

October 26, 2020

MEMORANDUM

TO: Legislative Finance Committee

FROM: Sunset/Sunrise Subcommittee: Co-Chairs William F. Burt and Gail Armstrong; Senators George K. Muñoz and Clemente Sanchez; Representatives Rodolpho “Rudy” Martinez and Candie Sweetser; and Ex-Officio Representative Patricia A. Lundstrom

SUBJECT: Sunset/Sunrise Subcommittee Report of October 16, 2020 Meeting

On October 16, 2020, the Legislative Finance Sunrise/Sunset Subcommittee reviewed presentations from 12 boards and commissions statutorily set to sunset in 2021. No boards or commissions were scheduled to sunrise. Each of the boards and commissions were given the opportunity to describe their service to the public and suggest statutory changes. The subcommittee did not recommend extension at this time for four boards, due to lack of required meetings and high numbers of vacant and/or expired board positions. However, as the boards have a year to continue operations after the termination date of July 1, 2021, boards will have a further opportunity to address the recommendations and receive extensions. The subcommittee will make a recommendation to the full committee to either extend the sunset date or to terminate a board by allowing it to sunset.

The following issues were discussed:

Office of Military Base Planning and Support and the Military Base Planning Commission. Colonel Greg Myers, executive director of the Office of Military Base Planning and Support and Sherman McCorkle, chairman of the Military Base Planning Commission presented to the subcommittee, reporting that military installations in New Mexico generate an estimated economic impact of between \$7 billion and \$10 billion. The presenters also noted several quality of life issues affecting military personnel and their families, including school quality, crime, and employment opportunities for military spouse. Presenters also noted that energy development near military

installations and training ranges in some cases risks encroaching on landing zones. Representative Armstrong noted that the federal government is considering designating some training zones as wilderness areas, and asked presenters whether new SunZia transmission lines pose a risk to training zones. Col. Myers responded that SunZia is currently assessing alternate routes for their transmission lines. Representative Martinez asked if the New Mexico National Guard will be designated responsible for airspace in Western New Mexico, instead of the Arizona National Guard, and Col. Myers responded that such designation is federally determined and unlikely to change. The subcommittee voted to extend the sunset date of the office and commission to 2027.

Counseling and Therapy Practice Board. Board Chair Bentley Oliver presented for the board. The board oversees approximately 4,475 licenses and has one of nine board positions vacant. Ms. Oliver noted that the board is in the process of revising and updating statutes related to telehealth, online continuing education, and insurance reimbursement. Ms. Oliver also indicated that while there is only one board vacancy, the qualifications of two board members are currently under question, as public members have held counseling or social work licenses, which is not allowed. Representative Sweetser asked about the board's complaint process, which Ms. Oliver described. Representative Sanchez asked why public members can't hold counseling or related licenses, and Ms. Oliver responded that public members are meant to have no professional interest or stake in board activities, and only represent the public's interests. Representative Armstrong asked whether reciprocity requirements for counselors and therapists were similar to neighboring states, and Ms. Oliver indicate that they are, except for substance abuse counselors. The subcommittee voted to extend the sunset date of the board to 2027.

Board of Examiners for Occupational Therapy. Board member Gail Stockman presented for the board. The board oversees approximately 1,570 licenses and has two of five board positions vacant, in addition to three members serving expired terms. Representative Armstrong asked how many states' licenses are accepted in New Mexico as part of reciprocal licensing. Ms. Stockman was not sure. Senator Sanchez asked when the board had met in FY20, noting that the board had met three times in FY20, and is required in statute to meet four times annually. Ms. Stockman said that the board met three times since March, and plans to meet in November. The subcommittee voted not to extend the sunset date of the board to 2027.

Board of Osteopathic Medicine. Board Chair Jeremy Edmonds presented for the board. The board oversees approximately 814 licenses and has two of seven board members serving expired terms. Representative Sweetser noted that osteopathic doctors are very important in rural New Mexico. Representative Armstrong asked about reciprocity for osteopaths in New Mexico, and Dr. Edmonds responded that the board is holding off on joining a national compact for now. The subcommittee voted to extend the sunset date of the board to 2027.

Respiratory Care Advisory Board. Board Chair Lee K. Brown presented for the board. The board oversees approximately 1,214 licenses and has two of five board positions vacant. The subcommittee voted to extend the sunset date of the board to 2027.

Massage Therapy Board. Board member Rick Wiles presented for the board. The board oversees approximately 3,477 licenses and has one of five board positions vacant as well as one member serving an expired term. Mr. Wiles noted that the board is in the process of setting up a task force

to investigate unlicensed activity in establishments advertising massage. Representative Sweetser asked how many complaints received by the board were related to unlicensed activity. Mr. Wiles was not sure. The subcommittee voted to extend the sunset date of the board to 2027.

Physical Therapy Board. Board Chair Robert Pattillo presented for the board. The board oversees approximately 2,750 licenses and has one of five board positions vacant as well as all four members serving expired terms. Mr. Pattillo informed the subcommittee that the Governor's Office had notified the board of appointments of four new board members to fill vacant and expired positions. Representative Sweetser asked whether there was a shortage of physical therapists in New Mexico, and Mr. Pattillo responded that there was a shortage, in part because there is only one physical therapy school in the state. The subcommittee voted to extend the sunset date of the board to 2027.

Athletic Trainers Practice Board. Board member Michael McMillan presented for the board. The board oversees approximately 178 licenses and has five board members, with one vacant position and two members serving vacant terms. The board did not meet in FY20. Representative Armstrong asked about reciprocal licensing requirements for athletic trainers and Mr. McMillan responded that the board is currently discussing issues of reciprocity and the rules committee will meet to develop requirements. He also noted that it typically takes three to five days to review license applications and the board does not need to meet in person to review or approve applications. The board has two new board members and met during the week of October 12. The subcommittee voted not to extend the sunset date of the board to 2027.

Chiropractic Board. Board Chair Michael Pendleton presented for the board. The board oversees 350 licenses and has six board members. The board met twice in FY20. The board is statutorily required to meet four times per year. Dr. Pendleton noted that the board would like a dedicated administrator from the Regulation and Licensing Department (RLD), citing delays in responding to applicants and licenses. Senator Burt asked about the frequency of board meetings, and Dr. Pendleton responded that the board intended to meet in May, but due to administrative difficulties, the meeting was delayed. The next scheduled meeting is November 6. The subcommittee did not make a recommendation on extension of the sunset date for the board.

Nutrition and Dietetics Practice Board. Board Chair Craig Klein presented for the board. The board oversees approximately 542 licenses and has five board members, with one member serving an expired term. Mr. Klein told the subcommittee that the board is currently updating its licensure requirements and may join an interstate compact for licensing reciprocity. Representative Sweetser asked if it would make sense to eliminate the nutritionist license, given there are only approximately 20 licensed nutritionists in the state. Mr. Klein responded that it is important to have licensed nutritionists. The subcommittee voted to extend the sunset date of the board to 2027.

Board of Psychologist Examiners. Board Chair Kenneth Gilman presented for the board. The board oversees approximately 884 licenses and has three of eight board positions vacant. All current board members are serving expired terms. Dr. Gilman noted administrative delays in holding meetings, as well RLD delays in responding to applicants and licensees. RLD noted that the Governor's Office made two new board appointments. The subcommittee voted not to extend the sunset date of the board to 2027.

Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Board. Board Vice Chair Victoria Smidt presented for the board. The board oversees approximately 2,038 licenses and has five of 11 board positions vacant, as well as two members serving expired terms. Ms. Smidt reported that the board is working on changes to statute, including recommended changes to the bilingual/multicultural endorsement, and changing the temporary para-professional license to a permanent license. The board also wants to join an interstate reciprocity compact. RLD noted that the Governor's Office made new appointments to fill vacant positions. The subcommittee voted to extend the sunset date of the board to 2027.