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FISCAL IMPACT REPORT

SPONSOR Jennings DATE TYPED 3/2/05 HB _____

SHORT TITLE Health Provider Specialty Representation SB 792

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)
 Health Policy Commission (HPC)
 Human Services Department (HSD)
 Aging and Long-Term Services Department (ALTSD)

SUMMARY

Synopsis of Bill

Senate Bill 792 adds a subsection to Section 61-6-15 NMSA 1978, a section of the Medical Practice Act, to provide a level of consumer protection by prohibiting physicians and other licensees from holding themselves out as specialists or as being certified, board certified, a sub specialist or an expert unless they have at least one year of specialty training at an accredited institution or are certified by a nationally recognized accrediting body.

Significant Issues

SB 792 defines what would constitute sufficient preparation to allow a health care provider to represent him/herself as a specialist or expert because he/she has attended an advanced program of study, has passed an examination given by organized members of the specialty or has extensive experience in a particular area of medicine.

SB 792 addresses truth in advertising and the question of what are the minimum qualifications for preparation for a health care specialty. At the present time, some providers may represent

themselves as specialists without having completed an adequate advanced course of study in a specialty. New Mexico has a significant number of health care providers trained as generalists who provide specialty services. These providers may receive their training as part of continuing education.

PERFORMANCE IMPLICATIONS

The American Medical Association urges physicians to identify themselves by stating the full name of any certifying board membership.

Agencies report that they support a well informed consumer.

The DOH notes that requiring advanced formal training or certification for specialties normally practiced by generalist-trained providers may reduce the availability of these specialist services in the state.

FISCAL IMPLICATIONS

There may be positive public health implications if state law prevents health care providers from patient care that they may or may not be prepared to provide.

SB 792 may encourage more health care providers to become board certified so they can improve the level of care they provide to their patients. This may also have a positive impact on health care services received in New Mexico.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with SB 341, Medical Practice Act Amendments, which does not amend Chapter 61, Professional and Occupational Licenses, Article 6, Medicine and Surgery.

TECHNICAL ISSUES

DOH recommends the use of “specialty” as opposed to “speciality”, because it better defines the intent of the bill.

OTHER SUBSTANTIVE ISSUES

The HPC has the following comment:

While some resumes are personal exaggerations of experience and education, other resumes supply false degrees that are provided by “diploma mills.” Approximately 400 diploma mills and 300 counterfeit diploma web sites are making more than \$500 million annually, selling fake credentials to those who will pay for them.

Recent fraudulent medical practices discovered and resulting in persecution include: (AMNews August 2004):

- Texas – Person posed as a doctor and possibly injected hundreds of patients with industrial-grade silicone.

- Michigan – Person presented self as a physician and treated patients in a relative’s clinic.
- New York – Person posing as a dermatologist operated what he called a skin and laser center, and advertised that he did laser hair removal, collagen treatments, removal of skin lesions and other procedures.
- New Jersey - The New Jersey Supreme Court overturned a 2001 lower court ruling on a case that attempted to hold a physician responsible for exaggerating his surgical qualifications. A patient alleged that he became a quadriplegic after an unsuccessful surgery.

ALTERNATIVES

The DOH suggests limiting the focus of any new provisions to provider specialties for which there are recognized yearlong or longer advanced courses of study.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Consumers may continue to be misinformed about how prepared a health care provider is when choosing a “specialist”.

AHO/yr