

HOUSE BILL 94

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

INTRODUCED BY

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AN ACT

RELATING TO LICENSING; AMENDING SECTIONS OF THE OPTOMETRY ACT  
TO EXPAND THE SCOPE OF PRACTICE AND PROVIDE THE BOARD OF  
OPTOMETRY WITH ADDITIONAL POWERS AND DUTIES.

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

**SECTION 1.** Section 61-2-2 NMSA 1978 (being Laws 1973,  
Chapter 353, Section 2, as amended) is amended to read:

"61-2-2. DEFINITIONS.--As used in the Optometry Act:

A. "practice of optometry" means:

(1) the employment of any subjective or  
objective means or methods, including but not limited to the  
use of lenses, prisms, autorefractors or other automated  
testing devices, and includes the prescription or  
administration of drugs for the purpose of diagnosing the  
visual defects or abnormal conditions of the human eye and its

1 adnexa;

2 (2) the employing, adapting or prescribing of  
3 preventive or corrective measures, including but not limited to  
4 lenses, prisms, contact or corneal lenses or other optical  
5 appliances, ocular exercises, vision therapy, vision training  
6 and vision rehabilitation services, and includes the  
7 prescription or administration of all drugs rational for the  
8 correction, relief or referral of visual defects or abnormal  
9 conditions of the human eye and its adnexa; and

10 (3) does not include the use of surgery or  
11 injections in the treatment of eye diseases except for the use  
12 of the following types of in-office ~~[minor]~~ surgical  
13 procedures:

14 (a) non-laser removal, destruction or  
15 drainage of superficial eyelid lesions and conjunctival cysts;

16 (b) removal of nonperforating foreign  
17 bodies from the cornea, conjunctiva and eyelid;

18 (c) non-laser corneal debridement,  
19 culture, scrape or anterior puncture, not including removal of  
20 pterygium, corneal biopsy or removal of corneal neoplasias;

21 (d) removal of eyelashes; ~~[and]~~

22 (e) probing, dilation, irrigation or  
23 closure of the tear drainage structures of the eyelid; scalpel  
24 use is to be applied only for the purpose of use on the skin  
25 surrounding the eye;

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1                   (f) laser application to the lens  
2   capsule in the treatment of capsular clouding or other defects;  
3   and

4                   (g) laser application to structures  
5   within the ocular anterior segment for the prevention or  
6   treatment of glaucoma, including laser trabeculoplasty and  
7   laser peripheral iridotomy;

8                   B. "ophthalmic lens" means a lens that has a  
9   spherical, cylindrical or prismatic value, is ground pursuant  
10   to a prescription and is intended to be used as eyeglasses;

11                   C. "contact lens" means a lens to be worn on the  
12   anterior segment of the human eye;

13                   D. "prescription" means a written order by an  
14   optometrist or a physician for an individual patient for:

15                         (1) ophthalmic lenses;

16                         (2) contact lenses; or

17                         (3) a pharmaceutical agent that is regulated  
18   pursuant to the New Mexico Drug, Device and Cosmetic Act;

19                   E. "eyeglasses" means an exterior optical device  
20   using ophthalmic lenses for the correction or relief of  
21   disturbances in and anomalies of human vision; and

22                   F. "board" means the board of optometry."

23                   SECTION 2. Section 61-2-6 NMSA 1978 (being Laws 1973,  
24   Chapter 353, Section 5, as amended) is amended to read:

25                   "61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--

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1       COMPENSATION--POWERS AND DUTIES.--

2               A.   The board shall annually elect a chair, a vice  
3 chair and a secretary-treasurer; each shall serve until a  
4 successor is elected and qualified.

5               B.   The board shall meet at least annually for the  
6 purpose of examining candidates for licensure.  Special  
7 meetings may be called by the chair and shall be called upon  
8 the written request of a majority of the board members.  A  
9 majority of the board members currently serving constitutes a  
10 quorum.

11              C.   Members of the board may be reimbursed as  
12 provided in the Per Diem and Mileage Act but shall receive no  
13 other compensation, perquisite or allowance.

14              D.   The board has the authority to determine what  
15 constitutes the practice of optometry in accordance with the  
16 provisions of the Optometry Act and has jurisdiction to  
17 exercise any other powers and duties pursuant to that act.  The  
18 board may issue advisory opinions and declaratory rulings  
19 pursuant to that act and rules promulgated in accordance with  
20 the State Rules Act, but shall not expand the scope of practice  
21 of optometry beyond the provisions of the Optometry Act.

22              E.   The board shall:

23                   (1)  administer and enforce the provisions of  
24 the Optometry Act;

25                   (2)  promulgate in accordance with the State

1 Rules Act, all rules for the implementation and enforcement of  
2 the provisions of the Optometry Act;

3 (3) adopt and use a seal;

4 (4) administer oaths and take testimony on  
5 matters within the board's jurisdiction;

6 (5) keep an accurate record of meetings,  
7 receipts and disbursements;

8 (6) keep a record of examinations held,  
9 together with the names and addresses of persons taking the  
10 examinations and the examination results. Within thirty days  
11 after an examination, the board shall give written notice to  
12 each applicant examined of the results of the examination as to  
13 the respective applicant;

14 (7) certify as passing each applicant who  
15 obtains a grade of at least seventy-five percent on each  
16 subject upon which the applicant is examined; providing that an  
17 applicant failing may apply for re-examination at the next  
18 scheduled examination date;

19 (8) keep a book of registration in which the  
20 name, address and license number of licensees shall be  
21 recorded, together with a record of license renewals,  
22 suspensions and revocations;

23 (9) grant, deny, renew, suspend or revoke  
24 licenses to practice optometry in accordance with the  
25 provisions of the Uniform Licensing Act for any cause stated in

1 the Optometry Act;

2 (10) develop and administer:

3 (a) qualifications for certification for  
4 the use of pharmaceutical agents as authorized in Section  
5 61-2-10.2 NMSA 1978, including minimum educational requirements  
6 and examination, as required by Section 61-2-10.2 NMSA 1978 and  
7 provide the board of pharmacy with an annual list of  
8 optometrists certified to use pharmaceutical agents as  
9 authorized in Section 61-2-10.2 NMSA 1978; and

10 (b) credentialing requirements for the  
11 performance of procedures involving the use of a laser; and

12 (11) provide for the suspension of an  
13 optometrist's license for sixty days upon a determination of  
14 use of pharmaceutical agents without prior certification in  
15 accordance with Section 61-2-10.2 NMSA 1978, after proper  
16 notice and an opportunity to be heard before the board."

17 SECTION 3. A new section of the Optometry Act is enacted  
18 to read:

19 "[NEW MATERIAL] LASER PROCEDURES--OPTOMETRIST  
20 CREDENTIALING--REPORTING.--

21 A. Unless an optometrist obtains credentialing from  
22 the board, an optometrist shall not perform a laser application  
23 to:

24 (1) a lens capsule to treat capsular clouding  
25 or other capsular defects; or

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1 (2) structures within the ocular anterior  
2 segment for the prevention or treatment of glaucoma, including  
3 laser trabeculoplasty and laser peripheral iridotomy.

4 B. The board shall issue an optometrist the  
5 credentials to perform the procedures listed in Subsection A of  
6 this section if the optometrist:

7 (1) completes one of the following education  
8 and examination requirements:

9 (a) graduation from an accredited  
10 college or university of optometry in 2026 or any year  
11 thereafter and passage of a standardized national examination  
12 approved by the board; or

13 (b) completion of a training course  
14 accredited by a college of optometry, osteopathy or medicine  
15 and approved by the board that provides at least thirty-two  
16 hours of laser-application training; and

17 (2) demonstrates successful performance of any  
18 of the following series of procedures on live human patients  
19 under the direct, in-person supervision of a licensed  
20 ophthalmologist or optometrist licensed or certified to perform  
21 the procedures listed in Subsection A of this section:

22 (a) five yttrium aluminum garnet laser  
23 capsulotomies;

24 (b) five selective laser  
25 trabeculoplasties; or

1 (c) four laser peripheral iridotomies.

2 C. An optometrist shall report to the board, in a  
3 form and manner prescribed by the board, an adverse outcome  
4 that results from the optometrist's performance of a procedure  
5 listed in Subsection A of this section within ten days of  
6 occurrence."

7 SECTION 4. Section 61-2-15 NMSA 1978 (being Laws 1973,  
8 Chapter 353, Section 13, as amended) is amended to read:

9 "61-2-15. EXEMPTIONS.--

10 A. Except for the provisions of [~~Section~~] Sections  
11 61-2-14.1 and 61-2-16 NMSA 1978 and as provided in this  
12 subsection, the Optometry Act does not apply to a licensed  
13 physician or a person, clinic or program under [~~his~~] the  
14 licensed physician's responsible supervision and control,  
15 provided that the person, clinic or program under the  
16 responsible supervision and control of the licensed physician  
17 shall not use either loose or fixed trial lenses for the sole  
18 purpose of determining the prescription for eyeglasses or  
19 contact lenses.

20 B. Except as provided in Sections 61-2-2, 61-2-14,  
21 61-2-16 and 61-2-17 NMSA 1978, the Optometry Act does not apply  
22 to a person selling eyeglasses who does not represent [~~himself~~]  
23 the person's own self as being qualified to detect or correct  
24 ocular anomalies and who does not traffic upon assumed skill in  
25 adapting ophthalmic lenses to the eyes."