

LFC Requester:	Ginger Anderson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@DFA.NM.GOV

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 24, 2024
Bill No: SB 127

Sponsor: William P. Soules
Short Title: Professional Psychologist Act Changes

Agency Name and Code Regulation and Licensing - 420
Number: _____
Person Writing Carrie Cochran
Phone: 505-476-4612 **Email** Carrie.cochran@rld.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 127 (SB 127)

Senate Bill 127 (SB 127) amends the Professional Psychologist Act (Act), Sections 61-9-1 to -19, NMSA 1978, to allow prescribing psychologists to prescribe and administer intramuscular and subcutaneous injections. SB 127 restructures the board of psychologist examiners and the committee that evaluates complaints against prescribing psychologists.

SB 127 amends the definition of “psychotropic medication” to mean “a controlled substance or dangerous drug that may not be dispensed or administered without a prescription but is limited to only those agents related to the diagnosis and treatment or management of mental, nervous, emotional, behavioral, substance use or cognitive disorders, including the management of or protection from side effects that result from the use of those agents, whose use is consistent with the standards of practice for clinical psychopharmacology;” SB 127 strikes the language from the definition of “psychotropic medication” to remove the requirement that the medication be approved by the federal food and drug administration, or that the medication be listed as a psychotherapeutic agent in *Drug Facts and Comparisons 2017*, or the most recent edition of that book, or in *American Hospital Formulary Service Drug Information*.

SB 127 amends the definition of “supervising clinician” to include a “prescribing psychologist who has at least four years of independent experience prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness[.]”

SB 127 restructures the board of psychologist examiners, requiring at least two of the four professional board members to be prescribing psychologists. SB 127 also restructures the complaint committee to be composed of two prescribing psychologist members of the board of psychologist examiners and two members of the New Mexico medical board to evaluate licensing complaints against prescribing psychologists and report its findings and recommendations to each board for appropriate action. The committee must also develop education requirements for expanded practice and present these requirements to each board for approval.

SB 127 expands the medications that prescribing psychologists with a conditional prescription certificate are permitted to prescribe and administer to include “injectable medication used in the treatment of substance use disorders under the supervision of a supervising clinician upon completion of advanced training; or injectable medication used in the treatment of substance use disorders upon completion of board-approved training.”

The effective date of SB 127 is July 1, 2024.

FISCAL IMPLICATIONS

No fiscal impact is anticipated for the regulation and licensing department (RLD).

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

The board of psychologist examiners currently has one member who is a prescribing psychologist. If SB 127 passes, there will be a need to replace a current board member with a member who is also a prescribing psychologist.

Training for a licensed psychologist to prescribe a controlled substance in New Mexico requires a minimum of four hundred fifty (450) hours of didactic instruction, and an additional supervised practicum of at least four hundred (400) hours.

ADMINISTRATIVE IMPLICATIONS

Initial and renewal applications will require prescribing psychologists to provide a valid conditional prescription certificate to prescribe psychotropic medication. This will require the applicant or licensee to upload an additional document into the RLD's licensing software to obtain an initial license or renewal license.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS