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FISCAL IMPACT REPORT

SPONSOR Jennings ORIGINAL DATE 02/02/07 HB _____
LAST UPDATED 02/06/07 SB _____

SHORT TITLE Scope of Practice Act SB 359

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		\$0.1 see narrative				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 359 enacts the new Scope of Practice Act that requires the Health Policy Commission (HPC) to coordinate the review of any proposed changes brought to a Board relating to the scope of practice of 23 different levels of professional and occupational health professions licensed by the state. The bill provides procedures for any proposed change in a scope of practice, and delineates the additional duties of ad-hoc review panels, licensing boards and the HPC.

The goal of SB 359 is to provide an avenue for a more objective review process for assessing proposed changes in a health professions scope of practice and ultimately improve the health and well being of the people of New Mexico.

FISCAL IMPLICATIONS

RLD reports additional staff and financial resources will be needed or diverted to comply with the provisions within the Act. There will also be additional per diem and mileage expenses for the members of each panel formed by the HPC.

SIGNIFICANT ISSUES

This Act will require the HPC to create panels to review all changes to a licensed profession's scope of practice. At a minimum each panel will include one member of a licensing board, one

additional member from the profession and have as ¼ of its membership persons outside of the profession. The Act will require the panel to provide public notice of changes, hear testimony, assess the proposal and study the benefit of any proposed changes.

Each review panel will be required to provide to the New Mexico Legislative Council, the Legislative Finance Committee and the Legislative Health and Human Services Committee a report with recommendations for each proposed change in scope of practice.

PERFORMANCE IMPLICATIONS

The HPC states that it is a stand-alone agency and does not have any vested interest in any board, professional association, or any other state agencies, therefore can represent an objective perspective and neutral review process. HPC further reports that every legislative session brings a request by a health profession to expand their scope of practice. Some legislators note that these bills are confusing and believe they are not qualified to make decisions in these areas.

RLD reports that Agency rulemaking performance relative to timely regulation implementation may be impaired if the time frame for rulemaking implementation is extended. The new panel may also interfere with the Legislature's traditional role in determining scopes of practice through the hearing process and the sunset process. RLD further reports that the proposed new process within the bill will create another layer of rulemaking review that may not add additional information that does not already exist under the current process.

ADMINISTRATIVE IMPLICATIONS

RLD states the Act may interfere with the performance-based measures of each Board responsible for licensing health care professionals. RLD is also concerned the panels, unlike the Boards, will not be made up of as many experts in the field or have as much public input as the Department's current system of boards and commissions provides.

OTHER SUBSTANTIVE ISSUES

HPC has the following comments:

The scope of practice of a licensed healthcare profession is statutorily defined in law in the form of a practice act. The State legislature has the authority to adopt or modify practice acts and therefore adopt or modify a particular scope of practice of a healthcare profession. Sometimes modification of practice acts are just the formalization of changes already occurring in education or practice within a profession, due to the results of research, advances in technology, and changes in healthcare demands.

There are nineteen health professional health related licensing boards in New Mexico and within each statute, multiple scopes of practice. The scope of practice of a health profession may have a significant impact on the quality, cost and geographic availability of health services as well as patient safety. Changes in such areas as professional education and training, treatment technologies and methodologies, reimbursement, cost containment and the health care delivery structure can also impact the demand for and complexity of scope of practice changes. The proposed process uses available technical expertise within the licensing boards combined with

assessment by an independent review panel that will offer legislators more complete information upon which to base their decisions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

SB367 Optometry Exclusions and Certifications
SB353 Clarify Oriental of Medicine Practice
SB18 Permit Certain Unlicensed Healthcare
HB88 Athletic Trainer as Health Provider
HB246 Polysomnography License and permits
HB103 Counseling and Therapy Licensure Requirements
SB20 Physician Licensure Requirements
SB513 Traditional Naturopathic Practice Act
HB199 Instructional Support Provider License

ALTERNATIVES

Request the HPC to formerly attend and participate in the current rulemaking process of all health care Boards, give testimony or other input when they feels it is necessary and report to the legislature as needed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current system will remain in place which provides for public input through membership on licensing boards, public hearings and reporting to the legislature.

AHO/nt