

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 318

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH; CREATING A SCOPE OF PRACTICE REVIEW
PROCESS FOR LICENSED HEALTH-RELATED PROFESSIONS; ESTABLISHING
LICENSING BOARD AND DEPARTMENT OF HEALTH 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.

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

.130913.1

underscored material = new
~~[bracketed material] = delete~~

1 Professions Review Act:

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

4 B. "department" means the department of health;

5 C. "health profession" means any of those human
6 health-related occupations licensed pursuant to Chapter 61
7 NMSA 1978; and

8 D. "scope of practice" means those activities
9 permitted each of the health professions as defined in their
10 respective licensing acts and rules adopted pursuant to those
11 acts.

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

13 A. A person seeking a change in the scope of
14 practice of a health profession shall notify its board and
15 request a hearing on the proposal. The board shall notify
16 the department and shall:

17 (1) collect data, including information from
18 the applicant and all other appropriate persons, necessary to
19 review the proposal;

20 (2) conduct a technical assessment of the
21 proposal, if necessary with the assistance of a technical
22 advisory group established for that specific purpose, to
23 determine whether the proposal is in the profession's current
24 scope of practice; and

25 (3) provide its analysis, conclusions and
any recommendations, together with all materials gathered for
the review, to the department.

underscored material = new
~~[bracketed material] = delete~~

1 B. The person seeking the change in the scope of
2 practice shall provide the board with all information
3 requested.

4 Section 5. DEPARTMENT--SCOPE OF PRACTICE REVIEWS AND
5 CRITERIA--POWERS AND DUTIES.--The department shall:

6 A. notify annually all licensing boards of health
7 professions, and, wherever possible, all professional
8 associations and groups of health professions, of both the
9 board's and the department's responsibilities to review
10 proposed changes in the scope of practice of health
11 professions;

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

16 C. provide staff services to all ad hoc review
17 panels created pursuant to Section 6 of the Health
18 Professions Review Act; and

19 D. provide the legislature with all assistance
20 requested on the proposal.

21 Section 6. REVIEW PANELS--APPOINTMENT--DUTIES.--

22 A. The department shall, upon notification of a
23 proposed change in a health profession scope of practice,
24 appoint an ad hoc review panel of sufficient numbers and
25 expertise to review and make recommendations on the proposed
change. Each panel:

- (1) shall include at least one board member

underscoring material = new
~~[bracketed material] = delete~~

1 of the health profession for which a change is proposed in
2 scope of practice;

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

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

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

14 B. Each panel shall be chaired by the secretary of
15 health or his designee, who shall be a nonvoting member. The
16 panel shall:

17 (1) familiarize itself with the department's
18 rules on procedures and criteria for such reviews;

19 (2) ensure appropriate public notice of its
20 proceedings;

21 (3) invite testimony from persons with
22 special knowledge in the field of the proposed change;

23 (4) assess the proposal using the following
24 criteria:

25 (a) whether proposed changes offer
potential harm to the health, safety or welfare of consumers;

(b) if the proposed changes will

underscored material = new
~~[bracketed material] = delete~~

1 benefit the health, safety and welfare of health consumers;
2 (c) what economic impact on overall
3 health care delivery the proposed change is likely to have;
4 (d) whether potential benefits of
5 proposed changes outweigh potential harm; and
6 (e) the extent to which the proposed
7 changes will affect the availability, accessibility, delivery
8 and quality of health care in New Mexico;
9 (5) conduct the analysis so as to:
10 (a) consider harm to the public in
11 physical, emotional, economic and social contexts;
12 (b) ensure that consideration of
13 economic and social benefit does not outweigh the potential
14 of significant physical harm to the consumer; and
15 (c) ensure that evidence of potential
16 harm is clearly and directly attributable to the proposal;
17 and
18 (6) provide to the New Mexico legislative
19 council, the legislative finance committee and the
20 legislative health and human services committee a full
21 report, including legislative recommendations, on each
22 proposed change in scope of practice brought before the
23 department.
24
25