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SENATE BILL 119

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Benny Shendo, Jr.

AN ACT

RELATING TO LICENSURE; PROVIDING FOR EXPEDITED LICENSURE FOR  
NURSES LICENSED IN OTHER STATES.

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

SECTION 1. Section 61-3-14 NMSA 1978 (being Laws 1968,  
Chapter 44, Section 11, as amended) is amended to read:

"61-3-14. LICENSURE OF REGISTERED NURSES--EXPEDITED  
LICENSURE.--

A. Applicants for licensure by examination shall be  
required to pass the national licensing examination for  
registered nurses. The applicant who successfully passes the  
examination may be issued by the board a license to practice as  
a registered nurse.

B. The board may issue a license to practice [~~as a~~]  
professional registered [~~nurse~~] nursing without an examination

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1 to an applicant who has been duly licensed by taking the  
2 national licensing examination for registered nurses under the  
3 laws of another state if the applicant meets the qualifications  
4 required of registered nurses in this state. Upon receipt of  
5 an application with the required fees, the board shall expedite  
6 the issuance of a license pursuant to this subsection within  
7 five business days.

8 C. The board may issue a license to practice as a  
9 registered nurse to an applicant licensed under the laws of  
10 another territory or foreign country if the applicant meets the  
11 qualifications required of registered nurses in this state, is  
12 proficient in English and passes the national licensing  
13 examination for registered nurses."

14 SECTION 2. Section 61-3-19 NMSA 1978 (being Laws 1968,  
15 Chapter 44, Section 16, as amended) is amended to read:

16 "61-3-19. LICENSURE OF LICENSED PRACTICAL NURSES--  
17 EXPEDITED LICENSURE.--

18 A. Applicants for licensure by examination shall be  
19 required to pass the national licensing examination for  
20 licensed practical nurses. The applicant who [~~successfully~~]  
21 passes the examination may be issued by the board a license to  
22 practice as a licensed practical nurse.

23 B. The board may issue a license as a licensed  
24 practical nurse without an examination to an applicant who has  
25 been duly licensed by passing the national licensing

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1 examination for licensed practical nurses under the laws of  
2 another state [~~or by passing a state board constructed~~  
3 ~~licensing examination prior to October 1986~~] if the applicant  
4 meets the qualifications required of licensed practical nurses  
5 in this state. Upon receipt of a completed application with  
6 the required fees, the board shall expedite the issuance of a  
7 license pursuant to this subsection within five business days.

8 C. The board may issue a license to practice as a  
9 licensed practical nurse to an applicant licensed under the  
10 laws of another territory or foreign country if the applicant  
11 meets the qualifications required of licensed practical nurses  
12 in this state, is proficient in English and successfully passes  
13 the national licensing examination for licensed practical  
14 nurses."

15 SECTION 3. Section 61-3-23.2 NMSA 1978 (being Laws 1991,  
16 Chapter 190, Section 14, as amended) is amended to read:

17 "61-3-23.2. CERTIFIED NURSE PRACTITIONER--QUALIFICATIONS--  
18 PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED LICENSURE--

19 A. The board may license for advanced practice as a  
20 certified nurse practitioner an applicant who furnishes  
21 evidence satisfactory to the board that the applicant:

22 (1) is a registered nurse;

23 (2) has successfully completed a program for  
24 the education and preparation of nurse practitioners; provided  
25 that, if the applicant is initially licensed by the board or a

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1 board in another jurisdiction after January 1, 2001, the  
2 program shall be at the master's level or higher;

3 (3) has successfully completed the national  
4 certifying examination in the applicant's specialty area; and

5 (4) is certified by a national nursing  
6 organization.

7 B. Certified nurse practitioners may:

8 (1) perform an advanced practice that is  
9 beyond the scope of practice of professional registered  
10 nursing;

11 (2) practice independently and make decisions  
12 regarding health care needs of the individual, family or  
13 community and carry out health regimens, including the  
14 prescription and distribution of dangerous drugs and controlled  
15 substances included in Schedules II through V of the Controlled  
16 Substances Act; and

17 (3) serve as a primary acute, chronic long-  
18 term and end-of-life health care provider and as necessary  
19 collaborate with licensed medical doctors, osteopathic  
20 physicians or podiatrists.

21 C. Certified nurse practitioners who have fulfilled  
22 requirements for prescriptive authority may prescribe in  
23 accordance with rules, regulations, guidelines and formularies  
24 for individual certified nurse practitioners promulgated by the  
25 board.

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1           D. Certified nurse practitioners who have fulfilled  
2 requirements for prescriptive authority may distribute to their  
3 patients dangerous drugs and controlled substances included in  
4 Schedules II through V of the Controlled Substances Act that  
5 have been prepared, packaged or fabricated by a registered  
6 pharmacist or doses of drugs that have been prepackaged by a  
7 pharmaceutical manufacturer in accordance with the Pharmacy Act  
8 and the New Mexico Drug, Device and Cosmetic Act.

9           E. Certified nurse practitioners licensed by the  
10 board on and after December 2, 1985 shall successfully complete  
11 a national certifying examination and shall maintain national  
12 professional certification in their specialty area. Certified  
13 nurse practitioners licensed by a board prior to December 2,  
14 1985 are not required to sit for a national certification  
15 examination or be certified by a national organization.

16           F. Upon receipt of a completed application with the  
17 required fees, the board shall issue a license to a certified  
18 nurse practitioner licensed in another state if the applicant  
19 meets the qualifications required of certified nurse  
20 practitioners in this state. The board shall expedite the  
21 issuance of the license within five business days."

22           SECTION 4. Section 61-3-23.3 NMSA 1978 (being Laws 1991,  
23 Chapter 190, Section 15, as amended) is amended to read:

24           "61-3-23.3. CERTIFIED REGISTERED NURSE ANESTHETIST--  
25 QUALIFICATIONS--LICENSURE--PRACTICE--ENDORSEMENT--EXPEDITED

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1 LICENSURE.--

2 A. The board may license for advanced practice as a  
3 certified registered nurse anesthetist an applicant who  
4 furnishes evidence satisfactory to the board that the  
5 applicant:

6 (1) is a registered nurse;

7 (2) has successfully completed a nurse  
8 anesthesia education program accredited by the council on  
9 accreditation of nurse anesthesia education programs; provided  
10 that, if the applicant is initially licensed by the board or a  
11 board in another jurisdiction after January 1, 2001, the  
12 program shall be at a master's level or higher; and

13 (3) is certified by the council on  
14 certification of nurse anesthetists.

15 B. A certified registered nurse anesthetist may  
16 provide preoperative, intraoperative and postoperative  
17 anesthesia care and related services, including ordering of  
18 diagnostic tests, in accordance with the current American  
19 association of nurse anesthetists' guidelines for nurse  
20 anesthesia practice.

21 C. Certified registered nurse anesthetists shall  
22 function in an interdependent role as a member of a health care  
23 team in which the medical care of the patient is directed by a  
24 licensed physician, osteopathic physician, dentist or  
25 podiatrist licensed in New Mexico pursuant to Chapter 61,

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1 Article 5A, 6, 8 or 10 NMSA 1978. The certified registered  
2 nurse anesthetist shall collaborate with the licensed  
3 physician, osteopathic physician, dentist or podiatrist  
4 concerning the anesthesia care of the patient. As used in this  
5 subsection, "collaboration" means the process in which each  
6 health care provider contributes [~~his~~] the health care  
7 provider's respective expertise. Collaboration includes  
8 systematic formal planning and evaluation between the health  
9 care professionals involved in the collaborative practice  
10 arrangement.

11 D. A certified registered nurse anesthetist who has  
12 fulfilled the requirements for prescriptive authority in the  
13 area of anesthesia practice is authorized to prescribe and  
14 administer therapeutic measures, including dangerous drugs and  
15 controlled substances included in Schedules II through V of the  
16 Controlled Substances Act within the emergency procedures,  
17 perioperative care or perinatal care environments. Dangerous  
18 drugs and controlled substances, pursuant to the Controlled  
19 Substances Act, that have been prepared, packaged or fabricated  
20 by a registered pharmacist or doses of drugs that have been  
21 prepackaged by a pharmaceutical manufacturer in accordance with  
22 the Pharmacy Act and the New Mexico Drug, Device and Cosmetic  
23 Act may be prescribed and administered.

24 E. A certified registered nurse anesthetist who has  
25 fulfilled the requirements for prescriptive authority in the

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1 area of anesthesia practice may prescribe in accordance with  
2 rules, regulations and guidelines. The board shall adopt rules  
3 concerning a prescriptive authority formulary for certified  
4 registered nurse anesthetists that shall be based on the scope  
5 of practice of certified registered nurse anesthetists. The  
6 board, in collaboration with the New Mexico [~~board of~~] medical  
7 [~~examiners~~] board, shall develop the formulary. Certified  
8 registered nurse anesthetists who prescribe shall do so in  
9 accordance with the prescriptive authority formulary.

10 F. Upon receipt of a completed application with the  
11 required fees, the board shall issue a license to a certified  
12 registered nurse anesthetist licensed in another state if the  
13 applicant meets the qualifications required of certified  
14 registered nurse anesthetists in this state. The board shall  
15 expedite the issuance of the license within five business days.

16 [~~F.~~] G. A health care facility may adopt policies  
17 relating to the providing of anesthesia care.

18 [~~G.~~] H. A certified registered nurse anesthetist  
19 licensed by the board shall maintain this certification with  
20 the American association of nurse anesthetists' council on  
21 certification."

22 **SECTION 5.** Section 61-3-23.4 NMSA 1978 (being Laws 1991,  
23 Chapter 190, Section 16, as amended) is amended to read:

24 "61-3-23.4. CLINICAL NURSE SPECIALIST--QUALIFICATIONS--  
25 ENDORSEMENT--EXPEDITED LICENSURE--

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1           A. The board may license for advanced practice as a  
2 clinical nurse specialist an applicant who furnishes evidence  
3 satisfactory to the board that the applicant:

4                   (1) is a registered nurse;

5                   (2) has a master's degree or doctoral degree  
6 in a defined clinical nursing specialty;

7                   (3) has successfully completed a national  
8 certifying examination in the applicant's area of specialty;  
9 and

10                  (4) is certified by a national nursing  
11 organization.

12           B. Clinical nurse specialists may:

13                   (1) perform an advanced practice that is  
14 beyond the scope of practice of professional registered  
15 nursing;

16                   (2) make independent decisions in a  
17 specialized area of nursing practice using expert knowledge  
18 regarding the health care needs of the individual, family and  
19 community, collaborating as necessary with other members of the  
20 health care team when the health care need is beyond the scope  
21 of practice of the clinical nurse specialist; and

22                   (3) carry out therapeutic regimens in the area  
23 of specialty practice, including the prescription and  
24 distribution of dangerous drugs.

25           C. A clinical nurse specialist who has fulfilled

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1 the requirements for prescriptive authority in the area of  
2 specialty practice is authorized to prescribe, administer and  
3 distribute therapeutic measures, including dangerous drugs and  
4 controlled substances included in Schedules II through V of the  
5 Controlled Substances Act within the scope of specialty  
6 practice, including controlled substances pursuant to the  
7 Controlled Substances Act that have been prepared, packaged or  
8 fabricated by a registered pharmacist or doses of drugs that  
9 have been prepackaged by a pharmaceutical manufacturer in  
10 accordance with the Pharmacy Act and the New Mexico Drug,  
11 Device and Cosmetic Act.

12 D. Clinical nurse specialists who have fulfilled  
13 the requirements for prescriptive authority in the area of  
14 specialty practice may prescribe in accordance with rules,  
15 regulations, guidelines and formularies based on scope of  
16 practice and clinical setting for individual clinical nurse  
17 specialists promulgated by the board.

18 E. Clinical nurse specialists licensed by the board  
19 shall maintain certification in their specialty area.

20 F. Upon receipt of a completed application with the  
21 required fees, the board shall issue a license to a clinical  
22 nurse specialist licensed in another state if the applicant  
23 meets the qualifications required of a clinical nurse  
24 specialist in this state. The board shall expedite the  
25 issuance of the license within five business days."

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SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.