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FISCAL IMPACT REPORT

SPONSOR Correa Hemphill **ORIGINAL DATE** 1/28/21
LAST UPDATED 2/02/21 **HB** _____
SHORT TITLE Physical Therapy Licensure Compact **SB** 60/ec/aSHPAC
ANALYST Hanika-Ortiz

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
	(unknown but likely small)	(unknown but likely small)	Recurring	Physical Therapy Board fees

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of SHPAC Amendment

The Senate Health and Public Affairs Committee amendment inserts a new section that eliminates the requirement for an evaluation of good moral character for initial licensure. Instead, these same applicants will submit fingerprints to obtain a Federal Bureau of Investigation criminal history record. The amendment also removes initial licensing requirements for proof of legal authorization to reside and seek employment in the United States and passage of English proficiency exams.

The amendment provides that the provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records. The purpose of this Act states the public is best protected when offenders are given the opportunity to engage in a lawful trade, occupation or profession and that barriers to such employment should be removed to make rehabilitation feasible.

Synopsis of Original Bill

Senate Bill 60 (SB60) enters New Mexico into the Physical Therapy Licensure Compact (Compact) to “facilitate interstate practice of physical therapy with the goal of improving public

access to physical therapy services.” Article 1 states the Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

Article 2 offers definitions as used in the Compact including “home state” to mean the licensee’s primary state of residence, “member state” to mean a state that has enacted the Compact, and “remote state” as a member state other than the home state, where a licensee seeks licensure.

Article 3 details criteria a member state is required to implement to participate in the Compact, including (1) participation in the Physical Therapy Compact Commission’s data system; (2) have a mechanism in place for receiving and investigating complaints about licensees; (3) notifying the Commission of any adverse action or availability of any investigative information regarding a licensee; (4) implementation of a criminal history background check system; (5) comply with the rules of the Commission; (6) utilize a recognized national examination as a requirement for licensure; and (7) require continuing competence requirements as a condition for license renewal.

This bill contains an emergency clause and would become effective immediately upon signature by the governor.

FISCAL IMPLICATIONS

SB60 will allow facilities to credential physical therapists licensed in other states to practice without having to apply for licensure in New Mexico. This could impact revenue from fees.

RLD reports that Compact privilege state fees in neighboring states range from zero in Arizona to \$50.00 in Texas and Colorado. The fees charged in New Mexico for physical therapist licensure initial application is \$250.00 and renewal is \$160.00. Licensing fees for a physical therapist assistant are \$200.00 for initial license and \$120.00 for renewal.

SIGNIFICANT ISSUES

Both RLD and DOH commented that joining the national Compact should increase the number of physical therapists licensed in New Mexico and boost economic development across the state. According to the ptcompact.org website, there are approximately twenty member states in the Compact, including Arizona, Colorado, Oklahoma, Texas, and Utah. The state of New Mexico should benefit from the interstate practice and flexibility the Compact allows the licensees.

PERFORMANCE IMPLICATIONS

RLD believes in order for the physical therapy board to have authority to require a background check for initial licensure, the Physical Therapy Act at Section 61-12D-10 NMSA 1978 must be amended. The authority to obtain the FBI criminal background report is included in the Compact, but this section lists the requirements an applicant must submit for licensure by the board.

ADMINISTRATIVE IMPLICATIONS

The board will need to conduct a rulemaking to implement the requirements of the Compact. There may also be an increased volume of activity for staff to implement requirements of the Compact.

OTHER SUBSTANTIVE ISSUES

The bill seeks to achieve the following objectives: (1) increase public access to physical therapy services; (2) encourage cooperation of member states in regulating multistate physical therapy practice; (3) support spouses of relocating military members; (4) enhance exchange of licensure, investigative and disciplinary information; and (5) allow a remote state to hold a provider of services with a compact privilege in the remote state accountable to those practice standards.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Physical therapists from other states will still need to obtain a New Mexico license to practice here.

AMENDMENTS

RLD suggested the following:

Section 61-12D-10 (A) and (E) add: An applicant for initial licensure shall provide fingerprints, as defined in board rules, to obtain the applicant's federal bureau of investigation criminal history record.

AHO/al