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SENATE BILL 16

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO HEALTH CARE; ENACTING THE HEALTH PROFESSIONAL
AUTONOMY ACT.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Health Professional Autonomy Act".

SECTION 2. [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

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1 provider, an in-state or out-of-state telemedicine provider, a
2 health care staffing company, a health care provider
3 organization, a health care facility, a management services
4 organization or an organization of health care providers or
5 facilities; provided that "health care entity" does not mean a
6 federally qualified health center or an independent health care
7 practice;

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

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

25 E. "health care services" means the care,

1 prevention, diagnosis, treatment or relief of an illness, an
2 injury, a disease or other medical, dental, mental or
3 behavioral health or substance use disorder condition,
4 including:

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

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

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

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

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

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

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

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

13 SECTION 3. [NEW MATERIAL] PROHIBITIONS.--

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

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

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

25 (2) determining the need for referrals to, or

1 consultation with, another health care provider;

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

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

7 SECTION 4. [NEW MATERIAL] PRIVATE RIGHT OF ACTION--
8 DAMAGES--ENFORCEMENT BY ATTORNEY GENERAL.--

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

17 B. When the attorney general has reasonable belief
18 that a health care entity is engaging in conduct in violation
19 of the Health Professional Autonomy Act and enforcement
20 proceedings would be in the public interest, the attorney
21 general may bring an action in the name of the state. An
22 enforcement action by the attorney general may be brought in
23 the district court of the county where the health care entity
24 is located or in the first judicial district court. In an
25 action filed by the attorney general pursuant to the Health

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1 Professional Autonomy Act, the attorney general may petition
2 the district court for temporary or permanent injunctive relief
3 and restitution. The attorney general acting on behalf of the
4 state shall not be required to post bond when seeking a
5 temporary or permanent injunction in an action brought pursuant
6 to this section.

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

10 SECTION 5. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2026.

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