

April 11, 2025

HOUSE EXECUTIVE MESSAGE NO. 18

The Honorable Javier Martínez, Speaker of the House and
Members of the House of Representatives
State Capitol Building
Santa Fe, New Mexico 87501

Honorable Speaker Martínez and Members of the House:

I have decided to veto HOUSE BILL 36, as amended (“HB 36”), which would amend sections of the Optometry Act.

I am vetoing this bill because it sets a dangerous precedent for allowing non-surgeons to perform surgical procedures. When changes are made to the scope of practice for health care providers, there are two main considerations. First, whether the change in scope increases access to care for patients. Second, whether the change will ensure good medical care for patients. I do not feel that this bill adequately meets that threshold.

To begin, there is no persuasive evidence that this bill would increase access to care. Data shows that expansion of laser authority for optometrists has not resulted in a statistically significant increase in access to these procedures for patients, as optometrists that are currently performing more limited laser procedures cover an area similar to ophthalmologists, typically within a 30-minute drive for the vast majority of patients.

Next, I do not believe that this change in scope would increase or even maintain the current standard of care. In short, this bill allows non-surgeons to perform procedures that are currently performed by medical doctors with significantly more educational and hands-on training requirements to receive their degrees. These are not abstract concerns. As recently as last month, an optometrist in a neighboring state performed an unauthorized surgical procedure that this statute would legalize, resulting in complications so severe that the patient had to be transferred to the University of New Mexico for intervention by an ophthalmologist.

I do note that there was a proposed Senate floor amendment that would have required additional supervision and training requirements for optometrists wanting to perform these procedures that

was determined to be an unfriendly amendment that ultimately failed to pass. I would consider signing a bill in the next session if it contained similar oversight and supervision requirements.

Because of these issues, and pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed HOUSE BILL 36, as amended, enacted by the Fifty-Seventh Legislature, First Session, 2025.

Respectfully yours,

Michelle Lujan Grisham
Governor

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Time: _____ a.m. p.m.

Date: _____ 2025

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2025

By _____
Chief Clerk of the House