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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/09

SPONSOR E. Chavez LAST UPDATED \_\_\_\_\_ HB 413

SHORT TITLE Naprapath Licensure SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to, SB 174

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

Medical Board (MB)

Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

House Bill 413 makes certain changes to NMSA § 61-12E-5, relating to the definitional language that expresses how an applicant qualifies for licensure as a naprapath.

Proposed amendments to Subsection A state that a "person shall be licensed as a naprapath" if that person completes the requirements outlined in the remainder of the statutory section. The present language states that "a person may be qualified to receive a license" if that person completes the necessary requirements.

Part 3 of Subsection A is amended to require an applicant to complete a four-year academic curriculum that "is approved by the board" rather than by the American Naprapathic Association as currently required.

Additional proposed changes are technical or otherwise related to the phrasing of certain sentences in Parts 3 and 4 of Subsection A. These proposed technical amendments clarify the Act without affecting the substance of its provisions.

**FISCAL IMPLICATIONS**

No fiscal impact has been identified.

**SIGNIFICANT ISSUES**

According to the AGO, the proposed amendment that changes the qualification language from “may be qualified” to “shall be licensed” in the amended Subsection A may be interpreted to require the board or the department, as applicable, to issue a license to any applicant that meets the education and examination requirements of NMSA § 61-12E-5, regardless of other relevant factors.

Otherwise, no significant constitutional or legal concerns were observed or noted.

**PERFORMANCE IMPLICATIONS**

According to RLD, HB 413 replaces the standards set by the American Naprapathic Association with standards established by the Naprapathic Board. The board intends to accept the educational standards set by the “Swedish curriculum” which is at least comparable to, if not greater than, the requirements set forth in the Naprapathic Practice Act.

According to RLD, by adhering only to the current standards established by the American Naprapathic Association, the State of New Mexico could miss an opportunity to raise the educational standards, to establish a school that will support higher educational standards, and to attract new professionals to the state.

**RELATIONSHIP**

SB 174 has a relationship to House Bill 413 in that it proposes to create a requirement and process by which regulated health professionals must assess proposed changes to the scope of practice in their respective fields and practice acts. SB 174 imposes evaluation and hearing requirements, which are thereafter synthesized into a report that is delivered to the Governor and Legislature for review.

**OTHER SUBSTANTIVE ISSUES**

The Naprapathic Board believes adoption of HB 413 would encourage the development of a school in New Mexico that will meet the new standards, and will also encourage the arrival of highly qualified Naprapaths from places which operate under the Swedish curriculum. Currently, there are only 13 licensed Naprapaths in the State of New Mexico.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/mc