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HOUSE BILL 361

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

John A. Heaton

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; CREATING A SCOPE OF PRACTICE REVIEW  
PROCESS FOR LICENSED HEALTH-RELATED PROFESSIONS; ESTABLISHING  
LICENSING BOARD AND NEW MEXICO HEALTH POLICY COMMISSION  
RESPONSIBILITIES; ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE. -- This act may be cited as the  
"Health Professions Review Act".

Section 2. PURPOSE. -- The purpose of the Health  
Professions Review Act is to provide a procedure for objective  
review of proposed changes in the scope of practice of health  
professionals licensed by the state in order to ensure that  
such changes contribute to the improvement of the overall  
health of the people of New Mexico and to make recommendations  
of such review available to the legislature.

1           Section 3.   DEFINITIONS. --As used in the Health

2 Professions Review Act:

3           A.   "board" means a licensing board of a specific  
4 health profession regulated pursuant to Chapter 61 NMSA 1978;

5           B.   "commission" means the New Mexico health policy  
6 commi ssi on;

7           C.   "health profession" or "health professions"  
8 means any of those health-related activities and occupations  
9 licensed pursuant to Chapter 61, Articles 2, 3, 4, 5A, 6, 7A,  
10 8, 9, 9A, 10, 10A, 11, 12, 12A, 12B, 12C, 13, 14A, 14B, 14C,  
11 14D, 14E and 31 NMSA 1978; and

12           D.   "scope of practice" means those activities  
13 permitted each of the health professions as defined in their  
14 respective licensing acts and rules adopted pursuant to those  
15 acts.

16           Section 4.   STATUTORY CHANGE-- BOARD RESPONSIBILITY. --

17           A.   A person seeking a change in the scope of  
18 practice of a health profession shall notify the regulation  
19 and licensing department and request a hearing before the  
20 respective licensing board on the proposal.   The department  
21 shall notify the commi ssi on and the board and the board shall:

22                   (1) collect data, including information from  
23 the applicant and all other appropriate persons, necessary to  
24 review the proposal;

25                   (2) conduct a technical assessment of the

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1 proposal, if necessary with the assistance of a technical  
2 advisory group established for that specific purpose, to  
3 determine whether the proposal is in the profession's current  
4 scope of practice; and

5 (3) provide its analysis, conclusions and any  
6 recommendations, together with all materials gathered for the  
7 review, to the commission.

8 B. The person seeking the change in the scope of  
9 practice shall provide the board with all information  
10 requested.

11 Section 5. COMMISSION--SCOPE OF PRACTICE REVIEWS AND  
12 CRITERIA--POWERS AND DUTIES.--The commission shall:

13 A. notify annually all licensing boards of health  
14 professions, and, wherever possible, all professional  
15 associations and groups of health professions, of both the  
16 board's and the commission's responsibilities to review  
17 proposed changes in the scope of practice of health  
18 professions;

19 B. ensure that scope of practice reviews by ad hoc  
20 review panels are conducted as public hearings and are  
21 publicized and conducted pursuant to the requirements of  
22 Section 12-8-4 NMSA 1978;

23 C. provide staff services to all ad hoc review  
24 panels created pursuant to Section 6 of the Health Professions  
25 Review Act; and

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1 D. provide the legislature with all assistance  
2 requested on the proposal.

3 Section 6. REVIEW PANELS-- APPOINTMENT-- DUTIES. --The  
4 commission shall, upon notification of a proposed change in a  
5 health profession scope of practice, appoint an ad hoc review  
6 panel of sufficient numbers and expertise to review and make  
7 recommendations on the proposed change. Each panel shall  
8 include at least one board member of the health profession  
9 from which the proposed change in scope of practice is  
10 presented but no more than two members from any one board or  
11 profession. Each panel shall be chaired by the director of  
12 the commission, who shall be a nonvoting member. The panel  
13 shall:

14 A. familiarize itself with the commission's rules  
15 on procedures and criteria for such reviews;

16 B. ensure appropriate public notice of its  
17 proceedings;

18 C. invite testimony from persons with special  
19 knowledge in the field of the proposed change;

20 D. assess the proposal using the following  
21 criteria:

22 (1) whether the current scope of practice  
23 presents any possible harm to the health, safety or welfare of  
24 consumers;

25 (2) whether proposed changes offer potential

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- 1 harm to the health, safety or welfare of consumers;
- 2 (3) if the proposed changes will benefit the
- 3 health, safety and welfare of health consumers;
- 4 (4) what economic impact on overall health
- 5 care delivery the proposed change is likely to have;
- 6 (5) whether potential benefits of proposed
- 7 changes outweigh potential harm; and
- 8 (6) the extent to which the proposed changes
- 9 will affect the availability, accessibility, delivery and
- 10 quality of health care in New Mexico;

11 E. conduct the analysis so as to:

- 12 (1) consider harm to the public in physical,
- 13 emotional, economic and social contexts;
- 14 (2) ensure that consideration of economic and
- 15 social benefit does not outweigh the potential of significant
- 16 physical harm to the consumer; and
- 17 (3) ensure that evidence of potential harm is
- 18 clearly and directly attributable to the proposal; and

19 F. provide to the New Mexico legislative council,  
20 the legislative finance committee and the legislative health  
21 and human services committee a full report, including  
22 legislative recommendations, on each proposed change in scope  
23 of practice brought before the commission.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
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5  
6 February 16, 1999

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8 Mr. Speaker:

9  
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred

12  
13 HOUSE BILL 361

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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,

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23 Debbie A. Rodella, Chairwoman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HBIC/HB 361

Page 7

4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

6 (Chief Clerk)

(Chief Clerk)

8 Date \_\_\_\_\_

10 The roll call vote was 9 For 1 Against

11 Yes: 9

12 No: Lutz

13 Excused: Sanchez

14 Absent: Kissner

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

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4 February 26, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 361

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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, amended as follows:

15  
16 1. On page 2, lines 18 and 19, strike "regulation and  
17 licensing department" and insert in lieu thereof "respective  
18 licensing board".

19  
20 2. On page 2, lines 19 and 20, strike "before the  
21 respective licensing board".

22  
23 3. On page 2, line 20, strike "department" and insert in  
24 lieu thereof "licensing board".

25 4. On page 2, line 21, strike "the board and".

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HARC/HB 361

Page 9

5. On page 4, line 3, before "The", insert "A. ".

6. On page 4, line 7, strike "shall", strike lines 8 through 10 and on line 11 strike "profession." and insert in lieu thereof: "  
(1) shall include one board member of the health profession from which the proposed change in scope of practice originates;

(2) may include one additional member from the profession from which the proposed change originates and this member shall be from the professional association of that profession;

(3) shall have no more than one board member from any one board in addition to the board member designated in Paragraph (1) of this subsection; and

(4) shall have a number equal to one-half the panel's membership of individuals who are consumers and who have no economic interest in the profession originating the request for a change in scope of practice;"

7. On page 4, line 11, before "Each" insert "B. ".

. 124959. 7

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3HAFB/HB 361

Page 10

4  
5 8. On page 4, line 14, strike "A." and insert in lieu  
6 thereof "(1)".

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8 9. On page 4, line 16, strike "B." and insert in lieu  
9 thereof "(2)".

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11 10. On page 4, line 18, strike "C." and insert in lieu  
12 thereof "(3)".

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14 11. On page 4, line 20, strike "D." and insert in lieu  
15 thereof "(4)".

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17 12. On page 4, strike lines 22 through 24.

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19 13. On page 4, line 25, strike "(2)" and insert in lieu  
20 thereof "(a)".

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22 14. On page 5, line 2, strike "(3)" and insert in lieu  
23 thereof "(b)".

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25 15. On page 5, line 4, strike "(4)" and insert in lieu  
thereof "(c)".

16. On page 5, line 6, strike "(5)" and insert in lieu  
thereof "(d)".

. 124959. 7

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3HARC/HB 361

Page 11

4  
5 17. On page 5, line 8, strike "(6)" and insert in lieu  
6 thereof "(e)".

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8 18. On page 5, line 11, strike "E." and insert in lieu  
9 thereof "(5)".

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11 19. On page 5, line 12, strike "(1)" and insert in lieu  
12 thereof "(a)".

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14 20. On page 5, line 14, strike "(2)" and insert in lieu  
15 thereof "(b)".

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17 21. On page 5, line 17, strike "(3)" and insert in lieu  
18 thereof "(c)".

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20 22. On page 5, line 19, strike "F." and insert in lieu  
21 thereof "(6)".

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HAF C/HB 361

Page 12

4  
5 **Respectfully submitted,**

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10 Max Coll, Chairman

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12 **Adopted** \_\_\_\_\_

**Not Adopted** \_\_\_\_\_

13  
14 (Chief Clerk)

(Chief Clerk)

15  
16 **Date** \_\_\_\_\_

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HARC/HB 361

Page 13

4 The roll call vote was 11 For 3 Against

5 Yes: 11

6 No: Larrañaga, Parsons, Pearce

7 Excused: Buffett, Marquardt, Wallace

8 Absent: None

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13 J: \99BillsWP\H0361

. 124959. 7

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HARC/HB 361

Page 14

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 8, 1999

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Mr. President:

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Your PUBLIC AFFAIRS COMMITTEE, to whom has been

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referred

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HOUSE BILL 361, as amended

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Shannon Robinson, Chairman

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. 124959.7

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HAFB/HB 361

Page 15

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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7

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Date \_\_\_\_\_

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The roll call vote was 4 For 3 Against

12

Yes: 4

13

No: Boitano, Ingle, Robinson

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Excused: Stockard, Smith

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Absent: None

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