

AN ACT

RELATING TO HEALTH; CREATING A SCOPE OF PRACTICE REVIEW
PROCESS FOR LICENSED HEALTH-RELATED PROFESSIONS; ESTABLISHING
LICENSING BOARD AND NEW MEXICO HEALTH POLICY COMMISSION
RESPONSIBILITIES; ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Health Professions Review Act".

Section 2. PURPOSE.--The purpose of the Health
Professions Review Act is to provide a procedure for
objective review of proposed changes in the scope of practice
of health professionals licensed by the state in order to
ensure that such changes contribute to the improvement of the
overall health of the people of New Mexico and to make
recommendations of such review available to the legislature.

Section 3. DEFINITIONS.--As used in the Health
Professions Review Act:

A. "board" means a licensing board of a specific
health profession regulated pursuant to Chapter 61 NMSA 1978;

B. "commission" means the New Mexico health
policy commission;

C. "health profession" or "health professions"
means any of those health-related activities and occupations
licensed pursuant to Chapter 61, Articles 2, 3, 4, 5A, 6, 7A,

8, 9, 9A, 10, 10A, 11, 12, 12A, 12B, 12C, 13, 14A, 14B, 14C, 14D, 14E and 31 NMSA 1978; and

D. "scope of practice" means those activities permitted each of the health professions as defined in their respective licensing acts and rules adopted pursuant to those acts.

Section 4. STATUTORY CHANGE--BOARD RESPONSIBILITY.--

A. A person seeking a change in the scope of practice of a health profession shall notify the respective licensing board and request a hearing on the proposal. The licensing board shall notify the commission and the board shall:

(1) collect data, including information from the applicant and all other appropriate persons, necessary to review the proposal;

(2) conduct a technical assessment of the proposal, if necessary with the assistance of a technical advisory group established for that specific purpose, to determine whether the proposal is in the profession's current scope of practice; and

(3) provide its analysis, conclusions and any recommendations, together with all materials gathered for the review, to the commission.

B. The person seeking the change in the scope of practice shall provide the board with all information

requested.

Section 5. COMMISSION--SCOPE OF PRACTICE REVIEWS AND CRITERIA--POWERS AND DUTIES.--The commission shall:

A. notify annually all licensing boards of health professions, and, wherever possible, all professional associations and groups of health professions, of both the board's and the commission's responsibilities to review proposed changes in the scope of practice of health professions;

B. ensure that scope of practice reviews by ad hoc review panels are conducted as public hearings and are publicized and conducted pursuant to the requirements of Section 12-8-4 NMSA 1978;

C. provide staff services to all ad hoc review panels created pursuant to Section 6 of the Health Professions Review Act; and

D. provide the legislature with all assistance requested on the proposal.

Section 6. REVIEW PANELS--APPOINTMENT--DUTIES.--

A. The commission shall, upon notification of a proposed change in a health profession scope of practice, appoint an ad hoc review panel of sufficient numbers and expertise to review and make recommendations on the proposed change. Each panel:

(1) shall include one board member of the

health profession from which the proposed change in scope of practice originates;

(2) may include one additional member from the profession from which the proposed change originates and this member shall be from the professional association of that profession;

(3) shall have no more than one board member from any one board in addition to the board member designated in Paragraph (1) of this subsection; and

(4) shall have a number equal to one-half the panel's membership of individuals who are consumers and who have no economic interest in the profession originating the request for a change in scope of practice;

B. Each panel shall be chaired by the director of the commission, who shall be a nonvoting member. The panel shall:

(1) familiarize itself with the commission's rules on procedures and criteria for such reviews;

(2) ensure appropriate public notice of its proceedings;

(3) invite testimony from persons with special knowledge in the field of the proposed change;

(4) assess the proposal using the following criteria:

(a) whether proposed changes offer

potential harm to the health, safety or welfare of consumers;

(b) if the proposed changes will benefit the health, safety and welfare of health consumers;

(c) what economic impact on overall health care delivery the proposed change is likely to have;

(d) whether potential benefits of proposed changes outweigh potential harm; and

(e) the extent to which the proposed changes will affect the availability, accessibility, delivery and quality of health care in New Mexico;

(5) conduct the analysis so as to:

(a) consider harm to the public in physical, emotional, economic and social contexts;

(b) ensure that consideration of economic and social benefit does not outweigh the potential of significant physical harm to the consumer; and

(c) ensure that evidence of potential harm is clearly and directly attributable to the proposal; and

(6) provide to the New Mexico legislative council, the legislative finance committee and the legislative health and human services committee a full report, including legislative recommendations, on each proposed change in scope of practice brought before the commission. _____

