

**MINUTES  
of the  
FOURTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**September 16, 2020  
Video Conference Meeting**

The fourth meeting of the Legislative Health and Human Services Committee was called to order by Senator Gerald Ortiz y Pino, chair, on September 16, 2020 at 9:10 a.m. by video and audio conference via an online platform.

**Present**

Sen. Gerald Ortiz y Pino, Chair  
Rep. Deborah A. Armstrong, Vice Chair  
Rep. Joanne J. Ferrary  
Sen. Bill B. O'Neill

**Absent**

Rep. Gail Armstrong  
Sen. Gregg Fulfer  
Rep. D. Wonda Johnson  
Sen. Cliff R. Pirtle

**Advisory Members**

Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Micaela Lara Cadena  
Rep. Rebecca Dow  
Rep. Miguel P. Garcia  
Sen. Linda M. Lopez  
Rep. Tara L. Lujan  
Sen. Michael Padilla  
Sen. Nancy Rodriguez  
Rep. Patricia Roybal Caballero  
Sen. Antoinette Sedillo Lopez  
Sen. Elizabeth "Liz" Stefanics  
Rep. Elizabeth "Liz" Thomson

Rep. Phelps Anderson  
Rep. Zachary J. Cook  
Rep. Doreen Y. Gallegos  
Sen. Gay G. Kernan  
Rep. Rodolpho "Rudy" S. Martinez  
Sen. Mark Moores  
Sen. Mary Kay Papen  
Rep. Andrea Romero  
Rep. Gregg Schmedes  
Sen. William P. Soules  
Sen. Bill Tallman  
Rep. Christine Trujillo

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Sabina Gaynor, Bill Drafter, LCS  
Nancy Martinez, Research Assistant, LCS

**Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

## **Wednesday, September 16**

### **Welcome and Introductions (9:17 a.m.)**

Senator Ortiz y Pino welcomed the committee and introduced the presentations of the day.

### **Health Care Professional Licensing: A View from Other States (9:30 a.m.)**

Sydne Enlund, health policy specialist, National Conference of State Legislatures (NCSL); Iris Hentze, policy specialist, NCSL; and Zach Herman, policy associate, Employment, Labor and Retirement Program, NCSL, provided the committee with a presentation on scope of practice issues and health licensing approaches adopted by different states in response to the COVID-19 pandemic. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091620%20Item%201%20NCSL%20Presentation.pdf>.

Questions and comments from committee members addressed the following topics:

- there is a mental health pandemic related to behavioral health counselors who struggle to receive licensure reciprocity through COVID-19 measures;
- what goals are states trying to achieve through licensure;
- the history and record of physicians licensed in other states who seek licensure in New Mexico should be prioritized to protect the public;
- how job function differs from expertise when state licensing bodies conduct reviews of applicants seeking licensure;
- whether a health care specialist could practice in other areas of medicine under a waiver similar to waiver legislation passed in Kentucky;
- whether a best-practice standard for licensure exists within other states or among the states;
- New Mexico has independent licensing boards for health care professionals, and it is important to understand the authority of the boards with regard to the governor's executive orders;
- whether the NCSL could provide guidance in amending New Mexico's Emergency Licensing Act;
- there have been difficulties in passing and implementing interstate compacts in past legislative efforts;
- whether any states have adopted "any willing provider" certification; and
- credentialing addiction counselors and the lack of uniform credentialing standards.

### **Health Care Professional Licensing Issues in New Mexico (10:50 a.m.)**

John Blair, director, Boards and Commissions Division, Regulation and Licensing Department (RLD), and Linda M. Trujillo, deputy superintendent, RLD, provided the committee with a presentation on issues health care professionals face when seeking licensure under New Mexico law. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091620%20Item%202%20Health%20Licensing%20Issues%20in%20NM.pdf>.

Questions and comments from committee members addressed the following topics:

- the consequences of practicing without a license;
- whether the legislature can address issues faced by out-of-state therapists who seek New Mexico licensure;
- difficulties meeting continuing education requirements during the COVID-19 pandemic;
- reasons for instituting a licensure compact rather than granting reciprocity;
- whether the Emergency Licensing Act has been used in creating legislation relating to situations created by the COVID-19 pandemic;
- problems with certification or licensure for professions that require in-person application, such as water safety certification;
- whether certifications could be extended because of the COVID-19 pandemic;
- the RLD's authority over each licensing board and whether the RLD could supersede the independent boards under emergency authority;
- whether there are multiple licensing compacts in New Mexico;
- a request for the RLD to track board appointments in the future to see which positions are expiring and which positions need to be filled;
- the importance of the efficient operation of licensing boards to ensure that the health care system is functioning from an applicant's graduation to licensure;
- the number of newly licensed health care professionals practicing in urban versus rural communities; and
- New Mexico should set a goal that applicants reflect the state's demographics.

**Public Comment (1:37 p.m.)**

Comments from members of the public included concerns about the following topics:

- licensure reform for those who have been incarcerated should be a priority;
- teleclinical supervision should be available to behavioral health professionals;
- issues relating to the waiver or suspension of access to examinations or training for licensure by certain licensing boards due to the COVID-19 pandemic;
- the data collected by licensing boards should be standardized and provided to the public;
- the presentation of licensure requirements should be streamlined to determine core competencies; and
- the timeliness of mental health professionals in providing care must be evaluated.

**Physical Therapy: Proposed Compact (1:52 p.m.)**

Janet Popp, P.T., M.S., co-chair, Education Committee, New Mexico Chapter, American Physical Therapy Association, provided the committee with a presentation on a physical therapy compact that may be proposed in future legislation. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091620%20Item%203%20HHS%20Compact%20presentation.pdf>.

Questions and comments from committee members addressed the following topics:

- the difficulty in integrating the nursing compact and that such a compact for physical therapists could have been useful during the COVID-19 pandemic;
- the impact that the compact would have on practitioners and what authority a commission created under the compact would have in New Mexico;
- concern with protecting New Mexico from outside direction from commissions;
- whether all 50 states and the United States territories would participate in the compact;
- whether a state that joins the compact would be provided with notices of disciplinary actions;
- the requirement to provide previous professional history exceeding two years is of concern for applicants seeking licensure reciprocity in New Mexico;
- the differences between privileges and licenses are reflected in the continuing education credits;
- whether New Mexico would have jurisdiction over malpractice claims under the compact;
- the process of seeking licensure under the compact;
- how background checks are to be conducted under the compact when considering federal standards;
- if an applicant has lied about the applicant's background, what actions would the state take;
- whether state law needs to be amended to comply with federal requirements for background checks;
- the distinction between getting a license and delivering a service;
- whether there is a minimum requirement for continuing education to participate in the compact;
- renewal of licensure varies across states; and
- the need to consider the loss of fees because New Mexico's boards are dependent on fees.

### **Nursing Scope of Practice Issues (3:09 p.m.)**

Angela Frieze, C.R.N.A., president-elect, New Mexico Association of Nurse Anesthetists, provided the committee with a presentation on proposed legislation that would remove barriers for certified registered anesthesiologists. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/16/2020&ItemNumber=4>.

Questions and comments from committee members addressed the following topics:

- the importance of this information for rural communities;
- the proposed legislation is a scope of practice bill that mirrors a bill introduced in previous years;
- the relationship of hospital parity legislation to the proposed legislation;
- the necessity of clarifying language if such legislation is proposed;
- Medicare requirements must be considered with legislation of this type;
- hospital billing systems may not allow practitioners to practice autonomously even if legislation is passed to allow practitioners to do so;
- whether the goal of this legislation is to remove antiquated formulary language and add dispensing language, or whether the bill would contain other content;
- this is current practice under an executive order;
- the ability to practice independently and without supervision should be in statute;
- the current nursing compact excludes advanced practice nurses, and no legislation has been proposed to address advanced practice nurses; and
- the ability of nurses to admit patients into care and the requirements of federal law.

### **Adjournment**

There being no further business before the committee, the meeting adjourned at 4:23 p.m.