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FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/11

SPONSOR Lopez, L. LAST UPDATED _____ HB _____

SHORT TITLE Professional Licensing Board Review Act SB 161

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$175.0	\$181.0	\$356.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

NM Medical Board (Board)

Office of the Attorney General (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 161 enacts the “professional licensing board review act” (act) to provide a process to review proposed changes in the scope of practice for all licensed health professionals; provides a process for health professionals who wish to become licensed; and makes findings and recommendations available to the legislature.

Additional provisions of the bill:

- provides for a department review concerning a proposal for a new licensed health profession;
- creates a technical advisory group to assess such a proposal “if necessary”;
- provides for public hearing and notice; and
- requires an oral presentation of the report to the LFC and LHHSC by the Superintendent of Insurance.

FISCAL IMPLICATIONS

RLD reports that the impact on each board that proposes a change in rules or receives a request for review from the public could be significant. RLD anticipates the need to add four FTE to its staff; however, this analyst cannot verify that claim.

Scope of practice continues to be a controversial issue because it impacts the “bottom line” [income] of the professional.

SIGNIFICANT ISSUES

SB 161 sets up a review process for changes in scope of practice for health professionals or additions of new health professions.

The bill does not clarify whether the Board must wait to adopt new rules until after the Governor and Legislature review the required reports.

The Medical Board states that scope of practice changes are considered in isolation from one another - one profession’s scope of practice change may directly affect another profession, but the proposed changes are rarely worked out cooperatively, and in advance of legislation.

PERFORMANCE IMPLICATIONS

The Act defines “health profession” as a licensing board of a specific health profession regulated pursuant to Chapter 61 NMSA 1978 and “scope of practice” as those practice activities defined in the licensing act and rules adopted pursuant to that Act.

ADMINISTRATIVE IMPLICATIONS

The existing 21 health professional boards are required to prepare an annual report for the Governor, which includes demographic and statistical information on their responsibilities as well as financial reports.

TECHNICAL ISSUES

The AGO advises that the bill duplicates provisions in the Sunrise Act and Uniform Licensing Act.

OTHER SUBSTANTIVE ISSUES

Scope of practice debates often forget to include the most important issue: will the proposed change better protect the public and enhance access to healthcare services.

Healthcare practice has evolved in such a way that many professions share some skills or procedures with other professions. It is no longer reasonable to expect each profession to have a completely unique scope of practice, exclusive of all others.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The process of evaluating proposed changes in scope of practice will remain subject to individual board variations in processes.

AHO/bym