

AN ACT

RELATING TO THE PRACTICE OF MEDICINE; PROVIDING FOR SUMMARY
SUSPENSION OR RESTRICTION OF LICENSES; AMENDING REVIEW
ORGANIZATION REPORTING REQUIREMENTS; PROVIDING FOR ADDITIONAL
ADMINISTRATIVE FEES.

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

Section 1. A new section of the Medical Practice Act,
Section 61-6-15.1 NMSA 1978, is enacted to read:

"61-6-15.1. SUMMARY SUSPENSION OR RESTRICTION OF
LICENSE.--

A. The board may summarily suspend or restrict a
license issued by the board without a hearing, simultaneously
with or at any time after the initiation of proceedings for a
hearing provided under the Uniform Licensing Act, if the board
finds that evidence in its possession indicates that the
licensee:

(1) poses a clear and immediate danger to
the public health and safety if the licensee continues to
practice;

(2) has been adjudged mentally incompetent
by a final order or adjudication by a court of competent
jurisdiction; or

(3) has pled guilty to or been found guilty
of any offense related to the practice of medicine or for any

violent criminal offense in this state or a substantially equivalent criminal offense in another jurisdiction.

B. A licensee is not required to comply with a summary action until service has been made or the licensee has actual knowledge of the order, whichever occurs first.

C. A person whose license is suspended or restricted under this section is entitled to a hearing by the board pursuant to the Uniform Licensing Act within fifteen days from the date the licensee requests a hearing."

Section 2. Section 61-6-16 NMSA 1978 (being Laws 1989, Chapter 269, Section 12, as amended) is amended to read:

"61-6-16. REPORTING OF SETTLEMENTS AND JUDGMENTS, PROFESSIONAL REVIEW ACTIONS AND ACCEPTANCE OF SURRENDERED LICENSE--IMMUNITY FROM CIVIL DAMAGES--PENALTY.--

A. All entities that make payments under a policy of insurance, self-insurance or otherwise in settlement or satisfaction of a judgment in a medical malpractice action or claim, hospitals, health care entities and professional review bodies shall report to the board all payments relating to malpractice actions or claims arising in New Mexico that involve a licensee and that are paid as a direct result of the licensee's care, all appropriate professional review actions of licensees and the acceptance or surrender of clinical privileges by a licensee while under investigation or in lieu of an investigation. For the purposes of this section, the

meaning of these terms shall be as contained in Section 431 of the federal Health Care Quality Improvement Act of 1986, 42 USCA Section 11151.

B. The hospitals required to report under this section, health care entities or professional review bodies that provide such information in good faith shall not be subject to suit for civil damages as a result of providing the information.

C. A hospital, health care entity or professional review body failing to comply with the reporting requirements provided in this section shall be subject to civil penalty not to exceed ten thousand dollars (\$10,000)."

Section 3. Section 61-6-19 NMSA 1978 (being Laws 1989, Chapter 269, Section 15, as amended) is amended to read:

"61-6-19. FEES.--

A. The board shall impose the following fees:

(1) an application fee not to exceed four hundred dollars (\$400) for licensure by endorsement as provided in Section 61-6-13 NMSA 1978;

(2) an application fee not to exceed four hundred dollars (\$400) for licensure by examination as provided in Section 61-6-11 NMSA 1978;

(3) a triennial renewal fee not to exceed four hundred fifty dollars (\$450);

(4) a fee of twenty-five dollars (\$25.00)

for placing a physician's license or a physician assistant's license on inactive status;

(5) a late fee not to exceed one hundred dollars (\$100) for physicians who renew their license within forty-five days after the required renewal date;

(6) a late fee not to exceed two hundred dollars (\$200) for physicians who renew their licenses between forty-six and ninety days after the required renewal date;

(7) a reinstatement fee not to exceed six hundred dollars (\$600) for reinstatement of a revoked, suspended or inactive license;

(8) a reasonable administrative fee for verification and duplication of license or registration and copying of records;

(9) a reasonable publication fee for the purchase of a publication containing the names of all practitioners licensed under the Medical Practice Act;

(10) an impaired physician fee not to exceed one hundred fifty dollars (\$150) for a three-year period;

(11) an interim license fee not to exceed one hundred dollars (\$100);

(12) a temporary license fee not to exceed one hundred dollars (\$100);

(13) a postgraduate training license fee not to exceed fifty dollars (\$50.00) annually;

(14) an application fee not to exceed one hundred fifty dollars (\$150) for physician assistants applying for initial licensure;

(15) a licensure fee not to exceed one hundred fifty dollars (\$150) for physician assistants biennial licensing and registration of supervising licensed physician;

(16) a late fee not to exceed fifty dollars (\$50.00) for physician assistants who renew their licensure within forty-five days after the required renewal date;

(17) a late fee not to exceed seventy-five dollars (\$75.00) for physician assistants who renew their licensure between forty-six and ninety days after the required renewal date;

(18) a reinstatement fee not to exceed one hundred dollars (\$100) for physician assistants who reinstate an expired license;

(19) a processing fee not to exceed fifty dollars (\$50.00) for each change of a supervising licensed physician for a physician assistant;

(20) a fee not to exceed three hundred dollars (\$300) annually for a physician supervising a clinical pharmacist;

(21) an application and renewal fee for a telemedicine license not to exceed four hundred dollars (\$400);

(22) a reasonable administrative fee, not to exceed the current cost of application for a license, that may be charged for reprocessing applications and renewals that include minor but significant errors and that would otherwise be subject to investigation and possible disciplinary action; and

(23) a reasonable fee as established by the department of public safety for nationwide and statewide criminal history screening of applicants and licensees.

B. All fees are nonrefundable and shall be used by the board to carry out its duties efficiently."

Section 4. Section 61-6-24 NMSA 1978 (being Laws 1989, Chapter 269, Section 20) is amended to read:

"61-6-24. LIMITATIONS ON ACTIONS.--

A. No action that would have any of the effects specified in Sections 61-6-15 and 61-6-15.1 NMSA 1978 may be initiated by the board later than two years after it is brought to the board's attention.

B. The time limitation contained in Subsection A of this section shall be tolled by any civil or criminal litigation in which the licensee or applicant is a party arising substantially from the same facts, conduct, transaction or transactions that would be the basis of the board's decision."
