



Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee amendment clarifies that completion of a medication aide training program through the state is required before serving as medication aide, and changes the source of funds for the trial program evaluation from the general fund to the board of nursing fund.

Synopsis of Original Bill

SB 632 establishes a trial program under the jurisdiction of the Board of Nursing to train and certify medication aides and approve medication aide training programs to serve persons in licensed nursing facilities. The bill gives the BON authority to appoint an advisory committee to oversee the trial program, advise the board on implementation of the program and make recommendations to the Department of Health on the program. The trial program shall be established in five regions of the state allowing a maximum of 100 trainees. The bill requires contracts or agreements with training programs to pay for the administrative and other costs associated with oversight of the program by the BON. The Department of Health shall evaluate the trial program and submit a report and recommendations for continuing the program to the legislature no later than December 15, 2003.

Significant Issues

Both the BON and the DOH have worked together to develop the pilot program proposal. The pilot study may affect up to 200 patients in licensed nursing facilities, improving medication delivery systems and freeing licensed nursing staff to perform other nursing services for patients. Having CMAs to administer medications frees nurses to focus on needs and concerns that are not now being addressed because nurses are occupied with delivering medications. Family members, staff and other advocates could see an overall improvement in resident well-being.

However, the BON has expressed concerns about the deadline for the study and the advisory committee process. See discussion below.

**FISCAL IMPLICATIONS**

The Board of Nursing will obtain the funds necessary to support his program through a fee for service with training programs and medication aides. The Department of Health will evaluate the program with the \$36.0 appropriation from the general fund.

**ADMINISTRATIVE IMPLICATIONS**

According to the BON, one clerk specialist and one surveyor are needed to develop and process applications and provide oversight of the programs. The advisory committee will need to be appointed and convened, rules developed and a rules a hearing held. Program development, implementation and evaluation cannot be completed by the Board of Nursing within the time frame identified. The BON believes at least two years of data is needed to properly evaluate the program. It proposes an interim report on July 1, 2004 and a final report on July 1, 2005. Program updates could be provided during the 2004 and 2005 legislative sessions.

## COMPANIONSHIP

This is a companion to SB 186, HB 145, HB 376, HB 457, HB 528, SB 265 and SB 269.

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. HB 376 adds a new section to the Nursing Practice Act creating a Nursing Excellence Program to enhance recruitment and retention of nurses and clarifies numerous powers and duties of the board. HB 457 and HB 528 establish a pilot program to train school medication aides to administer prescription drugs and other medications to school students during school hours. SB 265 administratively attaches the Board of Nursing to the Regulation and Licensing Department and authorizes the Regulation and Licensing Department to provide administrative services including the hiring of staff. SB 269 prohibits the issuance of temporary licenses.

## OTHER SUBSTANTIVE ISSUES

The BON believes that the board, not the advisory committee, should make the recommendation about the future of the program to the Department of Health. Additionally, the BON would like to expand the membership of the advisory committee to include members of the BON's Medication Aide Advisory Committee. The DOH would like to ensure participation of its facilities in the trial program.

## AMENDMENTS

From the Board of Nursing:

Page 2, Replace existing section D with: "An advisory committee, appointed by the board of nursing, shall oversee the trial program and shall evaluate and make a recommendation to the board of nursing regarding the continuation. The board of nursing shall provide an evaluation of the program to the department of health, including a recommendation regarding continuation of the program. The advisory committee shall be composed of individuals with expertise in long-term care, including at least one representative from the university of New Mexico, the department of health, the New Mexico nurses' association and members of the board of nursing medication aide advisory committee who have expertise in the utilization of certified medication aides."

Page 2, replace existing section E with: "After considering the recommendations of the board of nursing, the department of health shall evaluate the trial program and submit a report and recommendations for continuing the program to the legislature no later than July 1, 2005."

Page 2, replace existing section G with: "Thirty-six thousand dollars (\$36,000) is appropriated from the general fund to the department of health in fiscal year 2004 to conduct an evaluation of the trial program during fiscal year 2004 and 2005. Any unexpended or unencumbered balance remaining at the end of the fiscal year 2005 shall revert to the general fund."

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