

1 A JOINT MEMORIAL

2 REQUESTING THE BOARD OF NURSING TO CONVENE A SAFE HARBOR FOR  
3 NURSES TASK FORCE TO IDENTIFY PROMISING NURSING PEER REVIEW  
4 MODELS TO PROTECT PATIENTS AND NURSES.

5  
6 WHEREAS, safe harbor peer review is a process by which  
7 nurses can initiate nursing peer review when the nurse has  
8 been requested to engage in conduct that the nurse believes  
9 is in violation of that nurse's duty to a patient; and

10 WHEREAS, under Texas law, safe harbor peer review is  
11 available to nurses; and

12 WHEREAS, Texas law defines a nurse's "duty to a patient"  
13 to mean conduct, including administrative decisions directly  
14 affecting a nurse's ability to comply with the nurse's duty,  
15 that is required pursuant to standards of practice or  
16 professional conduct adopted by the nurse's licensing board;  
17 and

18 WHEREAS, a nurse invoking the nurse's right to safe  
19 harbor peer review makes a request to a committee of the  
20 nurse's peers that reviews the facts of the matter involving  
21 the nurse's duty to a patient and makes a determination; and

22 WHEREAS, the determination of the safe harbor peer  
23 review committee must be considered in any decision by the  
24 nurse's employer prior to disciplining the nurse for the  
25 refusal to engage in the requested conduct, though the

1 nurse's supervisor may override that determination in a  
2 good-faith finding; and

3 WHEREAS, no employer or other person may retaliate  
4 against a nurse for invoking the nurse's right to safe harbor  
5 peer review; and

6 WHEREAS, in New Mexico, members of the nursing community  
7 have raised the need for safe harbor peer review in order to  
8 protect patients and nurses;

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
10 STATE OF NEW MEXICO that the board of nursing be requested to  
11 convene a safe harbor for nurses task force to identify  
12 promising nursing peer review models to protect patients from  
13 violations of their rights to safe patient care in accordance  
14 with their caregivers' professional standards and best  
15 practices and to protect nurses from retaliation for invoking  
16 their duties to their patients; and

17 BE IT FURTHER RESOLVED that the board of nursing be  
18 requested to invite representatives from the New Mexico  
19 nurses association, nurses' unions, the university of  
20 New Mexico health sciences center's school of medicine, the  
21 university of New Mexico college of nursing, the New Mexico  
22 state university school of nursing, the Burrell college of  
23 osteopathic medicine, the New Mexico hospital association and  
24 the New Mexico health care association to join the safe  
25 harbor for nurses task force; and

1 BE IT FURTHER RESOLVED that the safe harbor for nurses  
2 task force be requested to present its findings, including  
3 any recommendations for legislation, by August 30, 2018 to  
4 the legislative health and human services committee; and

5 BE IT FURTHER RESOLVED that copies of this memorial be  
6 transmitted to the governor, the legislative health and human  
7 services committee and the executive director of the board of  
8 nursing.

---

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25