

THE DISABILITY COALITION  
*Advocating for People with Disabilities of All Types*

**DISABILITY ISSUES IN THE 2023 LEGISLATURE**  
**POST-SESSION REPORT**  
March 20, 2023

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*(A list of abbreviations is included at the end of this report.)*

**All over but the signing.** The 2023 regular session of the New Mexico Legislature ended quietly at noon on Saturday, with little of the drama that has so often been a feature of the final morning. The Senate held a midnight session on Friday night/Saturday morning to adopt the final version of the tax package, HB 547, and dealt with mostly uncontroversial items when they reconvened for their final floor session. The House, which passed a number of bills and then went home at 10:30 p.m. on Friday night (a surprisingly early shutdown for a session's final night), came back at 7:00 a.m. on Saturday (an unusually early start), and gave its own approval to the tax bill before turning its attention to moving another series of bills quickly through their final votes. The House even found time to recess for a period of time on Saturday while they waited for additional bills to come over from the Senate.

The governor has already signed some bills into law. For others that passed late in the session, she has 20 days (until April 7) to decide whether to sign or veto. If you wish to contact Gov. Lujan Grisham about any of the bills in this report – or any other legislation of interest to you – you can send a message through her website at <https://www.governor.state.nm.us/contact-the-governor/> or by calling her office 505-476-2200.

**An era of (some) good feeling.** Although there were controversial bills – and long debates on some of them in committee hearings and during floor sessions, along with occasionally large crowds who came to the Capitol to make their voices heard on some of the more hot-button items – it was generally a calm and even friendly session. The all-too-common last-morning meltdown, where one chamber or the other finds itself in the midst of a filibuster blocking action on items that remain on the calendar, didn't happen this year. Legislators on both sides of the aisle complimented each other on a 60-day session of respect and cooperation among colleagues rather than relentless partisan sniping. In a surprising move after the Senate had adjourned, the chamber's annual Milagro Award went to Sen. Bill Sharer (R-Farmington), who is renowned for his ability to halt action in the Senate by filibustering with seemingly endless floor speeches. The senator was so astonished by the award that his acceptance speech, uncharacteristically, was less than a dozen words.

**A mixed outcome for government reorganization.** Governor Lujan Grisham offered several bills this year that aimed to restructure government agencies, with mixed results. A proposal to create a Housing Department (HB 414) went nowhere, and a bill to elevate special education within the Public Education Department (HB 285) never came up for a vote on the House floor. A bill to create a couple



of new divisions at the Regulation & Licensing Department (HB 233) passed, with the Senate amending the bill to make the agency head a cabinet-level secretary rather than a superintendent; this change makes that role subject to Senate confirmation and gives the Legislature a bit more control over who holds the position.

From our perspective, the most important of these measures was the governor's request (SB 16) to expand the Human Services Department and rename it the Health Care Authority Department, which was approved by the Legislature. The bill envisions that the renamed department will play a larger role in setting health policy for New Mexico. Developmental disabilities programs will move from the Department of Health to HCAD, as will DoH's Health Improvement division and public employee health insurance programs; despite the new name, the agency will continue to include the Income Support and Child Support Enforcement divisions. The bill calls for development of a transition plan; meanwhile, it gives the governor the power to move other divisions or programs among departments and to decide what HCAD's powers and duties will be, and calls on her to come back next year to ask for legislation to approve the changes. Call it the "act first, plan later" approach to reorganization.

**Changes to Legislature fizzle.** Despite a high level of interest as we headed into the 2023 session, proposals to amend the state constitution to lengthen legislative sessions and establish a commission to set salaries for legislators did not succeed.

**A number of disability-related bills made it through.** Among the bills that made it all the way through the legislative process and are on their way up to the governor are a number of the disability-related items we've been following in this report. They include: HB 40 (MVD disability registry), HB 131 (insurance coverage of prosthetics and orthotics), HB 395 (cost studies and data reporting on direct support workers in DD programs), HM 5 (study training for providers on dual mental health/DD diagnosis), SB 273 (expanding access to behavioral health services), and SM 30 (brain injury study), among others.

See below for more information about what passed and what didn't in this year's session.

**A bad year for special education bills, but some new funding.** Unfortunately, none of the bills aimed at addressing problems in special education made it through the Legislature this year. In addition to HB 285, mentioned above, which would have created the Office of Special Education within PED, this includes SB 283 (reducing suspensions/expulsions for very young children), SB 387 (further limitations on seclusion and restraint), and SM 68 (creating a work group to study issues relating to seclusion and restraint and make recommendations). On the other hand, the budget bill includes additional funding for a variety of special education initiatives, as detailed in the discussion of HB 2 later in this report.

## **Bills and Memorials That Passed in the 2023 Session**

### **State Budget and Tax Provisions**

**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. With the additions (and a few subtractions) made by the Senate and approved by the House, the bill increases the state budget by about \$1.2 billion over the current year for a new total of \$9.575 billion.

It includes enough money to provide average salary increases of 6% for state employees and educators and to fully fund the Opportunity Scholarships that provide free tuition at state colleges and

universities. The bill increases general support of public education by about \$236 million, and provides an increase of about \$224 million in state support for Medicaid, allowing for rate increases in excess of 10% for providers. There is a one-time investment of \$80 million to develop or expand primary care, maternal and child health, and behavioral health services in rural areas.

As noted in previous reports, several agencies serving persons with disabilities received notable increases, including:

- Behavioral Health Services Division in HSD: \$6.2 million
- Public Education: \$2 million for educators seeking special education credentials, \$2.5 million for loan repayments for teachers serving in shortage areas such as special education, \$5 million for behavioral health supports in schools and \$5 million for special education initiatives at PED
- CYFD: \$1.5 million for mental health services
- DD Council: Nearly \$1.3 million more for agency programs, plus a special appropriation of \$250,000 to reduce the waiting list for the Office of Guardianship.
- NMCDHH: \$340,000 in additional state funds

In addition to the consolidated budget in HB 2, the Legislature passed a “Junior” bill (SB 192) of additional appropriations that allows each legislator to designate a certain amount of funding to projects of their choice. We’ve noted these appropriations in connection with specific bills later in this report. Junior appropriations not connected to particular bills below include:

- \$1.125 million for civil legal services plus \$80,000 for such services for immigrants
- \$75,000 to DDC for the Special Education Ombud to expand special ed advocacy services
- \$275,000 to DoH to purchase traumatic brain injury screening equipment, software and a mobile unit
- \$150,000 to DoH for youth and teen mental health education and awareness, suicide prevention classes and professional development training for adults working with children
- \$75,000 to the Veterans' Services Department to provide services at Fort Stanton to heal combat veterans and active-duty service members with posttraumatic stress disorder
- \$375,000 to PED for school-based inclusion programs that foster one-to-one friendships between students with and without intellectual and developmental disabilities

**HB 547** Tax changes. Rep. Derrick Lente. This bill makes extensive changes to the state’s tax code. Of interest to the disability community are provisions affecting health care and community services. Those include:

- agencies or companies providing Medicaid-funded home modifications for accessibility will not have to pay gross receipts tax on payments they receive for those services
- the tax credit for adopting a special needs child will increase from \$1,000 to \$1,500 per year
- registered nurses, physical therapists and various types of behavioral health providers are added to the list of those eligible for the tax credit available to clinicians practicing in underserved rural areas of the state, and the number of hours worked annually to qualify for the credit is reduced.
- most healthcare practitioners, including those licensed under the Counseling and Therapy Act, won’t have to pay gross receipts tax on payments from consumers for insurance co-pays and deductibles. The deduction would be authorized through June 2028.

#### Other Substantive Legislation

**HB 40** MVD disability registry. Rep. Liz Thomson. Allows 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.

**HB 53** Insurance coverage of diabetes. Rep. Liz Thomson. Expands and clarifies required insurance coverage of services and equipment for persons with diabetes. 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.

**HB 73** Insurance coverage of biomarker testing. Rep. Meredith Dixon. Requires coverage of biomarker analysis in order to determine the best therapeutic intervention for a patient.

**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.

**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. *This bill has already been signed into law by the governor. HB 2 includes funding to implement this change.*

**HB 131** Insurance coverage of orthotics/prosthetics. Rep. Liz Thomson. Requires insurance to cover prosthetics and custom orthotics in a non-discriminatory manner. Policies would have to cover 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.

**HB 139** Eliminate court fees. Rep. Micaela Cadena. Eliminates 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 does 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.

**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.

**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".

**HB 304** Special needs trust as beneficiary of deceased state employees. Rep. Gail Chasey. Allows a special needs trust to receive any funds available when a public employee dies before collecting retirement benefits. Special needs trusts are set up to support an individual with disabilities in such a way as not to interfere with their eligibility for public benefits.

**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 for the plates.

**HB 395** DD cost study and data collection for direct support professionals. Rep. Kathleen Cates. Requires a cost study by DoH every two years for all services provided through the DD waiver program, including recommended reimbursement rates that take into account current costs, projected cost increases due to factors such as inflation, and the additional cost 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 directs DoH to issue a summary statewide report on this workforce.

**HB 400** State-administered health coverage plan (“Medicaid Forward”). Rep. Reena Szczepanski. Directs HSD to conduct a study of the feasibility, potential impacts, and financial stability of a proposal to provide health insurance coverage through the Medicaid program for people with incomes above 133% of the Federal Poverty Level (FPL), who are not currently eligible for Medicaid, and to develop a plan to implement such a program based on the study results. These individuals would have to pay monthly premiums, but financial assistance would be available for those below 400% FPL. The bill authorizes but does not require HSD to implement the plan for such a program if sufficient funds are made available to do so. *HB 2 includes \$500,000 for this study.*

**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. *Proposed constitutional amendments do not require the governor’s signature, and are placed on the ballot for a public vote at the next general election, in this case in November 2024.*

**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.

**SB 7** Rural health care delivery fund. Sen. Liz Stefanics. Creates the Rural Health Care Delivery Fund and authorizes a program of grants to health care facilities and providers to help pay for start-up costs and operating losses for providing new or expanded services in rural areas. The program will be administered by HSD. *No money was appropriated to the fund for grants to providers. There’s \$80 million in HB 2 for HSD to contract with providers to begin or expand services in rural areas.*

**SB 16** Create Health Care Authority Department. Sen. Liz Stefanics. Renames HSD the “Health Care Authority Department”. The bill moves the DD Supports and Health Improvement divisions from DoH, along with the public employee health insurance programs, 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.

**SB 71** Non-discrimination in organ transplants. Sen. Craig Brandt. Prohibits 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.

**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.

**SB 203** DD cost study and data collection for direct support professionals. Sen. Gerald Ortiz y Pino. Essentially the same as HB 395, above.

**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".

**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.

**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 both voluntary and 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.

**SB 426** Civil Rights Division in AG office. Sen. Joseph Cervantes. Creates this division and authorizes it to bring lawsuits on behalf of the state for civil rights violations by a public entity or a person acting under the authority of such an entity. The Attorney General can issue "civil investigative demands" to obtain documents and communications from public bodies related to a matter being investigated by the division prior to the filing of litigation. The bill does not authorize litigation involving civil rights violations by private individuals or businesses.

**SB 471** Amend end-of-life options act. Sen. Joseph Cervantes. 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.

**SB 485** Ride-sharing services for Medicaid non-emergency medical transportation. Sen. Steven Neville. Amends state law governing ride-sharing services like Uber and Lyft to allow them to provide non-emergency medical transportation to Medicaid recipients.

**SJM 11** Veterans' disability ratings. Sen. Craig Brandt. Recognizes that delays by the U.S. Department of Veterans' Affairs in rating veterans' levels of disability delay their access to benefits based on disability and urges Congress to require timely action on these determinations by the VA.

**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.

**SM 52** Study acupuncture for neurological issues. Sen. Bill O'Neill. Calls on the UNM Brain & Behavioral Health Institute, DOH and the Neuro-acupuncture Institute to study acupuncture and neuro-acupuncture as treatments for neurological issues such as autism, brain injury, dementia and others, and to report findings to LHHS by October 1, 2023.

### **Bills and Memorials That Failed to Pass**

#### **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. Appropriated \$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. *HB 2 contains \$20 million for the HED to support paid practicums for students pursuing a graduate social work degree and for clinical supervision of licensed social workers post-graduation, but no other clinicians can be assisted with these funds. The Junior bill includes \$75,000 for clinical supervision for behavioral health organizations.*

**HB 112** Wellness rooms in public schools. Rep. Pamela Herndon. Appropriated \$5 million for a 6-year pilot program to show that public school wellness rooms can positively affect student behavioral health. *HB 2 includes \$200,000 for this purpose, and there is federal money available as well. The Junior bill adds \$75,000 for interns and wellness rooms in the sponsor's district in Albuquerque.*

**HB 257** Peer support for firefighters and emergency responders. Rep. Liz Thomson. Authorized peer support programs to help firefighters and other emergency responders deal with the psychological stress and trauma experienced in their work responding to critical incidents.

**HB 260** Expanding access to behavioral health services. Rep. Dayan Hochman-Vigil. Same as SB 273, which passed.

**HB 341** Court-ordered BH treatment. Rep. Bill Rehm. Authorized courts hearing criminal cases to refer defendants for a behavioral health examination. If this evaluation recommended that the person receive behavioral health treatment, the court would have been required to order the person to receive such treatment while the criminal case is pending or throughout the person's period of probation.

**HB 373** Crisis triage centers. Rep. Doreen Gallegos. Same as SB 310, which passed.

**HB 393** Study use of psilocybin as mental health treatment. Rep. Christine Trujillo. Created 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, with a report from the group to the legislature.

**SB 148** Community college peer counseling program. Sen. Gerald Ortiz y Pino. Provided \$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. *The Junior bill*

*includes \$100,000 to contract for services promoting additional behavioral health programs in community colleges.*

**SB 149** Study grad school tuition waivers. Sen. Gerald Ortiz y Pino. Appropriated \$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. *There's \$100,000 in the Junior bill for HED to coordinate scholarship opportunities for these students.*

**SB 262** Funding for supervision of behavioral health professionals in training. Sen. Siah Correa Hemphill. Appropriated \$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. *HB 2 contains \$20 million for the HED to support paid practicums for students pursuing a graduate social work degree and for clinical supervision of licensed social workers post-graduation, but no other clinicians can be assisted with these funds. The Junior bill includes \$75,000 for clinical supervision for behavioral health organizations.*

**SB 379** Curry County behavioral health facility. Sen. Pat Woods. Appropriated \$39 million, to be spent over the next two years, to design, construct and equip a behavioral health facility in Clovis that would serve several counties on the east side of the state. *The Legislature has provided \$10 million of capital outlay funding for this project in HB 505.*

**SB 399** Limiting solitary confinement. Sen. Antonio Maestas. Prohibited solitary confinement for anyone under 21 or over 55, for women up to eight weeks post-partum, and for “vulnerable populations” including LGBTQ individuals, and imposed some time limits on its use.

**SB 441** Behavioral health provider development fund. Sen. Gerald Ortiz Y Pino. Established a fund with an initial appropriation of \$10 million to support behavioral health providers in underserved communities. Money in the fund would have been 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. *HB 2 includes \$60 million to develop and expand capacity to provide primary care, maternal and child health, and behavioral health services in rural, underserved areas.*

**SB 503** Notification of admission to residential treatment programs. Sen. George Munoz. Directed residential behavioral health treatment facilities to request family contact information for a newly admitted individual and to provide that individual an opportunity to contact a family member.

### Brain Injury

**HB 272** Allow chiropractors to clear student athletes. Rep. Natalie Figueroa. Added chiropractors to the list of healthcare professionals who could provide a release for return to sports participation by a student athlete who had been held out due to a concussion.

### Community Living and Services

**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. *The omnibus tax package, HB 547, includes this provision.*

**HB 244** General assistance benefit increase. Rep. Eleanor Chavez. Increased the amount of the General Assistance benefit for individuals with disabilities who are not receiving other state/federal cash assistance such as SSI, to at least 50% of the federal poverty level; the current payment is well below that amount.

**HB 288** Closed captioning act. Rep. Cynthia Borrego. Required 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 authorized the Attorney General to enforce the requirement, and authorized fines for non-compliance.



**HB 290** ALS funding. Rep. Art De La Cruz. Appropriated \$500,000 to the Department of Health to support individuals living with Amyotrophic Lateral Sclerosis (ALS) and their caregivers. *The Junior bill provides \$395,000 to DoH for such services.*

**HB 308** Child adoption tax credit. Rep. Joshua Hernandez. Changed current special needs child adoption tax credit to provide a credit for any adopted child. The credit would be \$7,000 for a special needs child and \$5,000 for any other child in the year the child is adopted; in subsequent years, the credit would be \$1,500 for an adopted special needs child and \$1,000 for any other adopted child. *The tax package, HB 547, includes an increase in the annual tax credit for adoption of a special needs child from \$1,000 to \$1,500 but does not extend the credit to other adopted children.*

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

**SB 11** Paid family and medical leave. Sen. Mimi Stewart. Created a paid family/medical leave benefit for workers in New Mexico. All employees and employers with five or more employees would have contributed to the fund.

**SB 98** Contract adjustments for certain cost increases. Sen. Crystal Diamond. Under this bill, a state contract for services would have been required 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.

**SB 261** ALS funding. Sen. Antonio Maestas. Same as HB 290, above.

**SB 277** Increasing tax credit for special needs adoptions. Sen. David Gallegos. As amended, this bill increased the tax credit for adoption of a special needs child from \$1,000 to \$2,000 per year and required 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. *The omnibus tax package, HB 547, increases the annual tax credit to \$1,500 as provided for in the original version of this bill.*

**SB 300** Disabled veteran property tax. Sen. Harold Pope. Clarified 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.

**SB 345** Kiki Saavedra Senior Dignity Fund investments. Sen. Pete Campos. The Kiki Saavedra fund supports a wide variety of services to seniors and adults with disabilities. This bill directed the State Investment Officer to periodically invest state money into this fund.

**SB 346** Kiki Saavedra Senior Dignity Fund appropriation. Sen. Pete Campos. Appropriated \$40 million for the Fund. The intent was 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. *HB 2 includes \$8 million for this fund.*

#### Developmental Disabilities Services

**HB 41** DD provider rate increases. Rep. Liz Thomson. Appropriated \$7.65 million to DoH to raise provider reimbursement rates, in addition to the \$10.2 million for rate increases requested by DoH that is included in HB 2.

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

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

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

### Education/Special Education

**HB 39** Dual-licensed instructional support providers in three-tier system. Rep. Liz Thomson. Added 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.

**HB 285** Office of Special Education. Rep. Liz Thomson. Created the Office of Special Education within PED, to be led by a director who would report directly to the PED Secretary. The bill gave 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.

**HB 371** Loan repayments for instructional support providers. Rep. Liz Thomson. Made instructional support providers eligible for a state loan repayment program that is currently available only to teachers. The newly eligible group would include educational assistants, counselors, nurses, various therapists, sign language interpreters and others.

**SB 283** Reducing suspensions/expulsions. Sen. Harold Pope. Prohibited 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 prohibited out-of-school suspensions for such children unless the child willfully caused, attempted, or threatened serious bodily injury to another person, in which case the suspension could not exceed three days.

**SB 387** Further limitations on seclusion and restraint. Sen. Linda Lopez. Amended current law to prohibit the use of mechanical, chemical or prone restraint, and further narrowed existing limitations on the use of other restraints on students. It strengthened and clarified 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.

**SM 68** Review of seclusion and restraint. Sen. Linda Lopez. Called for the DD Council to convene a work group to address seclusion and restraint in public schools and make recommendations to interim legislative committees. This memorial was introduced as a follow up to the tabling of SB 387, above, but it was introduced in the last days of the session and failed to pass.

### Employment/Vocational Training

**SB 437** Independent DVR. Sen. Linda Lopez. Removed DVR from PED and established it as a separate independent agency, the Vocational Rehabilitation Commission, to be governed by a six-member board appointed by the governor.

### Guardianship, Self-Determination and Protection of Vulnerable Persons

**SB 89** Supported decision-making. Sen. Siah Correa Hemphill. Authorized supported decision-making agreements under New Mexico law, as an alternative to guardianship orders, and appropriated funding to establish a supported decision-making program within the DD Council. *The Junior bill appropriates \$75,000 to DDC for expansion of alternatives to guardianship.*

**SB 118** Financial exploitation of vulnerable adults – criminal penalty. Sen. Michael Padilla. Made 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.

**SB 119** Financial exploitation of vulnerable adults – civil remedy. Sen. Katy Duhigg. Allowed lawsuits against someone who has financially exploited a vulnerable adult.

**SB 183** Waivers for conservators. Sen. Stuart Ingle. Allowed conservators to be released from liability with respect to property or resources over which they have authority if the protected person or another person interested in the estate is represented by independent counsel.

### Health Care

**HB 38** Expand rural healthcare provider tax credit. Rep. Miguel Garcia. Added 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. *The omnibus tax package, HB 547, includes this provision.*

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

**HB 51** Prescription Drug Affordability Board. Rep. Pamela Herndon. Created a board to develop strategies to lower the cost of prescription drugs.

**HB 264** Study Medicaid managed care. Rep. Eleanor Chavez. Appropriated \$250,000 for an analysis of the fiscal viability of Medicaid managed care and to develop methods to make the managed care system more transparent.

**HB 293** Study healthcare cost drivers. Rep. Christine Trujillo. Appropriated \$400,000 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. *The Junior bill includes \$575,000 to conduct such a study for LHHS.*

**HB 351** Rural health tax credit eligibility. Rep. Jenifer Jones. Reduced 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 reduced the number for half-credit accordingly; changed definition of “rural” to rely on federal designation rather than DoH’s. *The reduction in the number of hours worked per year to qualify for the credit has been incorporated into the tax package, HB 547.*

**HB 437** Expand rural healthcare provider tax credit. Rep. Tara Jaramillo. Added 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. *The omnibus tax package, HB 547, adds physical therapists but none of the other practitioners that would have been covered by this bill.*

**HB 501** Amend end-of-life options act. Rep. Day Hochman-Vigil. Same as SB 471, which passed.

**SB 255** Medicaid mileage reimbursements. Sen. Gay Kernan. Required 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.

**SB 290** Study healthcare cost drivers. Sen. Gerald Ortiz y Pino. Same as HB 293, above.

**SB 480** Proof of residency for Medicaid eligibility. Sen. William Burt. Limited the types of documents that can be used by an applicant to demonstrate their residency in New Mexico for purposes of Medicaid eligibility, compared to what is currently allowed by state rules issued by HSD.

### Health Care – Interstate Compacts

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

**HB 247** Medical licensure. Rep. Marian Matthews.

**HB 248** Physical therapy licensure. Rep. Marian Matthews.

**HB 249** Psychology compact. Rep. Marian Matthews.

**HB 391** Audiology and speech-language pathology compact. Rep. Marian Matthews.

**HB 392** Occupational therapy compact. Rep. Marian Matthews.

**HB 421** Psychology compact. Rep. Pamela Herndon.

**SB 67** Medical licensure. Sen. Bill O’Neill. Same as HB 247, above.

### Housing

**HB 92** Supported housing and services. Rep. Joanne Ferrary. Appropriated \$859,000 to HSD to start up supported long-term housing programs for persons with serious mental illness in Doña Ana County. *The Junior bill provides \$225,000 for mental health services and supportive transitional housing for*

*high-risk and high-needs populations and \$100,000 for supportive housing for homeless persons with disabilities and their families in Las Cruces.*

**HB 358** Transitional housing. Rep. Tara Lujan. Appropriated \$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. *See note re HB 92, above.*

**HB 414** Housing Department. Rep. Gail Chasey. Created a new Housing Department as a non-cabinet state agency headed by a superintendent. The new department would have administered the Housing Trust Fund that is currently managed by the Mortgage Finance Authority. Certain existing programs involving housing assistance would have been transferred to the new department.

**SB 139** Services and housing for homeless individuals. Sen. Nancy Rodriguez. Appropriated \$20 million to HSD for behavioral health services, substance abuse treatment, and housing for homeless individuals. *HB 2 includes \$1 million for the Linkages program at HSD that provides these services.*

**SB 140** Housing Trust Fund. Sen. Nancy Rodriguez. Appropriated \$48 million to the Housing Trust Fund for development of low-income housing options through the Mortgage Finance Authority.

**SB 162** Transitional housing. Sen. Carrie Hamblen. Same as HB 358, above.

#### Miscellaneous

**SB 263** LHHS as year-round staffed committee. Sen. Martin Hickey. Provided for a staff director and year-round staff for the Legislative Health and Human Services Committee, though it still would have depended on LCS staff rather than hiring its own as LFC and LESC do.

### **ABBREVIATIONS USED IN THIS REPORT**

#### Legislature:

HB	House Bill
LCS	Legislative Council Service
LFC	Legislative Finance Committee (interim committee)
LHHS	Legislative Health and Human Services Committee (interim committee)
SB	Senate Bill

#### State Agencies:

AG	Attorney General
ALTSD	Aging and Long Term Services Department
CDHH	Commission for Deaf and Hard-of-Hearing Persons
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)
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:

IEP	Individualized education program
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