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HOUSE BILL 639

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO NURSING; REVISING THE NURSING PRACTICE ACT TO MAKE PERMANENT VARIOUS MEDICATION AIDES AND HEMODIALYSIS TECHNICIAN PROGRAMS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 61-3-3 NMSA 1978 (being Laws 1991, Chapter 190, Section 2, as amended) is amended to read:

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

A. "advanced practice" means the practice of professional registered nursing by a registered nurse who has been prepared through additional formal education as provided in Sections 61-3-23.2 through 61-3-23.4 NMSA 1978 to function beyond the scope of practice of professional registered

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1 nursing, including certified nurse practitioners, certified  
2 registered nurse anesthetists and clinical nurse specialists;

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

4 C. "certified hemodialysis technician" means a  
5 person who is certified by the board to assist in the direct  
6 care of a patient undergoing hemodialysis, under the  
7 supervision and at the direction of a registered nurse or a  
8 licensed practical nurse, according to the rules adopted by the  
9 board;

10 D. "certified medication aide" means a person who  
11 is certified by the board to administer medications under the  
12 supervision and at the direction of a registered nurse or a  
13 licensed practical nurse, according to the rules adopted by the  
14 board;

15 [~~E.~~] E. "certified nurse practitioner" means a  
16 registered nurse who is licensed by the board for advanced  
17 practice as a certified nurse practitioner and whose name and  
18 pertinent information are entered on the list of certified  
19 nurse practitioners maintained by the board;

20 [~~F.~~] F. "certified registered nurse anesthetist"  
21 means a registered nurse who is licensed by the board for  
22 advanced practice as a certified registered nurse anesthetist  
23 and whose name and pertinent information are entered on the  
24 list of certified registered nurse anesthetists maintained by  
25 the board;

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1           ~~[E.]~~ G. "clinical nurse specialist" means a  
2 registered nurse who is licensed by the board for advanced  
3 practice as a clinical nurse specialist and whose name and  
4 pertinent information are entered on the list of clinical nurse  
5 specialists maintained by the board;

6           ~~[F.]~~ H. "collaboration" means the cooperative  
7 working relationship with another health care provider in the  
8 provision of patient care, and such collaborative practice  
9 includes the discussion of patient diagnosis and cooperation in  
10 the management and delivery of health care;

11           ~~[G.] "emergency procedures" means airway and~~  
12 ~~vascular access procedures;~~

13           ~~H.]~~ I. "licensed practical nurse" means a nurse who  
14 practices licensed practical nursing and whose name and  
15 pertinent information are entered in the register of licensed  
16 practical nurses maintained by the board or a nurse who  
17 practices licensed practical nursing pursuant to a multistate  
18 licensure privilege as provided in the Nurse Licensure Compact;

19           ~~[I.]~~ J. "licensed practical nursing" means the  
20 practice of a directed scope of nursing requiring basic  
21 knowledge of the biological, physical, social and behavioral  
22 sciences and nursing procedures, which practice is at the  
23 direction of a registered nurse, physician or dentist licensed  
24 to practice in this state. This practice includes but is not  
25 limited to:

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

3 (2) participating in the development and  
4 modification of the plan of care;

5 (3) implementing appropriate aspects of the  
6 plan of care commensurate with education and verified  
7 competence;

8 (4) collaborating with other health care  
9 professionals in the management of health care; and

10 (5) participating in the evaluation of  
11 responses to interventions;

12 [~~J.~~] K. "Nurse Licensure Compact" means the  
13 agreement entered into between New Mexico and other  
14 jurisdictions permitting the practice of professional  
15 registered nursing or licensed practical nursing pursuant to a  
16 multistate licensure privilege;

17 [~~K.~~] L. "nursing diagnosis" means a clinical  
18 judgment about individual, family or community responses to  
19 actual or potential health problems or life processes, which  
20 judgment provides a basis for the selection of nursing  
21 interventions to achieve outcomes for which the person making  
22 the judgment is accountable;

23 [~~L.~~] M. "practice of nursing" means assisting  
24 individuals, families or communities in maintaining or  
25 attaining optimal health, assessing and implementing a plan of

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1 care to accomplish defined goals and evaluating responses to  
2 care and treatment. This practice is based on specialized  
3 knowledge, judgment and nursing skills acquired through  
4 educational preparation in nursing and in the biological,  
5 physical, social and behavioral sciences and includes but is  
6 not limited to:

- 7 (1) initiating and maintaining comfort  
8 measures;
- 9 (2) promoting and supporting optimal human  
10 functions and responses;
- 11 (3) establishing an environment conducive to  
12 well-being or to the support of a dignified death;
- 13 (4) collaborating on the health care regimen;
- 14 (5) administering medications and performing  
15 treatments prescribed by a person authorized in this state or  
16 in any other state in the United States to prescribe them;
- 17 (6) recording and reporting nursing  
18 observations, assessments, interventions and responses to  
19 health care;
- 20 (7) providing counseling and health teaching;
- 21 (8) delegating and supervising nursing  
22 interventions that may be performed safely by others and are  
23 not in conflict with the Nursing Practice Act; and
- 24 (9) maintaining accountability for safe and  
25 effective nursing care;

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1           [M-] N. "professional registered nursing" means the  
2 practice of the full scope of nursing requiring substantial  
3 knowledge of the biological, physical, social and behavioral  
4 sciences and of nursing theory and may include advanced  
5 practice pursuant to the Nursing Practice Act. This practice  
6 includes but is not limited to:

- 7                   (1) assessing the health status of
- 8 individuals, families and communities;
- 9                   (2) establishing a nursing diagnosis;
- 10                  (3) establishing goals to meet identified
- 11 health care needs;
- 12                  (4) developing a plan of care;
- 13                  (5) determining nursing intervention to
- 14 implement the plan of care;
- 15                  (6) implementing the plan of care commensurate
- 16 with education and verified competence;
- 17                  (7) evaluating responses to interventions;
- 18                  (8) teaching based on the theory and practice
- 19 of nursing;
- 20                  (9) managing and supervising the practice of
- 21 nursing;
- 22                  (10) collaborating with other health care
- 23 professionals in the management of health care; and
- 24                  (11) conducting nursing research;

25           [N-] O. "registered nurse" means a nurse who

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1 practices professional registered nursing and whose name and  
2 pertinent information are entered in the register of licensed  
3 registered nurses maintained by the board or a nurse who  
4 practices professional registered nursing pursuant to a  
5 multistate licensure privilege as provided in the Nurse  
6 Licensure Compact; [~~and~~

7 ~~θ.]~~ P. "scope of practice" means the parameters  
8 within which nurses practice based upon education, experience,  
9 licensure, certification and expertise; and

10 Q. "training program" means an educational program  
11 approved by the board."

12 Section 2. Section 61-3-6 NMSA 1978 (being Laws 1973,  
13 Chapter 149, Section 2, as amended) is amended to read:

14 "61-3-6. ADMINISTRATION OF ANESTHETICS.--It is unlawful  
15 for any person, other than a person licensed in New Mexico to  
16 practice medicine, osteopathy or dentistry or a currently  
17 licensed certified registered nurse anesthetist, to administer  
18 anesthetics to any person. Nothing in this section prohibits a  
19 person currently licensed pursuant to the Nursing Practice Act  
20 from using hypnosis or from administering local anesthetics or  
21 [~~conscious~~] moderate sedation."

22 Section 3. Section 61-3-10.1 NMSA 1978 (being Laws 1993,  
23 Chapter 61, Section 2, as amended) is amended to read:

24 "61-3-10.1. HEMODIALYSIS TECHNICIANS--TRAINING PROGRAMS--  
25 CERTIFICATION.--

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~~[A. As used in this section:~~

~~(1) "hemodialysis technician" means a person who is certified by the board to assist with the direct care of a patient undergoing hemodialysis, including performing arteriovenous punctures for dialysis access, injecting intradermal lidocaine in preparation for dialysis access, administering heparin bolus and connecting a dialysis access to isotonic saline or heparinized isotonic saline according to standards adopted by the board; and~~

~~(2) "training program" means an educational program approved by the board for persons seeking certification as hemodialysis technicians.]~~

A. A statewide program for certification of hemodialysis technicians is created according to the rules adopted by the board.

B. Unless certified as a certified hemodialysis technician pursuant to ~~[this section]~~ the Nursing Practice Act, no person shall:

(1) practice as a certified hemodialysis technician; or

(2) use the title "certified hemodialysis technician", "hemodialysis technician" or other title, abbreviation, letters, figures, signs or devices to indicate or imply that the person is a certified hemodialysis technician.

C. The board shall:

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1 (1) maintain a permanent register of all  
2 certified hemodialysis technicians;

3 (2) adopt rules [~~and regulations that set~~  
4 ~~reasonable requirements~~] for certified hemodialysis technician  
5 training programs, including [~~prescribing~~] standards and  
6 [~~approving~~] curricula;

7 (3) provide for periodic evaluation of  
8 training programs at least every two years;

9 (4) grant, deny or withdraw approval from a  
10 training [~~programs for failure~~] program that fails to meet  
11 prescribed standards or fails to maintain a current contract  
12 with the board; and

13 [~~(5) withdraw approval from a training program~~  
14 ~~for failure to maintain a current contract with the board or~~  
15 ~~for failure to pay the administrative fee as provided in the~~  
16 ~~contract; and~~

17 ~~(6)] (5) conduct disciplinary hearings [~~on~~  
18 ~~charges relating to discipline~~] of [~~a~~] certified hemodialysis  
19 [~~technician and may deny certification, place a technician on~~  
20 ~~probation or suspend or revoke a certificate~~] technicians or on  
21 the denial, suspension or revocation of certified hemodialysis  
22 technician certificates in accordance with the Uniform  
23 Licensing Act.~~

24 D. Every applicant for certification as a certified  
25 hemodialysis technician shall pay the required application fee,  
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1 submit written evidence of having completed a board-approved  
2 training program for hemodialysis technicians and successfully  
3 complete a board-approved examination. The board shall issue a  
4 certificate to any person who fulfills the requirements for  
5 certification.

6 E. [A] Every certificate issued by the board to  
7 practice as a certified hemodialysis technician shall be  
8 renewed every two years [~~by the last day of the hemodialysis~~  
9 ~~technician's certification month upon payment of the required~~  
10 ~~fee~~]. The certified hemodialysis technician seeking renewal  
11 shall submit proof of employment as a certified hemodialysis  
12 technician and proof of having met [~~any~~] continuing education  
13 requirements adopted by the board.

14 F. The board shall set [~~by rule~~] the following  
15 nonrefundable fees:

16 (1) for initial certification [~~of a~~  
17 ~~hemodialysis technician~~] by initial or subsequent examination,  
18 a fee not to exceed sixty dollars (\$60.00);

19 (2) for renewal of certification [~~of a~~  
20 ~~hemodialysis technician~~], a fee not to exceed sixty dollars  
21 (\$60.00);

22 (3) for reactivation of a lapsed certificate  
23 [~~of a hemodialysis technician~~] after failure to renew a  
24 certificate or following board action, a fee not to exceed  
25 [~~thirty dollars (\$30.00)] sixty dollars (\$60.00);~~

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1 (4) for initial review and approval of a  
2 training program, a fee not to exceed three hundred dollars  
3 (\$300);

4 (5) for subsequent review and approval of a  
5 training program [~~where the hemodialysis unit~~] that has changed  
6 [~~the program~~], a fee not to exceed [~~one hundred dollars (\$100)~~]  
7 two hundred dollars (\$200);

8 (6) for subsequent review and approval of a  
9 training program when a change has been required by a change in  
10 board policy or rules [~~or regulations~~], a fee not to exceed  
11 fifty dollars (\$50.00); and

12 (7) for periodic evaluation of a training  
13 program, a fee not to exceed [~~one hundred fifty dollars (\$150)~~].

14 ~~G. Each training program shall, through contract or~~  
15 ~~agreement, pay the board for administrative and other costs~~  
16 ~~associated with oversight of the program] two hundred dollars~~  
17 ~~(\$200).~~"

18 Section 4. Section 61-3-10.2 NMSA 1978 (being Laws 1991,  
19 Chapter 209, Section 1, as amended) is amended to read:

20 "61-3-10.2. MEDICATION AIDES.--

21 A. [~~This section shall permit the operation of~~] A  
22 statewide program for certification of medication aides and  
23 approval of medication aide training programs [~~in licensed~~  
24 ~~intermediate care facilities for the mentally retarded. The~~  
25 ~~purpose of the program is to effectuate a cost-containment and~~

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1 ~~efficient program for the administration of the medicaid~~  
2 ~~program. It is the intention of the legislature that costs of~~  
3 ~~continuing the program shall be provided through appropriate~~  
4 ~~agreements between the board and licensed intermediate care~~  
5 ~~facilities for the mentally retarded~~

6 B. ~~For the purposes of this section, "medication~~  
7 ~~aide" means a person who, under the supervision of a licensed~~  
8 ~~nurse in a licensed intermediate care facility for the mentally~~  
9 ~~retarded, is permitted to administer oral medications according~~  
10 ~~to the standards adopted by the board] is created under the~~  
11 board.

12 [E.] B. Unless certified as a certified medication  
13 aide under the Nursing Practice Act, no person shall:

14 (1) practice as a certified medication aide;  
15 or

16 (2) use the titles "certified medication aide"  
17 or "medication aide" or any other title, abbreviation, letters,  
18 figures, signs or devices to indicate or imply that the person  
19 is a certified medication aide.

20 [D.] C. The board shall:

21 (1) maintain a permanent register of all  
22 persons [~~to whom certification~~] certified to practice as a  
23 certified medication aide [~~is provided~~];

24 (2) adopt rules [~~and regulations that set~~  
25 ~~reasonable requirements~~] for certified medication aide

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1 ~~[educational or training programs]~~ education and certification,  
2 ~~[that protect the health and well-being of the mentally~~  
3 ~~retarded while facilitating low-cost access to medication~~  
4 ~~services;~~

5 ~~(3) withdraw approval from a medication aide~~  
6 ~~training program or participant program for failure to maintain~~  
7 ~~a current contract with the board or for failure to pay the~~  
8 ~~administrative fee as provided in the contract]~~ including  
9 standards and curricula;

10 ~~[(4)]~~ (3) adopt rules ~~[and regulations]~~  
11 governing the supervision of certified medication aides by  
12 licensed nurses, ~~[which shall include, but not be limited to]~~  
13 including standards ~~[for medication aides]~~ and performance  
14 evaluations of certified medication aides; ~~[and~~

15 ~~(5)]~~ (4) conduct disciplinary hearings ~~[upon~~  
16 ~~charges relating to discipline]~~ of ~~[a]~~ certified medication  
17 ~~[aide]~~ aides or on the denial, suspension or revocation of ~~[a]~~  
18 certified medication aide ~~[certificate]~~ certificates in  
19 accordance with the Uniform Licensing Act; and

20 (5) grant approval to a certified medication  
21 aide training program that meets all the requirements set by  
22 the board and deny or withdraw approval from medication aide  
23 training programs that fail to meet prescribed standards or  
24 fail to maintain a current contract.

25 ~~[E.]~~ D. Every applicant for certification as a

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1 certified medication aide shall pay the required application  
2 fee, submit written evidence of having completed a board-  
3 approved training program for [~~the certification of~~] certified  
4 medication aides and successfully complete a board-approved  
5 examination. The board shall issue a certificate to any person  
6 who fulfills the requirements for certification.

7 ~~[F. The board shall issue a certificate enabling a~~  
8 ~~person to function as a medication aide to any person who~~  
9 ~~fulfills the requirements for medication aides set by law.~~

10 ~~G.]~~ E. Every certificate issued by the board to  
11 practice as a certified medication aide shall be renewed every  
12 two years [~~by the last day of the medication aide's birth month~~  
13 ~~and upon payment of the required fee~~]. The certified  
14 medication aide seeking renewal shall submit proof of  
15 employment as a certified medication aide and proof of having  
16 met [~~any~~] continuing education requirements adopted by the  
17 board.

18 ~~[H. Applicants for certification or renewal of~~  
19 ~~certification as certified medication aides shall pay the~~  
20 ~~following fees]~~

21 F. The board shall set the following nonrefundable  
22 fees:

23 (1) for initial certification by initial or  
24 subsequent examination [~~or certification after a failure to~~  
25 ~~renew timely an initial certification, the fee shall be set by~~

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1 the board], a fee not to exceed [~~thirty dollars (\$30.00); and~~  
2 sixty dollars (\$60.00);

3 (2) for renewal of certification, [~~the~~] a fee  
4 [~~shall be set by the board~~] not to exceed [~~thirty dollars~~  
5 ~~(\$30.00)~~].

6 I. ~~The board shall:~~

7 (1) ~~prescribe standards and approve curricula~~  
8 ~~for educational or training programs preparing persons as~~  
9 ~~medication aides;~~

10 (2) ~~set a reasonable fee for the review and~~  
11 ~~approval of educational or training programs for certification~~  
12 ~~as certified medication aides not to exceed three hundred~~  
13 ~~dollars (\$300) for each initial review and approval or one~~  
14 ~~hundred dollars (\$100) for each subsequent review and approval~~  
15 ~~in case of change or modification in a training program;~~

16 (3) ~~provide for periodic evaluation at~~  
17 ~~intervals of no less than two years of educational or training~~  
18 ~~programs preparing persons for certification as certified~~  
19 ~~medication aides, including setting a reasonable fee for each~~  
20 ~~periodic evaluation, which shall not exceed one hundred fifty~~  
21 ~~dollars (\$150); and~~

22 (4) ~~grant, deny or withdraw approval from~~  
23 ~~medication aide programs for failure to meet prescribed~~  
24 ~~standards; provided that, in the event of a denial or~~  
25 ~~withdrawal of approval, none of the fees provided for in this~~

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1 ~~section shall be refundable]~~ sixty dollars (\$60.00);

2 (3) for reactivation of a lapsed certificate  
3 after failure to renew a certificate or following board action,  
4 a fee not to exceed sixty dollars (\$60.00);

5 (4) for initial review and approval of a  
6 training program, a fee not to exceed three hundred dollars  
7 (\$300);

8 (5) for subsequent review and approval of a  
9 training program that has changed, a fee not to exceed two  
10 hundred dollars (\$200);

11 (6) for subsequent review and approval of a  
12 training program when a change has been required by a change in  
13 board policy or rules, a fee not to exceed fifty dollars  
14 (\$50.00); and

15 (7) for periodic evaluation of a training  
16 program, a fee not to exceed two hundred dollars (\$200)."

17 Section 5. Section 61-3-16 NMSA 1978 (being Laws 1968,  
18 Chapter 44, Section 13, as amended) is amended to read:

19 "61-3-16. FEES FOR LICENSURE AS REGISTERED NURSES.--  
20 Applicants for licensure as registered nurses shall pay the  
21 following nonrefundable fees [~~which fees shall not be~~  
22 ~~returnable~~]:

23 A. for licensure without examination, [~~the~~] a fee  
24 [~~shall be set by the board~~] not to exceed one hundred fifty  
25 dollars (\$150);

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1           B. for licensure by examination when the  
2 examination is the first for the applicant in this state, [~~the~~]  
3 a fee [~~shall be set by the board~~] not to exceed one hundred  
4 fifty dollars (\$150);

5           C. for licensure by examination when the  
6 examination is other than the first examination, [~~the~~] a fee  
7 [~~shall be set by the board~~] not to exceed sixty dollars  
8 (\$60.00); and

9           D. for initial licensure as a certified nurse  
10 practitioner, certified registered nurse anesthetist [~~and~~] or  
11 clinical nurse specialist, [~~the~~] a fee [~~shall be set by the~~  
12 ~~board~~] not to exceed [~~fifty dollars (\$50.00)~~] one hundred  
13 dollars (\$100). This fee shall be in addition to the fee paid  
14 for registered nurse licensure."

15           Section 6. Section 61-3-22 NMSA 1978 (being Laws 1968,  
16 Chapter 44, Section 19, as amended) is amended to read:

17           "61-3-22. FEES FOR LICENSURE AS LICENSED PRACTICAL  
18 NURSES.--Applicants for licensure as licensed practical nurses  
19 shall pay the following nonrefundable fees [~~which fees shall~~  
20 ~~not be returnable~~]:

21           A. for licensure without examination, [~~the~~] a fee  
22 [~~shall be set by the board~~] not to exceed [~~ninety dollars~~  
23 ~~(\$90.00)~~] one hundred fifty dollars (\$150);

24           B. for licensure by examination when the  
25 examination is the first for the applicant in this state, [~~the~~]

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1 a fee [~~shall be set by the board~~] not to exceed [~~ninety dollars~~  
2 (~~\$90.00~~)] one hundred fifty dollars (\$150); and

3 C. for licensure by examination when the  
4 examination is other than the first examination, [~~the~~] a fee  
5 [~~shall be set by the board~~] not to exceed [~~thirty dollars~~  
6 (~~\$30.00~~)] sixty dollars (\$60.00) for each examination."

7 Section 7. Section 61-3-24 NMSA 1978 (being Laws 1968,  
8 Chapter 44, Section 20, as amended) is amended to read:

9 "61-3-24. RENEWAL OF LICENSES.--

10 A. Any person licensed pursuant to the provisions  
11 of the Nursing Practice Act who intends to continue practice  
12 shall renew the license every two years by the end of the  
13 applicant's renewal month and shall show proof of continuing  
14 education as required by the board except when on active  
15 military duty during a military action.

16 [~~B. At least six weeks before the end of the~~  
17 ~~renewal month, the board shall mail to the licensee an~~  
18 ~~application blank, which shall be returned to the board before~~  
19 ~~the end of the renewal month, together with proof of completion~~  
20 ~~of continuing education requirements as required by the board~~  
21 ~~and the renewal fee set by the board in an amount not to exceed~~  
22 ~~one hundred dollars (\$100).]~~

23 B. Upon receipt of the application and fee, in an  
24 amount not to exceed one hundred ten dollars (\$110), a license  
25 valid for two years shall be issued.

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1 C. Upon receipt of the application and fee, the  
2 board shall verify the licensee's eligibility for continued  
3 licensure and issue to the applicant a renewal license for two  
4 years. ~~[Renewal shall render the holder a legal practitioner~~  
5 ~~of nursing for the period stated on the renewal license.]~~

6 D. ~~[Any]~~ A person who allows ~~[his]~~ a license to  
7 lapse ~~[by failure to secure renewal as provided in this~~  
8 ~~section]~~ shall be reinstated by the board on payment of the fee  
9 for the current two years plus a reinstatement fee ~~[to be set~~  
10 ~~by the board in an amount that shall]~~ not to exceed two hundred  
11 dollars (\$200), provided that all other requirements ~~[have~~  
12 ~~been]~~ are met."

13 Section 8. Section 61-3-29 NMSA 1978 (being Laws 1968,  
14 Chapter 44, Section 25, as amended) is amended to read:

15 "61-3-29. EXCEPTIONS.--The Nursing Practice Act shall not  
16 apply to or affect:

17 A. gratuitous nursing by friends or members of the  
18 family;

19 B. nursing assistance in case of emergencies;

20 C. nursing by students when enrolled in approved  
21 schools of nursing or approved courses for the education of  
22 professional or practical nurses when such nursing is part of  
23 the educational program;

24 D. nursing in this state by a ~~[legally licensed]~~  
25 nurse ~~[of]~~ licensed in another state whose employment requires

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1 the nurse to transport a patient or who is a camp nurse who  
2 accompanies and cares for a patient temporarily residing in  
3 this state if the nurse's practice in this state does not  
4 exceed three months and the nurse does not claim to be licensed  
5 in this state;

6 E. nursing in this state by [~~any~~] a person [~~who is~~]  
7 employed by the United States government [~~or any bureau,~~  
8 ~~division or agency thereof~~], while in the discharge of [~~his~~]  
9 the person's official duties;

10 F. the practice of midwifery by [~~any~~] a person  
11 other than a registered nurse who is certified or licensed in  
12 this state to practice midwifery;

13 G. [~~any~~] a person working as a home health aide,  
14 unless performing acts defined as professional nursing or  
15 practical nursing pursuant to the Nursing Practice Act;

16 H. [~~any~~] a nursing aide or orderly, unless  
17 performing acts defined as professional nursing or practical  
18 nursing pursuant to the Nursing Practice Act;

19 I. [~~any~~] a registered nurse holding a current  
20 license in another jurisdiction who is enrolled in [~~any~~] a  
21 professional course requiring nursing practice as a part of the  
22 educational program; or

23 J. performance by a personal care provider in a  
24 noninstitutional setting of bowel and bladder assistance for an  
25 individual whom a health care provider certifies is stable, not

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1 currently in need of medical care and able to communicate and  
2 assess [~~his~~] the individual's own needs [~~or~~

3 ~~K. medication aides working in licensed~~  
4 ~~intermediate care facilities for the mentally retarded or~~  
5 ~~serving persons who are participating in the developmentally~~  
6 ~~disabled medicaid waiver program and who have completed a~~  
7 ~~board-approved medication aide training program and who are~~  
8 ~~certified by the board to administer routine oral medications,~~  
9 ~~which may be expanded to include all medications except~~  
10 ~~subcutaneous, intramuscular and intravenous injections, unless~~  
11 ~~the medication aide is performing acts defined as professional~~  
12 ~~or practical nursing under the Nursing Practice Act]."~~

13 Section 9. Section 61-3-30 NMSA 1978 (being Laws 1968,  
14 Chapter 44, Section 26, as amended) is amended to read:

15 "61-3-30. VIOLATIONS--PENALTIES.--It is a misdemeanor for  
16 a person, firm, association or corporation to:

17 A. sell, fraudulently obtain or furnish a nursing  
18 diploma, license, examination or record or to aid or abet  
19 therein;

20 B. practice professional nursing as defined by the  
21 Nursing Practice Act unless exempted or duly licensed to do so  
22 [~~under~~] pursuant to the provisions of that act;

23 C. practice licensed practical nursing as defined  
24 by the Nursing Practice Act unless exempted or duly licensed to  
25 do so [~~under~~] pursuant to the provisions of that act;

.153855.2

underscored material = new  
[bracketed material] = delete

1           D. use in connection with his name a designation  
2 tending to imply that such person is a registered nurse or a  
3 licensed practical nurse unless duly licensed ~~[under]~~ pursuant  
4 to the provisions of the Nursing Practice Act;

5           E. conduct a school of nursing or a course for the  
6 education of professional or licensed practical nurses for  
7 licensing unless the school or course has been approved by the  
8 board;

9           F. practice nursing after ~~[his]~~ the person's  
10 license has lapsed or been suspended or revoked. Such person  
11 shall be considered an illegal practitioner;

12           G. employ unlicensed persons to practice as  
13 registered nurses or as licensed practical nurses;

14           H. practice or employ a person to practice as a  
15 certified registered nurse anesthetist, certified nurse  
16 practitioner or clinical nurse specialist unless endorsed as a  
17 certified registered nurse anesthetist, certified nurse  
18 practitioner or clinical nurse specialist pursuant to the  
19 Nursing Practice Act; ~~[or]~~

20           I. employ as a certified hemodialysis technician or  
21 certified medication aide an unlicensed person without a  
22 certificate from the board to practice as a certified  
23 hemodialysis technician or certified medication aide; or

24           ~~[I.]~~ J. otherwise violate a provision of the  
25 Nursing Practice Act.

.153855.2

