

LFC Requester:	Noah Montano
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/26/2025 *Check all that apply:*
Bill Number: HB 513 Original Correction
 Amendment Substitute

Sponsor: Catherine J. Cullen **Agency Name and Code:** Regulation and Licensing Department
Short Title: Organ Donor Public Assistance & Registry **Number:** 420
Person Writing: Jen Rodriguez **Phone:** (505) 795-3250 **Email:** Jennifer.rodgers@rld.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	6,750.0	0	0	6,750.0	Nonrecurring	*Multiple Nonreverting Funds and

						the General Fund
		60.0	60.0	120.0	Recurring	*Multiple Nonreverting Funds

(Parenthesis () Indicate Expenditure Decreases)

*As is detailed below, multiple boards and commissions that are administratively attached to the Regulation and Licensing Department, as well as multiple Divisions of the Department, will be impacted if this bill is enacted; many of those administratively attached boards and commissions are funded through individual non-reverting funds created specifically to pay for the operations of those boards and commissions.

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 513 (HB513)

HB513 is similar to Senate Bill 118 (SB118). HB 513 adds additional sections that require an Authority to provide a space on a requisite license application and requisite license renewal forms for an Applicant to state a desire to make an anatomical gift:

- Public Assistance Act, §§27-2-1 to -47, NMSA 1978 (**Section 2**)
- School Personnel Act, §§22-10A-1 to -40.1, NMSA 1978 (**Section 4**)
- Genetic Counseling Act, §§61-6A-1 to -10, NMSA 1978; amends the citation in the Short Title to allow for more sections to be added (**Section 12**)(**Section 13**)
- Polysomnography Practice Act, §§61-6B-1 to -10, NMSA 1978; amends the citation in the Short Title to allow for more sections to be added (**Section 14**)(**Section 15**)
- Physician Assistants Act, §§61-6C-1 to -8, NMSA 1978 (**Section 16**)
- Anesthesiologist Assistants Act, §§61-6D-1 to -10, NMSA 1978 (**Section 17**)
- Naprapathic Practice Act, §§61-12F-1 to -11, NMSA 1978, amends the citation in the Short Title of the to allow for more sections to be added (**Section 27**)
- Naturopathic Doctors Practice Act, §§61-12G-1 to -13, NMSA 1978 (**Section 29**)
- Uniform Athlete Agents Act, 61-14F-1 to -19, NMSA 1978 amends the citation in the Short Title of the to allow for more sections to be added (**Section 36**)
- Collection Agency Regulatory Act, §§61-18A-1 to -33, NMSA 1978 (**Section 41**)

HB 513 significantly impacts the New Mexico Regulation and Licensing Department (RLD) as it applies to all boards as defined in the Uniform Licensing Act (ULA), §§61-1-1 to -37, NMSA 1978, which creates donor registry requirements for license applications for the specified boards, commissions, or agencies that administer a profession or occupation pursuant to the ULA.

Section 6 of HB513 [Section 4 of SB118] mandates that each board under the jurisdiction of the ULA shall include on any license application or form or license renewal application form it issues a space to show whether the applicant is a donor as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act. Each licensing application must contain an option for an applicant to indicate the applicant’s donor status on the space provided if the applicant has not already marked the applicant’s donor status on an application form for a driver’s license. All applications

must also have an option for any applicant desiring to be a new donor to become a donor. To become a donor, an applicant must sign the form in the presence of a witness, who is also required to sign the form in the presence of the donor. Each board must submit a copy of each application where this space is completed to the motor vehicle division for inclusion in the statewide donor registry.

Sections 7 through 54 of HB513 provide the new material that amend forty-three (43) separate Acts regarding license application and renewal forms to add a space for anatomical gift donation including but not limited to the following twenty-eight (28) boards and commission administratively attached to the RLD. The impacted boards and commission at the RLD include:

1. Board of Optometry (**Section 7**);
2. Chiropractic Board (**Section 9**);
3. New Mexico Board of Dental Health Care (**Section 10**);
4. Nutrition and Dietetics Practice Board (**Section 18**);
5. New Mexico State Board of Psychologist Examiners (**Section 20**);
6. Counseling and Therapy Practice Board (**Section 21**);
7. Board of Pharmacy (**Section 22**);
8. Board of Examiners for Occupational Therapy (**Section 23**);
9. Advisory Board of Respiratory Care Practitioners (**Section 24**);
10. Massage Therapy Board (**Section 25**);
11. Physical Therapy Board (**Section 26**);
12. Board of Nursing Home Administrators (**Section 30**);
13. Board of Acupuncture and Oriental Medicine (**Section 32**);
14. Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board (**Section 33**);
15. Athletic Trainer Practice Board (**Section 34**);
16. Board of Barbers and Cosmetologists (**Section 39**);
17. Board of Body Art Practitioners (**Section 40**);
18. Collection Agency Regulations, regulated by the Financial Institutions Division (FID) of RLD (**Section 41**);
19. Board of Landscape Architects (**Section 43**);
20. Interior Design Board (**Section 44**);
21. New Mexico Home Inspectors Board (**Section 45**);
22. Private Investigations Advisory Board (**Section 46**);
23. New Mexico Public Accountancy Board (**Section 47**);
24. New Mexico Real Estate Commission (**Section 48**);
25. Real Estate Appraisers Board (**Section 49**);
26. Board of Social Work Examiners (**Section 50**);
27. Board of Funeral Services (**Section 51**); and
28. Signed Language Interpreting Practices Board (**Section 53**)

The effective date of the legislation is June 20, 2025.

FISCAL IMPLICATIONS

HB513 does not specifically include language to amend the license application and renewal forms for the RLD's Construction Industries Division, Manufactured Housing Division, and Cannabis Control Division, all of which are subject to the Uniform Licensing Act. Focusing only on the boards enumerated in HB513 that are administratively attached to the RLD, significant modifications will be required to be made to the online licensing software platforms for each of

the impacted boards. Based upon costs incurred in recent years for changes/upgrades to those licensing software platforms (collectively known as the “NM Plus” system), it can be anticipated that the RLD will require an appropriation of not less than six million dollars (\$6,000,000) for the changes and additions that would be required if HB513 is passed. In addition to licensing software changes, the RLD would need to contract with a third-party vendor to provide the ability to ensure that an applicant/licensee wishing to become a donor at the time of licensing or renewal has this selection witnessed by another person. There would be technical costs associated with the information transfer. It would cost an estimated additional four hundred thousand dollars (\$400,000) to implement the transfer and IT employee/contractor cooperation. It would also cost a further three hundred thousand dollars (\$300,000) to implement the changes on the NM Plus system for each of the boards, to modify each boards application/renewal process for each license type. There would also need to be a reporting feature added to the licensure process so that those wishing to make an anatomical donation are added to the database. Further, the six million seven hundred thousand dollar \$6,700,000 appropriation would need to be in place in FY25 to have contracts in place to ensure that the necessary software changes and witness attestation requirements are made prior to the June 20, 2025, deadline that is mandated in HB513.

An additional fifty thousand dollars (\$50,000) would also need to be appropriated to the RLD in FY26 to pay for costs related to licensing database modifications, testing, implementation, and the additional steps necessary in processing applications and verifying data including signatures. Beyond implementation, there will be continued expenses associated with registration and reporting.

An estimated sixty thousand dollars (\$60,000) annually would be required for the MuleSoft integration with the Taxation and Revenue Department (TRD). *See* Technical Issues below.

SIGNIFICANT ISSUES

All professional and occupational licensing regulated by the RLD for professional licenses require applications to be submitted through an online application system. It will be very difficult for RLD staff to ensure that a witness has witnessed and attested to the applicant/donor’s signature, or if the applicant simply completed the online application with the purported witness’s information. Physical presence of the Applicant/Donor and the Witness is required.

There are also personal privacy concerns to be considered, as most professional licensees are required to display their license at their place of business and may not want their donor status to be open to view by the public.

Further, it is unclear how out-of-state licenses would be addressed. It is unclear whether New Mexico has jurisdiction for organ donation for out-of-state licensees, and this would create a problem in the database with TRD. *See* Technical Issues below.

With regard to Collection Agencies, Section 41 of HB 513 requires that applications or renewal applications “shall include on any collection agency license, repossession license or manager’s license” space to indicate whether the applicant is a donor as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act. This language fails to account for the fact that the majority of these licenses are held by companies, not individuals. Currently, there are only fourteen (14) collection agency managers, while collection agency and repossession licenses are issued to companies.

Additionally, section 41, part C (page 27, lines 20-25 and page 28, lines 1-8) references “each concealed handgun license application form and concealed handgun license renewal application form”, which is not applicable to the Collection Agency Regulatory Act (CARA). The section also includes a requirement for a signature of a parent or guardian if the donor is under fifteen (15) years of age. Due to the requirements for collection agency managers under CARA, this licensure could not be achieved by anyone under age fifteen (15).

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Reporting to the donor registry with each license application will require a Memorandum of Understanding (MOU) between RLD and the Taxation and Revenue Department (TRD) but this would only work if the Applicant holds a valid New Mexico Driver’s License. There are also technical costs associated with the information transfer. In addition to the building of the system to allow this reporting, approximately sixty thousand dollars (\$60,000) annually would be needed for the MuleSoft integration with TRD. Time for implementation is also an issue. RLD would need a minimum of nine (9) months to implement these changes: three (3) months for the NM-Plus (Salesforce) updates and six (6) months for the MuleSoft integration with TRD. *See Fiscal Implications above and Amendments below.*

The FID oversees the licensing of collection agencies, collection agency managers, and repossessioners through the Nationwide Multistate Licensing System (NMLS). However, NMLS does not support the integration of the additional information required by HB513. Given the small number of individual licensees mentioned in the "Significant Issues" section, the FID would create a separate form, host it on the agency's website, and require it to be uploaded to NMLS as a scanned document. The FID would then manually share the forms of any individuals indicating an intent to donate under JSRUAGA and the proposed CARA reforms in HB513 with the Motor Vehicle Division of the Taxation and Revenue Department.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

Due to the technical issues that HB513 will create, RLD respectfully requests that the effective date be moved out to **June 1, 2027**.

On page 27, line 8, following the word “agency” strike “license, repossessioners license or” to account for the fact that companies cannot be organ donors. *See Significant Issues* for an explanation.

On pages 27 and 28, strike the current language in part C and replace with the following: “A collection agency manager’s license application or license renewal application shall include a space to show whether the applicant is a donor as provided in the Jonathan Spradling Revised

Uniform Anatomical Gift Act. The financial institutions division shall submit a copy of each form for which that space is completed in the affirmative to the motor vehicle division of the taxation and revenue department for inclusion as part of its statewide donor registry pursuant to Section 66-5-10 NMSA 1978.”