

**LFC Requester:**

**Anne Hanika-Ortiz**

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**Analysis.nmlegis.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}*

*Check all that apply:*

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

**Date** 1-30-2025

**Bill No:** SB 104

**Sponsor:** Linda Trujillo and Antoinette Sedillo-Lopez  
**Short Title:** Audiology & Speech Language Pathology Compact

**Agency Name and Code Number:** Regulation 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	recurring	Speech Audiology Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	Unknown*	Unknown*	Recurring	Speech Audiology Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

\* There will be an impact on revenue, however, it is not possible to predict if this will bring in more licensees, or if this will decrease the cost of full licensure.

**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>	N/A	56 + Unknown	16 + Unknown	72 + Unknown	Partially Recurring	Speech Audiology Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

\*\*There could be an impact on operating budget due to an “annual assessment” and fees for “adverse actions in other states” that may be imposed on states as members of the Compact. See Note 2 and Note 4 in the “Fiscal Implications” section below.

Duplicates/Conflicts with/Companion to/Relates to: Duplicate to House Bill 79.

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Senate Bill 104 (SB 104)

SB 104 enacts the Audiology and Speech-Language Pathology Interstate Compact (Compact) “to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services.” The bill would enter New Mexico into the Compact but would preserve the state’s regulatory authority over licensure pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 through 25 NMSA 1978 (Act).

Summaries by Bill Section:

Section 2 of SB 104 states the objectives of the Compact are to: (1) increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses; (2) enhance the states' ability to protect the public's health and safety; (3) encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice; (4) support spouses of relocating active duty military personnel; (5) enhance the exchange of licensure, investigative and disciplinary information among member states; (6) allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and (7) allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

Section 3 provides the working definitions of the terms in the rest of the bill.

Section 4 lays out the requirements for state participation in the Compact. Participant states must recognize the licenses issued by a member state, member states must ask applicants to submit to a federal background check, member states must determine if applicants have any adverse actions on their record, require applicants to designate a home state and obtain licensure in the home state, grant enumerated compact privileges to qualified licensees holding a valid license in another state,

and recognize right to practice in a member state via telehealth. Section 4 also sets out minimum requirements for licensure and qualification to participate in compact privileges. The bill allows member states to: (1) charge a fee for granting a compact privilege; (2) grant a single state license without granting compact privileges to individuals not residing in a member state; and (3) comply with the bylaws and rules and regulations of the Compact Commission.

Section 5 provides the basis upon which compact privileges may be exercised by various licensees, and how the member states must monitor and regulate licensees with compact privileges pursuant to the Compact.

Section 6 requires member states to allow the practice of telehealth by any licensee with compact privileges.

Section 7 requires active-duty personnel and their spouses to designate a home state where the individual has a current license in good standing, allowing only for change of the designated home state through application for licensure in the new state.

Section 8 sets out the criteria and authority upon which a remote state may impose adverse actions against a privilege to practice in a member state, authorizes joint investigation if necessary, and requires member states to prioritize addressing reported adverse conduct with its own state laws to determine appropriate action. All actions taken must be reported to the administrator of the data system for the Compact.

Section 9 establishes the Audiology and Speech-Language Compact Commission (Compact Commission) as a joint public agency and as an “instrumentality of the compact states,” and allowing two delegates, one an audiologist, and the other a speech language pathologist, from each member state, to serve on the Compact Commission. This section outlines the duties of the Compact Commission.

Section 10 provides qualified immunity, defense and indemnification to the Compact Commission members, officers, executive director, employees and representatives personally and in their official capacity from all civil liability provided the act was not intentional, willful or wanton misconduct.

Section 11 requires the Compact Commission to establish and maintain a data system.

Section 12 establishes rulemaking powers for the Compact Commission and sets the procedure the Compact Commission must follow.

Section 13 lays out the procedure for oversight, dispute resolution and enforcement of the terms of the Compact.

Sections 14, 15, and 16 are information on the date of implementation, construction and severability of the language, and the binding effect of the Compact.

The effective date of the legislation is July 1, 2025.

## **FISCAL IMPLICATIONS**

NOTE 1: A direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if SB 104 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.

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 SB 104 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

NOTE 2: The New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board (Board) “may” be required to pay an annual assessment based on a formula to be determined by the audiology and speech-language pathology compact commission. The RLD is unable to determine at this time what the dollar amount of that annual assessment would be, or if it will actually be imposed in any given fiscal year.

NOTE 3: If SB 104 is enacted, the Board may incur out-of-state travel expenses for its compact commission delegate members to attend annual meetings. It is unclear whether the travel costs will be covered by the Compact Commission, the attending delegates, or the Board itself. However, there is a possibility that expenses for two delegates’ attendance will need to be covered. If the Board is responsible for these costs, the potential expenses—such as airfare, hotel, meals, Uber, taxi, etc.—are unknown at this time but are estimated to cost a minimum of \$2,000 per day for two (2) delegates each year, with an estimated four (4) days of travel and attendance each year. Therefore, the RLD anticipates a resulting expense of sixteen thousand dollars (\$16,000) per year in FY26 and future years.

NOTE 4: With respect to Section 8 of the bill, “Adverse Actions,” the issuing state would incur expenses related to taking adverse action against an audiologist or speech-language pathologist’s privilege to practice within a member state. The issuing state is responsible for paying any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located. Potential expenses that may be incurred by the RLD on behalf of the Board under this provision cannot be reasonably estimated at this time.

## **SIGNIFICANT ISSUES**

### **PERFORMANCE IMPLICATIONS**

The Board has indicated strong support for the bill. The Board believes it will improve access to patient care by: (1) making the state more attractive to current practitioners residing outside of New Mexico with plans to relocate to the state; and (2) increasing access to telehealth services for underserved and rural areas of the state.

### **ADMINISTRATIVE IMPLICATIONS**

As noted in the “Fiscal Implications” section (above) enactment of SB 104 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.

Federal Background Checks and Fingerprinting will need to be implemented. This would be an addition to our existing contract for these services.

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

Other jurisdictions may have less strenuous standards (based on current excluded state list on the expedited statute) than the state of New Mexico and practitioners would be allowed to practice in our state while meeting a lesser standard for experience and training than is currently required in New Mexico.

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

Without passing this legislation, the state of New Mexico may be seen as being less competitive, as many states in the surrounding area have joined the compact. Additionally, there will likely be economic repercussions due to lack of healthcare providers and continued lack of health care accessibility in underserved and rural areas if the bill is not enacted.

According to *Think New Mexico*, 33 states have joined the Compact. New Mexico may be placed at a disadvantage in its ability to attract Speech-Language Pathologists and Audiologists to practice in our state without this legislation.

## **AMENDMENTS**