

**LFC Requester:**

**Noah Montano**

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2-24-2025

*Check all that apply:*

**Bill Number:** HB 544

Original  Correction

Amendment  Substitute

**Agency Name and Code** Regulation and Licensing Department

**Number:** 420

**Sponsor:** Rod Montoya and Jenifer Jones

**Person Writing** Jen Rodriguez

**Short Title:** Expedited Licensure for Out-of-State Licenses

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	Unknown*	Unknown*	Recurring	Various Funds-see Fiscal Implications*

(Parenthesis ( ) indicate revenue decreases)

\* See Note 1 in Fiscal Implications

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>		160.0**	0	160.0**	Nonrecurring	Various Funds-see Fiscal Implications**

(Parenthesis ( ) Indicate Expenditure Decreases)

\*\*See Note 2 in Fiscal Implications

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 544 (HB544)

HB544 purports to add several license types to the expedited licensure process that was created with House Bill 191 during the 2022 Regular Session. *See* §61-1-31.1, NMSA 1978 (as amended, 2022). Expedited licensure allows a practitioner, currently licensed in another jurisdiction, to obtain a provisional license in New Mexico within thirty (30) days, provided their license is in good standing and the jurisdiction in which they are licensed is not disapproved by that board’s administrative rules. *See* §61-1-31.1(D), NMSA 1978. An expedited license is good for one year or greater than one year by board rule. Expedited licenses are renewable by the respective board’s regular renewal process. If the board requires passing of a national or state exam for licensure, the board may require the expedited license holder to pass the exam prior to renewal, if they have not passed the exam as part of their licensure in their original license jurisdiction.

Expedited licensure also requires each board to create rules to list jurisdictions within the United States that will be disapproved because those jurisdictions do not meet New Mexico’s licensing standards for that profession, and any foreign jurisdictions that are approved. This list is to be reviewed and revised annually.

HB544 seeks to add expedited licensure to the following professions:

1. Genetic Counseling
2. Polysomnography Practice
3. Physician Assistant
4. **Nutrition and Dietetics Practice**
5. **Pharmacy**
6. Naprapathic Practice
7. Naturopathic Doctors
8. Medical Imaging and Radiation Therapy
9. Architecture
10. **Barbers and Cosmetologists**
11. **Private Investigations, including polygraphers and security guards**
12. **Real Estate Commission**
13. **Real Estate Appraisers**
14. **Funeral Services**
15. Utility Operators

## **16. Signed Language Interpreting Practices**

The **underlined boards and commissions** are administered by the Regulation and Licensing Department (RLD) and will be the focus of this report.

HB544, Section 5 would expand the expedited licensure process to Nutrition and Dietetics, §61-7A-8, NMSA 1978. Nutrition and Dietetics was not included in prior expedited licensure legislation.

Section 6 would replace the Board of Pharmacy's reciprocity process, §61-11-10, NMSA 1978 with expedited licensure. The Board of Pharmacy currently issues expedited pharmacist license by reciprocity, see Sections 15 and 16 of Rule 16.19.3 NMAC.

Section 13 would add expedited licensure to §61-17A-5, NMSA 1978, Barbers and Cosmetologists Act, "License required." It is not clear if HB544 is intended to replace the current expedited licensure statute, §61-17A-17, NMSA 1978. The language of the proposed change would not substantially change how expedited licensure functions under the Barbers and Cosmetologists Act.

Section 14 would expand the expedited licensure process to the Private Investigators Act, §61-27B-33, NMSA 1978, replacing reciprocity. Private Investigators, which includes security guards, does not currently provide expedited licensure.

Section 15 would add expedited licensure to §61-29-9, NMSA 1978, Real Estate Brokers and Salesmen, "Qualifications for license," replacing the reciprocity provisions in Subsection (B)(2). The Real Estate Commission does not currently provide expedited licensure.

Section 16 would add expedited licensure to §61-30-20, NMSA 1978, Real Estate Appraisers Act, "Nonresident applicants, reciprocity," replacing reciprocity with expedited licensure. The Real Estate Appraisers Board does not currently provide expedited licensure.

Section 17 would repeal the current statute allowing for out-of-state licensees to be licensed by credential, §61-32-10, NMSA 1978, Funeral Services Act, "Licensure by Credentials," replacing it with expedited licensure. The Funeral Services Board does not currently provide expedited licensure.

Section 19 would add a new section to the Signed Language Interpreting Practices Act, §§61-34-1 to -17, NMSA 1978, allowing for expedited licensure. The Signed Language Interpreting Practices Board does not currently provide expedited licensure.

The effective date of this legislation is June 20, 2025.

### **FISCAL IMPLICATIONS**

\*Note 1: It is likely that expanding expedited licensure will encourage out-of-state licensees to apply for licensure in New Mexico, however, measuring the impact of expedited licensure on revenue is not possible. It will be very dependent on the demand for licenses in each individual profession and economic factors that are beyond prediction.

\*\*Note 2: A direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if HB544 is enacted would be for the necessary additions and updates that would have to be made

to the NM Plus online licensing system that is utilized by the RLD for all the professions affected by HB544. A new expedited licensing application must be added for each license type under each board. Contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system are estimated to be one hundred and sixty thousand dollars (\$160,000) in FY26.

An administrative rulemaking process, including a public hearing and all required publication of notices and proposed rules, would be required to update and amend current administrative rules issued pursuant to the Act if HB544 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources. RLD is requesting additional time to do the fifty (50) States and U.S. territory review that each board will need to do and add into their rules. See Amendments section below.

## **SIGNIFICANT ISSUES**

### **PERFORMANCE IMPLICATIONS**

The Board of Pharmacy expressed the following concerns:

The proposed change is problematic as it replaces language clearly applicable only to pharmacist licensure by reciprocity and may be determined to supersede current processes (such as requiring evaluation by Examining Committee pursuant to the Impaired Health Care Provider Act, or licensing considerations pursuant to disqualifying criminal conviction). Furthermore, the proposed language may encourage individuals who are the subject of pending disciplinary action, including revocation, to seek licensure in New Mexico as a means of circumventing said discipline and continuing to practice. Individuals are only required to have a license in good standing in a state. A pharmacist who is licensed in multiple states with revoked licenses in all but one of those states would seem not to be subject to individualized consideration of basis for revoked licenses. The Board's current processes balance speed of licensure (less than 30 days for complete deficiency free application) and considerations consistent with protecting the health and safety of the public. The proposed change shifts the balance from protecting the health and safety of the public.

The Board of Barbers and Cosmetologists had no concerns.

The Private Investigators Advisory Board expressed concern that the qualifications for licensees, particularly security guards, must match or exceed current New Mexico guidelines to avoid putting the public at greater risk. This requirement will be difficult to ensure because the education and training is not standardized across the U.S.

The Funeral Services Board expressed concern that HB544 would reduce the protection to the public and reduce the level of professionalism that we adhere to and are better protected under the existing law. HB544 will open the door to fraud and abuse.

The Signed Language Interpreting Practices Board does not see the impetus for adding their profession to the expedited licensure process.

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**

The RLD respectfully requests that the effective date of this legislation be pushed out to **January 1, 2026**, to allow time for each board to review the requirements for licensure to determine which jurisdictions will need to be disapproved, put rules in place to address those jurisdictions, and update the RLD's NM Plus online licensing system to reflect the approved and disapproved jurisdictions.

The Board of Pharmacy requests the removal of Section 6 for the reasons described in "Performance Implications" above.

Remove Section 13 as Barbers and Cosmetologists already have expedited licensure and this section appears redundant.