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FISCAL IMPACT REPORT

ORIGINAL DATE 02/01/11
LAST UPDATED 02/18/11 **HB** 107/aHHGAC

SPONSOR Wallace

SHORT TITLE Consolidating Naprapathy Under Medical Board **SB** _____

ANALYST Sanchez

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	\$6.0	\$7.0	Recurring	Board Funds

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Regulation and Licensing Department (RLD)
 Medical Board (NMMB)
 Higher Education Department (HED)

SUMMARY

Synopsis of HHGAC Amendment

The House Health and Government Affairs committee amendment to House Bill 107 would "create" a Naprapathic Task Force.

The task force is created under the direction of the Medical Board and shall advise the Board regarding licensure of naprapaths, approval of naprapathy curricula and any other matters.

The task force would be comprised of no fewer than two naprapath licensees and appointed by the Board. The task force would develop guidelines for the Board to consider in regards to regulation the licensure, prescribing the manner in which records, examinations and treatment shall be kept, providing standards for conduct, disciplinary actions, investigations reinstatement, acceptance of credentials from another jurisdiction, criteria for advertising or promotional materials.

According to the Regulation and Licensing Department (RLD), this amendment would allow the Naprapathic Board a voice on the Medical Board to advise the Board regarding licensure of Naprapaths, approval of naprapathy curricula and matters pertaining to the training and licensure of Naprapaths.

Synopsis of Original Bill

House Bill 107 proposes to transfer the function and duties of the Naprapathic Practice Board, currently housed at the New Mexico Regulation and Licensing Department, to the New Mexico Medical Board. House Bill 107 transfers the duties, functions, appropriations, obligations and property of the Naprapathic Practice Board to the New Mexico Medical Board. House Bill 107 therefore repeals the Naprapathic Practice Act, NMSA 1978, § 60-12E-1 to -17. It also reconciles multiple amendments to the same sections of law in laws 2008.

The New Mexico Naprapathic Medicine Board is a five member board and was established by Senate Bill 255 in 2003 under the Regulation and Licensing Department. The duties of the board (61-12E-10 NMSA 1978) include licensure of naprapaths, approval of naprapathy curricula, approval of degree programs in naprapathy and any other matters that are necessary to ensure the training and licensure of competent naprapaths. Naprapathy means a branch of medicine that focuses on the evaluation and treatment of neuro-musculoskeletal conditions. Doctors of naprapathy are connective tissue specialists.

According to the staff of the Regulation and Licensing Department, the Naprapathic Medicine Board had at this time 13 licensees and no FTEs. Since its inception the Naprapathic Practice Board has licensed one school to offer the Doctor of Naprapathic Medicine Program, which is recorded in the board's meeting minutes.

HB107 would repeal the current Naprapathic Practice Act including the duties of the current board. The proposed legislation does not appear to address the approval of curricula, degree programs and other educational matters pertaining to naprapathic medicine educational institutions. The proposed legislation seems to focus on practitioner licensing aspects.

FISCAL IMPLICATIONS

Based on assessing an initial licensure fee of \$500 and an annual renewal fee of \$500 for 14 licensees, the NM Medical Board projects approximate revenue of \$7,000 for FY12 and each subsequent fiscal year thereafter, with no additional revenues projected for initial licensure.

SIGNIFICANT ISSUES

HB 107 will require persons engaged in the practice of naprapathy to be licensed by the New Mexico Medical Board.

Section 7 of HB 107 requires the New Mexico Medical Board (NMMB) to approve training programs for Naprapaths, and since the New Mexico Higher Education Department (NMHED) is charged with the licensing of private postsecondary educational institutions through the Post-Secondary Educational Institution Act, approving training programs for Naprapaths is most appropriately placed with NMHED that has the resources, knowledge and current authority needed.

According to the NMHED FIR:

“Section 21-23-6.2C (8) NMSA 1978 as amended requires all degree-granting schools to seek appropriate external accreditation by an agency recognized by the federal department of education as a means of assuring quality instruction.

Currently, there appears to be no accrediting body or post-secondary institution in the United States that is recognized by the U.S. Department of Education pertaining to naprapathic medicine.”

The New Mexico Medical Board does not believe they have resources and expertise needed to oversee/regulate postsecondary educational programs for any profession regulated by the NMMB, whereas the NMHED has said that resources and expertise are needed and is prepared to take on the responsibility for Naprapaths.

Section 8 of HB 107 authorizes the NMMB to approve equivalent educational programs for Naprapaths and to approve the curriculum for a four-year academic program in Naprapathy. The NMMB is prepared to establish and approve curriculums using national standards.

PERFORMANCE IMPLICATIONS

According to RLD, some states are moving toward combining medical boards in order to improve efficiency and eliminate duplicative administrative functions. Combining the boards would significantly improve customer service and protection for the public.

ADMINISTRATIVE IMPLICATIONS

According to the Executive Director of the Medical Board, the board is willing to take on the responsibilities of licensing naprapathy practitioners. However, the board did not have any history in approving or licensing educational institutions. The Executive Director expressed that the board would likely not have an interest in approving academic curriculum, as such responsibility has been traditionally referred to an accrediting agency in the past.

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TECHNICAL ISSUES

Section 2 of House Bill 107 amends the definitions in NMSA 1978, § 61-6-6. Inclusion of the term “naprapath” may be necessary to accomplish the intended result of House Bill 107.

Section 7 of House Bill 107 integrates license requirements and exceptions of the Naprapathic Practice Act. This section refers to “registration” with the Medical Board. However, there is no indication as to what registration entails. As such, this term may need to be clarified.

Section 61-6-15 of the Medical Practice Act should be amended to include licensees who practice as a polysomnographic technologist or a naprapath.

If HB 107 is signed into law with an effective date of July 1, 2011 there will be an overlap of transferring the authority to the NMMB and the renewal of licenses which has a July 1 due date.

OTHER SUBSTANTIVE ISSUES

The New Mexico Higher Education Department (NMHED) is charged with the licensing of private postsecondary educational institutions through the Post-Secondary Educational Institution Act (21-23-1 NMSA 1978). NMHED is generally concerned with the quality of private post-secondary education and with the protection of consumers enrolled in private post-secondary educational institutions when those schools cease operation or fail to meet standards of quality.

NMHED does not oppose the transfer of the Naprapathic Practice Board to the New Mexico Medical Board. Rather, NMHED would like to emphasize the importance of elaborating the parameters of the board's oversight responsibility as it would pertain to post-secondary education comparable to the Post-Secondary Educational Institution Act requirements for degree granting institutions and standards for doctorate degrees.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If House Bill 107 is not enacted the profession will be unregulated by the State of New Mexico as of July 1, 2012.

CS/bym