



## **2016 Legislative Session**

### **HB 102 - Scope of Practice Act**

Each legislative session brings another, or repeated, request from an allied health group to expand its scope of practice. Most requested changes to a provider's scope of practice have the potential of being critical patient safety issues. Legislators are required to make a medical judgment on the basis of little objective and analytical documentation. Legislators and their staff report these bills are confusing and misleading and that they are not qualified to make decisions in these areas.

In both 1999 and 2015, NMMS succeeded in passing legislation that would have set up an objective panel where all such requests would be heard before going directly to the legislature. Both times these bills were pocket-vetoed by the Governor. Since then, NMMS has pursued similar legislation almost every session. Allied groups are opposed to the Scope of Practice Act.

NMMS recommends the establishment of a Scope of Practice Act. The Act would require that any proposed changes to the scope of practice of a health provider be systematically analyzed, researched, and vetted before those proposed changes can come before the legislature.

The Act would establish a scope of practice committee composed of eight members, four appointed by the Speaker of the House of Representatives and four appointed by the Senate Committees' Committee. Members would be appointed from each chamber in same political proportions as prevails in that chamber, with a one member minimum from each party. No action will be taken by the committee if a majority of the total membership from either chamber rejects such action.

The committee will review proposed changes to an existing scope of practice, proposed regulation of an unregulated health profession, or the proposed establishment of a licensing board.

As part of their review process, the committee will collect data from the proponent and all other appropriate persons, ensure public notice of the committee's proceedings, and invite testimony from persons with special knowledge in the field. The committee would assess the proposal on the potential harm or benefit to consumers, impact on overall health care costs, impact on access to and quality of health care, and whether the health/safety/welfare of the public could be effectively protected by some other more cost-effective means. The committee would summarize its findings and recommendations in a final report to the standing committees to which legislation is referred.

This process of committee review and evaluation of each proposed change in scope of practice will provide an objective, well-researched, evidence-based analysis of the requested statutory change to state law makers prior to their consideration in standing committees.

NMMS asks that you support HB 102.

For more information please contact:

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