

LFC Requester:	Noah Montano
-----------------------	---------------------

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/21/2025 *Check all that apply:*
Bill Number: HB544 Original Correction
 Amendment Substitute

Sponsor:	<u>Rod Montoya and Jenifer Jones</u>	Agency Name and Code Number:	<u>New Mexico Medical Board-446</u>
		Person Writing Analysis:	<u>Monique Parks, Interim Exec. Director</u>
Short Title: Requiring	<u>Expedited Licensure for Professional and Occupational Boards</u>	Phone:	<u>505-490-3903</u>
		Email:	<u>moniquem.parks@nm.mb.nm.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total						
--------------	--	--	--	--	--	--

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB544- Calls for issuance of an expedited license for qualified applicants for licensure who are currently licensed in good standing in another U.S. state or territory, the District of Columbia, or a foreign country, and who pay required fees. Applies to the following professional licenses: Genetic counselor, Polysomnographic technologist, Physician assistant, Anesthesiologist assistant, Dietitian, nutritionist, or nutrition associate, Pharmacist, Naprapath practitioner, Naturopathic doctor, Medical imaging and radiation therapy, Architecture, Barber, hairstylist, or cosmetologist, Private investigator, Real estate broker or associate broker, Real estate appraiser Funeral service practitioner, funeral arranger, or embalmer, Utility operator, Signed language interpreter.

FISCAL IMPLICATIONS

This change to the expedited licensing pathway will incur increased time and resources for New Mexico Medical Board personnel. Additional funding and resources must be allocated through state appropriations to implement, operationalize, and evaluate this change to expedited licensure. Insufficient financial resources to support this change to the expedited licensing pathway risks inadequate resources and expertise that may lead to lack of investigational resources.

Practitioners who receive expedited licenses under fraudulent circumstances may not be discovered for some time, allowing the continued practice of under qualified and dangerous health care providers in New Mexico with the end result of increased morbidity and mortality rates for the residents of New Mexico.

SIGNIFICANT ISSUES

The NMMB is in strong opposition to HB 544. While HB 544 appears to be an attempt to streamline expedited licenses for healthcare and other practices in NM, it removes necessary regulatory board oversight. Under HB 544 the NMMB shall be required to grant expedited licenses (including Physicians, Physician Assistants, Naturopaths, Genetic Counselors, Polysomnographic technicians, Naprapaths, and Anesthesiologist Assistants) to applicants, including those licensed in other countries, without the ability to obtain confirmation the applicant is safe to practice in NM. This bill, if enacted, will lead to harm for the residents of NM.

The New Mexico Medical Board reviews applicants for licensure—even if they are in good standing elsewhere—because **medical licensure in the U.S. is state-based**, meaning each state has its own legal and regulatory standards. This review process is critical for a number of reasons:

1. **State-Specific Regulations:** Each state may have unique laws regarding medical practice, such as telemedicine policies, scope of practice, or continuing education requirements. A doctor in good standing in one state might not meet specific qualifications in another. Of note, reproductive health standards now vary greatly between states and by removing NMMB oversight regarding licensure requirements, some physicians may be denied expedited licensure due to other state actions which are not applicable to NM licensees.
2. **Public Safety:** Medical boards ensure that practitioners have no undisclosed disciplinary actions, malpractice issues, or criminal records that may not have been reported in another jurisdiction.
3. **Verification of Credentials:** Even if an applicant appears qualified, boards verify education, training, and professional history to ensure accuracy and prevent fraud. This is especially crucial with regard to internationally trained physicians.
4. **Assessment of Recent Practice:** A physician's standing in another state or country might not reflect recent performance, especially if they have had practice gaps or issues in other countries with different regulatory environments.
5. **Foreign practice issues:** All U.S. medical boards emphasize protecting patient safety and there is concern that practitioners from other countries may practice to a lower standard, lack understanding regarding ethical standards, malpractice laws, and/or standard medical protocols. Foreign trained physicians or other practitioners may not meet requirements for hospital, clinic or insurance credentialing. Additionally, foreign trained physicians may not understand patient centered care common in the United States, which empowers patients to be active participants in their care, leading to lower quality medical practice.
6. **Rural practice issues:** Rural underserved practices generally require practitioners to manage broader scopes of practice, handling cases that would typically be referred to specialists in urban settings. Many applicants with history of licensure actions apply to underserved areas in New Mexico due to greater need and lowered regulatory standards by hospitals and clinics. There are fewer practitioners and less oversight available if professional standards of care are not met. Harm to many patients may occur over many years before dangerous or fraudulent treatments are discovered.

The stated mission of the New Mexico Medical Board to act in the interest of the public health, safety and welfare and to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine.

Licensing is a screening mechanism used to safeguard and protect the public from health professionals who do not meet the standards set by the NM Legislature and the Medical Practice Act.

As used in HB 544, "currently licensed in good standing" is an ambiguous phrase. "Good standing" may be interpreted as current "good standing" at the time of the NM application. Relying solely on a sister state's lack of action towards a licensed physician (who may have an active license but not be in "good standing") or a foreign credentialing program of unknown authenticity is difficult and unsafe to use as the only determinant for issuing a NM license.

PERFORMANCE IMPLICATIONS

Granting an expedited license immediately without confirmation that a licensee is safe and /or qualified to practice in NM will decrease effectiveness of the New Mexico Medical Board in its

charge to protect the public of New Mexico from the dangerous, unqualified and/ or fraudulent practice of medicine.

ADMINISTRATIVE IMPLICATIONS

The New Mexico Medical Board will need to amend rules regarding expedited licensure.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 243 Interstate Medical Licensure Compact

HB 413 Physician Assistant Licensure Compact

SB 46 Interstate Medical Licensure Compact

SB 172 Immigrant Healthcare Workforce Development

TECHNICAL ISSUES

None for The New Mexico Medical Board

OTHER SUBSTANTIVE ISSUES

None for The New Mexico Medical Board

ALTERNATIVES

The Interstate Medical Licensure Compact and other Healthcare Compacts allow for rapid confirmation of credentials and licensure actions and nearly immediate licensure for participating practitioners.

SB 172 in its current form will provide the NMMB the ability to grant licensure to Foreign Trained Physicians after proper vetting procedures.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico Medical Board believes the residents of New Mexico will be better protected against harmful medical practices by NOT enacting this bill.

AMENDMENTS

None for The New Mexico Medical Board