

LFC Requester:

Lance Chilton

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 23, 2025

Bill No: SB 53

Sponsor: Willaim P. Soules
Short Title: Prescribing Psychologist
Psychotropics

Agency Name and Code Number: Regulations and Licensing
Department - 420

Person Writing Jen Rodriguez
Phone: 505-795-3250 **Email** Jen.rodriguez@rld.nm.gov

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	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	40 + Indeterminate	N/A	40 + Indeterminate	Nonrecurring	Board of Psychologist Examiners

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2024 Senate Bill 127 (2024 SB127)

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 53 (SB53)

SB53 amends the Professional Psychologist Act (Act), Sections 61-9-1 through 19, NMSA 1978 to change the definition of “independently licensed prescribing clinician” in Section 61-9-3(C) to add “prescribing psychologist who has at least four years of independent experience in prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness,”

This change is meant to make the definition of the “independently licensed clinician” in Section 61-9-3(C) agree with the definition of “supervising clinician” in Section 61-9-3(K) which currently includes “...prescribing psychologist who has at least four years of independent experience prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness...:”

"Psychotropic medication" is defined as a controlled substance or dangerous drug that requires a prescription and is used specifically for diagnosing, treating, or managing mental, nervous, emotional, behavioral, substance use, or cognitive disorders. This definition also includes the management of side effects resulting from the use of these medications, ensuring they align with clinical psychopharmacology standards.

SB53 corrects the definition in Section 61-9-3(C) so that it agrees with the definition of “supervising clinician” in Section 61-9-3(K) so that the requirements in Section 61-9-17.1 “Conditional prescription certificate; application requirements; rulemaking by board, issuance, denial, renewal and revocation of certification.” allow for all references to independently licensed clinicians to be “prescribing psychologist who has at least four years of independent experience in prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness,” in the same way that any references to “supervising clinician” also refers to “prescribing psychologist who has at least four years of independent experience in prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness.”

Without this correction, the intent of 2024 SB127 would not have full effect, as “independently licensed clinicians” are named as appropriate supervisors for Section 61-9-17.1 (A)(6)(b) (“practicum requirement”):

“an additional supervised practicum of at least four hundred hours treating no fewer than one hundred patients with mental disorders, the practica to have been supervised by any one or a combination of a psychiatrist or other appropriately trained **independently licensed prescribing clinician** and determined by the board and the New Mexico medical board to be sufficient to competently train the applicant in the treatment of a diverse patient population. One-to-one supervision shall be provided either face-to-face, telephonically or by video conference;”

The statute then goes on to refer to the “supervising clinician” throughout the rest of Section 61-9-17.1 when addressing the independently licensed prescribing clinician that serves as the supervising clinician.

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

FISCAL IMPLICATIONS

A direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if SB53 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 licensing under the Act. Contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system are estimated to be forty thousand dollars (\$40,000) in FY26. Recurring fees to maintain a record of the approved supervisor(s) within NM Plus will also occur.

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 SB53 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

The Prescribing Psychologist Application Committee will have the power to approve a prescribing psychologist, who has at least four years of independent experience in prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness, as the supervising clinician for the practicum requirement for any applicant seeking a conditional prescription certificate.

ADMINISTRATIVE IMPLICATIONS

As noted in the “Fiscal Implications” section (above) enactment of SB53 would necessitate and administrative rulemaking process to be conducted by the Board to adopt rules in accordance with the requirements, procedures and bylaws of the compact and require an enhancement to the current NM Plus online licensing system that is expected to involve contracting expenses of forty thousand dollars (\$40,000) in FY26.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS