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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 34/aHHHC

SHORT TITLE: School Nurse Licensure Provisions

SPONSOR: Garratt/Figueroa

LAST UPDATE: 01/29/2026 **ORIGINAL DATE:** 01/23/2026 **ANALYST:** Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact		

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Public Education Department

Higher Education Department

Agency or Agencies That Were Asked for Analysis but have not yet Responded

Department of Justice

Albuquerque Public Schools

Board of Nursing

Agency or Agencies That Declined to Respond

New Mexico Regional Education Cooperative

New Mexico Independent Community Colleges

SUMMARY

Synopsis of HHHC Amendment to House Bill 34

The HHHC Amendment to House Bill 34 makes four changes to the bill:

- 1) Allows either level two or level three school nurses to perform the evaluations of level one nurses.
- 2) Specifies that the Department of Health is to be consulted in case a school district or charter school does not have a level two or three school nurse to perform the required annual evaluation of a level one nurse.
- 3) Removes the specification “school” from “school nurse” in granting a level three school

nurse licensure.

- 4) Allows three or more years of registered nurse experience to substitute for three years of level two school nursing to be a qualification for a level three school nurse license.

Synopsis of Original House Bill 34

House Bill 34 (HB34) makes several changes to Section 22-10A NMSA 1978 which sets out the requirements for each of the three licensure levels for school nurses. This section of statute was adopted as House Bill 195 in 2025, which created three-tiered licensing and pay categories based on similar categories for school nurses.

In each of the bill's sections, "charter schools" are added in parallel to school districts, such that charter schools' nurses would be affected by the provisions of each section of the bill as are nurses employed by public school districts. Each section of the bill removes the provision that the school nurse minimum salary be tied to a "standard 9 ½-month contract."

Requirements for level one school nurse licenses are described in Section 1 of the bill, which amends Section 22-10A-24 and contains the above two provisions and eliminates a sentence that denies level one nurses "not making satisfactory status advancement" to level two status, moving this provision to the next section.

Requirements for level 2 school nurse licenses are elaborated in Section 2 of the bill, which modifies Section 22-10A-10.1. It requires that school nurses must have made satisfactory progress as level one nurses but removes language stating that the Public Education Department (PED) must grant a level two license to level one nurses who have performed satisfactorily for three years in level one and have "essential competency."

Section 3 of the bill modifies Section 22-10A-11.11 dealing with level 3 school nurse licensing. Aside from the changes adding charter schools and removing the phrase dealing with "a 9 ½-month contract, the changes also eliminate clauses requiring demonstration of nursing leadership competencies and requiring that that competency be verified by the school superintendent.

Statute already specifies both level 2 and level 3 school nursing licenses as having a nine-year duration.

The effective date of this bill is July 1, 2026.

FISCAL IMPLICATIONS

There is no appropriation in this bill, which does not have fiscal implications.

SIGNIFICANT ISSUES

School nurses provide essential services, including evaluating students with health complaints or injuries and administering medications required during school hours, and are needed as much in charter schools as in schools directly under the supervision of school districts. Although, as pointed out by PED, the American Academy of Nurses recommends that each school have at least one school nurse, the nursing shortage makes that recommendation difficult to follow. The

availability of school nurses results in better-trained personnel handling medication and in a large majority of children seen for health problems or injuries returning to classrooms rather than being sent home.

TECHNICAL ISSUES

As pointed out by HED, “it is unclear what consequences apply if a level one nurse fails to demonstrate competency for level two licensure.”

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