

1 AN ACT
2 RELATING TO TELEHEALTH; AMENDING THE NEW MEXICO TELEHEALTH
3 ACT TO ALLOW ALL LICENSED SOCIAL WORKERS TO PROVIDE
4 TELEHEALTH SERVICES.
5

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

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

9 "24-25-3. DEFINITIONS.--As used in the New Mexico
10 Telehealth Act:

11 A. "health care provider" means a person licensed
12 to provide health care to patients in New Mexico, including:

- 13 (1) an optometrist;
- 14 (2) a chiropractic physician;
- 15 (3) a dentist;
- 16 (4) a physician;
- 17 (5) a podiatric physician;
- 18 (6) an osteopathic physician;
- 19 (7) a physician assistant;
- 20 (8) a certified nurse practitioner;
- 21 (9) a physical therapist;
- 22 (10) an occupational therapist;
- 23 (11) a speech-language pathologist;
- 24 (12) a doctor of oriental medicine;
- 25 (13) a nutritionist;

- (14) a psychologist;
- (15) a certified nurse-midwife;
- (16) a clinical nurse specialist;
- (17) a registered nurse;
- (18) a dental hygienist;
- (19) a pharmacist;
- (20) a licensed social worker;
- (21) a licensed counselor;
- (22) a community health representative;
- (23) a licensed athletic trainer;
- (24) a certified peer support worker; or
- (25) any other health care professional who has received a medicaid provider identification number from the health care authority;

B. "originating site" means a place where a patient may receive health care via telehealth. An originating site may include:

- (1) a licensed inpatient center;
- (2) an ambulatory surgical or treatment center;
- (3) a skilled nursing center;
- (4) a residential treatment center;
- (5) a home health agency;
- (6) a diagnostic laboratory or imaging center;

- (7) an assisted living center;
- (8) a school-based health program;
- (9) a mobile clinic;
- (10) a mental health clinic;
- (11) a rehabilitation or other therapeutic health setting;
- (12) the patient's residence;
- (13) a federally qualified health center; or
- (14) a community health center; and

C. "telehealth" means the use of electronic information, imaging and communication technologies, including interactive audio, video, data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education."

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

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

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

B. Because the use of telehealth improves access to quality health care and will generally benefit the citizens of New Mexico, health insurers, health maintenance

1 organizations, managed care organizations and third-party
2 payors offering services to the citizens of New Mexico are
3 encouraged to use and provide coverage for telehealth within
4 the scope of their plans or policies. The state's medical
5 assistance program is also encouraged to include telehealth
6 within the scope of its plan or policy.

7 C. Nothing in the New Mexico Telehealth Act shall
8 be construed to alter supervision requirements set forth by a
9 health care provider's applicable licensing board. A health
10 care provider shall provide telehealth services under the same
11 level of supervision required for in-person practice."

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