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| LFC Requester: | Esquibel, Ruby Ann |
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**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 x **Amendment**
Correction **Substitute**

Date 1/24/13
Bill No: HB 170--305

Sponsor: Rep. Herrell and Sen. Keller **Reviewing** Attorney General's Office
Short Volunteer Healthcare for the **Person Writing** Andrea Buzzard
Title: Underserved Act **Phone:** 827-6039 **Email** ABuzzard@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHAGED AREAS BLANK

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|------------------------------|------------------|
| FY13 | FY14 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY13 | FY14 | FY15 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY13 | FY14 | FY15 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: HB 170 provides a mechanism by which voluntary health care services may be provided to the underserved without charge to the patients or to any third party, such as an insurance carrier of the patient. The services are provided under the auspices of a sponsoring nonprofit organization. That organization is limited, in terms of duration during which services can be offered to patients, to not more than 30 days at any one location in the state.

The practitioners who are providers of health care services need not be licensed in New Mexico but must be licensed in another state, territory, etc. and must be in good standing with their disciplinary boards and not be subject to disciplinary action or investigation. The names of practitioners are provided by the department of health to the disciplinary boards in New Mexico for their verification of good standing.

Immunity from liability is extended to those practitioners so long as their services are part of their training and assignment, are within the scope of their license and their services are performed at locations authorized by the department of health.

The department of health registers sponsoring organizations and presumably authorizes the locations where those organizations may provide services through their licensed practitioners working for them.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL: N/A

SIGNIFICANT LEGAL ISSUES: The term “underserved” is not defined. The title to the Act states that the bill applies to “underserved areas,” but that is not stated in the text of the bill, which uses the term “underserved” to describe the patient.

Presumably, an organization could operate at multiple locations within the state but not for more than 30 days at any one location in any one year. If that is not intended, clarification should be made.

The matter of obtaining authorization to operate at a particular location is between the department of health and the sponsoring organization. The practitioner who works for the organization does not obtain this “location” authorization. Therefore, the immunity section might be clarified to state that the practitioner’s immunity is lost if he or she provides services at

locations not permitted by the sponsoring organization or otherwise are not permitted by that organization.

Veterinary services are expressly included, although not typically thought of as “health care services,” which are rendered to persons.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL: N/A

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION: N/A

TECHNICAL ISSUES OR DRAFTING ERROR: N/A

OTHER SUBSTANTIVE LEGAL ISSUES: N/A

ALTERNATIVES TO ENACTING THIS BILL: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Retention of existing law

AMENDMENTS NEEDED TO IMPROVE THIS BILL: Note comments under “significant legal issues” to ascertain whether amendments are needed to comport with intent.