

1 HOUSE BILL 267

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Jenifer Jones and Elizabeth "Liz" Thomson

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7
8 FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

9
10 AN ACT

11 RELATING TO LICENSURE; AMENDING THE PHYSICIAN ASSISTANT ACT TO
12 ALLOW CERTAIN EXPERIENCED PHYSICIAN ASSISTANTS TO SUPERVISE
13 NEWLY LICENSED PHYSICIAN ASSISTANTS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 61-6C-2 NMSA 1978 (being Laws 1989,
17 Chapter 9, Section 2, as amended) is amended to read:

18 "61-6C-2. DEFINITIONS.--As used in the Physician
19 Assistant Act:

20 A. "administer" means to apply a prepackaged drug
21 directly to the body of a patient by any means;

22 B. "board" means the New Mexico medical board;

23 C. "dispense" means to deliver a drug directly to a
24 patient and includes the compounding, labeling and repackaging
25 of a drug from a bulk or original container;

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1 D. "distribute" means to administer or supply
2 directly to a patient under the direct care of the distributing
3 physician assistant one or more doses of drugs prepackaged by a
4 licensed pharmacist and excludes the compounding or repackaging
5 from a bulk or original container;

6 E. "licensed physician" means a ~~[medical or~~
7 ~~osteopathic]~~ physician with a current license to practice
8 medicine; [and]

9 F. "prescribe" means to issue an order individually
10 for the person for whom prescribed, either directly from the
11 prescriber to the pharmacist or indirectly by means of a
12 written order signed by the prescriber, bearing the name and
13 address of the prescriber, the prescriber's license
14 classification, the name and address of the patient, the name
15 of the drug prescribed, directions for use and the date of
16 issue; and

17 G. "supervising physician assistant" means a
18 physician assistant who has:

19 (1) a license to practice medicine;

20 (2) completed three or more years of clinical
21 practice as a physician assistant; and

22 (3) received approval to supervise a newly
23 licensed physician assistant pursuant to rules promulgated by
24 the board."

25 SECTION 2. Section 61-6C-6 NMSA 1978 (being Laws 2017,
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1 Chapter 103, Section 6) is amended to read:

2 "61-6C-6. PHYSICIAN ASSISTANT SUPERVISION AND
3 COLLABORATION [WITH LICENSED PHYSICIANS]--SCOPE OF PRACTICE--
4 MEDICAL MALPRACTICE INSURANCE.--

5 A. A physician assistant may perform the acts and
6 duties that are within the physician assistant's scope of
7 practice in collaboration with a licensed physician, if the
8 physician assistant has:

9 (1) completed three years of clinical practice
10 as a physician assistant with the supervision of a licensed
11 physician or supervising physician assistant; and

12 (2) complied with rules adopted by the board
13 establishing qualifications for when a physician assistant may
14 engage in the practice of medicine in collaboration with a
15 licensed physician.

16 B. A physician assistant practicing in
17 collaboration with a licensed physician shall, at a minimum,
18 maintain a policy of malpractice liability insurance that will
19 qualify the physician assistant under the provisions of the
20 Medical Malpractice Act."

21 SECTION 3. Section 61-6C-7 NMSA 1978 (being Laws 1973,
22 Chapter 361, Section 5, as amended) is amended to read:

23 "61-6C-7. PHYSICIAN ASSISTANTS--RULES.--The board may
24 promulgate rules in accordance with the State Rules Act and
25 enforce those rules in accordance with the Uniform Licensing

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1 Act for:

2 A. education, skill and experience for licensure of
3 a person as a physician assistant and providing forms and
4 procedures for biennial license renewal;

5 B. examining and evaluating an applicant for
6 licensure as a physician assistant as to skill, knowledge and
7 experience of the applicant in the field of medical care;

8 C. establishing when and for how long physician
9 assistants are permitted to prescribe, administer, dispense and
10 distribute dangerous drugs other than controlled substances in
11 Schedule I of the Controlled Substances Act pursuant to rules
12 adopted by the board after consultation with the board of
13 pharmacy;

14 D. allowing a supervising ~~[or collaborating]~~
15 licensed physician or supervising physician assistant to
16 temporarily delegate supervision ~~[or collaboration]~~
17 responsibilities for a physician assistant to another licensed
18 physician or supervising physician assistant;

19 E. allowing a collaborating licensed physician to
20 temporarily delegate collaboration responsibilities to another
21 licensed physician;

22 ~~[E.]~~ F. establishing when a physician assistant may
23 engage in the practice of medicine in collaboration with a
24 licensed physician; ~~[and~~

25 ~~F.]~~ G. establishing an approval process for

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1 supervising physician assistants to supervise newly licensed
2 physician assistants; and

3 H. carrying out all other provisions of the
4 Physician Assistant Act."

5 SECTION 4. Section 61-6C-8 NMSA 1978 (being Laws 1973,
6 Chapter 361, Section 6, as amended) is amended to read:

7 "61-6C-8. SUPERVISING OR COLLABORATING LICENSED
8 PHYSICIAN--RESPONSIBILITY--SUPERVISING PHYSICIAN ASSISTANT
9 RESPONSIBILITY.--

10 A. As a condition of licensure, all physician
11 assistants practicing in New Mexico shall be supervised by a
12 licensed physician or supervising physician assistant. The
13 physician assistant shall inform the board of the name of the
14 licensed physician or supervising physician assistant under
15 whose supervision the physician assistant will practice. All
16 supervising physicians and supervising physician assistants
17 shall be licensed pursuant to the Medical Practice Act and
18 approved by the board.

19 B. Every licensed physician or supervising
20 physician assistant supervising a physician assistant shall be
21 individually responsible and liable for the performance of the
22 acts and omissions delegated to the physician assistant the
23 physician or supervising physician assistant supervises.
24 Nothing in this section shall be construed to relieve the
25 physician assistant of responsibility and liability for the

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1 acts and omissions of the physician assistant.

2 C. Rules promulgated in accordance with the State
3 Rules Act pursuant to the Physician Assistant Act shall:

4 (1) require that a physician assistant whose
5 practice is a specialty care, as defined by the board, shall be
6 supervised by a licensed physician or supervising physician
7 assistant in accordance with requirements established by the
8 board; and

9 (2) allow a physician assistant whose practice
10 is primary care, as defined by the board, to collaborate with a
11 licensed physician in accordance with requirements established
12 by the board for different practice settings.

13 [~~C.~~] D. A physician assistant shall be supervised
14 by [~~or collaborate with~~] a licensed physician or supervising
15 physician assistant in accordance with rules adopted by the
16 board.

17 E. A physician assistant shall collaborate with a
18 licensed physician in accordance with rules adopted by the
19 board."