Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR	Rodella	ORIGINAL DATE LAST UPDATED		246/a HHGAC
SHORT TITI	E Polysomnography	y Licenses & Permits	SB	
			ANALYST	Hanika Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$.01 see narrative				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

<u>Responses Received From</u> Regulation & Licensing Department (RLD) Department of Health (DOH) - stated they do not have the expertise to analyze bill.

SUMMARY

Synopsis of Amendment

The House Health and Government Affairs Committee Amendment clarifies that only a physician certified in pulmonology shall be invited to sit on the advisory board of respiratory care practitioners.

Synopsis of Original Bill

House Bill 246 amends Section 61-12B-3 NMSA 1978 relating to the Respiratory Care Practitioner's Act to include polysomnography-related respiratory care services by various personnel within sleep disorders centers or laboratories.

FISCAL IMPLICATIONS

There is no appropriation attached to this legislation.

SIGNIFICANT ISSUES

HB 246 will require sleep laboratory personnel who provide polysomnography-related

House Bill 246/a HHGAC – Page 2

respiratory care procedures have documented training and on-going continuing education, and are regulated in a manner consistent with requirements for other practitioners providing respiratory care. Currently, polysomnographic personnel practicing in sleep laboratories are not regulated and there is no required oversight of such personnel possibly placing patients in those facilities at risk. Polysomnographic personnel assess and correct the oxygenation and ventilation of patients while they sleep.

Polysomnography means the process of analyzing, monitoring and recording physiologic data during sleep and wakefulness to assist in the assessment and diagnosis of sleep-wake disorders.

Polysomnographic-related respiratory care services are limited to the use of oxygen, noninvasive ventilatory assistance, pulse oximetry and capnography and provide patient education in compliance with physician orders.

ADMINISTRATIVE IMPLICATIONS

RLD will need to promulgate rules to issue, renew and monitor licenses, certificates or permits to persons qualified to provide polysomnography-related respiratory care services.

OTHER SUBSTANTIVE ISSUES

RLD notes that the language in the bill was developed by members of the New Mexico Society for Respiratory Care who operate sleep labs in Albuquerque, Santa Fe, Gallup, and Clovis. HB 246 incorporates language into the Respiratory Care Act that has been approved and enacted by other state legislatures.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The training and abilities of personnel practicing in sleep labs will continue to be unregulated posing a health risk for clients seeking assessment of sleep-wake disorders.

AHO/mt