

LFC Requestor: CHENIER, Eric

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 0072

Type: Introduced

Date (of THIS analysis): 1/21/2025

Sponsor(s): Chavez and Duhigg

Short Title: Staffing Ratios for Hospitals

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0		

- The bill as written has no fiscal impact, as the bill simply calls for the creation of an advisory committee to determine ratios.
- Advisory committee recommendations could result in a significant fiscal impact to the New Mexico Department of Health (NMDOH), depending on the recommended ratios.
- The bill calls for escalating fines for repeated failure to meet minimum staffing. This could create a significant financial burden for NMDOH hospitals if they are not able to maintain proper ratios.

Section III: Relationship to other legislation

Duplicates: N/A

Conflicts with: N/A

Companion to: N/A

Relates to: N/A

Duplicates/Relates to an Appropriation in the General Appropriation Act: N/A

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 0072 (HB72) proposes to create a committee that will determine the necessary staffing ratios for a hospital and hospital unit (both defined in HB72) in New Mexico. The committee would consist of 11 people with the ability to create rules that hospitals must remain in compliance with. Failure to comply with these rules would subject hospitals to escalating fines. The bill is aimed mostly at nurses and licensed professionals in hospitals, but also unlicensed personnel in hospital units. The ratios determined by the committee would immediately apply to hospitals.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

- The intent of the bill is to apply to emergency departments and other physical health hospitals, but it would apply to the Forensic and Civil divisions of New Mexico Behavioral Health Institute (NMBHI), the Medical Rehabilitation Unit (MRU) side of New Mexico Rehabilitation Center (NMRC), and to Turquoise Lodge Hospital (TLH). The bill proposes one set of ratios that would apply to every hospital in the state, including those operated by NMDOH.

- In the definition section, “hospital” was changed and may be broadly interpreted to include long-term care and skilled nursing facilities, which is not the intent of the bill. The definition should be amended to eliminate the possibility of this confusion.
- Hospitals in NM, and throughout much of the country, have faced significant and consistent staffing challenges in recent years, which affect administrators’ assessment of safe management of census. NMBHI receives many patients through court order. This bill would create a situation in which NMBHI could be court ordered to provide treatment without adequate staff or funding to hire new staff to meet required ratios. NMBHI does not receive revenue for the care of patients at the Forensic Unit or Adult Psych, relying exclusively on general fund for the cost of administering care.
- If NMBHI cannot admit people, the Department may be open to show cause hearings and other legal proceedings.
- NMBHI has historically faced a larger number of complaints regarding people not being admitted in a timely manner than complaints regarding staffing ratios.
- The federal government has proposed ratios for nursing homes, however state and federal agencies have traditionally not been prescriptive in the ratios of staff to patients, mostly because hospitals that are licensed similarly may serve very different populations.
- These proposals would impact the Healthcare Authority (HCA), as the HCA would have to enforce the ratios.
- This bill was introduced during the 2024 session and did not pass.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- HB72 could potentially require NMDOH to hire additional staff at NMBHI, NMRC, and TLH at an unknown cost or reduce the number of court-ordered admissions at NMBHI. This bill could increase costs and decrease revenue.

Is this proposal related to the NMDOH Strategic Plan? Yes No

- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

- Impact is difficult to assess because there would not be an opportunity for NMDOH to evaluate the impact of the new ratios prior to them being enforced.

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

Hospitals are currently required to have policies regarding staffing ratios. NMDOH hospitals comply with this requirement. This law would override those policies.

8. DISPARITIES ISSUES

None

9. HEALTH IMPACT(S)

None

10. ALTERNATIVES

There are many laws and ethics codes that require hospitals to provide safe care.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

IF HB 0072 is not enacted hospitals will continue to operate as they do now.

12. AMENDMENTS

None