

1 SENATE BILL 106

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Elizabeth "Liz" Stefanics and Elizabeth "Liz" Thomson

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10 AN ACT

11 RELATING TO HEALTH CARE; INCLUDING PHYSICIAN ASSISTANTS AND  
12 PHARMACISTS IN THE DEFINITION OF "HEALTH CARE PRACTITIONER" FOR  
13 THE PURPOSE OF MAKING CERTAIN PROVISIONS IN HEALTH CARE  
14 PRACTITIONER AGREEMENTS VOID, UNENFORCEABLE AND AGAINST PUBLIC  
15 POLICY; DECLARING AN EMERGENCY.

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

18 SECTION 1. Section 24-1I-1 NMSA 1978 (being Laws 2015,  
19 Chapter 96, Section 1, as amended) is amended to read:

20 "24-1I-1. DEFINITIONS.--As used in Chapter 24, Article 1I  
21 NMSA 1978:

22 A. "agreement" means a written contract to which  
23 a health care practitioner is a party; and

24 B. "health care practitioner" means:

25 (1) a dentist;

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underscoring material = new  
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- 1 (2) an osteopathic physician;
- 2 (3) a physician;
- 3 (4) a podiatrist;
- 4 (5) a certified registered nurse anesthetist;
- 5 (6) a certified nurse practitioner; ~~and~~
- 6 (7) a certified nurse-midwife;
- 7 (8) a physician assistant; and
- 8 (9) a pharmacist."

9 SECTION 2. Section 24-1I-5 NMSA 1978 (being Laws 2015,  
10 Chapter 96, Section 5, as amended) is amended to read:

11 "24-1I-5. APPLICABILITY.--

12 A. Chapter 24, Article 1I NMSA 1978 does not apply  
13 to agreements between health care practitioners who are  
14 shareholders, owners, partners or directors of a health care  
15 practice.

16 B. Except as provided by ~~[Subsection]~~ Subsections C  
17 and D of this section, the provisions of Chapter 24, Article 1I  
18 NMSA 1978 apply to agreements, or renewals or extensions of  
19 agreements, executed on or after July 1, 2015.

20 C. The provisions of Subsection B of Section  
21 24-1I-2 NMSA 1978 apply to agreements, or renewals or  
22 extensions of agreements, executed on or after ~~[the effective~~  
23 ~~date of this 2017 act]~~ April 6, 2017.

24 D. For physician assistants and pharmacists, the  
25 provisions of Chapter 24, Article 1I NMSA 1978 apply to

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1 agreements, or renewals or extensions of agreements, executed  
2 on or after the effective date of this 2023 act."

3 SECTION 3. EMERGENCY.--It is necessary for the public  
4 peace, health and safety that this act take effect immediately.

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