

FIFTY-SEVENTH LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 11, 2026

Madam Chair:

I propose to the HOUSE JUDICIARY COMMITTEE the following amendments to

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 213

1. On page 3, between lines 22 and 23, insert:

"SECTION 2. Section 61-2-5 NMSA 1978 (being Laws 1973, Chapter 353, Section 4, as amended) is amended to read:

"61-2-5. BOARD CREATED--TERMS--APPOINTMENT--CONTINUANCE--REMOVAL.--

A. There is created a six-member "board of optometry". The board shall be administratively attached to the regulation and licensing department. The board consists of four persons who have resided in and have been continuously engaged in the practice of optometry in New Mexico for at least five years immediately prior to their appointment and two persons who shall represent the public. The public members of the board shall not have been licensed as optometrists, nor shall the public members have any significant financial interest, whether direct or indirect, in the occupation regulated. No later than December 31, 2028, at least one professional member of the board shall be credentialed for the performance of procedures involving the use of a laser.

B. Professional members of the board shall be appointed by the governor from a list of five names for each vacancy submitted to

[him] the governor by the state organization affiliated with the American optometric association. Not more than one professional board member shall maintain [~~his~~] a place of business or reside in any one county, and professional appointments shall be made on a geographical basis to effect representation of all areas of the state. Board members shall be appointed for staggered terms of five years or less, each. The term of each board member shall be made in such a manner that the term of one board member ends on June 30 of each year. Board members shall serve until their successors have been appointed and qualified. A professional member vacancy shall be filled for the unexpired term by the appointment by the governor of a licensed optometrist from the general area of the state represented by the former member. All members of the board of optometry in office on the effective date of the Optometry Act shall serve out their unexpired terms.

C. The governor may remove a member from the board for the neglect of a duty required by law, for incompetence, for improper or unprofessional conduct as defined by board regulation or for a reason that would justify the suspension or revocation of [~~his~~] the board member's license to practice optometry.

D. A board member shall not serve more than two consecutive terms, and a member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member unless excused for reasons set forth in board regulations.

E. In the event of a vacancy for any reason, the board secretary shall immediately notify the governor, the board members and the state optometric association of the vacancy, the reason for its occurrence and the action taken by the board, so as to expedite the appointment of a new board member."".

2. Renumber the succeeding sections accordingly.

Respectfully submitted,