

THE DISABILITY COALITION
Advocating for People with Disabilities of All Types

DISABILITY ISSUES IN THE 2023 LEGISLATURE
STATUS REPORT #5
February 20, 2023

By Jim Jackson and Ellen Pinnes

(A list of abbreviations, including legislative committees, is included at the end of this report.)

Committee hearings:

Mon. Feb. 20:

*HAFC: HB 41 DD provider rate increases; HB 92 Supported housing in Doña Ana County;
HB 127 Educational assistant salary increases*

HHHC: HB 264 Study Medicaid managed care

HTRC: HB 220 GRT exemption for Medicaid home modifications

SEC: SB 387 Further limitations on seclusion and restraint

SHPAC: SB 255 Medicaid mileage reimbursements; SB 260 Delete references to “mental retardation”

*SRC: SB 263 LHHS as year-round staffed committee; SB 290 Study healthcare cost drivers;
SM 30 Brain injury study*

Wed. Feb. 22:

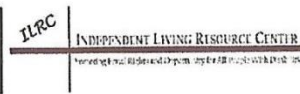
HEC: HB 285 Office of Special Education

HTRC: HB 186 Disabled veterans tax exemption

House passes state budget bill. This past week the House passed the state budget bill (HB 2) that had been recommended by the House Appropriations and Finance Committee. It calls for recurring state expenditures of \$9.43 billion, an increase of \$1 billion (about 12%) over the current year budget. The bill is now in the Senate and under review by the Senate Finance Committee. Highlights of the current version of the bill include:

- Average salary increases of 5% for state employees and public school employees
- An increase of about \$324 million for general support of public education
- An increase of about \$221 million in state support for Medicaid, allowing for rate increases in excess of 10% for providers
- Close to \$1 billion available for tax rebates, tax cuts, and/or tax reform
- Transfer of \$1.1 billion from surpluses into reserve funds. The income in the coming years from these additional investments reflects the legislature’s intent to turn “now” money into “future” money to offset eventual declines in revenue from the oil and gas industry.

For more information about how this budget affects state agencies serving persons with disabilities, see the State Budget section that begins on page 2.



Restructuring fever. Embarking on her second term, Gov. Lujan Grisham wants to reshuffle some major agencies of state government that serve people with disabilities. Her efforts include:

- SB 16 would rename the Human Services Department the “Health Care Authority Department” (although it would continue to run income support and child support enforcement programs) and move DD services and certain health care oversight functions from the Department of Health, along with state employee health insurance programs, to the HCAD.
- HB 285 would create the Office of Special Education within the Public Education Department to oversee special education services, monitor how school districts spend their special ed funding and develop policies and standards; the Office’s director would be appointed by the governor and would report directly to the PED secretary.
- Acting through an executive order issued last week, the governor will “elevate” protective services, behavioral health and juvenile justice functions at the Children, Youth & Families Department, create an Office of Innovation, and make other changes intended to improve CYFD operations serving children.

And the governor isn’t the only one looking to reorganize government agencies. SB 437 would remove the Division of Vocational Rehabilitation from PED and make it an independent agency under the direction of a VR commission.

The impact of these proposed changes remains to be seen.

A shower of new bills. Last Thursday was the last day for bill introductions, and that final day saw the introduction of dozens of bills, not counting the place-holders known as “dummy” bills that are introduced as blanks and can be used to present bills that missed the deadline. Among the bills introduced last week and covered in this report are:

SB 426 Civil Rights Division in AG office

HB 400 State-administered health coverage plan (“Medicaid Forward”)

SB 441 Behavioral health provider development fund

HB 355 DD transitional programs

HB 395 DD cost study and higher pay for direct support professionals

Bills and Memorials Introduced in the 2023 Session

This list is grouped by specific disability or subject matter and shows the bill number, sponsor, a description of the bill, committee assignments, and action taken on the bill or memorial.

State Budget

HB 2 General Appropriation Act. Rep. Nathan Small. This is the budget bill that funds most of state government and sets funding levels for state agencies serving persons with disabilities. The current version of this bill has passed the House and has been referred to the Senate Finance Committee. Below we note the relevant funding requests from the governor, the recommendations of the LFC, and the provisions in HB 2 as adopted by the House Appropriations and Finance Committee (HAFC).

Human Services Department:

Medicaid – HSD initially requested an increase of \$353 million, nearly all of it to cover provider rate increases and the rise in the state’s share of program costs. Due to provisions in federal law enacted since then, the amount of federal funding expected in FY 2024 will be larger than previously anticipated, so the need for additional state funds has decreased.

Governor's request: Increase of about \$284 million.

LFC recommendation: About \$268 million

HAFC: About \$221 million

Behavioral Health Services Division –

Governor's request: Increase of \$8.17 million to raise non-Medicaid provider rates and implement the new 988 assistance line and provide follow-up service

LFC recommendation: \$6.1 million

HAFC: \$6.2 million

Public Education:

The governor asked for about \$48 million in one-time funding to support a variety of extra services and supports specifically for students with disabilities. Those included enhanced learning opportunities, behavioral supports, literacy coaching, drop-out prevention, professional development in support of inclusion, and promoting best practices.

The LFC did not recommend any of these.

HAFC does not include any of these proposals.

The governor also requested \$10 million for “hard to fill” positions in public schools such as special education teachers. HAFC includes \$8 million for this, along with \$2 million to support educators gaining or furthering special education credentials and \$2.5 million for loan repayments for teachers serving in shortage areas, including special education.

DDSD/Department of Health:

Governor's request: Increase of \$10.2 million for provider rate increases in the developmental disabilities service system. No additional funding was needed or requested to support all of the new participants who have come off the waiting list (which is about to be eliminated) due to extra federal funds available under the 2021 American Rescue Plan Act (ARPA).

LFC recommendation: Same as governor's request.

HAFC: \$10.2 million increase, same as governor and LFC.

Children Youth and Families Department:

Governor's request: Increase of \$23.1 million for Protective Services and about \$4.8 million for behavioral health services.

LFC recommendation: About \$23 million for protective services (funded primarily from the TANF federal block grant and the early childhood fund) and \$1.5 million for behavioral health services.

HAFC: \$22 million increase for protective services, primarily funded from the TANF block grant, and \$1.5 million for behavioral health services.

Developmental Disabilities Council:

Governor's request: Increase of \$1,166,000 for the Office of Guardianship plus \$572,700 for other Council programs, including the Special Education Ombud (for a total increase of \$1,738,700), plus one-time additional funding of \$95,000 for the Special Education Ombud and \$332,000 for additional guardianship cases.

LFC recommendation: Increase of \$300,000 for the Office of Guardianship and \$71,000 for other DDC programs.

HAFC: Increase of \$600,000 for the Office of Guardianship and \$71,000 for other DDC programs for total increase of \$671,000. There is also a one-time special appropriation of \$250,000 to the Council to reduce the waiting list for the Office of Guardianship.

Division of Vocational Rehabilitation:

Governor’s request: Small (2.2%) increase of \$140,540 to match and draw down the additional \$519,270 in federal funds available to them for vocational rehabilitation programs; no additional funding for independent living programs.

LFC recommendation: Same as governor’s request.

HAFC: Adopts governor’s request

Commission for the Blind: The governor and the LFC both recommended level state funding for the coming year and HAFC adopts that recommendation.

Commission for Deaf and Hard of Hearing Persons:

Governor’s request: Increase in state funding of \$291,700;

LFC recommendation: \$40,000

HAFC: Increase of \$190,000 in state funds

Governor’s Commission on Disability:

Governor’s request: Increase of \$52,400 in state funds

LFC recommendation: \$20,000

HAFC: \$20,000

Behavioral Health

For bills addressing housing for persons with behavioral health issues, see Housing section below.

HB 104 Funding for supervision of behavioral health professionals in training. Rep. Anthony Allison. Appropriates \$3.1 million to HSD to provide funding to provider agencies to cover the cost of supervising individuals who are on a path to licensure as behavioral health professionals. A significant number of supervised clinical hours are required for licensure but no funding is currently available to cover the additional cost of such supervision. Similar but not identical to SB 262, below. Passed HHHC, pending in HAFC.

HB 112 Wellness rooms in public schools. Rep. Pamela Herndon. Appropriates \$5 million to fund a 6-year pilot program to show that public school wellness rooms can positively affect student behavioral health. HEC/HAFC. Passed HEC with amendments; pending in HAFC. *HB 2 currently includes \$200,000 for this purpose.*

HB 260 Expanding access to behavioral health services. Rep. Dayan Hochman-Vigil. Same as SB 273, below. HHHC/HAFC.

HB 341 Court-ordered BH treatment. Rep. Bill Rehm. Authorizes courts hearing criminal cases to refer defendants for a behavioral health examination. If this evaluation recommends that the person receive behavioral health treatment, the court would be required to order the person to receive such treatment while the criminal case is pending or throughout the person’s period of probation. HHHC/HJC.

HB 373 Crisis triage centers. Rep. Doreen Gallegos. Same as SB 310, below. HHHC/HJC.

HB 393 Study use of psilocybin as mental health treatment. Rep. Christine Trujillo. Creates an advisory group attached to DOH to study the feasibility of a program using psilocybin-related products to treat mental illness or substance abuse disorder. The group is to issue reports to LHHS and LFC in November 2023 and 2024; final report by November 2025. Appropriates \$150K to DOH to carry out the study. HHHC/HAFC

SB 117 Prescribing psychologists. Sen. Bill Soules. Repeals existing law allowing certain psychologists to prescribe behavioral health medications and replaces it with a new and broader structure allowing psychologists to prescribe such medications through a program overseen by the NM Medical Board. Substitute version passed SHPAC, pending in SJC.

SB 148 Community college peer counseling program. Sen. Gerald Ortiz y Pino. Provides \$100,000 to the Higher Education Department to study the feasibility of creating/expanding certification programs in community colleges for peer counseling and other non-clinical support services. Passed SEC, pending in SFC.

SB 149 Study grad school tuition waivers. Sen. Gerald Ortiz y Pino. Appropriates \$100,000 to the Higher Education Department to study the cost and feasibility of providing free tuition for graduate degrees for persons who would become behavioral health providers in New Mexico. Passed SEC, pending in SFC.

SB 262 Funding for supervision of behavioral health professionals in training. Sen. Siah Correa Hemphill. Appropriates \$3.1 million to HSD to provide funding to provider agencies to cover the cost of supervising individuals who are on a path to licensure as independent behavioral health professionals. Similar but not identical to HB 104, above. SHPAC/SFC.

SB 273 Expanding access to behavioral health services. Sen. Martin Hickey. Requires health insurance policies to cover all behavioral health services (including family and marriage counseling) that are required under “generally recognized standards of care” as set by national professional associations for psychiatrists, psychologists, social workers and others, or by relevant federal agencies. It also prohibits insurance companies from imposing quantitative or non-quantitative limitations on behavioral health coverage (such as co-pays, prior authorization, etc) that are stricter than limitations on medical/surgical treatments or procedures. These provisions are expected to significantly expand access to behavioral health services. STBTC/SFC.

SB 310 Crisis triage centers. Sen. Gerald Ortiz y Pino. Defines crisis triage centers in law (as licensed facilities providing residential or non-residential stabilization of a behavioral health crisis) and authorizes those centers to accept voluntary or involuntary admissions. These provisions would allow police officers to take individuals to the centers, rather than to an emergency room or jail, for mental status assessments. The bill also loosens a requirement in existing law that people be treated at the closest suitable treatment facility, providing instead that treatment be provided at a facility “close to” the individual’s residence. Same as HB 373, above. Passed SHPAC, pending in SJC,

SB 379 Curry County behavioral health facility. Sen. Pat Woods. Appropriates \$39 million, to be spent over the next two years, to design, construct and equip a behavioral health facility in Curry County. SHPAC/SFC.

SB 399 Limiting solitary confinement. Sen. Antonio Maestas. Current law generally prohibits persons with mental illness from being placed in solitary confinement (“restricted housing”) in jails and prisons. This bill would further protect others from such treatment, which is so detrimental to mental health, by prohibiting this practice for anyone under 21 or over 55 (the existing limit is only for persons under age 18), extending coverage not only through pregnancy but for eight weeks post-partum, and adding protection for “vulnerable populations” including LGBTQ individuals. Solitary confinement for any prison inmate would be limited to 15 days at a time and a total of 90 days per year, and jails could not use it in the first three days of incarceration unless a suicide screening finds the person isn’t likely to engage in self-harm. SHPAC/SJC

SB 441 Behavioral health provider development fund. Sen. Gerald Ortiz Y Pino. Establishes a fund with an initial appropriation of \$10 million to support behavioral health providers in underserved communities. Money in the fund could be used to pay for start-up costs, supervision of trainees, salaries of interns who are not yet licensed, and compensation for graduate students and the providers who supervise them. SHPAC/SFC. *HB 2 includes \$20 million to develop and expand capacity to provide primary care, maternal and child health, and behavioral health services in rural, underserved areas.*

Brain Injury

HB 139 Eliminate court fees. Rep. Micaela Cadena. This bill would eliminate most fees that are assessed against persons convicted of crimes, including the \$5 fee from traffic tickets that goes to the

Brain Injury Services Fund. (The bill would not affect fines imposed for the underlying offense.) The change would not take effect until July 2024 in order to provide enough time to adjust the state budget to provide other funding to replace the lost revenue. Passed HJC, pending in HAFC.
SM 30 Brain injury study. Sen. Gerald Ortiz y Pino. Requests that GCD study the feasibility of requiring health insurance coverage for the full range of services needed by persons with brain injuries, and establishing a registry to track the incidence of brain injury and the effectiveness of treatments. The results of the study are to be reported to LHHS and LFC by November 1. No funding is provided for the study. SRC/SHPAC. *Scheduled for hearing in SRC today.*

Civil Rights

HB 207 Human Rights Act Amendments. Rep. Kristina Ortez. Extends the anti-discrimination provisions of the state Human Rights Act, which currently applies to private businesses and the state as a whole, to any public body funded by a governmental entity, including school districts, and expands definitions to improve protections for the LGBTQ community. The bill deletes outdated references in the current statute to “handicap” and replaces them with “disability”. Passed HGEIC, pending in HJC.

SB 426 Civil Rights Division in AG office. Sen. Joseph Cervantes. Creates the division and authorizes it to issue “civil investigative demands” to obtain documents and communications from individuals, companies and public bodies related to a matter being investigated by the division. Civil rights violations that could be pursued by the division include any act or practice that threatens or results in deprivation of rights secured by constitutional provision or law. SHPAC/SJC

Community Living and Services

HB 40 MVD disability registry. Rep. Liz Thomson. Allows but does not require individuals to note, in conjunction with their car registration, that they or a regular passenger in their vehicle have a disability that might affect their ability to communicate. Law enforcement officers would be required, when practicable, to consult the registry prior to interacting with a motorist and to take appropriate steps when attempting to communicate with a driver or passenger who is on the registry. Passed House 51-10; awaiting Senate committee assignments.

HB 186 Disabled veterans tax exemption. Rep. Alan Martinez. Updates and simplifies language regarding eligibility for a property tax exemption for disabled veterans or surviving spouses. HLVMC/HTRC. Passed HLVMC, pending in HTRC. *Scheduled for hearing in HTRC on Wed. 2/22.*

HB 220 GRT exemption for home modifications. Rep. Kathleen Cates. Under this bill, agencies or companies that provide home modifications for accessibility funded by Medicaid would not have to pay gross receipts tax on payments they receive for such services. Passed HHHC, pending in HTRC. *Scheduled for hearing in HTRC today.*

HB 244 General assistance benefit increase. Rep. Eleanor Chavez. Increases the amount of the General Assistance benefit for individuals with disabilities who are not receiving other state/federal cash assistance such as SSI. The substitute version requires that the amount be updated annually and that it be no less than 50% of the federal poverty level; the current payment is well under that amount. Passed HHHC, pending in HAFC.

HB 288 Closed captioning act. Rep. Cynthia Borrego. Requires any public accommodation (such as hotels, restaurants, retail stores, health care facilities, etc.) that has a television on in a public area to activate closed captioning on the TV, with a few minor exceptions. The bill authorizes the Attorney General to enforce the requirement, and authorizes a fine for non-compliance up to \$250 for a first offense and \$500 for subsequent offenses. HHHC/HJC.

HB 290 ALS funding. Rep. Art De La Cruz. Appropriates \$500,000 to the Department of Health to support individuals living with Amyotrophic Lateral Sclerosis (ALS) and their caregivers. Same as SB 261, below. HHHC/HAFC.

HB 308 Child adoption tax credit. Rep. Joshua Hernandez. Changes current special needs child adoption tax credit to provide a credit for any adopted child and raises the amount of the credit from \$1,000/year to \$7,000/year for a special needs child and \$5,000 for any other child. Also requires TRD to report on the number of people claiming the credit, the cost of the credit, and other factors, to allow evaluation of the credit program. HHHC/HTRC.

HB 402 Transportation for disabled veterans. Rep. Art De La Cruz. Appropriates \$1 million to the Veterans' Services Department, available over a three year period, to provide transportation to medical appointments for disabled veterans. HLVMC/HAFC.

HJR 5 Expanding eligibility for property tax exemptions for disabled veterans. Rep. Eliseo Alcon. The current constitutional provision gives an exemption from property tax for the primary residence of a veteran who has a 100% service-connected disability and for the surviving spouse of a deceased veteran. This proposed constitutional amendment would provide this exemption to veterans with less than a 100% disability, with the percentage of tax exemption equal to the percentage of the veteran's disability. Passed HLVMC, heard and temporarily tabled in HTRC.

SB 11 Paid family and medical leave. Sen. Mimi Stewart. Creates a paid family/medical leave benefit for workers in New Mexico. Creates a fund to which both employees and most employers would contribute (businesses with fewer than 5 employees would not have to pay into the fund). Beginning in 2026, employees could receive payments from the fund in lieu of wages for up to 12 weeks of leave in a year, when approved leave is taken in connection with the employee's illness, or for the purpose of caring for an ill family member, bonding with a newborn child, adopted child or new foster child, or protecting the employee or family member from domestic violence, stalking, sexual assault or abuse. The bill also includes an appropriation of \$36.5 million for initial implementation of the program. Passed STBTC, pending in SFC.

SB 98 Contract adjustments for certain cost increases. Sen. Crystal Diamond. Under this bill, a state contract for services would have to include a provision that if the state raises the minimum wage or mandates a new employee benefit, the contractor's reimbursement would have to go up enough to cover the cost of the higher wage or new benefit and any employee of the contractor who is paid the minimum wage would have to receive the increase. The bill is intended to benefit childcare workers, direct support workers and others who typically work for relatively low wages. Passed STBTC, pending in SJC.

SB 261 ALS funding. Sen. Antonio Maestas. Same as HB 290, above. Passed SHPAC, pending in SFC.

SB 277 Increasing tax credit for special needs adoptions. Sen. David Gallegos. Increases the tax credit for adoption of a special needs child from \$1,000 to \$1,500 per year and requires TRD to report on the number of people claiming the credit, the cost of the credit, and other factors, to allow evaluation of the credit program. STBTC/SFC.

SB 300 Disabled veteran property tax. Sen. Harold Pope. Clarifies that if a disabled veteran or surviving spouse buys and moves into a new house during a year, either the "old" home or the new home can be considered the residence for that tax year. The bill also provides that if the title to the home is in a trust, it can still be treated as tax-exempt if it is the residence of the veteran or surviving spouse. STBTC/SJC.

SB 345 Kiki Saavedra Senior Dignity Fund investments. Sen. Pete Campos. The Kiki Saavedra fund can support a wide variety of services to seniors and adults with disabilities. This bill directs the State Investment Officer to periodically invest state money into this fund, and report annually on such investments. The bill is meant to work in conjunction with SB 346, below, which is intended to make this Fund into an endowment fund. STBTC/SFC.

SB 346 Kiki Saavedra Senior Dignity Fund appropriation. Sen. Pete Campos. Appropriates \$40 million for the Fund. The intent is to convert this to an endowment fund that would generate income or growth in value that could be used to support activities consistent with the fund's purpose without

relying on annual appropriations. Passed SHPAC, pending in SFC. *HB 2 includes \$8 million for this fund.*

Developmental Disabilities Services

HB 41 DD provider rate increases. Rep. Liz Thomson. Appropriates \$7.65 million to DoH to raise provider reimbursement rates, in addition to the \$10.2 million for rate increases requested by DoH which is included in HB 2. Passed HHHC, pending in HAFC. *Scheduled for hearing in HAFC today.*

HB 355 DD transitional programs. Rep. Liz Thomson. Appropriates \$275,000 to DDS to contract for “workforce development services” to develop pathways and support systems for students with developmental disabilities with IEPs who are graduating from high school. HAFC.

HB 395 DD cost study and higher pay for direct support professionals. Rep. Kathleen Cates. Same as SB 203, below. HLVMC/HHHC

HM 5 Dual diagnosis task force. Rep. Liz Thomson. Requests that DoH convene a task force to study the feasibility of requiring all mental health and developmental disabilities providers to be trained in working with persons with developmental disabilities who also have mental health issues. HHHC.

SB 203 DD cost study and higher pay for direct support professionals. Sen. Gerald Ortiz y Pino. Requires DOH to conduct a cost study every two years for all services provided through the DD program. The study would include recommended reimbursement rates that take into account current costs, projected cost increases due to factors such as inflation, and the additional costs that would be incurred if direct support professionals are paid at least 150% of the current state minimum wage. Also requires agencies employing such professionals to report annually on the number and demographic profile of employees, and requires DoH to issue a summary statewide report on this workforce. Passed SHPAC, pending in SFC.

SB 260 Delete references to “mental retardation”. Sen. Linda Lopez. Deletes all remaining references to “mental retardation” in state law and replaces them with “developmental or intellectual disability”. SHPAC/SJC. *Scheduled for hearing in SHPAC today.*

SB 284 Special Olympics license plate. Sen. Linda Lopez. Authorizes MVD to issue special license plates celebrating Special Olympics. The special plate would cost \$10 in addition to the standard vehicle registration fee. STBTC/SFC

SB 467 Special Olympics funding. Sen. Linda Lopez. Provides \$200,000 to the Department of Tourism to be spent in FY23 and 24 for Special Olympics. SHPAC/SFC

Education/Special Education

HB 39 Dual-licensed instructional support providers in three-tier system. Rep. Liz Thomson. Adds professionally-licensed school providers such as therapists, social workers and nurses into the three-tier licensure and salary system currently in place for teachers and school administrators. Passed HEC and HCEDC, pending in HAFC.

HB 127 Educational assistant salary increase. Rep. Susan Herrera. Raises the minimum salary for educational assistants, who are commonly used in special education, from \$12,000 per year (an amount first implemented in the 2004-2005 school year) to \$25,000. The statutory amount is well below the state’s current minimum wage. Passed HCEDC and HEC, pending in HAFC. *HB 2 includes funding to implement this change.*

HB 285 Office of Special Education. Rep. Liz Thomson. Creates the Office of Special Education within PED, to be led by an individual (appointed by the governor) who would report directly to the PED Secretary. The bill gives the Office a variety of responsibilities, including assuring compliance with state and federal laws related to special education, and providing training and policy guidance for those working with students with disabilities, including school boards and school administrators. The Office would be charged with monitoring how school districts spend state and federal funds

provided for special education, and would be authorized to “take actions to ensure appropriate spending as needed.” The Office would develop an annual plan for special education policies, programs and standards, and provide an annual report to PED, the governor, and the LESC. HEC/HGEIC.

SB 283 Reducing suspensions/expulsions. Sen. Harold Pope. This bill prohibits the expulsion of a child from a childcare center (if subsidized by the state), or from a publicly-funded school if the child is not yet in third grade, unless the child has brought a weapon to school. It similarly prohibits out-of-school suspensions for such children unless the child has willfully caused, attempted or threatened serious bodily injury to another person, in which case the suspension cannot exceed three days. In addition, the bill requires childcare centers and publicly funded schools to maintain and report data concerning the number and demographic profile of children who have been suspended or expelled from school each year. Passed with no recommendation from SEC; pending in SJC.

SB 387 Further limitations on seclusion and restraint. Sen. Linda Lopez. This bill amends current law to prohibit the use of mechanical, chemical or prone restraint, and further narrow existing limitations on the use of other restraints on students. It strengthens and clarifies the duty of schools to report incidents of seclusion and restraint to parents and school administrators, and to consider changes to services or strategies that might prevent or mitigate future incidents. SEC/SJC. *Scheduled for hearing in SEC today.*

Employment/Vocational Training

SB 437 Independent DVR. Sen. Linda Lopez. Removes DVR from PED and establishes it as a separate independent agency, the Vocational Rehabilitation Commission. The commission would be governed by a six-member board appointed by the governor and would have all of the duties of the current DVR. SRC/SFC.

Guardianship, Self-Determination and Protection of Vulnerable Persons

SB 89 Supported decision-making. Sen. Siah Correa Hemphill. Authorizes supported decision-making agreements under New Mexico law, as an alternative to guardianship orders, and appropriates funding to establish a supported decision-making program within the DD Council’s Office of Guardianship. Passed SHPAC with amendments to strengthen the DDC’s role and increase the appropriation from \$189,000 to \$289,000, pending in SJC with further referral to SFC.

SB 118 Financial exploitation of vulnerable adults – criminal penalty. Sen. Michael Padilla. Makes it a crime for a person to trick, coerce or use undue influence to gain control of the resources or property of an elderly, disabled, or otherwise vulnerable adult. A first offense would be a third-degree felony; further offenses by the same person would be second-degree felonies. Passed SHPAC, pending in SJC with further referral to SFC.

SB 119 Financial exploitation of vulnerable adults – civil remedy. Sen. Katy Duhigg. Allows lawsuits against someone who has financially exploited a vulnerable adult. Passed SHPAC, pending in SJC.

SB 183 Waivers for conservators. Sen. Stuart Ingle. Current law prohibits a conservator from obtaining a release or waiver of liability with respect to property or resources over which they have some authority. This bill would allow for such a waiver if the protected person or another person interested in the estate is represented by independent counsel. Passed SHPAC, pending in SJC.

Health Care

HB 38 Expand rural healthcare provider tax credit. Rep. Miguel Garcia. Adds a number of categories of clinicians, including registered nurses, physical therapists and various types of behavioral health providers, to those eligible for the tax credit available to clinicians practicing in underserved rural areas of the state. Passed HHC, pending in HTRC.

HB 47 Rural health care project revolving fund. Rep. Marian Matthews. Appropriates \$7.5 million to establish a fund that would provide loans to set up practices providing health care services in underserved rural areas. HHHC/H AFC.

HB 51 Prescription Drug Affordability Board. Rep. Pamela Herndon. Creates a board to develop strategies to lower the cost of prescription drugs. Members of the board would be appointed by the governor and legislative leadership of both parties; its operations would be funded through assessments on drug manufacturers and distributors and pharmacy benefit managers. Substitute version passed HHHC, pending in H AFC.

HB 53 Insurance coverage of diabetes. Rep. Liz Thomson. Expands and clarifies required insurance coverage of services and equipment for persons with diabetes. The latest version of the bill requires insurance companies to maintain an adequate network of providers of diabetes-related supplies, and to promptly reimburse patients who have to buy their own supplies due to delays or failures in delivering supplies on time from an insurer's supplier. Passed HHHC, pending in H AFC.

HB 73 Insurance coverage of biomarker testing. Rep. Meredith Dixon. Biomarkers are physical characteristics that can be used to diagnose, monitor or assess the risk of a health condition. The bill requires coverage of analysis of a patient's blood, tissue or other biological specimen to measure biomarkers in order to evaluate normal or disease processes or responses to a therapeutic intervention. Passed HHHC, substitute version passed HCPAC, awaiting House vote.

HB 75 Insurance coverage of chiropractic services. Rep. Day Hochman-Vigil. Provides that as of Jan. 1, 2024, copays or coinsurance for chiropractic services may be no more than those for primary care services. Passed the House 64-0; SHPAC/STBTC.

HB 131 Insurance coverage of orthotics/prosthetics. Rep. Liz Thomson. The latest version of this bill requires insurance policies to cover prosthetics and custom orthotics, and to provide both the most appropriate prosthetic or orthotic device and a second prosthetic for physical activities such as running or swimming, as prescribed by a treating provider. Denial of a device based on a person's disability or failure to follow current standards developed by the applicable national professional association for coverage or utilization review would be prohibited as an unfair trade practice. Passed the House 68-0; STBTC/SJC.

HB 264 Study Medicaid managed care. Rep. Eleanor Chavez. Appropriates \$250,000 to LCS to contract for an analysis of the fiscal viability of Medicaid managed care and to develop methods to make the managed care system more transparent. HHHC/H AFC. *Scheduled for hearing in HHHC today.*

HB 272 Allow chiropractors to clear student athletes. Rep. Natalie Figueroa. Current law requires student athletes who have sustained a brain injury to be held out of athletic activities for at least 10 days; they can then return to participation if they have no symptoms of a brain injury and have a written release from a healthcare professional. This bill would add chiropractors to the list of healthcare professionals who can provide such a release. HHHC/HGEIC.

HB 293 Study healthcare cost drivers. Rep. Christine Trujillo. Appropriates \$400,000 to LCS to contract for a study of the factors causing increases in healthcare costs, the methods other states and countries have used to control such costs, and the feasibility of applying such methods in New Mexico. Results of the study are to be reported to LHHS and LFC. Same as SB 290, below. HHHC/H AFC.

HB 351 Rural health tax credit eligibility. Rep. Jenifer Jones. Reduces the number of hours a provider must work to qualify for the full credit from 2,080/year (40 hours per week for 52 weeks) to 1,584, and reduces the number for half-credit accordingly. Also changes definition of "rural" to rely on federal designation rather than DoH's. HHHC/HTRC.

HB 400 State-administered health coverage plan ("Medicaid Forward"). Rep. Reena Szczepanski. Calls for an amendment to the Medicaid state plan to provide coverage for people with incomes above 133% of the Federal Poverty Level (FPL), who are not currently eligible, beginning in 2026. These newly eligible individuals would have to pay monthly premiums, but financial assistance

would be available for those below 400% FPL. In the meantime, there would be a study of impacts, funding, financial stability, etc. of this initiative, financed with a \$500,000 appropriation to HSD. HHHC/HAFC. *HB 2 includes \$500,000 for this study.*

HB 437 Expand rural healthcare provider tax credit. Rep. Tara Jaramillo. Adds doctors of oriental medicine, naturopathic physicians, speech-language pathologists, physical therapists and assistants, and occupational therapists and assistants to those eligible for the tax credit available to clinicians practicing in underserved rural areas of the state. HHHC/HTRC

HB 501 Amend end-of-life options act. Rep. Day Hochman-Vigil. The current act allows health care providers to refuse, on the basis of conscience, to participate in medical aid-in-dying for terminally ill patients, but requires the provider to give information to the patient about this option and refer the patient to someone else who could assist them. This bill leaves those requirements in place but removes the ability to enforce them by exempting the provider from any punishment or sanction for refusing to comply with them. Same as SB 471, below. HHHC/HJC.

SB 16 Create Health Care Authority Department. Sen. Liz Stefanics. Renames HSD the “Health Care Authority Department”. The bill would move the Developmental Disabilities Supports and Health Improvement divisions from DOH, along with the state employee health insurance program, into the renamed department. The department would continue to include the Income Support and Child Support Enforcement Divisions and the programs they administer. The bill gives the governor wide authority to move other divisions or programs between several existing departments and this new department, and to set out the powers and duties of the renamed department. It requires a report of such organizational changes and any recommended statutory changes needed to conform to them to LHHS and LFC by November 1, with a final reorganization report to the Legislature by January 1, 2024. SRC/SHPAC

SB 71 Non-discrimination in anatomical gifts. Sen. Craig Brandt. This bill would prohibit discrimination in organ transplants based on an individual’s disability. A potential recipient’s disability could be taken into account only to the extent that a physician finds it to be medically significant to the transplant based on an individualized evaluation. Passed the Senate 36-0; HHHC/HJC.

SB 255 Medicaid mileage reimbursements. Sen. Gay Kernan. Requires HSD to develop and implement mileage reimbursements to entities that travel to patient homes for the purpose of performing environmental modifications or for delivering durable medical equipment. The bill would also require mileage reimbursement for ambulance services. SHPAC/SFC. *Scheduled for hearing in SHPAC today.*

SB 290 Study healthcare cost drivers. Sen. Gerald Ortiz y Pino. Same as HB 293, above. SRC/SFC. *Scheduled for hearing in SRC today.*

SB 471 Amend end-of-life options act. Sen. Joseph Cervantes. Same as HB 501, above. SHPAC/SJC.

SB 480 Proof of residency for Medicaid eligibility. Sen. William Burt. Establishes the types of documents that can be used by an applicant to demonstrate their residency in New Mexico for purposes of Medicaid eligibility, narrowing it from the list currently in effect in state rules issued by HSD. SHPAC/SJC.

Health Care – Interstate Compacts

Compacts are agreements among states. Each of the compacts listed here would streamline the process of obtaining New Mexico licensure for practitioners who are already licensed in another state that has signed onto the compact, and would facilitate the practice of telehealth, allowing New Mexico residents to seek treatment from out-of-state providers.

HB 247 Medical licensure. Rep. Marian Matthews. Same as SB 67, below. Passed HHHC, pending in HJC.

HB 248 Physical therapy licensure. Rep. Marian Matthews. Passed HHHC, pending in HJC.

- HB 249** Psychology compact. Rep. Marian Matthews. Very similar but not identical to HB 421, below. Passed HHHC, pending in HJC.
- HB 391** Audiology and speech-language pathology compact. Rep. Marian Matthews. HHHC/HJC.
- HB 392** Occupational therapy compact. Rep. Marian Matthews. HHHC/HJC.
- HB 421** Psychology compact. Rep. Pamela Herndon. HHHC/HJC. Very similar but not identical to HB 249, above.
- SB 67** Medical licensure. Sen. Bill O’Neill. Same as HB 247, above. SHPAC/SJC.

Housing

- HB 92** Supported housing and services. Rep. Joanne Ferrary. Appropriates \$859,000 to HSD to start up supported long-term housing programs for persons with serious mental illness in Doña Ana County. Passed HHHC, pending in HAFC. *Scheduled for hearing in HAFC today.*
- HB 358** Transitional housing. Rep. Tara Lujan. Same as SB 162, below. HAFC.
- SB 139** Services and housing for homeless individuals. Sen. Nancy Rodriguez. Appropriates \$20 million to HSD to provide behavioral health services, substance abuse treatment, and housing for homeless individuals. Passed SHPAC, pending in SFC. *HB 2 includes \$1 million for the Linkages program at HSD that provides these services.*
- SB 140** Housing Trust Fund. Sen. Nancy Rodriguez. Appropriates \$48 million to the NM Housing Trust Fund to support development of low-income housing options through the Mortgage Finance Authority. Passed SHPAC, pending in SFC.
- SB 162** Transitional housing. Sen. Carrie Hamblen. Appropriates \$1.843 million to HSD to support a program in Dona Ana County providing transitional housing for persons with mental illness or substance abuse disorder. Same as HB 358, above. Passed SHPAC, pending in SFC.

Miscellaneous

- HB 366** Additional license plates for disabled veterans. Rep. Joanne Ferrary. Under current law, disabled veterans can get two special license plates without paying a fee; this bill would enable them to get additional plates by paying the standard registration fee. HLVMC/HTRC.
- SB 263** LHHS as year-round staffed committee. Sen. Martin Hickey. Provides for a staff director and year-round staff for the Legislative Health and Human Services Committee (similar to the Legislative Finance Committee and the Legislative Education Study Committee). Appropriates \$350,000 for this purpose. SRC/SFC. *Scheduled for hearing in SRC today.*

Contacting Your Legislators

You can find out who your senator and representative are and get their contact information on the Legislature’s web page: https://www.nmlegis.gov/Members/Find_My_Legislator.

From that page, choose “Search by Your Address” for either the House of Representatives or the Senate. Then ...

- Enter your full home address in the box provided under “Your Address” and click on “Search”.
- You should now see a picture of your representative or senator.
- Click on his or her name to get contact information. Due to heightened security measures after several recent drive-by shootings directed at the homes of legislators and other elected officials in Albuquerque, this currently includes only the legislator’s email address and their office and phone number in the Capitol during the session.
- From the same page with the picture you can choose a different political body to find out who else represents you in Santa Fe or in the U.S. Congress.

Now that the session has started, each legislator has an office in the Capitol. You can find the office phone number in the contact information provided through the Find My Legislator function, or you can call the Capitol switchboard at 986-4300 and ask to be put through to the office of any legislator. We encourage you to bring the voice of the disability community to the Legislature!

ABBREVIATIONS USED IN THIS REPORT

Legislature and Committees:

HB	House Bill
HAFC	House Appropriations and Finance Committee
HCEDC	House Commerce and Economic Development Committee
HEC	House Education Committee
HHHC	House Health and Human Services Committee
HJC	House Judiciary Committee
HLVMC	House Labor, Veterans, and Military Affairs
HGEIC	House Government, Elections and Indian Affairs Committee
HTRC	House Taxation and Revenue Committee
LCS	Legislative Council Service
LFC	Legislative Finance Committee (interim committee)
LHHS	Legislative Health and Human Services Committee (interim committee)

SB	Senate Bill
SEC	Senate Education Committee
SFC	Senate Finance Committee
SJC	Senate Judiciary Committee
SHPAC	Senate Health and Public Affairs Committee
SRC	Senate Rules Committee
STBTC	Senate Tax, Business and Transportation Committee

State Agencies:

ALTSD	Aging and Long Term Services Department
CDHH	Commission for Deaf and Hard-of-Hearing Persons
CFB	Commission for the Blind
CYFD	Children, Youth and Families Department
DDC	Developmental Disabilities Council
DDSD	Developmental Disabilities Supports Division (within DoH)
DoH	Department of Health
DVR	Division of Vocational Rehabilitation (within PED)
ECECD	Early Childhood Education and Care Department
GCD	Governor’s Commission on Disability
HSD	Human Services Department
MVD	Motor Vehicle Division (within TRD)
PED	Public Education Department
TRD	Taxation and Revenue Department

Other:

ARPA	American Rescue Plan Act
IEP	Individualized education program
TANF	Temporary Assistance for Needy Families