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HOUSE BILL 221

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

INTRODUCED BY

Al Park

AN ACT

RELATING TO HEALTH CARE; CONSOLIDATING HEALTH CARE LICENSING
BOARDS UNDER THE NEW MEXICO MEDICAL BOARD; AMENDING THE MEDICAL
PRACTICE ACT; PROVIDING FOR THE TRANSFER OF FUNCTIONS, MONEY,
APPROPRIATIONS, RECORDS, PROPERTY, CONTRACTUAL OBLIGATIONS AND
STATUTORY REFERENCES; AMENDING AND REPEALING SECTIONS OF THE
NMSA 1978.

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

Section 1. Section 26-1-2 NMSA 1978 (being Laws 1967,
Chapter 23, Section 2, as amended) is amended to read:

"26-1-2. DEFINITIONS.--As used in the New Mexico Drug,
Device and Cosmetic Act:

A. "board" means the New Mexico medical board [~~of
pharmacy~~] or its duly authorized agent;

B. "person" includes an individual, partnership,

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1 corporation, association, institution or establishment;

2 C. "biological product" means a virus, therapeutic
3 serum, toxin, antitoxin or analogous product applicable to the
4 prevention, treatment or cure of diseases or injuries of humans
5 and domestic animals, and, as used within the meaning of this
6 definition:

7 (1) a "virus" is interpreted to be a product
8 containing the minute living cause of an infectious disease and
9 includes filterable viruses, bacteria, rickettsia, fungi and
10 protozoa;

11 (2) a "therapeutic serum" is a product
12 obtained from blood by removing the clot or clot components and
13 the blood cells;

14 (3) a "toxin" is a product containing a
15 soluble substance poisonous to laboratory animals or humans in
16 doses of one milliliter or less of the product and having the
17 property, following the injection of nonfatal doses into an
18 animal, or causing to be produced therein another soluble
19 substance that specifically neutralizes the poisonous substance
20 and that is demonstrable in the serum of the animal thus
21 immunized; and

22 (4) an "antitoxin" is a product containing the
23 soluble substance in serum or other body fluid of an immunized
24 animal that specifically neutralizes the toxin against which
25 the animal is immune;

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1 D. "controlled substance" means a drug, substance
2 or immediate precursor enumerated in Schedules I through V of
3 the Controlled Substances Act;

4 E. "drug" means articles:

5 (1) recognized in an official compendium;

6 (2) intended for use in the diagnosis, cure,
7 mitigation, treatment or prevention of disease in humans or
8 other animals and includes the domestic animal biological
9 products regulated under the federal Virus-Serum-Toxin Act,
10 37 Stat 832-833, 21 U.S.C. 151-158, and the biological products
11 applicable to humans regulated under Federal 58 Stat 690, as
12 amended, 42 U.S.C. 216, Section 351, 58 Stat 702, as amended,
13 and 42 U.S.C. 262;

14 (3) other than food, that affect the structure
15 or any function of the human body or the bodies of other
16 animals; and

17 (4) intended for use as a component of
18 Paragraph (1), (2) or (3) of this subsection, but does not
19 include devices or their component parts or accessories;

20 F. "dangerous drug" means a drug, other than a
21 controlled substance enumerated in Schedule I of the Controlled
22 Substances Act, that because of a potentiality for harmful
23 effect or the method of its use or the collateral measures
24 necessary to its use is not safe except under the supervision
25 of a practitioner licensed by law to direct the use of such

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1 drug and hence for which adequate directions for use cannot be
2 prepared. "Adequate directions for use" means directions under
3 which the layperson can use a drug or device safely and for the
4 purposes for which it is intended. A drug shall be dispensed
5 only upon the prescription of a practitioner licensed by law to
6 administer or prescribe the drug if it:

7 (1) is a habit-forming drug and contains any
8 quantity of a narcotic or hypnotic substance or a chemical
9 derivative of such substance that has been found under the
10 federal act and the board to be habit forming;

11 (2) because of its toxicity or other potential
12 for harmful effect or the method of its use or the collateral
13 measures necessary to its use is not safe for use except under
14 the supervision of a practitioner licensed by law to administer
15 or prescribe the drug;

16 (3) is limited by an approved application by
17 Section 505 of the federal act to the use under the
18 professional supervision of a practitioner licensed by law to
19 administer or prescribe the drug;

20 (4) bears the legend: "Caution: federal law
21 prohibits dispensing without prescription.";

22 (5) bears the legend: "Caution: federal law
23 restricts this drug to use by or on the order of a licensed
24 veterinarian."; or

25 (6) bears the legend "RX only";

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1 G. "counterfeit drug" means a drug that is
2 deliberately and fraudulently mislabeled with respect to its
3 identity, ingredients or sources. Types of such pharmaceutical
4 counterfeits may include:

5 (1) "identical copies", which are counterfeits
6 made with the same ingredients, formulas and packaging as the
7 originals but not made by the original manufacturer;

8 (2) "look-alikes", which are products that
9 feature high-quality packaging and convincing appearances but
10 contain little or no active ingredients and may contain harmful
11 substances;

12 (3) "rejects", which are drugs that have been
13 rejected by the manufacturer for not meeting quality standards;
14 and

15 (4) "relabels", which are drugs that have
16 passed their expiration dates or have been distributed by
17 unauthorized foreign sources and may include placebos created
18 for late-phase clinical trials;

19 H. "device", except when used in Subsection P of
20 this section and in Subsection G of Section 26-1-3, Subsection
21 L and Paragraph (4) of Subsection A of Section 26-1-11 and
22 Subsection C of Section 26-1-24 NMSA 1978, means an instrument,
23 apparatus, implement, machine, contrivance, implant, in vitro
24 reagent or other similar or related article, including any
25 component, part or accessory, that is:

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1 (1) recognized in an official compendium;
2 (2) intended for use in the diagnosis of
3 disease or other conditions or in the cure, mitigation,
4 treatment or prevention of disease in humans or other animals;
5 or

6 (3) intended to affect the structure or a
7 function of the human body or the bodies of other animals and
8 that does not achieve any of its principal intended purposes
9 through chemical action within or on the human body or the
10 bodies of other animals and that is not dependent on being
11 metabolized for achievement of any of its principal intended
12 purposes;

13 I. "prescription" means an order given individually
14 for the person for whom prescribed, either directly from a
15 licensed practitioner or the practitioner's agent to the
16 pharmacist, including by means of electronic transmission, or
17 indirectly by means of a written order signed by the
18 prescriber, and bearing the name and address of the prescriber,
19 the prescriber's license classification, the name and address
20 of the patient, the name and quantity of the drug prescribed,
21 directions for use and the date of issue;

22 J. "practitioner" means a certified advanced
23 practice chiropractic physician, physician, doctor of oriental
24 medicine, dentist, veterinarian, euthanasia technician,
25 certified nurse practitioner, clinical nurse specialist,

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1 pharmacist, pharmacist clinician, certified nurse-midwife,
2 physician assistant, prescribing psychologist or other person
3 licensed or certified to prescribe and administer drugs that
4 are subject to the New Mexico Drug, Device and Cosmetic Act;

5 K. "cosmetic" means:

6 (1) articles intended to be rubbed, poured,
7 sprinkled or sprayed on, introduced into or otherwise applied
8 to the human body or any part thereof for cleansing,
9 beautifying, promoting attractiveness or altering the
10 appearance; and

11 (2) articles intended for use as a component
12 of any articles enumerated in Paragraph (1) of this subsection,
13 except that the term shall not include soap;

14 L. "official compendium" means the official United
15 States pharmacopoeia national formulary or the official
16 homeopathic pharmacopoeia of the United States or any
17 supplement to either of them;

18 M. "label" means a display of written, printed or
19 graphic matter upon the immediate container of an article. A
20 requirement made by or under the authority of the New Mexico
21 Drug, Device and Cosmetic Act that any word, statement or other
22 information appear on the label shall not be considered to be
23 complied with unless the word, statement or other information
24 also appears on the outside container or wrapper, if any, of
25 the retail package of the article or is easily legible through

1 the outside container or wrapper;

2 N. "immediate container" does not include package
3 liners;

4 O. "labeling" means all labels and other written,
5 printed or graphic matter:

6 (1) on an article or its containers or
7 wrappers; or

8 (2) accompanying an article;

9 P. "misbranded" means a label to an article that is
10 misleading. In determining whether the label is misleading,
11 there shall be taken into account, among other things, not only
12 representations made or suggested by statement, word, design,
13 device or any combination of the foregoing, but also the extent
14 to which the label fails to reveal facts material in the light
15 of such representations or material with respect to
16 consequences that may result from the use of the article to
17 which the label relates under the conditions of use prescribed
18 in the label or under such conditions of use as are customary
19 or usual;

20 Q. "advertisement" means all representations
21 disseminated in any manner or by any means, other than by
22 labeling, for the purpose of inducing, or that are likely to
23 induce, directly or indirectly, the purchase of drugs, devices
24 or cosmetics;

25 R. "antiseptic", when used in the labeling or

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1 advertisement of an antiseptic, shall be considered to be a
2 representation that it is a germicide, except in the case of a
3 drug purporting to be or represented as an antiseptic for
4 inhibitory use as a wet dressing, ointment, dusting powder or
5 such other use as involves prolonged contact with the body;

6 S. "new drug" means a drug:

7 (1) the composition of which is such that the
8 drug is not generally recognized, among experts qualified by
9 scientific training and experience to evaluate the safety and
10 efficacy of drugs, as safe and effective for use under the
11 conditions prescribed, recommended or suggested in the labeling
12 thereof; or

13 (2) the composition of which is such that the
14 drug, as a result of investigation to determine its safety and
15 efficacy for use under such conditions, has become so
16 recognized but that has not, otherwise than in such
17 investigations, been used to a material extent or for a
18 material time under such conditions;

19 T. "contaminated with filth" applies to a drug,
20 device or cosmetic not securely protected from dirt, dust and,
21 as far as may be necessary by all reasonable means, from all
22 foreign or injurious contaminations, or a drug, device or
23 cosmetic found to contain dirt, dust, foreign or injurious
24 contamination or infestation;

25 U. "selling of drugs, devices or cosmetics" shall

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1 be considered to include the manufacture, production,
2 processing, packing, exposure, offer, possession and holding of
3 any such article for sale and the sale and the supplying or
4 applying of any such article in the conduct of a drug or
5 cosmetic establishment;

6 V. "color additive" means a material that:

7 (1) is a dye, pigment or other substance made
8 by a process of synthesis or similar artifice or extracted,
9 isolated or otherwise derived, with or without intermediate or
10 final change of identity, from a vegetable, mineral, animal or
11 other source; or

12 (2) when added or applied to a drug or
13 cosmetic or to the human body or a part thereof, is capable,
14 alone or through reaction with other substances, of imparting
15 color thereto; except that such term does not include any
16 material that has been or hereafter is exempted under the
17 federal act;

18 W. "federal act" means the Federal Food, Drug and
19 Cosmetic Act;

20 X. "restricted device" means a device for which the
21 sale, distribution or use is lawful only upon the written or
22 oral authorization of a practitioner licensed by law to
23 administer, prescribe or use the device and for which the
24 federal food and drug administration requires special training
25 or skills of the practitioner to use or prescribe. This

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1 definition does not include custom devices defined in the
2 federal act and exempt from performance standards or premarket
3 approval requirements under Section 520(b) of the federal act;

4 Y. "prescription device" means a device that,
5 because of its potential for harm, the method of its use or the
6 collateral measures necessary to its use, is not safe except
7 under the supervision of a practitioner licensed in this state
8 to direct the use of such device and for which "adequate
9 directions for use" cannot be prepared, but that bears the
10 label: "Caution: federal law restricts this device to sale by
11 or on the order of a _____", the blank to be filled with
12 the word "physician", "physician assistant", "certified
13 advanced practice chiropractic physician", "doctor of oriental
14 medicine", "dentist", "veterinarian", "euthanasia technician",
15 "certified nurse practitioner", "clinical nurse specialist",
16 "pharmacist", "pharmacist clinician" or "certified nurse-
17 midwife" or with the descriptive designation of any other
18 practitioner licensed in this state to use or order the use of
19 the device;

20 Z. "valid practitioner-patient relationship" means
21 a professional relationship, as defined by the practitioner's
22 licensing board, between the practitioner and the patient; and

23 AA. "pedigree" means the recorded history of a
24 drug."

25 Section 2. Section 61-2-2 NMSA 1978 (being Laws 1973,

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1 Chapter 353, Section 2, as amended) is amended to read:

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

3 A. "practice of optometry" [~~means~~]:

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

11 (2) means the employing, adapting or
12 prescribing of preventive or corrective measures, including but
13 not limited to lenses, prisms, contact or corneal lenses or
14 other optical appliances, ocular exercises, vision therapy,
15 vision training and vision rehabilitation services, and
16 includes the prescription or administration of all drugs
17 rational for the correction, relief or referral of visual
18 defects or abnormal conditions of the human eye and its adnexa;
19 and

20 (3) does not include the use of surgery or
21 injections in the treatment of eye diseases except for the use
22 of the following types of in-office minor surgical procedures:

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

25 (b) removal of nonperforating foreign

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1 bodies from the cornea, conjunctiva and eyelid;

2 (c) non-laser corneal debridement,
3 culture, scrape or anterior puncture, not including removal of
4 pterygium, corneal biopsy or removal of corneal neoplasias;

5 (d) removal of eyelashes; and

6 (e) probing, dilation, irrigation or
7 closure of the tear drainage structures of the eyelid; scalpel
8 use is to be applied only for the purpose of use on the skin
9 surrounding the eye;

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

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

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

17 (1) ophthalmic lenses;
18 (2) contact lenses; or
19 (3) a topical ocular pharmaceutical agent or
20 an oral pharmaceutical agent that is regulated pursuant to the
21 New Mexico Drug, Device and Cosmetic Act;

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

25 F. "board" means the New Mexico medical board [of

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1 optometry]."

2 Section 3. Section 61-3-3 NMSA 1978 (being Laws 1991,
3 Chapter 190, Section 2, as amended) is amended to read:

4 "61-3-3. DEFINITIONS.--As used in the Nursing Practice
5 Act:

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

13 B. "board" means the New Mexico medical board [~~of~~
14 ~~nursing~~];

15 C. "certified hemodialysis technician" means a
16 person who is certified by the board to assist in the direct
17 care of a patient undergoing hemodialysis, under the
18 supervision and at the direction of a registered nurse or a
19 licensed practical nurse, according to the rules adopted by the
20 board;

21 D. "certified medication aide" means a person who
22 is certified by the board to administer medications under the
23 supervision and at the direction of a registered nurse or a
24 licensed practical nurse, according to the rules adopted by the
25 board;

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1 E. "certified nurse practitioner" means a
2 registered nurse who is licensed by the board for advanced
3 practice as a certified nurse practitioner and whose name and
4 pertinent information are entered on the list of certified
5 nurse practitioners maintained by the board;

6 F. "certified registered nurse anesthetist" means a
7 registered nurse who is licensed by the board for advanced
8 practice as a certified registered nurse anesthetist and whose
9 name and pertinent information are entered on the list of
10 certified registered nurse anesthetists maintained by the
11 board;

12 G. "clinical nurse specialist" means a registered
13 nurse who is licensed by the board for advanced practice as a
14 clinical nurse specialist and whose name and pertinent
15 information are entered on the list of clinical nurse
16 specialists maintained by the board;

17 H. "collaboration" means the cooperative working
18 relationship with another health care provider in the provision
19 of patient care, and such collaborative practice includes the
20 discussion of patient diagnosis and cooperation in the
21 management and delivery of health care;

22 I. "licensed practical nurse" means a nurse who
23 practices licensed practical nursing and whose name and
24 pertinent information are entered in the register of licensed
25 practical nurses maintained by the board or a nurse who

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1 practices licensed practical nursing pursuant to a multistate
2 licensure privilege as provided in the Nurse Licensure Compact;

3 J. "licensed practical nursing" means the practice
4 of a directed scope of nursing requiring basic knowledge of the
5 biological, physical, social and behavioral sciences and
6 nursing procedures, which practice is at the direction of a
7 registered nurse, physician or dentist licensed to practice in
8 this state. This practice includes but is not limited to:

9 (1) contributing to the assessment of the
10 health status of individuals, families and communities;

11 (2) participating in the development and
12 modification of the plan of care;

13 (3) implementing appropriate aspects of the
14 plan of care commensurate with education and verified
15 competence;

16 (4) collaborating with other health care
17 professionals in the management of health care; and

18 (5) participating in the evaluation of
19 responses to interventions;

20 K. "Nurse Licensure Compact" means the agreement
21 entered into between New Mexico and other jurisdictions
22 permitting the practice of professional registered nursing or
23 licensed practical nursing pursuant to a multistate licensure
24 privilege;

25 L. "nursing diagnosis" means a clinical judgment

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1 about individual, family or community responses to actual or
2 potential health problems or life processes, which judgment
3 provides a basis for the selection of nursing interventions to
4 achieve outcomes for which the person making the judgment is
5 accountable;

6 M. "practice of nursing" means assisting
7 individuals, families or communities in maintaining or
8 attaining optimal health, assessing and implementing a plan of
9 care to accomplish defined goals and evaluating responses to
10 care and treatment. This practice is based on specialized
11 knowledge, judgment and nursing skills acquired through
12 educational preparation in nursing and in the biological,
13 physical, social and behavioral sciences and includes but is
14 not limited to:

15 (1) initiating and maintaining comfort
16 measures;

17 (2) promoting and supporting optimal human
18 functions and responses;

19 (3) establishing an environment conducive to
20 well-being or to the support of a dignified death;

21 (4) collaborating on the health care regimen;

22 (5) administering medications and performing
23 treatments prescribed by a person authorized in this state or
24 in any other state in the United States to prescribe them;

25 (6) recording and reporting nursing

1 observations, assessments, interventions and responses to
2 health care;

3 (7) providing counseling and health teaching;

4 (8) delegating and supervising nursing
5 interventions that may be performed safely by others and are
6 not in conflict with the Nursing Practice Act; and

7 (9) maintaining accountability for safe and
8 effective nursing care;

9 N. "professional registered nursing" means the
10 practice of the full scope of nursing requiring substantial
11 knowledge of the biological, physical, social and behavioral
12 sciences and of nursing theory and may include advanced
13 practice pursuant to the Nursing Practice Act. This practice
14 includes but is not limited to:

15 (1) assessing the health status of
16 individuals, families and communities;

17 (2) establishing a nursing diagnosis;

18 (3) establishing goals to meet identified
19 health care needs;

20 (4) developing a plan of care;

21 (5) determining nursing intervention to
22 implement the plan of care;

23 (6) implementing the plan of care commensurate
24 with education and verified competence;

25 (7) evaluating responses to interventions;

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1 (8) teaching based on the theory and practice
2 of nursing;

3 (9) managing and supervising the practice of
4 nursing;

5 (10) collaborating with other health care
6 professionals in the management of health care; and

7 (11) conducting nursing research;

8 O. "registered nurse" means a nurse who practices
9 professional registered nursing and whose name and pertinent
10 information are entered in the register of licensed registered
11 nurses maintained by the board or a nurse who practices
12 professional registered nursing pursuant to a multistate
13 licensure privilege as provided in the Nurse Licensure Compact;

14 P. "scope of practice" means the parameters within
15 which nurses practice based upon education, experience,
16 licensure, certification and expertise; and

17 Q. "training program" means an educational program
18 approved by the board."

19 Section 4. Section 61-3-27 NMSA 1978 (being Laws 1968,
20 Chapter 44, Section 23, as amended) is amended to read:

21 "61-3-27. FUND ESTABLISHED--DISPOSITION--METHOD OF
22 PAYMENT.--

23 A. There is created a "[~~board of~~] nursing fund".

24 B. Except as provided in Sections [~~2 and 3 of this~~
25 ~~2003 act~~] 61-3-10.5 and 61-3-10.6 NMSA 1978, all funds received

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1 by the board and money collected under the Nursing Practice Act
2 shall be deposited with the state treasurer. The state
3 treasurer shall place the money to the credit of the ~~[board of]~~
4 nursing fund. Any income earned on investment of the fund
5 shall remain in the fund.

6 C. Payments out of the ~~[board of]~~ nursing fund
7 shall be on vouchers issued and signed by the person designated
8 by the board upon warrants drawn by the department of finance
9 and administration in accordance with the budget approved by
10 the department.

11 D. All amounts paid into the ~~[board of]~~ nursing
12 fund shall be subject to the order of the board and shall only
13 be used for the purpose of meeting necessary expenses incurred
14 in the enforcement of the purposes of the Nursing Practice Act,
15 the duties imposed by that act and the promotion of nursing
16 education and standards in this state. All money unused at the
17 end of the fiscal year shall remain in the ~~[board of]~~ nursing
18 fund for use in accordance with the provisions of the Nursing
19 Practice Act to further the purposes of that act.

20 E. All funds that may have accumulated to the
21 credit of the board under any previous act shall be continued
22 for use by the board in administration of the Nursing Practice
23 Act."

24 Section 5. Section 61-3-27.1 NMSA 1978 (being Laws 2003,
25 Chapter 235, Section 5) is amended to read:

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1 "61-3-27.1. [~~BOARD OF~~] NURSING FUND--AUTHORIZED USE.--
2 Pursuant to Subsection D of Section 61-3-27 NMSA 1978, the
3 board shall authorize expenditures from unexpended and
4 unencumbered cash balances in the [~~board of~~] nursing fund to
5 support an information technology project manager to develop,
6 implement and maintain a web site portal for licensure and a
7 central database for credentialing of health care providers."

8 Section 6. Section 61-4-2 NMSA 1978 (being Laws 1968,
9 Chapter 3, Section 2, as amended) is amended to read:

10 "61-4-2. DEFINITIONS.--As used in the Chiropractic
11 Physician Practice Act:

12 A. "advanced practice chiropractic certification
13 registry" means a compendium kept by the board that meets and
14 maintains the board's established credentials for certified
15 advanced practice chiropractic physicians;

16 B. "certified advanced practice chiropractic
17 physician" means a chiropractic physician who has been included
18 in the advanced practice chiropractic certification registry;

19 C. "chiropractic" means the science, art and
20 philosophy of things natural, the science of locating and
21 removing interference with the transmissions or expression of
22 nerve forces in the human body by the correction of
23 misalignments or subluxations of the articulations and adjacent
24 structures, more especially those of the vertebral column and
25 pelvis, for the purpose of restoring and maintaining health for

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1 treatment of human disease primarily by, but not limited to,
2 adjustment and manipulation of the human structure. It shall
3 include, but not be limited to, the prescribing and
4 administering of all natural agents to assist in the healing
5 act, such as food, water, heat, cold, electricity, mechanical
6 appliances and medical devices; the selling of herbs,
7 nutritional supplements and homeopathic remedies; the
8 administering of a drug by injection by a certified advanced
9 practice chiropractic physician; and any necessary diagnostic
10 procedure, excluding invasive procedures, except as provided by
11 the board by rule and regulation. It shall exclude operative
12 surgery, the prescription or use of controlled or dangerous
13 drugs and the practice of acupuncture;

14 D. "board" means the [~~chiropractic~~] New Mexico
15 medical board;

16 E. "chiropractic physician" includes doctor of
17 chiropractic, chiropractor and chiropractic physician and means
18 a person who practices chiropractic as defined in the
19 Chiropractic Physician Practice Act; and

20 F. "chiropractic assistant" means a person who
21 practices under the on-premises supervision of a licensed
22 chiropractic physician."

23 Section 7. Section 61-5A-2 NMSA 1978 (being Laws 1994,
24 Chapter 55, Section 2, as amended) is amended to read:

25 "61-5A-2. PURPOSE.--

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1 A. In the interest of the public health, safety and
2 welfare and to protect the public from the improper,
3 unprofessional, incompetent and unlawful practice of dentistry
4 and dental hygiene, it is necessary to provide laws and rules
5 controlling the granting and use of the privilege to practice
6 dentistry and dental hygiene and to ~~[establish a]~~ charge the
7 New Mexico medical board ~~[of dental health care]~~ and ~~[a]~~ the
8 New Mexico dental hygienists committee ~~[to implement]~~ with
9 implementing and ~~[enforce]~~ enforcing those laws and rules.

10 B. The ~~[primary duties of the]~~ New Mexico medical
11 board ~~[of dental health care are to]~~ shall issue licenses to
12 qualified dentists and owners of dental practices; ~~[to]~~ certify
13 qualified dental assistants; ~~[to]~~ issue licenses to dental
14 hygienists through the New Mexico dental hygienists committee;
15 ~~[to]~~ discipline incompetent or unprofessional dentists, dental
16 assistants, owners of dental practices and, through the dental
17 hygienists committee, dental hygienists; and ~~[to]~~ aid in the
18 rehabilitation of impaired dentists and dental hygienists for
19 the purpose of protecting the public."

20 Section 8. Section 61-5A-3 NMSA 1978 (being Laws 1994,
21 Chapter 55, Section 3, as amended) is amended to read:

22 "61-5A-3. DEFINITIONS.--As used in the Dental Health Care
23 Act:

24 A. "assessment" means the review and documentation
25 of the oral condition, and the recognition and documentation of

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1 deviations from the healthy condition, without a diagnosis to
2 determine the cause or nature of disease or its treatment;

3 B. "board" means the New Mexico medical board [~~of~~
4 ~~dental health care~~];

5 C. "certified dental assistant" means an individual
6 certified by the dental [~~assistant~~] assisting national board;

7 D. "collaborative dental hygiene practice" means a
8 New Mexico licensed dental hygienist practicing according to
9 Subsections D and E of Section 61-5A-4 NMSA 1978;

10 E. "committee" means the New Mexico dental
11 hygienists committee;

12 F. "consulting dentist" means a dentist who has
13 entered into an approved agreement to provide consultation and
14 create protocols with a collaborating dental hygienist and,
15 when required, to provide diagnosis and authorization for
16 services, in accordance with the rules of the board and the
17 committee;

18 G. "dental assistant certified in expanded
19 functions" means a dental assistant who meets specific
20 qualifications set forth by rule of the board;

21 H. "dental hygienist" means an individual who has
22 graduated and received a degree from a dental hygiene
23 educational program accredited by the [~~joint~~] commission on
24 dental accreditation, which provides a minimum of two academic
25 years of dental hygiene curriculum and is an institution of

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1 higher education and, except as the context otherwise requires,
2 who holds a license to practice dental hygiene in New Mexico;

3 I. "dental laboratory" means any place where dental
4 restorative, prosthetic, cosmetic and therapeutic devices or
5 orthodontic appliances are fabricated, altered or repaired by
6 one or more persons under the orders and authorization of a
7 dentist;

8 J. "dental technician" means an individual, other
9 than a licensed dentist, who fabricates, alters, repairs or
10 assists in the fabrication, alteration or repair of dental
11 restorative, prosthetic, cosmetic and therapeutic devices or
12 orthodontic appliances under the orders and authorization of a
13 dentist;

14 K. "dentist" means an individual who has graduated
15 and received a degree from a school of dentistry that is
16 accredited by the [~~joint~~] commission on dental accreditation
17 and, except as the context otherwise requires, who holds a
18 license to practice dentistry in New Mexico;

19 L. "general supervision" means the authorization by
20 a dentist of the procedures to be used by a dental hygienist,
21 dental assistant or dental student and the execution of the
22 procedures in accordance with a dentist's diagnosis and
23 treatment plan at a time the dentist is not physically present
24 and in facilities as designated by rule of the board;

25 M. "indirect supervision" means that a dentist, or

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1 in certain settings a dental hygienist or dental assistant
2 certified in expanded functions, is present in the treatment
3 facility while authorized treatments are being performed by a
4 dental hygienist, dental assistant or dental student; and

5 N. "non-dentist owner" means an individual not
6 licensed as a dentist in New Mexico or a corporate entity not
7 owned by a majority interest of a New Mexico licensed dentist
8 that employs or contracts with a dentist or dental hygienist to
9 provide dental or dental hygiene services."

10 Section 9. Section 61-5A-26 NMSA 1978 (being Laws 1994,
11 Chapter 55, Section 26, as amended) is amended to read:

12 "61-5A-26. FUND ESTABLISHED.--

13 A. There is created in the state treasury the
14 "[~~board of~~] dental health care fund".

15 B. All money received by the board and money
16 collected under the Dental Health Care Act shall be deposited
17 with the state treasurer. The state treasurer shall credit
18 this money to the [~~board of~~] dental health care fund except
19 money collected for the impaired assessment, which shall be
20 held separate from the [~~board~~] dental health care fund. Fees
21 collected by the board from fines shall be deposited in the
22 [~~board of~~] dental health care fund and, at the discretion of
23 the board and the committee, may be transferred into the
24 impaired dentists and dental hygienists fund.

25 C. Payment out of the [~~board of~~] dental health care

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1 fund shall be on vouchers issued and signed by the
2 secretary-treasurer of the board upon warrants drawn by the
3 department of finance and administration in accordance with the
4 budget approved by that department.

5 D. All amounts paid into the [~~board of~~] dental
6 health care fund are subject to the order of the board and are
7 to be used only for meeting necessary expenses incurred in
8 executing the provisions and duties of the Dental Health Care
9 Act. All money unused at the end of any fiscal year shall
10 remain in the fund for use in accordance with provisions of the
11 Dental Health Care Act.

12 E. All funds that have accumulated to the credit of
13 the board under any previous law shall be continued for use by
14 the board in administration of the Dental Health Care Act."

15 Section 10. Section 61-6-1 NMSA 1978 (being Laws 1989,
16 Chapter 269, Section 1, as amended) is amended to read:

17 "61-6-1. SHORT TITLE--PURPOSE.--

18 A. Chapter 61, Article 6 NMSA 1978 may be cited as
19 the "Medical Practice Act".

20 B. In the interest of the public health, safety and
21 welfare and to protect the public from the improper,
22 unprofessional, incompetent and unlawful practice of medicine,
23 it is necessary to provide laws and rules controlling the
24 granting and use of the privilege to practice medicine and to
25 establish a medical board to implement and enforce the laws and

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1 rules.

2 ~~[G. The primary duties and obligations of the~~
3 ~~medical board are to issue licenses to qualified physicians,~~
4 ~~physician assistants and anesthesiologist assistants, to~~
5 ~~discipline incompetent or unprofessional physicians, physician~~
6 ~~assistants or anesthesiologist assistants and to aid in the~~
7 ~~rehabilitation of impaired physicians, physician assistants and~~
8 ~~anesthesiologist assistants for the purpose of protecting the~~
9 ~~public.]~~

10 C. For the purpose of protecting the public, the
11 primary duties and obligations of the medical board are:

12 (1) to issue licenses to the following
13 qualified practitioners:

14 (a) physicians, pursuant to the
15 provisions of the Medical Practice Act;

16 (b) physician assistants, pursuant to
17 the provisions of the Physician Assistant Act;

18 (c) anesthesiologist assistants,
19 pursuant to the provisions of the Anesthesiologist Assistants
20 Act;

21 (d) optometrists, pursuant to the
22 provisions of the Optometry Act;

23 (e) nurses, pursuant to the provisions
24 of the Nursing Practice Act;

25 (f) chiropractic physicians, pursuant to

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1 the provisions of the Chiropractic Physician Practice Act;
2 (g) podiatrists, pursuant to the
3 provisions of the Podiatry Act;
4 (h) nutritionists and dietitians,
5 pursuant to the Nutrition and Dietetics Practice Act;
6 (i) osteopathic physicians, pursuant to
7 the provisions of Chapter 61, Article 10 NMSA 1978;
8 (j) dentists, pursuant to the provisions
9 of the Dental Health Care Act;
10 (k) dental hygienists, pursuant to the
11 provisions of the Dental Health Care Act;
12 (l) respiratory care practitioners,
13 pursuant to the provisions of the Respiratory Care Act;
14 (m) massage therapists, pursuant to the
15 provisions of the Massage Therapy Practice Act;
16 (n) naprapaths, pursuant to the
17 provisions of the Naprapathic Practice Act;
18 (o) doctors of oriental medicine,
19 pursuant to the provisions of the Acupuncture and Oriental
20 Medicine Practice Act; and
21 (p) audiologists, otolaryngologists,
22 hearing aid dispensers and speech-language pathologists,
23 pursuant to the provisions of the Speech-Language Pathology,
24 Audiology and Hearing Aid Dispensing Practices Act;
25 (2) to discipline practitioners listed in

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1 Paragraph (1) of this subsection who are incompetent or
2 unprofessional; and

3 (3) to aid in the rehabilitation of
4 practitioners listed in Paragraph (1) of this subsection who
5 are impaired."

6 Section 11. Section 61-6-17 NMSA 1978 (being Laws 1973,
7 Chapter 361, Section 8, as amended) is amended to read:

8 "61-6-17. EXCEPTIONS TO ACT.--The Medical Practice Act
9 shall not apply to or affect:

10 A. gratuitous services rendered in cases of
11 emergency;

12 B. the domestic administration of family remedies;

13 C. the practice of midwifery as regulated in this
14 state;

15 D. commissioned medical officers of the armed
16 forces of the United States and medical officers of the United
17 States public health service or the veterans administration of
18 the United States in the discharge of their official duties or
19 within federally controlled facilities; provided that such
20 persons who hold medical licenses in New Mexico shall be
21 subject to the provisions of the Medical Practice Act and
22 provided that all such persons shall be fully licensed to
23 practice medicine in one or more jurisdictions of the United
24 States;

25 E. the practice of medicine by a physician,

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1 unlicensed in New Mexico, who performs emergency medical
2 procedures in air or ground transportation on a patient from
3 inside of New Mexico to another state or back, provided the
4 physician is duly licensed in that state;

5 F. the practice, as defined and limited under their
6 respective licensing laws, of:

7 [~~(1)~~—osteopathy;

8 ~~(2)~~—dentistry;

9 ~~(3)~~—podiatry;

10 ~~(4)~~—nursing;

11 ~~(5)~~—optometry;

12 ~~(6)~~] (1) psychology; or

13 [~~(7)~~—chiropractic;

14 ~~(8)~~—pharmacy;

15 ~~(9)~~—acupuncture and oriental medicine; or

16 ~~(10)~~] (2) physical therapy;

17 G. an act, task or function performed by a
18 physician assistant at the direction of and under the
19 supervision of a licensed physician, when:

20 (1) the physician assistant is currently
21 licensed by the board;

22 (2) the act, task or function is performed at
23 the direction of and under the supervision of a licensed
24 physician in accordance with rules promulgated by the board;
25 and

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1 (3) the acts of the physician assistant are
2 within the scope of duties assigned or delegated by the
3 supervising licensed physician and the acts are within the
4 scope of the assistant's training;

5 H. an act, task or function of laboratory
6 technicians or technologists, x-ray technicians, nurse
7 practitioners, medical or surgical assistants or other
8 technicians or qualified persons permitted by law or
9 established by custom as part of the duties delegated to them
10 by:

11 (1) a licensed physician or a hospital, clinic
12 or institution licensed or approved by the public health
13 division of the department of health or an agency of the
14 federal government; or

15 (2) a health care program operated or financed
16 by an agency of the state or federal government;

17 I. a properly trained medical or surgical assistant
18 or technician or professional licensee performing, under the
19 physician's employment and direct supervision or a visiting
20 physician or surgeon operating under the physician's direct
21 supervision, a medical act that a reasonable and prudent
22 physician would find within the scope of sound medical judgment
23 to delegate if, in the opinion of the delegating physician, the
24 act can be properly and safely performed in its customary
25 manner and if the person does not hold [~~himself~~] the person's

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1 own self out to the public as being authorized to practice
2 medicine in New Mexico. The delegating physician shall remain
3 responsible for the medical acts of the person performing the
4 delegated medical acts;

5 J. the practice of the religious tenets of a church
6 in the ministration to the sick or suffering by mental or
7 spiritual means as provided by law; provided that the Medical
8 Practice Act shall not be construed to exempt a person from the
9 operation or enforcement of the sanitary and quarantine laws of
10 the state;

11 K. the acts of a physician licensed under the laws
12 of another state of the United States who is the treating
13 physician of a patient and orders home health or hospice
14 services for a resident of New Mexico to be delivered by a home
15 and community support services agency licensed in this state;
16 provided that a change in the condition of the patient shall be
17 physically reevaluated by the treating physician in the
18 treating physician's jurisdiction or by a licensed New Mexico
19 physician;

20 L. a physician licensed to practice under the laws
21 of another state who acts as a consultant to a New Mexico-
22 licensed physician on an irregular or infrequent basis, as
23 defined by rule of the board; and

24 M. a physician who engages in the informal practice
25 of medicine across state lines without compensation or

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1 expectation of compensation; provided that the practice of
2 medicine across state lines conducted within the parameters of
3 a contractual relationship shall not be considered informal and
4 is subject to licensure and rule by the board."

5 Section 12. Section 61-7A-3 NMSA 1978 (being Laws 1989,
6 Chapter 387, Section 3) is amended to read:

7 "61-7A-3. DEFINITIONS.--As used in the Nutrition and
8 Dietetics Practice Act:

9 A. "association" means the American dietetic
10 association;

11 B. "board" means the [~~nutrition and dietetics~~
12 ~~practice~~] New Mexico medical board;

13 C. "commission" means the commission on dietetic
14 registration that is a member of the national commission on
15 health certifying agencies, which national commission
16 establishes national standards of competence for individuals
17 participating in the health care delivery system;

18 D. "dietitian" means a health care professional who
19 engages in nutrition or dietetics practice and uses the title
20 dietitian;

21 E. "nutrition or dietetics practice" means the
22 integration and application of principles derived from the
23 sciences of nutrition, biochemistry, physiology, food
24 management and behavioral and social sciences to achieve and
25 maintain human health through the provision of nutrition care

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1 services;

2 F. "nutrition care services" means:

3 (1) assessment of the nutritional needs of
4 individuals and groups and [~~determining~~] determination of
5 resources and constraints in the practice setting;

6 (2) establishment of priorities, goals and
7 objectives that meet nutritional needs in a manner consistent
8 with available resources and constraints;

9 (3) provision of nutrition counseling in
10 health and disease;

11 (4) development, implementation and management
12 of nutrition care systems; and

13 (5) evaluation, adjustment and maintenance of
14 appropriate standards of quality in food and nutrition care;

15 G. "nutritional assessment" means the evaluation of
16 the nutritional needs of individuals and groups based upon
17 appropriate biochemical, anthropometric, physical and dietary
18 data to determine nutrient needs and [~~recommend~~] recommendation
19 of appropriate nutritional intake, including enteral and
20 parenteral nutrition;

21 H. "nutrition counseling" means advising and
22 assisting individuals or groups on appropriate nutritional
23 intake by integrating information from the nutritional
24 assessment with information on food and other sources of
25 nutrients and meal preparation consistent with cultural

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1 background and socioeconomic status;

2 I. "nutrition associate" means a health care
3 professional who engages in nutrition or dietetics practice
4 under the supervision of a dietitian or nutritionist; and

5 J. "nutritionist" means a health care professional
6 who engages in nutrition or dietetics practice and uses the
7 title nutritionist."

8 Section 13. Section 61-8-2 NMSA 1978 (being Laws 1977,
9 Chapter 221, Section 2, as amended) is amended to read:

10 "61-8-2. DEFINITIONS.--As used in the Podiatry Act:

11 A. "board" means the New Mexico medical board [~~of~~
12 ~~podiatry~~];

13 B. "foot and ankle radiation technologist" means a
14 person who takes x-rays of the foot and ankle under the
15 supervision of a podiatrist; and

16 C. "practice of podiatry" means engaging in that
17 primary health care profession, the members of which examine,
18 diagnose, treat and prevent by medical, surgical and
19 biomechanical means ailments affecting the human foot and ankle
20 and the structures governing their functions, but does not
21 include amputation of the foot or the personal administration
22 of a general anesthetic. A podiatrist, pursuant to the laws of
23 this state, is defined as a physician and surgeon within the
24 scope of [~~his~~] the podiatrist's license."

25 Section 14. Section 61-10-3 NMSA 1978 (being Laws 1933,

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1 Chapter 117, Section 2, as amended) is amended to read:

2 "61-10-3. LICENSE.--It [~~shall be~~] is unlawful for any
3 person to practice as an osteopathic physician in this state
4 without a license [~~so to do~~] issued by the New Mexico medical
5 board [~~of osteopathic medical examiners~~]; provided that any
6 license or certificate [~~heretofore~~] previously issued under the
7 laws of this state authorizing its holder to practice
8 osteopathic medicine shall in no [~~wise~~] way be affected by the
9 provisions of [~~this act~~] Chapter 61, Article 10 NMSA 1978."

10 Section 15. Section 61-10-5 NMSA 1978 (being Laws 1933,
11 Chapter 117, Section 4, as amended) is amended to read:

12 "61-10-5. [~~BOARD OF EXAMINERS--APPOINTMENT--TERMS--~~
13 ~~MEETINGS--MEMBERSHIP~~] RULEMAKING--EXAMINATIONS.--

14 [~~A. There is created the "board of osteopathic~~
15 ~~medical examiners". The board shall be administratively~~
16 ~~attached to the regulation and licensing department. The board~~
17 ~~consists of five members appointed by the governor; three~~
18 ~~members shall be regularly licensed osteopathic physicians in~~
19 ~~good standing in New Mexico, who have been so engaged for a~~
20 ~~period of at least two years immediately prior to their~~
21 ~~appointment and who are possessed of all the qualifications for~~
22 ~~applicants for licensure specified in Section 61-10-8 NMSA~~
23 ~~1978, and two members shall represent the public. The public~~
24 ~~members of the board shall not have been licensed as~~
25 ~~osteopathic physicians, nor shall the public members have any~~

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1 ~~significant financial interest, direct or indirect, in the~~
2 ~~occupation regulated.~~

3 ~~B. Board members' terms shall be for five years.~~
4 ~~The vacancy of the term of a member shall be filled by~~
5 ~~appointment by the governor to the unexpired portion of the~~
6 ~~five-year term. A board member whose term has expired shall~~
7 ~~serve until his successor is appointed.~~

8 ~~C. The board shall meet during the first quarter of~~
9 ~~the fiscal year and shall elect officers for the ensuing fiscal~~
10 ~~year. The board may hold other meetings as it deems necessary.~~
11 ~~A majority of the board constitutes a quorum.~~

12 ~~D.]~~ A. The New Mexico medical board [~~shall have and~~
13 ~~use a common seal and is authorized to~~] may make and adopt all
14 necessary rules and regulations relating to the enforcement of
15 the provisions of Chapter 61, Article 10 NMSA 1978.

16 ~~[E.]~~ B. Examinations shall be made at least twice a
17 year at the time and place fixed by the New Mexico medical
18 board. All applicants shall be given written notice of
19 examinations at a reasonable prior date.

20 ~~[F. Members of the board shall be reimbursed as~~
21 ~~provided in the Per Diem and Mileage Act, but shall receive no~~
22 ~~other compensation, perquisite or allowance, for each day~~
23 ~~necessarily spent in the discharge of their duties.~~

24 ~~G. A board member failing to attend three~~
25 ~~consecutive meetings, either regular or special, shall~~

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1 ~~automatically be removed as a member of the board.]"~~

2 Section 16. Section 61-10-15 NMSA 1978 (being Laws 1933,
3 Chapter 117, Section 13, as amended) is amended to read:

4 "61-10-15. REFUSAL AND REVOCATION OF LICENSE.--The New
5 Mexico medical board [~~of osteopathic medical examiners~~] may
6 either refuse to issue or may suspend or revoke any license for
7 any one or any combination of the following causes:

8 A. conviction of a felony, as shown by a certified
9 copy of the record of the court of conviction;

10 B. the obtaining of or an attempt to obtain a
11 license or the practice in the profession for money or any
12 other thing of value by fraudulent misrepresentation;

13 C. gross malpractice;

14 D. advertising, practicing or attempting to
15 practice under a name other than one's own;

16 E. advertising by means of knowingly false or
17 deceptive statements;

18 F. habitual drunkenness or habitual addiction to
19 the use of morphine, cocaine or other habit-forming drugs; or

20 G. immoral, dishonorable or unprofessional conduct.

21 The board may [~~neither~~] not refuse to issue, [~~nor to~~]
22 renew, [~~nor~~] suspend [~~nor~~] or revoke any license, however, for
23 any of these causes, unless the person accused has been given
24 at least twenty days' notice in writing of the charge against
25 [~~him~~] the person accused, and a public hearing by the New

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1 Mexico medical board [~~of osteopathic medical examiners~~] with
2 right of review of the board's decision by the district court
3 of the first judicial district by certiorari on petition of the
4 party against whom the board's decision is rendered.

5 The New Mexico medical board [~~of osteopathic medical~~
6 ~~examiners~~] shall have the power to compel the attendance of
7 witnesses and the production of relevant books and papers for
8 the investigation of matters that may come before [~~them and~~
9 it]. The presiding officer of [~~said~~] the board may administer
10 the requisite oaths, and [~~said~~] the board shall have the same
11 authority to compel the giving of testimony as is conferred on
12 courts of justice."

13 Section 17. Section 61-10-17 NMSA 1978 (being Laws 1933,
14 Chapter 117, Section 15, as amended) is amended to read:

15 "61-10-17. RECORDS.--The New Mexico medical board [~~of~~
16 ~~osteopathic medical examiners~~] shall keep a record, which shall
17 be open to all proper parties for inspection at all reasonable
18 times, of its proceedings relating to the issuance, refusal,
19 renewal, suspension or revocation of licenses to practice in
20 accordance with [~~this act~~] Chapter 61, Article 10 NMSA 1978.
21 This record shall also contain the name, place of business and
22 residence, the date and the number of the license of every
23 osteopathic physician licensed under [~~this act~~] Chapter 61,
24 Article 10 NMSA 1978."

25 Section 18. Section 61-10-21 NMSA 1978 (being Laws 1945,

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1 Chapter 79, Section 7, as amended) is amended to read:

2 "61-10-21. FAILURE TO COMPLY--CANCELLATION OF LICENSE--
3 REINSTATEMENT--TEMPORARY CANCELLATION AT LICENSEE'S REQUEST.--

4 A. In the event any licensee fails to comply with
5 the requirements of Section 61-10-19 NMSA 1978, [~~he~~] the
6 licensee shall, upon order of the New Mexico medical board [~~of~~
7 ~~osteopathic medical examiners~~], forfeit [~~his~~] the licensee's
8 right to practice osteopathic medicine and surgery in this
9 state and [~~his~~] the licensee's license and certificate shall be
10 canceled; provided, however, that [~~the secretary of~~] the board
11 may reinstate [~~him~~] the licensee upon the payment of all fees
12 due and upon the presentation of satisfactory evidence of the
13 attendance at an educational program as provided for in Chapter
14 61, Article 10 NMSA 1978.

15 B. It is further provided that any person licensed
16 to practice osteopathic medicine and surgery in New Mexico
17 desiring to withdraw from the active practice of [~~his~~] the
18 licensee's profession in this state shall have the right to
19 apply to the [~~secretary of the~~] New Mexico medical board [~~of~~
20 ~~osteopathic medical examiners~~] for a temporary suspension of
21 [~~his~~] the licensee's certificate to practice osteopathic
22 medicine in this state, with the right to renew and reinstate
23 [~~his~~] the licensee's certificate if [~~he~~] the licensee so
24 desires, upon a showing that [~~he~~] the licensee has paid the
25 appropriate fees on or before July 1 of each year."

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1 Section 19. Section 61-12B-3 NMSA 1978 (being Laws 1984,
2 Chapter 103, Section 3, as amended) is amended to read:

3 "61-12B-3. DEFINITIONS.--As used in the Respiratory Care
4 Act:

5 A. "board" means the [~~advisory~~] New Mexico medical
6 board [~~of respiratory care practitioners~~];

7 B. "department" means the regulation and licensing
8 department or that division of the department designated to
9 administer the provisions of the Respiratory Care Act;

10 C. "respiratory care" means a health care
11 profession, under medical direction, employed in the therapy,
12 management, rehabilitation, diagnostic evaluation and care of
13 patients with deficiencies and abnormalities that affect the
14 cardiopulmonary system and associated aspects of other system
15 functions, and the terms "respiratory therapy" and "inhalation
16 therapy" where such terms mean respiratory care;

17 D. "practice of respiratory care" includes:

18 (1) direct and indirect cardiopulmonary care
19 services that are of comfort, safe, aseptic, preventative and
20 restorative to the patient;

21 (2) cardiopulmonary care services, including
22 the administration of pharmacological, diagnostic and
23 therapeutic agents related to cardiopulmonary care necessary to
24 implement treatment, disease prevention, cardiopulmonary
25 rehabilitation or a diagnostic regimen, including paramedical

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1 therapy and baromedical therapy;

2 (3) specific diagnostic and testing techniques
3 employed in the medical management of patients to assist in
4 diagnosis, monitoring, treatment and research of
5 cardiopulmonary abnormalities, including pulmonary function
6 testing, hemodynamic and physiologic monitoring of cardiac
7 function and collection of arterial and venous blood for
8 analysis;

9 (4) observation, assessment and monitoring of
10 signs and symptoms, general behavior, general physical response
11 to cardiopulmonary care treatment and diagnostic testing,
12 including determination of whether such signs, symptoms,
13 reactions, behavior or general response exhibit abnormal
14 characteristics;

15 (5) implementation based on observed
16 abnormalities, appropriate reporting, referral, respiratory
17 care protocols or changes in treatment, pursuant to a
18 prescription by a physician authorized to practice medicine or
19 other person authorized by law to prescribe, or the initiation
20 of emergency procedures or as otherwise permitted in the
21 Respiratory Care Act;

22 (6) establishing and maintaining the natural
23 airways, insertion and maintenance of artificial airways,
24 bronchopulmonary hygiene and cardiopulmonary resuscitation,
25 along with cardiac and ventilatory life support assessment and

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1 evaluation; and

2 (7) the practice performed in a clinic,
3 hospital, skilled nursing facility, private dwelling or other
4 place deemed appropriate or necessary by the department;

5 E. "expanded practice" means the practice of
6 respiratory care by a respiratory care practitioner who has
7 been prepared through a formal training program to function
8 beyond the scope of practice of respiratory care as defined by
9 rule of the department;

10 F. "respiratory care practitioner" means a person
11 who is licensed to practice respiratory care in New Mexico;

12 G. "respiratory care protocols" means a
13 predetermined, written medical care plan, which can include
14 standing orders;

15 H. "respiratory therapy training program" means an
16 education course of study as defined by rule of the department;
17 and

18 I. "superintendent" means the superintendent of
19 regulation and licensing."

20 Section 20. Section 61-12C-3 NMSA 1978 (being Laws 1991,
21 Chapter 147, Section 3, as amended) is amended to read:

22 "61-12C-3. DEFINITIONS.--As used in the Massage Therapy
23 Practice Act:

24 A. "board" means the [~~massage therapy~~] New Mexico
25 medical board;

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1 B. "department" means the regulation and licensing
2 department;

3 C. "jurisprudence" means the statutes and rules of
4 the state pertaining to the practice of massage therapy;

5 D. "massage therapist" means a person licensed to
6 practice massage therapy pursuant to the Massage Therapy
7 Practice Act;

8 E. "massage therapy" means the treatment of soft
9 tissues for therapeutic purposes, primarily comfort and relief
10 of pain; it is a health care service that includes gliding,
11 kneading, percussion, compression, vibration, friction, nerve
12 strokes, stretching the tissue and exercising the range of
13 motion and may include the use of oils, salt glows, hot or cold
14 packs or hydrotherapy. Synonymous terms for massage therapy
15 include massage, therapeutic massage, body massage, myomassage,
16 bodywork, body rub or any derivation of those terms. "Massage
17 therapy" does not include the diagnosis or treatment of illness
18 or disease or any service or procedure for which a license to
19 practice medicine, nursing, chiropractic, physical therapy,
20 occupational therapy, acupuncture or podiatry is required by
21 law; and

22 F. "massage therapy school" means a facility
23 providing an educational program in massage therapy that is
24 registered with the board."

25 Section 21. Section 61-12E-2 NMSA 1978 (being Laws 2003,

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1 Chapter 60, Section 2) is amended to read:

2 "61-12E-2. DEFINITIONS.--As used in the Naprapathic
3 Practice Act:

4 A. "applicant" means a person who is applying to be
5 licensed [~~for the first time~~] as a naprapath in New Mexico;

6 B. "board" means the [~~naprapathic practice~~] New
7 Mexico medical board;

8 C. "department" means the regulation and licensing
9 department;

10 D. "fund" means the naprapathy fund;

11 E. "license" means an authorization by the
12 superintendent that permits a person to practice naprapathy in
13 the state;

14 F. "licensee" means a person licensed by the
15 superintendent as a naprapath;

16 G. "naprapath" means a person who practices
17 naprapathy; and

18 H. "superintendent" means the superintendent of
19 regulation and licensing."

20 Section 22. Section 61-14A-2 NMSA 1978 (being Laws 1993,
21 Chapter 158, Section 10) is amended to read:

22 "61-14A-2. PURPOSE.--In the interest of the public
23 health, safety and welfare and to protect the public from the
24 unprofessional, improper, incompetent and unlawful practice of
25 acupuncture and oriental medicine, it is necessary to provide

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1 laws and regulations to govern the practice of acupuncture and
2 oriental medicine. [~~The primary responsibility and obligation~~
3 ~~of the board of acupuncture and oriental medicine is to protect~~
4 ~~the public.~~]"

5 Section 23. Section 61-14A-3 NMSA 1978 (being Laws 1993,
6 Chapter 158, Section 11, as amended) is amended to read:

7 "61-14A-3. DEFINITIONS.--As used in the Acupuncture and
8 Oriental Medicine Practice Act:

9 A. "acupuncture" means the surgical use of needles
10 inserted into and removed from the body and the use of other
11 devices, modalities and procedures at specific locations on the
12 body for the prevention, cure or correction of any disease,
13 illness, injury, pain or other condition by controlling and
14 regulating the flow and balance of energy and function to
15 restore and maintain health;

16 B. "board" means the New Mexico medical board [~~of~~
17 ~~acupuncture and oriental medicine~~];

18 C. "doctor of oriental medicine" means a person
19 licensed as a physician to practice acupuncture and oriental
20 medicine with the ability to practice independently, serve as a
21 primary care provider and as necessary collaborate with other
22 health care providers;

23 D. "moxibustion" means the use of heat on or above
24 specific locations or on acupuncture needles at specific
25 locations on the body for the prevention, cure or correction of

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1 any disease, illness, injury, pain or other condition;

2 E. "oriental medicine" means the distinct system of
3 primary health care that uses all allied techniques of oriental
4 medicine, both traditional and modern, to diagnose, treat and
5 prescribe for the prevention, cure or correction of disease,
6 illness, injury, pain or other physical or mental condition by
7 controlling and regulating the flow and balance of energy, form
8 and function to restore and maintain health;

9 F. "primary care provider" means a health care
10 practitioner acting within the scope of the health care
11 practitioner's license who provides the first level of basic or
12 general health care for a person's health needs, including
13 diagnostic and treatment services, initiates referrals to other
14 health care practitioners and maintains the continuity of care
15 when appropriate;

16 G. "techniques of oriental medicine" means:

17 (1) the diagnostic and treatment techniques
18 used in oriental medicine that include diagnostic procedures;
19 acupuncture; moxibustion; manual therapy, also known as tui na;
20 other physical medicine modalities and therapeutic procedures;
21 breathing and exercise techniques; and dietary, nutritional and
22 lifestyle counseling;

23 (2) the prescribing, administering, combining
24 and providing of herbal medicines, homeopathic medicines,
25 vitamins, minerals, enzymes, glandular products, natural

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1 substances, natural medicines, protomorphogens, live cell
2 products, gerovital, amino acids, dietary and nutritional
3 supplements, cosmetics as they are defined in the New Mexico
4 Drug, Device and Cosmetic Act and nonprescription drugs as they
5 are defined in the Pharmacy Act; and

6 (3) the prescribing, administering and
7 providing of devices, restricted devices and prescription
8 devices, as those devices are defined in the New Mexico Drug,
9 Device and Cosmetic Act, if the board determines by rule that
10 the devices are necessary in the practice of oriental medicine
11 and if the prescribing doctor of oriental medicine has
12 fulfilled requirements for prescriptive authority in accordance
13 with rules promulgated by the board for the devices enumerated
14 in this paragraph; and

15 H. "tutor" means a doctor of oriental medicine with
16 at least ten years of clinical experience who is a teacher of
17 acupuncture and oriental medicine."

18 Section 24. Section 61-14A-18 NMSA 1978 (being Laws 1993,
19 Chapter 158, Section 26) is amended to read:

20 "61-14A-18. FUND CREATED.--

21 A. There is created in the state treasury the
22 [~~board of~~] "acupuncture and oriental medicine fund".

23 B. All money received by the board pursuant to the
24 Acupuncture and Oriental Medicine Practice Act shall be
25 deposited with the state treasurer for credit to the [~~board of~~]

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1 acupuncture and oriental medicine fund. The state treasurer
2 shall invest the fund as other state funds are invested. All
3 balances in the fund shall remain in the fund and shall not
4 revert to the general fund.

5 C. Money in the [~~board of~~] acupuncture and oriental
6 medicine fund is appropriated to the board and shall be used
7 only for the purpose of meeting the necessary expenses incurred
8 in carrying out the provisions of the Acupuncture and Oriental
9 Medicine Practice Act."

10 Section 25. Section 61-14B-2 NMSA 1978 (being Laws 1996,
11 Chapter 57, Section 2, as amended) is amended to read:

12 "61-14B-2. DEFINITIONS.--As used in the Speech-Language
13 Pathology, Audiology and Hearing Aid Dispensing Practices Act:

14 A. "apprentice" means a person working toward full
15 licensure in speech-language pathology who meets the
16 requirements for licensure as an apprentice in speech and
17 language pursuant to the Speech-Language Pathology, Audiology
18 and Hearing Aid Dispensing Practices Act;

19 B. "auditory trainer" means a custom-fitted FM
20 amplifying instrument other than a hearing aid designed to
21 enhance signal-to-noise ratios;

22 C. "audiologist" means a person who engages in the
23 practice of audiology, who may or may not dispense hearing aids
24 and who meets the qualifications set forth in the Speech-
25 Language Pathology, Audiology and Hearing Aid Dispensing

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1 Practices Act;

2 D. "board" means the [~~speech-language pathology,~~
3 ~~audiology and hearing aid dispensing practices~~] New Mexico
4 medical board;

5 E. "business location" means a permanent physical
6 business location in New Mexico where records can be examined
7 and process served;

8 F. "clinical fellow" means a person who has
9 completed all academic course work and practicum requirements
10 for a master's degree or the equivalent in speech-language
11 pathology or audiology or both and engages in the practice of
12 speech-language pathology or audiology as set forth in the
13 provisions of the Speech-Language Pathology, Audiology and
14 Hearing Aid Dispensing Practices Act;

15 G. "clinical fellowship year" or "CFY" means the
16 time following the completion of all academic course work and
17 practicum requirements for a master's degree in speech-
18 language pathology or audiology or both and during which a
19 clinical fellow is working [~~towards~~] toward a certificate of
20 clinical competence from a nationally recognized speech-
21 language or hearing association or the equivalent;

22 H. "CFY supervisor" means a person licensed
23 pursuant to the provisions of the Speech-Language Pathology,
24 Audiology and Hearing Aid Dispensing Practices Act who oversees
25 the work of a clinical fellow and is so designated in the CFY

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1 plan that is approved by the board;

2 I. "department" means the regulation and licensing
3 department;

4 J. "hearing aid" means ~~any~~ a wearable instrument
5 or device designed or offered for the purpose of aiding or
6 compensating for impaired human hearing and any parts,
7 attachments or accessories, including earmolds but excluding
8 batteries and cords;

9 K. "hearing aid dispenser" means ~~any~~ a person
10 other than ~~a~~ an audiologist or an otolaryngologist who is
11 licensed to sell, fit and service hearing aids ~~under~~ pursuant
12 to the Speech-Language Pathology, Audiology and Hearing Aid
13 Dispensing Practices Act and maintains or occupies a permanent
14 physical business location in New Mexico where records can be
15 examined and process can be served;

16 L. "otolaryngologist" means a licensed physician
17 who has completed a recognized residency in otolaryngology and
18 is certified by the American board of otolaryngology;

19 M. "paraprofessional" means a person who provides
20 adjunct speech-pathology or audiology services under the direct
21 supervision of a licensed speech-language pathologist or
22 audiologist;

23 N. "practice of audiology" means the application of
24 principles, methods and procedures of measurement, testing,
25 appraisal, prognostication, aural rehabilitation, aural

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1 habilitation, consultation, hearing aid selection and fitting,
2 counseling, instruction and research related to hearing and
3 disorders of hearing for the purpose of nonmedical diagnosis,
4 prevention, identification, amelioration or the modification of
5 communicative disorders involving speech, language auditory
6 function or other aberrant behavior related to hearing
7 disorders;

8 O. "practice of hearing aid dispensing" means the
9 behavioral measurement of human hearing for the purpose of the
10 selection and fitting of hearing aids or other rehabilitative
11 devices to ameliorate the dysfunction of hearing sensitivity;
12 this may include otoscopic inspection of the ear, fabrication
13 of ear impressions and earmolds, instruction, consultation and
14 counseling on the use and care of these instruments, medical
15 referral when appropriate and the analysis of function and
16 servicing of these instruments involving their modification or
17 adjustment;

18 P. "practice of speech-language pathology" means
19 the rendering or offering to render to individuals, groups,
20 organizations or the public any service in speech or language
21 pathology involving the nonmedical application of principles,
22 methods and procedures for the measurement, testing, diagnosis,
23 prognostication, counseling and instruction related to the
24 development and disorders of communications, speech, fluency,
25 voice, verbal and written language, auditory comprehension,

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1 cognition, dysphagia, oral pharyngeal or laryngeal sensorimotor
2 competencies and treatment of persons requiring use of an
3 augmentative communication device for the purpose of nonmedical
4 diagnosing, preventing, treating and ameliorating such
5 disorders and conditions in individuals and groups of
6 individuals;

7 Q. "screening" means a pass-fail procedure to
8 identify individuals who may require further assessment in the
9 areas of speech-language pathology, audiology or hearing aid
10 dispensing;

11 R. "speech-language pathologist" means a person who
12 engages in the practice of speech-language pathology and who
13 meets the qualifications set forth in the Speech-Language
14 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

15 S. "sponsor" means a licensed hearing aid
16 dispenser, audiologist or otolaryngologist who has an
17 endorsement to dispense hearing aids and:

18 (1) is employed in the same business location
19 where the trainee is being trained; and

20 (2) has been actively engaged in the
21 dispensing of hearing aids during three of the past five years;

22 T. "student" means ~~[any]~~ a person who is a full- or
23 part-time student enrolled in an accredited college or
24 university program in speech-language pathology, audiology or
25 communicative disorders;

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1 U. "supervisor" means a speech-language pathologist
2 or audiologist licensed pursuant to the provisions of the
3 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
4 Practices Act who provides supervision in the area of speech-
5 language pathology or audiology; and

6 V. "trainee" means a person working toward full
7 licensure as a hearing aid dispenser under the direct
8 supervision of a sponsor."

9 Section 26. Section 61-14B-24 NMSA 1978 (being Laws 1996,
10 Chapter 57, Section 24) is amended to read:

11 "61-14B-24. FUND ESTABLISHED.--

12 A. There is created in the state treasury the
13 "speech-language pathology, audiology and hearing aid
14 dispensing practices [~~board~~] fund".

15 B. All money received by the board under the
16 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
17 Practices Act shall be deposited with the state treasurer for
18 credit to the speech-language pathology, audiology and hearing
19 aid dispensing practices [~~board~~] fund. The state treasurer
20 shall invest the fund as other state funds are invested. All
21 balances in the fund shall remain in the fund and shall not
22 revert to the general fund.

23 C. Money in the speech-language pathology,
24 audiology and hearing aid dispensing practices [~~board~~] fund is
25 appropriated to the board and shall be used only for the

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1 purpose of carrying out the provisions of the Speech-Language
2 Pathology, Audiology and Hearing Aid Dispensing Practices Act."

3 Section 27. TEMPORARY PROVISION--TRANSFER TO THE NEW
4 MEXICO MEDICAL BOARD OF THE BOARD OF PHARMACY FUNCTIONS,
5 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
6 OBLIGATIONS AND STATUTORY REFERENCES.--

7 A. On the effective date of this act, all
8 functions, appropriations, money, records, furniture,
9 equipment, supplies and other property of the board of pharmacy
10 are transferred to the New Mexico medical board.

11 B. On the effective date of this act, all
12 contractual obligations of the board of pharmacy shall be
13 deemed to be contractual obligations of the New Mexico medical
14 board.

15 C. On the effective date of this act, all
16 references in law to the board of pharmacy shall be deemed to
17 be references to the New Mexico medical board.

18 Section 28. TEMPORARY PROVISION--TRANSFER TO THE NEW
19 MEXICO MEDICAL BOARD OF THE BOARD OF OPTOMETRY FUNCTIONS,
20 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
21 OBLIGATIONS AND STATUTORY REFERENCES.--

22 A. On the effective date of this act, all
23 functions, appropriations, money, records, furniture,
24 equipment, supplies and other property of the board of
25 optometry are transferred to the New Mexico medical board.

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1 B. On the effective date of this act, all
2 contractual obligations of the board of optometry shall be
3 deemed to be contractual obligations of the New Mexico medical
4 board.

5 C. On the effective date of this act, all
6 references in law to the board of optometry shall be deemed to
7 be references to the New Mexico medical board.

8 Section 29. TEMPORARY PROVISION--TRANSFER TO THE NEW
9 MEXICO MEDICAL BOARD OF THE BOARD OF NURSING FUNCTIONS,
10 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
11 OBLIGATIONS AND STATUTORY REFERENCES.--

12 A. On the effective date of this act, all
13 functions, appropriations, money, records, furniture,
14 equipment, supplies and other property of the board of nursing
15 are transferred to the New Mexico medical board.

16 B. On the effective date of this act, all
17 contractual obligations of the board of nursing shall be deemed
18 to be contractual obligations of the New Mexico medical board.

19 C. On the effective date of this act, all
20 references in law to the board of nursing shall be deemed to be
21 references to the New Mexico medical board.

22 Section 30. TEMPORARY PROVISION--TRANSFER TO THE NEW
23 MEXICO MEDICAL BOARD OF THE CHIROPRACTIC BOARD FUNCTIONS,
24 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
25 OBLIGATIONS AND STATUTORY REFERENCES.--

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1 A. On the effective date of this act, all
2 functions, appropriations, money, records, furniture,
3 equipment, supplies and other property of the chiropractic
4 board are transferred to the New Mexico medical board.

5 B. On the effective date of this act, all
6 contractual obligations of the chiropractic board shall be
7 deemed to be contractual obligations of the New Mexico medical
8 board.

9 C. On the effective date of this act, all
10 references in law to the chiropractic board shall be deemed to
11 be references to the New Mexico medical board.

12 Section 31. TEMPORARY PROVISION--TRANSFER TO THE NEW
13 MEXICO MEDICAL BOARD OF THE NEW MEXICO BOARD OF DENTAL HEALTH
14 CARE FUNCTIONS, APPROPRIATIONS, MONEY, RECORDS, PROPERTY,
15 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

16 A. On the effective date of this act, all
17 functions, appropriations, money, records, furniture,
18 equipment, supplies and other property of the New Mexico board
19 of dental health care are transferred to the New Mexico medical
20 board.

21 B. On the effective date of this act, all
22 contractual obligations of the New Mexico board of dental
23 health care shall be deemed to be contractual obligations of
24 the New Mexico medical board.

25 C. On the effective date of this act, all

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1 references in law to the New Mexico board of dental health care
2 shall be deemed to be references to the New Mexico medical
3 board.

4 Section 32. TEMPORARY PROVISION--TRANSFER TO THE NEW
5 MEXICO MEDICAL BOARD OF THE NUTRITION AND DIETETICS PRACTICE
6 BOARD FUNCTIONS, APPROPRIATIONS, MONEY, RECORDS, PROPERTY,
7 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

8 A. On the effective date of this act, all
9 functions, appropriations, money, records, furniture,
10 equipment, supplies and other property of the nutrition and
11 dietetics practice board are transferred to the New Mexico
12 medical board.

13 B. On the effective date of this act, all
14 contractual obligations of the nutrition and dietetics practice
15 board shall be deemed to be contractual obligations of the New
16 Mexico medical board.

17 C. On the effective date of this act, all
18 references in law to the nutrition and dietetics practice board
19 shall be deemed to be references to the New Mexico medical
20 board.

21 Section 33. TEMPORARY PROVISION--TRANSFER TO THE NEW
22 MEXICO MEDICAL BOARD OF THE BOARD OF PODIATRY FUNCTIONS,
23 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
24 OBLIGATIONS AND STATUTORY REFERENCES.--

25 A. On the effective date of this act, all

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1 functions, appropriations, money, records, furniture,
2 equipment, supplies and other property of the board of podiatry
3 are transferred to the New Mexico medical board.

4 B. On the effective date of this act, all
5 contractual obligations of the board of podiatry shall be
6 deemed to be contractual obligations of the New Mexico medical
7 board.

8 C. On the effective date of this act, all
9 references in law to the board of podiatry shall be deemed to
10 be references to the New Mexico medical board.

11 Section 34. TEMPORARY PROVISION--TRANSFER TO THE NEW
12 MEXICO MEDICAL BOARD OF THE BOARD OF OSTEOPATHIC MEDICAL
13 EXAMINERS FUNCTIONS, APPROPRIATIONS, MONEY, RECORDS, PROPERTY,
14 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

15 A. On the effective date of this act, all
16 functions, appropriations, money, records, furniture,
17 equipment, supplies and other property of the board of
18 osteopathic medical examiners are transferred to the New Mexico
19 medical board.

20 B. On the effective date of this act, all
21 contractual obligations of the board of osteopathic medical
22 examiners shall be deemed to be contractual obligations of the
23 New Mexico medical board.

24 C. On the effective date of this act, all
25 references in law to the board of osteopathic medical examiners

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1 shall be deemed to be references to the New Mexico medical
2 board.

3 Section 35. TEMPORARY PROVISION--TRANSFER TO THE NEW
4 MEXICO MEDICAL BOARD OF THE ADVISORY BOARD OF RESPIRATORY CARE
5 PRACTITIONERS FUNCTIONS, APPROPRIATIONS, MONEY, RECORDS,
6 PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

7 A. On the effective date of this act, all
8 functions, appropriations, money, records, furniture,
9 equipment, supplies and other property of the advisory board of
10 respiratory care practitioners are transferred to the New
11 Mexico medical board.

12 B. On the effective date of this act, all
13 contractual obligations of the advisory board of respiratory
14 care practitioners shall be deemed to be contractual
15 obligations of the New Mexico medical board.

16 C. On the effective date of this act, all
17 references in law to the advisory board of respiratory care
18 practitioners shall be deemed to be references to the New
19 Mexico medical board.

20 Section 36. TEMPORARY PROVISION--TRANSFER TO THE NEW
21 MEXICO MEDICAL BOARD OF THE MASSAGE THERAPY BOARD FUNCTIONS,
22 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
23 OBLIGATIONS AND STATUTORY REFERENCES.--

24 A. On the effective date of this act, all
25 functions, appropriations, money, records, furniture,

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1 equipment, supplies and other property of the massage therapy
2 board are transferred to the New Mexico medical board.

3 B. On the effective date of this act, all
4 contractual obligations of the massage therapy board shall be
5 deemed to be contractual obligations of the New Mexico medical
6 board.

7 C. On the effective date of this act, all
8 references in law to the massage therapy board shall be deemed
9 to be references to the New Mexico medical board.

10 Section 37. TEMPORARY PROVISION--TRANSFER TO THE NEW
11 MEXICO MEDICAL BOARD OF THE NAPRAPATHIC PRACTICE BOARD
12 FUNCTIONS, APPROPRIATIONS, MONEY, RECORDS, PROPERTY,
13 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

14 A. On the effective date of this act, all
15 functions, appropriations, money, records, furniture,
16 equipment, supplies and other property of the naprapathic
17 practice board are transferred to the New Mexico medical board.

18 B. On the effective date of this act, all
19 contractual obligations of the naprapathic practice board
20 shall be deemed to be contractual obligations of the New Mexico
21 medical board.

22 C. On the effective date of this act, all
23 references in law to the naprapathic practice board shall be
24 deemed to be references to the New Mexico medical board.

25 Section 38. TEMPORARY PROVISION--TRANSFER TO THE NEW

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1 MEXICO MEDICAL BOARD OF THE BOARD OF ACUPUNCTURE AND ORIENTAL
2 MEDICINE FUNCTIONS, APPROPRIATIONS, MONEY, RECORDS, PROPERTY,
3 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

4 A. On the effective date of this act, all
5 functions, appropriations, money, records, furniture,
6 equipment, supplies and other property of the board of
7 acupuncture and oriental medicine are transferred to the New
8 Mexico medical board.

9 B. On the effective date of this act, all
10 contractual obligations of the board of acupuncture and
11 oriental medicine shall be deemed to be contractual obligations
12 of the New Mexico medical board.

13 C. On the effective date of this act, all
14 references in law to the board of acupuncture and oriental
15 medicine shall be deemed to be references to the New Mexico
16 medical board.

17 Section 39. TEMPORARY PROVISION--TRANSFER TO THE NEW
18 MEXICO MEDICAL BOARD OF THE SPEECH-LANGUAGE PATHOLOGY,
19 AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD FUNCTIONS,
20 APPROPRIATIONS, MONEY, RECORDS, PROPERTY, CONTRACTUAL
21 OBLIGATIONS AND STATUTORY REFERENCES.--

22 A. On the effective date of this act, all
23 functions, appropriations, money, records, furniture,
24 equipment, supplies and other property of the speech-language
25 pathology, audiology and hearing aid dispensing practices board

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1 are transferred to the New Mexico medical board.

2 B. On the effective date of this act, all
3 contractual obligations of the speech-language pathology,
4 audiology and hearing aid dispensing practices board shall be
5 deemed to be contractual obligations of the New Mexico medical
6 board.

7 C. On the effective date of this act, all
8 references in law to the speech-language pathology, audiology
9 and hearing aid dispensing practices board shall be deemed to
10 be references to the New Mexico medical board.

11 Section 40. REPEAL.--

12 A. Section 61-2-5 NMSA 1978 (being Laws 1973,
13 Chapter 353, Section 4, as amended) is repealed.

14 B. Section 61-2-18 NMSA 1978 (being Laws 1979,
15 Chapter 12, Section 3, as amended) is repealed.

16 C. Section 61-3-8 NMSA 1978 (being Laws 1968,
17 Chapter 44, Section 5, as amended) is repealed.

18 D. Section 61-4-3 NMSA 1978 (being Laws 1968,
19 Chapter 3, Section 3, as amended) is repealed.

20 E. Section 61-4-17 NMSA 1978 (being Laws 1979,
21 Chapter 77, Section 2, as amended) is repealed.

22 F. Section 61-5A-8 NMSA 1978 (being Laws 1994,
23 Chapter 55, Section 8, as amended) is repealed.

24 G. Section 61-5A-30 NMSA 1978 (being Laws 1994,
25 Chapter 55, Section 42, as amended) is repealed.

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1 H. Section 61-7A-5 NMSA 1978 (being Laws 1989,
2 Chapter 387, Section 5, as amended) is repealed.

3 I. Section 61-7A-15 NMSA 1978 (being Laws 1989,
4 Chapter 387, Section 15, as amended) is repealed.

5 J. Section 61-8-5 NMSA 1978 (being Laws 1977,
6 Chapter 221, Section 5, as amended) is repealed.

7 K. Section 61-8-17 NMSA 1978 (being Laws 1979,
8 Chapter 385, Section 2, as amended) is repealed.

9 L. Section 61-10-22 NMSA 1978 (being Laws 1978,
10 Chapter 36, Section 2, as amended) is repealed.

11 M. Section 61-12B-5 NMSA 1978 (being Laws 1984,
12 Chapter 103, Section 5, as amended) is repealed.

13 N. Section 61-12B-16 NMSA 1978 (being Laws 1984,
14 Chapter 103, Section 17, as amended) is repealed.

15 O. Section 61-12C-7 NMSA 1978 (being Laws 1991,
16 Chapter 147, Section 7, as amended) is repealed.

17 P. Section 61-12C-28 NMSA 1978 (being Laws 1993,
18 Chapter 173, Section 21, as amended) is repealed.

19 Q. Section 61-12E-9 NMSA 1978 (being Laws 2003,
20 Chapter 60, Section 9) is repealed.

21 R. Section 61-12E-17 NMSA 1978 (being Laws 2003,
22 Chapter 60, Section 17) is repealed.

23 S. Section 61-14A-7 NMSA 1978 (being Laws 1993,
24 Chapter 158, Section 15, as amended) is repealed.

25 T. Section 61-14A-22 NMSA 1978 (being Laws 1993,

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1 Chapter 158, Section 30, as amended) is repealed.

2 U. Section 61-14B-9 NMSA 1978 (being Laws 1996,
3 Chapter 57, Section 9) is repealed.

4 V. Section 61-14B-25 NMSA 1978 (being Laws 1996,
5 Chapter 57, Section 25, as amended) is repealed.

6 Section 41. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2010.

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