A JOINT MEMORIAL
REQUESTING THE BOARD OF NURSING TO CONVENE A SAFE HARBOR FOR
NURSES TASK FORCE TO IDENTIFY PROMISING NURSING PEER REVIEW
MODELS TO PROTECT PATIENTS AND NURSES.

WHEREAS, safe harbor peer review is a process by which
nurses can initiate nursing peer review when the nurse has
been requested to engage in conduct that the nurse believes
is in violation of that nurse's duty to a patient; and

WHEREAS, under Texas law, safe harbor peer review is
available to nurses; and

WHEREAS, Texas law defines a nurse's "duty to a patient"
to mean conduct, including administrative decisions directly
affecting a nurse's ability to comply with the nurse's duty,
that is required pursuant to standards of practice or
professional conduct adopted by the nurse's licensing board;
and

WHEREAS, a nurse invoking the nurse's right to safe
harbor peer review makes a request to a committee of the
nurse's peers that reviews the facts of the matter involving
the nurse's duty to a patient and makes a determination; and

WHEREAS, the determination of the safe harbor peer
review committee must be considered in any decision by the
nurse's employer prior to disciplining the nurse for the
refusal to engage in the requested conduct, though the
nurse's supervisor may override that determination in a 
good-faith finding; and

WHEREAS, no employer or other person may retaliate 
against a nurse for invoking the nurse's right to safe harbor 
peer review; and

WHEREAS, in New Mexico, members of the nursing community 
have raised the need for safe harbor peer review in order to 
protect patients and nurses;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE 
STATE OF NEW MEXICO that the board of nursing be requested to 
convene a safe harbor for nurses task force to identify 
promising nursing peer review models to protect patients from 
violations of their rights to safe patient care in accordance 
with their caregivers' professional standards and best 
practices and to protect nurses from retaliation for invoking 
their duties to their patients; and

BE IT FURTHER RESOLVED that the board of nursing be 
requested to invite representatives from the New Mexico 
nurses association, nurses' unions, the university of 
New Mexico health sciences center's school of medicine, the 
university of New Mexico college of nursing, the New Mexico 
state university school of nursing, the Burrell college of 
osteopathic medicine, the New Mexico hospital association and 
the New Mexico health care association to join the safe 
harbor for nurses task force; and
BE IT FURTHER RESOLVED that the safe harbor for nurses

task force be requested to present its findings, including

any recommendations for legislation, by August 30, 2018 to

the legislative health and human services committee; and

BE IT FURTHER RESOLVED that copies of this memorial be

transmitted to the governor, the legislative health and human

services committee and the executive director of the board of

nursing.