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FISCAL IMPACT REPORT

ORIGINAL DATE 03/09/07

SPONSOR Komadina LAST UPDATED _____ HB _____

SHORT TITLE Legal Protection of Health Care Therapies SB SM 48

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		\$.1 see narrative				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Memorial 48 requests a study to assess whether the public's right to access traditional, cultural, complementary and alternative health care therapies and remedies freely is adequately protected by law.

The memorial provides for the following:

- New Mexico has a long history of cultural healers, including the curandera, sobadora, partera, medica and arbolaira, and healing traditions, including plant medicines and foods, prayer, ceremony and song, and these traditions must be shared with the current generation and preserved by future Generations.
- In New Mexico, there are also well-accepted complementary and alternative health care therapies that have historically been practiced by persons who are not licensed or regulated by the state, including naturopathy, homeopathy, meditation, mind-body healing practices, traditional eastern practices such as qi gong and ayurveda, nutrition and lifestyle change, energy therapies, aromatherapy, folk remedies, anthroposophy, herbal therapy and healing practices using heat, cold, water, light and sound.
- A large number of New Mexicans are using complementary and alternative health care therapies, food, food supplements, herbs and herbal remedies.
- New Mexico is home to a large population of indigenous, traditional, alternative and complementary healers and health care practitioners and many internationally recognized educational institutions.

- The legislature enacted the Sunrise Act with the intent that no profession or occupation should be subject to regulation unless such regulation was necessary to protect the health, safety or welfare of the public from clear harm.
- It is in the best interests of the state and its citizens, and consistent with the Sunrise Act, that New Mexico avoid unnecessary regulation when there is no clear risk of harm or endangerment to the public and that the public continue to enjoy the freedom to access traditional, cultural, complementary and alternative health care therapies, traditional plant medicines, folk remedies and herbs without restraint.
- Licensed practitioners providing traditional, cultural, complementary and alternative health care therapies can be disciplined by their licensing boards because these therapies might be deemed to be outside the accepted standard of care.
- New Mexicans have had the freedom to buy and sell supplements and other health-promoting substances without regulation, and this right should be preserved.
- Legislative recognition of the value of traditional, cultural, complementary and alternative health care therapies will benefit the citizens of New Mexico by allowing practitioners to practice openly and promote the availability of their services, supporting those patients who wish to access alternative services and allowing patients to discuss openly their use of these therapies with all their health care providers in order to achieve coordination of care.

FISCAL IMPLICATIONS

The study group will incur costs to State agencies dependent upon how many staff members participate; how often the group meets; and, any additional costs derived from the implementation of any recommendations made by the group.

If members of the study group receive no other compensation, perquisite or allowance, they may be entitled to per diem and mileage as provided in the Per Diem and Mileage Act.

SIGNIFICANT ISSUES

The regulation and licensing department, the office of attorney general, representatives from each of the state boards that license health care providers, including the New Mexico medical board, the board of nursing, the board of pharmacy and representatives from the health care-related boards within regulation and licensing, are being requested to collaborate on a study that will assess whether current law adequately protects the public's right to access safe and effective traditional, cultural, complementary and alternative health care remedies and whether any changes to state law are necessary to protect this right.

The memorial further resolves that the study group seek to be as inclusive as possible and encourage public input from a variety of perspectives and modalities and hold at least two public meetings in different geographic locations of the state.

PERFORMANCE IMPLICATIONS

The study group will be required to report any legislative recommendations to the appropriate interim legislative committees by October 31, 2008.