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FISCAL IMPACT REPORT

SPONSOR <u>SJC</u>	ORIGINAL DATE 02/16/11	LAST UPDATED 03/08/11	HB _____
SHORT TITLE <u>Certain Nurse EIB Licensure Exemptions</u>			SB <u>CS/336/aSFL#1</u>
			ANALYST <u>Hanika-Ortiz</u>

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	*See Fiscal Impact		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SFL Amendment #1

The Senate Floor Amendment #1 makes it unlawful to use *non-ionizing* radiation in addition to ionizing radiation on humans unless licensed as a medical imaging professional or radiation therapist by the New Mexico Environment Department’s Environment Improvement Board (EIB) or as otherwise exempted in the bill.

Synopsis of Original Bill

Senate Judiciary Committee substitute for Senate Bill 336 amends the Medical Imaging and Radiation Therapy Health and Safety Act (Act) to exempt from medical imaging licensure by the EIB, nurses licensed pursuant to the Nursing Practice Act and certified nurse-midwives licensed pursuant to the Public Health Act who provide point-of-care ultrasound imaging in their practice and according to their scope of practice. Also exempted from medical imaging licensure are supervised students in accredited nursing and midwifery programs who are learning to provide point-of-care ultrasound imaging.

The bill adds a definition for “point-of-care ultrasound imaging” to include *the limited use of ultrasound to create real-time images* and “ultrasound” to include *the use of non-ionizing high-frequency sound waves*.

The bill further provides that nothing in the Act shall affect a health care provider’s authority to use images resulting from medical imaging procedures.

FISCAL IMPLICATIONS

In the near future, the point-of-care ultrasound exam may become part of the normal physical. Reimbursement and training are key issues for primary care providers using this technology. It is clinically useful as a primary diagnostic aid for many conditions, is considered safe, and in the end, may save both time and money.

*The bill will most likely have an administrative impact on the resources of both the New Mexico State Board of Nursing (Board) which regulates nurses and the Public Health Division within the Department of Health which also regulates certified nurse midwives. The bill does not carry an appropriation to assist with these additional duties, however, it is within the state's best interest to revise any scope of practice that may improve access to health care and contain costs. The Board may also want to consider requiring a fee to acknowledge that a nurse or midwife has this added expertise, to help offset any additional costs to administer the program.

SIGNIFICANT ISSUES

The bill provides that state licensed nurses and state certified nurse midwives must have the necessary knowledge, skills and training in the specific procedure to be performed and in using point-of-care ultrasound imaging pursuant to their scope of practice. A certified nurse-midwife means an individual educated in the two disciplines of nursing and midwifery.

Ultrasound uses non-ionizing radiation and is thought to be extremely safe. A point-of-care ultrasound is a quick screen for stones, ectopic pregnancy, abdominal aortic aneurysm, as well as vascular access, obstetric exams, and measuring bladder volume.

Although most specialists have been exposed to ultrasound within their residency programs, there are now many opportunities for primary care physicians to receive training at their local medical centers and universities, as well as at private training groups throughout the country. Most of the companies involved in point-of-care ultrasound are promoting training as a way to assure responsible and competent use of the equipment.

PERFORMANCE IMPLICATIONS

All persons in the State of New Mexico using *ionizing* radiation on humans or engaged in any radiology specialties defined by the Radiation Protection Act are required to be licensed by the State. Licensure is obtained through an application process requiring a credential review or state examination. Once a license is issued, it is valid for a two year period.

ADMINISTRATIVE IMPLICATIONS

The State Board of Nursing will need to expand the scope of practice for nurses; meaning the parameter within which nurses practice based upon their education, experience, licensure, certification and expertise. The Board will further be required to identify training programs that assist nurses in meeting requirements for the use of this technology. Certified Nurse Midwives are also regulated by the Public Health Division of the Department of Health within 16.11.2 NMAC.

TECHNICAL ISSUES

On page 7, line 18, (B)(1) consider striking the term “licensed practitioner” because these “licensed practitioners” are also health care professionals licensed pursuant to Chapter 61 NMSA as stated on page 8, in paragraph (2). This may help avoid any confusion that a “licensed practitioner” (medical or osteopathic doctor, podiatrist, chiropractor or dentist) is exempt from having their preparation to perform these procedures submitted to the Medical Imaging and Radiation Therapy Advisory Council and approved by the EIB (unless that is the intention of the bill).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Advanced practice nurses will continue to be subject to the EIB’s licensure requirements for this technology.

AHO/bym:svb