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HOUSE BILL 102

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Terry H. McMillan

AN ACT

RELATING TO HEALTH PROFESSIONS; PROVIDING FOR A PROCESS TO
EVALUATE PROPOSED CHANGES IN SCOPE OF PRACTICE, THE REGULATION
OF AN UNREGULATED HEALTH PROFESSION AND THE ESTABLISHMENT OF A
LICENSING BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] COMMITTEE CREATED.--

A. The "scope of practice committee" is created.

B. The committee shall be composed of eight
members. Four members shall be appointed by the speaker of the
house of representatives, and four members shall be appointed
by the senate committees' committee, or if appointments are
made in the interim, by the president pro tempore of the senate
after consultation with and agreement of a majority of the
members of the committees' committee.

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1 C. Members shall be appointed from each house so as
2 to give the two major political parties in each house the same
3 proportional representation on the committee as prevails in
4 each house; however, in no event shall either party have less
5 than one member from each house on the committee. Vacancies on
6 the committee shall be filled by appointment in the same manner
7 as the original appointments.

8 D. No action shall be taken by the committee if a
9 majority of the total membership from either house on the
10 committee rejects such action.

11 E. The staff for the committee shall be provided by
12 the legislative council service.

13 SECTION 2. [NEW MATERIAL] DEFINITIONS.--For the purposes
14 of Sections 1 through 4 of this act:

15 A. "committee" means the scope of practice
16 committee;

17 B. "health profession" means a health-related
18 activity or occupation regulated pursuant to Chapter 61 NMSA
19 1978 or proposed for regulation;

20 C. "licensing board" means a licensing board of a
21 specific health profession regulated pursuant to Chapter 61
22 NMSA 1978; and

23 D. "scope of practice" means those practice
24 activities permitted for a health profession as defined in its
25 licensing act and rules adopted pursuant to that act.

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1 SECTION 3. ~~[NEW MATERIAL]~~ REVIEW OF PROPOSAL.--A person
2 proposing a change to an existing scope of practice, the
3 regulation of an unregulated health profession or the
4 establishment of a licensing board shall submit such proposal
5 to the committee for review.

6 SECTION 4. ~~[NEW MATERIAL]~~ COMMITTEE REVIEW OF PROPOSED
7 CHANGE IN SCOPE OF PRACTICE, REGULATION OF AN UNREGULATED
8 HEALTH PROFESSION OR ESTABLISHMENT OF A LICENSING BOARD.--

- 9 A. The committee shall review:
- 10 (1) a proposed change to an existing scope of
11 practice;
 - 12 (2) the proposed regulation of an unregulated
13 health profession; or
 - 14 (3) the proposed establishment of a licensing
15 board.

- 16 B. As to each proposal submitted for review, the
17 committee shall:
- 18 (1) collect data, including information from
19 proponents and opponents of the proposal before the committee
20 and from all other appropriate persons, as necessary to
21 evaluate the proposal;
 - 22 (2) ensure appropriate public notice of the
23 committee's proceedings and provide for public comment on the
24 proposal;
 - 25 (3) invite comment from persons with knowledge

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1 in the field of the proposal;

2 (4) assess the proposal considering the
3 following:

4 (a) the potential harm or benefit to the
5 health, safety and welfare of the public;

6 (b) the impact on overall health care
7 costs;

8 (c) the impact on access to and quality
9 of health care in New Mexico; and

10 (d) whether the public health, safety
11 and welfare can be effectively protected by other more cost-
12 effective means; and

13 (5) summarize its findings and recommendations
14 in a final report to be delivered to the standing committees to
15 which legislation regarding the proposal is referred in the
16 next regular session.

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