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SENATE BILL 600

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Sue Wilson

AN ACT

**RELATING TO HEALTH; CREATING A SCOPE OF PRACTICE REVIEW
PROCESS FOR LICENSED HEALTH-RELATED PROFESSIONS; ESTABLISHING
LICENSING BOARD AND NEW MEXICO HEALTH POLICY COMMISSION
RESPONSIBILITIES; ENACTING SECTIONS OF THE NMSA 1978.**

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

**Section 1. SHORT TITLE. -- This act may be cited as the
"Health Professions Review Act".**

**Section 2. PURPOSE. -- The purpose of the Health
Professions Review Act is to provide a procedure for objective
review of proposed changes in the scope of practice of health
professionals licensed by the state in order to ensure that
such changes contribute to the improvement of the overall
health of the people of New Mexico and to make recommendations
of such review available to the legislature.**

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1 Section 3. DEFINITIONS. --As used in the Health

2 Professions Review Act:

3 A. "board" means a licensing board of a specific
4 health profession regulated pursuant to Chapter 61 NMSA 1978;

5 B. "commission" means the New Mexico health policy
6 commi ssi on;

7 C. "health profession" or "health professions"
8 means any of those health-related activities and occupations
9 licensed pursuant to Chapter 61, Articles 2, 3, 4, 5A, 6, 7A,
10 8, 9, 9A, 10, 10A, 11, 12A, 12B, 12C, 13, 14A, 14B, 14C, 14D,
11 14E and 31 NMSA 1978; and

12 D. "scope of practice" means those activities
13 permitted each of the health professions as defined in their
14 respective licensing acts and rules adopted pursuant to those
15 acts.

16 Section 4. STATUTORY CHANGE-- BOARD RESPONSIBILITY. --

17 A. A person seeking a change in the scope of
18 practice of a health profession shall notify the respective
19 licensing board and request a hearing on the proposal. The
20 licensing board shall notify the commission and the board
21 shall:

22 (1) collect data, including information from
23 the applicant and all other appropriate persons necessary to
24 review the proposal;

25 (2) conduct a technical assessment of the

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1 proposal, if necessary with the assistance of a technical
2 advisory group established for that specific purpose, to
3 determine whether the proposal is in the profession's current
4 scope of practice; and

5 (3) provide its analysis, conclusions and any
6 recommendations, together with all materials gathered for the
7 review, to the commission.

8 B. The person seeking the change in the scope of
9 practice shall provide the board with all information
10 requested.

11 Section 5. COMMISSION--SCOPE OF PRACTICE REVIEWS AND
12 CRITERIA--POWERS AND DUTIES.--The commission shall:

13 A. notify annually all licensing boards of health
14 professions, and, wherever possible, all professional
15 associations and groups of health professions, of both the
16 board's and the commission's responsibilities to review
17 proposed changes in the scope of practice of health
18 professions;

19 B. ensure that scope of practice reviews by ad hoc
20 review panels are conducted as public hearings and are
21 publicized and conducted pursuant to the requirements of
22 Section 12-8-4 NMSA 1978;

23 C. provide staff services to all ad hoc review
24 panels created pursuant to Section 6 of the Health Professions
25 Review Act; and

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1 D. provide the legislature with all assistance
2 requested on the proposal.

3 Section 6. REVIEW PANELS--APPOINTMENT--DUTIES. --

4 A. The commission shall, upon notification of a
5 proposed change in a health profession scope of practice,
6 appoint an ad hoc review panel of sufficient numbers and
7 expertise to review and make recommendations on the proposed
8 change. Each panel:

9 (1) shall include one board member of the
10 health profession from which the proposed change in scope of
11 practice originates;

12 (2) may include one additional member from
13 the profession from which the proposed change originates and
14 this member shall be from the professional association of that
15 profession;

16 (3) shall have no more than one board member
17 from any one board in addition to the board member designated
18 in Paragraph (1) of this subsection; and

19 (4) shall have a number equal to one-half the
20 panel's membership of individuals who are consumers and who
21 have no economic interest in the profession originating the
22 request for a change in scope of practice.

23 B. Each panel shall be chaired by the director of
24 the commission, who shall be a nonvoting member. The panel
25 shall:

1 (1) familiarize itself with the commission's
2 rules on procedures and criteria for such reviews;

3 (2) ensure appropriate public notice of its
4 proceedings;

5 (3) invite testimony from persons with
6 special knowledge in the field of the proposed change;

7 (4) assess the proposal using the following
8 criteria:

9 (a) whether proposed changes offer
10 potential harm to the health, safety or welfare of consumers;

11 (b) if the proposed changes will
12 benefit the health, safety and welfare of health consumers;

13 (c) what economic impact on overall
14 health care delivery the proposed change is likely to have;

15 (d) whether potential benefits of
16 proposed changes outweigh potential harm; and

17 (e) the extent to which the proposed
18 changes will affect the availability, accessibility, delivery
19 and quality of health care in New Mexico;

20 (5) conduct the analysis so as to:

21 (a) consider harm to the public in
22 physical, emotional, economic and social contexts;

23 (b) ensure that consideration of
24 economic and social benefit does not outweigh the potential of
25 significant physical harm to the consumer; and

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(c) ensure that evidence of potential harm is clearly and directly attributable to the proposal; and

(6) provide to the New Mexico legislative council, the legislative finance committee and the legislative health and human services committee a full report, including legislative recommendations, on each proposed change in scope of practice brought before the commission.

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