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FISCAL IMPACT REPORT

SPONSOR Armstrong **ORIGINAL DATE** 02/04/15
LAST UPDATED 03/19/15 **HB** 192/aHRPAC/ aHF1#1
SHORT TITLE Occupational Therapy Act Scope of Practice **SB** _____
ANALYST Cerny/ McReynolds

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of House Floor Amendment #1

The House Floor amendment to House Bill 192 strikes “in visual acuity and visual field” on page 3, lines 13 and 14 of the bill changing it to read “... management and care of a low-vision client as it affects the client’s occupational performance.”

Synopsis of HRPAC Amendment

House Regulatory and Public Affairs Committee amendment to House Bill 192 makes technical corrections to the bill. On page 2, it corrects a typographical error where two words were transposed and on page 9 it deletes the word “technician” which is no longer defined in the language of the original bill.

Synopsis of Bill

House Bill 192 would amend sections of the Occupational Therapy Act, Section 61-12A-- through 24, NMSA 1978.

This bill provides additional definitions which provide clarity to the overall profession and scope of practice of occupational therapy. It identifies the specific services in which occupational therapy services can be facilitated. The bill presents conditions and responsibilities for the

supervision of occupational therapy assistants and clarifies the supervision of an occupational therapy technician. In addition, this bill extends the sunset date from July 1, 2025, and allows the board to continue to operate until July 1, 2026 and for the act to have delayed repeal to that same date.

FISCAL IMPLICATIONS

HB 192 carries no appropriation and has no fiscal impact.

SIGNIFICANT ISSUES

HB 192 adds more clarity to the Occupational Therapy Act, creating detailed definitions of “activity of daily living,” “aide,” “instrumental activity of daily living,” “low vision rehabilitation service,” and “practice of occupational therapy.” It also clearly specifies how aides are to be supervised and what duties they may perform.

Under current law, the board of examiners for occupational therapy, or the Occupational Therapy Board, is terminated on July 1, 2015 pursuant to the provisions of the Sunset Act, Sections 12-9-11 to 12-9-21 NMSA 1978. The board will continue to operate according to the provisions of the Occupational Therapy Act until July 1, 2016.

Effective July 1, 2016, the Occupational Therapy Act in its entirety is repealed. HB 192 provides for the board to continue operating until July 1, 2026 and for the Act to have delayed repeal until that date.

ADMINISTRATIVE IMPLICATIONS

If this bill is enacted it would require that the Occupational Therapy Board draft and adopt amendments to their Rules.

Under current statute, the Occupational Therapy Board will sunset on July 1, 2015. If this occurs, the Board will continue to operate until July 1, 2016 at which time all administrative operations will cease and the Board’s two (2) FTE’s could be terminated.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 192 is not enacted, absent other legislation, the Occupational Therapy Board will sunset on July 1, 2015 and all administrative operations will cease on July 1, 2016.

CAC/bb/je