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## FISCAL IMPACT REPORT

**SPONSOR** Gallegos, Herndon, Johnson, Anyanonu, Hochman-Vigil
**LAST UPDATED** \_\_\_\_\_  
**ORIGINAL DATE** 02/03/2025  
**SHORT TITLE** Nursing Practice Changes
**BILL NUMBER** House Bill 178  
**ANALYST** Chilton

### REVENUE\* (dollars in thousands)

Type	FY25	FY26	FY27	FY28	FY29	Recurring or Nonrecurring	Fund Affected
Increased licensing fees		Up to \$1,654.0	Up to \$1,654.0	Up to \$1,654.0	Up to \$1,654.0	Recurring	Board of Nursing Fund

Parentheses ( ) indicate revenue decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
 Regulation and Licensing Department (RLD)  
 Board of Nursing (BON)  
 New Mexico Medical Board (NMMB)

## SUMMARY

### Synopsis of House Bill 178

House Bill 178 makes numerous changes to the Nursing Practice Act (Section 61-3 NMSA 1978) with the following intent:

- Clarifying the scope of practice for various categories of licensed nurses regarding anesthetics, analgesics, and sedatives;
- Expanding Board of Nursing (BON) powers;
- Changing the fees for licensure;
- Changing various practices used in the discipline of nurses;
- Requiring confidentiality with respect to disciplinary actions; and
- Renaming “diversion programs” to “alternative to discipline programs” for such problems as addiction the use of habit-forming substances.

Section 1 of the bill amends Section 61-3-3 NMSA 1978 to newly define advanced practice registered nurse (APRN) as a certified nurse practitioner or nurse anesthetist or nurse specialist. Anesthetics, artificial intelligence, general anesthesia, and sedation (including its subtypes of minimum, moderate, palliative, and deep) are also newly defined.

Section 2 amends Section 61-3-6, retitling it “the administration of anesthetics, sedatives and general anesthesia.” Nurses trained in giving anesthetics are empowered to do so to any person.

Section 4 adds to the powers of the Board of Nursing (Section 61-3-10) the provision that the board may establish an inactive reserve for registered nurses (RNs) and licensed practical nurses (LPNs) to be activated for limited functions during emergencies. Additional BON powers enumerated at the end of the long list of previously enumerated powers and duties include:

- Establish a category of retired nurses able to give advisory and policymaking support,
- Establish and maintain a system assisting nursing schools in coordinated clinical placements prior to the licensure of new nurses,
- Provide new nurses with a means of applying for just a New Mexico license at first and then a multi-state license after paying an additional fee,
- Promulgate rules for the use of artificial intelligence (AI) in nursing.

Section 5 modifies Section 61-3-14 on expedited licensure of RNs to require RNs requesting expedited licensure to submit an application for that purpose.

Section 6 modifies Section 61-3-16 on licensure fees, increasing the maximum license fee to \$200, but enabling the board to waive the fee for first-time applicants who have graduated from a New Mexico public school of nursing. Section 7 makes the same changes for LPNs, with the exception that the licensing fee is not specified.

Section 10 increases the maximum fee for renewal of a license and specifies an additional fee for multistate licensure.

Section 11 amends the disciplinary processes in the Nursing Practice Act, Section 61-3-28 to indicate that written and oral communication regarding disciplinary proceedings is to be considered confidential, except when their contents are needed for court cases, for law enforcement or national databases, or for board purposes.

Section 12 deals with a program entitled “Alternative to Discipline Program,” replacing the name “Diversion Program” described in Section 61-3-29.1.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPLICATIONS**

BON could increase its license fees to the new limit or add a fee for a multiple-state licensure. If it increased the annual fee from the current maximum of \$150 to the \$200 allowed under House Bill 178, the increase of \$50 per nurse per year, multiplied by the 32,794 registered nurses currently [licensed in New Mexico](#), would result in an increase in revenue of \$1.654 million.

## **SIGNIFICANT ISSUES**

BON indicates HB178 provides necessary updates to the Nursing Practices Act, reflecting current education, training, and competency needs: “The Legislature has always been forward leaning in supporting nurses in providing state of the art care to patients, and in doing so facilitating quality care.” Failing to update the act, BON argues, may diminish “access outside the metropolitan areas to state-of-the-art practice ... [and] nurses and hospitals will be put in a position where they are unable to provide the best care.”

## **TECHNICAL ISSUES**

In the discussion of confidentiality, the phrase “for board purposes (page 25, line 18) is vague.

LC/rl/hg