



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 152

SENATE BILL 14, as amended

Introduced by

SENATOR DEDE FELDMAN AND REPRESENTATIVE DANICE R. PICRAUX



FOR THE LEGISLATIVE HEALTH AND HUMAN
SERVICES COMMITTEE

Chapter 152

AN ACT

RELATING TO HEALTH CARE; ENACTING THE HEALTH CARE WORK FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT; DIRECTING THE DEPARTMENT OF HEALTH TO COLLECT DATA REGARDING DEMOGRAPHICS, SPECIALTIES AND PROFESSIONS IN THE STATE'S HEALTH CARE WORK FORCE; DIRECTING HEALTH CARE WORK FORCE REGULATORY BOARDS TO COLLECT DATA FROM APPLICANTS FOR LICENSURE OR RENEWAL OF LICENSURE; DIRECTING THE SECRETARY OF HEALTH TO CONVENE A WORK GROUP OF HEALTH CARE WORK FORCE EXPERTS.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Health Care Work Force Data Collection, Analysis and Policy Act".

SECTION 2. DEFINITIONS.--As used in the Health Care Work Force Data Collection, Analysis and Policy Act:

A. "board" means any state health care work force licensing or regulatory board, including the New Mexico medical board; the board of osteopathic medical examiners; the New Mexico board of dental health care; the board of nursing; the board of pharmacy; any other licensing or regulatory board that the secretary of health designates; any other health professional licensing board listed in Chapter 61 NMSA 1978; and the department;

B. "database" means the health care work force

1 database created pursuant to the Health Care Work Force Data
2 Collection, Analysis and Policy Act;

3 C. "department" means the department of health;

4 D. "ethnicity" means an individual's self-
5 identification or affiliation as either "Hispanic or Latino"
6 or "not Hispanic or Latino" according to cultural,
7 historical, linguistic or religious ties;

8 E. "New Mexico center for health care workforce
9 analysis" means a state entity that collects, analyzes and
10 reports data regarding the state's health care work force and
11 collaborates with the federal national center for health care
12 workforce analysis pursuant to Section 5103 of the federal
13 Patient Protection and Affordable Care Act; and

14 F. "race" means an individual's self-
15 identification or affiliation with one of the following
16 categories used to identify individuals according to
17 historical or phenotypical characteristics:

18 (1) American Indian or Alaska Native;

19 (2) Asian;

20 (3) Black or African American;

21 (4) Native Hawaiian or other Pacific

22 Islander;

23 (5) White; or

24 (6) a mixture of any of the categories

25 listed in Paragraphs (1) through (5) of this subsection.

1 SECTION 3. HEALTH CARE WORK FORCE DATABASE--COLLECTION
2 OF DATA--HOUSING OF DATA--ANALYSIS AND REPORTING.--

3 A. Subject to the availability of state, federal
4 or private foundation funding or other sources of funding,
5 the secretary of health shall create and maintain the "health
6 care work force database". The secretary of health shall:

7 (1) enter into agreements with entities to
8 create, house and provide information to state agencies, the
9 legislature and the governor and, as the legislature or
10 governor deems appropriate, any others regarding the state's
11 health care work force; and

12 (2) seek federal or other sources of funding
13 to create a New Mexico center for health care workforce
14 analysis and to ensure the additional funding and staffing
15 needed to achieve the anticipated outcomes.

16 B. A board shall supply the department with data
17 pertaining to licensed health care providers for inclusion in
18 the database. A board shall collect a core essential data
19 set at the time of new licensure or licensure renewal,
20 including, but not limited to, a provider's:

21 (1) demographics, including race, ethnicity
22 and primary and other languages spoken;

23 (2) practice status, including, but not
24 limited to:

25 (a) active practices in New Mexico and

1 other locations;

2 (b) practice type; and

3 (c) practice settings, such as
4 hospitals, public schools, higher education institutions,
5 clinics and other clinical settings;

6 (3) education, training and primary and
7 secondary specialties for all health professions as
8 appropriate;

9 (4) average hours worked per week and the
10 average number of weeks worked per year in the licensed
11 profession over the past twelve months;

12 (5) percentage of practice engaged in direct
13 patient care and in other activities, such as teaching,
14 research and administration, in the licensed profession;

15 (6) practice plans for the next five years,
16 including retiring from a health care profession, moving out
17 of state or changing health care work hours; and

18 (7) professional liability insurance costs
19 and availability as they relate to barriers to practice.

20 SECTION 4. DATABASE ESTABLISHMENT AND MAINTENANCE--
21 DELEGATION.--The secretary of health may contract and
22 collaborate with a private or public entity to establish and
23 maintain the database, to analyze data collected, to develop
24 reports for the legislature or the executive branch or to
25 perform other duties to carry out the provisions of the

1 Health Care Work Force Data Collection, Analysis and Policy
2 Act.

3 SECTION 5. HEALTH CARE WORK FORCE DATA COLLECTION BY
4 BOARDS--MANDATORY COMPLIANCE FOR APPLICANTS--REPORTING BY
5 BOARDS--CONFIDENTIALITY OF DATA--RULEMAKING.--

6 A. An applicant for a license from a board or
7 renewal of a license by a board shall provide the information
8 prescribed by the secretary of health pursuant to Subsection
9 C of this section. This section applies to applicants for
10 health professional licensure or renewal of health
11 professional licensure pursuant to Chapter 61 NMSA 1978.

12 B. A board shall not approve a subsequent
13 application for a license or renewal of a license until the
14 applicant provides the information pursuant to Subsection C
15 of this section.

16 C. A board shall adopt rules regarding the manner,
17 form and content of reporting data; the consistency of data
18 entry fields used; and the information that an applicant,
19 pursuant to Subsection A of this section, shall provide to a
20 board. At a minimum, the rules shall provide for a core
21 essential data set, including the applicant's:

22 (1) demographics, including race, ethnicity
23 and primary and other languages spoken;

24 (2) practice status, including, but not
25 limited to:

1 (a) active practices in New Mexico and
2 other locations;

3 (b) practice type; and

4 (c) practice settings, such as
5 hospital, clinic or other clinical settings;

6 (3) education, training and primary and
7 secondary specialties;

8 (4) average hours worked per week and the
9 average number of weeks worked per year in the licensed
10 profession;

11 (5) percentage of practice engaged in direct
12 patient care and in other activities, such as teaching,
13 research and administration, in the licensed profession; and

14 (6) practice plans for the next five years,
15 including retiring from the health care profession, moving
16 out of state or changing health care work hours.

17 D. A board shall report health care work force
18 information collected pursuant to this section to the
19 secretary of health.

20 E. A board shall keep confidential and not release
21 personally identifiable data collected under this section for
22 any person licensed, registered or certified by the board.

23 The provisions of this subsection do not apply to the release
24 of information to a law enforcement agency for investigative
25 purposes or to the release to the secretary of health for

1 state health planning purposes. A person with whom the
2 department contracts to perform data collection, storage and
3 analysis shall protect the privacy of that data. The
4 secretary of health shall ensure that the responses of
5 applicants shall be kept confidential, including taking
6 special precautions when the identity of an applicant may be
7 ascertained due to the applicant's location or occupation.

8 F. A board shall promulgate rules as necessary to
9 perform the board's duties pursuant to this section,
10 including rules for collecting, storing and analyzing data in
11 addition to the information required to be collected by the
12 Health Care Work Force Data Collection, Analysis and Policy
13 Act.

14 SECTION 6. HEALTH CARE WORK FORCE WORK GROUP--WORK
15 FORCE DATA ANALYSIS--RECRUITMENT PLANNING--STRATEGIC PLAN FOR
16 IMPROVING HEALTH CARE ACCESS--WORK FORCE SURVEY.--The
17 secretary of health shall convene a health care work force
18 work group that includes representatives of health care
19 consumers; health care providers; organized groups
20 representing physicians, physician assistants, nurses, nurse
21 practitioners, dentists, dental hygienists and pharmacists;
22 health care work force training institutions; the New Mexico
23 health policy commission; the public education department;
24 the higher education department; and the boards. The work
25 group shall:

1 A. analyze and make recommendations to the
2 legislature regarding incentives to attract qualified
3 individuals, including those from minority groups
4 underrepresented among health care professions, to pursue
5 health care education and practice in New Mexico;

6 B. develop a short-term plan and a five-year plan
7 to improve health care access, with a draft report on the
8 plans to be submitted to the interim legislative health and
9 human services committee by November 1, 2011. Beginning
10 October 1, 2012, the work group shall make detailed annual
11 reports to the legislative health and human services
12 committee by October 1 of each year;

13 C. analyze the collected data and make
14 recommendations to the legislature for building healthier
15 communities and improving health outcomes; and

16 D. devise an electronic survey, designed to be
17 completed by applicants within fifteen minutes, for boards to
18 provide to applicants for licensure or renewal of licensure,
19 which includes questions regarding the information required
20 pursuant to Subsection C of Section 5 of the Health Care Work
21 Force Data Collection, Analysis and Policy Act and any other
22 survey questions that the secretary of health and the work
23 group deem appropriate.

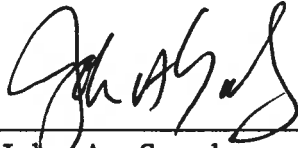
24 SECTION 7. TEMPORARY PROVISION--APPLICATION FOR GRANTS
25 PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE

1 CARE ACT.--In order to carry out the provisions set forth in
2 the Health Care Work Force Data Collection, Analysis and
3 Policy Act, the secretary of health shall seek funding
4 pursuant to Section 5102 of the federal Patient Protection
5 and Affordable Care Act, as well as funding from any other
6 source, public or private, that the secretary of health deems
7 appropriate.

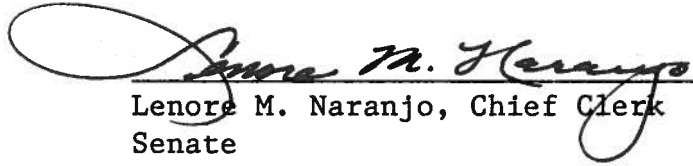
8 SECTION 8. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2011. _____

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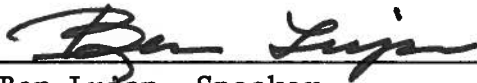
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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Ben Lujan, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 8th day of April, 2011



Governor Susana Martinez
State of New Mexico

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GOVERNOR'S OFFICE
SANTA FE, NM