

nurse in various health care settings except for the long term care setting. The board of nursing indicates that this bill would not impact the Department of Health regulatory requirements for certified nurse aides. The certified nurse aide is a federal mandated program for individuals who work primarily in long term care agencies. The Department of Health will continue to regulate certified nurse aides.

Currently the Board of Nursing has regulatory oversight for certified medication aides and certified hemodialysis technicians. This bill would directly impact the Board of Nursing through the expansion of its unlicensed assistive personnel to include individuals working in those health care sites that provide direct hands-on nursing care with nursing supervision.

This bill also amends the Nurse Practice Act to allow individuals to be exempt from coverage who practice in accordance with the tenets of any church or religious denomination that teach reliance upon spiritual means through prayer for healing and does not allow these individuals to claim to be a licensed practical nurse or a registered nurse.

ADMINISTRATIVE IMPLICATIONS

The board of Nursing acknowledges that while the number of unlicensed personnel who would meet the regulatory requirement is unknown at this time, the Board of Nursing has budgeted for additional staff a testing for initial certification, renewal of certificates and survey visits can be supported with the current staff and the additional budgeted staff.

OTHER SUBSTANTIVE ISSUES

The Department of Health has regulatory oversight of the Certified Nurses Aides which is a federally mandated program for individuals providing direct hands-on nursing care in long term care agencies. The Department of Health also has oversight of the mandated federal registry for Certified Nurses Aides. The Department of Health would maintain this registry and this bill is not in conflict with their regulatory requirements.

National Council of State Boards of Nursing which the NM Board of Nursing is a member supports the position that state boards of nursing should regulate nursing assistive personnel across multiple health care settings.

ALTERNATIVES

The Board of Nursing suggests the following amendments:

1. On line 16 of House Bill 380 needs to be amended to include the following new (underlined) language...
Certified nurse technicians by registered nurses and licensed practical nurses, including...

The current bill left out the registered nurse in the writing of the bill.

2. Regarding the exemption regarding religious practice within House Bill 380, the Board at its December 2006 meeting approved the following :

No provision in this article shall be construed as applying to a person who nurse or cares or the sick in accordance with the practice or tenets of any church or religious denomination which teaches reliance upon spiritual means through prayer for healing, and who does not hold himself out to the public to be a licensed practical or professional nurse.

GM/nt