

LFC Requester:

Noah Montano

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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: 2.6.2026

Check all that apply:

Bill Number: HHHSC Sub. HB 213Original  Correction Amendment  Substitute Sponsor: Rep. Dayan Hochman-VigilShort Expand Optometry Act

Title: \_\_\_\_\_

Agency Name  
and Code

Number:

Person Writing

Phone: 505.623.1701Regulation & Licensing Dept.  
(RLD), 420Jen RodriguezEmail Jen.rodriguez@rld.nm.gov**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		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2025 House Bill 36; 2026 House Bill 94

Duplicates/Relates to: Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis

House Health and Human Services Committee Substitute for House Bill 213 (HHSC Sub.213) is substantially similar to House Bill 213 (HB 213) and House Bill 94 (HB 94). Each of these bills amend the Optometry Act, §§ 61-2-1 to 18 NMSA 1978 (Act), in three (3) sections, expanding the scope of practice for optometrists to perform some laser procedures and giving the Optometry Board (Board) the power to promulgate rules for credentialing requirements for those laser procedures. Below is a chart of the differences between the three (3) bills:

	HB 94	HB 213	HHSC Sub.213
Section 1, page 3, Subsection A, 3: Definition of “practice of optometry” includes	(g) laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma, <b>including laser trabeculoplasty and laser peripheral iridotomy;</b>	(g) laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma;	(g) laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma, <b>including laser trabeculoplasty and laser peripheral iridotomy;</b>
Section 3, New Material, new Section of the Act, “Laser Procedures, Optometrist Credentialing, Reporting.	Candidates for laser credentialing requirements: -Graduate from an accredited optometry school in 2026 or later and passes a board-approved national exam, or Complete a board-approved training course (at least 32 hours) accredited by an optometry, osteopathy, or medical school; and -Successfully perform a required number of supervised procedures on real patients, under direct in-person supervision by a qualified ophthalmologist or optometrist: 5 YAG laser capsulotomies; 5 selective LT’s; or 4 LPI’s.	No New Material describing credentialing requirement	Candidates for laser credentialing requirements: -Graduate from an accredited optometry school in 2026 or later and passes a board-approved national exam, or Complete a board-approved training course (at least 32 hours) accredited by an optometry, osteopathy, or medical school; and -Successfully perform a required number of supervised procedures on real patients, under direct in-person supervision by a qualified ophthalmologist or optometrist: 5 YAG laser capsulotomies; 5 selective LT’s; or 4 LPI’s.

The effective date of HHSC Sub.213 is May 20, 2026.

**FISCAL IMPLICATIONS**

The only direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if HHSC Sub.213 is enacted would be for the 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 RLD would need to create a license pathway for laser surgery credentialing (a type of license endorsement) for existing optometrists. Contracting fees for information technology development and implementation of the necessary changes to the RLD’s

NM Plus licensing software system are estimated to be forty thousand dollars (\$40,000) in FY27.

### **SIGNIFICANT ISSUES**

If instituted safely, his expansion of the allowable scope of practice for optometrists might serve to assist with the shortage of eye health care providers in New Mexico, 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 proof to the Board that they meet requirements for the board-approved credentialing. This will require an enhancement in the current NM Plus online licensing software system which is utilized by the RLD 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. *See also* “Fiscal Implications.”

An administrative rulemaking process, including a public hearing and all required publication of notices and proposed rules, must be conducted in order to develop and issue new credentialing rules necessitated by HHSC Sub.213. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HHSC Sub.213 is substantially similar to House Bill 94 and 2025’s House Bill 36.

The New Mexico Academy of Ophthalmology has indicated that there may be a statutory conflict between this expansion into minor surgical procedures by 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 expansion of this scope of practice for optometrists crosses over into the lawful practice of medicine.

### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

According to the American Optometric Association (AOA): As of 2024, twelve (12) states allow 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>

In 2025, Montana and West Virginia also began allowing optometrists to perform laser procedures, bringing the total number of states that allow optometrists to perform laser surgery to fourteen (14). *See* <https://www.healio.com/news/optometry/20250508/optometric-laser-surgery-legalized-in-montana-west-virginia>

This appears to be a growing scope of practice for optometrists; however, it is still only permitted in a small minority of states. The AOA also refers to a recent study that shows the education of optometrists in laser procedures is key to optometrists practicing those skills safely.

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**