

ARTICLE 25

New Mexico Telehealth Act

24-25-1. Short title.

Chapter 24, Article 25 NMSA 1978 may be cited as the "New Mexico Telehealth Act".

History: Laws 2004, ch. 48, § 1; 2007, ch. 203, § 1.

ANNOTATIONS

The 2007 amendment, effective June 15, 2007, changed the statutory reference to the act.

24-25-2. Findings and purpose.

A. The legislature finds that:

- (1) lack of primary care, specialty providers and transportation continue to be significant barriers to access to health services in medically underserved rural areas;
- (2) there are parts of this state where it is difficult to attract and retain health professionals, as well as to support local health facilities in providing a continuum of health care;
- (3) many health care providers in medically underserved areas are isolated from mentors and colleagues and from the information resources necessary to support them personally and professionally;
- (4) using information technology to deliver medical services and information from one location to another is part of a multifaceted approach to address the problems of provider distribution and the development of health systems in medically underserved areas by improving communication capabilities and providing convenient access to up-to-date information, consultations and other forms of support;
- (5) the use of telecommunications to deliver health services has the potential to reduce costs, improve quality, change the conditions of practice and improve access to health care in rural, medically underserved areas; and
- (6) telehealth will assist in maintaining or improving the physical and economic health of medically underserved communities by keeping the source of general health, behavioral health and oral health care in the local area, strengthening the health infrastructure and preserving health-care-related jobs.

B. The purpose of the New Mexico Telehealth Act is to provide a framework for health care providers to follow in providing telehealth services to New Mexico citizens in a manner that

provides efficient and effective access to quality health services. Telehealth services include consultations, direct patient care and education for health care professionals, support personnel, students, families, patients and other consumers of health care services.

History: [Laws 2004, ch. 48, § 2](#); [2007, ch. 203, § 2](#).

ANNOTATIONS

The 2007 amendment, effective June 15, 2007, provided that telehealth services include consultations, direct patient care and education for health care professionals, support personnel, students, families, patients and other consumers of health care services.

24-25-3. Definitions.

As used in the New Mexico Telehealth Act:

A. "health care provider" means a person licensed to provide health care to patients in New Mexico, including:

- (1) an optometrist;
- (2) a chiropractic physician;
- (3) a dentist;
- (4) a physician;
- (5) a podiatrist;
- (6) an osteopathic physician;
- (7) a physician assistant;
- (8) a certified nurse practitioner;
- (9) a physical therapist;
- (10) an occupational therapist;
- (11) a speech-language pathologist;
- (12) a doctor of oriental medicine;
- (13) a nutritionist;
- (14) a psychologist;
- (15) a certified nurse-midwife;
- (16) a clinical nurse specialist;

- (17) a registered nurse;
- (18) a dental hygienist;
- (19) a pharmacist;
- (20) a licensed independent social worker;
- (21) a licensed counselor;
- (22) a community health representative; or
- (23) a licensed athletic trainer;

B. "originating site" means a place where a patient may receive health care via telehealth. An originating site may include:

- (1) a licensed inpatient center;
- (2) an ambulatory surgical or treatment center;
- (3) a skilled nursing center;
- (4) a residential treatment center;
- (5) a home health agency;
- (6) a diagnostic laboratory or imaging center;
- (7) an assisted living center;
- (8) a school-based health program;
- (9) a mobile clinic;
- (10) a mental health clinic;
- (11) a rehabilitation or other therapeutic health setting;
- (12) the patient's residence;
- (13) a federally qualified health center; or
- (14) a community health center; and

C. "telehealth" means the use of electronic information, imaging and communication technologies, including interactive audio, video, data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education.

History: [Laws 2004, ch. 48, § 3](#); [2007, ch. 203, § 3](#).

ANNOTATIONS

The 2007 amendment, effective June 15, 2007, added Paragraphs (20) through (22) of Subsection A and Paragraphs (13) and (14) of Subsection B.

24-25-4. Telehealth authorized; procedure.

The delivery of health care via telehealth is recognized and encouraged as a safe, practical and necessary practice in New Mexico. No health care provider or operator of an originating site shall be disciplined for or discouraged from participating in telehealth pursuant to the New Mexico Telehealth Act. In using telehealth procedures, health care providers and operators of originating sites shall comply with all applicable federal and state guidelines and shall follow established federal and state rules regarding security, confidentiality and privacy protections for health care information.

History: [Laws 2004, ch. 48, § 4.](#)

ANNOTATIONS

24-25-5. Scope of act.

A. The New Mexico Telehealth Act does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

B. Because the use of telehealth improves access to quality health care and will generally benefit the citizens of New Mexico, health insurers, health maintenance organizations, managed care organizations and third-party payors offering services to the citizens of New Mexico are encouraged to use and provide coverage for telehealth within the scope of their plans or policies. The state's medical assistance program is also encouraged to include telehealth within the scope of its plan or policy.

History: [Laws 2004, ch. 48, § 5;](#) [2007, ch. 203, § 4.](#)

ANNOTATIONS

The 2007 amendment, effective June 15, 2007, deleted former Subsection B and added a new Subsection B.