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SENATE BILL 186

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO HEALTH CARE; ENACTING THE NURSE LICENSURE COMPACT;
REQUIRING REGISTRATION FOR MULTISTATE LICENSURE PRIVILEGES;
PROVIDING FOR A NURSE LICENSURE COMPACT ADMINISTRATOR; AMENDING
AND ENACTING SECTIONS OF THE NURSING PRACTICE ACT; MAKING AN
APPROPRIATION.

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

Section 1. A new section of the Nursing Practice Act is
enacted to read:

"[NEW MATERIAL] COMPACT ENTERED INTO. --The Nurse Licensure
Compact is entered into law and entered into with all other
jurisdictions legally joining therein in a form substantially
as follows:

"NURSE LICENSURE COMPACT

Article 1 - Findings and Purpose

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A. The party states find that:

(1) the health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) violation of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) the expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex; and

(5) the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

B. The general purposes of this compact are to:

(1) facilitate the states' responsibility to protect the public's health and safety;

(2) ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) facilitate the exchange of information

1 between party states in the areas of nurse regulation,
2 investigation and adverse actions;

3 (4) promote compliance with the laws governing
4 the practice of nursing in each jurisdiction; and

5 (5) invest all party states with the authority
6 to hold a nurse accountable for meeting all state practice laws
7 in the state in which the patient is located at the time care
8 is rendered through the mutual recognition of party state
9 licenses.

10 ARTICLE 2 - Definitions

11 As used in the Nurse Licensure Compact:

12 A. "adverse action" means a home or remote state
13 action;

14 B. "alternative program" means a voluntary, non-
15 disciplinary monitoring program approved by a licensing board;

16 C. "coordinated licensure information system" means
17 an integrated process for collecting, storing and sharing
18 information on nurse licensure and enforcement activities
19 related to nurse licensure laws, which is administered by a
20 nonprofit organization composed of and controlled by state
21 licensing boards;

22 D. "current significant investigative information"
23 means:

24 (1) investigative information that a licensing
25 board, after a preliminary inquiry that includes notification

1 and opportunity for the nurse to respond if required by state
2 law, has reason to believe is not groundless and, if proved
3 true, would indicate more than a minor infraction; or

4 (2) investigative information that indicates
5 that the nurse represents an immediate threat to public health
6 and safety regardless of whether the nurse has been notified
7 and had an opportunity to respond;

8 E. "home state" means the party state that is the
9 nurse's primary state of residence;

10 F. "home state action" means an administrative,
11 civil, equitable or criminal action permitted by the home
12 state's laws that are imposed on a nurse by the home state's
13 licensing board or other authority, including actions against
14 an individual's license such as: revocation, suspension,
15 probation or any other action that affects a nurse's
16 authorization to practice;

17 G. "licensing board" means a party state's
18 regulatory body responsible for issuing nurse licenses;

19 H. "multistate licensure privilege" means current,
20 official authority from a remote state permitting the practice
21 of nursing as either a registered nurse or a licensed practical
22 or vocational nurse in such party state. All party states have
23 the authority, in accordance with existing state due process
24 law, to take actions against the nurse's privilege such as:
25 revocation, suspension, probation or any other action which

1 affects a nurse's authorization to practice;

2 I. "nurse" means a registered nurse or licensed
3 practical or vocational nurse, as those terms are defined by
4 each party state's practice laws;

5 J. "party state" means a state that has adopted the
6 Nurse Licensure Compact;

7 K. "remote state" means a party state, other than
8 the home state:

9 (1) where the patient is located at the time
10 nursing care is provided; or

11 (2) in the case of the practice of nursing not
12 involving a patient, in such party state where the recipient of
13 nursing practice is located;

14 L. "remote state action" means:

15 (1) an administrative, civil, equitable or
16 criminal action permitted by a remote state's laws that are
17 imposed on a nurse by the remote state's licensing board or
18 other authority, including actions against a nurse's multistate
19 licensure privilege to practice in the remote state; and

20 (2) cease and desist orders and other
21 injunctive or equitable orders issued by remote states or the
22 licensing boards thereof;

23 M "state" means a state, territory or possession
24 of the United States, the District of Columbia or the
25 Commonwealth of Puerto Rico; and

1 N. "state practice laws" means an individual party
2 state's laws and regulations that govern the practice of
3 nursing, define the scope of nursing practice and create the
4 methods and grounds for imposing discipline. "State practice
5 laws" does not include the initial qualifications for licensure
6 or requirements necessary to obtain and retain a license,
7 except for qualifications or requirements of the home state.

8 ARTICLE 3 - General Provisions and Jurisdiction

9 A. A license to practice registered nursing issued
10 by a home state to a resident in that state will be recognized
11 by each party state as authorizing a multistate licensure
12 privilege to practice as a registered nurse in such party
13 state. A license to practice licensed practical or vocational
14 nursing issued by a home state to a resident in that state will
15 be recognized by each party state as authorizing a multistate
16 licensure privilege to practice as a licensed practical or
17 vocational nurse in such party state. In order to obtain or
18 retain a license, an applicant must meet the home state's
19 qualifications for licensure and license renewal as well as all
20 other applicable state laws.

21 B. A party state may, in accordance with state due
22 process laws, limit or revoke a multistate licensure privilege
23 of any nurse to practice in the state and may take any other
24 action under applicable state laws necessary to protect the
25 health and safety of state citizens. If a party state takes

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1 such action, it shall promptly notify the administrator of the
2 coordinated licensure information system. The administrator of
3 the coordinated licensure information system shall promptly
4 notify the home state of any such actions by remote states.

5 C. A nurse practicing in a party state must comply
6 with the state practice laws of the state in which the patient
7 is located at the time care is rendered. In addition, the
8 practice of nursing is not limited to patient care, but shall
9 include all nursing practice as defined by the state practice
10 laws of the party state. The practice of nursing will subject
11 a nurse to the jurisdiction of the nurse licensing board and
12 the courts, as well as the laws, in that party state.

13 D. The Nurse Licensure Compact does not affect
14 additional requirements imposed by a party state for advanced
15 practice registered nursing. However, a multistate licensure
16 privilege to practice registered nursing granted by a party
17 state shall be recognized by other party states as a license to
18 practice registered nursing if one is required by state law as
19 a precondition for qualifying for advanced practice registered
20 nurse authorization.

21 E. Individuals not residing in a party state shall
22 continue to be able to apply for nurse licensure as provided
23 for under the laws of each party state. However, the license
24 granted to these individuals will not be recognized as granting
25 the privilege to practice nursing in any other party state

1 unless explicitly agreed to by that party state.

2 ARTICLE 4 - Application for Licensure in a Party State

3 A. Upon application for a license, the licensing
4 board in a party state shall ascertain, through the coordinated
5 licensure information system, whether the applicant has ever
6 held, or is the holder of, a license issued by any other state,
7 whether there are any restrictions on the multistate licensure
8 privilege and whether any other adverse action by any state has
9 been taken against the license.

10 B. A nurse in a party state shall hold licensure in
11 only one party state at a time, issued by the home state.

12 C. A nurse who intends to change primary state of
13 residence may apply for licensure in the new home state in
14 advance of such change. However, new licenses will not be
15 issued by a party state until after the nurse provides evidence
16 of change in primary state of residence satisfactory to the new
17 home state's licensing board.

18 D. When a nurse changes primary state of residence
19 by:

20 (1) moving from one party state to another
21 party state, and obtains a license from the new home state, the
22 license from the former home state is no longer valid;

23 (2) moving from a nonparty state to a party
24 state, and obtains a license from the new home state, the
25 individual state license issued by the nonparty state is not

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1 affected and will remain in full force if so provided by the
2 laws of the nonparty state; or

3 (3) moving from a party state to a nonparty
4 state, the license issued by the prior home state converts to
5 an individual state license, valid only in the former home
6 state, without the multistate licensing privilege to practice
7 in other party states.

8 ARTICLE 5 - Adverse Actions

9 In addition to the general provisions described in Article 3 of
10 the Nurse Licensure Compact, the following provisions apply.

11 A. The licensing board of a remote state shall
12 promptly report to the administrator of the coordinated
13 licensure information system any remote state actions,
14 including the factual and legal basis for such action, if
15 known. The licensing board of a remote state shall also
16 promptly report any significant current investigative
17 information yet to result in a remote state action. The
18 administrator of the coordinated licensure information system
19 shall promptly notify the home state of any such reports.

20 B. The licensing board of a party state shall have
21 the authority to complete any pending investigations for a
22 nurse who changes primary state of residence during the course
23 of such investigations. It shall also have the authority to
24 take appropriate actions, and shall promptly report the
25 conclusions of such investigations to the administrator of the

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1 coordinated licensure information system. The administrator of
2 the coordinated licensure information system shall promptly
3 notify the new home state of any such actions.

4 C. A remote state may take adverse action affecting
5 the multistate licensure privilege to practice within that
6 party state. However, only the home state has the power to
7 impose adverse action against the license issued by the home
8 state.

9 D. For purposes of imposing adverse action, the
10 licensing board of the home state shall give the same priority
11 and effect to reported conduct received from a remote state as
12 it would if such conduct had occurred within the home state.
13 In so doing, it shall apply its own state laws to determine
14 appropriate action.

15 E. The home state may take adverse action based on
16 the factual findings of the remote state, so long as each state
17 follows its own procedures for imposing such adverse action.

18 F. Nothing in the Nurse Licensure Compact shall
19 override a party state's decision that participation in an
20 alternative program may be used in lieu of licensure action and
21 that such participation shall remain nonpublic if required by
22 the party state's laws. Party states must require nurses who
23 enter any alternative programs to agree not to practice in any
24 other party state during the term of the alternative program
25 without prior authorization from such other party state.

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1 A. All party states shall participate in a
2 cooperative effort to create a coordinated database of all
3 licensed registered nurses and licensed practical or vocational
4 nurses. This system will include information on the licensure
5 and disciplinary history of each nurse as contributed by party
6 states, to assist in the coordination of nurse licensure and
7 enforcement efforts.

8 B. Notwithstanding any other provision of law, all
9 party state licensing boards shall promptly report adverse
10 actions, actions against multistate licensure privileges, any
11 current significant investigative information yet to result in
12 adverse action and denials of applications and the reasons for
13 such denials to the coordinated licensure information system.

14 C. Current significant investigative information
15 shall be transmitted through the coordinated licensure
16 information system only to party state licensing boards.

17 D. Notwithstanding any other provision of law, all
18 party state licensing boards contributing information to the
19 coordinated licensure information system may designate
20 information that may not be shared with nonparty states or
21 disclosed to other entities or individuals without the express
22 permission of the contributing party state.

23 E. Any personally identifiable information obtained
24 by a party state licensing board from the coordinated licensure
25 information system may not be shared with nonparty states or

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1 disclosed to other entities or individuals except to the extent
2 permitted by the laws of the party state contributing the
3 information.

4 F. Any information contributed to the coordinated
5 licensure information system that is subsequently required to
6 be expunged by the laws of the party state contributing the
7 information shall also be expunged from the coordinated
8 licensure information system.

9 G. The compact administrators, acting jointly with
10 each other and in consultation with the administrator of the
11 coordinated licensure information system, shall formulate
12 necessary and proper procedures for the identification,
13 collection and exchange of information under the Nurse
14 Licensure Compact.

15 ARTICLE 8 - Compact Administration and Interchange of
16 Information

17 A. The executive head of the licensing board, or
18 the executive head's designee, of a party state shall be the
19 administrator of the Nurse Licensure Compact for the state.

20 B. The compact administrator of each party state
21 shall furnish to the compact administrator of every other party
22 state any information and documents, including but not limited
23 to a uniform data set of investigations, identifying
24 information, licensure data and disclosable alternative program
25 participation information to facilitate the administration of

1 the Nurse Licensure Compact.

2 C. Compact administrators shall have the authority
3 to develop uniform rules to facilitate and coordinate
4 implementation of the Nurse Licensure Compact. These uniform
5 rules shall be adopted by party states, under the authority
6 invested under Subsection D of Article 6 of the Nurse Licensure
7 Compact.

8 ARTICLE 9 - Immunity

9 A party state or the officers or employees or agents of a party
10 state licensing board who act in accordance with the provisions
11 of the Nurse Licensure Compact shall not be liable on account
12 of any act or omission in good faith while engaged in the
13 performance of their duties under that compact. "Good faith"
14 as used in this article does not include willful misconduct,
15 gross negligence or recklessness.

16 ARTICLE 10 - Entry into Force, Withdrawal and Amendment

17 A. The Nurse Licensure Compact shall enter into
18 force and become effective as to any state when it has been
19 enacted into the laws of that state. Any party state may
20 withdraw from that compact by enacting a statute repealing the
21 same, but such withdrawal shall not take effect until six
22 months after the withdrawing state has given notice of the
23 withdrawal to the executive heads of all other party states.

24 B. No withdrawal shall affect the validity or
25 applicability by the licensing boards of states remaining party

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1 to the Nurse Licensure Compact of any report of adverse action
2 occurring prior to the withdrawal.

3 C. Nothing contained in the Nurse Licensure Compact
4 shall be construed to invalidate or prevent any nurse licensure
5 agreement or other cooperative arrangement between a party
6 state and a nonparty state that is made in accordance with the
7 other provisions of that compact.

8 D. The Nurse Licensure Compact may be amended by
9 the party states. No amendment to that compact shall become
10 effective and binding upon the party states unless and until it
11 is enacted into the laws of all party states.

12 ARTICLE 11 - Construction and Severability

13 A. The Nurse Licensure Compact shall be liberally
14 construed to effectuate the purposes of that compact. The
15 provisions of that compact shall be severable and if any
16 phrase, clause, sentence or provision of that compact is
17 declared to be contrary to the constitution of any party state
18 or of the United States or the applicability thereof to any
19 government, agency, person or circumstance is held invalid, the
20 validity of the remainder of that compact and the applicability
21 of that compact to any government, agency, person or
22 circumstance shall not be affected. If that compact is held
23 contrary to the constitution of any party state, that compact,
24 shall remain in full force and effect as to the remaining party
25 states and in full force and effect as to the party states

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1 affected as to all severable matters.

2 B. In the event party states find a need for
3 settling disputes arising under the Nurse Licensure Compact:

4 (1) the party states may submit the issues in
5 dispute to an arbitration panel that will be comprised of an
6 individual appointed by the compact administrator in the home
7 state; an individual appointed by the compact administrator in
8 a remote state involved; and an individual mutually agreed upon
9 by the compact administrators of all the party states involved
10 in the dispute; and

11 (2) the decision of a majority of the
12 arbitrators shall be final and binding. ". "

13 Section 2. A new section of the Nursing Practice Act is
14 enacted to read:

15 "[NEW MATERIAL] NURSE LICENSURE COMPACT ADMINISTRATOR--
16 DUTIES. --The Nurse Licensure Compact administrator shall be the
17 executive director of the board or his designee and shall:

18 A. develop rules and make recommendations to the
19 board concerning the administration of the Nurse Licensure
20 Compact, including procedures for reporting an adverse
21 disciplinary action taken by the board against a nurse
22 practicing pursuant to a multistate licensure privilege;

23 B. work with Nurse Licensure Compact administrators
24 from other party states to communicate, provide and exchange
25 information pertinent to the administration of the Nurse

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1 Licensure Compact; and

2 C. provide pertinent information to the
3 administrator of the coordinated licensure information system
4 and compile, for the board's use, information received from
5 that administrator pursuant to the Nurse Licensure Compact. "

6 Section 3. A new section of the Nursing Practice Act is
7 enacted to read:

8 "[NEW MATERIAL] MULTISTATE LICENSURE PRIVILEGE- -
9 REGISTRATION- - FEE- - RENEWAL. - -

10 A. A nurse not licensed to practice in this state,
11 whose home state is not New Mexico and who wishes to practice
12 in this state pursuant to a multistate licensure privilege as
13 provided in the Nurse Licensure Compact shall register with the
14 board prior to practicing nursing in New Mexico. The nurse
15 shall complete a registration form that contains:

16 (1) the nurse's full name, home state
17 residence address, as well as a temporary residence address in
18 New Mexico, if applicable, and phone number;

19 (2) the identity of the nurse's home state and
20 the type of nursing license the nurse holds in the home state,
21 as well as a declaration of whether the license held is current
22 and in good standing; and

23 (3) the name, address and phone number of the
24 nurse's place of nursing employment in New Mexico.

25 B. A nurse registering with the board pursuant to

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1 Subsection A of this section shall pay a registration fee set
2 by the board not to exceed twenty-five dollars (\$25.00). The
3 registration shall be renewed and the fee paid every two years
4 on or before the last day of the nurse's birth month. "

5 Section 4. Section 61-3-1 NMSA 1978 (being Laws 1968,
6 Chapter 44, Section 1) is amended to read:

7 "61-3-1. SHORT TITLE. -- [~~Sections 67-2-1 through 67-2-26~~
8 ~~New Mexico Statutes Annotated, 1953 Compilation]~~ Chapter 61,
9 Article 3 NMSA 1978 may be cited as the "Nursing Practice
10 Act". "

11 Section 5. Section 61-3-3 NMSA 1978 (being Laws 1991,
12 Chapter 190, Section 2, as amended) is amended to read:

13 "61-3-3. DEFINITIONS. --As used in the Nursing Practice
14 Act:

15 A. "advanced practice" means the practice of
16 professional registered nursing by a registered nurse who has
17 been prepared through additional formal education as provided
18 in Sections 61-3-23.2 through 61-3-23.4 NMSA 1978 to function
19 beyond the scope of practice of professional registered
20 nursing, including certified nurse practitioners, certified
21 registered nurse anesthetists and clinical nurse specialists;

22 B. "board" means the board of nursing;

23 C. "certified nurse practitioner" means a
24 registered nurse who is licensed by the board for advanced
25 practice as a certified nurse practitioner and whose name and

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1 pertinent information are entered on the list of certified
2 nurse practitioners maintained by the board;

3 D. "certified registered nurse anesthetist" means a
4 registered nurse who is licensed by the board for advanced
5 practice as a certified registered nurse anesthetist and whose
6 name and pertinent information are entered on the list of
7 certified registered nurse anesthetists maintained by the
8 board;

9 E. "clinical nurse specialist" means a registered
10 nurse who is licensed by the board for advanced practice as a
11 clinical nurse specialist and whose name and pertinent
12 information are entered on the list of clinical nurse
13 specialists maintained by the board;

14 F. "collaboration" means the cooperative working
15 relationship with another health care provider in the provision
16 of patient care, and such collaborative practice includes the
17 discussion of patient diagnosis and cooperation in the
18 management and delivery of health care;

19 G. "emergency procedures" means airway and vascular
20 access procedures;

21 H. "licensed practical nurse" means a nurse who
22 practices licensed practical nursing and whose name and
23 pertinent information are entered in the register of licensed
24 practical nurses maintained by the board or a nurse who
25 practices licensed practical nursing pursuant to a multistate

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1 licensure privilege as provided in the Nurse Licensure Compact;

2 I. "licensed practical nursing" means the practice
3 of a directed scope of nursing requiring basic knowledge of the
4 biological, physical, social and behavioral sciences and
5 nursing procedures, which practice is at the direction of a
6 registered nurse, physician or dentist licensed to practice in
7 this state. This practice includes but is not limited to:

8 (1) contributing to the assessment of the
9 health status of individuals, families and communities;

10 (2) participating in the development and
11 modification of the plan of care;

12 (3) implementing appropriate aspects of the
13 plan of care commensurate with education and verified
14 competence;

15 (4) collaborating with other health care
16 professionals in the management of health care; and

17 (5) participating in the evaluation of
18 responses to interventions;

19 J. "Nurse Licensure Compact" means the agreement
20 entered into between New Mexico and other jurisdictions
21 permitting the practice of professional registered nursing or
22 licensed practical nursing pursuant to a multistate licensure
23 privilege;

24 [~~J.~~] K. "nursing diagnosis" means a clinical
25 judgment about individual, family or community responses to

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1 actual or potential health problems or life processes, which
2 judgment provides a basis for the selection of nursing
3 interventions to achieve outcomes for which the person making
4 the judgment is accountable;

5 ~~[K-]~~ L. "practice of nursing" means assisting
6 individuals, families or communities in maintaining or
7 attaining optimal health, assessing and implementing a plan of
8 care to accomplish defined goals and evaluating responses to
9 care and treatment. This practice is based on specialized
10 knowledge, judgment and nursing skills acquired through
11 educational preparation in nursing and in the biological,
12 physical, social and behavioral sciences and includes but is
13 not limited to:

14 (1) initiating and maintaining comfort
15 measures;

16 (2) promoting and supporting optimal human
17 functions and responses;

18 (3) establishing an environment conducive to
19 well-being or to the support of a dignified death;

20 (4) collaborating on the health care regimen;

21 (5) administering medications and performing
22 treatments prescribed by a person authorized in this state or
23 in any other state in the United States to prescribe them;

24 (6) recording and reporting nursing
25 observations, assessments, interventions and responses to

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1 health care;

2 (7) providing counseling and health teaching;

3 (8) delegating and supervising nursing

4 interventions that may be performed safely by others and are
5 not in conflict with the Nursing Practice Act; and

6 (9) maintaining accountability for safe and
7 effective nursing care;

8 [~~L.~~] M. "professional registered nursing" means the
9 practice of the full scope of nursing requiring substantial
10 knowledge of the biological, physical, social and behavioral
11 sciences and of nursing theory and may include advanced
12 practice pursuant to the Nursing Practice Act. This practice
13 includes but is not limited to:

14 (1) assessing the health status of
15 individuals, families and communities;

16 (2) establishing a nursing diagnosis;

17 (3) establishing goals to meet identified
18 health care needs;

19 (4) developing a plan of care;

20 (5) determining nursing intervention to
21 implement the plan of care;

22 (6) implementing the plan of care commensurate
23 with education and verified competence;

24 (7) evaluating responses to interventions;

25 (8) teaching based on the theory and practice

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1 of nursing;

2 (9) managing and supervising the practice of
3 nursing;

4 (10) collaborating with other health care
5 professionals in the management of health care; and

6 (11) conducting nursing research;

7 ~~[M-]~~ N. "registered nurse" means a nurse who
8 practices professional registered nursing and whose name and
9 pertinent information are entered in the register of licensed
10 registered nurses maintained by the board or a nurse who
11 practices professional registered nursing pursuant to a
12 multistate licensure privilege as provided in the Nurse
13 Licensure Compact; and

14 ~~[N-]~~ 0. "scope of practice" means the parameters
15 within which nurses practice based upon education, experience,
16 licensure, certification and expertise."

17 Section 6. Section 61-3-5 NMSA 1978 (being Laws 1968,
18 Chapter 44, Section 4, as amended) is amended to read:

19 "61-3-5. LICENSE REQUIRED. --

20 A. Except as otherwise provided in the Nursing
21 Practice Act, no person shall use the title "nurse" unless the
22 person is licensed or has been licensed in the past as a
23 registered nurse or licensed practical nurse under the Nursing
24 Practice Act.

25 B. Except as otherwise provided in the Nursing

1 Practice Act, unless licensed as a registered nurse under the
2 Nursing Practice Act, no person shall:

3 (1) practice professional nursing;

4 (2) use the title "registered nurse",
5 "professional nurse", "professional registered nurse" or the
6 abbreviation "R. N." or any other abbreviation thereof or use
7 any other title, abbreviation, letters, figures, signs or
8 devices to indicate or imply that the person is a registered
9 nurse; or

10 (3) engage in a nursing specialty as defined
11 by the board.

12 C. Except as otherwise provided in the Nursing
13 Practice Act, unless licensed as a licensed practical nurse
14 under the Nursing Practice Act, no person shall:

15 (1) practice licensed practical nursing; or

16 (2) use the title "licensed practical nurse"
17 or the abbreviation "L. P. N." or any other abbreviation thereof
18 or use any other title, abbreviation, letters, figures, signs
19 or devices to indicate or imply that the person is a licensed
20 practical nurse.

21 D. Unless licensed as a certified nurse
22 practitioner under the Nursing Practice Act, no person shall:

23 (1) practice as a certified nurse

24 practitioner; or

25 (2) use the title "certified nurse

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1 practitioner" or the abbreviations "C. N. P. " or "N. P. " or any
2 other title, abbreviation, letters, figures, signs or devices
3 to indicate or imply that the person is a certified nurse
4 practitioner.

5 E. Unless licensed as a certified registered nurse
6 anesthetist under the Nursing Practice Act, no person shall:

- 7 (1) practice as a nurse anesthetist; or
8 (2) use the title "certified registered nurse
9 anesthetist" or the abbreviation "C. R. N. A. " or any other title,
10 abbreviation, letters, figures, signs or devices to indicate or
11 imply that the person is a certified registered nurse
12 anesthetist.

13 F. Unless licensed as a clinical nurse specialist
14 under the Nursing Practice Act, no person shall:

- 15 (1) practice as a clinical nurse specialist;
16 or
17 (2) use the title "clinical nurse specialist"
18 or the abbreviation "C. N. S. " or any other title, abbreviation,
19 letters, figures, signs or devices to indicate or imply that
20 the person is a clinical nurse specialist.

21 G. No licensed nurse shall be prohibited from
22 identifying himself or his licensure status. "

23 Section 7. Section 61-3-10 NMSA 1978 (being Laws 1968,
24 Chapter 44, Section 7, as amended) is amended to read:

25 "61-3-10. POWERS--DUTIES.--The board:

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1 A. shall adopt and revise such rules and
2 regulations as may be necessary to enable it to carry into
3 effect the provisions of the Nursing Practice Act and to
4 maintain high standards of practice;

5 B. shall prescribe standards and approve curricula
6 for educational programs preparing persons for licensure under
7 the Nursing Practice Act;

8 C. shall provide for surveys of educational
9 programs preparing persons for licensure under the Nursing
10 Practice Act;

11 D. shall grant, deny or withdraw approval from
12 educational programs for failure to meet prescribed standards,
13 [~~provided that~~] if a majority of the board concurs in [~~any~~] the
14 decision;

15 E. shall provide for the examination, licensing and
16 renewal of licenses of applicants;

17 F. shall conduct hearings upon charges relating to
18 discipline of a licensee or nurse not licensed to practice in
19 New Mexico who is permitted to practice professional registered
20 nursing or licensed practical nursing in New Mexico pursuant to
21 a multistate licensure privilege as provided in the Nurse
22 Licensure Compact or the denial, suspension or revocation of a
23 license in accordance with the procedures of the Uniform
24 Licensing Act;

25 G. shall cause the prosecution of all persons,

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1 including firms, associations, institutions and corporations,
2 violating the Nursing Practice Act and have the power to incur
3 such expense as is necessary therefor;

4 H. shall keep a record of all proceedings;

5 I. shall make an annual report to the governor;

6 J. shall appoint and employ a qualified registered
7 nurse, who shall not be a member of the board, to serve as
8 executive officer to the board, who shall define the duties and
9 responsibilities of the executive officer, except that the
10 power to grant, deny or withdraw approval for schools of
11 nursing or to revoke, suspend or withhold any license
12 authorized by the Nursing Practice Act shall not be delegated
13 by the board;

14 K. shall provide for such qualified assistants as
15 may be necessary to carry out the provisions of the Nursing
16 Practice Act. Such employees shall be paid a salary
17 commensurate with their duties;

18 L. shall, for the purpose of protecting the health
19 and well-being of the citizens of New Mexico and promoting
20 current nursing knowledge and practice, adopt rules and
21 regulations establishing continuing education requirements as a
22 condition of license renewal and shall study methods of
23 monitoring continuing competence;

24 M may appoint advisory committees consisting of at
25 least one member who is a board member and at least two members

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1 expert in the pertinent field of health care to assist it in
2 the performance of its duties. Committee members may be
3 reimbursed as provided in the Per Diem and Mileage Act;

4 N. may adopt and revise rules and regulations
5 designed to maintain an inactive status listing for registered
6 nurses and licensed practical nurses;

7 O. may adopt rules and regulations to regulate the
8 advanced practice of professional registered nursing and
9 expanded practice of licensed practical nursing;

10 P. shall license qualified certified nurse
11 practitioners, certified registered nurse anesthetists and
12 clinical nurse specialists; [and]

13 Q. shall register nurses not licensed to practice
14 in New Mexico who are permitted to practice professional
15 registered nursing or licensed practical nursing in New Mexico
16 pursuant to a multistate licensure privilege as provided in the
17 Nurse Licensure Compact; and

18 [~~Q.~~] R. shall adopt rules and regulations
19 establishing standards for authorizing prescriptive authority
20 to certified nurse practitioners and clinical nurse
21 specialists. "

22 Section 8. Section 61-3-28 NMSA 1978 (being Laws 1968,
23 Chapter 44, Section 24, as amended) is amended to read:

24 "61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW -
25 APPLICATION OF UNIFORM LICENSING ACT--LIMITATION. --

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1 A. In accordance with the procedures contained in
2 the Uniform Licensing Act, the board may deny, revoke or
3 suspend any license held or applied for under the Nursing
4 Practice Act, [~~or~~] reprimand or place a licensee on probation
5 or deny, limit or revoke the multistate licensure privilege of
6 a nurse desiring to practice or practicing professional
7 registered nursing or licensed practical nursing as provided in
8 the Nurse Licensure Compact upon grounds that the licensee,
9 [~~or~~] applicant or nurse:

10 (1) is guilty of fraud or deceit in procuring
11 or attempting to procure a license or certificate of
12 registration;

13 (2) is convicted of a felony;

14 (3) is unfit or incompetent;

15 (4) is intemperate or is addicted to the use
16 of habit-forming drugs;

17 (5) is mentally incompetent;

18 (6) is guilty of unprofessional conduct as
19 defined by the rules and regulations adopted by the board
20 pursuant to the Nursing Practice Act;

21 (7) has willfully or repeatedly violated any
22 provisions of the Nursing Practice Act, including any rule or
23 regulation adopted by the board pursuant to that act; or

24 (8) was licensed to practice nursing in any
25 jurisdiction, territory or possession of the United States or

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1 another country and was the subject of disciplinary action as a
2 licensee for acts similar to acts described in this subsection.

3 A certified copy of the record of the jurisdiction, territory
4 or possession of the United States or another country taking
5 the disciplinary action is conclusive evidence of the action.

6 B. Disciplinary proceedings may be instituted by
7 any person, shall be by complaint and shall conform with the
8 provisions of the Uniform Licensing Act. Any party to the
9 hearing may obtain a copy of the hearing record upon payment of
10 costs for the copy.

11 C. Any person filing a complaint shall be immune
12 from liability arising out of civil action if the complaint is
13 filed in good faith and without actual malice.

14 D. The board shall not initiate a disciplinary
15 action more than two years after the date that it receives a
16 complaint.

17 E. The time limitation contained in Subsection D of
18 this section shall not be tolled by any civil or criminal
19 litigation in which the licensee or applicant is a party,
20 arising substantially from the same facts, conduct,
21 transactions or occurrences that would be the basis for the
22 board's disciplinary action.

23 F. The board may recover the costs associated with
24 the investigation and disposition of a disciplinary proceeding
25 from the nurse who is the subject of the proceeding if the

1 nurse is practicing professional registered nursing or licensed
2 practical nursing pursuant to a multistate licensure privilege
3 as provided in the Nurse Licensure Compact.

4 Section 9. TEMPORARY PROVISION--REPORT. --The board of
5 nursing shall submit a report containing a recommendation
6 concerning the continuation of New Mexico's participation in
7 the provisions of the Nurse Licensure Compact to the
8 legislature no later than November 20, 2007.

9 Section 10. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is January 1, 2004.

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