

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)**

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1.28.2026 *Check all that apply:*
Bill Number: House Bill 94 Original Correction
Amendment Substitute

Sponsor: Rep. Dayan Hochman-Vigil **Agency Name and Code Number:** Regulation & Licensing Dept. (RLD), 420
Short Title: Board of Optometry Powers and Duties **Person Writing:** Jen Rodriguez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	40	N/A	40	Nonrecurring	Optometry Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Similar to 2025 HB 36, which was vetoed.

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis

House Bill 94 (HB 94) amends the Optometry Act, §§ 61-2-1 to 18 NMSA 1978 (Optometry Act), in three (3) sections, expanding the scope of practice for optometrists to perform some laser procedures once the optometrist obtains specific additional training and certification.

Section 1 of HB 94 amends § 61-2-2 of the Act, “Definitions.” The definition of the “practice of optometry” would be expanded to include two (2) types of in-office laser procedures, not previously allowed under the Optometry Act, as follows:

1. Laser application to the lens capsule in the treatment of capsular clouding or other defects, also known as YAG laser capsulotomy (“after-cataract”); and
2. Laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma, including laser trabeculoplasty (LT) and laser peripheral iridotomy (LPI).

Section 2 of HB 94 amends §61-2-6 (E)(10)(b) of the Optometry Act, “Optometry Board Organization, Meetings, Compensation, Powers and Duties,” to require the Optometry Board to develop and administer “credentialing requirements for the performance of procedures involving the use of a laser.”

Section 3 would create a new section under the Optometry Act describing the credential required before an optometrist can perform the laser procedures described in Section 1. The Optometry Board must grant credentials if the optometrist meets the following education, testing, and specific training and testing requirements:

1. Graduates from an accredited optometry school in 2026 or later and passes a board-approved national exam, or
2. Completes a board-approved training course (at least 32 hours) accredited by an optometry, osteopathy, or medical school; and
3. Must successfully perform a required number of supervised procedures on real patients, under direct in-person supervision by a qualified ophthalmologist or optometrist:
 - a. Five (5) YAG laser capsulotomies;
 - b. Five (5) selective LT’s; or
 - c. Four (4) LPI’s.

If a laser procedure results in a negative or harmful outcome, the optometrist must report it to the Optometry Board within ten (10) days, using the method the board specifies in its rules.

Section 4 changes §61-2-15 of the Optometry Act to align with the exemptions already in the Act and change the grammar of the Act to be gender neutral.

The effective date of the legislation, if enacted, will be May 20, 2026.

FISCAL IMPLICATIONS

The Optometry Board is administratively attached to the New Mexico Regulation and Licensing Department (RLD). The only direct fiscal impact anticipated for the RLD if HB36 is enacted would be for the costs of necessary additions and updates that would have to be made to the NM Plus online licensing system that is utilized by the RLD for all licensing under the Optometry Act. The licensing system software would have to be amended to create a license pathway for laser surgery credentialing (endorsement) for existing optometrists. Contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system are estimated to be forty thousand dollars (\$40,000) in FY27.

SIGNIFICANT ISSUES

This expansion of the allowable scope of practice for optometrists might serve to assist with the shortage of surgical eye health care providers in New Mexico and particularly for rural and elderly populations, who both find access to ophthalmic surgeons to be difficult.

The Optometry Board has indicated its support for this expansion of the scope of practice.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

Applicants and licensees who want to practice laser procedures and injections will need to provide the board-approved credentialing. This will require an enhancement to the RLD's current NM Plus online licensing system which is utilized for the licensing of all optometrists in New Mexico. RLD staff will need training to recognize what is acceptable documentation for this credential. As noted previously, contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system are estimated to be forty thousand dollars (\$40,000) in FY27.

An administrative rulemaking process, including a public hearing and all required publication of notices and proposed rules, must be conducted to develop and issue new credentialing rules necessitated by HB36. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 94 closely mirrors the 2025 House Bill 36, but requirements for credentialing to perform laser procedures were added (all of Section 3) and two (2) types of procedures were not included in HB 94 that were part of 2025 HB 36: anterior chamber paracentesis and intracameral placement of sustained release drug-eluting implants. Requiring additional credentialing for laser procedures alleviates the concern that was raised regarding 2025 HB 36 that the scope of practice for New Mexico optometrists would not align with other states, making reciprocity difficult.

The New Mexico Academy of Ophthalmology has indicated that there may be a statutory conflict between this expansion into minor surgical procedures under the Optometry Act and the Medical Practice Act §§ 61-6-1 to 34, NMSA 1978 which defines the medical scope of practice. There is a question, they contend, as to whether the proposed expansion of practice for optometrists would be an unlawful practice of medicine.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

This appears to be a growing scope of practice for optometrists; however, allowing these types of procedures to be performed by optometrists currently is allowed by only a small minority of states nationally. According to the American Optometric Association (AOA): As of 2024, twelve (12) states allowed optometrists to perform office-based laser procedures: Oklahoma, Kentucky, Louisiana, Alaska, Indiana, Arkansas, Mississippi, Wyoming, Wisconsin, Virginia, Colorado, and South Dakota. See <https://www.aoa.org/news/clinical-eye-care/public-health/doctors-of-optometry-have-safely-performed-thousands-of-optometric-laser-procedures?sso=y> The AOA also referenced a recent study that shows the education of optometrists in laser procedures is key to optometrists practicing safely.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS