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HOUSE BILL 36

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Rodolpho "Rudy" S. Martinez

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TAXATION; EXPANDING THE RURAL HEALTH CARE PRACTITIONER TAX CREDIT TO PROVIDE AN INCOME TAX CREDIT FOR OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, SOCIAL WORKERS AND SPEECH-LANGUAGE PATHOLOGISTS; DEFINING "CLINICAL PSYCHOLOGIST".

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

Section 1. Section 7-2-18.22 NMSA 1978 (being Laws 2007, Chapter 361, Section 2) is amended to read:

"7-2-18.22. TAX CREDIT--RURAL HEALTH CARE PRACTITIONER TAX CREDIT.--

A. A taxpayer who files an individual New Mexico tax return, who is not a dependent of another individual, who is an eligible health care practitioner and who has provided health care services in New Mexico in a rural health care

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1 underserved area in a taxable year may claim a credit against
2 the tax liability imposed by the Income Tax Act. The credit
3 provided in this section may be referred to as the "rural
4 health care practitioner tax credit".

5 B. The rural health care practitioner tax credit
6 may be claimed and allowed in an amount that shall not exceed
7 five thousand dollars (\$5,000) for all eligible physicians,
8 osteopathic physicians, dentists, clinical psychologists,
9 podiatrists and optometrists who qualify pursuant to the
10 provisions of this section, except the credit shall not exceed
11 three thousand dollars (\$3,000) for all eligible dental
12 hygienists, physician assistants, certified nurse-midwives,
13 certified registered nurse anesthetists, certified nurse
14 practitioners, ~~[and]~~ clinical nurse specialists, occupational
15 therapists, physical therapists, social workers and speech-
16 language pathologists.

17 C. To qualify for the rural health care
18 practitioner tax credit, an eligible health care practitioner
19 shall have provided health care during a taxable year for at
20 least two thousand eighty hours at a practice site located in
21 an approved, rural health care underserved area. An eligible
22 rural health care practitioner who provided health care
23 services for at least one thousand forty hours but less than
24 two thousand eighty hours at a practice site located in an
25 approved rural health care underserved area during a taxable

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1 year is eligible for one-half of the credit amount.

2 D. Before an eligible health care practitioner may
3 claim the rural health care practitioner tax credit, the
4 practitioner shall submit an application to the department of
5 health that describes the practitioner's clinical practice and
6 contains additional information that the department of health
7 may require. The department of health shall determine whether
8 an eligible health care practitioner qualifies for the rural
9 health care practitioner tax credit and shall issue a
10 certificate to each qualifying eligible health care
11 practitioner. The department of health shall provide the
12 taxation and revenue department appropriate information for all
13 eligible health care practitioners to whom certificates are
14 issued.

15 E. A taxpayer claiming the credit provided by this
16 section shall submit a copy of the certificate issued by the
17 department of health with the taxpayer's New Mexico income tax
18 return for the taxable year. If the amount of the credit
19 claimed exceeds a taxpayer's tax liability for the taxable year
20 in which the credit is being claimed, the excess may be carried
21 forward for three consecutive taxable years.

22 F. As used in this section:

23 (1) "clinical psychologist" means a person who
24 has completed a Ph.D. program in psychology and is licensed
25 pursuant to the provisions of the Professional Psychologist

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1 Act;

2 [~~(1)~~] (2) "eligible health care practitioner"

3 means:

4 (a) a certified nurse-midwife licensed
5 by the board of nursing as a registered nurse and licensed by
6 the public health division of the department of health to
7 practice nurse-midwifery as a certified nurse-midwife;

8 (b) a clinical psychologist;

9 [~~(b)~~] (c) a dentist or dental hygienist
10 licensed pursuant to the Dental Health Care Act;

11 (d) an occupational therapist licensed
12 pursuant to the Occupational Therapy Act and whose license is
13 not on inactive status during the taxable year;

14 [~~(e)~~] (e) an optometrist licensed
15 pursuant to the provisions of the Optometry Act;

16 [~~(d)~~] (f) an osteopathic physician
17 licensed pursuant to the provisions of Chapter 61, Article 10
18 NMSA 1978 or an osteopathic [~~physician~~] physician's assistant
19 licensed pursuant to the provisions of the Osteopathic
20 Physicians' Assistants Act;

21 (g) a physical therapist licensed
22 pursuant to the Physical Therapy Act;

23 [~~(e)~~] (h) a physician or physician
24 assistant licensed pursuant to the provisions of Chapter 61,
25 Article 6 NMSA 1978;

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1 [~~(f)~~] (i) a podiatrist licensed pursuant
2 to the provisions of the Podiatry Act;

3 [~~(g)~~] ~~a clinical psychologist licensed~~
4 ~~pursuant to the provisions of the Professional Psychologist~~
5 ~~Act; and~~

6 ~~(h)~~] (j) a registered nurse in advanced
7 practice who has been prepared through additional formal
8 education as provided in Sections 61-3-23.2 through 61-3-23.4
9 NMSA 1978 to function beyond the scope of practice of
10 professional registered nursing, including certified nurse
11 practitioners, certified registered nurse anesthetists and
12 clinical nurse specialists;

13 (k) a social worker licensed pursuant to
14 the Social Work Practice Act; and

15 (l) a speech-language pathologist
16 licensed pursuant to the Speech-Language Pathology, Audiology
17 and Hearing Aid Dispensing Practices Act;

18 [~~(2)~~] (3) "health care underserved area" means
19 a geographic area or practice location in which it has been
20 determined by the department of health, through the use of
21 indices and other standards set by the department of health,
22 that sufficient health care services are not being provided;

23 [~~(3)~~] (4) "practice site" means a private
24 practice, public health clinic, hospital, public or private
25 nonprofit primary care clinic or other health care service

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location in a health care underserved area; and

~~(4)~~ (5) "rural" means an area or location identified by the department of health as falling outside of an urban area."

Section 2. APPLICABILITY.--The provisions of this act are applicable to tax years beginning on or after January 1, 2011.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2011.