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FISCAL IMPACT REPORT

ORIGINAL DATE 1/18/19

SPONSOR Thomson LAST UPDATED _____ HB 72

SHORT TITLE Occupational Therapy Scope of Practice SB _____

ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications	See Fiscal Implications		Recurring	See Fiscal Impacts

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licesing Department (RLD)

Board of Nursing (BON)

Medical Board (MB)

SUMMARY

Synopsis of Bill

House Bill 72 amends the Occupational Therapy Act by making changes in the scope of practice for licensed occupational therapists without expanding the practice; updating responsibilities of the board of examiners for occupational therapy; providing additional definitions; and specifically identifying services provided.

FISCAL IMPLICATIONS

RLD indicates there will be minimal costs for rule promulgation such as a rule hearing, advertising, printing, filing, board member per diem and court reporting. However, RLD did not identify a quantifiable cost for such administration costs. It may be possible such costs could be absorbed in their operating budget.

SIGNIFICANT ISSUES

House Bill 72 amends the Occupational Therapy Act (Chapter 61, Article 12A NMSA 1978) by making changes in the scope of practice for licensed occupational therapists without expanding the practice; updating responsibilities of the board of examiners for occupational therapy; providing additional definitions; and specifically identifying services provided.

HB72 makes clear occupation therapy services are provided for habilitation, rehabilitation and the promotion of health and wellness; and that occupation therapy addresses the life span of a person(s) everyday life activities. Evaluation factors have been expanded to include such factors as the mental, cognitive and pain factors that includes cardiovascular, digestive, and structures related to movement.

HB 72 removes the definition of “occupational therapy aide or technician” and makes the appropriate conforming changes under board supervision. Responsibilities and tasks performed by an “occupational therapy aide or technician” have been in essence consolidated to the defined term of “occupational therapy assistant”. The assistant title requires a higher threshold of education, is in the practice of occupation therapy under the supervision of the occupational therapist in accordance with board rules.

The BON points out that Section 4 of HB 72 adds a new section to the Occupational Therapy Act that precludes the Act from being construed to limit the practice of other licensed and qualified health professionals. Since the Act would not limit the scope of practice of professionals regulated by BON and other health care professional licensing boards, there should be no impact on those agencies.

OTHER SUBSTANTIVE ISSUES

The Medical Board notes the changes recommended in HB 72 are sensible, and in keeping both with the charge to the Occupational Therapy Board, but also to the effective carrying out of its mission.

BG/sb