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FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/11

SPONSOR HHGAC LAST UPDATED _____ HB 124/HHGACS

SHORT TITLE Disclosure of Certain Info to Patients SB _____

ANALYST Esquibel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department
 Medical Board
 Human Services Department
 Department of Health
 Health Policy Commission

SUMMARY

Synopsis of House Health and Government Affairs Committee Substitute for House Bill 124

The House Health and Government Affairs Committee substitute for House Bill 124 (HB124/HHGACS) removes the definition of “locum tenens”.

Section 2 of HB124/HHGACS, adds that it is the “supervising” health care provider’s identity that is to be communicated to the patient. HB124/HHGACS adds that the locum tenens shall display a name tag that identifies the health care provider as a locum tenens and that the person is working on a temporary basis. HB124/HHGACS adds that the disclosure sections of the bill do not apply to outpatient settings other than urgent-care facilities and emergency departments. HB124/HHGACS requires the supervising health care provider to make a reasonable effort to contact a patient’s agent, guardian, surrogate or other person with authority in cases where the patient cannot communicate and the person with authority is unavailable.

HB124/HHGACS would require the health care provider to communicate their identity and profession to the patient prior to providing health care except in an emergency. The patient is also to be advised if the supervising health care provider is a locum tenens, practicing as a temporary independent contractor, and as a replacement for the usual supervising health care provider.

FISCAL IMPLICATIONS

HHGACS 124 contains no appropriations.

SIGNIFICANT ISSUES

The Department of Health (DOH) notes New Mexico is experiencing significant shortages of health professionals, especially in rural areas. According to the State of New Mexico 2008 Comprehensive Strategic Health Plan, all of New Mexico's counties except Los Alamos have at least one type of designation as a Health Professional Shortage Area (HPSA). This situation necessitates the increased use of physician assistants, certified nurse practitioners, medical residents and locum tenens.

The bill would require additional identifying provider information be shared with a patient before providing care. Disclosure of this information could allow patients to make better informed decisions and exercise options that may be available in obtaining health care. Compliance with the disclosure requirement would necessitate that provider's document the disclosure.

ADMINISTRATIVE IMPLICATIONS

DOH notes there could be fiscal implications on DOH facilities as they may opt to amend documents to ensure that proper disclosures are made and to develop procedures for monitoring compliance.

TECHNICAL ISSUES

The Medical Board indicates in Section 24-7A-7, OBLIGATIONS OF HEALTH-CARE PROVIDER, subsection C, it is appropriate to acknowledge to the patient that the Locum Tenens physician is standing in for the primary supervising health care provider being temporarily replaced. In subsection D, however, since a Locum Tenens physician may not strictly be "temporary"—they occasionally may replace the incumbent physician for months at a time—it is inappropriate for the identity badge to carry the word "temporary".

RAE/mew:bym