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## FISCAL IMPACT REPORT

SPONSOR: Picraux DATE TYPED: 2/02/03 HB 376

SHORT TITLE: Nursing Excellence Program SB \_\_\_\_\_

ANALYST: Geisler

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	220.0	220.0	Recurring	OSF

(Parenthesis ( ) Indicate Revenue Decreases)

Relates to: SB 186, Nurse Licensure Compact and SB 291, Support for Nursing Education in NM.

### SOURCES OF INFORMATION

Board of Nursing  
Department of Health

### SUMMARY

#### Synopsis of Bill

House Bill 376 needs the following changes:

1. Adds a new section to the Nursing Practice Act creating a Nursing Excellence Program to enhance recruitment and retention of nurses. The Board of Nursing is permitted to impose a renewal surcharge on each nursing license not to exceed \$20.00 to implement and maintain the nursing excellence program. It creates a fund separate from that of the Board of Nursing to be administered by the Board to carry out the purposes of the nursing excellence program.
2. Clarifies the powers and duties of the board to adopt rules and regulations for prescriptive authority for certified registered nurse anesthetists (CRNAs)
3. Adds a section to make the operation of a hemodialysis technician program or medication aide program, when the contract or payment to the board is delinquent, a violation of the Nursing Practice Act.

4. Allows individuals who have completed a registered nurse program to become licensed as a practical nurse, after successful completion of the practical nurse licensure examination.
5. Updates outdated language which refers to a time when examinations were only offered twice a year. Computerized examinations are now offered daily.
6. Deletes current statutory language which prevents some nurses who are competent and qualified to practice from renewing the license.
7. Allows nurses who are licensed in other states to travel through New Mexico and provide care to patients temporarily residing in New Mexico without the need for a New Mexico license as long as the situation is temporary.

**Significant Issues:**

The Board of Nursing was appropriated \$150,000 out of its cash balance to create a Center for Nursing in FY 03. The Board contracted with the New Mexico Consortium for Nursing Workforce Development to implement the Center for Nursing. The steering committee has met and begun work on the Center and are currently searching for an executive director. The steering committee recommended that regular funding through the Board of Nursing be explored. Additionally the Department of Education conducted meetings last summer around the nursing shortage and also recommended the development of a Nursing Center. The work begun by the Center could be continued with the nursing excellence program.

As part of the Sunset Review process, the Board of Nursing appointed a task force of representatives from nursing education, school nurses, advanced practitioners, home care, long term care, the nurses association, nurse executives and the hospital and health systems association to review the Nursing Practice Act and make recommendations for changes. The proposed amendments were supported by the task force and the Board of Nursing.

**FISCAL IMPLICATIONS**

These amendments could be managed within the current appropriation. The estimated revenue from the new fee for the nursing excellence program is up to \$220.0 per year.

**ADMINISTRATIVE IMPLICATIONS**

Board of Nursing staff would need to administer the nursing excellence fund and contract with an entity to implement and maintain the nursing excellence program. Some of the amendments will require staff training and changes to website and applications.

**COMPANIONSHIP**

This is a companion to SB 186 which amends the Nursing Practice Act to enter New Mexico into the interstate compact for nurse licensure. SB 291 proposes additional funding to expand nursing education programs at the University of NM and NM State University.

## **OTHER SUBSTANTIVE ISSUES**

CRNAs are currently authorized by the Nursing Practice Act for prescriptive authority. Adding them to the list of practitioners for whom the Board may develop rules makes this section of the law consistent with other sections.

This bill authorizes the Board to withdraw approval from programs who fail to maintain a current contract and/or remit administrative fees. It provides the Board with statutory authority to withdraw services from training programs that are delinquent with contracts/fees. Currently the Nursing Practice Act is silent on this subject.

This bill permits individuals who have completed a registered nurse program to take the practical nurse licensure examination. The first year of registered nurse educational programs contain content comparable to practical nursing programs.

The bill removes the work requirement for license renewal. The Board of Nursing has received numerous complaints from licensees and employers that this provision denies licensure to qualified, competent nurses. Agencies that regulate providers require competence measure for nurses. The rules of the Board also require nurses to maintain competence to practice nursing.

By substituting patient for citizen of this state, an allowance is made for nurses who are licensed in other state to accompany a patient through New Mexico and provide care to the patient without the need for a New Mexico license as long as the situation is temporary (less than 3 months).

Without this bill, the Board of Nursing will not have statutory authority to withdraw approval from training programs that do not pay for the administrative costs of the program. Individuals who have completed an RN program will not be permitted to take the LPN examination. Competent nurses, who have not met the work requirement will be prevented from practicing in New Mexico. Nurses who are licensed in other states and temporarily traveling through New Mexico with a patient from another state will continue to be required to obtain a New Mexico license. The nursing excellence program will continue to struggle to find funding and it will continue to be difficult to mount an organized plan for recruitment and retention of nurses into New Mexico. Some inconsistent language will remain in the statute related to CRNAs and permits to practice.

## **AMENDMENTS**

Professional nursing most usually refers to registered nurses. There is a definition in the nursing practice act for professional registered nursing. It appears that the nursing excellence program would focus on only professional registered nursing. Amending the bill to remove the word professional would allow a broader perspective to include licensed practical nurses.

GGG/njw:yr