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FISCAL IMPACT REPORT

SPONSOR: Marquardt DATE TYPED: 02/27/01 HB HM 12
 SHORT TITLE: Abuse, Neglect & Exploitation Registry SB _____
 ANALYST: Esquibel

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
N/A					

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB337

SOURCES OF INFORMATION

NM Health Policy Commission (HPC)
 State Agency on Aging (SAOA)

No Response
 Human Services Department (HSD)
 Department of Health (DOH)
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

HM12 instructs DOH and CYFD, with other involved parties, to determine the feasibility and cost of establishing a registry of persons with substantiated allegations of abuse, neglect and exploitation. This registry would prevent such persons from being employed in community-based programs and health care facilities. The results of this study would be reported to the Legislative Health and Human Services Committee by November 1, 2002.

Significant Issues

SAOA indicates recipients of health care services in community-based and facility settings are in a vulnerable state because of their need for these services. Currently, a provider who perpetrates abuse, neglect or exploitation on these vulnerable adults, even when such conduct is substantiated, is not prevented from finding another job in a similar setting where such violations may be repeated.

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HM12 would study a mechanism to prevent such occurrences.

FISCAL IMPLICATIONS

HPC indicates consideration should be given whether the cost to the applicant or repeated background checks conducted by a facility outweigh the benefits.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

HM12 relates to HB337, Amend Nursing Practice Act, which has provisions for criminal background checks.

TECHNICAL ISSUES

HPC indicates a person who may have received mental health treatment for abuse or exploitation in the past and has been medically cleared may raise allegations of patient confidentiality violation under the provisions of this memorial.

OTHER SUBSTANTIVE ISSUES

HPC indicates backgrounds checks are required of applicants to nursing schools as well as employers of nurses.

RAE/prr