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SENATE BILL

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; ENACTING THE HEALTH CARE WORK FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT; DIRECTING THE DEPARTMENT OF HEALTH TO COLLECT DATA REGARDING DEMOGRAPHICS, SPECIALTIES AND PROFESSIONS IN THE STATE'S HEALTH CARE WORK FORCE; DIRECTING HEALTH CARE WORK FORCE REGULATORY BOARDS TO COLLECT DATA FROM APPLICANTS FOR LICENSURE OR RENEWAL OF LICENSURE; DIRECTING THE SECRETARY OF HEALTH TO CONVENE A WORK GROUP OF HEALTH CARE WORK FORCE EXPERTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. SHORT TITLE.**--This act may be cited as the "Health Care Work Force Data Collection, Analysis and Policy Act".

**SECTION 2. DEFINITIONS.**--As used in the Health Care Work Force Data Collection, Analysis and Policy Act:

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1           A. "board" means any state health care work force  
2     licensing or regulatory board, including the New Mexico medical  
3     board; the board of osteopathic medical examiners; the New  
4     Mexico board of dental health care; the board of nursing; the  
5     board of pharmacy; any other licensing or regulatory board that  
6     the secretary of health designates; any other health  
7     professional licensing board listed in Chapter 61 NMSA 1978;  
8     and the department;

9           B. "database" means the health care work force  
10    database created pursuant to the Health Care Work Force Data  
11    Collection, Analysis and Policy Act;

12           C. "department" means the department of health;

13           D. "ethnicity" means an individual's self-  
14    identification or affiliation as either "Hispanic or Latino" or  
15    "not Hispanic or Latino" according to cultural, historical,  
16    linguistic or religious ties;

17           E. "New Mexico center for health care workforce  
18    analysis" means a state entity that collects, analyzes and  
19    reports data regarding the state's health care work force and  
20    collaborates with the federal national center for health care  
21    workforce analysis pursuant to Section 5103 of the federal  
22    Patient Protection and Affordable Care Act; and

23           F. "race" means an individual's self-identification  
24    or affiliation with one of the following categories used to  
25    identify individuals according to historical or phenotypical

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1 characteristics:  
2 (1) American Indian or Alaska Native;  
3 (2) Asian;  
4 (3) Black or African American;  
5 (4) Native Hawaiian or other Pacific Islander;  
6 (5) White; or  
7 (6) a mixture of any of the categories listed  
8 in Paragraphs (1) through (5) of this subsection.

9 SECTION 3. HEALTH CARE WORK FORCE DATABASE--COLLECTION OF  
10 DATA--HOUSING OF DATA--ANALYSIS AND REPORTING.--

11 A. Subject to the availability of state, federal or  
12 private foundation funding or other sources of funding, the  
13 secretary of health shall create and maintain the "health care  
14 work force database". The secretary of health shall:

- 15 (1) enter into agreements with entities to  
16 create, house and provide information to state agencies, the  
17 legislature and the governor and, as the legislature or  
18 governor deems appropriate, any others regarding the state's  
19 health care work force; and  
20 (2) seek federal or other sources of funding  
21 to create a New Mexico center for health care workforce  
22 analysis and to ensure the additional funding and staffing  
23 needed to achieve the anticipated outcomes.

24 B. A board shall supply the department with data  
25 pertaining to licensed health care providers for inclusion in

1 the database. A board shall collect a core essential data set  
2 at the time of new licensure or licensure renewal, including,  
3 but not limited to, a provider's:

4 (1) demographics, including race, ethnicity  
5 and primary and other languages spoken;

6 (2) practice status, including, but not  
7 limited to:

8 (a) active practices in New Mexico and  
9 other locations;

10 (b) practice type; and

11 (c) practice settings, such as  
12 hospitals, public schools, higher education institutions,  
13 clinics and other clinical settings;

14 (3) education, training and primary and  
15 secondary specialties for all health professions as  
16 appropriate;

17 (4) average hours worked per week and the  
18 average number of weeks worked per year in the licensed  
19 profession over the past twelve months;

20 (5) percentage of practice engaged in direct  
21 patient care and in other activities, such as teaching,  
22 research and administration, in the licensed profession; and

23 (6) practice plans for the next five years,  
24 including retiring from a health care profession, moving out of  
25 state or changing health care work hours.

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1           SECTION 4. DATABASE ESTABLISHMENT AND MAINTENANCE--  
2 DELEGATION.--The secretary of health may contract and  
3 collaborate with a private or public entity to establish and  
4 maintain the database, to analyze data collected, to develop  
5 reports for the legislature or the executive branch or to  
6 perform other duties to carry out the provisions of the Health  
7 Care Work Force Data Collection, Analysis and Policy Act.

8           SECTION 5. HEALTH CARE WORK FORCE DATA COLLECTION BY  
9 BOARDS--MANDATORY COMPLIANCE FOR APPLICANTS--REPORTING BY  
10 BOARDS--CONFIDENTIALITY OF DATA--RULEMAKING.--

11           A. An applicant for a license from a board or  
12 renewal of a license by a board shall provide the information  
13 prescribed by the secretary of health pursuant to Subsection C  
14 of this section. This section applies to applicants for health  
15 professional licensure or renewal of health professional  
16 licensure pursuant to Chapter 61 NMSA 1978.

17           B. A board shall not approve a subsequent  
18 application for a license or renewal of a license until the  
19 applicant provides the information pursuant to Subsection C of  
20 this section.

21           C. A board shall adopt rules regarding the manner,  
22 form and content of reporting data; the consistency of data  
23 entry fields used; and the information that an applicant,  
24 pursuant to Subsection A of this section, shall provide to a  
25 board. At a minimum, the rules shall provide for a core

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1 essential data set, including the applicant's:

2 (1) demographics, including race, ethnicity  
3 and primary and other languages spoken;

4 (2) practice status, including, but not  
5 limited to:

6 (a) active practices in New Mexico and  
7 other locations;

8 (b) practice type; and

9 (c) practice settings, such as hospital,  
10 clinic or other clinical settings;

11 (3) education, training and primary and  
12 secondary specialties;

13 (4) average hours worked per week and the  
14 average number of weeks worked per year in the licensed  
15 profession;

16 (5) percentage of practice engaged in direct  
17 patient care and in other activities, such as teaching,  
18 research and administration, in the licensed profession; and

19 (6) practice plans for the next five years,  
20 including retiring from the health care profession, moving out  
21 of state or changing health care work hours.

22 D. A board shall report health care work force  
23 information collected pursuant to this section to the secretary  
24 of health.

25 E. A board shall keep confidential and not release

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1 personally identifiable data collected under this section for  
2 any person licensed, registered or certified by the board. The  
3 provisions of this subsection do not apply to the release of  
4 information to a law enforcement agency for investigative  
5 purposes or to the release to the secretary of health for state  
6 health planning purposes. A person with whom the department  
7 contracts to perform data collection, storage and analysis  
8 shall protect the privacy of that data. The secretary of  
9 health shall ensure that the responses of applicants shall be  
10 kept confidential, including taking special precautions when  
11 the identity of an applicant may be ascertained due to the  
12 applicant's location or occupation.

13 F. A board shall promulgate rules as necessary to  
14 perform the board's duties pursuant to this section, including  
15 rules for collecting, storing and analyzing data in addition to  
16 the information required to be collected by the Health Care  
17 Work Force Data Collection, Analysis and Policy Act.

18 SECTION 6. HEALTH CARE WORK FORCE WORK GROUP--WORK FORCE  
19 DATA ANALYSIS--RECRUITMENT PLANNING--STRATEGIC PLAN FOR  
20 IMPROVING HEALTH CARE ACCESS--WORK FORCE SURVEY.--The secretary  
21 of health shall convene a health care work force work group  
22 that includes representatives of health care consumers; health  
23 care providers; organized groups representing physicians,  
24 physician assistants, nurses, nurse practitioners, dentists,  
25 dental hygienists and pharmacists; health care work force

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1 training institutions; the New Mexico health policy commission;  
2 the public education department; the higher education  
3 department; and the boards. The work group shall:

4 A. analyze and make recommendations to the  
5 legislature regarding incentives to attract qualified  
6 individuals, including those from minority groups  
7 underrepresented among health care professions, to pursue  
8 health care education and practice in New Mexico;

9 B. develop a short-term plan and a five-year plan  
10 to improve health care access, with a draft report on the plans  
11 to be submitted to the interim legislative health and human  
12 services committee by November 1, 2011. Beginning October 1,  
13 2012, the work group shall make detailed annual reports to the  
14 legislative health and human services committee by October 1 of  
15 each year;

16 C. analyze the collected data and make  
17 recommendations to the legislature for building healthier  
18 communities and improving health outcomes; and

19 D. devise an electronic survey, designed to be  
20 completed by applicants within fifteen minutes, for boards to  
21 provide to applicants for licensure or renewal of licensure,  
22 which includes questions regarding the information required  
23 pursuant to Subsection C of Section 5 of the Health Care Work  
24 Force Data Collection, Analysis and Policy Act and any other  
25 survey questions that the secretary of health and the work



1 group deem appropriate.

2 SECTION 7. TEMPORARY PROVISION--APPLICATION FOR GRANTS  
3 PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE  
4 ACT.--In order to carry out the provisions set forth in the  
5 Health Care Work Force Data Collection, Analysis and Policy  
6 Act, the secretary of health shall seek funding pursuant to  
7 Section 5102 of the federal Patient Protection and Affordable  
8 Care Act, as well as funding from any other source, public or  
9 private, that the secretary of health deems appropriate.

10 SECTION 8. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2011.