

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 and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Stefanics ORIGINAL DATE 2/9/17
 LAST UPDATED _____ HB _____

SHORT TITLE Safe Harbor for Nurses Task Force SJM 13

ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal			Nonrecurring	General Fund, Other State Funds

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Board of Nursing

SUMMARY

Synopsis of Bill

Senate Joint Memorial 13 (SJM13) proposes creation of a taskforce to be convened by the Board of Nursing to identify promising nursing peer review models of safe harbor to protect patients from violations of their rights to safe patient care in accordance with their caregivers' professional standards and best practices, and to protect nurses from retaliation for invoking their duties to their patients.

The task force would include representatives from the New Mexico nurses association, nurses' unions, the university of New Mexico health sciences center's school of medicine, the university of New Mexico college of nursing, the New Mexico state university school of nursing, the Burrell college of osteopathic medicine, the New Mexico hospital association, and the New Mexico health care association.

FISCAL IMPLICATIONS

Minimal administrative and travel costs may be incurred when convening the task force and compiling the report as required under the provisions of SJM13.

TECHNICAL ISSUES

The Board of Nursing notes the following items:

On page 3, lines 1 through 8, the task force membership could be amended to specifically include an advanced practice registered nurse, a licensed practical nurses, and another representative from a nursing school so nurses are more comprehensively represented on the task force.

On page 2, lines 6 and 7, the section states that a nurse's employer must consider the determination of safe harbor review prior to disciplining a nurse, but the review is triggered by a declaration from a nurse and if that did not occur, then the employer has no determination to review. This section erroneously assumes that prior to discipline for a matter in which the nurse could invoke safe harbor peer review, the nurse did.

On page 2, lines 23 and 24, the protection to nurses noted here is limited "retaliation," but the implied intent goes beyond workplace retaliation or discipline and extends to disciplinary action on the nurse's license for events, performance or outcomes that may be directly or indirectly caused by the situation that warranted a peer review finding in favor of the nurse. Moreover, the end of the sentence "for invoking their duties to their patients" is awkward. The nurse is avoiding retaliation and discipline for invoking safe harbor and providing care to the best of their ability in the given situation. A suggested change to this language is "...best practices and to protect nurse from workplace retaliation, workplace discipline or discipline on their professional license for invoking safe harbor or for providing care to the best of the nurse's ability in situation found to be less than ideal by a peer review."

RAE/al