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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Gallegos/Thomson/Armstrong/Lujan/ Duncan</u>	<b>LAST UPDATED</b> <u>3/7/23</u> <b>ORIGINAL DATE</b> <u>2/17/22</u> <b>BILL NUMBER</b> <u>House Bill 349/aHHHC/aHJC</u> <b>ANALYST</b> <u>Klundt</u>
<b>SHORT TITLE</b> <u>Nursing Practice Act Changes</u>	

### REVENUE\* (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
	\$150.0	\$150.0	Recurring	Board of Nursing Licensing Fee Revenue

Parentheses ( ) indicate revenue decreases.

\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Board of Nursing (BON)

University of New Mexico (UNM)

## SUMMARY

### Synopsis of HJC Amendment to House Bill 349

House Judiciary Committee amendment to HB349 strike “a” before “licensed” on page 8 line 25.

### Synopsis of HHHC Amendment to House Bill 349

The House Health and Human Services Committee amendment to House Bill 349 changes language concerning temporary nursing licenses to limit the licenses to former licensed nurses who have not practiced for four years or longer and are seeking license reactivation—removing from the unamended bill candidates unable to obtain documentation of good standing and candidates seeking reinstatement after completion of disciplinary constraints. The amendment also sets the number of licensed nurses who will serve on the nine-member Board of Nursing at five from the six in the original bill and removes language in the original bill that would have required state-supported nursing schools to have standard curricula universally accepted for credit among state schools.

## Synopsis of Original House Bill 349

House Bill 349 (HB 349) amends and enacts new sections of the New Mexico Nursing Practice Act. The changes, which are described below, include technical changes, definitional clarity, and licensure fees.

Additionally, the bill proposes requiring the Board of Nursing to create a retired registered nurse category without a licensing fee, to ensure that data collected by the board is owned by the board, to coordinate among state-supported schools of nursing so that degree credit is transferable to other state-supported schools, and to allow a nurse applying for a first-time license or a renewal license to request a single state license.

Finally, new sections provide rules for expungement of disciplinary action and the use of the title of “nurse.”

### Changes in Relevant Sections:

Changes in Section 1 include technical clean up. New language is included in Section 1B and 1C to define “advance practice nurse” and “anesthesia.”

Section 2 addresses temporary licensure and adds new language to define who can seek temporary licensure to include candidates who cannot obtain documentation of good standing, have not practiced for four years or longer and are seeking license reactivation, or are seeking license reinstatement on completion of disciplinary constraints.

Section 3 addresses the administration of anesthetics. It replaces the word “anesthetics” with “anesthesia.” The words “from using hypnosis or” are deleted in this section. The words “analgesia or an anxiolytic” are added in this section.

Section 4 addresses the Board of Nursing. It changes the board from a seven-member board to a nine-member board, consisting of six licensed registered nurses instead of four.

Section 5 addresses the powers and duties of the board. The word “shall” is added in subsection G to require the Board of Nursing to hold hearings related to the discipline of a licensee or the denial, suspension, or revocation of a license. Subsections U through X would create the requirements for the retired registered nurse category, data ownership, degree credit transfer, and option of a single state license for certain applicants.

Section 6 addresses fees for licensure as a registered nurse. The fee for licensure without examination is raised to a maximum of \$200 (from \$150). The fee for initial licensure as a certified nurse practitioner, certified registered nurse anesthetist, or clinical nurse specialist is raised to a maximum of \$200 (from \$100). New language allows the board to waive the fee for an initial license for a registered nurse.

Section 7 addresses the fees for licensure as a licensed practical nurse. New language allows the board to waive the fee for an initial license for a licensed practical nurse.

Section 8, 9, and 10 addresses the qualifications, practice, endorsement and expedited licensure of certified nurse practitioners, certified registered nurse anesthetists, and clinical nurse specialists. Subsections in each section maintain the requirement for the relevant nurse to

prescribe in accordance with rules promulgated by the board but delete additional language and guidance regarding the rules.

Section 11 addresses renewal of licenses. The renewal licensure fee is raised from \$110 to \$150.

Section 12 contains technical clean up.

Section 13 addresses technical issues related to the formerly named “diversion” program, now called the “alternative to discipline” program. Numerous areas in this section replace the word “diversion” with “alternative to discipline.” Also, the word “regulations” is replaced with “rules.”

Section 14 is a new section of the Nursing Practice Act that addresses the expungement of disciplinary action.

Section 15 is a new section of the Nursing Practice Act that addresses the use of “nurse” as a title and states, “Only a person who is issued a license as a registered nurse, licensed practical nurse, certified nurse practitioner, clinical nurse specialist or certified registered nurse anesthetist under the Nursing Practice Act may use the word ‘nurse’ in connection with the person’s name.”

## **FISCAL IMPLICATIONS**

The Board of Nursing reports this bill would increase licensure revenues by an estimated \$150 thousand annually.

## **SIGNIFICANT ISSUES**

The University of New Mexico notes:

The increase in the number of members on the Board of Nursing from seven to nine consists of six licensed registered nurses. The legislation may consider one licensed practical nurse as licensed practical nurses are not considered registered nurses.

The proposed amendments require the core curricula of every state-supported school of nursing to accept degree credit from every other state-supported school of nursing. Much of this is accomplished through the common course numbering system managed by the Higher Education Department and the existence of the New Mexico Nursing Education Consortium. The bill may consider collaboration with the Higher Education Department in this process.

Additionally, there are concerns raised regarding the education/training of registered nurses through a community college and through a university and Research-1 university. There may come a time when the same curriculum should not be taught in both community college and R-1 universities. R-1 universities are able to expose undergraduate students to research opportunities in ways that community colleges are not able, nor expected, to do.

The Board of Nursing reports the bill provides needed updates on current nursing practice. HB349 updates language and offers improved regulatory clarifications. The board believes the bill will elevate satisfaction of New Mexico nurses and advanced practice nurses while making New Mexico competitive with other states, also enhancing patient care.