

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 174

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO HEALTH; ENACTING THE PROFESSIONAL LICENSING BOARD  
REVIEW ACT; PROVIDING FOR A PROCESS TO REVIEW SCOPE OF PRACTICE  
CHANGES FOR ALL LICENSED HEALTH PROFESSIONALS AND THOSE SEEKING  
TO BECOME LICENSED HEALTH PROFESSIONALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Professional Licensing Board Review Act".

Section 2. PURPOSE.--The purpose of the Professional  
Licensing Board Review Act is to:

- A. provide a procedure for a review of proposed  
changes in the scope of practice of health professionals  
licensed by the state in order to ensure that the changes  
contribute to the improvement of the overall health of the  
people of New Mexico;

underscored material = new  
[bracketed material] = delete

1           B. provide a process for health professionals who  
2 wish to become licensed; and

3           C. make findings based on the review available to  
4 the governor and the legislature.

5           Section 3. DEFINITIONS.--As used in the Professional  
6 Licensing Board Review Act:

7           A. "department" means the regulation and licensing  
8 department;

9           B. "health profession" means a health-related  
10 activity or occupation licensed pursuant to Chapter 61 NMSA  
11 1978;

12           C. "licensing board" means a licensing board of a  
13 specific health profession regulated pursuant to Chapter 61  
14 NMSA 1978; and

15           D. "scope of practice" means those practice  
16 activities permitted a health profession as defined in its  
17 licensing act and rules adopted pursuant to that act.

18           Section 4. LICENSING BOARD ANALYSIS.--A member of a  
19 licensing board, a licensee of the licensing board or any other  
20 person seeking a change in the scope of practice of a health  
21 profession shall notify the respective licensing board of that  
22 profession and request review concerning the proposed change.  
23 The licensing board shall:

24           A. collect data, including information from the  
25 applicant and all other appropriate persons, necessary to

.175387.1

1 review the proposed change;

2 B. conduct a technical assessment of the proposed  
3 change, if necessary with the assistance of a technical  
4 advisory group established for that specific purpose, to  
5 determine whether the change is in the profession's current  
6 scope of practice or skills that can be learned;

7 C. hold a public hearing with appropriate notice of  
8 its proceedings;

9 D. invite testimony from persons with special  
10 knowledge in the field of the proposed change;

11 E. assess the proposed change using the following  
12 criteria:

13 (1) whether the proposed change offers  
14 potential harm to the health, safety or welfare of health care  
15 consumers;

16 (2) whether the proposed change offers benefit  
17 to the health, safety and welfare of health care consumers;

18 (3) the likely economic impact on overall  
19 health care delivery of the proposed change;

20 (4) whether the potential benefits of the  
21 proposed change outweigh the potential harm; and

22 (5) the extent to which the proposed change  
23 will affect the availability, accessibility, delivery and  
24 quality of health care in New Mexico;

25 F. provide its analysis, conclusions and any

underscored material = new  
[bracketed material] = delete

1 recommendations, together with all materials gathered for the  
2 review, to the legislature and to the governor; and

3 G. provide to the governor, the New Mexico  
4 legislative council, the legislative finance committee and the  
5 legislative health and human services committee a full report,  
6 including legislative recommendations, on each proposed change  
7 in scope of practice brought before the board between September  
8 of the previous year and August of the current year. The  
9 director of the licensing board shall also provide an oral  
10 presentation of the report to the legislative finance committee  
11 and the legislative health and human services committee.

12 Section 5. PROPOSED CREATION OF NEW LICENSED HEALTH  
13 PROFESSION--DEPARTMENT REVIEW.--A member of the public or of a  
14 proposed licensed health profession or any other person seeking  
15 to create a new licensed health profession shall notify the  
16 department and shall request a review concerning the proposed  
17 licensed health profession. This shall be done in conjunction  
18 with an application as required by Section 12-9A-4 NMSA 1978.

19 The department shall:

20 A. collect data, including information from the  
21 applicant and all other appropriate persons, necessary to  
22 review the proposal;

23 B. conduct a technical assessment of the proposal,  
24 if necessary with the assistance of a technical advisory group  
25 established for that specific purpose, to determine whether the

.175387.1

1 proposed licensure is in the profession's scope of practice;

2 C. hold a public hearing with appropriate notice of  
3 its proceedings;

4 D. invite testimony from persons with special  
5 knowledge in the field of the proposed licensure;

6 E. assess the proposal using the following  
7 criteria:

8 (1) whether the proposed licensure offers  
9 potential harm to the health, safety or welfare of health care  
10 consumers;

11 (2) whether the proposed licensure will  
12 benefit the health, safety and welfare of health care  
13 consumers;

14 (3) the likely economic impact on overall  
15 health care delivery of the proposed licensure;

16 (4) whether the potential benefits of the  
17 proposed licensure outweigh the potential harm; and

18 (5) the extent to which the proposed licensure  
19 will affect the availability, accessibility, delivery and  
20 quality of health care in New Mexico;

21 F. provide its analysis, conclusions and any  
22 recommendations, together with all materials gathered for the  
23 review, to the legislature and to the governor; and

24 G. provide to the governor, the New Mexico  
25 legislative council, the legislative finance committee and the

.175387.1

underscoring material = new  
[bracketed material] = delete

1 legislative health and human services committee a full report,  
2 including legislative recommendations, on each proposed  
3 licensure brought before the commission between September of  
4 the previous year and August of the current year. The  
5 superintendent of regulation and licensing shall also provide  
6 an oral presentation of the report to the legislative finance  
7 committee and the legislative health and human services  
8 committee.

9 - 6 -  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.175387.1