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FISCAL IMPACT REPORT

SPONSOR	<u>HRPAC</u>	ORIGINAL DATE	<u>3/9/15</u>		<u>398/HRPACS/aHFI#1/</u>
		LAST UPDATED	<u>3/17/15</u>	HB	<u>aHFI#2</u>
SHORT TITLE	<u>Osteopathic Assistants, Licensure & Board</u>			SB	<u></u>
				ANALYST	<u>Elkins</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$2.7	\$2.7	\$5.4	Recurring	Osteopathic Board Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Medical Board (MB)

SUMMARY

Synopsis of House Floor Amendment Number 2

House Floor Amendment 2 to House Bill 398 clarifies that the late fee for osteopathic physician licenses, osteopathic physician assistant licenses, and pharmacist clinician license is only charged if the licensee fails to renew their license on or before July 1 of the year in which their triennial license is due for renewal.

Synopsis of House Floor Amendment Number 1

House Floor Amendment 1 to House Bill 398 strikes the term “secretary” and replaces it with “chair” when referring to the chair of the Board of Osteopathic Medicine. Also, the amendment reflects the new board name, Board of Osteopathic Medicine, consistently throughout the bill.

Synopsis of Original Bill

House Regulatory and Public Affairs Committee Substitute for House Bill 398 renames Section 61-10 NMSA 1978 the Osteopathic Medicine Act and the Board of Osteopathic Medical Examiners the Board of Osteopathic Medicine. Overall, the bill is a revision and update of the Osteopathic Medicine and Surgery Act. Definitions have been added to the act. The bill repeals the Osteopathic Physicians’ Assistants Act and includes osteopathic physician assistants in the

Osteopathic Medicine Act by adding provisions pertaining to osteopathic physician assistants.

The bill proposes an additional osteopathic physician board member position and an osteopathic physician assistant board member position. The New Mexico Osteopathic Medical Association will provide a list of five qualified osteopathic physicians and five qualified osteopathic physician assistants for the Governor's office to appoint from. The board members will serve no more than three four-year terms.

Additional requirements for licensure are proposed in the bill, which include temporary licensure for osteopathic physicians wishing to come in to New Mexico to provide specific board approved temporary services for a short period of time in the state. Licensure by endorsement is also proposed in HB 398, granted all the requirements are met. A more comprehensive breakdown of fees is added in this bill. In addition, the bill proposes triennial renewal for licensees to match the required triennial continuing medical educational requirement.

The refusal and revocation of licensure is expanded in the bill. The bill allows for injunctions to prevent an unlicensed person from practicing osteopathic medicine. A new section allows the board to immediately suspend or restrict a license to practice osteopathic medicine without a hearing for the public safety. A section has been added to protect the integrity of an investigation when a complaint has been filed regarding actual or potential disciplinary action.

An osteopathic physician applying for licensure after the effective date of this bill will now need to have completed at least two years of post-graduate training in order to get licensed in this state.

The bill allows that if an osteopathic physician assistant's primary supervisor is not available, the osteopathic physician assistant will now be able to serve temporarily under the supervision of a physician who is licensed under the Medical Practice Act or the Osteopathic Medicine Act.

FISCAL IMPLICATIONS

RLD estimates the board's operating budget will increase by \$2.7 thousand for FY16 and FY17 for per diem expense related with two additional board members.

SIGNIFICANT ISSUES

According to RLD, a fee is created for an impaired physician fee. However, it is unknown how frequently such fee needs to be paid and the bill does not create an Impaired Practitioner's Fund. Also, there is a fee charged for telemedicine licensure and pharmacist clinician licensure but there is no language related to obtaining and maintaining licensure for either category.

The Medical Board states, HB 398 seeks to bring the Osteopathic Medicine Act more into alignment with the Medical Practice Act and the language largely mirrors that of the Medical Practice Act.

TECHNICAL ISSUES

According to RLD, the triennial renewal is not consistent throughout House Regulatory and Public Affairs Committee Substitute for House Bill 398. Section 6 (page 12, line 17) uses

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wording to indicate physicians who fail to renew their license on or before July 1 of “each year”, rather than “renewal year” (triennial); and (page 13, line 25) also states the same for physician assistants and pharmacist clinicians.

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