

THE DISABILITY COALITION
Advocating for People with Disabilities of All Types

DISABILITY ISSUES IN THE 2025 LEGISLATURE
STATUS REPORT #2
February 3, 2025

By Jim Jackson and Ellen Pinnes

*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:

Thursday, Feb. 6 – Autism Day
Wednesday, Feb. 12 – Suicide Prevention Advocacy Action Day
Thursday, Feb. 13 – Disability Rights Awareness Day
Friday, Feb. 21 – Multiple Sclerosis Action Day
Wednesday, Feb. 26 – Behavioral Health Day
Friday, Feb. 28 – Speech/Language/Hearing Association Day

Committee hearings this week:

Monday, Feb 3 – HHHC: *HB 115 Soteria House funding; HB 116 Stipends for boarding homes; SHPAC: (continuation of last week’s committee discussion) SB 1, 2, and 3*
Wednesday, Feb. 5 – HJC: *HB 149 Supported decision-making*
Thursday, Feb. 6 – HCPAC: *HB 111 Service animal search; HB 124 Guardianship amendments; HB 125 Conservator liability waivers*

Abbreviations used in this report: See page 7, below

Questioning the questioning. Frustrated by persistent questions posed by some Republican members during committee hearings on bills, some Democratic committee chairs have attempted to rein in debate – in one case limiting each committee member to five minutes of comments or questions. Tempers have flared amidst the predictable push-back, including a contentious exchange on the Senate floor between the minority leader and the Rules Committee chair. Republicans have often used lengthy debate in committees and on the floor to slow down the legislative process, since they are far outnumbered in each chamber and usually unable to vote down bills they oppose. Democratic hopes for a productive session and rapid progress for favored bills may rest on lowering the tension in the chambers.

The hours are getting longer. Late hours in committees and on the floor become the norm as a session progresses. But last week – just the second week of the session – one House committee meeting went on until 8:00 in the evening, and committees have already begun meeting on Saturdays. More and more work hours are getting squeezed into the 60-day limit of a “long” session.



Behavioral health a focus, but concerns raised. The Senate Health & Public Affairs Committee last week heard three bills that are leadership priorities – SB 1, 2 and 3. SB 1 creates a trust fund to provide funding for behavioral health services, SB 3 sets up a structure for regional behavioral health planning, and SB 2 appropriates significant amounts of money for various entities to implement those plans. While there’s considerable support for funding and a meaningful planning approach given the near-defunct status of the Behavioral Health Collaborative, concerns were raised at the SHPAC hearing about the proposal to have the courts take the lead on planning, which seems to situate behavioral health as a judicial (and perhaps criminal) issue rather than a healthcare issue. The omission of key groups – such as advocates – from the definition of “stakeholders” who should be involved in the planning process was also noted. Over on the House side, HB 4, dealing with criminal defendants who are found not competent to go to trial, passed its first committee hearing. It was noted in public testimony that the bill does not create any new path allowing persons with mental illness to be diverted out of the criminal justice system and into treatment. Options for diversion were key features of bills introduced in the two most recent legislative sessions.

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.

HB 2, the state budget bill, will not be covered here until HAFC releases its final version of the bill. Recommendations from the LFC, the governor and the LESC were covered in last week’s report.

Behavioral Health

HB 4 Criminal competency and treatment. Rep. Christine Chandler. This bill amends existing state law dealing with criminal defendants who are found not competent to stand trial, some of whom may be considered “dangerous”. *In criminal proceedings, defendants who are unable to understand the charges brought against them and to assist their attorney in defending against the charges are considered not competent to stand trial.* The bill broadens the definition of “dangerous”, which would allow a wider range of incompetent defendants to be detained for years at the Behavioral Health Institute (the state hospital) or another locked psychiatric facility. 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, the bill does not create any new path 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. Passed HCPAC, pending in HJC.

HB 58 Wellness rooms & suicide prevention. Rep. Pamela Herndon. Provides approximately \$2 million to PED for wellness rooms and suicide prevention programs in schools. Passed HHHC, pending in HAFC.

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. HHHC/HAFC. *Scheduled for hearing in HHHC on Monday, Feb. 3.*

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. HHHC/HAFC. *Scheduled for hearing in HHHC on Monday, Feb. 3.*

HB 152 Medication-assisted treatment for minors. Rep. Eleanor Chavez. Prohibits 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, prohibits Medicaid from reimbursing such facilities, and creates a fund that could pay for such treatment. HHHC/HAFC.

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. *Was heard and received a Do Pass recommendation in SHPAC last week but is being held in the committee as part of the package that also includes SB 2 and SB 3, so the three bills can move forward together.*

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. *Heard last week in SHPAC but held over and discussion will continue today.*

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. *Heard last week in SHPAC but held over and discussion will continue today.*

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.
- 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. Passed HHHC, pending in HCEDC.

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. Passed HHHC, pending in HCEDC.

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. Passed HCEDC, pending in HJC.

HB 55 PCS reimbursement rates. Rep. Pamela 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.* Passed HHHC, pending in HAFC.

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. HCPAC/HGEIC. *Scheduled for hearing in HCPAC on Thursday, Feb. 6.*

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. HHHC/HJC.

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 intended to benefit DD waiver providers but the bill is not clear about this.* Passed HHHC, pending in HAFC.

SB 198 Supplemental FIT funding. Sen. Leo Jaramillo. Appropriates \$2.2 million to ECECD to cover the cost of reinstating rate increases to provider agencies in the Family Infant Toddler program. The rate increases had been announced and implemented beginning in July 2024 but were then rescinded as of October 1, after many providers had already hired new staff or given raises based on the promised funding; this bill would allow the rate increases to be restored retroactive to October 1 and continued through the end of this fiscal year. SHPAC/SFC.

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

SB 238 Youth behavioral health. Sen. Mimi Stewart. Appropriates \$1.45 million to PED for a youth behavioral health prevention project. The bill is detailed in the type of project that would qualify for the funding and the contract would have to go to an entity with experience in providing the same service in other states. SEC/SFC.

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. It's also expected to transfer the Office of the Special Education Ombud out of the DD Council and into the PED. *The independence of the Ombud is a key feature of this program so this proposed change is concerning.*
- 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. HCPAC/HJC. *Scheduled for hearing in HCPAC on Thursday, Feb. 6.*

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. HCPAC/HJC. *Scheduled for hearing in HCPAC on Thursday, Feb. 6.*

HB 149 Supported decision-making. Rep. Michelle Abeyta. Authorizes 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. The bill also funds the establishment of an SDM program at the DD Council. HJC/HAF. *Scheduled for hearing in HJC on Wednesday, Feb. 5.*

HB 197 Expand definition of Silver Alert. Rep. Joseph Sanchez. This would add persons believed to have cognitive decline or impairment to the list of those who, if missing, could trigger a "Silver Alert" to assist in locating the missing person. HCPAC/HJC.

Health Care – General

HB 118 Housing assistance for health care workers. Rep. Kathleen Cates. Authorizes the NM Mortgage Finance Authority (now re-named Housing New Mexico) 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. HGEIC/HAF.

HB 186 Medicaid Forward. Rep. Reena Szczepanski. Directs the HCA to develop and implement 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.

HHHC/HAFC.

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. SHPAC/SFC.

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.

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 (SLP) compact. Rep. Liz Thomson. Passed HHHC, pending in HJC.

HB 81 Interstate occupational therapy compact. Rep. Liz Thomson. HHHC/HJC. Passed HHHC, pending in HJC.

HB 82 Interstate physical therapy compact. Rep. Liz Thomson. HHHC/HJC. Passed HHHC, pending in HJC.

HB 217 Interstate counseling compact. Rep. Pamela Herndon. 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. HHHC/HAFC.

HB 120 Accessibility Act. Rep. Tara Luján. Requires all state agencies to comply with federal standards for accessibility of web content as well as physical accessibility of offices 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. HGEIC/HJC/HAFC.

HB 207 Converting the special needs adoption tax credit to a general adoption credit. Rep. Rebecca Dow. This bill would eliminate the current targeted tax credit for parents who adopt a special needs child and replace it with an equal tax credit for the adoption of any child. *The current credit serves as an incentive to adopt a special needs child and recognizes that this typically involves expenses above and beyond those associated with other children.* HHHC/HTRC.

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](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