SENATE BILL 113

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

INTRODUCED BY

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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

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] president designates; any other

12   health professional licensing board listed in Chapter 61 NMSA

13   1978; and the [department] university;

14   B. "database" means the health care work force

15   database created pursuant to the Health Care Work Force Data

16   Collection, Analysis and Policy Act;

17   [C. "department" means the department of health;

18   D.] C. "ethnicity" means an individual's self-

19   identification or affiliation as either "Hispanic or Latino" or

20   "not Hispanic or Latino" according to cultural, historical,

21   linguistic or religious ties;

22   [E.] D. "New Mexico center for health care

23   workforce analysis" means a state entity that collects,

24   analyzes and reports data regarding the state's health care

25   work force and collaborates with the federal national center

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1   for health care workforce analysis pursuant to Section 5103 of

2   the federal Patient Protection and Affordable Care Act; [and]

3   E. "president" means the president of the

4   university of New Mexico;

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--DEPARTMENT OF

22   HEALTH DATA ACCESS.--

23   A. Subject to the availability of state, federal or

24   private foundation funding or other sources of funding, the

25   [secretary of health] president shall create and maintain the

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1   "health care work force database". The [secretary of health]

2   president shall:

3   (1)   enter into agreements with entities to

4   create, house and provide information to state agencies, the

5   legislature and the governor and, as the legislature or

6   governor deems appropriate, any others regarding the state's

7   health care work force; and

8   (2)   seek federal or other sources of funding

9   to create a New Mexico center for health care workforce

10   analysis and to ensure the additional funding and staffing

11   needed to achieve the anticipated outcomes.

12   B.   A board shall supply the [department] university

13   with data pertaining to licensed health care providers for

14   inclusion in the database. A board shall collect a core

15   essential data set at the time of new licensure or licensure

16   renewal, including, but not limited to, a provider's:

17   (1)   demographics, including race, ethnicity

18   and primary and other languages spoken;

19   (2)   practice status, including, but not

20   limited to:

21   (a)   active practices in New Mexico and

22   other locations;

23   (b)   practice type; and

24   (c)   practice settings, such as

25   hospitals, public schools, higher education institutions,

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clinics and other clinical settings;

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

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

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

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

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

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

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

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

A.   The [secretary of health] president may contract

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1   and collaborate with a private or public entity to establish

2   and maintain the database, to analyze data collected, to

3   develop reports for the legislature or the executive branch or

4   to perform other duties to carry out the provisions of the

5   Health Care Work Force Data Collection, Analysis and Policy

6   Act.

7   B. An entity that establishes, maintains or

8   analyzes data or develops reports by contract pursuant to

9   Subsection A of this section shall provide to the department of

10   health, in a manner that conforms to department of health

11   rules, access to any health care work force data that the

12   entity establishes, maintains, analyzes or reports."

13   **SECTION 5.** Section 24-14C-5 NMSA 1978 (being Laws 2011,

14   Chapter 152, Section 5) is amended to read:

15   "24-14C-5. HEALTH CARE WORK FORCE DATA COLLECTION BY

16   BOARDS--MANDATORY COMPLIANCE FOR APPLICANTS--REPORTING BY

17   BOARDS--CONFIDENTIALITY OF DATA--RULEMAKING.--

18   A. An applicant for a license from a board or

19   renewal of a license by a board shall provide the information

20   prescribed by the [secretary of health] president pursuant to

21   Subsection C of this section. This section applies to

22   applicants for health professional licensure or renewal of

23   health professional licensure pursuant to Chapter 61 NMSA 1978.

24   B. A board shall not approve a subsequent

25   application for a license or renewal of a license until the

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1   applicant provides the information pursuant to Subsection C of

2   this section.

3   C.   A board shall adopt rules regarding the manner,

4   form and content of reporting data; the consistency of data

5   entry fields used; and the information that an applicant,

6   pursuant to Subsection A of this section, shall provide to a

7   board. At a minimum, the rules shall provide for a core

8   essential data set, including the applicant's:

9   (1)   demographics, including race, ethnicity

10   and primary and other languages spoken;

11   (2)   practice status, including, but not

12   limited to:

13   (a)   active practices in New Mexico and

14   other locations;

15   (b)   practice type; and

16   (c)   practice settings, such as hospital,

17   clinic or other clinical settings;

18   (3)   education, training and primary and

19   secondary specialties;

20   (4)   average hours worked per week and the

21   average number of weeks worked per year in the licensed

22   profession;

23   (5)   percentage of practice engaged in direct

24   patient care and in other activities, such as teaching,

25   research and administration, in the licensed profession; and

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underscored material = new

[bracketed material] = delete

1   (6)   practice plans for the next five years,
2 including retiring from the health care profession, moving out
3 of state or changing health care work hours.

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

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

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

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

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

3   "24-14C-6. HEALTH CARE WORK FORCE WORK GROUP--WORK FORCE

4   DATA ANALYSIS--RECRUITMENT PLANNING--STRATEGIC PLAN FOR

5   IMPROVING HEALTH CARE ACCESS--WORK FORCE SURVEY.--The

6   [secretary of health] president shall convene a health care

7   work force work group that includes representatives of health

8   care consumers; health care providers; organized groups

9   representing physicians, physician assistants, nurses, nurse

10   practitioners, dentists, dental hygienists and pharmacists;

11   health care work force training institutions; the [New Mexico

12   health policy commission] department of health; the public

13   education department; the higher education department; and the

14   boards. 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] president 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] president of the university of

20 New Mexico shall seek funding pursuant to Section 5102 of the

21 federal Patient Protection and Affordable Care Act, as well as

22 funding from any other source, public or private, that the

23 [secretary of health] president deems appropriate."

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

25 APPROPRIATIONS, PROPERTY, PERSONNEL, RECORDS AND CONTRACTS TO

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1   THE BOARD OF REGENTS OF THE UNIVERSITY OF NEW MEXICO.--On July

2   1, 2012:

3   A.   all data, appropriations, property, personnel

4   and records related to data collection, analysis, storage or

5   use pursuant to the Health Care Work Force Data Collection,

6   Analysis and Policy Act shall be transferred from the

7   department of health to the university of New Mexico; and

8   B.   any contracts related to data collection,

9   analysis, storage or use that are binding on the department of

10   health pursuant to the Health Care Work Force Data Collection,

11   Analysis and Policy Act shall be binding on the board of

12   regents of the university of New Mexico.

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