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SENATE BILL 152

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Gay G. Kernan

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT, THE MEDICAL PRACTICE ACT AND THE OSTEOPATHIC MEDICINE ACT TO ESTABLISH DESIGNATED HEALTH PROFESSIONAL LOAN REPAYMENT FUNDING TO ASSIST ALLOPATHIC AND OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING IN DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS; ESTABLISHING PHYSICIAN LICENSING FEES FOR THE HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM; ENACTING NEW SECTIONS OF THE HEALTH PROFESSIONAL LOAN REPAYMENT ACT TO ESTABLISH THE PHYSICIAN EXCELLENCE FUND; MAKING APPROPRIATIONS.

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

**SECTION 1.** Section 21-22D-3 NMSA 1978 (being Laws 1995, Chapter 144, Section 18) is amended to read:

"21-22D-3. DEFINITIONS.--As used in the Health

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1 Professional Loan Repayment Act:

2 A. [~~commission~~] "department" means the  
3 [~~commission or~~] higher education department;

4 B. "health professional" means a primary care  
5 physician, optometrist, podiatrist, physician's assistant,  
6 dentist, nurse, member of an allied health profession as  
7 defined in the Allied Health Student Loan for Service Act or a  
8 licensed or certified health professional as determined by the  
9 [~~commission; and~~] department;

10 C. "loan" means a grant of money to defray the  
11 costs incidental to a health education, under a contract  
12 between the federal government or a commercial lender and a  
13 health professional, requiring either repayment of principal  
14 and interest or repayment in services; and

15 D. "primary care physician" means a physician  
16 licensed pursuant to the Medical Practice Act or the  
17 Osteopathic Medicine Act with specialty training in family  
18 medicine, general internal medicine or general pediatrics."

19 SECTION 2. A new section of the Health Professional Loan  
20 Repayment Act is enacted to read:

21 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND.--The department  
22 shall apply funds appropriated to the department from the  
23 physician excellence fund established pursuant to Section 3 of  
24 this 2017 act exclusively for health professional loan  
25 repayment assistance for primary care physicians who are

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1 licensed pursuant to the Medical Practice Act or the  
2 Osteopathic Medicine Act and who practice in areas of New  
3 Mexico that the department has designated as underserved."

4 SECTION 3. A new section of the Health Professional Loan  
5 Repayment Act is enacted to read:

6 "[NEW MATERIAL] PHYSICIAN EXCELLENCE FUND--CREATION--  
7 ADMINISTRATION--APPROPRIATION.--The "physician excellence fund"  
8 is created in the state treasury to support awards established  
9 through the Health Professional Loan Repayment Act to primary  
10 care physicians who practice in areas of New Mexico that the  
11 department has designated as underserved. The fund consists of  
12 license application and renewal surcharges pursuant to Sections  
13 61-6-19 and 61-10-6.1 NMSA 1978, appropriations, gifts, grants,  
14 donations and income from investment of the fund. Any income  
15 earned on investment of the fund shall remain in the fund.  
16 Money in the fund shall not revert to any other fund at the end  
17 of a fiscal year. The fund shall be administered by the  
18 department, and money in the fund is appropriated to the  
19 department to make awards established through the Health  
20 Professional Loan Repayment Act to primary care physicians who  
21 practice in areas of New Mexico that the department has  
22 designated as underserved. Disbursements from the fund shall  
23 be made only upon warrant drawn by the secretary of finance and  
24 administration pursuant to vouchers signed by the secretary of  
25 higher education or the secretary's authorized representative."

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1           SECTION 4. Section 61-6-19 NMSA 1978 (being Laws 1989,  
2 Chapter 269, Section 15, as amended) is amended to read:

3           "61-6-19. FEES.--

4           A. The board shall impose the following fees:

5                   (1) an application fee not to exceed four  
6 hundred dollars (\$400) for licensure by endorsement as provided  
7 in Section 61-6-13 NMSA 1978;

8                   (2) an application fee not to exceed four  
9 hundred dollars (\$400) for licensure by examination as provided  
10 in Section 61-6-11 NMSA 1978;

11                   (3) a triennial renewal fee not to exceed four  
12 hundred fifty dollars (\$450);

13                   (4) a fee of twenty-five dollars (\$25.00) for  
14 placing a physician's license or a physician assistant's  
15 license on inactive status;

16                   (5) a late fee not to exceed one hundred  
17 dollars (\$100) for physicians who renew their license within  
18 forty-five days after the required renewal date;

19                   (6) a late fee not to exceed two hundred  
20 dollars (\$200) for physicians who renew their licenses between  
21 forty-six and ninety days after the required renewal date;

22                   (7) a reinstatement fee not to exceed six  
23 hundred dollars (\$600) for reinstatement of a revoked,  
24 suspended or inactive license;

25                   (8) a reasonable administrative fee for

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1 verification and duplication of license or registration and  
2 copying of records;

3 (9) a reasonable publication fee for the  
4 purchase of a publication containing the names of all  
5 practitioners licensed under the Medical Practice Act;

6 (10) an impaired physician fee not to exceed  
7 one hundred fifty dollars (\$150) for a three-year period;

8 (11) an interim license fee not to exceed one  
9 hundred dollars (\$100);

10 (12) a temporary license fee not to exceed one  
11 hundred dollars (\$100);

12 (13) a postgraduate training license fee not  
13 to exceed fifty dollars (\$50.00) annually;

14 (14) an application fee not to exceed one  
15 hundred fifty dollars (\$150) for physician assistants applying  
16 for initial licensure;

17 (15) a licensure fee not to exceed one hundred  
18 fifty dollars (\$150) for physician assistants biennial  
19 licensing and registration of supervising licensed physician;

20 (16) a late fee not to exceed fifty dollars  
21 (\$50.00) for physician assistants who renew their licensure  
22 within forty-five days after the required renewal date;

23 (17) a late fee not to exceed seventy-five  
24 dollars (\$75.00) for physician assistants who renew their  
25 licensure between forty-six and ninety days after the required

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1 renewal date;

2 (18) a reinstatement fee not to exceed one  
3 hundred dollars (\$100) for physician assistants who reinstate  
4 an expired license;

5 (19) a processing fee not to exceed fifty  
6 dollars (\$50.00) for each change of a supervising licensed  
7 physician for a physician assistant;

8 (20) a fee not to exceed three hundred dollars  
9 (\$300) annually for a physician supervising a clinical  
10 pharmacist;

11 (21) an application and renewal fee for a  
12 telemedicine license not to exceed four hundred dollars (\$400);

13 (22) a reasonable administrative fee, not to  
14 exceed the current cost of application for a license, that may  
15 be charged for reprocessing applications and renewals that  
16 include minor but significant errors and that would otherwise  
17 be subject to investigation and possible disciplinary action;  
18 [~~and~~]

19 (23) a reasonable fee as established by the  
20 department of public safety for nationwide and statewide  
21 criminal history screening of applicants and licensees; and

22 (24) a fee of one hundred dollars (\$100) to  
23 accompany fees for application for and renewal of physician  
24 licensure for deposit in the physician excellence fund pursuant  
25 to Section 3 of this 2017 act.

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1           B. All fees are nonrefundable and shall be used by  
2 the board to carry out its duties efficiently."

3           SECTION 5. Section 61-6-31 NMSA 1978 (being Laws 1989,  
4 Chapter 269, Section 27, as amended) is amended to read:

5           "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL BOARD  
6 FUND CREATED--METHOD OF PAYMENTS.--

7           A. There is created the "New Mexico medical board  
8 fund".

9           B. Except for funds collected pursuant to Paragraph  
10 (24) of Subsection A of Section 61-6-19 NMSA 1978, all funds  
11 received by the board and money collected under the Medical  
12 Practice Act, the Physician Assistant Act, the Anesthesiologist  
13 Assistants Act, the Genetic Counseling Act, the Polysomnography  
14 Practice Act, the Impaired Health Care Provider Act and the  
15 Naprapathic Practice Act shall be deposited with the state  
16 treasurer who shall place the same to the credit of the New  
17 Mexico medical board fund.

18           C. All payments out of the fund shall be made on  
19 vouchers issued and signed by the secretary-treasurer of the  
20 board or the designee of the secretary-treasurer upon warrants  
21 drawn by the department of finance and administration in  
22 accordance with the budget approved by that department.

23           D. All amounts in the New Mexico medical board fund  
24 shall be subject to the order of the board and shall be used  
25 only for the purpose of meeting necessary expenses incurred in:

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1 (1) the performance of the provisions of the  
2 Medical Practice Act, the Physician Assistant Act, the  
3 Anesthesiologist Assistants Act, the Genetic Counseling Act,  
4 the Polysomnography Practice Act, the Impaired Health Care  
5 Provider Act and the Naprapathic Practice Act and the duties  
6 and powers imposed by those acts;

7 (2) the promotion of medical education and  
8 standards in this state within the budgetary limits; and

9 (3) efforts to recruit and retain medical  
10 doctors for practice in New Mexico.

11 E. All funds that may have accumulated to the  
12 credit of the board under any previous law shall be transferred  
13 to the New Mexico medical board fund and shall continue to be  
14 available for use by the board in accordance with the  
15 provisions of the Medical Practice Act, the Physician Assistant  
16 Act, the Anesthesiologist Assistants Act, the Genetic  
17 Counseling Act, the Polysomnography Practice Act, the Impaired  
18 Health Care Provider Act and the Naprapathic Practice Act. All  
19 money unused at the end of the fiscal year shall not revert,  
20 but shall remain in the fund for use in accordance with the  
21 provisions of the Medical Practice Act, the Physician Assistant  
22 Act, the Anesthesiologist Assistants Act, the Genetic  
23 Counseling Act, the Polysomnography Practice Act, the Impaired  
24 Health Care Provider Act and the Naprapathic Practice Act."

25 SECTION 6. Section 61-10-6.1 NMSA 1978 (being Laws 2016,

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1 Chapter 90, Section 7) is amended to read:

2 "61-10-6.1. FEES.--The board [~~may~~] shall charge the  
3 following fees; provided that all fees are nonrefundable and,  
4 except for those fees collected pursuant to Paragraph (6) of  
5 Subsection B of this section, shall be used by the board to  
6 carry out its duties:

7 A. pertaining to osteopathic physicians:

8 (1) an application fee not to exceed one  
9 thousand dollars (\$1,000) for triennial licensure of an  
10 osteopathic physician pursuant to Section 61-10-12 NMSA 1978;

11 (2) a triennial osteopathic physician  
12 licensure renewal fee not to exceed one thousand dollars  
13 (\$1,000);

14 (3) a fee not to exceed seventy-five dollars  
15 (\$75.00) for placing an osteopathic physician license on  
16 inactive status;

17 (4) a late fee not to exceed:

18 (a) two hundred dollars (\$200) for  
19 osteopathic physicians who fail to renew their licenses on or  
20 before July 1 of the year in which their triennial licenses are  
21 due for renewal but who renew on or before September 29 of that  
22 year; and

23 (b) four hundred dollars (\$400) for  
24 osteopathic physicians who renew their licenses after September  
25 29;

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1 (5) a reinstatement fee not to exceed five  
2 hundred dollars (\$500) for reinstatement of a revoked,  
3 suspended or inactive osteopathic physician license;

4 (6) a temporary license fee not to exceed one  
5 hundred dollars (\$100);

6 (7) a post-graduate osteopathic physician  
7 training license fee not to exceed fifty dollars (\$50.00);

8 (8) an osteopathic physician telemedicine  
9 triennial license fee not to exceed four hundred dollars  
10 (\$400); and

11 (9) an impaired physician fee not to exceed  
12 one hundred dollars (\$100);

13 B. pertaining to osteopathic physician assistants:

14 (1) a biennial license fee not to exceed four  
15 hundred fifty dollars (\$450);

16 (2) a registration of new supervision fee that  
17 is equal to one-half of the biennial license fee for  
18 osteopathic physician assistants;

19 (3) a late fee not to exceed twenty-five  
20 dollars (\$25.00) for osteopathic physician assistants who fail  
21 to renew their licenses on or before July 1 of the year in  
22 which their biennial licenses are due for renewal;

23 (4) an impaired osteopathic physician  
24 assistant fee not to exceed one hundred dollars (\$100); ~~and~~

25 (5) a fee for an osteopathic physician

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1 assistant license on inactive status not to exceed seventy-five  
2 dollars (\$75.00); and

3 (6) a fee of one hundred dollars (\$100) to  
4 accompany fees for application for and renewal of osteopathic  
5 physician licensure for deposit in the physician excellence  
6 fund pursuant to Section 3 of this 2017 act; and

7 C. pertaining to osteopathic physician and  
8 osteopathic physician assistant licensees or applicants:

9 (1) a fee not to exceed five hundred dollars  
10 (\$500) for reprocessing an application or renewal that includes  
11 errors that would otherwise be subject to investigation and  
12 possible disciplinary action; and

13 (2) a reasonable administrative fee that the  
14 board establishes by rule for verification of license,  
15 publications and copying charges."

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