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FISCAL IMPACT REPORT

02/05/13

ORIGINAL DATE 02/20/13

SPONSOR Kane **LAST UPDATED** 03/13/13 **HB** 260a/HHGIC/aSPAC

SHORT TITLE Oriental Medicine Doctor Imaging Licensure **SB** _____

ANALYST Weber/Chabot

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Medical Board (MB)

New Mexico Environment Department (NMED)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to House Bill 260 changes the title of the bill to include limited authorization for registered nurses and certified nurse midwives to perform ultrasound procedures. It changes the responsible oversight organization to the bureau of the field operations and infrastructure of the New Mexico Environment Department, and changes the definition of non-ionizing radiation. It provides the provisions that a medical imaging license shall not apply to a licensed practitioner, a health care practitioner and a registered nurse or certified nurse-midwife as defined in the bill. Finally, it states a registered nurse or a certified nurse-midwife may not perform ionizing procedures including radiography, radiation therapy, nuclear medicine or a non-ionizing magnetic resonance procedure unless licensed by NMED. Nothing in the act shall affect the authority of a health care professional licensed to perform those procedures if it is within the licensed health care professional's scope of practice.

Synopsis of HHGIC Amendment

1. On page 1, line 14, after "OR" insert "MUSCULOSKELETAL".
2. On page 8, line 5, after "or", insert "musculoskeletal",.

In both cases the word “musculoskeletal” is used as a modifier for “ultrasound procedure guidance.”

Synopsis of Original Bill

House Bill 260 (HB 260) changes the Medical Imaging and Radiation Therapy Health and Safety Act to exempt a doctor of oriental medicine from the provisions of the Act by adding the following language.

Notwithstanding any other provision of the Medical Imaging and Radiation Therapy Health and Safety Act, the requirement of a license shall not apply to an expanded practice doctor of oriental medicine performing diagnostic musculoskeletal ultrasound or ultrasound procedure guidance.

FISCAL IMPLICATIONS

No fiscal implications identified.

SIGNIFICANT ISSUES

The Medical Board (MB) opposes HB 260.

The MB continues that Statutes 61-14A-8.1 NMSA 1978 specifically defines “Expanded practice and prescriptive authority” in four areas: basic injection therapy, injection therapy, intravenous therapy, and bio-identical hormone therapy. Nothing other than prescriptive authority is granted in this section of the Statutes. HB 260 seeks to grant authority, under and exemption from licensure under the Medical Imaging and Radiation Therapy Health and Safety Act (§2.D) for the performance of “diagnostic musculoskeletal ultrasound and ultrasound procedure guidance”. These two areas of diagnostic and procedural ultrasound are the practice of medicine, the results of which will affect the health and well-being of patients and, thus, requires licensure for performance of medical techniques that are not normally considered the practice of acupuncture and not authorized under the cited statute 61-14A-8.1.

To become competent on the performance of ultrasound studies requires specific technical and clinical education, training and experience to qualify for subsequent licensure. Further, the correct interpretation of diagnostic ultrasound requires a level of education, training, and experience which is not part of the preparation for practice of acupuncture, and really has no application in oriental medicine.

The New Mexico Environment Department (NMED) does not support HB 260. In section 61-14A-8.1 NMSA 1978 of the Acupuncture and Oriental Medicine Practice Act, the “expanded practice” for a doctor of oriental medicine does not specifically authorize the use of ultrasounds, nor does it provide for mandatory education or training for ultrasound and ultrasound procedures. The absence of authorization for the use of ultrasound in the Acupuncture and Oriental Medicine Practice Act or the proper training in ultrasound and ultrasound procedures would place a patient at risk of improper application of non-ionizing radiation and the risk of improperly detected diseases, abnormalities, false evidence to explain why a patient might be ill, and/or to provide false information or evidence that would allow the development of an appropriate treatment plan (i.e. surgical or medical). Section 61-14E-1 NMSA 1978 et. seq., the Medical Imaging and Radiation Therapy Health and Safety Act, is to maximize the protection practicable for the citizens of New Mexico from ionizing and non-ionizing radiation in the practice of medical

imaging by requiring proper education, training and licensure in all medical imaging modalities.

Currently the Medical Imaging and Radiation Therapy Advisory Council (MIRTAC) has draft regulations in place for the licensure of diagnostic medical imaging procedures (ultrasound and MRI).The licensing of ultrasound modalities will be completed by NMED's Medical Imaging and Radiation Therapy Program once the regulations are adopted and approved by the Environmental Improvement Board. It is anticipated that the regulations will be brought before the Environmental Improvement Board in 2013.

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