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FISCAL IMPACT REPORT

ORIGINAL DATE 1/18/19

SPONSOR Wirth LAST UPDATED _____ HB _____

SHORT TITLE Massage Therapy Act SB 200/ec

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to 2017 Senate Bill 275, as amended

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

As stated by RLD, Senate Bill 275 makes targeted adjustments to the Massage Therapy Act to streamline the process for massage therapists in New Mexico to earn their continuing education credits for licensure. The Bill creates reciprocity for massage therapy instruction so that New Mexico recognizes licensure of educators outside of New Mexico, allowing for increased inter-state commerce and more opportunities for qualified instruction for New Mexico's thriving massage therapy industry.

The bill eliminates the requirement that instructors be registered by the Board. The Bill defines continuing education (CE) for massage therapy, expands continuing education topics, and defines who is qualified as a continuing education provider.

SB 275 defines the scope of practice for massage therapists to consist of the assessment of the soft tissue structures of the body; the treatment and prevention of physical dysfunction and pain of soft tissue; and joint movement within normal physiologic range of motion to relieve pain or to develop, maintain, rehabilitate or augment physical function.

In addition, SB 275 changes the criminal standard for the board to impose disciplinary action for a conviction from “any offense punishable by incarceration” to “a crime that substantially relates to the qualifications, functions or duties of a massage therapist”.

The bill contains an emergency clause.

FISCAL IMPLICATIONS

In that the massage therapy board would no longer be required to accredit massage therapy instructors accredited in another state, a small reduction in workload for that board, a subunit of RLD, might be anticipated.

OTHER SUBSTANTIVE ISSUES

As stated by RLD, “SB 275 [would close] a problematic loophole that unintentionally keeps revenue out of our state because it prevents New Mexico licensees from receiving massage CE credits for courses taught by certain instructors if the instruction takes place within New Mexico. However, it allows a New Mexico licensee to receive credit for those same courses taught by the same instructors if the course is taught *outside* of New Mexico.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Massage therapists from outside New Mexico would have to be accredited in this state to be able to provide continuing education to New Mexico massage therapists. In addition, New Mexico massage therapists could be disciplined for felony convictions entirely unrelated to their practices as massage therapists.

LAC/gb