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FISCAL IMPACT REPORT

SPONSOR Nava DATE TYPED 02/22/05 HB _____

SHORT TITLE Unify Nursing Medication Aides Program SB 119/aSEC

ANALYST Moser

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From:

Board of Nursing
Department of Health

SUMMARY

Synopsis of Amendment

The amendment adds an emergency clause making the bill if passed effective upon signing into law.

Synopsis of Bill

Senate Bill 119 (SB 119) would amend the Nursing Practice Act to unify Certified Medication Aide (CMA) programs that currently operate in a variety of settings into one statewide program, under the regulatory control of the Board of Nursing. SB 119 would empower the Board of Nursing to set standards and adopt rules governing the certification of medication aides, as well as medication aide training programs. SB 119 further would establish new maximum allowable fees for CMA certification and CMA training program approval and periodic evaluation.

Significant Issues

SB 119 would expand the Nursing Practice Act to allow for the use of CMAs in provider systems that are impacted by the shortage of licensed nurses, beyond their use in licensed intermedi-

ate care facilities for the mentally retarded and consumers served under the Medicaid waiver for the developmentally disabled.

The School Medication Aide program was established as a pilot under HB 528 of the 2004 Legislature. The Board of Nursing Task Force overseeing this pilot found that Certified Medication Aides can safely and efficiently administer routine medications in public school settings, provided that there are qualified nurses available to appropriately delegate and evaluate medication delivery.

Regulatory oversight of CMA programs that would be established by SB 119, would allow existing programs to continue and new programs to be initiated. This would make the CMA option available to school districts and other healthcare providers utilizing these care givers across the state.

PERFORMANCE IMPLICATIONS

SB 119 impacts the Board of Nursing through the expansion of the current Developmental Disabled/Intermediate Care Facility Medication Aide programs to include other health care settings that can utilize medication aides such as public schools and long term care facilities under the supervision of a registered nurse.

SB 119 supports the Department of Health (DOH) Strategic Plan:

- Program Area 1: Prevention and Disease Control, Strategic Direction: Improve the Health of New Mexicans.
Objective 6: Prevent and control chronic disease.
- Program Area 2: Health Care Delivery, Strategic Direction: Improve access to health services.
Objective 2: Improve access to health services at agency-funded school-based health centers.
- Program Area 6: Los Lunas Community Program and Residential Care Facilities, Strategic Direction: Promote a continuum of high quality community based long-term care options for eligible persons.

FISCAL IMPLICATIONS

The New Mexico Board of Nursing is not a general fund agency. The expansion of this certification program will generate additional revenue for the agency through testing, recertification, survey evaluations and survey visits. Agencies and individuals requesting medication aide status will be charged the appropriate fees.

ADMINISTRATIVE IMPLICATIONS

Increasing the number of medication aides can be currently supported by existing Board of Nursing staff. This includes testing, initial certification, recertification, and survey evaluation visits. Dependent upon the growth of the program additional staff may eventually be needed.

OTHER SUBSTANTIVE ISSUES

According to the Department of Health, Certified Medication Aides are the only unlicensed per-

sons to whom nurses can legally delegate the task of medication administration. Given the number of routine medications required by students in schools and the lack of sufficient school nurses to administer those medications in every school building every day, Board of Nursing Certified Medication Aides are a valuable and needed adjunct to nursing services in New Mexico schools.

New Mexico nursing homes, like other healthcare providers, work hard to deliver care and services in an environment of scarce and shrinking resources. The New Mexico Department of Health's Long-Term Regulatory Cabinet subcommittee has analyzed data that suggests the shortage of nurses available for employment in nursing homes may be understated by as much as one-third. Many essentials of resident care prescribed by a physician or demanded by regulatory guidelines can only be delivered by a Licensed Practical Nurse or Registered Nurse. SB 119 would have the effect of easing care delivery obstacles by allowing for the continuation and expansion of the Certified Medication Aide program, thus freeing the nurses to deliver the care only they are permitted to do. There are many states that have successfully incorporated the Certified Medication Aide into the hierarchy of nursing staff providing care to the aged infirm in nursing homes. Certified Medication Aides pass a very limited group of medications; they give no injections, they do not administer controlled substances and, they do not administer any medication that requires assessment or judgments.

ALTERNATIVES

An alternative to SB 119 could be amending the Nursing Practice Act to add language allowing for a School Medication Aide Program and a Nursing Home Medication Aide Program, in addition to those specified for Developmentally Disabled Waiver and Intermediate Care Facilities for the Mentally Retarded.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The Board of Nursing concludes that as different agencies look to expand to the use of medication aides, they would need to request from legislature a pilot project to review/determine the need for medication aides in their agencies. An example would be the Corrections Industry. By ensuring these changes the Board of Nursing would be able to determine the need to expand appropriate regulate medication aides in various health care settings in New Mexico always looking to public safety first.

The Department of Health concludes that the School Certified Medication Aide Program would have to be discontinued. This would have the effect of leaving schools that do not have a full time school nurse without a safe and legal mechanism for the delegation of medication administration to unlicensed staff.

In nursing facilities, nurses will have less time for direct patient care.

EM/lg/njw