



Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: The proposal requires hospitals to establish staffing committees to develop and implement hospital staffing plans focused on patient safety priorities. Each hospital must establish a nursing staff committee to include hospital managers and direct care nursing staff. Hospital manager members include the hospital's chief financial officer, chief nursing officers, and hospital unit directors or managers.

The proposal requires each hospital to establish a professional and technical staffing committee, consisting of hospital managers and direct care professional and technical staff. Committee membership must include the hospital's chief financial officer, chief nursing officers, and hospital unit directors or managers.

The proposal requires each hospital to establish a hospital service staffing committee that includes hospital managers and service staff. Membership shall include the hospital's chief financial officer, chief nursing officers, and hospital unit directors or managers.

Beginning on January 1, 2026 and on every January 1 and July 1 thereafter, all hospitals must submit a nursing staffing plan prioritizing patient safety developed and approved by each hospital's committees to the state. Each plan should certify sufficient measures to provide safe, adequate, and appropriate health care services to patients for the upcoming six-month period and minimum staffing ratios with specified licensing to prioritize patient safety.

#### **FISCAL IMPLICATIONS**

There is no fiscal impact of HB 138 for the New Mexico Aging and Long-Term Services Department. The New Mexico State Long-Term Care Ombudsman Program (LTCOP) is responsible for advocating for individual patients in long-term care facilities; therefore, the LTCOP would not be tasked with any oversight regarding hospital compliance with HB 138 requirements.

#### **SIGNIFICANT ISSUES**

New Mexico currently has a critical need for more nurses.<sup>1</sup> With the growing population of older adults and adults living with disabilities in New Mexico, the direct care workforce will continue to be strained. While the intent of increasing quality and safety of health care services is central to HB 138, the legislation could have an opposite, negative effect in a rural state like New Mexico, with established workforce shortages and a growing demand for health care services. If minimum staffing ratios are required there could be a risk to patient safety if there are not enough staff when a patient presents to the hospital. In a rural state, diverting patients is not an option. Hospitals may be forced to reduce capacity or discontinue services if they cannot meet staffing requirements.

Staffing considerations should be included for geriatric patients and those with disabilities who

may require additional care and care team coordination.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 138 potentially duplicates the goals of HB72, which creates a hospital advisory committee to advise the Health Care Authority in setting minimum staffing ratios for nursing units in hospitals. HB 138 conflicts with HB72 as HB 138 places the burden on hospitals to set staffing plans and nursing to staff ratios.

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

There will be no legal requirement that hospitals take internal, administrative steps to create and follow hospital staffing plans. Potentially insufficient patient safety plans, including appropriate staffing to meet the needs.

## **AMENDMENTS**

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<sup>i</sup> <https://nmpoliticalreport.com/2024/09/25/new-mexico-in-critical-nursing-shortage/>