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HOUSE BILL 19

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH CARE
WORK FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT TO DIRECT
THAT THE UNIVERSITY OF NEW MEXICO ASSUME DATA-RELATED DUTIES
PURSUANT TO THAT ACT; TRANSFERRING ALL DATA, APPROPRIATIONS,
PROPERTY, PERSONNEL, RECORDS AND CONTRACTS RELATED TO DATA
COLLECTION, ANALYSIS, STORAGE OR USE UNDER THE HEALTH CARE WORK
FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT FROM THE
DEPARTMENT OF HEALTH TO THE UNIVERSITY OF NEW MEXICO.

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

SECTION 1. Section 24-14C-1 NMSA 1978 (being Laws 2011,
Chapter 152, Section 1) is amended to read:

"24-14C-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article
14C NMSA 1978 may be cited as the "Health Care Work Force Data
Collection, Analysis and Policy Act"."

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1 SECTION 2. Section 24-14C-2 NMSA 1978 (being Laws 2011,
2 Chapter 152, Section 2) is amended to read:

3 "24-14C-2. DEFINITIONS.--As used in the Health Care Work
4 Force Data Collection, Analysis and Policy Act:

5 A. "board" means any state health care work force
6 licensing or regulatory board, including the New Mexico medical
7 board; the board of osteopathic medical examiners; the New
8 Mexico board of dental health care; the board of nursing; the
9 board of pharmacy; any other licensing or regulatory board that
10 the ~~[secretary of health]~~ president designates; any other
11 health professional licensing board listed in Chapter 61 NMSA
12 1978; and the ~~[department]~~ university;

13 B. "database" means the health care work force
14 database created pursuant to the Health Care Work Force Data
15 Collection, Analysis and Policy Act;

16 ~~[G. "department" means the department of health;~~

17 ~~D.]~~ C. "ethnicity" means an individual's self-
18 identification or affiliation as either "Hispanic or Latino" or
19 "not Hispanic or Latino" according to cultural, historical,
20 linguistic or religious ties;

21 ~~[E.]~~ D. "New Mexico center for health care
22 workforce analysis" means a state entity that collects,
23 analyzes and reports data regarding the state's health care
24 work force and collaborates with the federal national center
25 for health care workforce analysis pursuant to Section 5103 of

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1 the federal Patient Protection and Affordable Care Act; [~~and~~]

2 E. "president" means the president of the
3 university of New Mexico;

4 F. "race" means an individual's self-identification
5 or affiliation with one of the following categories used to
6 identify individuals according to historical or phenotypical
7 characteristics:

- 8 (1) American Indian or Alaska Native;
- 9 (2) Asian;
- 10 (3) Black or African American;
- 11 (4) Native Hawaiian or other Pacific Islander;
- 12 (5) White; or
- 13 (6) a mixture of any of the categories listed
14 in Paragraphs (1) through (5) of this subsection; and

15 G. "university" means the university of New
16 Mexico."

17 SECTION 3. Section 24-14C-3 NMSA 1978 (being Laws 2011,
18 Chapter 152, Section 3) is amended to read:

19 "24-14C-3. HEALTH CARE WORK FORCE DATABASE--COLLECTION OF
20 DATA--HOUSING OF DATA--ANALYSIS AND REPORTING.--

21 A. Subject to the availability of state, federal or
22 private foundation funding or other sources of funding, the
23 [~~secretary of health~~] president shall create and maintain the
24 "health care work force database". The [~~secretary of health~~]
25 president shall:

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1 (1) enter into agreements with entities to
2 create, house and provide information to state agencies, the
3 legislature and the governor and, as the legislature or
4 governor deems appropriate, any others regarding the state's
5 health care work force; and

6 (2) seek federal or other sources of funding
7 to create a New Mexico center for health care workforce
8 analysis and to ensure the additional funding and staffing
9 needed to achieve the anticipated outcomes.

10 B. A board shall supply the [~~department~~] university
11 with data pertaining to licensed health care providers for
12 inclusion in the database. A board shall collect a core
13 essential data set at the time of new licensure or licensure
14 renewal, including, but not limited to, a provider's:

15 (1) demographics, including race, ethnicity
16 and primary and other languages spoken;

17 (2) practice status, including, but not
18 limited to:

19 (a) active practices in New Mexico and
20 other locations;

21 (b) practice type; and

22 (c) practice settings, such as
23 hospitals, public schools, higher education institutions,
24 clinics and other clinical settings;

25 (3) education, training and primary and

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1 secondary specialties for all health professions as
2 appropriate;

3 (4) average hours worked per week and the
4 average number of weeks worked per year in the licensed
5 profession over the past twelve months;

6 (5) percentage of practice engaged in direct
7 patient care and in other activities, such as teaching,
8 research and administration, in the licensed profession;

9 (6) practice plans for the next five years,
10 including retiring from a health care profession, moving out of
11 state or changing health care work hours; and

12 (7) professional liability insurance costs and
13 availability as they relate to barriers to practice."

14 SECTION 4. Section 24-14C-4 NMSA 1978 (being Laws 2011,
15 Chapter 152, Section 4) is amended to read:

16 "24-14C-4. DATABASE ESTABLISHMENT AND MAINTENANCE--
17 DELEGATION.--The [~~secretary of health~~] president may contract
18 and collaborate with a private or public entity to establish
19 and maintain the database, to analyze data collected, to
20 develop reports for the legislature or the executive branch or
21 to perform other duties to carry out the provisions of the
22 Health Care Work Force Data Collection, Analysis and Policy
23 Act."

24 SECTION 5. Section 24-14C-5 NMSA 1978 (being Laws 2011,
25 Chapter 152, Section 5) is amended to read:

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1 "24-14C-5. HEALTH CARE WORK FORCE DATA COLLECTION BY
2 BOARDS--MANDATORY COMPLIANCE FOR APPLICANTS--REPORTING BY
3 BOARDS--CONFIDENTIALITY OF DATA--RULEMAKING.--

4 A. An applicant for a license from a board or
5 renewal of a license by a board shall provide the information
6 prescribed by the [~~secretary of health~~] president pursuant to
7 Subsection C of this section. This section applies to
8 applicants for health professional licensure or renewal of
9 health professional licensure pursuant to Chapter 61 NMSA 1978.

10 B. A board shall not approve a subsequent
11 application for a license or renewal of a license until the
12 applicant provides the information pursuant to Subsection C of
13 this section.

14 C. A board shall adopt rules regarding the manner,
15 form and content of reporting data; the consistency of data
16 entry fields used; and the information that an applicant,
17 pursuant to Subsection A of this section, shall provide to a
18 board. At a minimum, the rules shall provide for a core
19 essential data set, including the applicant's:

20 (1) demographics, including race, ethnicity
21 and primary and other languages spoken;

22 (2) practice status, including, but not
23 limited to:

24 (a) active practices in New Mexico and
25 other locations;

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- 1 (b) practice type; and
2 (c) practice settings, such as hospital,
3 clinic or other clinical settings;
4 (3) education, training and primary and
5 secondary specialties;
6 (4) average hours worked per week and the
7 average number of weeks worked per year in the licensed
8 profession;
9 (5) percentage of practice engaged in direct
10 patient care and in other activities, such as teaching,
11 research and administration, in the licensed profession; and
12 (6) practice plans for the next five years,
13 including retiring from the health care profession, moving out
14 of state or changing health care work hours.

15 D. A board shall report health care work force
16 information collected pursuant to this section to the
17 [~~secretary of health~~] president.

18 E. A board shall keep confidential and not release
19 personally identifiable data collected under this section for
20 any person licensed, registered or certified by the board. The
21 provisions of this subsection do not apply to the release of
22 information to a law enforcement agency for investigative
23 purposes or to the release to the [~~secretary of health~~]
24 president for state health planning purposes. A person with
25 whom the [~~department~~] university contracts to perform data

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1 collection, storage and analysis shall protect the privacy of
2 that data. The [~~secretary of health~~] president shall ensure
3 that the responses of applicants shall be kept confidential,
4 including taking special precautions when the identity of an
5 applicant may be ascertained due to the applicant's location or
6 occupation.

7 F. A board shall promulgate rules as necessary to
8 perform the board's duties pursuant to this section, including
9 rules for collecting, storing and analyzing data in addition to
10 the information required to be collected by the Health Care
11 Work Force Data Collection, Analysis and Policy Act."

12 SECTION 6. Section 24-14C-6 NMSA 1978 (being Laws 2011,
13 Chapter 152, Section 6) is amended to read:

14 "24-14C-6. HEALTH CARE WORK FORCE WORK GROUP--WORK FORCE
15 DATA ANALYSIS--RECRUITMENT PLANNING--STRATEGIC PLAN FOR
16 IMPROVING HEALTH CARE ACCESS--WORK FORCE SURVEY.--The
17 [~~secretary of health~~] president shall convene a health care
18 work force work group that includes representatives of health
19 care consumers; health care providers; organized groups
20 representing physicians, physician assistants, nurses, nurse
21 practitioners, dentists, dental hygienists and pharmacists;
22 health care work force training institutions; the [~~New Mexico~~
23 ~~health policy commission~~] department of health; the public
24 education department; the higher education department; and the
25 boards. The work group shall:

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1 A. analyze and make recommendations to the
2 legislature regarding incentives to attract qualified
3 individuals, including those from minority groups
4 underrepresented among health care professions, to pursue
5 health care education and practice in New Mexico;

6 B. develop a short-term plan and a five-year plan
7 to improve health care access, with a draft report on the plans
8 to be submitted to the interim legislative health and human
9 services committee by November 1, 2011. Beginning October 1,
10 2012, the work group shall make detailed annual reports to the
11 legislative health and human services committee by October 1 of
12 each year;

13 C. analyze the collected data and make
14 recommendations to the legislature for building healthier
15 communities and improving health outcomes; and

16 D. devise an electronic survey, designed to be
17 completed by applicants within fifteen minutes, for boards to
18 provide to applicants for licensure or renewal of licensure,
19 which includes questions regarding the information required
20 pursuant to Subsection C of Section ~~[5 of the Health Care Work~~
21 ~~Force Data Collection, Analysis and Policy Act]~~ 24-14C-5 NMSA
22 1978 and any other survey questions that the ~~[secretary of~~
23 ~~health]~~ president and the work group deem appropriate."

24 SECTION 7. Laws 2011, Chapter 152, Section 7 is amended
25 to read:

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1 "SECTION 7. TEMPORARY PROVISION--APPLICATION FOR GRANTS
2 PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE
3 ACT.--In order to carry out the provisions set forth in the
4 Health Care Work Force Data Collection, Analysis and Policy
5 Act, the [~~secretary of health~~] president shall seek funding
6 pursuant to Section 5102 of the federal Patient Protection and
7 Affordable Care Act, as well as funding from any other source,
8 public or private, that the [~~secretary of health~~] president
9 deems appropriate."

10 SECTION 8. TEMPORARY PROVISION--TRANSFER OF DATA,
11 APPROPRIATIONS, PROPERTY, PERSONNEL, RECORDS AND CONTRACTS TO
12 THE BOARD OF REGENTS OF THE UNIVERSITY OF NEW MEXICO.--On July
13 1, 2012:

14 A. all data, appropriations, property, personnel
15 and records related to data collection, analysis, storage or
16 use pursuant to the Health Care Work Force Data Collection,
17 Analysis and Policy Act shall be transferred from the
18 department of health to the university of New Mexico; and

19 B. any contracts related to data collection,
20 analysis, storage or use that are binding on the department of
21 health pursuant to the Health Care Work Force Data Collection,
22 Analysis and Policy Act shall be binding on the board of
23 regents of the university of New Mexico.