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FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/13

SPONSOR Gallegos, D.Y. LAST UPDATED _____ HB 115

SHORT TITLE Safe Injections for Certain Health Licenses SB _____

ANALYST Weber

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal*				

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
Department of Health (DOH)

SUMMARY

Synopsis of Bill

HB115 will require certain health care boards to deny issuance and renewal of a license unless the applicant attests to knowledge of and compliance with guidelines of the federal centers for disease control and prevention of infectious agents through safe and appropriate injections practices.

The Boards and license types affected are:

- Board of Optometry – Optometrists
- Board of Nursing – Nurse, Hemodialysis Technician, Medication Aide, Certified Nurse Practitioner, Registered Nurse and Clinical Nurse Specialist,
- Dental Health Care Board – Dentist, Dental Hygienist, Dental Assistant, Expanded Function Dental Auxiliary, Community Dental Health Coordinator and Dental Assistant Certified in Expanded Functions.
- Medical Board – Physician, Physician Assistant and Anesthesiologist Assistant,
- Podiatry – Podiatrist
- Osteopathic Medical Board – Osteopathic Physician and Physician Assistant

- Board of Pharmacy – Pharmacist and Pharmacy
- Acupuncture & Oriental Medicine – Doctor of Oriental Medicine and certification of a doctor

FISCAL IMPLICATIONS

RLD notes that the costs are unknown but the appropriate board would be required to hold a hearing in order to deny the license or renewal. The board would be required to hire a hearing officer and pay costs associated with travel for staff to conduct hearings. It is difficult to anticipate how often this might occur to attach a specific cost.

SIGNIFICANT ISSUES

RLD adds that currently the Board of Dental Health Care requires dental and dental hygiene applicants to submit proof of taking an infection control course for initial licensure. The Dental Board also requires all licensees to submit proof of completion of a 1 hour course in infection control for renewal of licensure.

TECHNICAL ISSUES

DOH notes a conflict with the New Mexico Nurse Practice Act. Sections 2, 5, 6 and 7 would be redundant because registered nurses, certified nurse practitioners, certified registered nurse anesthetists, and clinical nurse specialists must have completed an accredited nursing program where safe and appropriate infection practices have been taught with required demonstration, by the student, in order to graduate. The State Board of Nursing also requires Registered Nurses (RN) to pass a board exam to further prove their knowledge. Employers of RNs must further ensure that RNs demonstrate competency in any clinical skill required for their job, including safe and appropriate infection practices.

In addition, Sections 3 and 4 would be in conflict with the New Mexico Nurse Practice Act because hemodialysis technicians and medication aides are not licensed to provide injections.

OTHER SUBSTANTIVE ISSUES

DOH reports that breaches in infection control practice are a major concern for the Centers for Disease Control and Prevention. The investigation of four large outbreaks of Hepatitis B Virus and Hepatitis C Virus among patients in ambulatory care facilities in the United States identified a need to define and reinforce safe injection practices. The four outbreaks occurred in a private medical practice, a pain clinic, an endoscopy clinic, and a hematology/oncology clinic. The primary breaches in infection control practice that contributed to these outbreaks were 1) reinsertion of used needles into a multiple-dose vial or solution container (e.g., saline bag) and 2) use of a single needle/syringe to administer intravenous medication to multiple patients.

MW/bm