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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	<u>Kernan</u>	<b>ORIGINAL DATE</b>	<u>02/16/11</u>	
		<b>LAST UPDATED</b>	<u>03/18/11</u>	<b>HB</b>
<b>SHORT TITLE</b>	<u>Health Care Provider Requirements</u>			<u>323/aSPAC/aHHGAC/ aHJC</u>
		<b>ANALYST</b>		<u>Hanika-Ortiz</u>

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)  
 Regulation and Licensing Department (RLD)  
 Attorney General's Office (AGO)  
 New Mexico Medical Board (Board)

### SUMMARY

#### Synopsis of HJC amendment

House Judiciary Committee amendment repeals reference to “unprofessional conduct” and substitutes “shall be subject to the appropriate licensing or disciplinary action.” This responds to a previous comment regarding “unprofessional conduct” that without a defined penalty, this might be an ineffective definition to require name tags.

#### Synopsis of HHGAC amendment

The House Health and Government Affairs Committee amendment permits a health care provider, with a name tag showing the type of licensure, to either display a diploma or certification establishing the type of licensure or have the diploma or certification on file in the main office.

#### Synopsis of SPAC amendment

The Senate Public Affairs Committee amendment replaces the term *optometrists* with *doctors of optometry* within the definition of *health care provider*.

Synopsis of Original Bill

Senate Bill 323 (SB 323) amends NMSA 1978, §57-21-2 of the Advertisement of Health Care Services within definition of *health care provider* and their advertising requirements.

**FISCAL IMPLICATIONS**

~~There does not appear to be a fine or penalty imposed for a finding of *unprofessional conduct*. It remains uncertain how much “teeth” this finding would hold to guarantee future compliance.~~

RLD reports that any fiscal impact on the department will be minor.

**SIGNIFICANT ISSUES**

The bill requires a health care provider to wear a name tag with credentials during patient encounters and display a diploma or certification in their office. The bill further requires a health care facility to require an assistant to a health care provider to wear a name tag with the employee’s position during patient encounters. The bill gives the provider or health care facility governing licensing board the authority to find the provider or facility guilty of *unprofessional conduct* for consistently refusing to comply.

**PERFORMANCE IMPLICATIONS**

RLD reports that by rule individual licensees of the licensing boards are required to post their license in the provider’s principal office.

The criminal sanction under the bill is removed and replaced with a potential finding of *unprofessional conduct*.

**ADMINISTRATIVE IMPLICATIONS**

The boards will be required to adopt rules to discipline a licensee for *unprofessional conduct* if they consistently refuse to comply with the requirements of the Advertisement of Health Care Services.

**TECHNICAL ISSUES**

The bill may benefit from requiring patients and advocates to be informed about the requirement, and how to file a complaint if they witness a violation.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

State health facilities may be at risk if persons working as providers or assistants to providers are not required to identify themselves to patients before providing care.

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