

THE DISABILITY COALITION
Advocating for People with Disabilities of All Types

DISABILITY ISSUES IN THE 2025 LEGISLATURE
STATUS REPORT #3
February 10, 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”.*

Abbreviations used in this report: See page 8, below

Mark your calendar:

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

Disability Rights Awareness Day is this Thursday at the Capitol. Activities will include:

- Gathering in the Rotunda, with music, speeches and the reading of a legislative certificate in honor of Disability Rights Awareness Day – noon to 1:00
- Drop-in disability rights legal clinic with Disability Rights New Mexico (DRNM) – 9:00 to 11:00, Room 326
- Community discussion on Medicaid Myths and Facts, with DRNM – 11:00 to 11:45, Room 326
- Supported decision-making ambassadors from the Center on Self-Advocacy will present on their experiences with SDM and answer audience questions – two sessions: 9:00 to 9:45 and 10:00 to 10:45, both in Room 321
- Display tables featuring the work of disability organizations – morning and early afternoon in the wings off the Rotunda
- Opportunities to talk with legislators, observe the Legislature in action and network with other members of the disability community from around New Mexico – all day

Committee hearings this week:

Monday, Feb 10 – HHC: *HB 186 Medicaid Forward*

HEC: HB 260 Seclusion/restraint in public schools

HJC: HB 149 Supported decision-making

SEC: SB 147 Pre-K suspension/expulsion, SB 238 Youth behavioral health

Tuesday, Feb. 11 – HCPAC: *HB 211 Search for service animals*

Thursday, Feb. 13 – HCPAC: *HB 197 Silver alerts*



Special ed bills now in play. A few long-expected bills addressing special education issues have finally been introduced. **SB 38** elevates the Office of Special Education as a division in PED and spells out the duties and responsibilities of the division. It's similar to HB 285 that failed in the 2023 session, but this year's version would also transfer the Office of the Special Education Ombud out of the DD Council and into the PED, a provision that has generated opposition from advocates, who believe that locating the Ombud within the department would limit its independence in advocating for students and families. **HB 260** clarifies which interventions schools can use to address student behaviors that may harm the student or others, and what is prohibited. It will get its first committee hearing today. And on a related note, **SB 147** would prohibit the expulsion of very young children from pre-K and child care programs based on their behaviors, and limit any suspensions of those children to a maximum of three days.

Behavioral health bills moving forward. The Senate's package of bills (**SB 1, 2 and 3**) that call for local planning and provide significant funds to implement behavioral health initiatives identified in those plans was approved in their first committee and all three bills have moved on to their next committee assignments. Meanwhile, **HB 4**, making changes to processes relating to criminal defendants who are found not be competent to go to trial, was approved in the House Judiciary Committee. Although proponents have described this bill as promoting treatment rather than prosecution for individuals with mental illness, the bill disappointingly does not contain provisions toward that end. **HB 70**, calling for a Medicaid waiver program to improve services for people with serious mental illness, substance use disorder, or brain injury, passed through its first committee.

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 be added to the list when HAFC releases its final version of the bill.

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 be tried.* 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 created) 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 inpatient or outpatient 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, heard and

temporarily held over in HJC but on track to pass there next week. Numerous amendments have been made to the bill in these two committees.

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.* Passed HHHC, pending in 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. Passed HHHC, pending in HAFC.

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. Passed HHHC, pending in HAFC.

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. The bill prohibits Medicaid from reimbursing such facilities, and creates a fund that could pay for such treatment. Passed HHHC, pending in HAFC.

HB 329 Changes to the Behavioral Health Purchasing Collaborative. Rep. Tara Luján. This bill revises the membership of the Collaborative by removing many state agencies (such as the DD Council, DVR, PED and others) while adding a representative from the behavioral health providers association. It moves the group under the supervision of the governor's office and creates a nominating committee to recommend a list of candidates from whom the governor would have to select for appointment as director of the collaborative. HHHC/HJC.

HB 347 Financial aid for students in behavioral health field. Rep. Kristina Ortez. Appropriates \$10 million for scholarships and paid internships for graduate and undergraduate students pursuing degrees in behavioral health. HEC/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. Passed SHPAC, pending in 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. Passed SHPAC, pending in 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. Passed SHPAC, pending in 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.

SB 166 Revised criteria for mental health commitments. Sen. Moe Maestas. This bill would dramatically expand the criteria for involuntary civil commitment under the Mental Health and Developmental Disabilities Code (for inpatient commitment) and the Assisted Outpatient Treatment Act (for outpatient commitment). *For example, it could lead to involuntary commitment of people who are “unable to exercise self-control, judgment and discretion in the conduct of the person's daily responsibilities and social relations.” The governor proposed this during last summer’s special session and it was rejected by the Legislature.* SJC/SFC.

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 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; a substitute version with a different enforcement mechanism passed HJC and it now goes to the House floor for a vote.

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 Tuesday, Feb. 11.*

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. *Same as SB 222, below.* HHHC/HJC. Moved forward by HHHC without recommendation, pending in HJC.

HB 269 Open EVV system. Rep. Gail Armstrong. Requires the HCA to allow providers of personal care services to use any Electronic Visit Verification system that meets federal requirements to verify the provision of services, rather than having to use only one system mandated by the state for all providers and in all parts of the state. HHHC/HJC.

HB 339 Human Rights Act amendments. Rep. Angelica Rubio. This bill expands the scope of the Human Rights Act, prohibiting discrimination in financial assistance programs and prohibiting discrimination in rental or purchase of housing based on an individual's source of income, including public assistance programs or vouchers. It also provides that investigations and enforcement involving public accommodations and housing will be handled by the Attorney General rather than the Human Rights Commission. HCPAC/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.

SB 192 Property tax exemptions for disabled veterans. Sen. M.D. O'Malley. This bill would implement a recently adopted constitutional amendment by providing a property tax exemption for the principal residence of a disabled veteran at the same percentage as the veteran's disability percentage determined by the military. STBTC/SJC.

SB 222 Caregiver criminal background checks amendments. Sen. Antoinette Sedillo-Lopez. *Same as HB 131, above.* SHPAC/SJC.

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 the current fiscal year. SHPAC/SFC.

Education/Special Education

HB 260 Seclusion and restraint. Rep. Yanira Gurrola. This bill affirms the existing prohibition on the use of involuntary seclusion or mechanical restraints on public school students, clarifies and defines allowable interventions such as de-escalation, physical escort and time-out, and sets clear limits on the use of physical restraint. It requires training of school personnel and a detailed report to the student's parents when physical restraint is used. HEC/HGEIC. *Scheduled for hearing in HEC today.*

HB 300 Seizure-safe schools act. Rep. Martin Zamora. Calls for annual training of school employees and bus drivers on management of students with seizure disorders, and training for school nurses and school employees who volunteer to be "seizure care personnel". A parent or guardian of a student with seizure disorder can submit an action plan to the school, to be distributed to school employees and bus drivers responsible for supervision or care of the student. *Same as SB 246, below.*

SB 38 Office of Special Education. Sen. Mimi Stewart. Designates the Office of Special Education as a division in the PED organizational structure, to be led by a deputy secretary of the department. The bill would spell out the duties and responsibilities of both the division and the department. It would also 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.* SEC/SFC.

SB 147 Expulsion or suspension from Pre-K. Sen. Harold Pope. Prohibits pre-K and child care facilities from expelling children, and limits in-school or out-of-school suspensions to situations where the child has willfully caused or threatened to cause great bodily harm to another person. Even in those situations, the child could not be suspended for more than three days. SEC/SJC. *Scheduled for hearing in SEC today.*

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. *Scheduled for hearing in SEC today.*

SB 246 Seizure-safe schools act. Sen. Harold Pope. *Same as HB 300, above.* SEC/SJC.

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. Passed HCPAC, pending in HJC.

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.

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/HAFC. *Scheduled for hearing in HJC today.*

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. *Scheduled for hearing in HCPAC on Thursday, Feb. 13.*

HB 301 Silver alerts via text message. Rep. Martin Zamora. This bill would direct cell phone service providers to issue silver alerts via text to cell phone customers, similar to what happens now with amber alerts for missing children. Silver alerts relate to adults with certain impairments who are missing and may be in danger. HCPAC/HCEDC.

See also SB 166 above, in the Behavioral Health section, expanding the criteria for involuntary civil commitments.

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. Passed HGEIC, pending in HAFC.

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. *Scheduled for hearing in HHHC today.*

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.

SB 207 Access to treatment for rare diseases. Sen. Liz Stefanics. Prohibits prior authorization or "step therapy" requirements for FDA-approved drugs used to treat rare medical conditions. SHPAC/SJC.

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. Passed HHHC, pending in HJC.

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

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

HB 242 Interstate psychology compact. Rep. Marian Matthews. HHHC/HJC

HB 243 Interstate medical licensure compact. Rep. Marian Matthews. 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. Passed HHHC, pending in 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. Passed HGEIC, pending in HJC with further referral to 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. HHC/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.

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