

FIFTY-SEVENTH LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 16, 2026

Mr. Chair:

I propose to the SENATE JUDICIARY COMMITTEE the following amendments to

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 99

1. On page 1, line 14, before the period, insert "; ENACTING THE HEALTH PROFESSIONAL AUTONOMY ACT".

2. On page 21, between lines 19 and 20, insert:

"SECTION 7. [NEW MATERIAL] SHORT TITLE.--Sections 7 through 10 of this may be cited as the "Health Professional Autonomy Act".

SECTION 8. [NEW MATERIAL] DEFINITIONS.--As used in the Health Professional Autonomy Act:

A. "federally qualified health center" means a health facility that the United States department of health and human services has deemed to qualify for federal funds as a federally qualified health center;

B. "health care entity" means a person that provides or supports the provision of health care services to patients in New Mexico, including a hospital, a health care provider, an in-state or out-of-state telemedicine provider, a health care staffing company, a health care provider organization, a health care facility, a management services organization or an organization of health care providers or facilities; provided that "health care entity" does not

mean a federally qualified health center or an independent health care practice;

C. "health care facility" means a hospital or other facility licensed by the health care authority to provide health care services in a health care setting, including an inpatient facility; a health system consisting of one or more health care entities that are jointly owned or managed; an ambulatory surgery or treatment center; a residential treatment center; a diagnostic, laboratory or imaging center; a freestanding emergency facility's outpatient clinic or rehabilitation facility; a hospice center; a long-term care facility; and other therapeutic health settings; provided that "health care facility" does not include an adult daycare facility, a freestanding birth center, a child care facility or a shelter care home;

D. "health care provider" means a person certified, registered, licensed or otherwise authorized pursuant to state law to perform or provide health care services to persons in the state;

E. "health care services" means the care, prevention, diagnosis, treatment or relief of an illness, an injury, a disease or other medical, dental, mental or behavioral health or substance use disorder condition, including:

(1) inpatient, outpatient, habilitative, rehabilitative, dental, palliative, home health, hospice or mental or behavioral health services provided by a health care entity; and

(2) retail and specialty pharmacy services, including provision of drugs;

F. "health care staffing company" means a person engaged in the business of providing, procuring for employment or contracting health care personnel for a health care facility; provided that "health care staffing company" does not include a person who independently provides the person's own services to a health care facility as an employee or a contractor;

G. "hospital" means a hospital licensed by the health care authority but does not include a state-owned special hospital operated by the department of health;

H. "independent health care practice" means a health care provider organization entirely owned or controlled by one or more individual health care providers who provide health care services through the health care provider organization to patients in New Mexico;

I. "long-term care facility" means a nursing home licensed by the health care authority to provide intermediate or skilled nursing care;

J. "management services organization" means a person that contracts with a health care entity to perform or provide personnel to perform all or substantially all of the administrative or management services relating to supporting or facilitating the provision of health care services; and

K. "telemedicine provider" means a health care provider who uses telecommunications and information technology to provide clinical health care from a distance to evaluate, diagnose and treat patients in real time or asynchronously.

SECTION 9. [NEW MATERIAL] PROHIBITIONS.--

A. A health care entity shall not directly or indirectly interfere with, control or otherwise direct the professional judgment or clinical decisions of a health care provider except as required by licensing or accreditation requirements.

B. A health care entity doing business in this state shall not interfere with the professional judgment of a health care provider making health care decisions, including any of the following:

(1) determining what diagnostic tests are appropriate for a particular condition;

(2) determining the need for referrals to, or consultation with, another health care provider;

(3) being responsible for the ultimate overall care of a patient, including treatment options available to the patient; and

(4) determining how many patients a health care provider shall see in a given time period.

SECTION 10. [NEW MATERIAL] PRIVATE RIGHT OF ACTION--DAMAGES--ENFORCEMENT BY ATTORNEY GENERAL.--

A. A person who has suffered injury by reason of an act or practice in violation of the Health Professional Autonomy Act may sue in district court. Upon a showing that the Health Professional Autonomy Act is being or has been violated and a showing that the plaintiff has suffered injury, the court may award damages, punitive damages and injunctive relief and shall award the cost of the suit, including reasonable attorney fees.

B. When the attorney general has reasonable belief that a health care entity is engaging in conduct in violation of the Health Professional Autonomy Act and enforcement proceedings would be in the public interest, the attorney general may bring an action in the name of the state. An enforcement action by the attorney general may be brought in the district court of the county where the health care entity is located or in the first judicial district court. In an action filed by the attorney general pursuant to the Health Professional Autonomy Act, the attorney general may petition the district court for temporary or permanent injunctive relief and restitution. The attorney general acting on behalf of the state shall not be required to post bond when seeking a temporary or permanent injunction in an action brought pursuant to this section.

C. The relief provided in this section is in addition to remedies otherwise available pursuant to common law or other New Mexico statutes."

3. Renumber the succeeding sections accordingly.

4. On page 22, line 1, after "provisions", insert "of Sections 1 through 6".

Respectfully submitted,
