

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 308**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**John A. Heaton**

**FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**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; MAKING  
AN APPROPRIATION.**

**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**

underscored material = new  
[bracketed material] = delete

1 of such review available to the legislature.

2 Section 3. DEFINITIONS. --As used in the Health  
3 Professions Review Act:

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

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

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

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

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

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

. 140611. 2

underscored material = new  
[bracketed material] = delete

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 health profession's  
4 current 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 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

. 140611. 2

underscored material = new  
[bracketed material] = delete

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 health profession originating  
22 the 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

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

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

8 Section 7. APPROPRIATION. -- Twenty-five thousand dollars  
9 (\$25,000) is appropriated from the general fund to the New  
10 Mexico health policy commission for expenditure in fiscal year  
11 2003 for the purpose of administering the provisions of the  
12 Health Professions Review Act. Any unexpended or unencumbered  
13 balance remaining at the end of fiscal year 2003 shall revert  
14 to the general fund.

underscored material = new  
[bracketed material] = delete