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FISCAL IMPACT REPORT

SPONSOR:	Sanchez	DATE TYPED:	02/04/00	HB	
SHORT TITLE:	Relating to Oriental Medicine			SB	117/aSJC
				ANALYST:	Valdes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
			\$ 15.0	Recurring	OSF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY00	FY01			
	\$ 15.0	\$ 15.0	Recurring	OSF

(Parenthesis () Indicate Revenue Decreases)

Duplicates/Conflicts with/Companion to/Relates to N.A.

SOURCES OF INFORMATION

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Amendment

The following amendments were made by the Senate Judiciary Committee:

- •Physician assistant was added to professionals defined as "practitioners".
- •In addition to an owner, it prevents a principal or director of an institute offering acupuncture and oriental medicine educational programs from serving as a member of the Board of Acupuncture and Oriental Medicine (Board).
- •It allows the Board to use national certification exams as a basis for licensure in New Mexico.
- •It further defines exam requirements by stating that the board shall require each qualified applicant to pass a "validated objective" written exam.
- •The minimum hours of supervised clinical practice in the required educational program is increased from 750 to 900 hours.
- •An out-of-state approved educational program has a 60 day grace period to renew its program approval. The amendment requires all renewal requests applying after the 60 day grace period to be submitted as new applicants.
- •All references to "interns" are changed to "externs"
- •The following language is added "Participation as an extern is optional and not a requirement for

licensure."

Synopsis of Bill

The bill would amend the New Mexico Controlled Substances Act and the Acupuncture and Oriental Medicine Practice Act.

The New Mexico Controlled Substances Act would be amended to define a doctor of oriental medicine, certified nurse practitioner and clinical nurse specialist as a practitioner within the act.

The Acupuncture and Oriental Medicine Practice Act would be amended to change definitions of techniques of oriental medicine, change board membership requirements, add intern programs, require English proficiency, simplify requirements for temporary licensure, require annual renewals, establish post-graduate training programs, authorize certification for expanded prescriptive authority and extends the delayed repeal date of the board.

Significant Issues

According to RLD, this bill would enact the following significant changes to state statutes:

- •Allow doctors of oriental medicine to possess, administer and dispense prescription controlled substances.
- •Authorizes the board to create an intern program for graduates who are not yet licensed and charge a fee for approval or renewal of the intern program
- •Requires licensure applicants to demonstrate proficiency in the English Language
- •Changes the license renewal cycle from biennial to annual
- •Extends the board's delayed repeal date to July 1, 2006.

FISCAL IMPLICATIONS

Each practitioner would be required to pay a \$60 controlled substance registration fee annually which would be used to develop and administer the licensing program. If all current licensed doctors of oriental medicine apply for controlled substance registration, \$15.0 would be generated to administer this program. It is

anticipated that approximately \$8.0 would be expended to develop and administer this licensing program. This bill would require additional staff or contractual services trained in oriental medicine to inspect and respond to administrative and criminal complaints. The registration fee should generate sufficient revenue to cover the licensing costs once the program is established.

ADMINISTRATIVE IMPLICATIONS

This bill would require the addition of Board of Pharmacy staff or contractual services to inspect and respond to administrative complaints.

OTHER SUBSTANTIVE ISSUES

The Board of Pharmacy has not had sufficient time to thoroughly analyze the consequences of expanding prescriptive authority to doctors of oriental medicine.

MFV/njw