

1 SENATE BILL 204

2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY

4 Linda M. Trujillo

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10 AN ACT

11 RELATING TO HEALTH CARE; ENACTING THE NUTRITION AND DIETETICS  
12 PRACTICE ACT; AMENDING A SECTION OF THE NMSA 1978; REPEALING  
13 SECTIONS 61-7A-1 THROUGH 61-7A-15 NMSA 1978 (BEING LAWS 1989,  
14 CHAPTER 387, SECTIONS 1 THROUGH 15, AS AMENDED).

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
18 through 15 of this act may be cited as the "Nutrition and  
19 Dietetics Practice Act".

20 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
21 Nutrition and Dietetics Practice Act:

22 A. "accreditation council" means the accreditation  
23 council for education in nutrition and dietetics or the  
24 council's successor organization;

25 B. "advisory board" means the nutrition and

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1 dietetics practice advisory board;

2 C. "commission" means the commission on dietetic  
3 registration, or the commission's successor organization;

4 D. "department" means the regulation and licensing  
5 department;

6 E. "dietetics practice" means the integration and  
7 application of scientific principles related to how food and  
8 nutrition affect human health. "Dietetics practice" includes  
9 treatment in an inpatient or outpatient setting for acute or  
10 chronic conditions, requires clinical decision-making skills  
11 and involves providing a range of nutrition care services to  
12 promote wellness and prevent, manage or treat a disease or  
13 medical condition, including:

14 (1) providing medical nutrition therapy to  
15 promote wellness and prevent, manage or treat diseases or  
16 medical conditions;

17 (2) developing and ordering therapeutic diets  
18 through oral, enteral or parenteral routes; and

19 (3) administering other advanced medical  
20 nutrition therapy and related support activities consistent  
21 with current competencies required of academic and supervised  
22 practice programs accredited by the accreditation council and  
23 in accordance with the *Revised 2024 Scope and Standards of*  
24 *Practice for the Registered Dietitian Nutritionist* published by  
25 the commission;

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1           F. "dietitian" means a health care practitioner  
2 who is licensed to engage in nutrition practice or dietetics  
3 practice;

4           G. "medical nutrition therapy" means a nutrition-  
5 based treatment plan developed to help manage or treat or  
6 prevent a disease or medical condition and may include:

7                   (1) nutrition assessment;

8                   (2) nutrition diagnosis;

9                   (3) nutrition intervention; and

10                   (4) nutrition monitoring and evaluation;

11           H. "nutrition care services" means a comprehensive  
12 group of services used to design, implement and evaluate  
13 nutrition interventions for preventing or treating a disease or  
14 medical condition, including:

15                   (1) assessing and evaluating the nutritional  
16 needs of individuals or groups and determining resources and  
17 constraints in a practice setting;

18                   (2) ordering nutrition-related laboratory  
19 tests to check and track the status of those nutrition-related  
20 items ordered for testing;

21                   (3) identifying nutrition problems and  
22 establishing priorities, goals and objectives to meet  
23 nutritional needs in a manner consistent with available  
24 resources and constraints;

25                   (4) creating a personalized dietary plan and

1 issuing and implementing orders, which may include therapeutic  
2 diets to meet nutrition needs and monitoring the effectiveness  
3 of the personalized dietary plan;

4 (5) determining and providing appropriate  
5 nutrition intervention, including nutrition counseling  
6 regarding food and prescription drug interactions; and

7 (6) evaluating, revising and maintaining  
8 appropriate standards of quality in food and nutrition  
9 services;

10 I. "nutrition practice" means the integration and  
11 application of scientific principles related to how food and  
12 nutrition affect human health. "Nutrition practice" requires  
13 clinical decision-making skills and consistent with the  
14 practitioner's level of competence involves providing a range  
15 of nutrition care services to promote wellness and prevent,  
16 manage or treat a disease or medical condition; provided that  
17 the treatment of chronic conditions may take place only in the  
18 outpatient setting. "Nutrition practice" includes:

19 (1) medical nutrition therapy;  
20 (2) ordering oral therapeutic diets;  
21 (3) ordering medical laboratory tests related  
22 to nutritional therapeutic treatments; or

23 (4) providing recommendations for vitamin,  
24 mineral or other dietary supplements;

25 J. "nutritionist" means a health care practitioner

1 licensed to engage in nutrition practice;

2 K. "patient" means an individual who is a recipient  
3 of care or services provided pursuant to the Nutrition and  
4 Dietetics Practice Act;

5 L. "provisional permit" means a temporary permit to  
6 practice as a dietitian or nutritionist that is issued to a  
7 person by the department, is valid for one year and allows the  
8 person to practice only under the supervision of a licensed  
9 dietitian or licensed nutritionist;

10 M. "registered dietitian" means a licensed  
11 dietitian who is credentialed by the commission as a:

12 (1) registered dietitian, authorized to use  
13 the corresponding abbreviation "R.D."; or

14 (2) registered dietitian nutritionist,  
15 authorized to use the corresponding abbreviation "R.D.N.";

16 N. "superintendent" means the superintendent of  
17 regulation and licensing;

18 O. "telehealth" means the use of electronic  
19 information and telecommunications technologies to provide  
20 health care services by a health care practitioner in one  
21 location to a recipient of the services in another location;  
22 and

23 P. "therapeutic diet" means a food or nutrient diet  
24 intervention provided through oral, enteral or parenteral  
25 routes, prescribed by a health care practitioner as part of a

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1 treatment to modify, eliminate, decrease or increase identified  
2 micronutrients or macronutrients in a patient's diet or to  
3 provide mechanically altered food when indicated.

4 SECTION 3. [NEW MATERIAL] LICENSE REQUIRED--EXEMPTIONS.--

5 A. Except as provided in Section 4 of the Nutrition  
6 and Dietetics Practice Act, a person shall not engage in, or  
7 offer to provide, medical nutrition therapy unless the person  
8 holds a valid dietitian or nutritionist license in good  
9 standing in this state.

10 B. A person who does not hold a valid dietitian or  
11 nutritionist license in good standing in this state shall not:

12 (1) advertise, present or represent to the  
13 public in any manner that the person is licensed or lawfully  
14 authorized to practice as a dietitian or nutritionist;

15 (2) use the title of licensed dietitian or  
16 dietitian nutritionist or any other title, abbreviation,  
17 letters, figures, signs or devices that indicate or could  
18 reasonably indicate to the public that the person is licensed  
19 to practice as a dietitian or dietitian nutritionist; or

20 (3) use the title of licensed nutritionist,  
21 nutritionist or any other title, abbreviation, letters,  
22 figures, signs or devices that indicate or could reasonably  
23 indicate to the public that the person is licensed to practice  
24 as a nutritionist.

25 SECTION 4. [NEW MATERIAL] LICENSING EXEMPTIONS.--It is

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1 not a violation of the Nutrition and Dietetics Practice Act for  
2 a person who is in compliance with Section 3 of that act and  
3 who:

4 A. is a health care provider in this state to  
5 lawfully provide medical nutrition therapy that is within the  
6 scope of the health care provider's license;

7 B. is serving in the armed forces or the United  
8 States public health service or employed by the United States  
9 department of veterans affairs as a dietitian or nutritionist  
10 to provide medical nutrition therapy and to use government-  
11 issued titles; provided that medical nutrition therapy provided  
12 or the title used by the dietitian or nutritionist is related  
13 to the dietitian's or nutritionist's armed forces service or  
14 United States department of veterans affairs employment;

15 C. disseminates non-individualized, written,  
16 general non-medical nutrition information in connection with  
17 the marketing and distribution of dietary supplements, food,  
18 herbs or food materials, including explanations of federally  
19 regulated label claims, known drug-nutrient interactions, role  
20 in various diets or suggestions for the best use and  
21 combinations of uses in a manner that does not constitute  
22 medical nutrition therapy pursuant to the Nutrition and  
23 Dietetics Practice Act;

24 D. provides medical weight control services for  
25 the treatment of obesity as part of:

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1 (1) an instructional program approved in  
2 writing by at least one of the following:

3 (a) a licensed dietitian or licensed  
4 nutritionist in this state; or

5 (b) a health care provider licensed in  
6 this state whose authorized scope of practice includes medical  
7 nutrition therapy; or

8 (2) a plan of care that is overseen by a  
9 health care provider licensed in this state whose scope of  
10 practice authorizes the health care provider to provide medical  
11 nutrition therapy or to delegate the provision of medical  
12 nutrition therapy services to a delegated person; provided that  
13 the medical nutrition therapy services delegated are not  
14 discretionary on the part of the delegated person and do not  
15 require the exercise of professional judgment by the delegated  
16 person;

17 E. is delegated to assist in providing medical  
18 nutrition therapy services if the delegated person performs  
19 only support activities that are not at the delegated person's  
20 discretion and do not require the delegated person's exercise  
21 of professional judgment and the delegated person is directly  
22 supervised by a licensed dietitian, licensed nutritionist or  
23 licensed health care provider acting within the scope of the  
24 licensee's license;

25 F. is a student, intern or trainee of an approved

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1 or accredited dietetics or nutrition education or training  
2 program and who engages in nutrition or dietetics practice  
3 activities under the supervision of a licensed dietitian or  
4 licensed nutritionist as a part of an approved or accredited  
5 education or training program for the duration of participation  
6 in that program;

7 G. is recognized in the person's community as a  
8 curandero or medicine man and who advises or ministers to  
9 various community members according to traditional community  
10 practices;

11 H. is employed by, or under contract with, an  
12 agency of this state or an agency of a county, municipality or  
13 political subdivision of this state for the purposes of  
14 providing nutrition care services for the women, infants and  
15 children program administered by the department of health and  
16 is authorized within the discharge of that person's official  
17 duties to use the title "nutritionist"; or

18 I. provides individualized nutrition  
19 recommendations for wellness and the prevention of chronic  
20 disease, health coaching, holistic and wellness education,  
21 guidance, motivation, behavior change management, services for  
22 non-medical weight control or other nutrition care services;  
23 provided that the services do not constitute medical nutrition  
24 therapy.

25 SECTION 5. [NEW MATERIAL] ADVISORY BOARD CREATED.--

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1           A. The superintendent shall appoint a "nutrition  
2 and dietetics practice advisory board" that is administratively  
3 attached to the department. The advisory board consists of  
4 three members who are New Mexico residents and who are  
5 appointed for staggered three-year terms. One member shall be  
6 a licensed dietitian with at least three years of dietetics  
7 practice in this state, one member shall be a nutritionist  
8 licensed in this state and one member shall be a health care  
9 provider licensed in this state.

10           B. An advisory board member shall not serve more  
11 than two full terms. Each advisory board member shall hold  
12 office until the expiration of the term for which the member is  
13 appointed or until a successor has been appointed. A vacancy  
14 shall be filled for the balance of the unexpired term within  
15 ninety days of the vacancy through appointment by the  
16 superintendent.

17           C. The advisory board shall elect biennially a  
18 chair and such other officers as appropriate to administer its  
19 duties. The advisory board shall meet at least once a year and  
20 at such other times as deemed necessary by the superintendent.  
21 Meetings shall be called by the superintendent or upon the  
22 written request of two advisory board members. Two members  
23 constitutes a quorum. A member failing to attend, after proper  
24 notice, two consecutive meetings shall automatically be removed  
25 as an advisory board member.

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1           D. The members of the advisory board shall be  
2 reimbursed as provided for nonsalaried public officers pursuant  
3 to the Per Diem and Mileage Act and shall receive no other  
4 compensation, perquisite or allowance.

5           SECTION 6. [NEW MATERIAL] DEPARTMENT--DUTIES AND POWERS--  
6 RULE PROMULGATION.--In carrying out the department's duties,  
7 the superintendent may consult with the advisory board or  
8 delegate certain authority to the advisory board regarding  
9 matters deemed appropriate by the superintendent. The  
10 department, including department staff as directed by the  
11 superintendent, shall:

12           A. prescribe and provide for the administration of  
13 appropriate licensing examinations for qualified applicants;

14           B. evaluate the qualifications of applicants for  
15 licensure under the Nutrition and Dietetics Practice Act;

16           C. issue licenses to applicants who meet the  
17 requirements of the Nutrition and Dietetics Practice Act;

18           D. investigate persons engaging in practices that  
19 may violate the provisions of the Nutrition and Dietetics  
20 Practice Act;

21           E. revoke, suspend or deny a license in accordance  
22 with the provisions of the Uniform Licensing Act;

23           F. adopt an annual budget; and

24           G. adopt and file in accordance with the State  
25 Rules Act rules necessary to carry out the provisions of the

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1 Nutrition and Dietetics Practice Act; provided that no rule may  
2 be adopted, amended or repealed without approval by the  
3 superintendent.

4 SECTION 7. [NEW MATERIAL] LICENSURE--REQUIREMENTS--  
5 QUALIFIED SUPERVISOR--TERM OF LICENSE.--

6 A. As used in this section:

7 (1) "qualified supervisor" means an individual  
8 providing supervision of a supervisee; and

9 (2) "supervisee" means a student, intern or  
10 trainee for whom a qualified supervisor assumes full  
11 professional responsibility by verifying, directing and  
12 approving that supervisee's provision of nutrition care  
13 services, medical nutrition therapy or other supervised  
14 activities.

15 B. The department shall issue a dietitian license  
16 to an applicant who files a completed dietitian license  
17 application, pays all required fees and certifies and furnishes  
18 evidence satisfactory to the department:

19 (1) that the applicant has a valid current  
20 registration with the commission that gives the applicant the  
21 right to use the term "registered dietitian" or "R.D."; or

22 (2) that the applicant has:

23 (a) a master's degree or doctoral degree  
24 from a college or university accredited at the time of the  
25 applicant's graduation by a United States institutional

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1 accrediting body for higher education recognized by the United  
2 States department of education or the foreign equivalent and a  
3 program of study accredited by the accreditation council for  
4 education in nutrition and dietetics;

5 (b) completed a planned, documented and  
6 supervised practice experience in dietetics practice and  
7 nutrition practice that is approved by the department and  
8 accredited by the accreditation council and that includes at  
9 least one thousand hours of supervised practice experience  
10 under the supervision of a qualified supervisor. A supervised  
11 practice experience under this subsection shall be completed by  
12 the applicant within five years of completing the requirements  
13 under Subparagraph (a) of this paragraph unless the department,  
14 for extraordinary circumstances, grants an extension for a  
15 limited time; and

16 (c) successfully passed the registration  
17 examination for dietitians administered by the commission.

18 C. The department shall issue a nutritionist  
19 license to an applicant who files a completed nutritionist  
20 license application, pays all required fees and certifies and  
21 furnishes evidence satisfactory to the department that the  
22 applicant has:

23 (1) a master's degree or doctorate in human  
24 nutrition, nutrition education, foods and nutrition or public  
25 health nutrition from a college or university accredited at the

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1 time of the applicant's graduation by a United States  
2 institutional accrediting body for higher education recognized  
3 by the United States department of education or a doctoral  
4 degree or validated foreign equivalent in a field of clinical  
5 health care from a college or university accredited at the time  
6 of the applicant's graduation by a United States institutional  
7 accrediting body for higher education recognized by the United  
8 States department of education. Regardless of the applicant's  
9 course of study, the applicant shall have completed course work  
10 leading to competence in medical nutrition therapy that  
11 includes:

12 (a) fifteen semester hours of clinical  
13 or life sciences, three semester hours of which shall be in  
14 human anatomy and physiology or the equivalent; and

15 (b) fifteen semester hours of nutrition  
16 and metabolism, six semester hours of which shall be in  
17 biochemistry;

18 (2) completed a planned, documented and  
19 continuous supervised practice experience under the supervision  
20 of a qualified supervisor demonstrating competence in nutrition  
21 practice, including the provision of medical nutrition therapy  
22 approved by the department and meeting the following  
23 requirements:

24 (a) a supervised practice experience  
25 completed pursuant to this subsection that shall include at

1 least one thousand hours, with a minimum of two hundred hours  
2 in nutrition assessment, nutrition intervention and nutrition  
3 monitoring and evaluation; and

4 (b) the practice experience is  
5 determined by the department to have prepared the applicant to  
6 provide nutrition care services for various populations of  
7 diverse cultures and genders and across the life cycle and to  
8 be able to competently formulate actionable medical nutrition  
9 therapies and interventions, education, counseling and ongoing  
10 care for the prevention, modulation and management of a range  
11 of chronic medical conditions; and

12 (3) completed examination requirements by  
13 demonstrating:

14 (a) passage of the certified nutrition  
15 specialist examination approved by the department and  
16 administered by the board for certification of nutrition  
17 specialists or its successor organization;

18 (b) passage of an examination on all  
19 aspects of nutrition practice that has been reviewed under a  
20 program that requires a master's degree or higher, is  
21 accredited by the national commission for certifying agencies  
22 and is approved by the department; or

23 (c) the applicant holds a valid current  
24 certification with the board for certification of nutrition  
25 specialists or the board's successor organization that gives

1 the applicant the right to use the title "certified nutrition  
2 specialist".

3 D. Each qualified supervisor shall:

4 (1) be licensed in this state when supervising  
5 a supervisee who is providing medical nutrition therapy  
6 services to a patient in this state, unless the person  
7 supervising a supervisee is an employee of the federal  
8 government authorized within the discharge of the employee's  
9 official duties to provide medical nutrition therapy;

10 (2) only supervise a clinical activity or  
11 nutrition care service that the qualified supervisor is  
12 authorized to perform;

13 (3) oversee the activities of and approve and  
14 accept responsibility for the nutrition care services rendered  
15 by a supervisee;

16 (4) review on a regular basis the charts,  
17 records and clinical notes of each supervisee and maintain  
18 responsibility for each supervisee's clinical recordkeeping;

19 (5) render assistance during a supervisee's  
20 provision of nutrition care services when requested by the  
21 patient or arrange for another qualified practitioner who is  
22 lawfully able to render the nutrition care services in the  
23 qualified supervisor's absence; and

24 (6) develop and carry out a program for  
25 advancing and optimizing the quality of care provided by a



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1 supervisee by:

2 (a) together with the supervisee,  
3 identifying and documenting goals for the supervisee's practice  
4 experience;

5 (b) assigning the supervisee clinical  
6 tasks as appropriate based on the supervisee's level of  
7 competence;

8 (c) determining the supervisee's methods  
9 of communication or interaction with, and access to, the  
10 qualified supervisor; and

11 (d) establishing a process for  
12 evaluating the supervisee's performance.

13 E. A valid license issued pursuant to the Nutrition  
14 and Dietetics Practice Act shall be displayed at the licensee's  
15 place of employment.

16 F. A license issued pursuant to the Nutrition and  
17 Dietetics Practice Act shall be issued for a period of two  
18 years.

19 SECTION 8. [NEW MATERIAL] EXPEDITED LICENSURE.--

20 A. The department shall issue an expedited license  
21 as a dietitian or nutritionist to an applicant who presents a  
22 valid, unrestricted license as a dietitian or nutritionist in  
23 another licensing jurisdiction and is in good standing with the  
24 licensing entity of that licensing jurisdiction. The  
25 department shall, as soon as practicable but no later than

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1 thirty days after an out-of-state licensee files an application  
2 for an expedited license accompanied by the required fees,  
3 process the application and issue the expedited license in  
4 accordance with Section 61-1-31.1 NMSA 1978.

5 B. The department may require a licensee whose  
6 license is obtained pursuant to this section to pass a  
7 department-approved examination to continue to be licensed in  
8 New Mexico.

9 C. The department shall determine by rule the other  
10 states and territories of the United States and the District of  
11 Columbia from which it will not accept applicants for expedited  
12 licensure and the foreign countries from which it will accept  
13 applicants for expedited licensure. The department shall post  
14 the list of disapproved and approved licensing jurisdictions on  
15 the department's website. The list of disapproved licensing  
16 jurisdictions shall include the specific reasons for  
17 disapproval. The lists shall be reviewed annually to determine  
18 if amendments to the rule are warranted.

19 SECTION 9. [NEW MATERIAL] PROVISIONAL PERMIT.--A  
20 provisional permit to practice as a dietitian or nutritionist  
21 may be issued by the department upon the filing of an  
22 application and submission of evidence of successful completion  
23 of the education and supervised practice requirements and an  
24 application to take a licensing examination recognized under  
25 the Nutrition and Dietetics Practice Act. No fee in addition

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1 to the application and license fees shall be charged for the  
2 issuance of a provisional permit. The permit shall be valid  
3 for up to one year or until the person holding the provisional  
4 permit's application for licensure is approved and a license  
5 issued, whichever is first. A provisionally licensed dietitian  
6 shall only practice under a licensed dietitian, and a  
7 provisionally licensed nutritionist shall only practice under  
8 either a licensed dietitian or licensed nutritionist.

9 SECTION 10. [NEW MATERIAL] LICENSE RENEWAL--CONTINUING  
10 EDUCATION REQUIREMENTS.--

11 A. A person licensed under the Nutrition and  
12 Dietetics Practice Act shall renew that person's license  
13 biennially on or before the expiration date of the initial or  
14 renewal license.

15 B. The department shall issue a renewal license to  
16 the licensee upon receipt of the renewal application, the  
17 renewal fee and proof satisfactory to the department of  
18 compliance with continuing education requirements.

19 C. Continuing education requirements for licensees  
20 shall be established by the department; provided that:

21 (1) for licensed dietitians, the requirements  
22 shall be those established by the commission; and

23 (2) for licensed nutritionists, at least  
24 seventy-five clock hours, or the equivalent, during a five-year  
25 period shall be required to be obtained in increments of

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1 fifteen clock hours annually or as otherwise approved by the  
2 department.

3 D. A person who fails to renew that person's  
4 license within thirty days of expiration may be reinstated by  
5 the department and issued a renewal license upon submission of  
6 a renewal application with proof satisfactory to the department  
7 of that person's compliance with the continuing education and  
8 other requirements of the Nutrition and Dietetics Practice Act  
9 and payment of the biannual renewal fee and an additional  
10 reinstatement fee.

11 SECTION 11. [NEW MATERIAL] FEES.--

12 A. Except as provided in Section 61-1-34 NMSA 1978,  
13 the department shall establish a schedule of reasonable fees  
14 for licenses and renewal of licenses. Fees are non-refundable  
15 and shall be established based on processing requirements for  
16 each category.

17 B. The initial license fee shall be set in an  
18 amount not to exceed three hundred dollars (\$300).

19 C. A license renewal fee shall be established in an  
20 amount not to exceed three hundred dollars (\$300).

21 D. A license reinstatement fee shall be established  
22 in an amount not to exceed fifty dollars (\$50.00).

23 SECTION 12. [NEW MATERIAL] NUTRITION AND DIETETICS FUND  
24 CREATED--DISPOSITION--METHOD OF PAYMENT.--

25 A. There is created in the state treasury the

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1 "nutrition and dietetics fund" to be administered by the  
2 department.

3 B. All money transferred to, pursuant to Section 18  
4 of this 2025 act, received or collected by the department under  
5 that act shall be deposited with the state treasurer, who shall  
6 place the money to the credit of the nutrition and dietetics  
7 fund. Any balance in the fund at the end of a fiscal year  
8 shall not revert to the general fund.

9 C. Money in the nutrition and dietetics fund shall  
10 be appropriated by the legislature to the department for the  
11 purpose of implementing and administering the provisions of the  
12 Nutrition and Dietetics Practice Act.

13 D. Disbursements from the nutrition and dietetics  
14 fund shall be pursuant to vouchers issued and signed by the  
15 superintendent upon warrants signed by the secretary of finance  
16 and administration.

17 SECTION 13. [NEW MATERIAL] LICENSE--DENIAL--SUSPENSION--  
18 REVOCATION--REINSTATEMENT.--

19 A. The department may refuse to issue or renew or  
20 may deny, suspend or revoke a license held or applied for under  
21 the Nutrition and Dietetics Practice Act in accordance with the  
22 procedures set forth in the Uniform Licensing Act upon grounds  
23 that the licensee or applicant:

24 (1) is guilty of fraud or misrepresentation in  
25 the procurement of a license under the Nutrition and Dietetics

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1 Practice Act;

2 (2) is subject to the imposition of  
3 disciplinary action by an agency of another state that  
4 regulates dietitians or nutritionists but not to exceed the  
5 period or extent of that action;

6 (3) is convicted of a crime:

7 (a) directly related to the duties and  
8 responsibilities of a dietitian or nutritionist;

9 (b) that was violent or sexual in  
10 nature; or

11 (c) for which the licensee or applicant  
12 entered a plea of guilty or nolo contendere. The record of  
13 conviction or a certified copy of it shall be conclusive  
14 evidence of the conviction;

15 (4) is grossly negligent or incompetent in the  
16 practice as a dietitian or nutritionist;

17 (5) has failed to fulfill continuing education  
18 requirements; or

19 (6) has violated or aided or abetted any  
20 person to violate a provision of the Nutrition and Dietetics  
21 Practice Act or a rule promulgated pursuant to that act.

22 B. One year from the date of revocation of a  
23 license under the Nutrition and Dietetics Practice Act,  
24 application may be made to the department for restoration of  
25 the license. The department shall provide by rule for the

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1 criteria governing application and examination for restoration  
2 of a revoked license.

3 SECTION 14. [NEW MATERIAL] PENALTY--ENFORCEMENT.--

4 A. Violation of any provision of the Nutrition and  
5 Dietetics Practice Act is a misdemeanor.

6 B. The department may bring a civil action in any  
7 district court to enforce the provisions of the Nutrition and  
8 Dietetics Practice Act.

9 SECTION 15. [NEW MATERIAL] TERMINATION OF AGENCY LIFE--  
10 DELAYED REPEAL.--The nutrition and dietetics practice advisory  
11 board is terminated on July 1, 2031 pursuant to the Sunset Act.  
12 The board shall continue to operate according to the provisions  
13 of the Nutrition and Dietetics Practice Act until July 1, 2032.  
14 Effective July 1, 2032, the Nutrition and Dietetics Practice  
15 Act is repealed.

16 SECTION 16. Section 24-25-3 NMSA 1978 (being Laws 2004,  
17 Chapter 48, Section 3, as amended) is amended to read:

18 "24-25-3. DEFINITIONS.--As used in the New Mexico  
19 Telehealth Act:

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

- 22 (1) an optometrist;
- 23 (2) a chiropractic physician;
- 24 (3) a dentist;
- 25 (4) a physician;

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- 1 (5) a [~~podiatrist~~] podiatric physician;
- 2 (6) an osteopathic physician;
- 3 (7) a physician assistant;
- 4 (8) a certified nurse practitioner;
- 5 (9) a physical therapist;
- 6 (10) an occupational therapist;
- 7 (11) a speech-language pathologist;
- 8 (12) a doctor of oriental medicine;
- 9 (13) a nutritionist;
- 10 (14) a psychologist;
- 11 (15) a certified nurse-midwife;
- 12 (16) a clinical nurse specialist;
- 13 (17) a registered nurse;
- 14 (18) a dental hygienist;
- 15 (19) a pharmacist;
- 16 (20) a licensed independent social worker;
- 17 (21) a licensed counselor;
- 18 (22) a community health representative; [~~or~~]
- 19 (23) a licensed athletic trainer; or
- 20 (24) a dietitian;

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

- 24 (1) a licensed inpatient center;
- 25 (2) an ambulatory surgical or treatment



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1 center;

2 (3) a skilled nursing center;

3 (4) a residential treatment center;

4 (5) a home health agency;

5 (6) a diagnostic laboratory or imaging center;

6 (7) an assisted living center;

7 (8) a school-based health program;

8 (9) a mobile clinic;

9 (10) a mental health clinic;

10 (11) a rehabilitation or other therapeutic

11 health setting;

12 (12) the patient's residence;

13 (13) a federally qualified health center; or

14 (14) a community health center; and

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

21 SECTION 17. TEMPORARY PROVISION--LICENSE STATUS.--A  
22 person who is:

23 A. licensed as a dietitian under the Nutrition and  
24 Dietetics Practice Act on the effective date of this act shall  
25 remain licensed as a licensed dietitian until the expiration of

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1 the license without meeting any additional requirements;

2 B. licensed as a nutritionist under the Nutrition  
3 and Dietetics Practice Act on the effective date of this act  
4 shall remain licensed as a licensed nutritionist until the  
5 expiration of the license without meeting any additional  
6 requirements; and

7 C. licensed as a dietitian with a registered  
8 dietitian credential under the Nutrition and Dietetics Practice  
9 Act on the effective date of this act shall remain licensed as  
10 a dietitian with a registered dietitian credential until the  
11 expiration of the license without meeting any additional  
12 requirements.

13 SECTION 18. TEMPORARY PROVISION--TRANSFER OF FUND,  
14 FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS, RULES AND REFERENCES  
15 IN LAW.--On July 1, 2025:

16 A. the nutrition and dietetics fund, including all  
17 money in that fund, and all other funds, functions, personnel,  
18 appropriations, money, records, furniture, equipment, supplies  
19 and other property of the nutrition and dietetics practice  
20 board shall be transferred to the regulation and licensing  
21 department;

22 B. all contracts of the nutrition and dietetics  
23 practice board and rules adopted by that board shall be binding  
24 on the regulation and licensing department; and

25 C. all references in law to the nutrition and

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1 dietetics practice board shall be deemed to be references to  
2 the regulation and licensing department.

3 SECTION 19. REPEAL.--Sections 61-7A-1 through 61-7A-15  
4 NMSA 1978 (being Laws 1989, Chapter 387, Sections 1 through 15,  
5 as amended) are repealed.

6 SECTION 20. EFFECTIVE DATE.--The effective date of the  
7 provisions of this act is July 1, 2025.

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