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## FISCAL IMPACT REPORT

**SPONSOR** Thomson/ Armstrong, D      **ORIGINAL DATE** 02/10/17  
**LAST UPDATED** \_\_\_\_\_      **HB** 253  
**SHORT TITLE** Occupation Therapy Scope of Practice      **SB** \_\_\_\_\_  
**ANALYST** Amacher

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Indeterminate	Indeterminate		Recurring	See Fiscal Impacts

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Board of Nursing (BN)

Medical Board (MB)

Regulation & Licensing Department (RLD)

### SUMMARY

#### Synopsis of Bill

House Bill 253 amends the professional licensure of the Occupational Therapy Act making scope of practice changes without expanding the practice; updating responsibilities of the board; providing additional definitions; and specifically identifying services provided. If enacted, HB 253 will be effective June 16, 2017.

### FISCAL IMPLICATIONS

The Occupational Therapy Board in the Regulation & Licensing Department (RLD) indicates there will be minimal costs for rule promulgation such as a rule hearing, advertising, printing, filing, board member per diem and court reporting. However, RLD did not identify a quantifiable cost for such administration costs. It may be possible such costs could be absorbed in their operating budget.

### SIGNIFICANT ISSUES

House Bill 253 amends the professional licensure of the Occupational Therapy Act (Chapter 61-

12A-3 NMSA 1978) making scope of practice changes without expanding the practice; updating responsibilities of the board; providing additional definitions; and specifically identifying services provided.

HB 253 makes clear occupation therapy services are provided for habilitation, rehabilitation and the promotion of health and wellness; and that occupation therapy addresses the life span of a person(s) everyday life activities. Evaluation factors have been expanded to include such factors as the mental, cognitive and pain factors that includes cardiovascular, digestive, and structures related to movement.

HB 253 removes the definition of “occupational therapy aide or technician” and makes the appropriate conforming changes under board supervision. Responsibilities and tasks performed by an “occupational therapy aide or technician” have been in essence consolidated to the defined term of “occupational therapy assistant”. The assistant title requires a higher threshold of education, is in the practice of occupation therapy under the supervision of the occupational therapist in accordance with board rules.

As outlined in HB 253, nothing in the Occupational Therapy Act shall limit the practice of other licensed and qualified health professionals.

## **TECHNICAL ISSUES**

As noted by the Board of Nursing; on page 8, line 23, the title of this section is “Supervision-Required-Defined”, however the definition was removed and authorized to be defined in the administrative code. The Board of Nursing suggests removing the word “Defined” from the title.

## **OTHER SUBSTANTIVE ISSUES**

The Medical Board notes the changes recommended in HB 253 are sensible, and in keeping both with the charge to the Occupational Therapy Board, but also to the effective carrying out of its mission.

The Board of Nursing notes that under current law it is unclear as to whether the denial of license is an act of discipline by the board or if it merely is an action by board employees for those who apply but fail to meet eligibility requirements (see page 1, lines 23-25). The Board of Nursing suggests a clarifying amendment may be required, in addition to outlining provisions for summary suspension or restriction of practice.

JMA/al/jle