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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/13
 SPONSOR Herrell LAST UPDATED 02/12/13 HB 60/aHJC
 SHORT TITLE Specify Health Care Facility Drug Testing SB _____
 ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Laws of 2011, Ch. 90

SOURCES OF INFORMATION

LFC Files

Responses Received From

State Personnel Office (SPO)

Human Services Department (HSD)

Department of Health (DOH)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 60 adds that any other health care facility created by statute and operated by the Department of Health (DOH), in addition to the DOH facilities specifically named in the bill, would be required to drug test its health care provider employees.

Synopsis of Original Bill

House Bill 60 (HB 60) would revise Section 9-7-18 of the Department of Health Act to specify the state health care facilities that require drug testing of health care providers who work there.

FISCAL IMPLICATIONS

The bill contains no appropriation.

Laws of 2011, Chapter 90 required drug and alcohol testing for staff providing direct healthcare to patients in state healthcare facilities. The law stipulated that a staff healthcare provider hired to provide direct care to patients in a state healthcare facility shall be tested for illicit and prescription drug and alcohol abuse prior to employment and subject to random drug testing thereafter. The law directed the DOH to promulgate rules to establish the definition of “direct care” and to implement the provisions of the bill. No funding was appropriated to implement the law, which had a projected cost in FY12 through FY13 of up to \$172 thousand annually in recurring costs to the DOH.

SIGNIFICANT ISSUES

The DOH indicates the bill would clarify application of the state facility drug and alcohol testing law, and would permit the DOH to conduct the same testing at the Sequoyah Adolescent Treatment Center (Sequoyah), which is not covered under the current law. The DOH believes that because there was no reason to exempt Sequoyah, the Legislature actually intended to cover it along with the DOH’s other health care facilities. Moreover, HB 60 eliminates ambiguity and, because so few facilities are involved, simplifies the law to identify all covered health care facilities by name.

RAE/bm:svb