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FISCAL IMPACT REPORT

SPONSOR <u>Stefanics/Thomson</u>	LAST UPDATED <u>02/27/2023</u>
	ORIGINAL DATE <u>01/23/2023</u>
SHORT TITLE <u>Pharmacists and PAs as Health Care Practitioners</u>	BILL NUMBER <u>Senate Bill 106/aSJC/ec</u>
	ANALYST <u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 93 and Senate Bill 92

Sources of Information

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Medical Board (MB)

University of New Mexico Health Sciences Center (UNM HSC)

SUMMARY

Synopsis of SJC Amendment to Senate Bill 106

The Senate Judiciary Committee amendment adds psychologists to the list of professional groups subject to the bill’s provisions, grouping them in each of the bill’s sections with physicians, dentists, osteopathic physicians, podiatrists, certified registered nurse anesthetists, certified midwives, physician assistants, pharmacists, and certified nurse practitioners.

Synopsis of Original Senate Bill 106

Senate Bill 106 amends Section 24-1I NMSA 1978, on health care practitioner agreements, including non-compete agreements, to include physician assistants and pharmacists in the definition of health care providers, which currently includes physicians, dentists, osteopathic physicians, podiatrists, certified registered nurse anesthetists, certified midwives, and certified nurse practitioners.

The addition of these categories of health care practitioners would be required of all health care

practitioner agreements executed after the effective date of this bill.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 106. There is no identified fiscal impact.

SIGNIFICANT ISSUES

As noted by MB, “SB106 corrects an omission of both physician assistants and pharmacists from a list of health care practitioners to whom non-compete clauses are voided. Non-compete clauses have been voided to certain health care practitioners in New Mexico as they could restrict the practitioners from working in different venues in New Mexico thereby negatively impacting availability to health care in New Mexico. SB106 attempts to correct this omission by including two important professions within the health care team from non-compete clauses.”

RELATIONSHIP

Related to House Bill 93, which modifies several provisions in the Pharmacy Act and to Senate Bill 92, which expands the practice of pharmacists to perform and interpret CLIA-waived and treat based on those tests.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

As noted by UNM HSC, “If this bill is not enacted, pharmacists and physician assistants will continue to be limited to where they can practice within New Mexico by healthcare practitioner agreements, such as noncompete clauses.”

LAC/rl/ne