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FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/13
 LAST UPDATED 03/15/13

SPONSOR Burt HB 258/aSPAC/aHBIC/
 SHORT TITLE Professional Licenses for Military and Spouses SB aHJC

ANALYST Weber/Chabot

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to HB 180

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Board of Nursing (BN)

Veterans' Services Department (VSD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to Senate Bill 258 strikes the House Business and Industry Committee amendment 1 which restores the Senate Public Affairs amendments 1-3 adding Domestic Partners as covered by the legislation.

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment to Senate Bill 258 strikes the Senate Public Affairs Committee amendments 1-3.

Synopsis of SPAC Amendment

1. On page 1, line 12, after "SPOUSES", insert "OR DOMESTIC PARTNERS".
2. On page 1, line 20, after "SPOUSES", insert "OR DOMESTIC PARTNERS".

3. On page 1, line 24, after "spouse", insert "or domestic partner".
4. On page 3, line 7, strike "a" and insert in lieu thereof "an active".,

This broadens the opportunity for domestic partners as well as spouses to receive the expedited handling of certain license applications. However, it may require a definition of domestic partner which does not currently seem to be in the statutes.

Synopsis of Original Bill

Senate Bill 258 provides for expedited handling and issuance of profession licenses pursuant to Chapter 61, Articles 2 thru 64 for military services members, spouses of members or recent veterans. As soon as practicable after an application that is accompanied by the required fees the

- (1) the application is to be processed; and
- (2) a license issued to a qualified applicant who submits satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of the armed forces of the United States, that has licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for.

The license is not a provisional and must confer the same rights, privileges and responsibilities as a license issued pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.

However, a license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and for the renewal of a license pursuant to Chapter 61, Articles 2 through 34 NMSA 1978. Upon the issuance of a license pursuant to this section, the issuing state agency, board or commission shall notify the license holder of the requirements for renewing the license in writing.

FISCAL IMPLICATIONS

No fiscal impacts identified.

SIGNIFICANT ISSUES

The New Mexico Board of Nursing (BN) offers the following in opposition to the bill:

The BN is opposed to HB 180.

Licensure for advanced practice nurses, registered nurses, licensed practical nurses and other health care practitioners has the goals of protecting the public against the malfeasance of practitioners, of assuring that education, training, and experience are adequate and appropriate, and of rehabilitating or prosecuting practitioners who do not meet professional standards of practice or behavior. These functions have been assigned to and carried out by the specific HealthCare Board that licenses the practitioner. The bill proposes that the BN should assume that “licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for” should be taken by the Board as satisfactory evidence of qualification for licensure in New Mexico. That is in conflict with the longstanding mission and tasks of the BN. It specifically conflicts with 16.12.2.10 (M) (1-4) NMAC, as discussed above.

The Veterans' Services Department (VSD) provides the following:

The Military Services provide service members with documentation of their training and experience. The Department of Defense provides each service member with a transcript of their experience and training which can be used by civilian institutions to assess for possible academic credit and by licensing boards to assess for license requirements.

Military spouses who relocate to New Mexico because their spouse is transferred here may carry a professional license from another state and currently has to go through the entire process for licensure even if their licensure requirements were similar in other states. Many of them become frustrated with the process and give up.

With the high unemployment among recent veterans (those who have been discharged within two years) this bill would allow those veterans to transition to civilian life a little easier.

New Mexico faces a shortage of nurses, teachers, law enforcement officers, mental health providers, as well as other professions which can immediately be filled if this bill passes

TECHNICAL ISSUES

The term "substantially equivalent" may be excessively broad leading to abuses on both sides of the issue. The term could be used to deny a professional license since there are no objective criteria or, alternately, be used to license the marginal or unqualified individuals.

POSSIBLE QUESTIONS

Since there are no provisional licenses, is the public being adequately protected or allowed to make an informed choice regarding the professionals they are paying for services rendered?

Should such an opportunity for essentially a default acceptance of out-of-state or incomplete credentials be opened up to all persons in an effort to satisfy New Mexico's shortage of certain professionals?

MW/svb:blm