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SENATE BILL 161

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO HEALTH; ENACTING THE PROFESSIONAL LICENSING BOARD REVIEW ACT; PROVIDING FOR A PROCESS TO REVIEW SCOPE OF PRACTICE CHANGES FOR ALL LICENSED HEALTH PROFESSIONALS AND THOSE SEEKING TO BECOME LICENSED HEALTH PROFESSIONALS.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Professional Licensing Board Review Act".

SECTION 2. PURPOSE.--The purpose of the Professional Licensing Board Review Act is to:

- A. provide a procedure for a review of proposed changes in the scope of practice of health professionals licensed by the state in order to ensure that the changes contribute to the improvement of the overall health of the people of New Mexico;

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1 B. provide a process for health professionals who
2 wish to become licensed; and

3 C. make findings based on the review available to
4 the governor and the legislature.

5 **SECTION 3. DEFINITIONS.--**As used in the Professional
6 Licensing Board Review Act:

7 A. "department" means the regulation and licensing
8 department;

9 B. "health profession" means a health-related
10 activity or occupation licensed pursuant to Chapter 61 NMSA
11 1978;

12 C. "health professional" means a person with an
13 occupation licensed pursuant to Chapter 61 NMSA 1978;

14 D. "licensing board" means a licensing board of a
15 specific health profession regulated pursuant to Chapter 61
16 NMSA 1978; and

17 E. "scope of practice" means those practice
18 activities permitted in a health profession as defined in its
19 licensing act and rules adopted pursuant to that act.

20 **SECTION 4. LICENSING BOARD ANALYSIS.--**A member of a
21 licensing board, a licensee of the licensing board or any other
22 person seeking a change in the scope of practice of a health
23 profession shall notify the respective licensing board of that
24 profession and request review concerning the proposed change.

25 Upon receipt of a request for review of a proposed change, the

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1 licensing board shall:

2 A. collect data, including information from the
3 requester and all other appropriate persons, necessary to
4 review the proposed change;

5 B. conduct a technical assessment of the proposed
6 change, with the assistance of a technical advisory group
7 established by the licensing board for that specific purpose,
8 if necessary, to determine whether the change is within the
9 health profession's current scope of practice or could be
10 accomplished with expanded education or training;

11 C. hold a public hearing concerning the proposed
12 change with appropriate notice of its proceedings;

13 D. invite testimony from persons with special
14 knowledge in the field of the proposed change;

15 E. assess the proposed change using the following
16 criteria:

17 (1) whether the proposed change offers
18 potential benefit to the health, safety or welfare of health
19 care consumers; whether the proposed change offers potential
20 harm to the health, safety and welfare of health care
21 consumers; and whether the potential benefits of the proposed
22 change outweigh the potential harm;

23 (2) the likely economic impact on overall
24 health care delivery of the proposed change; and

25 (3) the extent to which the proposed change

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1 will affect the availability, accessibility, delivery and
2 quality of health care in New Mexico;

3 F. provide its analysis, conclusions and any
4 recommendations, concerning the proposed change together with
5 all materials gathered for the review, to the legislature and
6 to the governor; and

7 G. provide to the governor, the New Mexico
8 legislative council, the legislative finance committee and the
9 legislative health and human services committee a full report,
10 including legislative recommendations, on each proposed change
11 in scope of practice brought before the board between September
12 of the previous year and August of the current year. The
13 director of the licensing board shall also provide an oral
14 presentation of the report to the legislative finance committee
15 and the legislative health and human services committee.

16 SECTION 5. PROPOSED CREATION OF NEW LICENSED HEALTH
17 PROFESSION--DEPARTMENT REVIEW.--A member of the public or of a
18 profession seeking licensure as a health profession or any
19 other person seeking to license a profession as a new health
20 profession shall notify the department and shall request a
21 review concerning the proposed licensure. This shall be done
22 in conjunction with an application as required by Section
23 12-9A-4 NMSA 1978. Upon receipt of an application to license a
24 new health profession, the department shall:

25 A. collect data, including information from the

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1 applicant and all other appropriate persons, necessary to
2 review the proposal;

3 B. conduct a technical assessment of the proposal,
4 with the assistance of a technical advisory group established
5 by the department for that specific purpose, if necessary, to
6 determine whether the proposed licensure is in the profession's
7 scope of practice;

8 C. hold a public hearing concerning the proposed
9 licensure with appropriate notice of its proceedings;

10 D. invite testimony from persons with special
11 knowledge in the field of the proposed licensure;

12 E. assess the proposal using the following
13 criteria:

14 (1) whether the proposed licensure offers
15 potential benefit to the health, safety or welfare of health
16 care consumers; whether the proposed licensure offers potential
17 harm to the health, safety and welfare of health care
18 consumers; and whether the potential benefits of the proposed
19 licensure outweigh the potential harm;

20 (2) the likely economic impact on overall
21 health care delivery of the proposed licensure; and

22 (3) the extent to which the proposed licensure
23 will affect the availability, accessibility, delivery and
24 quality of health care in New Mexico;

25 F. provide its analysis, conclusions and any

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1 recommendations, on the proposed licensure together with all
2 materials gathered for the review, to the legislature and to
3 the governor; and

4 G. provide to the governor, the New Mexico
5 legislative council, the legislative finance committee and the
6 legislative health and human services committee a full report,
7 including legislative recommendations, on each proposed
8 licensure brought before the commission between September of
9 the previous year and August of the current year. The
10 superintendent of regulation and licensing shall also provide
11 an oral presentation of the report to the legislative finance
12 committee and the legislative health and human services
13 committee.