

# New Mexico

**Medicaid Program:** New Mexico Medicaid

**Medicaid Program Administrator:** New Mexico Human Services Dept., Medical Assistance Division (MAD)

**Regional Telehealth Resource Center:**

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<p>“Telemedicine means the practice of medicine across state lines.”</p> <p><i>Source: NM Administrative Code, 16.10.2.7 (2012).</i></p> <p>Telemedicine means the use of interactive simultaneous audio and video or store-and-forward technology using information and telecommunications technologies by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient in real time or through the use of store-and-forward technology.</p> <p><i>Source: NM Statute. 59A-22-49.3.</i></p> <p>“The practice of medicine across state lines means the rendering of a written or otherwise documented medical opinion concerning diagnosis or treatment of a patient within this state, by a physician located outside this state, as a result of transmission of individual patient data by electronic, telephonic or other means from within this state, to the physician or the physician’s agent, OR the rendering of treatment to a patient within this state, by a physician located outside this state, as a result of transmission of individual patient data by electronic, telephonic or other means from within this state to the physician or the physician’s agent.”</p> <p><i>Source: NM Statutes Annotated, 1978 Sec. 61-6-6 (2012).</i></p> <p>"Telehealth means the use of electronic information, imaging and communication technologies, including interactive audio, video and 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."</p> <p><i>Source: NM Statutes Annotated Sec. 24-1G-3 (2012).</i></p>	<p>No reference found.</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p><b>Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board</b>  "Telehealth" means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of audiology, speech-language pathology or hearing aid dispensing services to an individual from a provider through hardwire or internet connection.</p> <p><i>Source: NMAC 16.26.1, Sec. 7.</i></p>	
<b>Live Video Reimbursement</b>	
<p>New Mexico statute encourages the use and reimbursement of telehealth, which includes live video.</p> <p><i>Source: NM Statutes Annotated, Sec. 24-25-5 (2012).</i></p> <p>Private payers are required to provide coverage for services delivered through live video, equivalent to in-person coverage.</p> <p><i>Source: NM Statute. 59A-22-49.3.</i></p> <p><i>(also see Medicaid column)</i></p>	<p>New Mexico Medicaid will reimburse for live video at the same rate as when the services are furnished without the use of a telecommunication system.</p> <p><i>Source: NM Administrative Code 8.310.2</i></p> <p>Telemedicine is also covered by NM Managed Care.</p> <p><i>Source: NM Medical Assistance Division Managed Care Policy Manual, p. 216. Apr. 2017. (Accessed Oct. 2017).</i></p> <p><b><u>Alternative Benefits Program &amp; Managed Care Program</u></b>  The benefits package includes telemedicine services.</p> <p><i>Source: NM Admin Code Sec. 8.309.4.16 &amp; 8.308.9.18.</i></p> <p>School-based services provided via telemedicine are covered.</p> <p><i>Source: NM Administrative Code 8.320.6.13(H).</i></p>
<b>Store and Forward Reimbursement</b>	
<p>New Mexico Statute defines telehealth as encompassing Store and Forward.</p> <p><i>Source: NM Statutes Annotated Sec. 24-1G-3 (2012).</i></p> <p>Private payers are required to provide coverage for services delivered through store and forward, equivalent to in-person coverage.</p> <p><i>Source: NM Statute. 59A-22-49.3.</i></p>	<p>New Mexico Medicaid does reimburse for store and forward. To be eligible, the service must be provided through the transfer of digital images, sounds, or previously recorded video from one location to another. It does not need to occur in real time.</p> <p><i>Source: NM Administrative Code 8.310.2.</i></p>
<b>Remote Patient Monitoring Reimbursement</b>	
No reference found.	No reference found.
<b>Email/Phone/FAX Restrictions</b>	
No reference found.	No reference found.
<b>Online Prescribing</b>	
Physicians are prohibited from prescribing, dispensing or administering drugs or medical supplies to a patient when there is no established physician-patient	No reference found.

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<p>relationship.</p> <p>This includes prescribing over the Internet, or via other electronic means, based solely on an online questionnaire.</p> <p>Physicians may prescribe online during a live video exam. The prescribing physician must:</p> <ul style="list-style-type: none"> <li>• Obtain a medical history;</li> <li>• Obtain informed consent;</li> <li>• Generate a medical record;</li> <li>• A physical exam is recorded as appropriate by the telehealth practitioner or a practitioner such as a physician, advance practice nurse, or physician or anesthesiologist assistant; or the exam is waived when a physical exam would not normally be part of a typical physical face-to-face encounter with the patient for the services being provided.</li> </ul> <p><i>Source: NM Statutes Annotated, 1978 Sec. 61-6-20(B).</i></p>	
<b>Consent</b>	
No reference found.	No reference found.
<b>Location</b>	
No reference found.	<p>An interactive telehealth communication system must include both interactive audio and video, and be delivered on a real-time basis at both the originating and distant sites.</p> <p>The originating site can be any medically warranted site.</p> <p><i>Source: NM Administrative Code 8.310.2.</i></p>
<b>Cross-State Licensing</b>	
<p>NM issues telemedicine licenses to providers who hold a full, unrestricted license in another state and has good moral character.</p> <p><i>Source: NM Statutes Annotated, 1978 Sec. 61-6-11.1 (Sunset date of July 1, 2016) and 16.10.2.11.</i></p> <p>NM Board of Osteopathic Medicine will issue telemedicine license.</p> <p><i>Source: NM Statute Chapter 61, Article 10, Sec. 19. (Repealed – Effective July 1, 2022)</i></p>	<p>When the originating site is in New Mexico and the distant site is outside New Mexico, the distant-site provider at the distant site must be licensed in New Mexico for telemedicine, or meet federal requirements for Indian Health Service or tribal contract facilities.</p> <p><i>Source: NM Administrative Code 8.310.2.</i></p>
<b>Private Payers</b>	
<p>Private payers are required to provide coverage for services delivered through telemedicine, consistent with in-person coverage.</p> <p><i>Source: NM Statute. 59A-22-49.3.</i></p>	No reference found.

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<b>Site/Transmission Fee</b>	
<p><b><u>Indian Health Services</u></b>  A telemedicine facility fee is paid. Both the originating and distant sites may be IHS or tribal facilities with two different locations, or a distant site can be under contract to the IHS or tribal facility.</p> <p><i>Source: NM Administrative Code 8.310.12.12.</i></p>	<p>Reimbursement is made to the originating site for an interactive telehealth system fee at the lesser of the following:</p> <ul style="list-style-type: none"> <li>• Provider's billed charge;</li> <li>• Maximum allowed by MAD for the specific service or procedure.</li> <li>• A telemedicine originating-site communication fee is also covered if the eligible recipient was present at and participated in the telemedicine visit at the originating site.</li> </ul> <p><i>Source: NM Administrative Code 8.310.2.</i></p> <p>An originating site facility fee is not payable if telemedicine is used to connect an employee or staff member of a facility to the eligible recipient being seen at the same facility.</p> <p><i>Source: NM Register. Volume XXV, No. 20. Oct. 30, 2014.</i></p>
<b>Miscellaneous</b>	

**Comment:** New Mexico offers out of state providers a "telemedicine license" to practice within its borders.

New Mexico is also the home of Project ECHO. The project's mission is to develop the capacity to safely and effectively treat chronic, common, and complex diseases in rural and underserved areas, and to monitor outcomes of this treatment utilizing technology.

Professional regulation with telehealth specific standards

- Speech Language Pathology, Audiology, and Hearing Aid Dispensing Practice Board (*Source: NMAC 16.26.1, Sec. 7*)