

HOUSE BILL 178

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Doreen Y. Gallegos and Pamelya Herndon and D. Wonda Johnson
and Janelle Anyanonu and Dayan Hochman-Vigil

AN ACT

RELATING TO HEALTH; AMENDING SECTIONS OF THE NURSING PRACTICE
ACT TO CLARIFY THE SCOPE OF PRACTICE FOR DIFFERENT CATEGORIES
OF LICENSED NURSES REGARDING THE ADMINISTRATION OF GENERAL
ANESTHESIA, ANESTHETICS AND SEDATIVES; MAKING CHANGES TO THE
LICENSING PROCESS; EXPANDING THE POWERS AND DUTIES OF THE BOARD
OF NURSING; MODIFYING THE ADMINISTRATION OF CERTAIN
DISCIPLINARY PROCESSES; REQUIRING THE CONFIDENTIALITY OF
COMMUNICATIONS RELATING TO POTENTIAL DISCIPLINARY ACTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-3-3 NMSA 1978 (being Laws 1991,
Chapter 190, Section 2, as amended) is amended to read:

"61-3-3. DEFINITIONS.--As used in the Nursing Practice
Act:

A. "advanced practice" means the practice of

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1 professional registered nursing by a registered nurse who has
2 been prepared through additional formal education as provided
3 in Sections 61-3-23.2 through 61-3-23.4 NMSA 1978 to function
4 beyond the scope of practice of professional registered
5 nursing, including certified nurse practitioners, certified
6 registered nurse anesthetists and certified clinical nurse
7 specialists;

8 B. "advanced practice registered nurse" means a
9 certified nurse practitioner, certified registered nurse
10 anesthetist or certified clinical nurse specialist licensed
11 pursuant to the Nursing Practice Act;

12 C. "anesthetics" means a substance that causes the
13 entire or partial loss of the feeling of pain, temperature or
14 other sensations, with or without the loss of consciousness,
15 including topical, local or intravenous anesthetics but
16 excluding general anesthesia;

17 D. "artificial intelligence" means a broad category
18 of existing, emerging and future digital technologies that
19 involves using algorithms to drive the behavior of agents such
20 as software programs, machines and robotics;

21 ~~[B.]~~ E. "board" means the board of nursing;

22 ~~[C.]~~ F. "certified hemodialysis technician" means a
23 person who is certified by the board to assist in the direct
24 care of a patient undergoing hemodialysis, under the
25 supervision and at the direction of a registered nurse or a

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1 licensed practical nurse, according to the rules adopted by the
2 board;

3 ~~[D.]~~ G. "certified medication aide" means a person
4 who is certified by the board to administer medications under
5 the supervision and at the direction of a registered nurse or a
6 licensed practical nurse, according to the rules adopted by the
7 board;

8 ~~[E.]~~ H. "certified nurse practitioner" means a
9 registered nurse who is licensed by the board for advanced
10 practice as a certified nurse practitioner and whose name and
11 pertinent information are entered on the list of certified
12 nurse practitioners maintained by the board;

13 ~~[F.]~~ I. "certified registered nurse anesthetist"
14 means a registered nurse who is licensed by the board for
15 advanced practice as a certified registered nurse anesthetist
16 and whose name and pertinent information are entered on the
17 list of certified registered nurse anesthetists maintained by
18 the board;

19 ~~[G.]~~ J. "certified clinical nurse specialist" means
20 a registered nurse who is licensed by the board for advanced
21 practice as a certified clinical nurse specialist and whose
22 name and pertinent information are entered on the list of
23 certified clinical nurse specialists maintained by the board;

24 ~~[H.]~~ K. "collaboration" means the cooperative
25 working relationship with another health care provider in the

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1 provision of patient care, and such collaborative practice
2 includes the discussion of patient diagnosis and cooperation in
3 the management and delivery of health care;

4 L. "general anesthesia" means a drug-induced loss
5 of consciousness where:

6 (1) patients are not arousable, even by
7 painful stimulation;

8 (2) the ability to maintain an adequate airway
9 and respiratory function is affected; and

10 (3) the cardiovascular function may be
11 impaired;

12 ~~[F.]~~ M. "licensed practical nurse" means a nurse
13 who practices licensed practical nursing and whose name and
14 pertinent information are entered in the register of licensed
15 practical nurses maintained by the board or a nurse who
16 practices licensed practical nursing pursuant to a multistate
17 licensure privilege as provided in the Nurse Licensure Compact;

18 ~~[J.]~~ N. "licensed practical nursing" means the
19 practice of a directed scope of nursing requiring basic
20 knowledge of the biological, physical, social and behavioral
21 sciences and nursing procedures, which practice is at the
22 direction of a registered nurse, physician or dentist licensed
23 to practice in this state. This practice includes but is not
24 limited to:

25 (1) contributing to the assessment of the

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1 health status of individuals, families and communities;

2 (2) participating in the development and
3 modification of the plan of care;

4 (3) implementing appropriate aspects of the
5 plan of care commensurate with education and verified
6 competence;

7 (4) collaborating with other health care
8 professionals in the management of health care; and

9 (5) participating in the evaluation of
10 responses to interventions;

11 ~~[K.]~~ O. "Nurse Licensure Compact" means the
12 agreement entered into between New Mexico and other
13 jurisdictions permitting the practice of professional
14 registered nursing or licensed practical nursing pursuant to a
15 multistate licensure privilege;

16 ~~[L.]~~ P. "nursing diagnosis" means a clinical
17 judgment about individual, family or community responses to
18 actual or potential health problems or life processes, which
19 judgment provides a basis for the selection of nursing
20 interventions to achieve outcomes for which the person making
21 the judgment is accountable;

22 ~~[M.]~~ Q. "practice of nursing" means assisting
23 individuals, families or communities in maintaining or
24 attaining optimal health, assessing and implementing a plan of
25 care to accomplish defined goals and evaluating responses to

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1 care and treatment. This practice is based on specialized
2 knowledge, judgment and nursing skills acquired through
3 educational preparation in nursing and in the biological,
4 physical, social and behavioral sciences and includes but is
5 not limited to:

- 6 (1) initiating and maintaining comfort
7 measures;
- 8 (2) promoting and supporting optimal human
9 functions and responses;
- 10 (3) establishing an environment conducive to
11 well-being or to the support of a dignified death;
- 12 (4) collaborating on the health care regimen;
- 13 (5) administering medications and performing
14 treatments prescribed by a person authorized in this state or
15 in any other state in the United States to prescribe them;
- 16 (6) recording and reporting nursing
17 observations, assessments, interventions and responses to
18 health care;
- 19 (7) providing counseling and health teaching;
- 20 (8) delegating and supervising nursing
21 interventions that may be performed safely by others and are
22 not in conflict with the Nursing Practice Act; and
- 23 (9) maintaining accountability for safe and
24 effective nursing care;

25 [N.] R. "professional registered nursing" means the

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1 practice of the full scope of nursing requiring substantial
2 knowledge of the biological, physical, social and behavioral
3 sciences and of nursing theory and may include advanced
4 practice pursuant to the Nursing Practice Act. This practice
5 includes but is not limited to:

- 6 (1) assessing the health status of
7 individuals, families and communities;
- 8 (2) establishing a nursing diagnosis;
- 9 (3) establishing goals to meet identified
10 health care needs;
- 11 (4) developing a plan of care;
- 12 (5) determining nursing intervention to
13 implement the plan of care;
- 14 (6) implementing the plan of care commensurate
15 with education and verified competence;
- 16 (7) evaluating responses to interventions;
- 17 (8) teaching based on the theory and practice
18 of nursing;
- 19 (9) managing and supervising the practice of
20 nursing;
- 21 (10) collaborating with other health care
22 professionals in the management of health care; and
- 23 (11) conducting nursing research;

24 [0.] S. "registered nurse" means a nurse who
25 practices professional registered nursing and whose name and

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1 pertinent information are entered in the register of licensed
2 registered nurses maintained by the board or a nurse who
3 practices professional registered nursing pursuant to a
4 multistate licensure privilege as provided in the Nurse
5 Licensure Compact;

6 [P.] T. "scope of practice" means the parameters
7 within which nurses practice based upon education, experience,
8 licensure, certification and expertise; [~~and~~

9 Q.] U. "sedation" means the administration of
10 medication to produce various levels of calmness, relaxation or
11 sleep, including:

12 (1) minimum sedation, during which a patient
13 responds normally to verbal commands and may have impaired
14 cognitive function or coordination and respiratory and
15 cardiovascular functions remain stable;

16 (2) moderate sedation, during which a patient
17 responds purposefully to verbal commands, either alone or
18 accompanied by light tactile stimulation; respiratory functions
19 remain stable; and cardiovascular functions are usually
20 maintained;

21 (3) deep sedation, during which a patient
22 cannot be easily aroused but responds purposefully, following
23 repeated or painful stimulation; respiratory functions may be
24 impaired, requiring assistance in maintaining the airway,
25 including intubation and mechanical ventilation; and

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1 cardiovascular functions are usually maintained; or
2 (4) palliative sedation, an end-of-life
3 intervention used to provide a patient with relief of symptoms
4 that cannot be controlled in a tolerable time frame despite the
5 use of therapies and that are unlikely to be controlled by
6 further therapies without excessive, intolerable, acute or
7 chronic side effects or complications, but not to intentionally
8 hasten death; and

9 V. "training program" means an educational program
10 approved by the board."

11 SECTION 2. Section 61-3-6 NMSA 1978 (being Laws 1973,
12 Chapter 149, Section 2, as amended) is amended to read:

13 "61-3-6. ADMINISTRATION OF ANESTHETICS, SEDATIVES AND
14 GENERAL ANESTHESIA.--~~[It is unlawful for any person, other than~~
15 ~~a person licensed in New Mexico to practice medicine,~~
16 ~~osteopathy or dentistry or]~~

17 A. A currently licensed certified registered nurse
18 anesthetist [tø] may administer [anesthetics] general
19 anesthesia to any person. ~~[Nothing in this section prohibits]~~

20 B. A [person] registered nurse currently licensed
21 pursuant to the Nursing Practice Act ~~[from using hypnosis or~~
22 ~~from administering local]~~ may, upon the successful completion
23 of required training programs, administer anesthetics or
24 moderate sedation to any person."

25 SECTION 3. Section 61-3-9 NMSA 1978 (being Laws 1968,

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1 Chapter 44, Section 6, as amended) is amended to read:

2 "61-3-9. BOARD MEETINGS--QUORUM--OFFICERS.--

3 A. The board shall annually elect a [~~chairman~~
4 chair, vice [~~chairman~~] chair and secretary from its entire
5 membership.

6 B. The board shall meet at least once every three
7 months. Special meetings may be called by the [~~chairman~~] chair
8 and shall be called upon the written request of three or more
9 members of the board. Notification of special meetings shall
10 be made by certified mail unless such notice is waived by the
11 entire board and noted in the minutes. Notice of all regular
12 meetings shall be made by regular mail at least ten days prior
13 to the meeting, and copies of the minutes of all meetings shall
14 be mailed to each board member within thirty days after any
15 meeting.

16 C. A majority of the board, including at least one
17 officer, constitutes a quorum."

18 SECTION 4. Section 61-3-10 NMSA 1978 (being Laws 1968,
19 Chapter 44, Section 7, as amended) is amended to read:

20 "61-3-10. POWERS--DUTIES.--The board:

21 A. shall promulgate rules in accordance with the
22 State Rules Act as necessary to enable it to carry into effect
23 the provisions of the Nursing Practice Act and to maintain high
24 standards of practice;

25 B. shall prescribe standards and approve curricula

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1 for educational programs preparing persons for licensure under
2 the Nursing Practice Act;

3 C. shall provide for surveys of educational
4 programs preparing persons for licensure under the Nursing
5 Practice Act;

6 D. shall grant, deny or withdraw approval from
7 educational programs for failure to meet prescribed standards,
8 if a majority of the board concurs in the decision;

9 E. shall provide for the examination, licensing and
10 renewal of licenses of applicants;

11 F. shall conduct hearings upon charges relating to
12 discipline of a licensee or nurse not licensed to practice in
13 New Mexico who is permitted to practice professional registered
14 nursing or licensed practical nursing in New Mexico pursuant to
15 a multistate licensure privilege as provided in the Nurse
16 Licensure Compact;

17 G. shall conduct hearings upon charges related to
18 an applicant or discipline of a licensee or the denial,
19 suspension or revocation of a license in accordance with the
20 procedures of the Uniform Licensing Act;

21 H. shall cause the prosecution of persons violating
22 the Nursing Practice Act and have the power to incur such
23 expense as is necessary for the prosecution;

24 I. shall keep a record of all proceedings;

25 J. shall make an annual report to the governor;

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1 K. shall appoint and employ a qualified registered
2 nurse, who shall not be a member of the board, to serve as
3 executive officer to the board, and the board shall define the
4 duties and responsibilities of the executive officer except
5 that the power to grant, deny or withdraw approval for schools
6 of nursing or to revoke, suspend or withhold a license
7 authorized by the Nursing Practice Act shall not be delegated
8 by the board;

9 L. shall provide for such qualified assistants as
10 may be necessary to carry out the provisions of the Nursing
11 Practice Act. Such employees shall be paid a salary
12 commensurate with their duties;

13 M. shall, for the purpose of protecting the health
14 and well-being of residents of New Mexico and promoting current
15 nursing knowledge and practice, promulgate rules establishing
16 continuing education requirements as a condition of license
17 renewal and shall study methods of monitoring continuing
18 competence;

19 N. may appoint advisory committees consisting of at
20 least one member who is a board member and at least two members
21 who are expert in the pertinent field of health care to assist
22 it in the performance of its duties. Committee members may be
23 reimbursed as provided in the Per Diem and Mileage Act;

24 O. may promulgate rules designed to maintain an
25 inactive status listing for registered nurses and licensed

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1 practical nurses, including designating an inactive reserve
2 category for registered nurses and licensed practical nurses
3 for activation during an emergency for limited functions at no
4 cost to the nurse;

5 P. may promulgate rules to regulate the advanced
6 practice of professional registered nursing and expanded
7 practice of licensed practical nursing;

8 Q. shall license qualified certified nurse
9 practitioners, certified registered nurse anesthetists and
10 certified clinical nurse specialists;

11 R. shall register nurses not licensed to practice
12 in New Mexico who are permitted to practice professional
13 registered nursing or licensed practical nursing in New Mexico
14 pursuant to a multistate licensure privilege as provided in the
15 Nurse Licensure Compact;

16 S. shall promulgate rules establishing standards
17 for authorizing prescriptive authority to certified nurse
18 practitioners, certified clinical nurse specialists and
19 certified registered nurse anesthetists; ~~[and]~~

20 T. shall determine by rule the states and
21 territories of the United States or the District of Columbia
22 from which it will not accept an applicant for expedited
23 licensure and shall determine any foreign countries from which
24 it will accept an applicant for expedited licensure. The board
25 shall post the lists of unapproved and approved licensing

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1 jurisdictions on the board's website. The list of disapproved
2 licensing jurisdictions shall include the specific reasons for
3 disapproval. The lists shall be reviewed annually to determine
4 if amendments to the rule are warranted;

5 U. shall promulgate a rule creating a retired
6 registered nurse license category without a licensing fee for
7 retired registered nurses who can serve on advisory and
8 policymaking community and nonprofit organization boards;

9 V. shall ensure that New Mexico nursing data
10 collected by the board is owned by the board;

11 W. shall develop and maintain a system that assists
12 all schools of nursing with the coordination of pre-licensure
13 clinical placements;

14 X. shall provide a nurse applying for a first-time
15 license a single-state license; and upon renewal, a nurse may
16 apply for a multistate license for an additional fee; and

17 Y. shall promulgate rules establishing standards
18 for the use of artificial intelligence in nursing."

19 SECTION 5. Section 61-3-14 NMSA 1978 (being Laws 1968,
20 Chapter 44, Section 11, as amended) is amended to read:

21 "61-3-14. LICENSURE OF REGISTERED NURSES--BY
22 EXAMINATION--EXPEDITED LICENSURE.--

23 A. Applicants for licensure by examination shall be
24 required to pass the national licensing examination for
25 registered nurses. [The] An applicant who successfully passes

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1 the examination and submits a completed application may be
2 issued by the board a license to practice as a registered
3 nurse.

4 B. The board shall issue an expedited license to
5 practice professional registered nursing without an examination
6 to an applicant who has been duly licensed in another licensing
7 jurisdiction and holds a valid, unrestricted license and is in
8 good standing with the licensing board in that licensing
9 jurisdiction. The board shall expedite the issuance of a
10 license in accordance with Section 61-1-31.1 NMSA 1978 within
11 thirty days. If the board issues an expedited license to a
12 person whose prior licensing jurisdiction did not require
13 examination, the board may require that person to pass an
14 examination before applying for license renewal.

15 C. An applicant licensed under the laws of a
16 territory or foreign country shall demonstrate proficiency in
17 English."

18 SECTION 6. Section 61-3-16 NMSA 1978 (being Laws 1968,
19 Chapter 44, Section 13, as amended) is amended to read:

20 "61-3-16. FEES FOR LICENSURE AS A REGISTERED NURSE.--
21 Except as provided in Section 61-1-34 NMSA 1978, an applicant
22 for licensure as a registered nurse shall pay the following
23 nonrefundable fees:

24 A. for licensure without examination, a fee not to
25 exceed [~~one hundred fifty dollars (\$150)~~] two hundred dollars

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1 (\$200);

2 B. for licensure by examination when the
3 examination is the first for the applicant in this state, a fee
4 not to exceed one hundred fifty dollars (\$150);

5 C. for licensure by examination when the
6 examination is other than the first examination, a fee not to
7 exceed sixty dollars (\$60.00); ~~[and]~~

8 D. for initial licensure as a certified nurse
9 practitioner, certified registered nurse anesthetist or
10 certified clinical nurse specialist, a fee not to exceed ~~[one~~
11 ~~hundred dollars (\$100)]~~ two hundred dollars (\$200). This fee
12 shall be in addition to the fee paid for registered nurse
13 licensure; and

14 E. the board may waive the fee for an initial
15 license for a registered nurse who has graduated from a New
16 Mexico public school of nursing."

17 SECTION 7. Section 61-3-19 NMSA 1978 (being Laws 1968,
18 Chapter 44, Section 16, as amended) is amended to read:

19 "61-3-19. LICENSURE OF LICENSED PRACTICAL NURSES--BY
20 EXAMINATION--BY EXPEDITED LICENSURE.--

21 A. Applicants for licensure by examination shall be
22 required to pass the national licensing examination for
23 licensed practical nurses. ~~[The]~~ An applicant who passes the
24 examination and submits a completed application may be issued a
25 license by the board ~~[a license]~~ to practice as a licensed

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1 practical nurse.

2 B. The board shall issue an expedited license as a
3 licensed practical nurse without an examination to an applicant
4 who has been duly licensed in another licensing jurisdiction
5 and holds a valid, unrestricted license and is in good standing
6 with the licensing board in that licensing jurisdiction. The
7 board shall expedite the issuance of a license in accordance
8 with Section 61-1-31.1 NMSA 1978 within thirty days. If the
9 board issues an expedited license to a person whose prior
10 licensing jurisdiction did not require examination, the board
11 may require that person to pass an examination before applying
12 for license renewal.

13 C. An applicant licensed under the laws of a
14 territory or foreign country shall demonstrate proficiency in
15 English.

16 D. The board may waive the fee for an initial
17 license for an applicant who has graduated from a New Mexico
18 public school of nursing."

19 SECTION 8. Section 61-3-23.2 NMSA 1978 (being Laws 1991,
20 Chapter 190, Section 14, as amended) is amended to read:

21 "61-3-23.2. CERTIFIED NURSE PRACTITIONER--
22 QUALIFICATIONS--PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED
23 LICENSURE.--

24 A. The board may license for advanced practice as a
25 certified nurse practitioner an applicant who furnishes

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1 evidence satisfactory to the board that the applicant:

2 (1) is a registered nurse;

3 (2) has successfully completed a program for
4 the education and preparation of nurse practitioners; provided
5 that, if the applicant is initially licensed by the board or a
6 board in another jurisdiction after January 1, 2001, the
7 program shall be at the master's level or higher;

8 (3) has successfully completed the national
9 certifying examination in the applicant's specialty area; and

10 (4) is certified by a national nursing
11 organization.

12 B. Certified nurse practitioners may:

13 (1) perform an advanced practice that is
14 beyond the scope of practice of professional registered
15 nursing;

16 (2) practice independently and make decisions
17 regarding health care needs of the individual, family or
18 community and carry out health regimens, including the
19 prescription and distribution of dangerous drugs and controlled
20 substances included in Schedules II through V of the Controlled
21 Substances Act; and

22 (3) serve as a primary, acute, chronic, long-
23 term and end-of-life health care provider and, as necessary,
24 collaborate with licensed medical doctors, osteopathic
25 physicians or ~~[podiatrists]~~ podiatric physicians.

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1 C. Certified nurse practitioners who have fulfilled
2 requirements for prescriptive authority may prescribe in
3 accordance with rules [~~guidelines and formularies for~~
4 ~~individual certified nurse practitioners~~] promulgated by the
5 board.

6 D. Certified nurse practitioners who have fulfilled
7 requirements for prescriptive authority may distribute to their
8 patients dangerous drugs and controlled substances included in
9 Schedules II through V of the Controlled Substances Act that
10 have been prepared, packaged or fabricated by a registered
11 pharmacist or doses of drugs that have been prepackaged by a
12 pharmaceutical manufacturer in accordance with the Pharmacy Act
13 and the New Mexico Drug, Device and Cosmetic Act.

14 E. Certified nurse practitioners licensed by the
15 board on and after December 2, 1985 shall successfully complete
16 a national certifying examination and shall maintain national
17 professional certification in their specialty area. Certified
18 nurse practitioners licensed by a board prior to December 2,
19 1985 are not required to sit for a national certification
20 examination or be certified by a national organization.

21 F. The board shall issue an expedited license to an
22 applicant without an examination if the person has been duly
23 licensed as a certified nurse practitioner in another licensing
24 jurisdiction and is in good standing with the licensing board
25 in that licensing jurisdiction. The board shall expedite the

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1 issuance of the license in accordance with Section 61-1-31.1
2 NMSA 1978 within thirty days. If the board issues an expedited
3 license to a person whose prior licensing jurisdiction did not
4 require examination, the board may require that person to pass
5 an examination before applying for license renewal. An
6 applicant licensed under the laws of a territory or foreign
7 country shall demonstrate proficiency in English."

8 SECTION 9. Section 61-3-23.4 NMSA 1978 (being Laws 1991,
9 Chapter 190, Section 16, as amended) is amended to read:

10 "61-3-23.4. CERTIFIED CLINICAL NURSE SPECIALIST--
11 QUALIFICATIONS--ENDORSEMENT--EXPEDITED LICENSURE.--

12 A. The board may license for advanced practice as a
13 certified clinical nurse specialist an applicant who furnishes
14 evidence satisfactory to the board that the applicant:

- 15 (1) is a registered nurse;
- 16 (2) has a master's degree or doctoral degree
17 in a defined clinical nursing specialty;
- 18 (3) has successfully completed a national
19 certifying examination in the applicant's area of specialty;
20 and
- 21 (4) is certified by a national nursing
22 organization.

23 B. Certified clinical nurse specialists may:

- 24 (1) perform an advanced practice that is
25 beyond the scope of practice of professional registered

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1 nursing;

2 (2) make independent decisions in a
3 specialized area of nursing practice using expert knowledge
4 regarding the health care needs of the individual, family and
5 community, collaborating as necessary with other members of the
6 health care team when the health care need is beyond the scope
7 of practice of the certified clinical nurse specialist; and

8 (3) carry out therapeutic regimens in the area
9 of specialty practice, including the prescription and
10 distribution of dangerous drugs.

11 C. A certified clinical nurse specialist who has
12 fulfilled the requirements for prescriptive authority in the
13 area of specialty practice is authorized to prescribe,
14 administer and distribute therapeutic measures, including
15 dangerous drugs and controlled substances included in Schedules
16 II through V of the Controlled Substances Act within the scope
17 of specialty practice, including controlled substances pursuant
18 to the Controlled Substances Act that have been prepared,
19 packaged or fabricated by a registered pharmacist or doses of
20 drugs that have been prepackaged by a pharmaceutical
21 manufacturer in accordance with the Pharmacy Act and the New
22 Mexico Drug, Device and Cosmetic Act.

23 D. Certified clinical nurse specialists who have
24 fulfilled the requirements for prescriptive authority in the
25 area of specialty practice may prescribe in accordance with

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1 rules [~~guidelines and formularies based on scope of practice~~
2 ~~and clinical setting for individual clinical nurse specialists~~]
3 promulgated by the board.

4 E. Certified clinical nurse specialists licensed by
5 the board shall maintain certification in their specialty area.

6 F. The board shall issue an expedited license to an
7 applicant without an examination if the person has been duly
8 licensed as a certified clinical nurse specialist in another
9 licensing jurisdiction and is in good standing with the
10 licensing board in that licensing jurisdiction. The board
11 shall expedite the issuance of the license in accordance with
12 Section 61-1-31.1 NMSA 1978 within thirty days. If the board
13 issues an expedited license to a person whose prior licensing
14 jurisdiction did not require examination, the board may require
15 that person to pass an examination before applying for license
16 renewal. An applicant licensed under the laws of a territory
17 or foreign country shall demonstrate proficiency in English."

18 SECTION 10. Section 61-3-24 NMSA 1978 (being Laws 1968,
19 Chapter 44, Section 20, as amended) is amended to read:

20 "61-3-24. RENEWAL OF LICENSES.--

21 A. Any person licensed pursuant to the provisions
22 of the Nursing Practice Act who intends to continue practice
23 shall renew the license every two years by the end of the
24 applicant's renewal month and shall show proof of continuing
25 education as required by the board except when on active

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1 military duty during a military action.

2 B. Upon receipt of the application and, except as
3 provided in Section 61-1-34 NMSA 1978, a fee, in an amount not
4 to exceed [~~one hundred ten dollars (\$110)~~] one hundred fifty
5 dollars (\$150), a license valid for two years shall be issued.
6 Upon initial licensure, or upon renewal, a licensee may apply
7 for a multistate license for an additional fee not to exceed
8 fifty dollars (\$50.00).

9 C. Upon receipt of the application and any required
10 fee, the board shall verify the licensee's eligibility for
11 continued licensure and issue to the applicant a renewal
12 license for two years.

13 D. A person who allows a license to lapse shall be
14 reinstated by the board on payment of any required fee for the
15 current two years plus a reinstatement fee not to exceed two
16 hundred dollars (\$200), provided that all other requirements
17 are met."

18 SECTION 11. Section 61-3-28 NMSA 1978 (being Laws 1968,
19 Chapter 44, Section 24, as amended) is amended to read:

20 "61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--
21 APPLICATION OF UNIFORM LICENSING ACT--LIMITATION.--

22 A. In accordance with the procedures contained in
23 the Uniform Licensing Act, the board may deny, revoke or
24 suspend any license held or applied for under the Nursing
25 Practice Act, reprimand or place a licensee on probation or

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1 deny, limit or revoke the multistate licensure privilege of a
2 nurse desiring to practice or practicing professional
3 registered nursing or licensed practical nursing as provided in
4 the Nurse Licensure Compact upon grounds that the licensee,
5 applicant or nurse:

6 (1) is guilty of fraud or deceit in procuring
7 or attempting to procure a license or certificate of
8 registration;

9 (2) is convicted of a felony;

10 (3) is unfit or incompetent;

11 (4) ~~[is intemperate or]~~ is addicted to the use
12 of habit-forming ~~[drugs]~~ substances;

13 (5) is mentally incompetent;

14 (6) is guilty of unprofessional conduct as
15 defined by the rules ~~[and regulations]~~ adopted by the board
16 pursuant to the Nursing Practice Act;

17 (7) has willfully or repeatedly violated any
18 provisions of the Nursing Practice Act, including any rule ~~[or~~
19 ~~regulation]~~ adopted by the board pursuant to that act;

20 (8) was licensed to practice nursing in any
21 jurisdiction, territory or possession of the United States or
22 another country and was the subject of disciplinary action as a
23 licensee for acts similar to acts described in this subsection.
24 A certified copy of the record of the jurisdiction, territory
25 or possession of the United States or another country taking

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1 the disciplinary action is conclusive evidence of the action;
2 or

3 (9) uses conversion therapy on a minor.

4 B. Disciplinary proceedings may be instituted by
5 any person, shall be by complaint and shall conform with the
6 provisions of the Uniform Licensing Act. Any party to the
7 hearing may obtain a copy of the hearing record upon payment of
8 costs for the copy.

9 C. All written and oral communications made by any
10 person to the board relating to potential disciplinary action,
11 including complaints made to the board, are confidential
12 communications and are not public records for the purposes of
13 the Public Records Act. All data, communications and
14 information acquired, prepared or disseminated by the board
15 relating to actual or potential disciplinary action or an
16 investigation of complaints shall not be disclosed except to
17 the extent necessary for:

18 (1) carrying out the purposes of the board;

19 (2) appealing the actions of the board to a
20 court of law; or

21 (3) referring the case to law enforcement
22 agencies, national database clearinghouses or other licensing
23 boards.

24 [~~C.~~] D. Any person filing a complaint shall be
25 immune from liability arising out of civil action if the

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1 complaint is filed with reasonable care.

2 ~~[D-]~~ E. The board shall not initiate a disciplinary
3 action more than two years after the date that it receives a
4 complaint.

5 ~~[E-]~~ F. The time limitation contained in Subsection
6 ~~[D]~~ E of this section shall not be tolled by any civil or
7 criminal litigation in which the licensee or applicant is a
8 party, arising substantially from the same facts, conduct,
9 transactions or occurrences that would be the basis for the
10 board's disciplinary action.

11 ~~[F-]~~ G. The board may recover the costs associated
12 with the investigation and disposition of a disciplinary
13 proceeding from the nurse who is the subject of the proceeding
14 if the nurse is practicing professional registered nursing or
15 licensed practical nursing pursuant to a multistate licensure
16 privilege as provided in the Nurse Licensure Compact.

17 ~~[G-]~~ H. As used in this section:

18 (1) "conversion therapy" means any practice or
19 treatment that seeks to change a person's sexual orientation or
20 gender identity, including any effort to change behaviors or
21 gender expressions or to eliminate or reduce sexual or romantic
22 attractions or feelings toward persons of the same sex.

23 "Conversion therapy" does not mean:

24 (a) counseling or mental health services
25 that provide acceptance, support and understanding of a person

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1 without seeking to change gender identity or sexual
2 orientation; or

3 (b) mental health services that
4 facilitate a person's coping, social support, sexual
5 orientation or gender identity exploration and development,
6 including an intervention to prevent or address unlawful
7 conduct or unsafe sexual practices, without seeking to change
8 gender identity or sexual orientation;

9 (2) "gender identity" means a person's self-
10 perception, or perception of that person by another, of the
11 person's identity as a male or female based upon the person's
12 appearance, behavior or physical characteristics that are in
13 accord or opposed to the person's physical anatomy, chromosomal
14 sex or sex at birth;

15 (3) "minor" means a person under eighteen
16 years of age; and

17 (4) "sexual orientation" means
18 heterosexuality, homosexuality or bisexuality, whether actual
19 or perceived."

20 SECTION 12. Section 61-3-29.1 NMSA 1978 (being Laws 1987,
21 Chapter 285, Section 1, as amended) is amended to read:

22 "61-3-29.1. [~~DIVERSION~~] ALTERNATIVE TO DISCIPLINE PROGRAM
23 CREATED--ADVISORY COMMITTEE--RENEWAL FEE--REQUIREMENTS--
24 IMMUNITY FROM CIVIL ACTIONS.--

25 A. The board shall establish [~~a diversion~~] an

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1 alternative to discipline program to rehabilitate nurses whose
2 competencies may be impaired because of the [~~abuse of drugs or~~
3 ~~alcohol~~] use of habit-forming substances so that nurses can be
4 treated and returned to or continue the practice of nursing in
5 a manner that will benefit the public. The intent of the
6 [~~diversion~~] alternative to discipline program is to develop a
7 voluntary alternative to traditional disciplinary actions and
8 an alternative to lengthy and costly investigations and
9 administrative proceedings against such nurses, at the same
10 time providing adequate safeguards for the public.

11 B. The board shall appoint one or more evaluation
12 committees, hereinafter called "regional advisory committees",
13 each of which shall be composed of members with expertise in
14 chemical dependency. At least one member shall be a registered
15 nurse. No current member of the board shall be appointed to a
16 regional advisory committee. The executive officer of the
17 board or the executive officer's designee shall be the liaison
18 between each regional advisory committee and the board.

19 C. Each regional advisory committee shall function
20 under the direction of the board and in accordance with
21 [~~regulations~~] rules of the board. The [~~regulations~~] rules
22 shall include directions to a regional advisory committee to:

23 (1) establish criteria for continuance in the
24 program;

25 (2) develop a written [~~diversion~~] alternative

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1 to discipline program contract to be approved by the board that
2 sets forth the requirements that shall be met by the nurse and
3 the conditions under which the [~~diversion~~] alternative to
4 discipline program may be successfully completed or terminated;

5 (3) recommend to the board in favor of or
6 against each nurse's discharge from the [~~diversion~~] alternative
7 to discipline program;

8 (4) evaluate each nurse's progress in recovery
9 and compliance with the nurse's [~~diversion~~] alternative to
10 discipline program contract;

11 (5) report violations to the board;

12 (6) submit an annual report to the board; and

13 (7) coordinate educational programs and
14 research related to [~~chemically dependent~~] nurses addicted to
15 the use of habit-forming substances.

16 D. The board may increase the renewal fee for each
17 nurse in the state not to exceed twenty dollars (\$20.00) for
18 the purpose of implementing and maintaining the [~~diversion~~]
19 alternative to discipline program.

20 E. Files of nurses in the [~~diversion~~] alternative
21 to discipline program shall be maintained in the board office
22 and shall be confidential except as required to be disclosed
23 pursuant to the Nurse Licensure Compact, when used to make a
24 report to the board concerning a nurse who is not cooperating
25 and complying with the [~~diversion~~] alternative to discipline

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1 program contract or, with written consent of a nurse, when used
2 for research purposes as long as the nurse is not specifically
3 identified. However, the files shall be subject to discovery
4 or subpoena. The confidential provisions of this subsection
5 are of no effect if the nurse admitted to the ~~[diversion]~~
6 alternative to discipline program leaves the state prior to the
7 completion of the program.

8 F. A person making a report to the board or to a
9 regional advisory committee regarding a nurse suspected of
10 practicing nursing while ~~[habitually intemperate or]~~ addicted
11 to the use of habit-forming ~~[drugs]~~ substances or making a
12 report of a nurse's progress or lack of progress in
13 rehabilitation shall be immune from civil action for defamation
14 or other cause of action resulting from such reports if the
15 reports are made in good faith and with some reasonable basis
16 in fact.

17 G. A person admitted to the ~~[diversion]~~ alternative
18 to discipline program for chemically dependent nurses who fails
19 to comply with the provisions of this section or with the rules
20 ~~[and regulations]~~ adopted by the board pursuant to this section
21 or with the written ~~[diversion]~~ alternative to discipline
22 program contract or with any amendments to the written
23 ~~[diversion]~~ alternative to discipline program contract may be
24 subject to disciplinary action in accordance with Section
25 61-3-28 NMSA 1978."

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