

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 380

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO LICENSING; CREATING A STATEWIDE PROGRAM FOR  
CERTIFICATION OF CERTIFIED NURSE TECHNICIANS; EXEMPTING  
RELIGIOUS PRACTITIONERS FROM THE NURSING PRACTICE ACT.

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

Section 1. A new section of the Nursing Practice Act is  
enacted to read:

"~~[NEW MATERIAL]~~ CERTIFIED NURSE TECHNICIAN PROGRAM.--

A. A statewide program for certification of nurse  
technicians is created under the board.

B. For the purposes of this section, "certified  
nurse technician" means a person who, under the supervision of  
a registered nurse or licensed practical nurse, is permitted to  
provide direct, hands-on nursing care to a person according to  
rules adopted by the board.

.163588.1

underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 C. Unless certified as a nurse technician under the  
2 Nursing Practice Act, a person shall not:

3 (1) practice as a certified nurse technician;  
4 or

5 (2) use the title "certified nurse technician"  
6 or other title, abbreviation, letters, figures, signs or  
7 devices to indicate or imply that the person is a certified  
8 nurse technician.

9 D. The board shall:

10 (1) maintain a permanent register of all  
11 certified nurse technicians;

12 (2) adopt rules for certified nurse  
13 technicians and certification requirements, including standards  
14 and curricula;

15 (3) adopt rules governing the supervision of  
16 certified nurse technicians by licensed practical nurses,  
17 including standards and performance evaluations of certified  
18 nurse technicians; and

19 (4) conduct disciplinary hearings of certified  
20 nurse technicians or hearings on the denial, suspension or  
21 revocation of certified nurse technician certificates in  
22 accordance with the Uniform Licensing Act.

23 E. An applicant for certification as a certified  
24 nurse technician shall pay the required application fee, submit  
25 written evidence of having completed a board-approved training

.163588.1

1 program for certified nurse technicians and successfully  
2 complete a board-approved examination. The board shall issue a  
3 certificate to a person who fulfills the requirements for  
4 certification.

5 F. A certificate issued by the board to practice as  
6 a certified nurse technician shall be renewed every two years."

7 Section 2. Section 61-3-29 NMSA 1978 (being Laws 1968,  
8 Chapter 44, Section 25, as amended by Laws 2005, Chapter 303,  
9 Section 2 and by Laws 2005, Chapter 307, Section 8) is amended  
10 to read:

11 "61-3-29. EXCEPTIONS.--The Nursing Practice Act shall not  
12 apply to or affect:

13 A. gratuitous nursing by friends or members of the  
14 family;

15 B. nursing assistance in case of emergencies;

16 C. nursing by students when enrolled in approved  
17 schools of nursing or approved courses for the education of  
18 professional or practical nurses when such nursing is part of  
19 the educational program;

20 D. nursing in this state by a nurse licensed in  
21 another state whose employment requires the nurse to transport  
22 a patient or who is a camp nurse who accompanies and cares for  
23 a patient temporarily residing in this state if the nurse's  
24 practice in this state does not exceed three months and the  
25 nurse does not claim to be licensed in this state;

.163588.1

underscored material = new  
[bracketed material] = delete

1           E. nursing in this state by a person employed by  
2 the United States government, while in the discharge of the  
3 person's official duties;

4           F. the practice of midwifery by a person other than  
5 a registered nurse who is certified or licensed in this state  
6 to practice midwifery;

7           G. a person working as a home health aide, unless  
8 performing acts defined as professional nursing or practical  
9 nursing pursuant to the Nursing Practice Act;

10           ~~[H. a nursing aide or orderly, unless performing~~  
11 ~~acts defined as professional nursing or practical nursing~~  
12 ~~pursuant to the Nursing Practice Act;~~

13           ~~F.]~~ H. a registered nurse holding a current license  
14 in another jurisdiction who is enrolled in a professional  
15 course requiring nursing practice as a part of the educational  
16 program; ~~[or~~

17           ~~F.]~~ I. performance by a personal care provider in a  
18 noninstitutional setting of bowel and bladder assistance for an  
19 individual whom a health care provider certifies is stable, not  
20 currently in need of medical care and able to communicate and  
21 assess the individual's own needs; or

22           J. nursing or caring for the sick provided in  
23 accordance with a religious practice so long as the caregiver  
24 does not claim to be a licensed practical nurse or a registered  
25 nurse."

.163588.1