HOUSE BILL 109

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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AN ACT

RELATING TO NURSING; EXPANDING THE SIZE OF THE BOARD OF
NURSING; CHANGING THE QUALIFICATIONS OF MEMBERS OF THE BOARD OF
NURSING; AMENDING THE AUTHORITY OF CERTIFIED NURSE
PRACTITIONERS TO DISPENSE DRUGS TO THEIR PATIENTS; REMOVING THE
REQUIREMENT OF CERTIFIED NURSE PRACTITIONERS AND CLINICAL NURSE
SPECIALISTS TO SUBMIT FORMULARIES TO THE BOARD.

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

SECTION 1. Section 61-3-8 NMSA 1978 (being Laws 1968,
Chapter 44, Section 5, as amended by Laws 1991, Chapter 189,
Section 3 and also by Laws 1991, Chapter 190, Section 5) is
amended to read:

"61-3-8. BOARD CREATED--MEMBERS--QUALIFICATIONS--TERMS--
VACANCIES--REMOVAL.--

A. There is created a [seven] nine-member "board of
nursing". The board shall consist of four licensed nurses, one
[preferably a] licensed practical nurse, one licensed nurse
with expertise in nursing education and three members who shall
represent the public and shall not have been licensed as
registered or licensed practical nurses or licensed health care
professionals in another health care profession, nor shall the
public members have any significant financial interest, direct
or indirect, in the profession regulated. Not more than two
board members shall be appointed from any one county, and not
more than two registered nurse members shall be from any one
field of nursing. Members of the board shall be appointed by
the governor for staggered terms of four years each. Nurse
members shall be appointed from lists submitted to the governor
by any generally recognized organization of nurses in this
state. Appointments shall be made in such manner that the
terms of no more than two board members expire on July 1 of
each year. Vacancies shall be filled by appointment by the
governor for the unexpired term within sixty days of the
vacancy. Board members shall serve until their successors have
been appointed and qualified.

B. Members of the board shall be citizens of the
United States and residents of this state. Registered nurse
members shall be licensed in this state, shall have had, since
graduation, at least five years' experience in nursing, shall
be currently engaged in professional nursing and shall have
been actively engaged in professional nursing for at least three years immediately preceding appointment or reappointment. The licensed practical nurse member shall be licensed in this state, shall have been graduated from an approved licensed practical nursing education program, shall have been licensed by examination, shall have had at least five years' experience since graduation, shall be currently engaged in licensed practical nursing and shall have been actively engaged in licensed practical nursing for at least three years immediately preceding appointment or reappointment.

C. No board member shall serve more than two full or partial terms, consecutive or otherwise.

D. Any board member failing to attend seventy percent of meeting days annually, either regular or special, shall automatically be removed as a member of the board.

E. The governor may remove any member from the board for neglect of any duty required by law, for incompetency or for unprofessional or dishonorable conduct, in accordance with [regulations] rules prescribed by the board.

F. In the event of a vacancy on the board for any reason, the secretary of the board shall immediately notify the governor, the board members and any generally recognized nursing organization of the vacancy, the reason for its occurrence and the action taken by the board, so as to expedite the appointment of a new board member."
SECTION 2. Section 61-3-23.2 NMSA 1978 (being Laws 1991, Chapter 190, Section 14, as amended) is amended to read:

"61-3-23.2. CERTIFIED NURSE PRACTITIONER--QUALIFICATIONS--PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a certified nurse practitioner an applicant who furnishes evidence satisfactory to the board that the applicant:

(1) is a registered nurse;

(2) has successfully completed a program for the education and preparation of nurse practitioners; provided that, if the applicant is initially licensed by the board or a board in another jurisdiction after January 1, 2001, the program shall be at the master's level or higher;

(3) has successfully completed the national certifying examination in the applicant's specialty area; and

(4) is certified by a national nursing organization.

B. Certified nurse practitioners may:

(1) perform an advanced practice that is beyond the scope of practice of professional registered nursing;

(2) practice independently and make decisions regarding health care needs of the individual, family or community and carry out health regimens, including the
prescription and distribution of dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act; and

(3) serve as a primary acute, chronic long-term and end-of-life health care provider and as necessary collaborate with licensed medical doctors, osteopathic physicians or podiatrists.

C. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may prescribe in accordance with rules [regulations] and guidelines [and formularies] for individual certified nurse practitioners promulgated by the board.

D. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may distribute to their patients dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act that have been prepared, packaged or fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act.

E. Certified nurse practitioners licensed by the board on and after December 2, 1985 shall successfully complete a national certifying examination and shall maintain national professional certification in their specialty area. Certified nurse practitioners licensed by a board prior to December 2,
1985 are not required to sit for a national certification examination or be certified by a national organization.

F. Certified nurse practitioners who have fulfilled the requirements for prescriptive authority may dispense dangerous drugs or controlled substances included in Schedules II through V of the Controlled Substances Act to supply the immediate needs of their patients.

[F-] G. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall issue a license to a certified nurse practitioner licensed in another state if the applicant meets the qualifications required of certified nurse practitioners in this state. The board shall expedite the issuance of the license within five business days."

SECTION 3. Section 61-3-23.4 NMSA 1978 (being Laws 1991, Chapter 190, Section 16, as amended) is amended to read:

"61-3-23.4. CLINICAL NURSE SPECIALIST--QUALIFICATIONS--ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a clinical nurse specialist an applicant who furnishes evidence satisfactory to the board that the applicant:

   (1) is a registered nurse;

   (2) has a master's degree or doctoral degree in a defined clinical nursing specialty;

   (3) has successfully completed a national
certifying examination in the applicant's area of specialty;
and

(4) is certified by a national nursing organization.

B. Clinical nurse specialists may:

(1) perform an advanced practice that is beyond the scope of practice of professional registered nursing;

(2) make independent decisions in a specialized area of nursing practice using expert knowledge regarding the health care needs of the individual, family and community, collaborating as necessary with other members of the health care team when the health care need is beyond the scope of practice of the clinical nurse specialist; and

(3) carry out therapeutic regimens in the area of specialty practice, including the prescription and distribution of dangerous drugs.

C. A clinical nurse specialist who has fulfilled the requirements for prescriptive authority in the area of specialty practice is authorized to prescribe, administer and distribute therapeutic measures, including dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act within the scope of specialty practice, including controlled substances pursuant to the Controlled Substances Act that have been prepared, packaged or...
fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act.

D. Clinical nurse specialists who have fulfilled the requirements for prescriptive authority in the area of specialty practice may prescribe in accordance with rules [regulations] and guidelines [and formularies] based on scope of practice and clinical setting for individual clinical nurse specialists promulgated by the board.

E. Clinical nurse specialists licensed by the board shall maintain certification in their specialty area.

F. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall issue a license to a clinical nurse specialist licensed in another state if the applicant meets the qualifications required of a clinical nurse specialist in this state. The board shall expedite the issuance of the license within five business days."