

THE DISABILITY COALITION
Advocating for People with Disabilities of All Types

DISABILITY ISSUES IN THE 2023 LEGISLATURE
STATUS REPORT #8
March 13, 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 13:

HGEIC: SB 16 Healthcare Authority Department

HHHC: SB 117 Prescribing psychologists; SB 273 Expanding access to BH services

SFC: SB 261 ALS support

SHPAC: HB 395 DD cost study, with data collection for direct support professionals

(Note: Committee agendas often change with little notice during these final days of the session. Updated agendas are available on the legislative website at nmlegis.gov under the “What’s Happening” tab, but the posted agendas may themselves be out of date.)

Heading into the home stretch. With less than a week left in the 2023 legislative session, the hours are getting longer and the pressure is growing to get those bills that still have a chance across the finish line. At the same time, proponents of many measures are reconciling themselves to the fact that this isn’t the year for their bills to succeed – those that are stuck in their first committee, or that call for appropriations or tax actions that haven’t been included in the budget bill or the omnibus tax package, simply aren’t going to make it this time around.

Game on! It hasn’t been all stress and grinding work this past week. The traditional House-Senate basketball game was held on Thursday for the first time since before the pandemic and brought with it a temporary era of bipartisan good feeling as members of both parties in their respective chambers came together as members of a single team. The Senate won it in overtime, taking back the trophy won by the House at the last game. And the contest, which is a benefit for the Cancer Center at the University of New Mexico, brought in \$31,000 in funding for that program.

SFC modifies state budget bill. The Senate Finance Committee adopted its revised version of HB 2 yesterday, and that version passed the Senate last night on a 25-16 vote. It adds about \$140 million in recurring expenditures on top of the budget passed by the House, for a new total of over \$9.5 billion – an increase of almost \$1.2 billion over the current year budget. Among the changes adopted by the SFC are an additional 1% salary increase for state employees and educators so they receive 6% raises, an additional \$100 million for the Opportunity Scholarships program that provides free tuition at state colleges and universities, and \$22 million to provide free meals at public schools. The new



version also includes one-time funding of \$36 million for the paid family and medical leave program, contingent on enactment of SB 11 by this year's legislature. Although the budget includes an additional \$1.14 billion in one-time expenditures, it's predicted that by the end of the new budget year the state will have cash reserves of \$2.87 billion – about 30% of the operating budget. The revised version of HB 2 now goes back to the House, which is likely to accept the changes and send the bill to the governor.

The revised version includes some changes affecting state agencies serving persons with disabilities. Those changes are noted on page 2 below in the “State Budget” section.

Tax package takes shape. As they do with appropriations in HB 2, the Legislature's practice is to compile tax actions – including modifications, cuts, increases, and rebates – into a single bill, which they've done this year in HB 547. Most of the provisions of this package were proposed by other individual bills that were heard and tabled in the House Taxation and Revenue Committee. The final version passed by the House yesterday includes tax rebates this year of \$500 for individuals and \$1,000 for couples. It reduces income taxes for lower- and middle-income taxpayers and expands child tax credits for lower-income individuals; higher tax rates for those with very high incomes were removed from the bill when it was debated on the House floor and those top rates will remain unchanged. The gross receipts (sales) tax will go down, but alcohol taxes will go up slightly, with the additional revenue going to fund treatment programs. The tax credit for health care professionals practicing in rural areas will be extended to nurses, physical therapists, and a wide variety of behavioral health counselors and therapists. Businesses making home accessibility modifications under the Medicaid program for persons with disabilities would be exempt from gross receipts taxes for those modifications. HB 547 passed the House 50-18 and now goes to the Senate.

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 revised version of the bill as passed by the Senate contains changes to the budgets of some state agencies serving people with disabilities. Here are the highlights of those changes:

- The Medicaid program at HSD received a net increase in state funding of about \$2.9 million.
- The primary funding mechanism for public schools – the “State Equalization Guarantee” – was reduced by \$88.5 million. But some funding was added as well, including \$5 million for behavioral health supports and another \$5 million for special education initiatives.
- The DD Council got an additional \$177,200 for its basic program, including the Special Education Ombud, and \$434,300 for the Office of Guardianship.
- There was no change to the funding for the Commission for the Blind, but they did get language they requested that provides greater flexibility in how to spend income earned by the Commission, so that it can collaborate with DVR and maximize available federal funding.
- The Commission for Deaf and Hard of Hearing Persons received an additional \$150,000 in state funds .

- Language prohibiting the use of certain state funds to establish a single MCO to provide Medicaid-funded services to children in state custody was removed from the bill.

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.*

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 the House 64-2; SJC.

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 the Senate 61-0; HHHC/HJC. *HHHC hearing scheduled for today.*

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.*

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 the Senate 31-10; HHHC/HAFC. *HHHC hearing scheduled for today.*

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; passed the House 63-0.

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 \$60 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; SFC.

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. Passed SRC and SHPAC, awaiting Senate vote.

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; passed SHPAC, pending in 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 and SJC, awaiting Senate vote.

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; passed STBTC, awaiting Senate vote.

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 HHC, heard and tabled in HTRC. *The omnibus tax package, HB 547, includes this provision.*

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 HHC, 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 the House 50-13; awaiting Senate committee assignments.

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. HHC/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 HHC, 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; heard and held over in HCEDC.

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. Passed STBTC, pending in SFC.

SB 346 Kiki Saavedra Senior Dignity Fund appropriation. Sen. Pete Campos. Appropriates \$40 million for the Fund. The intent is to convert this to an endowment fund that would generate income or growth in value that could be used to support activities consistent with the fund's purpose without relying on annual appropriations. Passed the Senate 61-0; HAFC. *HB 2 includes \$8 million for this fund, which appears to be in addition to the \$40 million appropriated under SB 346.*

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 data collection for direct support professionals. Rep. Kathleen Cates. Same as SB 203, below. Passed the House 68-0; *SHPAC hearing scheduled for today.*

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 data collection 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 the Senate 36-0; HHHC.

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 the Senate 37-0; passed HJC, awaiting House 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 the Senate 35-1; HTRC

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 and SFC, awaiting Senate vote.

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 the Senate 35-0. *HB 2 includes funding to implement this change.*

HB 285 Office of Special Education. Rep. Liz Thomson. Creates the Office of Special Education within PED, to be led by 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, 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." PED would also develop an annual plan for special education policies, programs and standards, and provide an annual report to the governor and the LESC. Revised version passed HEC and HGEIC, awaiting House vote.

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

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. Pamela Herndon. Creates a board to develop strategies to lower the cost of prescription drugs. Members of the board would be appointed by the governor and legislative leadership of both parties; its operations would be funded through assessments on drug manufacturers and distributors and pharmacy benefit managers. Substitute version passed HHHC, 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; passed SHPAC, awaiting Senate vote.

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; passed STBTC, pending in 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; passed STBTC, pending in SJC.

HB 264 Study Medicaid managed care. Rep. Eleanor Chavez. Appropriates \$250,000 to LCS to contract for an analysis of the fiscal viability of Medicaid managed care and to develop methods to make the managed care system more transparent. 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. *The reduction in the number of hours worked per year needed to qualify for the credit has been incorporated into the tax package, HB 547.*

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 the House 58-10; SFC. *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. *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. 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 and HJC, awaiting House vote.

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 would be administered by HSD. Passed the Senate 28-8; passed HHHC, awaiting House vote.

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 the Senate 25-14; passed HHHC, *HGEIC hearing scheduled for today.*

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 the Senate 38-0; HJC.

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 the Senate 38-2; House committee assignments pending.

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. Passed SRC and SHPAC; awaiting Senate vote.

Health Care – Interstate Compacts

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

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

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

HB 249 Psychology compact. Rep. Marian Matthews. Very similar but not identical to HB 421, below. Passed HHHC, pending in HJC.

HB 391 Audiology and speech-language pathology compact. Rep. Marian Matthews. 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; passed SHPAC, awaiting Senate vote.

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 the House 64-0; STBTC.

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; passed the House 63-1.

Contacting Your Legislators

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

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

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

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