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FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 2/25/03 HB _____
 SHORT TITLE: Prohibit Temporary Licensure SB 269
 ANALYST: Maloy

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	(See Narrative)	(See Narrative)	Recurring	OSF

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Responses Received From
 Regulation and Licensing Department
 Board of Medical Examiners
 Board of Veterinary Medicine
 Dental Health Board
 Department of Finance Administration
 Board of Nursing
 Attorney General's Office

SUMMARY

Synopsis of Bill

Senate Bill 269 adds broad language to the Uniform Licensing Act prohibiting state boards and commissions from issuing temporary or emergency licenses until all statutory requirements are completed. It further amends specific enabling acts for certain boards and commissions to delete fees for temporary licenses and repeals the enabling language.

Significant Issues

1. Several of the boards responding to this bill assert there exist several critical reasons for allowing temporary or emergency licenses, and that there should be careful consideration given before these licenses are eliminated.
2. The Medical Practice Act allows for temporary licenses for individuals licensed and in good standing in other states to provide temporary services at organized youth camps, or to assist in teaching, research, specialized diagnostic and treatment procedures, implementing new technology, or physician educational purposes.
3. The Board of Nursing contemplates whether the proposed elimination of temporary licenses would further exacerbate the already critical nurse shortage in New Mexico. Exacerbating this shortage would further compromise care provided to those in need of health care services in hospitals, nursing homes, and doctors' offices.
4. Several boards assert that there exist safeguards in place that ensure boards appropriately evaluate the qualifications of a potential licensee to practice in the state under a temporary license, until permanent qualification can be established. For instance, the Board of Nursing does not issue a temporary license / graduate permit until after a check of the national disciplinary data bank, verification that fingerprints have been submitted for a criminal background check, current licensure in another state, education and training verification, and a letter of intent to hire issued by a New Mexico employer.

Further, several boards note that many temporary licenses come in the form of training licenses where the temporary licensee is under the supervision of a full licensee.

Other Boards note how few licenses are granted under temporary provision, stating that they prefer to push licensee to pursue full licensure whenever possible. There are instances where temporary licenses are appropriate, and New Mexico should not deny its citizens potential services through qualified individuals.

Finally, the tight, short time frame during which a temporary licensee may operate is noted by the boards.

5. The Board of Dental Health Care notes these temporary licensing provisions assists the dental industry in getting dental care access to rural areas of New Mexico.
6. The denial of temporary licenses through the Podiatry Board may compromise care being made available to residents of the Veterans' Hospital in Albuquerque.
7. From a legal perspective, does the broad, umbrella language of the Uniform Licensing Act supercede specific language in individual enabling Acts?
8. The Attorney General's Office suggests that Chapter 61 NMSA 1978 be reexamined to determine if additional licensing authorities that issue temporary licenses have been overlooked. The office does not, however, cite any boards known to have been so overlooked.

FISCAL IMPLICATIONS

Denying temporary licenses will result in less revenue flowing to the individual boards. These boards are funded through OSF. There will be no direct impact on the general fund.

There may, however, be a secondary effect if the state must find / provide / fund services for New Mexicans who will miss out on the care to be provided through a temporary licensee. For example, there may be additional Medicaid cost, or the like.

CONFLICT

SB 171 includes language allowing temporary licenses and fees.

OTHER SUBSTANTIVE ISSUES

It appears that the intent is to prohibit temporary or emergency licenses issued prior to issuance of a regular license. Many temporary licenses are *not* related to the issuance of a regular license. If the intent is to not prohibit temporary licenses providing for teaching, research, day-camps for children, physicians volunteer at New Mexico ski schools, etc., then SB 269 should be amended.

Another terribly critical issue is *interim* licenses when an application is complete, the qualifications are met, but the board has not yet met to grant its approval of issuance of a license. The medical board is working on a process to issue interim licenses as soon as the application is complete. This serves to get physicians into the work force immediately, rather than delaying the issuance until a quarterly meeting. Again, the effects on nurses and dentists, together with the needs of New Mexico's nursing homes and children of rural areas, should be considered.

SJM/njw:yr