

HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 19

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH CARE  
WORK FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT TO DIRECT  
THAT THE UNIVERSITY OF NEW MEXICO ASSUME DATA-RELATED DUTIES  
PURSUANT TO THAT ACT; PROVIDING THE DEPARTMENT OF HEALTH ACCESS  
TO DATA; TRANSFERRING ALL DATA, APPROPRIATIONS, PROPERTY,  
PERSONNEL, RECORDS AND CONTRACTS RELATED TO DATA COLLECTION,  
ANALYSIS, STORAGE OR USE UNDER THE HEALTH CARE WORK FORCE DATA  
COLLECTION, ANALYSIS AND POLICY ACT FROM THE DEPARTMENT OF  
HEALTH TO THE UNIVERSITY OF NEW MEXICO.

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

**SECTION 1.** Section 24-14C-1 NMSA 1978 (being Laws 2011,  
Chapter 152, Section 1) is amended to read:

"24-14C-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article  
14C NMSA 1978 may be cited as the "Health Care Work Force Data

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1 Collection, Analysis and Policy Act".

2 SECTION 2. Section 24-14C-2 NMSA 1978 (being Laws 2011,  
3 Chapter 152, Section 2) is amended to read:

4 "24-14C-2. DEFINITIONS.--As used in the Health Care Work  
5 Force Data Collection, Analysis and Policy Act:

6 A. "board" means any state health care work force  
7 licensing or regulatory board, including the New Mexico medical  
8 board; the board of osteopathic medical examiners; the New  
9 Mexico board of dental health care; the board of nursing; the  
10 board of pharmacy; any other licensing or regulatory board that  
11 the ~~[secretary of health]~~ chancellor designates; any other  
12 health professional licensing board listed in Chapter 61 NMSA  
13 1978; and the ~~[department]~~ university;

14 B. "chancellor" means the chancellor for health  
15 sciences of the university of New Mexico;

16 ~~[B.]~~ C. "database" means the health care work force  
17 database created pursuant to the Health Care Work Force Data  
18 Collection, Analysis and Policy Act;

19 ~~[C. "department" means the department of health;]~~

20 D. "ethnicity" means an individual's self-  
21 identification or affiliation as either "Hispanic or Latino" or  
22 "not Hispanic or Latino" according to cultural, historical,  
23 linguistic or religious ties;

24 E. "New Mexico center for health care workforce  
25 analysis" means a state entity that collects, analyzes and

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1 reports data regarding the state's health care work force and  
 2 collaborates with the federal national center for health care  
 3 workforce analysis pursuant to Section 5103 of the federal  
 4 Patient Protection and Affordable Care Act; ~~and~~

5 F. "race" means an individual's self-identification  
 6 or affiliation with one of the following categories used to  
 7 identify individuals according to historical or phenotypical  
 8 characteristics:

- 9 (1) American Indian or Alaska Native;
- 10 (2) Asian;
- 11 (3) Black or African American;
- 12 (4) Native Hawaiian or other Pacific Islander;
- 13 (5) White; or
- 14 (6) a mixture of any of the categories listed  
 15 in Paragraphs (1) through (5) of this subsection; and

16 G. "university" means the university of New  
 17 Mexico."

18 SECTION 3. Section 24-14C-3 NMSA 1978 (being Laws 2011,  
 19 Chapter 152, Section 3) is amended to read:

20 "24-14C-3. HEALTH CARE WORK FORCE DATABASE--COLLECTION OF  
 21 DATA--HOUSING OF DATA--ANALYSIS AND REPORTING.--

22 A. Subject to the availability of state, federal or  
 23 private foundation funding or other sources of funding, the  
 24 [~~secretary of health~~] chancellor shall create and maintain the  
 25 "health care work force database". The [~~secretary of health~~]

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1 chancellor shall:

2 (1) enter into agreements with entities to  
3 create, house and provide information to state agencies, the  
4 legislature and the governor and, as the legislature or  
5 governor deems appropriate, any others regarding the state's  
6 health care work force; and

7 (2) seek federal or other sources of funding  
8 to create a New Mexico center for health care workforce  
9 analysis and to ensure the additional funding and staffing  
10 needed to achieve the anticipated outcomes.

11 B. A board shall supply the [~~department~~] university  
12 with data pertaining to licensed health care providers for  
13 inclusion in the database. A board shall collect a core  
14 essential data set at the time of new licensure or licensure  
15 renewal, including, but not limited to, a provider's:

16 (1) demographics, including race, ethnicity  
17 and primary and other languages spoken;

18 (2) practice status, including, but not  
19 limited to:

20 (a) active practices in New Mexico and  
21 other locations;

22 (b) practice type; and

23 (c) practice settings, such as  
24 hospitals, public schools, higher education institutions,  
25 clinics and other clinical settings;

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1 (3) education, training and primary and  
 2 secondary specialties for all health professions as  
 3 appropriate;

4 (4) average hours worked per week and the  
 5 average number of weeks worked per year in the licensed  
 6 profession over the past twelve months;

7 (5) percentage of practice engaged in direct  
 8 patient care and in other activities, such as teaching,  
 9 research and administration, in the licensed profession;

10 (6) practice plans for the next five years,  
 11 including retiring from a health care profession, moving out of  
 12 state or changing health care work hours; and

13 (7) professional liability insurance costs and  
 14 availability as they relate to barriers to practice.

15 C. The chancellor shall provide to the department  
 16 of health, in a manner that conforms to department of health  
 17 rules, access to health care work force data that the  
 18 university administers pursuant to the Health Care Work Force  
 19 Data Collection, Analysis and Policy Act."

20 SECTION 4. Section 24-14C-4 NMSA 1978 (being Laws 2011,  
 21 Chapter 152, Section 4) is amended to read:

22 "24-14C-4. DATABASE ESTABLISHMENT AND MAINTENANCE--  
 23 DELEGATION.--

24 A. The [secretary of health] chancellor may  
 25 contract and collaborate with a private or public entity to

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1 establish and maintain the database, to analyze data collected,  
2 to develop reports for the legislature or the executive branch  
3 or to perform other duties to carry out the provisions of the  
4 Health Care Work Force Data Collection, Analysis and Policy  
5 Act.

6 B. An entity that establishes, maintains or  
7 analyzes data or develops reports by contract pursuant to  
8 Subsection A of this section shall provide to the department of  
9 health, in a manner that conforms to department of health  
10 rules, access to any health care work force data that the  
11 entity establishes, maintains, analyzes or reports."

12 SECTION 5. Section 24-14C-5 NMSA 1978 (being Laws 2011,  
13 Chapter 152, Section 5) is amended to read:

14 "24-14C-5. HEALTH CARE WORK FORCE DATA COLLECTION BY  
15 BOARDS--MANDATORY COMPLIANCE FOR APPLICANTS--REPORTING BY  
16 BOARDS--CONFIDENTIALITY OF DATA--RULEMAKING.--

17 A. An applicant for a license from a board or  
18 renewal of a license by a board shall provide the information  
19 prescribed by the [~~secretary of health~~] chancellor pursuant to  
20 Subsection C of this section. This section applies to  
21 applicants for health professional licensure or renewal of  
22 health professional licensure pursuant to Chapter 61 NMSA 1978.

23 B. A board shall not approve a subsequent  
24 application for a license or renewal of a license until the  
25 applicant provides the information pursuant to Subsection C of

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1 this section.

2 C. A board shall adopt rules regarding the manner,  
3 form and content of reporting data; the consistency of data  
4 entry fields used; and the information that an applicant,  
5 pursuant to Subsection A of this section, shall provide to a  
6 board. At a minimum, the rules shall provide for a core  
7 essential data set, including the applicant's:

8 (1) demographics, including race, ethnicity  
9 and primary and other languages spoken;

10 (2) practice status, including, but not  
11 limited to:

12 (a) active practices in New Mexico and  
13 other locations;

14 (b) practice type; and

15 (c) practice settings, such as hospital,  
16 clinic or other clinical settings;

17 (3) education, training and primary and  
18 secondary specialties;

19 (4) average hours worked per week and the  
20 average number of weeks worked per year in the licensed  
21 profession;

22 (5) percentage of practice engaged in direct  
23 patient care and in other activities, such as teaching,  
24 research and administration, in the licensed profession; and

25 (6) practice plans for the next five years,

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1 including retiring from the health care profession, moving out  
2 of state or changing health care work hours.

3 D. A board shall report health care work force  
4 information collected pursuant to this section to the  
5 [~~secretary of health~~] chancellor.

6 E. A board shall keep confidential and not release  
7 personally identifiable data collected under this section for  
8 any person licensed, registered or certified by the board. The  
9 provisions of this subsection do not apply to the release of  
10 information to a law enforcement agency for investigative  
11 purposes or to the release to the [~~secretary of health~~]  
12 chancellor for state health planning purposes. A person with  
13 whom the [~~department~~] university contracts to perform data  
14 collection, storage and analysis shall protect the privacy of  
15 that data. The [~~secretary of health~~] chancellor shall ensure  
16 that the responses of applicants shall be kept confidential,  
17 including taking special precautions when the identity of an  
18 applicant may be ascertained due to the applicant's location or  
19 occupation.

20 F. A board shall promulgate rules as necessary to  
21 perform the board's duties pursuant to this section, including  
22 rules for collecting, storing and analyzing data in addition to  
23 the information required to be collected by the Health Care  
24 Work Force Data Collection, Analysis and Policy Act."

25 SECTION 6. Section 24-14C-6 NMSA 1978 (being Laws 2011,

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1 Chapter 152, Section 6) is amended to read:

2 "24-14C-6. HEALTH CARE WORK FORCE WORK GROUP--WORK FORCE  
3 DATA ANALYSIS--RECRUITMENT PLANNING--STRATEGIC PLAN FOR  
4 IMPROVING HEALTH CARE ACCESS--WORK FORCE SURVEY.--The  
5 [~~secretary of health~~] chancellor for health sciences of the  
6 university of New Mexico shall convene a health care work force  
7 work group that includes representatives of health care  
8 consumers; health care providers; organized groups representing  
9 physicians, physician assistants, nurses, nurse practitioners,  
10 dentists, dental hygienists and pharmacists; health care work  
11 force training institutions; the [~~New Mexico health policy~~  
12 ~~commission~~] department of health; the public education  
13 department; the higher education department; and the boards.

14 The work group shall:

15 A. analyze and make recommendations to the  
16 legislature regarding incentives to attract qualified  
17 individuals, including those from minority groups  
18 underrepresented among health care professions, to pursue  
19 health care education and practice in New Mexico;

20 B. develop a short-term plan and a five-year plan  
21 to improve health care access, with a draft report on the plans  
22 to be submitted to the interim legislative health and human  
23 services committee by November 1, 2011. Beginning October 1,  
24 2012, the work group shall make detailed annual reports to the  
25 legislative health and human services committee by October 1 of

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1 each year;

2 C. analyze the collected data and make  
3 recommendations to the legislature for building healthier  
4 communities and improving health outcomes; and

5 D. devise an electronic survey, designed to be  
6 completed by applicants within fifteen minutes, for boards to  
7 provide to applicants for licensure or renewal of licensure,  
8 which includes questions regarding the information required  
9 pursuant to Subsection C of Section [~~5 of the Health Care Work~~  
10 ~~Force Data Collection, Analysis and Policy Act~~] 24-14C-5 NMSA  
11 1978 and any other survey questions that the [~~secretary of~~  
12 ~~health~~] chancellor and the work group deem appropriate."

13 SECTION 7. Laws 2011, Chapter 152, Section 7 is amended  
14 to read:

15 "SECTION 7. TEMPORARY PROVISION--APPLICATION FOR GRANTS  
16 PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE  
17 ACT.--In order to carry out the provisions set forth in the  
18 Health Care Work Force Data Collection, Analysis and Policy  
19 Act, the [~~secretary of health~~] chancellor for health sciences  
20 of the university of New Mexico shall seek funding pursuant to  
21 Section 5102 of the federal Patient Protection and Affordable  
22 Care Act, as well as funding from any other source, public or  
23 private, that the [~~secretary of health~~] chancellor deems  
24 appropriate."

25 SECTION 8. TEMPORARY PROVISION--TRANSFER OF DATA,

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1 APPROPRIATIONS, PROPERTY, PERSONNEL, RECORDS AND CONTRACTS TO  
2 THE BOARD OF REGENTS OF THE UNIVERSITY OF NEW MEXICO.--On July  
3 1, 2012:

4 A. all data, appropriations, property, personnel  
5 and records related to data collection, analysis, storage or  
6 use pursuant to the Health Care Work Force Data Collection,  
7 Analysis and Policy Act shall be transferred from the  
8 department of health to the university of New Mexico; and

9 B. any contracts related to data collection,  
10 analysis, storage or use that are binding on the department of  
11 health pursuant to the Health Care Work Force Data Collection,  
12 Analysis and Policy Act shall be binding on the board of  
13 regents of the university of New Mexico.

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