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FISCAL IMPACT REPORT

ORIGINAL DATE 2/23/15

SPONSOR Herrell LAST UPDATED _____ HB 443

SHORT TITLE Temp Licensure for Health & Vet Care SB _____

ANALYST Elkins

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		
	Indeterminate			

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Medical Board (MB)

SUMMARY

Synopsis of Bill

House Bill 443 creates a temporary licensure provision for health care or veterinary care services for the underserved. It applies to any physician, physician assistant, dentist, nurse, optometrists, or other health care practitioner and veterinary practitioner who are licensed in good standing in another state and desiring to provide their services free in an underserved area of New Mexico. Underserved is defined as any person who is uninsured or underinsured or who has limited access to health or veterinary care. Prior to serving, a practitioner must obtain a temporary licensure from the agency that issues the relevant professional license. The agency must issue a license when the applicant provides proof that the applicant holds a current unrestricted license from an out of state agency. The temporary license is valid for no more than thirty days and may be renewed once every two years.

HB 443 also provides immunity for temporary practitioners where injury or death is alleged to have arisen, unless it is due to gross negligence, wanton conduct or intentional wrongdoing. However, the immunity does not apply if the services provided to the underserved were not within the scope or duration of the practitioner's temporary license authority.

FISCAL IMPLICATIONS

It is unclear what the impact will be on boards and commissions since we are unable to determine the number of practitioners who will apply for a temporary license.

SIGNIFICANT ISSUES

The Medical Board has been issuing "temporary teaching, research and specialized diagnostic and treatment licenses" since 2002 under MB rules. Also, "Youth camp or school licenses" are issued to specific named organizations. MB rules require, for patient safety because out-of-state physicians may not be familiar with the location and clinical surroundings of the underserved population. The license is valid for three months, and may be renewed, as needed, for one year.

According to RLD, the boards impacted could receive a possible increase in complaints. Complaints received by the professional licensing boards will be difficult to process, because the board will not have jurisdiction over a healthcare practitioner whose temporary license has expired. In these matters, the public will not be protected from unethical or unprofessional practice.

The New Mexico Board of Veterinary Medicine has a rule for a 60-day temporary permit. To qualify for a 60-day temporary permit, an applicant must: be currently licensed in and currently practice in another state, territory, or district of the United States; be in good standing in all jurisdictions in which he is or has been licensed; submit the completed, signed, and notarized application for licensure DVM form along with a color passport-type, head and shoulders photograph, and the temporary permit fee; and provide a verification of licensure from the state where the applicant currently practices veterinary medicine and holds licensure. A temporary permit may not be renewed within a 12 month period from issuance without approval from the Board.

PERFORMANCE IMPLICATIONS

The legislation will have an impact on the following RLD Boards and Commissions: the Dental Board, Optometry Board, Osteopathic Board, Respiratory Advisory Board, Acupuncture Board, Chiropractic Board, Physical Therapy, Occupational Therapy Board, Psychology Board, Social Work Examiners Board, Counseling and Therapy Practice Board, and the Podiatry Board.

According to the Medical Board, once the proposed 30-day license has been issued, there is the potential for some problems to arise: the practitioner may not be familiar with the location or organization where practice will occur; there is no one designated to observe or counsel the visiting practitioner, it is customary in medicine for a practitioner to complete a probationary period during which that practitioner may become familiar with the locale, the personnel, the physical characteristics and available equipment in the clinic or hospital, and the support systems available. That is the role of the "sponsorship" mentioned in MB rule.

ALTERNATIVES

The Medical Board offers the following alternative:

Remove the practitioners licensed by MB from the requirements of HB 443 since there is already provision for various types of temporary licensure under safer conditions.

CE/bb/aml