

1 SENATE JOINT MEMORIAL 13

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Elizabeth "Liz" Stefanics

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10 A JOINT MEMORIAL

11 REQUESTING THE BOARD OF NURSING TO CONVENE A SAFE HARBOR FOR
12 NURSES TASK FORCE TO IDENTIFY PROMISING NURSING PEER REVIEW
13 MODELS TO PROTECT PATIENTS AND NURSES.

14
15 WHEREAS, safe harbor peer review is a process by which
16 nurses can initiate nursing peer review when the nurse has been
17 requested to engage in conduct that the nurse believes is in
18 violation of that nurse's duty to a patient; and

19 WHEREAS, under Texas law, safe harbor peer review is
20 available to nurses; and

21 WHEREAS, Texas law defines a nurse's "duty to a patient"
22 to mean conduct, including administrative decisions directly
23 affecting a nurse's ability to comply with the nurse's duty,
24 that is required pursuant to standards of practice or
25 professional conduct adopted by the nurse's licensing board;

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1 and

2 WHEREAS, a nurse invoking the nurse's right to safe harbor
3 peer review makes a request to a committee of the nurse's peers
4 that reviews the facts of the matter involving the nurse's duty
5 to a patient and makes a determination; and

6 WHEREAS, the determination of the safe harbor peer review
7 committee must be considered in any decision by the nurse's
8 employer prior to disciplining the nurse for the refusal to
9 engage in the requested conduct, though the nurse's supervisor
10 may override that determination in a good-faith finding; and

11 WHEREAS, no employer or other person may retaliate against
12 a nurse for invoking the nurse's right to safe harbor peer
13 review; and

14 WHEREAS, in New Mexico, members of the nursing community
15 have raised the need for safe harbor peer review in order to
16 protect patients and nurses;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
18 STATE OF NEW MEXICO that the board of nursing be requested to
19 convene a safe harbor for nurses task force to identify
20 promising nursing peer review models to protect patients from
21 violations of their rights to safe patient care in accordance
22 with their caregivers' professional standards and best
23 practices and to protect nurses from retaliation for invoking
24 their duties to their patients; and

25 BE IT FURTHER RESOLVED that the board of nursing be

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1 requested to invite representatives from the New Mexico nurses
2 association, nurses' unions, the university of New Mexico
3 health sciences center's school of medicine, the university of
4 New Mexico college of nursing, the New Mexico state university
5 school of nursing, the Burrell college of osteopathic medicine,
6 the New Mexico hospital association and the New Mexico health
7 care association to join the safe harbor for nurses task force;
8 and

9 BE IT FURTHER RESOLVED that the safe harbor for nurses
10 task force be requested to present its findings, including any
11 recommendations for legislation, by August 30, 2018 to the
12 legislative health and human services committee; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the governor, the legislative health and human
15 services committee and the executive director of the board of
16 nursing.