

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

**DISABILITY ISSUES IN THE 2023 LEGISLATURE**  
**STATUS REPORT #7**

March 6, 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. March 6:*

**HEC:** HB 371 Loan repayment for instructional support providers

**HHHC:** HB 395 Rate study and data reporting for DD direct support professionals

**HJC:** HB 247 Medical licensure compact; HB 501 End-of-life options amendments

**SFC:** HB 127 Educational assistant salary increase

*Tues. March 7*

**HLVMC:** SJM 11 Veterans' disability ratings

**STBTC:** HB 131 Orthotics/prosthetics coverage; SB 345 Kiki Saavedra fund investments

*Wed. March 8*

**SFC:** SB 203 Rate study and data reporting for DD direct support professionals; SB 346 funding for Kiki Saavedra fund; SB 467 Special Olympics funding

**Moving along as the end looms.** The constitutionally-required end date for the 2023 regular legislative session is now less than two weeks away and there's increased pressure to move bills along. The House and Senate have each passed 101 bills and sent them to the other chamber for consideration; both numbers represent significant increases from last week. That doesn't include memorials; the House has passed 45 of those and the Senate 46, most of which are ceremonial measures (such as HM 77 recognizing the state's 2023 Teacher of the Year) but also including substantive ones (such as HJM 1 calling for a task force to study state employee classification and compensation systems). The House has passed three resolutions (two of them proposed amendments to the state's constitution) and the Senate has passed just one (also a proposed constitutional amendment). The number of bills that have passed successfully through both chambers remains at three, but that doesn't include HB 9, relating to children's access to guns, which passed both the House and Senate but was amended in the Senate so it needs House concurrence before it's final.

**Too late for these bills?** A number of bills, including some of those we're following in these reports, haven't been heard yet in their first committee. At this point in the session, it's probably too late for these bills to make it through the process, and committee chairs may be reluctant to spend time on seemingly futile efforts, or bills that duplicate measures from the other chamber that are further along in the process. Some of the bills in this category are:

- HB 272 Allowing chiropractors to release student athletes to play after a concussion.
- HB 341 Court-ordered mental health treatment



- HB 414 Create a Housing Department
- HM 5 MH/DD task force
- SB 437 Independent DVR commission

**Some bills fly through, while others are subjected to lengthy debate.** On Friday, the House spent three hours (the House’s limit for debate on any one bill) on HB 207, amending the Human Rights Act, while the Senate debated HB 9 (safe storage of guns) for a comparable period of time. On Saturday, the Senate was at it again, debating SB 11, the paid family and medical leave act, for more than three hours. But while these controversial and high-profile measures chew up a lot of floor time, the chambers pass many of the bills before them quickly and with strong bipartisan votes. It’s the fights that get the attention, but they’re only a part of the story. Bills that have survived the process of being vetted and perhaps revised by committees are likely to have broad-based support.

**Mixed results so far for special education bills.** A modified version of HB 285, which would elevate the special education unit in PED to an Office of Special Education reporting directly to the PED secretary, squeaked through the House Education Committee this past week on a party-line 6-5 vote. The bill is intended to strengthen PED’s efforts to provide technical assistance and policy guidance, and to monitor and assure compliance efforts with state and federal special education laws. Republicans questioned the need for the bill and expressed concern over what they see as infringement on local control. The bill moves on to a hearing in HGEIC. Meanwhile in the Senate, a bill to further limit the use of seclusion and restraint (SB 387) was left in limbo after a hearing in the Senate Education Committee led to tie votes on what to do with the bill. And a separate bill to prohibit expulsions and limit suspensions of young children (SB 283), which narrowly made it through SEC last week, remained pending in SJC.

**Budget update.** The Senate Finance Committee plans to release its revised version of HB 2 this week. And beyond the big budget bill, each individual legislator can provide money to support programs they favor through the “Junior” bills, which allocate a pot of money to each senator and representative to distribute as they see fit. We’re hoping to learn more about the Junior bills soon.

### **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 passed the House a few weeks ago; the Senate Finance Committee has been reviewing the bill and considering potential amendments. The committee is expected to produce its revised version by the end of the week.

#### 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, heard and tabled in HAFC. *HB 2 currently contains \$15 million for the HED to support graduate students and for clinical supervision, but it is not clear that this would meet the need addressed in this bill. An amendment to HB 2 to clarify this is anticipated.*

**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, passed HAFC after the \$5 million appropriation was removed, awaiting House vote. *HB 2 currently includes \$200,000 for this purpose, and there is federal money available as well.*

**HB 257** Peer support for firefighters and emergency responders. Rep. Liz Thomson. Authorizes 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. The bill originally included a \$250,000 appropriation for the state fire marshal to develop a training program for peer support teams and to train team members, but that appropriation was removed. Passed HLVMC and HAFC, awaiting House vote.

**HB 260** Expanding access to behavioral health services. Rep. Dayan Hochman-Vigil. Same as SB 273, below. Committee substitute passed HHHC and HAFC, awaiting House vote.

**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. Passed HHHC, pending in 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. Passed HHHC, pending in 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 and SJC, awaiting Senate vote.

**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. *HB 2 currently contains \$15 million for the HED to support graduate students and for clinical supervision, but it is not clear that this would meet the need addressed in this bill. An amendment to HB 2 to clarify this is anticipated.*

**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. Same as HB 260, above. Committee substitute passed STBTC and SFC, awaiting Senate vote.

**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 the Senate 35-0; House committee assignments pending.

**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 Clovis that would serve several counties on the east side of the state. Passed SHPAC, pending in SFC. *Senator Woods plans to use a separate capital outlay bill to provide most of the requested financing for this proposed facility.*

**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. Heard and held over in SHPAC, with subsequent referral to 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. Passed SHPAC, pending in 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 the House 42-18; Senate committee assignments pending.

**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. HHC/HGEIC.

**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. Passed SRC, pending in SHPAC.

### 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 the House 47-20; SHPAC/SJC.

**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. Passed SHPAC, pending in 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; SJC/SFC.

**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. Passed the House 66-0; STBTC.

**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, heard and tabled in HTRC.

**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, heard and tabled 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. Passed HHHC, pending in 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. The revised version of the bill provides a tax credit in the year the child is adopted of \$7,000 for a special needs child and \$5,000 for any

other child; in subsequent years, the credit would be \$1,500 for an adopted special needs child and \$1,000 for any other adopted 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 this tax credit program. Passed HHHC, pending in 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. Passed HLVMC, pending in 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 the House 67-0; STBTC.

**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 the Senate 23-15; House committee assignments pending.

**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. As amended, this bill increases the tax credit for adoption of a special needs child from \$1,000 to \$2,000 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. Heard and tabled in STBTC.

**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. *Scheduled for hearing in STBTC on Tuesday.*

**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, *scheduled for hearing in SFC on Wednesday. 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 that is included in HB 2. Passed HHHC, heard and tabled in HAFC.

**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 who have IEPs and are graduating from high school. Heard and tabled in HAFC.

**HB 395** DD cost study and higher pay for direct support professionals. Rep. Kathleen Cates. Same as SB 203, below. Passed HLMC, *scheduled for hearing today in 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. *Scheduled to be heard in SFC on Wednesday.*

**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”. Passed SHPAC and SJC, awaiting Senate vote.

**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. Passed STBTC and SFC, awaiting Senate vote.

**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. Passed SHPAC, *scheduled for hearing in SFC on Wednesday.*

### 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, heard and tabled 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 the House 62-0; Passed SEC, pending in SFC. *HB 2 includes funding to implement this change. Scheduled for hearing in SFC today.*

**HB 285** Office of Special Education. Rep. Liz Thomson. Creates the Office of Special Education within PED, to be led by a director 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. Working with the Office, the PED would be charged with evaluating the state’s compliance with the IDEA and monitoring how school districts spend state and federal funds provided for special education, with

authority to “take actions to ensure appropriate spending as needed.” The PED would also develop an annual plan for special education policies, programs and standards, and provide an annual report to PED, the governor, and the LESC. Revised version passed HEC, pending in HGEIC.

**HB 371** Loan repayments for instructional support providers. Rep. Liz Thomson. Makes 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. There is no additional funding in the bill to cover this expansion. Passed HLVMC, *scheduled for hearing today in HEC*.

**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. Heard but not acted on in SEC.

#### 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, heard and held over 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 HHHC, heard and tabled 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/HAFC.

**HB 51** Prescription Drug Affordability Board. Rep. Pamelya 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, heard and tabled in HAFC.

**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 the House 65-1; STBTC/SFC.

**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 House 51-14; STBTC/SFC.

**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; Passed SHPAC, pending in 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. *Scheduled for hearing in STBTC on Tuesday.*

**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. Passed HHHC, heard and tabled in HAFC.

**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. Passed HHHC, pending in HAFC.

**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; changes definition of "rural" to rely on federal designation rather than DoH's. Passed HHHC, pending in HTRC.

**HB 400** State-administered health coverage plan ("Medicaid Forward"). Rep. Reena Szczepanski. As amended, this bill 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 results of the

study. These newly eligible 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 available to do so. Passed HHHC and HAFC, awaiting House vote. *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. Passed HHHC; *scheduled for hearing in HJC today.*

**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. Passed SRC and SHPAC, awaiting Senate vote.

**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; Passed HHHC, pending in 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. Passed SHPAC, pending in SFC.

**SB 290** Study healthcare cost drivers. Sen. Gerald Ortiz y Pino. Same as HB 293, above. Passed SRC, pending in SFC.

**SB 471** Amend end-of-life options act. Sen. Joseph Cervantes. Same as HB 501, above. Passed SHPAC, pending in 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.

**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, and calls on HSD to issue rules. Substitute version passed SHPAC; pending in STBTC.

### 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. *Scheduled for hearing in HJC today.*

**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. Passed HHHC, pending in HJC.

**HB 392** Occupational therapy compact. Rep. Marian Matthews. Passed HHHC, pending in HJC.

**HB 421** Psychology compact. Rep. Pamela Herndon. Very similar but not identical to HB 249, above. HHHC/HJC.

**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, heard and tabled in HAFC.

**HB 358** Transitional housing. Rep. Tara Lujan. Same as SB 162, below. Heard and tabled in HAFC.

**HB 414** Housing Department. Rep. Gail Chasey. Creates a new Housing Department as a non-cabinet state agency headed by a superintendent. The new department would administer the Housing Trust Fund that is currently managed by the Mortgage Finance Authority. Certain existing programs involving housing assistance would be transferred to the new department, including the Linkages program currently at HSD that provides supportive housing for homeless persons with mental illness. HGEIC/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. HB 414 would transfer the Linkages program to the new Housing Department.*

**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 304** Special needs trust as beneficiary of deceased state employees. Rep. Gail Chasey. This bill would allow a special needs trust to be a potential beneficiary of any residual benefit available when a public employee dies before collecting retirement benefits. Special needs trusts are set up to benefit an individual with disabilities in such a way as not to interfere with their eligibility for public benefits. Passed the House 65-0; SHPAC.

**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. Passed HLMVC and HTRC, awaiting House vote.

**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 but with a lower

degree of independence since LHHS would still rely on LCS staff rather than hiring its own as LFC and LESC do). Appropriates \$350,000 for this purpose. Passed SRC, pending in SFC.  
**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. Passed the Senate 33-0; HLVMC. *Scheduled for hearing in HLVMC on Tuesday.*

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](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.

During the session, 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
IDEA	Individuals with Disabilities Education Act (federal law)
IEP	Individualized education program
TANF	Temporary Assistance for Needy Families