

THE DISABILITY COALITION
Advocating for People with Disabilities of All Types

DISABILITY ISSUES IN THE 2025 LEGISLATURE
STATUS REPORT #1
January 27, 2025

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*Past issues of the Legislative Status Report can be found at drnm.org.
Select “Systemic Advocacy” at the top of the home page and click on “Legislative Reports”.*

Mark your calendar:

Monday, January 27 – Senior Day
Thursday, Feb. 6 – Autism Day at the Capitol
Wednesday, February 12 – Suicide Prevention Advocacy Action Day
Thursday, February 13 – Disability Rights Awareness Day at the Capitol

Committee hearings this week:

Monday, January 27 – HHHC: *HB 11 Family/medical leave*
Tuesday, January 28 – HCPAC: *HB 4 Criminal competency*
Wednesday, January 29 – HCEDC: *HB 49 Closed Captioning Act;*
*HHHC: HB 42 Waiver rate increases; HB 55 Medicaid rates for PCS; HB 58 MH programs
in schools; HB 40 Adult changing stations*

Abbreviations used in this report: See page 9, below

Another session kicks off. The 2025 regular session of the New Mexico Legislature is now underway. One of their first activities after convening on Tuesday at noon was to hear Governor Lujan Grisham’s State of the State address, which gave her view of the issues facing the state and outlined her priorities for legislative action to address them. The protests that interrupted the governor’s address last year were not repeated this year, but that may have been due in part to the fact that a large portion of the seats in the gallery were occupied by her staff and officials from state government agencies, leaving limited space for members of the public who had come to hear the speech. The governor’s tone was much more conciliatory than it was last year in connection with the special session she called in July, which may herald a more cooperative relationship with the Legislature and the potential for more productive outcomes.

New faces, new changes. 13 of the 70 representatives and 16 of the 42 senators are freshmen (though several of the newly elected senators have served in the House so they’re not new to the Legislature) – an unusually high level of turnover. And more of those legislators than ever before are women – New Mexico now has a female-majority legislature, the third state in the country to reach that high level of female representation.



Among the legislators who did not return this year were several committee chairs, leading to new leadership and changes in membership for a number of committees in both chambers. Most significant for disability and health-related issues is the shuffle on the Senate Health & Public Affairs Committee, which will hear many of the bills listed in this report. Five of the nine members of last year's SHPAC chose not to run for re-election. The committee this year will have a new chair – Sen. Linda Lopez – and most members will be new to the committee. The Senate Education Committee also will have several changes in membership, even though all the senators who served on SEC in the last legislature are returning this year.

Hitting the ground running. The legislative session is moving forward more swiftly this year, especially on the House side, where several committees began hearings in the first week. Legislative leadership has announced that they want to move quickly on a package of measures relating to behavioral health (and possibly other items) and get those bills passed and up to the governor by the halfway point of the session, which would be quite unusual.

LFC releases budget recommendations. The Legislative Finance Committee released its recommendations for the state budget for the upcoming year on Jan. 15 – just 6 days before the session began and more than a month after the governor's unexpectedly early release of her proposal for the FY2026 budget, which was summarized in our Legislative Preview earlier this month. The LFC proposes increasing the recurring state budget to \$10.8 billion, a 5.7% increase. Their recommendations include \$140 million in special (one-time) appropriations for behavioral health, some of which would generate additional matching federal funds. The money would go to the Health Care Authority, Administrative Office of the Courts, Department of Public Safety, and other agencies for a wide variety of initiatives. The LFC would also provide \$16 million to provide district office staff for all 112 legislators. (While the Legislature has decided to provide a year-round staff person for each legislator, that hiring has been phased in and not all legislators have hired their "district legislative aide" yet.) In addition to the LFC's and the governor's recommended budgets, the interim Legislative Education Study Committee (LESC) has now made its own budget recommendations for the public schools and the Public Education Department. The Legislature will review these competing recommendations as it makes final decisions on appropriation levels for all state agency programs.

Here's a quick review of how the budget recommendations would affect state agencies providing services to persons with disabilities:

Recommendations for State Agency Budgets

Health Care Authority (HCA)

For Medicaid and Behavioral Health Medicaid, the governor proposed a combined total of \$136.3 million in additional state funding, an 8.8% increase. Total funding for Medicaid and Medicaid behavioral health, including federal matching funds and other sources of funding, would come to \$12.6 billion – more than state funding for the entire budget. The LFC proposes an increase of only about \$30 million in state funding, or just 2%, and projects significant income to the program from other sources. The LFC's recommendation for total program spending is \$12.25 billion – \$350 million less than the governor's proposal.

The governor recommended a special (one-time) appropriation of \$100 million to expand behavioral health services but did not spell out how the money will be used. The LFC recommends about the same amount of additional one-time funding, but gives a long list of specific initiatives to be supported by this funding, including regional acute care facilities, mobile crisis and response

programs, 24-hour crisis response facilities, medication-assisted treatment for substance use, and various other services and programs.

For developmental disabilities, the governor proposed an increase of \$60 million in recurring state funding. The money would be used to maintain services for all current enrollees (including those added through the “super-allocation” that ended the waiting list, which was accomplished using federal funds under President Biden’s American Rescue Plan Act, or ARPA, that must now be replaced with state dollars), to maintain the current no-waitlist policy (\$6 million), for rate increases for providers (\$28 million), and to add staff and reduce staff vacancies in the DD division. The LFC recommends an increase of \$45.65 million in state funding, including \$23.6 million for provider rate increases.

For the Behavioral Health Services Division, which primarily serves individuals who are not eligible for Medicaid, the governor recommended an increase of \$466,000 in state funds, which is only a 1% increase. She projected a decrease in federal funding for the division of \$6.6 million. Her proposed special appropriations for behavioral health included \$9 million for the 988 crisis line and supports program, \$3.35 million for implementation of Certified Community BH Clinics, and \$5 million to help boarding homes comply with state licensure requirements. The LFC recommends level state funding (no increase) for the division, but expects federal funding to *increase* substantially, resulting in a total budget increase for this division of 8%. Their recommendations for special appropriations for behavioral health, noted above, include a few of the governor’s requests.

Public Education Department (PED) and public school support

The “State Equalization Guarantee” is the total funding that supports public education services statewide, including special education, through a complex formula. The governor proposed an increase in funding for the SEG of around \$204 million (4.8%). The LFC recommendation is a \$251 million increase (6%). The biggest factor in the discrepancy is that the LFC funds raises of 4% for teachers and other school personnel through the SEG while the governor’s proposal provides funds for those raises in a separate section of the budget. The LESC recommended a far higher increase in the SEG of \$334 million (8%).

For the PED, the governor’s budget proposed the addition of 15 staff positions, many of which would be housed in or support the Office of Special Education, at a cost of \$3 million. The LESC made the same recommendation, but the LFC recommends only five (5) additional positions within that office, funded by unspent federal grant money rather than additional state money.

The governor’s budget also included one-time funding for implementation of a statewide individual education plan (IEP) format and information sharing system (\$4 million), as well as \$4 million for a variety of special education initiatives planned by the PED. The LFC would provide no new funding for special education initiatives, but adds \$12 million for a statewide student information system that would include a uniform IEP system (as requested by the PED in their original budget request). The LESC recommends the \$4 million for special education initiatives and \$12 million for the student information system.

There is no new funding proposed in any of these budget proposals for salary differentials to recruit and retain special education professionals; however, there is already a funding commitment of \$5 million per year for the next two years that was approved in the 2024 legislative session.

Division of Vocational Rehabilitation

For the Rehabilitation Services Division, the governor recommended a \$451,000 increase (7.3%) in state funds, and an increase in total funding of 15.2%. The LFC proposes a \$200,000 increase in state funds (3.2%) and an increase in total funding of 14.3%.

For Independent Living, both the governor and the LFC propose no additional state funds but project that federal or other available funding will increase by \$477,000 (50%).

Commission for Deaf and Hard of Hearing

The governor's proposal for total funding for the agency was a modest increase of \$202,000 (6.1%). This combined a \$266,000 increase in state funds (15.9%) with a reduction of projected income from telephone surcharge income that supports the agency's relay service. The LFC recommends a \$213,000 increase in state funds (12.7%) and, with a smaller projected reduction in income for the relay fund, an increase in total income for the agency of \$199,000 (6.1%). The LFC would also provide \$100,000 to conduct an audit of the income from telephone surcharges.

Commission for the Blind

The governor's proposal was a \$379,000 increase in state funds (13.6%), with a total funding increase of \$1.8 million (10%) when federal funds are included. The LFC recommendations are much lower, with an increase in state funds of only \$100,000 (3.6%) and an increase in total funding of \$1.522 million (8.4%).

Governor's Commission on Disability

The governor's proposal included a \$107,000 increase in state funding (6.9%) but, with a decrease in other funds, total agency funding would increase by only \$103,000 (4.4%). The LFC recommends no increase in state funds and an essentially flat total budget for the agency.

Developmental Disabilities Council

For the Office of Guardianship, the governor's recommendation for the coming fiscal year is a \$1.084 million increase in state funds (13.6%) and an increase in total funds of \$1.42 million (13.4%), plus a special appropriation of \$650,000 to reduce the waitlist for guardianship services and another \$150,000 in GRO¹ funding for training activities. She also recommended an extra \$171,000 for this program in the *current* year. The LFC recommends an increase of only \$552,000 in state funds (6.6%) for the coming year on-going budget and no other increase in total funding. They would provide a special appropriation of \$500,000 in the coming year to address the waitlist and an extra \$300,000 for the *current* year.

For the DDC's other programs, including the Special Education Ombud and the Center for Self-Advocacy, the governor's proposal included an increase in state funds of \$313,000 (22.3%), and a total funding increase of \$336,000 (16%). The LFC recommends an increase in state funding of \$85,000 (6.1%) and a total funding increase of \$108,000 (5.2%). The governor also recommended an additional \$660,000 in GRO funding to expand the services of the Special Ed Ombud via contracts, and \$75,000 for the Marilyn Martinez program promoting jobs in state agencies for persons with disabilities. The LFC does not recommend an expansion of the Ombud program but recommends a \$60,000 special appropriation for the state agency jobs program.

Bills and Memorials Introduced or Expected in the 2025 Session

This list is grouped by specific disability or subject matter and shows the bill number, sponsor, a description of the bill, committee assignments if they have been made (some pre-filed bills have not yet received committee assignments), and action taken on the bill or memorial. This week's report also includes bills or memorials expected but not yet introduced. The deadline for introducing most bills is the half-way point of the session, which this year is Thursday, February 20th. Memorials can be introduced at any time.

¹ The Government Results and Opportunity (GRO) Fund supports pilot or demonstration programs over a two or three year period. Some such programs will be designated by the Legislature as a whole, but each legislator is also expected to have the opportunity to allocate a specific amount of funding from the GRO Fund to programs or projects favored by that legislator.

Behavioral Health

HB 4 Criminal competency and treatment. Rep. Christine Chandler. This bill amends existing state law dealing with criminal defendants who are found to be incompetent to stand trial and may be considered “dangerous”. It broadens the definition of “dangerous”, which would allow a wider range of incompetent defendants to be detained for years at BHI (the state hospital). Those who are *not* considered dangerous could be committed to community-based programs (if such programs are established) to restore them to competence so they could be tried for the alleged crime. If criminal charges are dismissed based on incompetency, the courts could advise the district attorney to consider filing a petition for either in-patient or out-patient civil commitment. Notably, there is no provision in the bill allowing persons with mental illness who have allegedly committed minor crimes related to their illness to be diverted out of the criminal justice system and into treatment without criminal charges continuing to hang over their heads. HCPAC/HJC. *Scheduled for hearing in HCPAC on Tuesday, January 28.*

HB 58 Wellness rooms & suicide prevention. Rep. Pamela Herndon. Provides approximately \$2 million to PED for wellness rooms and suicide prevention programs in schools. HHHC/HAFC. *Scheduled for hearing in HHHC on Wednesday, January 29.*

HB 70 Medicaid waiver for behavioral health or brain injury. Rep. Tara Luján. Directs the Health Care Authority to develop a proposed new Medicaid waiver to provide housing and support services to persons with severe mental illness, substance use, or brain injury. The bill provides \$1.1 million for the staff and consultants who would develop the proposal. Federal approval would be needed to implement the plan. *The LFC recommendation for the state budget includes \$1 million for this effort; we have heard that the governor does not support this proposal.* HHHC/HAFC.

HB 115 Residential treatment services funding. Rep. Joanne Ferrary. Provides \$859,000 for the development and initial operation of Soteria House, a residential behavioral health program and model, in Doña Ana County.

HB 116 Boarding home stipends. Rep. Joanne Ferrary. Provides a monthly payment of \$200 to boarding homes for each individual they house who was previously a resident of a state mental health facility, conditional on the boarding home pursuing a plan to come into compliance with state licensing regulations.

SB 1 Behavioral health trust fund. Sen. George Muñoz. Establishes a trust fund to support behavioral health services, with an initial investment of \$1 billion. Five per cent of the fund’s assets at the end of each year would be transferred to a related program fund that the Legislature could use to fund behavioral health services. SHPAC/SFC

SB 2 Funding for BH initiatives. Sen. Benny Shendo. Provides \$140 million for a wide variety of behavioral health initiatives, such as grants to cities or counties for regional clinics or acute care facilities (\$43 million), expanding the capacity of housing providers offering behavioral health services and transitional housing (\$48 million), regional mobile crisis response (\$16.5 million), and health services and outreach for unhoused individuals (\$2 million), and others. SHPAC/SFC.

SB 3 BH reform and investment act. Sen. Peter Wirth. This bill would put the Administrative Office of the Courts (AOC) in charge of a new regional behavioral health planning process. Each region would develop a 4-stage plan for continuing and expanding behavioral health services with a limited number of key priorities. A government agency in each region would be charged with doing periodic reports on progress made, relevant data, public feedback, etc. SHPAC/SJC.

SB 53 Psychology Act amendments. Sen. Bill Soules. Allows experienced prescribing psychologists to supervise some of the training of other psychologists who seek to qualify for prescribing authority themselves. SHPAC/SJC.

SB 120 No BH copays. Sen. Martin Hickey. Current state law prohibits the imposition of insurance copays or cost-sharing for behavioral health services, but this provision is set to expire on January 1, 2027. This bill would make the prohibition permanent. SHPAC/SFC.

Other expected legislation would:

- Waive tuition costs for students pursuing graduate degrees leading to professional positions in behavioral health, such as psychology, at a cost of around \$3 million.
- Prohibit the Children, Youth & Families Department (CYFD) from operating or contracting with a facility that restricts or does not allow medication-assisted treatment for substance use disorder for minors, prohibit Medicaid from reimbursing such facilities, and create a fund that could pay for such treatment.
- Provide \$1.5 million to nursing facilities to provide behavioral health services to around 175 residents of such homes, using a specific service model developed by a specific provider.

Brain Injury

Expected legislation would:

- Establish a pilot program of service facilitation to connect persons with brain injury with available services. The intention is to fund the pilot with GRO Fund monies through allotments made by individual legislators.
- Establish a surveillance and monitoring process whereby hospitals and other medical facilities would report on the incidence of brain injury in New Mexico, in order to get better data on prevalence of this condition.

The proposed Medicaid waiver program mentioned in the Behavioral Health section above (HB 70) would include persons with brain injury among the groups served by the waiver.

Community Living and Services

HB 11 Family/medical leave benefit. Rep. Christine Chandler. Establishes a family/medical leave benefit for workers in New Mexico, funded by contributions from employees and employers.

HHHC/HCEDC. *Scheduled for hearing in HHHC today.*

HB 40 Adult changing tables. Rep. Kathleen Cates. Mandates, by the year 2032, an adult changing table in a gender-neutral, single-occupancy restroom in all state-owned buildings open to the public and in all commercial places of public amusement such as theaters, convention centers, sports arenas or other businesses that accommodate at least 2,500 people. HHHC/HCEDC. *Scheduled for hearing in HHHC on Wednesday, January 29.*

HB 49 Closed captioning. Rep. Cynthia Borrego. Requires TV screens viewed by patrons of public accommodations, such as bars, restaurants, stores, airports, etc, to display closed captioning, in order to provide equal access to hearing-impaired persons. HCEDC/HJC. *Scheduled for hearing in HCEDC on Wednesday, January 29.*

HB 55 PCS reimbursement rates. Rep. Pamelya Herndon. Requires HCA to increase its reimbursement rate for Personal Care Services to at least \$23.50 per hour, at a cost of \$20.8 million, and mandate that at least 70% of the rate paid to agencies to provide this service is passed through as compensation to the individual workers who provide the service, in the form of salary or benefits.

This would result in hourly compensation to workers of at least \$16.45/hour. HHHC/HAFC. *Scheduled for hearing in HHHC on Wednesday, January 29.*

HB 111 Searching for service animals. Rep. Marian Matthews. In the event of a residential fire or similar emergency, this bill would require first responders such as EMTs or firefighters to conduct a reasonable search for a service animal if one is reported missing by the owner.

HB 131 Caregiver criminal background checks amendments. Rep. Liz Thomson. Transfers responsibility for these background checks from DOH to HCA, adds many additional crimes that would prohibit a convicted felon from serving as a caregiver, and allows HCA to add additional disqualifying crimes to the list.

SB 103 PCS data reporting. Sen. Antoinette Sedillo-Lopez. Requires HCA to collect and annually report data on the compensation and benefits paid to direct care workers providing Personal Care Services in the Medicaid Community Benefit program, as well as demographic information about this workforce including the number of workers, their age, gender, education and years of work experience. No later than 2030, the HCA would be required to perform a rate study and develop recommended payment rates for this service, with the intention of assuring that the rates would allow direct care workers to earn at least 150% of the state minimum wage. SHPAC/SFC

Developmental Disabilities Services

HB 42 Medicaid waiver rate increases. Rep. Kathleen Cates. Provides \$6.3 million to the Health Care Authority to increase rates for certain Medicaid waiver provider agencies. *This is presumably intended to benefit DD waiver providers but the bill is not clear about this.* HHC/H AFC. Scheduled for hearing in HHC on Wednesday, January 29.

Other expected legislation would:

- Provide the funding needed for the state to purchase the homes currently being leased by the Los Lunas Community Program for residential services. *According to the LFC, the rent the state will pay over the next few years is more than the current value of the homes.*

Education/Special Education

Expected legislation would:

- Designate the Office of Special Education as a division in the PED organizational structure. The bill would spell out the duties and responsibilities of both the division and the department.
- Revise the definitions of seclusion and restraint in state law to clarify what is permissible and what is prohibited in public schools and which incidents must be reported by schools to parents and to the PED.

Guardianship, Self-Determination and Protection of Vulnerable Persons

HB 124 Guardian/conservator authority. Rep. Joanne Ferrary. This bill establishes procedures for the appointment of a new guardian or conservator of a protected person in the event of the death of a guardian or conservator, and provides an opportunity for a guardian or conservator to be appointed as personal representative to make funeral arrangements and wrap up any estate when a protected person dies and no one else seeks such an appointment.

HB 125 Conservator liability waivers. Rep. Marian Matthews. This bill would allow conservators of protected persons to demand, as a condition of their agreeing to serve as a conservator, a waiver of liability for any mistakes or misdeeds in carrying out their duties. Such waivers have been prohibited since 2019, when major reforms of guardianship and conservator laws were adopted.

Other expected legislation would:

- Authorize supported decision-making agreements in New Mexico law. Such agreements would allow individuals designated by a person with a disability (including elders) to assist that person in making decisions, but not to make decisions for or in place of the person with a disability.

Health Care – General

SB 88 Medicaid trust fund. Sen. George Muñoz. Establishes a trust fund to support the Medicaid program, with an initial investment of \$300 million. Once the balance in the fund reaches \$500 million, five per cent of the fund's assets at the end of each year would be transferred to a related program fund that the Legislature could use to meet the state's share of Medicaid expenses. Income to the fund would come from certain monies that are appropriated but not spent each year.

HB 118 Housing assistance for health care workers. Rep. Kathleen Cates. Authorizes the NM Mortgage Finance Authority to provide loans for down payments or closing costs for a home purchase by a health care professional who pledges to practice in New Mexico for at least 10 years. The loans, up to 10% of the value of the home, would be available only to health care professionals earning less than 151% of the median income in the county where the home is located. The loan would be forgiven after the 10 years of practice. The bill appropriates \$5 million for this program.

SB 97 Nursing home payment rates. Sen. Pat Woods. Appropriates \$19.7 million to the Health Care Authority to increase Medicaid reimbursement rates for nursing facilities. SHPAC/SFC.

Other expected legislation would:

- Enact “Medicaid Forward”, a program to expand healthcare coverage by allowing people whose incomes exceed current Medicaid income eligibility limits to buy the same coverage by paying premiums on a sliding scale.

Health Care – Interstate compacts

Interstate compacts are agreements among states that make it easier for professionals licensed in one state to work in another state that is a party to the compact.

HB 79 Interstate audiology and speech language pathology compact. Rep. Liz Thomson. HHHC/HJC.

HB 81 Interstate occupational therapy compact. Rep. Liz Thomson. HHHC/HJC.

HB 82 Interstate physical therapy compact. Rep. Liz Thomson. HHHC/HJC.

SB 46 Interstate medical licensure compact. Sen. Linda Trujillo. SHPAC/SJC.

SB 104 Interstate audiology/SLP compact. Sen. Linda Trujillo. SHPAC/SJC.

SB 105 Interstate social work compact. Sen. Linda Trujillo. SHPAC/SJC.

SB 106 Interstate psychology compact. Sen. Linda Trujillo. SHPAC/SJC.

Other

HB 119 State contractor payment rates. Rep. Kathleen Cates. This bill would allow companies that provide services pursuant to state contracts to request that their contracts be increased in order to meet the costs of any new benefits or compensation they would be required to provide to their employees as a result of any new state law mandate. However, there is no requirement that the contracts be amended. The Health Care Authority would be required to request federal approval to raise Medicaid reimbursement rates for their contractors in such circumstances but would not actually be required to implement increased rates.

HB 120 Accessibility Act. Rep. Tara Luján. Requires all state agencies to comply with federal standards for web content as well as physical accessibility, and creates a state Office of Accessibility within the Governor’s Commission on Disability to assist state agencies in making their operations accessible to persons with disabilities. Individuals with disabilities would be authorized to sue state agencies to compel compliance with accessibility standards and, if successful, recover attorney fees.

Contacting Your Legislators

You can find out who your senator and representative are and get their contact information on the Legislature’s web page at 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. Contact information for the legislator's district legislative aide will also be listed.
- From the same page with the picture you can choose a different political body to find out who else represents you in Santa Fe or in the U.S. Congress.

Now that the session has started, each legislator has an office in the Capitol. You can find the office phone number in the contact information provided through the Find My Legislator function, or you can call the Capitol switchboard at 505-986-4300 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 THESE REPORTS

Legislature and Committees:

HB	House Bill
HAFC	House Appropriations and Finance Committee
HCEDC	House Commerce and Economic Development Committee
HCPAC	House Consumer and Public Affairs Committee
HEC	House Education Committee
HGEIC	House Government, Elections and Indian Affairs Committee
HHHC	House Health and Human Services Committee
HJC	House Judiciary Committee
HLVMC	House Labor, Veterans, and Military Affairs
HM	House Memorial
HTRC	House Taxation and Revenue Committee

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

State Agencies:

AOC	Administrative Office of the Courts
CDHH	Commission for Deaf and Hard-of-Hearing Persons
CFB	Commission for the Blind
CYFD	Children, Youth and Families Department
DDC	Developmental Disabilities Council
DOH	Department of Health
DPS	Department of Public Safety
DVR	Division of Vocational Rehabilitation (within PED)
ECECD	Early Childhood Education and Care Department
GCD	Governor's Commission on Disability
HCA	Health Care Authority
PED	Public Education Department