

1 SENATE BILL 12

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

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO TELEHEALTH; ALLOWING OUT-OF-STATE HEALTH CARE
12 PROVIDERS WHO HAVE NOT OBTAINED A NEW MEXICO TELEHEALTH LICENSE
13 TO PROVIDE SECOND OPINIONS AND CONSULTATIONS FOR TREATMENT TO
14 PATIENTS IN NEW MEXICO; ALLOWING MORE TYPES OF HEALTH CARE
15 PROVIDERS TO PROVIDE TELEHEALTH SERVICES.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 24-25-3 NMSA 1978 (being Laws 2004,
19 Chapter 48, Section 3, as amended) is amended to read:

20 "24-25-3. DEFINITIONS.--As used in the New Mexico
21 Telehealth Act:

22 A. "consultation for prospective treatment" means
23 communications between a patient in New Mexico and an out-of-
24 state health care provider that are in relation to treatments
25 or services that the patient will receive if the patient

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1 travels to the state in which the out-of-state health care
2 provider is licensed, certified or registered;

3 ~~[A.]~~ B. "health care provider" means a person
4 licensed, certified or registered to provide health care to
5 patients in New Mexico, including:

- 6 (1) an optometrist;
- 7 (2) a chiropractic physician;
- 8 (3) a dentist;
- 9 (4) a physician;
- 10 (5) a ~~[podiatrist]~~ podiatric physician;
- 11 (6) an osteopathic physician;
- 12 (7) a physician assistant;
- 13 (8) a certified nurse practitioner;
- 14 (9) a physical therapist;
- 15 (10) an occupational therapist;
- 16 (11) a speech-language pathologist;
- 17 (12) a doctor of oriental medicine;
- 18 (13) a nutritionist;
- 19 (14) a psychologist;
- 20 (15) a certified nurse-midwife;
- 21 (16) a clinical nurse specialist;
- 22 (17) a registered nurse;
- 23 (18) a dental hygienist;
- 24 (19) a pharmacist;
- 25 (20) a licensed ~~[independent]~~ social worker;

underscoring material = new
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- 1 (21) a licensed counselor;
- 2 (22) a community health representative; ~~[or]~~
- 3 (23) a licensed athletic trainer;
- 4 (24) a certified peer support worker; or
- 5 (25) any other health care professional who
- 6 has received a medicaid provider identification number from the
- 7 health care authority;

8 ~~[B.]~~ C. "originating site" means a place where a
9 patient may receive health care via telehealth. An originating
10 site may include:

- 11 (1) a licensed inpatient center;
- 12 (2) an ambulatory surgical or treatment
- 13 center;
- 14 (3) a skilled nursing center;
- 15 (4) a residential treatment center;
- 16 (5) a home health agency;
- 17 (6) a diagnostic laboratory or imaging center;
- 18 (7) an assisted living center;
- 19 (8) a school-based health program;
- 20 (9) a mobile clinic;
- 21 (10) a mental health clinic;
- 22 (11) a rehabilitation or other therapeutic
- 23 health setting;
- 24 (12) the patient's residence;
- 25 (13) a federally qualified health center; or

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1 (14) a community health center; ~~and~~

2 D. "out-of-state health care provider" means a
3 person who is licensed, certified or registered to provide
4 health care in another state but has not obtained a license to
5 provide telehealth services in New Mexico;

6 E. "second opinion" means a medical opinion
7 following a diagnosis or course of treatment that came from a
8 health care provider licensed in New Mexico; and

9 ~~[G.]~~ F. "telehealth" means the use of electronic
10 information, imaging and communication technologies, including
11 interactive audio, video, data communications as well as store-
12 and-forward technologies, to provide and support health care
13 delivery, diagnosis, consultation, treatment, transfer of
14 medical data and education."

15 SECTION 2. Section 24-25-5 NMSA 1978 (being Laws 2004,
16 Chapter 48, Section 5, as amended) is amended to read:

17 "24-25-5. SCOPE OF ACT.--

18 A. The New Mexico Telehealth Act does not alter the
19 scope of practice of any health care provider or authorize the
20 delivery of health care services in a setting, or in a manner,
21 not otherwise authorized by law.

22 B. Because the use of telehealth improves access to
23 quality health care and will generally benefit the ~~[citizens]~~
24 residents of New Mexico, health insurers, health maintenance
25 organizations, managed care organizations and third-party

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1 payors offering services to the [~~citizens~~] residents of New
2 Mexico are encouraged to use and provide coverage for
3 telehealth within the scope of their plans or policies. The
4 state's medical assistance program is also encouraged to
5 include telehealth within the scope of its plan or policy.

6 C. Out-of-state health care providers shall be
7 permitted to provide second opinions and consultations for
8 prospective treatment to patients in New Mexico."