SENATE BILL 240

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

INTRODUCED BY
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AN ACT
RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH PROFessionsAL LOAN REPAYMENT ACT, THE MEDICAL PRACTICE ACT AND THE OSTEOPATHIC MEDICINE ACT TO ESTABLISH DESIGNATED HEALTH PROFessionsAL LOAN REPAYMENT FUNDING TO ASSIST ALLOPATHIC AND OSTEOPATHIC PRIMARY CARE PHYSICIANS WORKING IN DESIGNATED HEALTH PROFessionsAL SHORTAGE AREAS; ESTABLISHING PHYSICIAN LICENSING FEES FOR THE HEALTH PROFessionsAL LOAN REPAYMENT PROGRAM AND FOR IMPAIRED PHYSICIAN PROGRAMMING; ENACTING NEW SECTIONS OF THE HEALTH PROFessionsAL 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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Professional Loan Repayment Act:

A. ["commission"] "department" means the [commission on] higher education department;

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

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

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

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

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

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

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

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

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

"61-6-19. FEES.--

A. The board shall impose the following fees:

(1) an application fee not to exceed four
hundred dollars ($400) for licensure by endorsement as provided
in Section 61-6-13 NMSA 1978;
(2) an application fee not to exceed four
hundred dollars ($400) for licensure by examination as provided
in Section 61-6-11 NMSA 1978;
(3) a triennial renewal fee not to exceed four
hundred fifty dollars ($450);
(4) a fee of twenty-five dollars ($25.00) for
placing a physician's license or a physician assistant's
license on inactive status;
(5) a late fee not to exceed one hundred
dollars ($100) for physicians who renew their license within
forty-five days after the required renewal date;
(6) a late fee not to exceed two hundred
dollars ($200) for physicians who renew their licenses between
forty-six and ninety days after the required renewal date;
(7) a reinstatement fee not to exceed six
hundred dollars ($600) for reinstatement of a revoked,
suspended or inactive license;

(8) a reasonable administrative fee for verification and duplication of license or registration and copying of records;

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

(10) an impaired physician fee not to exceed one hundred fifty dollars ($150) for a three-year period, notwithstanding the impaired physician fee supplement collected pursuant to Subparagraph (a) of Paragraph (24) of this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

(24) a fee of one hundred dollars ($100) to accompany fees for application for and renewal of physician licensure for deposit as follows:

(a) fifty percent of the fee shall be deposited in the New Mexico medical board fund to supplement impaired physician fees collected pursuant to Paragraph (10) of this subsection; and

(b) fifty percent of the fee shall be deposited in the physician excellence fund pursuant to Section 3 of this 2017 act.

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. Section 61-10-6.1 NMSA 1978 (being Laws 2016,
Chapter 90, Section 7) is amended to read:

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

A. pertaining to osteopathic physicians:

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

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

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

(4) a late fee not to exceed:

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

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

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

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

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

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

(9) an impaired physician fee not to exceed
one hundred dollars ($100), notwithstanding the impaired
physician fee supplement collected pursuant to Subparagraph (a)
of Paragraph (10) of this subsection; and
(10) a fee of one hundred dollars ($100) to accompany fees for application and renewal of osteopathic licensure for deposit as follows:

(a) fifty percent of the fee shall be used by the board to supplement impaired physician fees collected pursuant to Paragraph (9) of this subsection; and

(b) fifty percent of the fee shall be deposited in the physician excellence fund pursuant to Section 3 of this 2017 act;

B. pertaining to osteopathic physician assistants:

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

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

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

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

(5) a fee for an osteopathic physician assistant license on inactive status not to exceed seventy-five dollars ($75.00); and

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

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

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