

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/11/13

SPONSOR Cote LAST UPDATED _____ HB 414

SHORT TITLE Nurse Practitioner Scope of Practice SB _____

ANALYST Martinez

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)

Board of Nursing (BN)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

HB 414 proposes to update ten existing statutes to authorize advanced practice registered nurses, certified nurse-midwives, and physician assistants to approve certain certificates and perform other duties where a licensed physician had been the only authorized approver of certificates, examinations, or statements.

Section 11 of HB 414 requires that by January 01, 2014 every cabinet secretary, agency head, and head of a political subdivision of the State would be required to update rules to accept the approval of a broader scope of practice for an advanced practice registered nurse, certified nurse-midwife, and physician assistant. This proposal regarding which person among advanced practice registered nurses, certified nurse-midwives, or physician assistants may perform a function previously required by a licensed physician must then be submitted to the New Mexico Medical Board and the Board of Nursing who will ultimately determine which profession working within that person's scope of practice may now perform a function previously only allowed by a licensed physician.

FISCAL IMPLICATIONS

No Fiscal Impact

SIGNIFICANT ISSUES

The “New Mexico: ACA Implementation — Monitoring and Tracking” site visit report (Robert Wood Johnson Foundation and Urban Institute, August 2012, pp. 19-22) indicates maintaining a strong provider network in New Mexico is challenging primarily due to the difficulty in recruiting and retaining providers in rural areas and the limited scope of practice healthcare providers other than physicians can perform. Further strategies to enhance the practice and regulation of health care might be warranted, although the state has undertaken numerous efforts to strengthen its healthcare workforce, including adding additional healthcare professional education and training opportunities in the state. These strategies might include increased use of mid-level practitioners, further use of telehealth, incentives for preventive care, better care coordination through medical or health homes, and case managers in offices to allow doctors to more fully practice at their skill level.

The DOH writes: New Mexico continues to face a critical shortage of all health care professionals. The inadequate supply and uneven distribution of providers has resulted in shortages in all health care provider specialties (2014 DOH Strategic Plan). The Affordable Care Act will produce increased competition for “mid-level” providers nationally, especially for Family Nurse Practitioners.

ADMINISTRATIVE IMPLICATIONS

The DOH Family Health Bureau certifies nurse-midwives. If HB 414 is enacted, the current program staff will be responsible for revising the rules dictating the scope of practice. This process is often long and complex, placing a considerable demand on program staff.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The Board of Nursing responds:

- From a regulatory standpoint it would be irresponsible to consider allowing any other regulatory agency to interfere with the regulatory authority of the Board of Nursing.
- The New Mexico Board of Nursing has regulatory authority over the education, licensure, practice and discipline of nurses licensed in this state. This authority allows the New Mexico Board of Nursing to protect the public from unsafe practitioners.
- The NM Board of Nursing has an evidenced based and established means of regulating and evaluating the scope of practice of all their licensees and certificate holders through the Nurse Practice Act and current and updated rules and regulations.

POSSIBLE QUESTIONS

How long does the New Mexico Medical Board and the Board of Nursing have to determine which profession working within that person’s scope of practice may now perform a function previously only allowed by a licensed physician

RM/blm