

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/28/17

SPONSOR Rue LAST UPDATED _____ HB _____

SHORT TITLE Osteopathic Medicine Board Reporting SJM 28

ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY17 | FY18 | FY19 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|-------------|-------------|-------------------|---------------------------|---------------------------------|
| Total | | Significant | Significant | Significant | Recurring | General Fund, Other State Funds |

(Parenthesis () Indicate Expenditure Decreases)

Senate Joint Memorial 28 relates to Senate Bill 68, Posting of Medical Licensing Info, and Senate Bill 463, Osteopathic Physician Licensing.

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Medical Board (NMMB)
Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 28 (SJM28) resolves the New Mexico Medical Board and the Board of Osteopathic Medicine be requested to convene a task force that includes a medical provider licensed by the New Mexico Medical Board and the Board of Osteopathic Medicine, respectively; two legislators; and two consumer advocates appointed by the legislative members of the task force. The task force is requested to report its findings and recommendations for improving the reporting on providers' history on the New Mexico Medical Board's and Board of Osteopathic Medicine's websites to the Legislative Health and Human Services Committee and the Legislative Finance Committee by October 1, 2017.

FISCAL IMPLICATIONS

SJM28 does not include an appropriation and does not specify task force members may receive per diem and mileage under the provisions of the Per Diem and Mileage Act for their task force work associated with SJM28.

The New Mexico Medical Board (NMMB) reports it contracts with the Department of Information Technology (DoIT) for all its information technology (IT) support including maintenance of the website. The provisions of SJM28 could lead to an increase in NMMB's contract price increase with DoIT. In addition, any new information NMMB would be required to upload would possibly require a part-time to full time employee for scanning, redacting, summarizing and entering the required information into a database for upload.

SIGNIFICANT ISSUES

Under the provision of SJM28, the task force would report on licensing, malpractice, and discipline to the public through the websites.

The NMMB reports it has concerns regarding the publication of information from third party sources which are not the basis for disciplinary action by the Medical Board. Currently, the NMMB posts certain disciplinary action under the physician's name. However, information received by the NMMB from the national practitioner databank is confidential per federal law and includes medical malpractice payouts and hospital disciplinary information. Arrests by law enforcement agencies revealed through a federal criminal background check are also confidential pursuant to federal law.

PERFORMANCE IMPLICATIONS

The Regulation and Licensing Department (RLD) notes better reporting on the websites should lead to more transparency, and more transparency about discipline imposed on licensees is always preferred.

The New Mexico Medical Board notes during these times of fiscal constraint, the NMMB must direct its resources to the licensing and prosecutions of licensees who may be unfit or incompetent to practice medicine in order to meet its major statutory mandate of protecting the public. However, transparency is important to the NMMB and informing the public about physician discipline is also part of protecting the public.

ADMINISTRATIVE IMPLICATIONS

The Regulation and Licensing Department at present staffs the Osteopathic Medicine Board, whereas the Medical Board is an independent entity.

OTHER SUBSTANTIVE ISSUES

The New Mexico Medical Board will be pleased to participate in the proposed Task Force and to help to clarify what information may either be useful and/or legal to make available to the public, either in a public forum (website) or by inquiry directly to the Board,.

ALTERNATIVES

RLD reports there is currently a prescription opioid safety task force committee that consist of Medical Board members, Osteopathic Medicine Board members, association members and public members who are appointed by the governor's office. It may be possible to assign this committee the proposed work under SJM28 rather than creating a new task force.