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## FISCAL IMPACT REPORT

SPONSOR: Beam DATE TYPED: 02/09/03 HB 457

SHORT TITLE: Medication to Public School Students SB \_\_\_\_\_

ANALYST: Geisler

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
\$100.00				Non-Recurring	General Fund
			See Narrative	Recurring	OSF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB528

Relates to SB 186, HB 145, SB 269, and HB 376

### SOURCES OF INFORMATION

#### Responses Received From

Board of Nursing (BON)  
 Department of Health (DOH)  
 State Department of Education (SDE)

### SUMMARY

#### Synopsis of Bill

House Bill 457 defines the term school medication aide and establishes a pilot program under the jurisdiction of the BON to train school medication aides to administer prescription drugs and other medications to school students during school hours, under the supervision of a registered nurse who is licensed by the state department of public education. The bill also has the following provisions.

- Establishes the program in five regions of the state allowing a maximum of 30 trainees in FY03 and 30 trainees in FY04 and authorizes the Board to adopt rules for the pilot program including educational standards and certification requirements.

- Authorizes the Board to appoint a school medication aide advisory committee to include representatives from UNM, NMSU, SDE, a statewide association of nursing and a statewide association of school nurses to recommend education requirements and procedures necessary for safe administration of medications by school medication aides, in conjunction with the Board and the SDE.
- Prohibits the administration of prescription drugs and medications, by a school medication aide, in a school that had a registered nurse licensed by the state department of public education during the preceding year.
- Appropriates \$100,000 from the general fund for FY 03 and FY 04 and includes an emergency clause.

### Significant Issues

The Board of Nursing reports the following:

The bill does not give the Board sufficient authority over practice and title protection, maintaining a registry for school medication aides, payment of an application fee, and renewal of the certification. It also does not set fees for review and approval of training programs, give authority to grant, deny or remove approval from training programs, and give authority for disciplinary action.

It is unclear where the final authority rests in the determination of the educational requirements and program development for the pilot program. The bill also does not contain a provision for evaluation of the pilot program.

Supervisory questions and determination of pilot sites would be part of the development of the pilot by the advisory committee. Since the Nurse Practice Act has no current definition for immediate supervision, it is not clear what this means. Further, it is unclear which schools, if any, could be used in the pilot pursuant to the section p. 3, lines 4-8.

The composition of the advisory committee does not provide for the appointment of any members of the Board Medication Aide Advisory Committee or for DOH.

It is unclear why there is need for an emergency clause. The Board of Nursing worked with the HJM 3 Task Force, and prior to that, with the School Nursing advisory committee for 5 years, in the study and preparation of this issue. There was no indication of need for an emergency clause in the task force recommendation.

### **FISCAL IMPLICATIONS**

The \$100.0 in one-time funding will support the pilot program. As a non-general fund agency, the BON will require authority to charge fees to support the program in the future. The BON estimates that one clerk specialist and one surveyor are needed to develop and process applications and provide oversight of the program.

## RELATIONSHIP

SB 186 amends the Nursing Practice Act to enter New Mexico into the interstate compact for nurse licensure. HB 145 extends the agency life until 2009. SB 269 prohibits the issuance of temporary licenses.

HB 376 adds a new section to the Nursing Practice Act creating a Nursing Excellence Program to enhance recruitment and retention of nurses; and other related provisions.

## AMENDMENTS

The Board of Nursing makes the following suggestions for amendments:

- To be consistent with other similar programs administered by the Board of Nursing, including the following language: Approved training programs shall, through contract or agreement, provide remuneration to the board for administrative and other costs associated with oversight of the school medication aide program.
- To address the purpose of the pilot program include: The purpose of this pilot program is to determine whether certified medication aides can safely and efficiently administer routine medications in the public school setting.
- Require a report to the legislature regarding continuation at the end of FY04.
- To give the Board sufficient authority over school medication aides and their training programs add: School medication aides shall make application and obtain training and certification as provided in Section 61-3-10.2 NMSA 1978 and shall be subject to all other regulations pertaining to medication aides as determined by the board.
- Reflect that the board has the authority to determine and develop educational requirements and program requirements by administrative rule and to collaborate with the DOH and SDE via the mechanism of the advisory committee.
- Remove “immediate supervision” and substitute “supervision/direction”
- Change Section E as follows: For the purposes of this section, “school medication aide” means a person who, under the supervision of a licensed registered nurse who is certified as a licensed school nurse by the department of education, may administer prescription medications and other medications to public school students
- Remove p.3 lines 4-8 beginning with “A certified school medication aide may not...”