

HOUSE HEALTH COMMITTEE SUBSTITUTE FOR
HOUSE BILL 102

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

AN ACT

RELATING TO HEALTH PROFESSIONS; PROVIDING FOR A PROCESS TO
EVALUATE PROPOSED STATUTORY CHANGES IN SCOPE OF PRACTICE, THE
REGULATION OF AN UNREGULATED HEALTH PROFESSION AND THE
ESTABLISHMENT OF A LICENSING BOARD.

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

SECTION 1. [NEW MATERIAL] COMMITTEE CREATED.--

- A. The "scope of practice committee" is created.
- B. The committee shall be composed of eight members. Four members shall be appointed by the speaker of the house of representatives, and four members shall be appointed by the senate committees' committee, or if appointments are made in the interim, by the president pro tempore of the senate after consultation with and agreement of a majority of the members of the committees' committee.

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underscored material = new
[bracketed material] = delete

1 C. Members shall be appointed from each house so as
2 to give the two major political parties in each house the same
3 proportional representation on the committee as prevails in
4 each house; however, in no event shall either party have less
5 than one member from each house on the committee. Vacancies on
6 the committee shall be filled by appointment in the same manner
7 as the original appointments.

8 D. A member of the committee who is licensed in a
9 health profession for which a proposed statutory change in
10 scope of practice is before the committee shall not participate
11 in the committee's review, findings, recommendations or report
12 pursuant to Section 4 of this act.

13 E. The committee may meet during legislative
14 sessions as needed.

15 F. The staff for the committee shall be provided by
16 the legislative council service.

17 SECTION 2. [NEW MATERIAL] DEFINITIONS.--For the purposes
18 of Sections 1 through 4 of this act:

19 A. "committee" means the scope of practice
20 committee;

21 B. "health profession" means a health-related
22 activity or occupation regulated pursuant to Chapter 61 NMSA
23 1978 or proposed for regulation;

24 C. "licensing board" means a licensing board of a
25 specific health profession regulated pursuant to Chapter 61

1 NMSA 1978; and

2 D. "scope of practice" means those practice
3 activities permitted for a health profession as defined in its
4 licensing act and rules adopted pursuant to that act.

5 SECTION 3. [NEW MATERIAL] REVIEW OF PROPOSAL.--A person
6 proposing a statutory change to an existing scope of practice,
7 the regulation of an unregulated health profession or the
8 establishment of a licensing board may submit such proposal to
9 the committee for review.

10 SECTION 4. [NEW MATERIAL] COMMITTEE REVIEW OF PROPOSED
11 STATUTORY CHANGE IN SCOPE OF PRACTICE, REGULATION OF AN
12 UNREGULATED HEALTH PROFESSION OR ESTABLISHMENT OF A LICENSING
13 BOARD.--

14 A. The committee shall review:

15 (1) a proposed statutory change to an existing
16 scope of practice;

17 (2) the proposed regulation of an unregulated
18 health profession; or

19 (3) the proposed establishment of a licensing
20 board.

21 B. As to each proposal submitted for review, the
22 committee shall:

23 (1) collect data, including information from
24 proponents and opponents of the proposal before the committee
25 and from all other appropriate persons, as necessary to

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1 evaluate the proposal;

2 (2) ensure appropriate public notice of the
3 committee's proceedings and provide for public comment on the
4 proposal;

5 (3) invite comment from persons with knowledge
6 in the field of the proposal;

7 (4) assess the proposal considering the
8 following:

9 (a) the potential harm or benefit to the
10 health, safety and welfare of the public;

11 (b) the impact on overall health care
12 costs;

13 (c) the impact on access to and quality
14 of health care in New Mexico; and

15 (d) whether the public health, safety
16 and welfare can be effectively protected by other more cost-
17 effective means; and

18 (5) summarize its findings and recommendations
19 in a final report to be delivered to the standing committees to
20 which legislation regarding the proposal is referred.