

1 SENATE BILL 323

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Gay G. Kernan

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10 AN ACT

11 RELATING TO HEALTH CARE PROVIDERS; CHANGING THE PENALTY FOR
12 VIOLATING CERTAIN ADVERTISING REQUIREMENTS; REQUIRING NAME TAGS
13 AND THE DISPLAY OF A DIPLOMA OR CERTIFICATE IN CERTAIN
14 CIRCUMSTANCES.

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

17 SECTION 1. Section 57-21-2 NMSA 1978 (being Laws 1983,
18 Chapter 79, Section 2) is amended to read:

19 "57-21-2. DEFINITION.--As used in [~~this act~~] Chapter 57,
20 Article 21 NMSA 1978, "health care [~~practitioner~~] provider"
21 means anyone licensed or certified to provide health care
22 services in this state and includes but is not limited to
23 nurses, physicians, dentists, [~~osteopaths, chiropractors~~]
24 osteopathic physicians, chiropractic physicians, optometrists,
25 podiatrists, [~~acupuncturists~~] doctors of oriental medicine,

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1 psychiatrists, psychologists and physical therapists [~~provided~~
2 that "health care practitioner" shall not include anyone
3 licensed to provide health care services in this state who
4 employs ten or more physicians]."

5 SECTION 2. Section 57-21-3 NMSA 1978 (being Laws 1983,
6 Chapter 79, Section 3) is amended to read:

7 "57-21-3. ADVERTISING REQUIREMENTS--~~[PENALTY]~~ NAME TAG
8 REQUIRED--DISCIPLINARY ACTION.--

9 A. ~~[Any]~~ A health care [~~practitioner~~] provider
10 advertising services to the public shall state in the
11 advertisement [~~his~~] the health care provider's name, address or
12 telephone number and the designation of the profession in which
13 [~~he~~] the health care provider is licensed or certified to
14 practice.

15 [~~B. Anyone violating the provisions of Subsection A~~
16 ~~of this section is guilty of a misdemeanor.~~]

17 B. A health care provider providing health care
18 services shall wear a name tag during all patient encounters
19 that clearly identifies the type of license or certification
20 held by the provider. The health care provider shall display
21 in the provider's principal office the education diploma or
22 certification that clearly identifies the type of license or
23 certification held by the provider.

24 C. A facility that employs one or more health care
25 providers shall require each employee who is not a health care

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1 provider but who assists health care providers in patient
2 encounters, including but not limited to nursing aides, nursing
3 assistants and medical technicians, to wear a name tag with the
4 employee's name and position during all patient encounters.

5 D. A health care provider or facility may be guilty
6 of unprofessional conduct if the licensing board governing the
7 health care provider or facility finds that the health care
8 provider or facility consistently refuses to comply with the
9 requirements of this section. Any person witnessing a
10 violation of this section may file a complaint with the
11 facility at which a health care provider is employed or with
12 the appropriate licensing board."