

<b>LFC Requester:</b>	<b>Ginger Anderson</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**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** 1.24.24  
**Bill No:** SB127

**Sponsor:** William Soules

**Agency Name and Code Number:** New Mexico Medical Board - 446

**Person Writing Analysis:** Amanda Quintana

**Short Title:** Professional Psychologist Act Changes

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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:

SB127 broadens the scope of practice for prescribing psychologists, expands the pool of potential supervisors while learning the practice of psychopharmacology, includes prescribing psychologists as mandatory members of the psychology board and creates a mechanism for the psychology board and medical board to collaborate in evaluating licensing complaints against prescribing psychologists.

Each element is detailed as follows:

Expanded scope of practice: Currently prescribing psychologists are limited to prescribing only medications approved for the treatment of mental disorders, but not the use of non-psychiatric medications for the side effects these medications can cause. This bill expands their formulary to allow use these medications, as is commonly done in the practice of clinical psychopharmacology.

Also, prescribing psychiatrists can manage and prescribe injectable medications for mental illness but can not physically administer these medications to patients. This bill allows for administering these medications, with appropriate training.

Expanding the pool of potential supervisors: While learning how to use medications in the treatment of mental illness, conditional prescribing psychiatrists may be supervised by a physician or nurse practitioner. This bill adds experienced (four years) practicing prescribing psychologists to this list, allowing them to serve as supervisors.

This bill requires that two members of the psychology board be prescribing psychologists. Currently there is no such requirement.

Finally, this bill creates a committee composed of two prescribing psychologist members of their board and two physician members of the medical board who will be charges with evaluating complaints against prescribing psychologists that come to the psychology board's attention. The committee then will make findings and recommendations available for board action. The committee will also make recommendations for the education of prescribing psychologists.

## **FISCAL IMPLICATIONS**

None for the New Mexico Medical Board

## **SIGNIFICANT ISSUES**

Note that this bill is a reworking of SB117, which passed unanimously by the house and senate in 2023, and contained the elements of SB 127 BUT proposed to move licensure and regulation of prescribing psychologists from RLD and the psychology board to the medical board.

This was driven by the prescribing psychologist professional association, which felt that their profession would be better served by a board that understands the practice of using medications to treat illness.

SB117 was pocket vetoed by the governor.

## **PERFORMANCE IMPLICATIONS**

While this bill will enhance and improve the practice of prescribing psychology, this expanded scope would be more safely regulated if managed by a board that understands the practice of medicine, which prescribing essentially is.

## **ADMINISTRATIVE IMPLICATIONS**

None

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None found

## **TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

The psychology board has struggled, working within RLD, to investigate and prosecute injudicious prescribing psychologists who have hurt patients. The medical board, as an independent regulatory body with dedicated staff and board members that understand the practice of medication, regularly prosecutes these cases thus leading to increased protection of the public.

## **ALTERNATIVES**

The NMMB recommends reconsideration of moving the prescribing psychologist licensing and regulation to the NMMB as was proposed in SB117, which passed unanimously by the house and senate in 2023. This bill had the full support of the prescribing psychologist professional association, the medical board and the psychology board.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Prescribing psychology practice will be unchanged with current limitations on treating side effects, inability to administer injectable medications, limited regulation and quality control of the practice of prescribing medications, including no opportunity for the medical board to improve the safety of this practice.

## **AMENDMENTS**

Recommend moving the prescribing psychologist licensure and regulation from RLD to the medical board.

Under the combined prescribing psychologist and medical board physician committee structure, we recommend the membership consist of board members OR appointees named by the respective boards (who are also prescribing psychologists and physicians). Board members may not have the time to serve on this committee, so allowing appointees to also serve will enhance participation in this committee.