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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/2007

SPONSOR Picraux LAST UPDATED \_\_\_\_\_ HB 380

SHORT TITLE Certified Nurse Technician Licensure SB \_\_\_\_\_

ANALYST Moser

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$67.4	Recurring	130- Other Revenue

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$67.4	\$70.7	\$138.1	Recurring	130-Other revenue

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

NM Board of Nursing

### SUMMARY

Synopsis of Bill

House Bill 380 creates a statewide program for licensure of certified nurse technicians and exempts religious practitioners from the Nurse Practice Act.

### FISCAL IMPLICATIONS

House Bill 380 creates a positive fiscal impact of \$64.7 thousand to the board of nursing through the fees generated by the Board of Nursing's certification of nurse technicians.

## **SIGNIFICANT ISSUES**

House Bill 380 allows for the regulation and supervision of unlicensed assistive personnel who provide hands on nursing care under the supervision of a registered nurse and a licensed practical nurse in various health care settings except for the long term care setting. The board of nursing indicates that this bill would not impact the Department of Health regulatory requirements for certified nurse aides. The certified nurse aide is a federal mandated program for individuals who work primarily in long term care agencies. The Department of Health will continue to regulate certified nurse aides.

Currently the Board of Nursing has regulatory oversight for certified medication aides and certified hemodialysis technicians. This bill would directly impact the Board of Nursing through the expansion of its unlicensed assistive personnel to include individuals working in those health care sites that provide direct hands-on nursing care with nursing supervision.

This bill also amends the Nurse Practice Act to allow individuals to be exempt from coverage who practice in accordance with the tenets of any church or religious denomination that teach reliance upon spiritual means through prayer for healing and does not allow these individuals to claim to be a licensed practical nurse or a registered nurse.

## **ADMINISTRATIVE IMPLICATIONS**

The board of Nursing acknowledges that while the number of unlicensed personnel who would meet the regulatory requirement is unknown at this time, the Board of Nursing has budgeted for additional staff a testing for initial certification, renewal of certificates and survey visits can be supported with the current staff and the additional budgeted staff.

## **OTHER SUBSTANTIVE ISSUES**

The Department of Health has regulatory oversight of the Certified Nurses Aides which is a federally mandated program for individuals providing direct hands-on nursing care in long term care agencies. The Department of Health also has oversight of the mandated federal registry for Certified Nurses Aides. The Department of Health would maintain this registry and this bill is not in conflict with their regulatory requirements.

National Council of State Boards of Nursing which the NM Board of Nursing is a member supports the position that state boards of nursing should regulate nursing assistive personnel across multiple health care settings.

## **ALTERNATIVES**

The Board of Nursing suggests the following amendments:

1. On line 16 of House Bill 380 needs to be amended to include the following new (underlined) language...  
Certified nurse technicians by registered nurses and licensed practical nurses, including...

The current bill left out the registered nurse in the writing of the bill.

2. Regarding the exemption regarding religious practice within House Bill 380, the Board at its December 2006 meeting approved the following :

No provision in this article shall be construed as applying to a person who nurse or cares or the sick in accordance with the practice or tenets of any church or religious denomination which teaches reliance upon spiritual means through prayer for healing, and who does not hold himself out to the public to be a licensed practical or professional nurse.

GM/csd