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HOUSE BILL 971

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO TAXATION; PROVIDING GROSS RECEIPTS DEDUCTIONS FOR CERTAIN HEALTH CARE PRACTITIONERS; RECONCILING CERTAIN 2003 AMENDMENTS.

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

Section 1. Section 7-9-77.1 NMSA 1978 (being Laws 1998, Chapter 96, Section 1, as amended by Laws 2003, Chapter 350, Section 1 and by Laws 2003, Chapter 351, Section 1) is amended to read:

"7-9-77.1. DEDUCTION--GROSS RECEIPTS TAX--CERTAIN MEDICAL AND HEALTH CARE SERVICES.--

A. Receipts from payments by the United States government or any agency thereof for provision of medical and other health services by medical doctors, [~~and~~] osteopathic physicians, acupuncturists and doctors of oriental medicine,

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1 athletic trainers, chiropractors, clinical laboratories,
2 counselors and therapists, dentists, massage therapists,
3 naprapaths, nurses, nutritionists and dieticians, occupational
4 therapists, optometrists, pharmacists, physical therapists,
5 psychologists, radiologic technologists, respiratory
6 therapists, audiologists, speech-language pathologists and
7 podiatrists or of medical or other health and palliative
8 services by [~~a hospice~~] hospices to medicare beneficiaries
9 pursuant to the provisions of Title 18 of the federal Social
10 Security Act may be deducted from gross receipts.

11 B. Receipts from payments by a third-party
12 administrator of the federal TRICARE program for provision of
13 medical and other health services by medical doctors and
14 osteopathic physicians to covered beneficiaries may be deducted
15 from gross receipts.

16 C. Receipts from payments by the United States
17 government or any agency thereof for medical services provided
18 by a clinical laboratory to medicare beneficiaries pursuant to
19 the provisions of Title 18 of the federal Social Security Act
20 may be deducted from gross receipts pursuant to the following
21 schedule:

22 (1) from July 1, 2003 through June 30, 2004,
23 thirty-three and one-third percent of the receipts may be
24 deducted;

25 (2) from July 1, 2004 through June 30, 2005,

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1 sixty-six and two-thirds percent of the receipts may be
2 deducted; and

3 (3) after June 30, 2005, one hundred percent
4 of the receipts may be deducted.

5 D. Receipts from payments by the United States
6 government or any agency thereof for medical or other health
7 and palliative services provided by a home health agency to
8 medicare beneficiaries pursuant to the provisions of Title 18
9 of the federal Social Security Act may be deducted from gross
10 receipts pursuant to the following schedule:

11 (1) from July 1, 2003 through June 30, 2004,
12 thirty-three and one-third percent of the receipts may be
13 deducted;

14 (2) from July 1, 2004 through June 30, 2005,
15 sixty-six and two-thirds percent of the receipts may be
16 deducted; and

17 (3) after June 30, 2005, one hundred percent
18 of the receipts may be deducted.

19 ~~[G.]~~ E. For the purposes of this section:

20 (1) "acupuncturist" or "doctor of oriental
21 medicine" means a person licensed to practice under Chapter 61,
22 Article 14A, NMSA 1978;

23 (2) "athletic trainer" means a person licensed
24 to practice under Chapter 61, Article 14D NMSA 1978;

25 (3) "chiropractor" means a person licensed to

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1 practice under Chapter 61, Article 4 NMSA 1978;

2 (4) "clinical laboratory" means a laboratory
3 accredited pursuant to 42 USCA 263a;

4 (5) "counselor and therapist practitioner"
5 means a person licensed to practice under Chapter 61, Article
6 9A NMSA 1978;

7 (6) "dentist" means a person licensed to
8 practice under Chapter 61, Article 5A NMSA 1978;

9 (7) "home health agency" means a for-profit
10 entity that is licensed by the department of health and
11 certified by the federal centers for medicare and medicaid
12 services as a home health agency;

13 [~~(1)~~] (8) "hospice" means a for-profit entity
14 licensed and certified by the department of health as a
15 hospice;

16 (9) "massage therapist" means a person
17 licensed to practice under Chapter 61, Article 12C NMSA 1978;

18 [~~(2)~~] (10) "medical doctor" means a person
19 licensed as a physician to practice medicine pursuant to the
20 provisions of the Medical Practice Act;

21 (11) "naprapath" means a person licensed to
22 practice under Chapter 61, Article 12E NMSA 1978;

23 (12) "nurse" means a person licensed to
24 practice under Chapter 61, Article 3 NMSA 1978;

25 (13) "nutritionist" or "dietician" means a

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1 person licensed to practice under Chapter 61, Article 7A NMSA
2 1978;

3 (14) "occupational therapist" means a person
4 licensed to practice under Chapter 61, Article 12A NMSA 1978;

5 (15) "optometrist" means a person licensed to
6 practice under Chapter 61, Article 2 NMSA 1978;

7 [~~3~~] (16) "osteopathic physician" means a
8 person licensed as an osteopathic physician pursuant to the
9 provisions of Chapter 61, Article 10 NMSA 1978;

10 (17) "pharmacist" means a person licensed to
11 practice under Chapter 61, Article 11 NMSA 1978;

12 (18) "physical therapist" means a person
13 licensed to practice under Chapter 61, Article 12D NMSA 1978;

14 [~~4~~] (19) "podiatrist" means a person
15 licensed as a podiatrist pursuant to the provisions of the
16 Podiatry Act; [~~and~~]

17 (20) "psychologist" means a person licensed to
18 practice under Chapter 61, Article 9 NMSA 1978;

19 (21) "radiologic technologist" means a person
20 licensed to practice under Chapter 61, Article 14E NMSA 1978;

21 (22) "respiratory therapist" means a person
22 licensed to practice under Chapter 61, Article 12B NMSA 1978;

23 (23) "speech-language therapist" means a
24 person licensed to practice under Chapter 61, Article 14B NMSA
25 1978; and

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1 [~~(5)~~] (24) "TRICARE program" means the program
2 defined in 10 U.S.C. 1072(7)."

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