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SENATE BILL 776

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

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH CARE; PROHIBITING CERTAIN HOSPITALS FROM DENYING MEDICAL STAFF PRIVILEGES FOR REASONS OTHER THAN A PHYSICIAN'S INDIVIDUAL QUALIFICATIONS; PROVIDING FOR APPEALS AND SANCTIONS.

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

Section 1. ECONOMIC CREDENTIALING. --

A. A hospital licensed by the department of health, certified for participation in medicaid or medicare or receiving funding from local or state sources shall not:

(1) use economic criteria unrelated to quality of care or professional competence in determining a physician's qualifications for initial or continuing hospital medical staff membership or privileges; or

(2) deny medical staff membership or clinical

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1 privileges for reasons other than a physician's individual  
2 qualifications as determined by professional and ethical  
3 criteria.

4 B. A physician who is denied membership or  
5 privileges by a hospital may appeal the hospital's decision to  
6 the New Mexico medical board. In a hearing conducted pursuant  
7 to the provisions of the Uniform Licensing Act, the board shall  
8 determine if the physician is professionally competent.

9 C. If, subsequent to a finding by the New Mexico  
10 medical board that a physician is professionally competent, the  
11 hospital continues to deny staff membership or clinical  
12 privileges to the physician:

13 (1) the department of health shall suspend the  
14 medicaid or medicare certification for that hospital; and

15 (2) no additional state or local funding shall  
16 be disbursed to that hospital.

17 D. The provisions of this section do not apply to a  
18 decision of a hospital located in a class A county with a  
19 population exceeding five hundred thousand according to the  
20 most recent federal decennial census.

21 E. For the purposes of this section, "hospital"  
22 means a public hospital, a for-profit or nonprofit private  
23 hospital or a general or special hospital.