

LFC Requester:	Kelly Klundt
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/5/2025 *Check all that apply:*
Bill Number: HB 266 Original Correction
 Amendment Substitute

Sponsor:	<u>Janifer Jones and Elizabeth</u>	Agency Name	<u>New Mexico Medical Board-</u>
	<u>"Liz" Thomson</u>	and Code	<u>446</u>
Short Title:	<u>Physicians Supervising</u>	Person Writing	<u>Monique Parks, Interim Exec.</u>
	<u>Physician Assistants</u>	Analysis:	<u>Director</u>
Requiring		Phone:	<u>505-490-3903</u>
		Email	<u>moniquem.parks@nmmb.nm.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total						
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(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB267
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB266- For the Legislative Health and Human Services Committee to amend the Physician Assistant Act to eliminate the requirement that, to practice medicine or to prescribe or administer dangerous drugs or controlled substances, a physician assistant must first establish a supervising or collaborating relationship with a licensed physician.

FISCAL IMPLICATIONS

None for The New Mexico Medical Board

SIGNIFICANT ISSUES

This change in the Medical Practice Act for the Physician Assistants (PAs) is a significant shift in law. PAs have been licensed in New Mexico for over 40 years but have had physician supervisory requirements until 2017. At that time, a law was passed allowing a select group of PAs (minimum of 3 years in practice and providing primary care) were granted a ‘Collaborative’ license, which removed all physician supervisory aspects. Since 2017, about 100 PAs have obtained this license in NM. To date, there have been no significant issues with the Collaborative PAs.

It could be argued that new PA graduates entering practice would need clinical support from supervising physicians, for at least a period of time. The data may not exist that could define what that time period would be. In comparison, Nurse Practitioners (NPs) are allowed to enter clinical practice after graduation and be deemed as Independent Providers. While NPs are not under the purview of The Medical Board, it does not relieve our concern for patient safety at the hands of newer, less-experienced medical providers. The NMMB is of the opinion that oversight of newly graduated PA’s should occur for a period of time to be determined by promulgation of rules by the NMMB.

PERFORMANCE IMPLICATIONS

None for The New Mexico Medical Board

ADMINISTRATIVE IMPLICATIONS

This change in the law could reduce some paperwork that is required in processing a supervising physician for a PA license (application or renewal).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for The New Mexico Medical Board

TECHNICAL ISSUES

None for The New Mexico Medical Board

OTHER SUBSTANTIVE ISSUES

Currently, only Collaborative PAs carry private malpractice insurance. Allowing all PAs to be independent might/should require all of them to carry independent malpractice insurance in the same manner that a physician does.

PAs practicing in Specialty areas of medicine (Surgery, Dermatology, etc.) require in-depth knowledge pertaining to the Specialty. Certainly, The New Mexico Medical Board does not believe that any institution or facility would allow a PA to perform a specialized procedure or surgery that is beyond their scope of practice (e.g. perform a total knee replacement).

ALTERNATIVES

None for The New Mexico Medical Board

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico has a significant shortage of providers in all areas of the state. PAs are not the solution to the physician shortage, but they can provide the critical front-line care within the scope of practice that our residents need. PAs are not titled as ‘Independent Providers’ in our state, and this creates issues with reimbursement with payors such as Medicaid. Also, if a community loses a physician that is supervising a PA, the employer has to replace the physician and then re-credential the PA. This immediately creates an unsupervised PA, who by law cannot practice. The delay in physician recruitment and subsequent paperwork causes the community to be without necessary care.

AMENDMENTS

The NMMB recommends newly graduated Physician Assistants obtain experience in the clinical setting with supervisors prior to independent practice. The NMMB additionally recommends that specialty PAs obtain a CAQ-certification from NCCPA, if one exists for that specialty, or another NMMB approved program.