053.1

1 association with a sponsoring organization, to the underserved
2 without charge to the recipient of such services or to a third
3 party on behalf of a recipient.

4 **SECTION 3. TEMPORARY LICENSE OR AUTHORIZATION REQUIRED**
5 **FOR VOLUNTARY PROVISION OF HEALTH CARE SERVICES.--**

6 A. Prior to engaging in the voluntary provision of
7 health care services in this state, a health practitioner shall
8 obtain a temporary license or other authorization from the
9 appropriate licensing board for that health practitioner.

10 B. The appropriate licensing board for the health
11 practitioner may issue a temporary license or other
12 authorization to the health practitioner wishing to engage in
13 the voluntary provision of health care services in this state
14 provided that the health practitioner:

15 (1) is duly licensed or otherwise authorized
16 to practice a health care profession by any state, territory,
17 district or possession of the United States;

18 (2) restricts the health practitioner's
19 services and duties solely to the voluntary provision of health
20 care services;

21 (3) provides only the care or services that
22 the health practitioner is licensed or otherwise authorized to
23 provide by any state, territory, district or possession of the
24 United States;

25 (4) provides a copy of the health

.192053.1

1 practitioner's current out-of-state license or authorization to
2 practice to the sponsoring organization, which shall retain
3 such record for a period of two years; and

4 (5) satisfies the requirements for temporary
5 licensure or other authorization promulgated by the appropriate
6 licensing board for such health practitioner to implement the
7 Volunteer Health Care for the Underserved Act.

8 SECTION 4. LIMITATION ON DURATION OF VOLUNTARY PROVISION
9 OF HEALTH CARE SERVICES.--A sponsoring organization may
10 organize or arrange for the voluntary provision of health care
11 services at a location in this state for a period not to exceed
12 thirty calendar days in any one year.

13 SECTION 5. OVERSIGHT OF SPONSORING ORGANIZATION--
14 REGISTRATION AND REPORTING REQUIRED OF SPONSORING
15 ORGANIZATION--TEMPORARY LICENSURE OR AUTHORIZATION
16 REQUIREMENTS.--

17 A. The department of health shall exercise
18 oversight of a sponsoring organization for the voluntary
19 provision of health care services in this state and shall
20 require a sponsoring organization to register and report to the
21 department before the sponsoring organization organizes or
22 arranges for the voluntary provision of health care services in
23 this state.

24 B. The department of health shall require each
25 registered sponsoring organization to maintain:

.192053.1

1 (1) a list of health practitioners associated
2 with its provision of voluntary health care services in this
3 state and provide such list to the department; and

4 (2) a copy of the current out-of-state and
5 temporary license or other authorization to practice of each
6 health practitioner associated with its provision of voluntary
7 health care services in this state for a period of two years.

8 C. The department of health shall adopt such rules
9 as are necessary to implement the provisions of the Volunteer
10 Health Care for the Underserved Act while ensuring public
11 safety.

12 D. Each licensing board of a health practitioner
13 shall:

14 (1) adopt rules regarding the temporary
15 licensure or other temporary authorization of a health
16 practitioner for the voluntary provision of health care
17 services;

18 (2) waive all licensing or other fees for
19 temporary licensure or other temporary authorization for the
20 voluntary provision of health care services;

21 (3) adopt such rules as are necessary to
22 implement the provisions of the Volunteer Health Care for the
23 Underserved Act while ensuring public safety; and

24 (4) no later than July 1, 2013, have a process
25 in place to issue qualified applicants a temporary license or

.192053.1

underscored material = new
~~[bracketed material] = delete~~

1 other authorization for the voluntary provision of health care
2 services within seven calendar days after receipt of an
3 application.

4 SECTION 6. IMMUNITY FROM CIVIL LIABILITY FOR ACTS AND
5 OMISSIONS.--

6 A. A licensed health practitioner who engages in
7 the voluntary provision of health care services in this state
8 shall not be liable for damages for injuries or death alleged
9 to have occurred by reason of an act or omission alleged to
10 have occurred during the voluntary provision of health care
11 services, unless it is established that the injuries were
12 caused by gross negligence, wanton conduct or intentional
13 wrongdoing on the part of the licensed health practitioner.

14 B. The immunity from civil liability provided in
15 Subsection A of this section does not apply in any of the
16 following circumstances:

17 (1) the health care services provided are not
18 part of the health practitioner's training or assignment;

19 (2) the health care services provided are not
20 within the scope of the health practitioner's temporary license
21 or authority; or

22 (3) the health care services provided are not
23 authorized by the department of health to be performed at the
24 location.

25 SECTION 7. NONAPPLICABILITY.--The Volunteer Health Care

.192053.1

