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FISCAL IMPACT REPORT

SPONSOR McMillan **ORIGINAL DATE** 01/31/14
LAST UPDATED _____ **HB** 152
SHORT TITLE Medical Practice Act Sunset **SB** _____
ANALYST Weber

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
Office of Superintendent of Insurance (OSI)
Medical Board (MB)
Health Sciences Center (HSC)

SUMMARY

Synopsis of Bill

House Bill 152 (HB 152) repeals Section 61-6-35 NMSA 1978 (being Laws 1979, Chapter 40, Section 2, as amended). This is the sunset provision for the Medical Board.

FISCAL IMPLICATIONS

No fiscal implications were identified.

SIGNIFICANT ISSUES

The specific section repealed is:

The New Mexico medical board is terminated on July 1, 2015 pursuant to the Sunset Act [12-9-11 to 12-9-21 NMSA 1978]. The board shall continue to operate according to the provisions of the Medical Practice Act until July 1, 2016. Effective July 1, 2016, the Medical Practice Act is repealed.

The MB offers the following:

The existence of physicians and the profession of medicine have existed for millennia, and it is difficult to conceive of a time at which the need for licensure and regulation of the medical profession and medical practitioners—as managed under the Medical Practice Act—would become obsolete. The New Mexico Medical Board exists for providing oversight to the quality and competency of physicians and certain other practitioners, and thus to fulfill its ordained mission to protect the public from the improper, unprofessional, incompetent, and unlawful practice of medicine. The regulation of the profession under the Medical Practice Act and the Medical Board, thus, should continue indefinitely. This would be accomplished by the proposed repeal of the Sunset provision

Analogously, the same reasoning applied to the Nursing Practice Act and the Nursing Board: the Legislature repealed the sunset provision of the Nursing Practice Act several years ago.

The AGO notes the following history and logic for a sunset procedure:

In enacting the Sunset Act, the Legislature found that:

[S]tate government actions have produced a substantial increase in numbers of programs and a proliferation of rules and regulations and that the whole process has developed in a haphazard, piecemeal fashion resulting in overlapping and duplication without regulatory accountability or a system of checks and balances. The legislature further finds that by establishing a system for periodic review of certain separate administratively attached and adjunct agencies, it will be in a better position to evaluate the need for the continued existence of the regulatory agencies covered by the Sunset Act. NMSA 1978, § 12-9-12.

Among other things, the Sunset Act requires bodies subject to its provisions to periodically review their regulations and report any changes to the Legislature. NMSA 1978, §12-9-22. This provision, and any others contained in the Sunset Act, would apparently no longer govern the Medical Practice Act if HB 152 is enacted.

MW/svb:jl